



Strasbourg, 18/07/2023

CEPEJ(2023)4REV2
PART 1

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Support for a better evaluation of the results of judicial reform efforts in the Eastern Partnership "Justice Dashboard EaP" Action

Data collection 2021

Report prepared by the CEPEJ for the attention of the European Commission

Part 1 – Comparative tables and graphs for all Eastern Partnership beneficiaries with summary overview per indicator

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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Methodological Note

Summary

The methodology used for this report is fully based on the methodology used by the CEPEJ for its biennial evaluation cycles. The data is collected by using a questionnaire, which is filled out by the CEPEJ's Dashboard correspondents (the main contact points within judicial systems of the beneficiaries for this exercise). Their responses are statistically processed, analysed and validated under the supervision of the CEPEJ Evaluation Working Group (CEPEJ-GT-EVAL). The CEPEJ works in full transparency with all beneficiaries during the whole process.

Data collection, validation and analysis

The CEPEJ Secretariat collects quantitative and qualitative data. Comments are also collected to provide additional information on the specificities of each beneficiaries' judicial system and to better contextualise the data.

From a methodological point of view, and with a commitment to quality, consistency and comparability of the data supplied, data collection is primarily assigned to the CEPEJ's Dashboard correspondents. The Dashboard correspondents are the unique interlocutors of the CEPEJ Secretariat when collecting and controlling data. The beneficiaries are liable for the quality of data provided in the survey.

According to CEPEJ methodology, an extensive work is carried out by the CEPEJ Secretariat to verify the quality of the data submitted by the correspondents. This quality check process requires a certain time in order to guarantee the reliability of the quantitative and qualitative data, which will eventually be presented to the European Commission (EC).

The first year of data collection for the "Justice Dashboard EaP" is 2020. This is considered as a base year to be presented in each consecutive cycle. The current report is based on data from reference year 2021. Evolutions/trends and variations using previous data collection are presented where relevant. At the request of EC, 2018 data from the CEPEJ Evaluation cycle regarding the part on efficiency is also presented. CEPEJ will focus on up to 5 cycles (including the base year) in all the deliverables throughout the duration of the project.

The report is composed of three parts:

Part 1 - Comparative tables and graphs for all Eastern Partnership beneficiaries with summary overview per indicator (1 file).

Part 2 - Beneficiary profiles (5 files). There is one beneficiary profile per beneficiary, each is divided in a Part A and a Part B.

Part 3 - Condensed version of the key findings and analyses.

It should be noted that the content of the Beneficiary profiles was elaborated by the CEPEJ Secretariat and the Greco Secretariat (with the assistance of one expert). Each Secretariat has implemented its own methodology. The analysis conducted by the CEPEJ Secretariat in the Beneficiary profiles is done based on the comments provided by the beneficiaries alongside the data.

The quality of data

The reader should always interpret the presented statistical figures together with the respective narrative comments.

The CEPEJ has chosen to process and show only the data which offered a high level of quality and accountability. Hence, it decided to disregard those replies that significantly varied between exercises and for which no relevant explanation was provided by the Dashboard correspondent, to give sufficient guarantees of quality and reliability. For some issues covered by this report, no data could be provided. When a data is shown as “NA” (i.e., “not available”), it means that the data was not available, the data could not be collected as such or no data meeting the quality and reliability requirements was provided by the deadline. As a consequence, there might be some instances where data are shown as “NA” while there was data presented in the previous CEPEJ exercises. This is critical to ensure a high level of data quality.

The situation in Ukraine has had an impact on the rate of data collection. It was nevertheless possible for the authorities to provide a considerable amount of data for this cycle. The following data has not been collected and/or submitted for quality check: 1. Budget (Q 007-009; 010-011; 012 - 013-2); 2.1 Average gross salary of judges and prosecutors (Q016 -> Q018); 4 Legal Aid (Q086 -> 88-1); 9. ADR (Q252 -> Q259) and Planned, adopted and implemented reforms (Q288 -> Q288-12). The data on administrative law cases in both first and second instance courts could not be methodologically accepted and was replaced with NA upon confirmation with the correspondent.

Definitions and abbreviations

NA: data not available.

NAP: data non applicable.

CR: Clearance Rate. The Clearance rate is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court, or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics.

DT: Disposition Time. The Disposition Time is the calculated time necessary for a pending case to be resolved, considering the current pace of work. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period, multiplied by 365. The Disposition Time is the ratio between pending cases and resolved cases (in days). It shows the theoretical duration for a court to solve all the pending cases.

CMS Index: Case management system Index. The Case management system Index is an index 0 to 4 points calculated based on several questions within Q83 on the features and deployment rate of the case management system of the courts of each beneficiary. The methodology for the calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 questions regarding the features of the CMS (i.e., excluding question on the deployment rate) are summarised and then multiplied by the deployment rate. In this way, if the system is not fully deployed, the value is lower than 4 even if all features are included to provide adequate evaluation.

Numbers indicated between brackets following the letter Q (for example Q12) refer to the questions of the CEPEJ Justice Dashboard Eastern Partnership questionnaire.

Methodological disclaimers

1) The comparison of data between beneficiaries with various size, economic and legal situations is a delicate task and should be approached with great caution. Indeed, the specificities of each system, which might explain differences in the data, should be taken into account (e.g, different judicial structures, the approach of the courts organisation, use of statistical tools to evaluate the systems, etc.). As requested by the European Commission, this report presents, where relevant, the EU median. However, the EU median should not be considered as a benchmark for the Eastern Partnership region, but it should rather be considered as a “reference only”.

2) Some of the data might be updated or changed after each delivery, in case of comments provided by the beneficiaries. According to the CEPEJ methodology, only the final version of the report can be disseminated, i.e, after considering the comments by the beneficiaries. Before then, all the collected data remain confidential.

3) Changes requested by beneficiaries after the delivery of this report may appear in future reports, since the CEPEJ database is regularly updated. For this reason, previous cycles' data presented in this report might be different from data presented in the reports for the previous cycles.

4) It should also be noted that the summary statistics (minimum, maximum, average and median values) are presented in this report as an orientation only. Indeed, the group of beneficiaries is too small for the summary to be statistically meaningful. These statistics are calculated by using quantitative data, hence excluding the “NA” or “NAP” answers. Furthermore, in case data are available only for one or two beneficiaries, the summary statistics would not be useful even as an orientation. Consequently, they are shown as “-”.

5) When using data provided by the CEPEJ in public reports, EC should always mention “Source: CEPEJ data”.

Table 0.0.1 General information (Q1, Q2, Q3 and Q14)

Beneficiaries	Population			GDP per capita			Exchange rate Local currency vs Euro		Average gross annual salary		
	2020	2021	Variation 2020 - 2021 (%)	2020	2021	Variation 2020 - 2021 (%)	2020	2021	2020	2021	Variation 2020 - 2021 (%)
Armenia	2 963 300	2 961 367	-0,1%	3 739 €	3 952 €	5,7%	641,11	542,61	4 080 €	4 104 €	0,6%
Azerbaijan	10 067 100	10 119 100	0,5%	3 477 €	4 812 €	38,4%	2,09	1,93	4 066 €	4 560 €	12,1%
Georgia	3 728 600	3 688 600	-1,1%	3 812 €	4 237 €	11,1%	4,02	3,50	3 552 €	4 467 €	25,8%
Republic of Moldova	2 626 942	2 603 813	-0,9%	3 839 €	4 424 €	15,2%	19,74	20,93	4 928 €	5 150 €	4,5%
Ukraine	41 418 717	40 997 698	-1,0%	3 262 €	3 581 €	9,8%	30,79	32,31	4 520 €	6 540 €	44,7%
Average	12 160 932	12 074 116	-0,5%	3 626 €	4 201 €	16,1%	139,55	120,25	4 229 €	4 964 €	17,5%
Median	3 728 600	3 688 600	-0,9%	3 739 €	4 237 €	11,1%	19,74	20,93	4 080 €	4 560 €	12,1%
Minimum	2 626 942	2 603 813	-1,1%	3 262 €	3 581 €	5,7%	2,09	1,93	3 552 €	4 104 €	0,6%
Maximum	41 418 717	40 997 698	0,5%	3 839 €	4 812 €	38,4%	641,11	542,61	4 928 €	6 540 €	44,7%
Nb of values	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

1. Budget - Overview

Implemented budget allocated to the judicial system (courts, prosecution services and legal aid)

Implemented Judicial system budget per inhabitant (Tables 1.1.5 and 1.1.6)

Beneficiaries	2020	2021	% Variation 2020-2021
Armenia	10,5 €	11,0 €	4,6%
Azerbaijan	9,6 €	11,9 €	24,3%
Georgia	8,7 €	10,7 €	22,9%
Republic of Moldova	15,7 €	16,1 €	2,1%
Ukraine	NA	NA	NA
EaP Average	11,1 €	12,4 €	13,5%

Implemented Judicial system budget as % of GDP (Table 1.1.4)

Beneficiaries	2020	2021	Variation in PPT 2020-2021
Armenia	0,28%	0,28%	0,00
Azerbaijan	0,28%	0,25%	-0,03
Georgia	0,23%	0,25%	0,02
Republic of Moldova	0,41%	0,36%	-0,05
Ukraine	NA	NA	NA
EaP Average	0,30%	0,28%	-0,01

PPT= Percentage points

Figure 1.1 Implemented Judicial system budget per inhabitant from 2020 to 2021

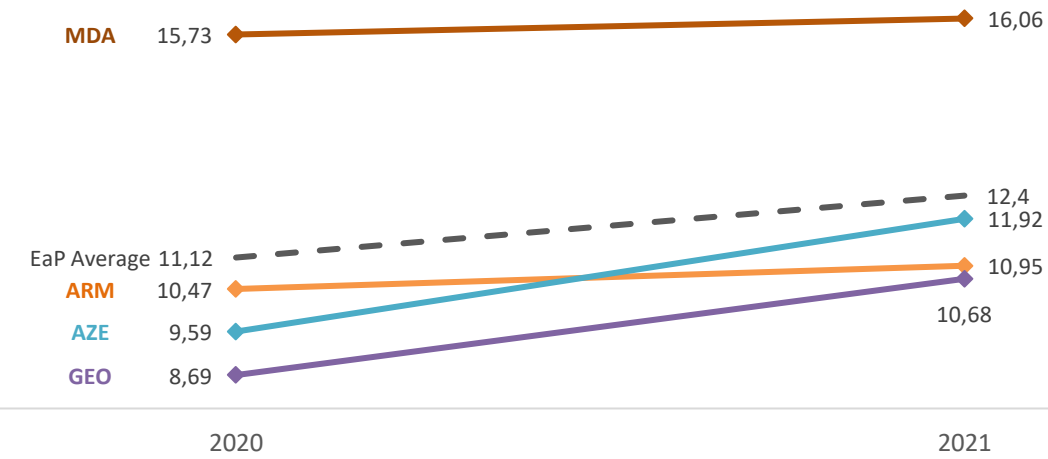


Figure 1.2 Implemented Judicial system budget as % of GDP from 2020 to 2021

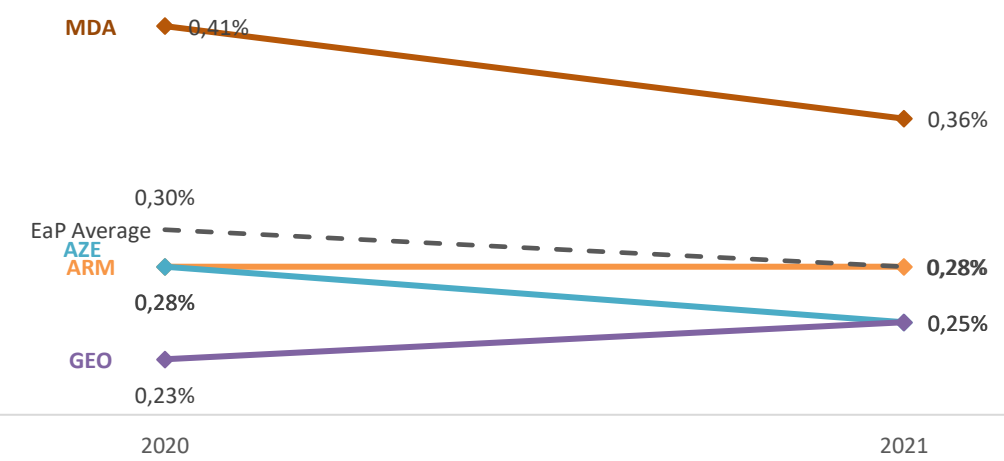
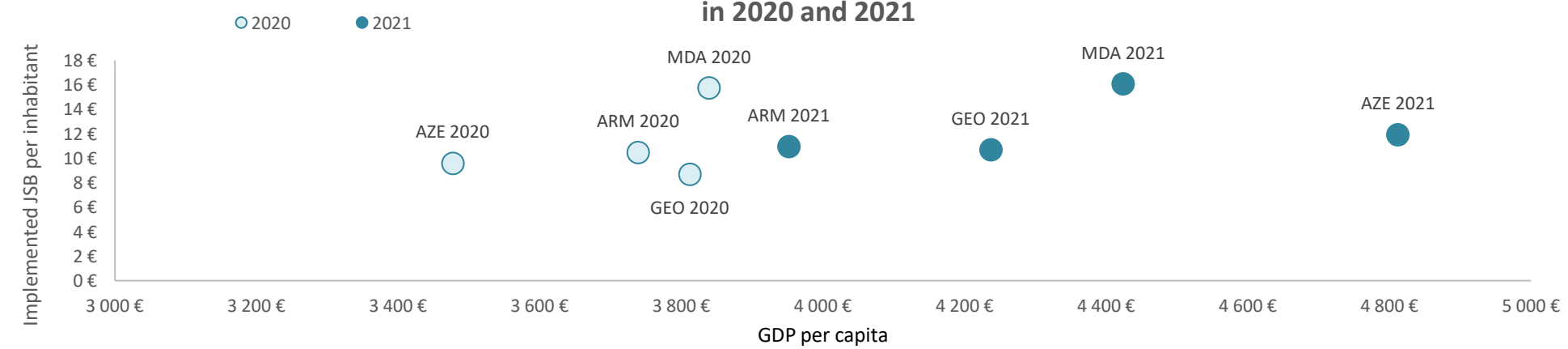


Figure 1.3 Implemented Judicial System Budget (JSB) per inhabitant in relation with the GDP per capita in 2020 and 2021



Distribution of Implemented Judicial System Budget

Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2021 and variation compared to 2020 (Table 1.1.4)

Beneficiaries	Implemented budget in 2021			% Variation 2020 - 2021		
	Courts	Legal aid	Prosecution services	Courts	Legal Aid	Prosecution Services
Armenia	23 000 797 €	651 172 €	8 779 375 €	1,0%	0,9%	15,3%
Azerbaijan	64 149 557 €	2 356 190 €	54 132 400 €	4,9%	23,4%	61,8%
Georgia	23 322 858 €	1 799 785 €	14 284 300 €	21,6%	-7,6%	26,7%
Republic of Moldova	20 959 005 €	3 582 022 €	17 269 695 €	-1,9%	42,6%	-1,0%
Ukraine	560 744 178 €	NA	265 722 100 €	8,1%	NA	NA
EaP Average	32 858 054 €	2 097 292 €	72 037 574 €	6,7%	14,8%	25,7%
EaP Median	23 322 858 €	2 077 988 €	17 269 695 €	4,9%	12,1%	21,0%

Figure 1.4 Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2021

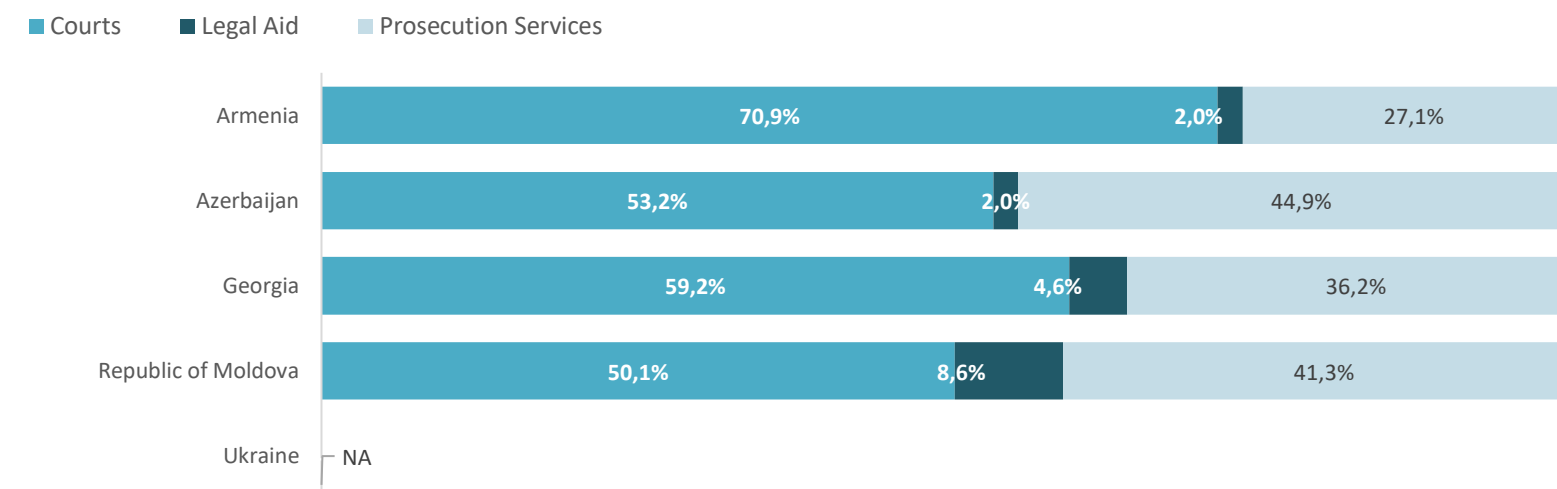
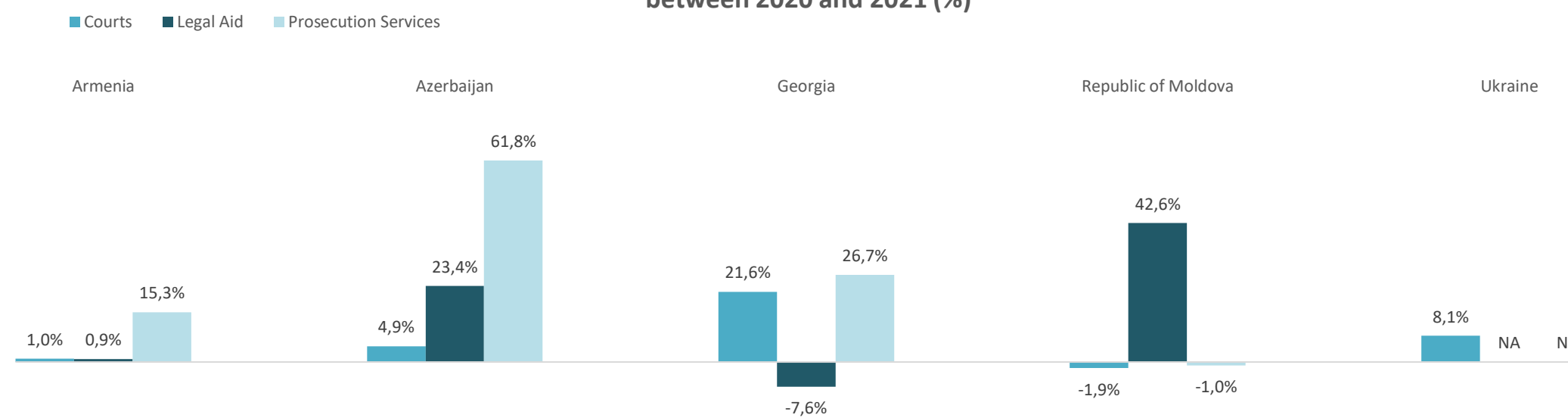


Figure 1.5 Variation of the implemented budget allocated to courts, Legal Aid and Prosecution Services between 2020 and 2021 (%)



1. Budget - List of tables

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget - please note the Legal Aid Budget will be separately shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per capita from 2020 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2020 and 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021 (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per capita from 2020 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.6 Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per capita between 2020 and 2021 (Q1, Q2, Q4, Q5, Q6, Q13)

1.2 Courts Budget

Table 1.2.1 Categories of the annual approved court budget in 2021 - Absolute values (Q4)

Table 1.2.2 Categories of the annual implemented court budget in 2021 - Absolute values (Q4)

Table 1.2.3 Distribution by categories of the annual implemented court budget in 2021 (Q4)

1.3 Whole Justice System Budget

Table 1.3.1 Whole justice system budget and its elements in 2021 (Q7, Q8 and Q9)

Table 1.3.2 Evolution of the whole justice system budget in € per capita between 2020 and 2021 (Q1 and Q7)

1.4 Donors' Contributions

Table 1.4.1 Estimated percentage of the external donor's contribution compared with the implemented judicial system and its components, and whole justice system budget between 2020 and 2021 (Q11)

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget - please note the Legal Aid Budget will be separately shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021							
	Annual approved budget (absolute values)				Annual approved budget (standardised values)			
	Judicial system (1) + (2) + (3)	€ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Armenia	32 542 915 €	23 104 486 €	651 191 €	8 787 238 €	11,0 €	0,28%	7,8 €	0,20%
Azerbaijan	126 771 478 €	69 506 705 €	2 356 190 €	54 908 583 €	12,5 €	0,26%	6,9 €	0,14%
Georgia	40 650 532 €	24 501 901 €	1 814 431 €	14 334 200 €	11,0 €	0,26%	6,6 €	0,16%
Republic of Moldova	42 502 689 €	20 949 187 €	3 379 719 €	18 173 783 €	16,3 €	0,37%	8,0 €	0,18%
Ukraine	NA	559 514 864 €	NA	296 666 200 €	NA	NA	13,6 €	0,38%
Average	60 616 904 €	139 515 429 €	2 050 383 €	78 574 001 €	12,7 €	0,29%	8,6 €	0,21%
Median	41 576 611 €	24 501 901 €	2 085 311 €	18 173 783 €	11,8 €	0,27%	7,8 €	0,18%
Minimum	32 542 915 €	20 949 187 €	651 191 €	8 787 238 €	11,0 €	0,26%	6,6 €	0,14%
Maximum	126 771 478 €	559 514 864 €	3 379 719 €	296 666 200 €	16,3 €	0,37%	13,6 €	0,38%

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per capita from 2020 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Evolution of the approved budget of the judicial system and its components in € per capita from 2020 to 2021 (budget allocated to courts, legal aid and public prosecution services)							
	Judicial system (1) + (2) + (3) per capita		(1) Courts per capita		(2) Legal aid per capita		(3) Public prosecution system per capita	
	2020	2021	2020	2021	2020	2021	2020	2021
Armenia	10,6 €	11,0 €	7,8 €	7,8 €	0,22 €	0,22 €	2,6 €	3,0 €
Azerbaijan	10,3 €	12,5 €	6,6 €	6,9 €	0,26 €	0,23 €	3,5 €	5,4 €
Georgia	10,0 €	11,0 €	6,1 €	6,6 €	0,57 €	0,49 €	3,3 €	3,9 €
Republic of Moldova	16,7 €	16,3 €	8,5 €	8,0 €	1,16 €	1,30 €	7,0 €	7,0 €
Ukraine	19,5 €	NA	12,9 €	13,6 €	0,53 €	NA	6,1 €	7,2 €
Average	13,4 €	12,7 €	8,4 €	8,6 €	0,5 €	0,6 €	4,5 €	5,3 €
Median	10,6 €	11,8 €	7,8 €	7,8 €	0,5 €	0,4 €	3,5 €	5,4 €
Minimum	10,0 €	11,0 €	6,1 €	6,6 €	0,2 €	0,2 €	2,6 €	3,0 €
Maximum	19,5 €	16,3 €	12,9 €	13,6 €	1,2 €	1,3 €	7,0 €	7,2 €

Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2020 and 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2020 and 2021			
	Judicial system (1) + (2) + (3)	(1) Courts	(2) Legal aid	(3) Public prosecution system
	2020 - 2021	2020 - 2021	2020 - 2021	2020 - 2021
Armenia	3,6%	-0,1%	0,1%	14,9%
Azerbaijan	21,6%	4,8%	-11,6%	55,6%
Georgia	10,8%	9,0%	-13,3%	18,1%
Republic of Moldova	-2,1%	-5,8%	12,3%	0,1%
Ukraine	NA	6,2%	NA	18,8%
Average	8,5%	2,8%	-3,1%	21,5%
Median	7,2%	4,8%	-5,8%	18,1%
Minimum	-2,1%	-5,8%	-13,3%	0,1%
Maximum	21,6%	9,0%	12,3%	55,6%

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021							
	Annual implemented budget (absolute values)				Annual implemented budget (standardised values)			
	Judicial system (1) + (2) + (3)	€ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Armenia	32 431 344 €	23 000 797 €	651 172 €	8 779 375 €	11,0 €	0,28%	7,8 €	0,20%
Azerbaijan	120 638 147 €	64 149 557 €	2 356 190 €	54 132 400 €	11,9 €	0,25%	6,3 €	0,13%
Georgia	39 406 943 €	23 322 858 €	1 799 785 €	14 284 300 €	10,7 €	0,25%	6,3 €	0,15%
Republic of Moldova	41 810 722 €	20 959 005 €	3 582 022 €	17 269 695 €	16,1 €	0,36%	8,0 €	0,18%
Ukraine	NA	560 744 178 €	NA	265 722 100 €	NA	NA	13,7 €	0,38%
Average	58 571 789 €	138 435 279 €	2 097 292 €	72 037 574 €	12,4 €	0,28%	8,4 €	0,21%
Median	40 608 833 €	23 322 858 €	2 077 988 €	17 269 695 €	11,4 €	0,26%	7,8 €	0,18%
Minimum	32 431 344 €	20 959 005 €	651 172 €	8 779 375 €	10,7 €	0,25%	6,3 €	0,13%
Maximum	120 638 147 €	560 744 178 €	3 582 022 €	265 722 100 €	16,1 €	0,36%	13,7 €	0,38%

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per capita from 2020 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Evolution of the implemented budget of the judicial system and its components in € per capita from 2020 to 2021 (budget allocated to courts, legal aid and public prosecution services)							
	Judicial system (1) + (2) + (3) per capita		(1) Courts per capita		(2) Legal aid per capita		(3) Public prosecution system per capita	
	2020	2021	2020	2021	2020	2021	2020	2021
Armenia	10,5 €	11,0 €	7,7 €	7,8 €	0,22 €	0,22 €	2,6 €	3,0 €
Azerbaijan	9,6 €	11,9 €	6,1 €	6,3 €	0,19 €	0,23 €	3,3 €	5,3 €
Georgia	8,7 €	10,7 €	5,1 €	6,3 €	0,52 €	0,49 €	3,0 €	3,9 €
Republic of Moldova	15,7 €	16,1 €	8,1 €	8,0 €	0,96 €	1,38 €	6,6 €	6,6 €
Ukraine	NA	NA	12,5 €	13,7 €	0,50 €	NA	NA	6,5 €
Average	11,1 €	12,4 €	7,9 €	8,4 €	0,5 €	0,6 €	3,9 €	5,1 €
Median	10,0 €	11,4 €	7,7 €	7,8 €	0,5 €	0,4 €	3,2 €	5,3 €
Minimum	8,7 €	10,7 €	5,1 €	6,3 €	0,2 €	0,2 €	2,6 €	3,0 €
Maximum	15,7 €	16,1 €	12,5 €	13,7 €	1,0 €	1,4 €	6,6 €	6,6 €

Table 1.1.6 Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per capita between 2020 and 2021 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per capita between 2020 and 2021			
	Judicial system (1) + (2) + (3)	(1) Courts	(2) Legal aid	(3) Public prosecution system
	2020 - 2021	2020 - 2021	2020 - 2021	2020 - 2021
Armenia	4,6%	1,1%	1,0%	15,3%
Azerbaijan	24,3%	4,3%	22,8%	61,0%
Georgia	22,9%	22,9%	-6,6%	28,1%
Republic of Moldova	2,1%	-1,0%	43,9%	-0,1%
Ukraine	NA	9,2%	NA	NA
Average	13,5%	7,3%	15,3%	26,1%
Median	13,8%	4,3%	11,9%	21,7%
Minimum	2,1%	-1,0%	-6,6%	-0,1%
Maximum	24,3%	22,9%	43,9%	61,0%

1.2 Courts Budget

Table 1.2.1 Categories of the annual approved court budget in 2021 - Absolute values (Q4)

Beneficiaries	Categories of the annual approved court budget in 2021 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Armenia	23 104 486 €	19 518 732 €	126 029 €	75 112 €	50 917 €	92 669 €	186 516 €	0 €	0 €	3 180 540 €
Azerbaijan	69 506 705 €	50 439 250 €	9 732 651 €	8 968 986 €	763 665 €	NAP	7 769 842 €	0 €	1 564 962 €	NAP
Georgia	24 501 901 €	18 619 445 €	650 234 €	472 014 €	178 220 €	573 330 €	2 827 204 €	318 653 €	0 €	1 513 035 €
Republic of Moldova	20 949 187 €	17 233 533 €	495 496 €	189 649 €	305 847 €	NAP	1 473 743 €	477 886 €	11 565 €	1 256 964 €
Ukraine	559 514 864 €	NA	NA	NA	NA	NA	NA	NA	22 290 €	NA
Average	139 515 429 €	26 452 740 €	2 751 103 €	2 426 440 €	324 662 €	-	3 064 326 €	199 135 €	319 763 €	1 983 513 €
Median	24 501 901 €	19 069 089 €	572 865 €	330 832 €	242 034 €	-	2 150 474 €	159 327 €	11 565 €	1 513 035 €
Minimum	20 949 187 €	17 233 533 €	126 029 €	75 112 €	50 917 €	-	186 516 €	0 €	0 €	1 256 964 €
Maximum	559 514 864 €	50 439 250 €	9 732 651 €	8 968 986 €	763 665 €	-	7 769 842 €	477 886 €	1 564 962 €	3 180 540 €

Table 1.2.2 Categories of the annual implemented court budget in 2021 - Absolute values (Q4)

Beneficiaries	Categories of the annual implemented court budget in 2021 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Armenia	23 000 797 €	19 516 150 €	126 029 €	75 112 €	50 917 €	89 446 €	186 063 €	0 €	0 €	3 083 109 €
Azerbaijan	64 149 557 €	45 845 547 €	9 685 400 €	8 960 322 €	725 078 €	NAP	7 253 578 €	0 €	1 365 032 €	NAP
Georgia	23 322 858 €	18 193 508 €	644 118 €	470 956 €	173 162 €	509 041 €	2 518 416 €	0 €	0 €	1 457 775 €
Republic of Moldova	20 959 005 €	17 808 509 €	541 026 €	201 854 €	339 172 €	NAP	1 371 799 €	0 €	2 477 €	1 235 194 €
Ukraine	560 744 178 €	NA	NA	NA	NA	NA	NA	NA	20 213 €	NA
Average	138 435 279 €	25 340 929 €	2 749 143 €	2 427 061 €	322 082 €	-	2 832 464 €	0 €	277 544 €	1 925 359 €
Median	23 322 858 €	18 854 829 €	592 572 €	336 405 €	256 167 €	-	1 945 108 €	0 €	2 477 €	1 457 775 €
Minimum	20 959 005 €	17 808 509 €	126 029 €	75 112 €	50 917 €	-	186 063 €	0 €	0 €	1 235 194 €
Maximum	560 744 178 €	45 845 547 €	9 685 400 €	8 960 322 €	725 078 €	-	7 253 578 €	0 €	1 365 032 €	3 083 109 €

Table 1.2.3 Distribution by categories of the annual implemented court budget in 2021 (Q4)

Beneficiaries	Distribution by categories of the annual implemented court budget in 2021								
	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
		Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Armenia	84,8%	0,5%	0,3%	0,2%	0,4%	0,8%	0,0%	0,0%	13,4%
Azerbaijan	71,5%	15,1%	14,0%	1,1%	NAP	11,3%	0,0%	2,1%	NAP
Georgia	78,0%	2,8%	2,0%	0,7%	2,2%	10,8%	0,0%	0,0%	6,3%
Republic of Moldova	85,0%	2,6%	1,0%	1,6%	NAP	6,5%	0,0%	0,0%	5,9%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	79,8%	5,2%	4,3%	0,9%	-	7,4%	0,0%	0,5%	8,5%
Median	81,4%	2,7%	1,5%	0,9%	-	8,7%	0,0%	0,0%	6,3%
Minimum	71,5%	0,5%	0,3%	0,2%	-	0,8%	0,0%	0,0%	5,9%
Maximum	85,0%	15,1%	14,0%	1,6%	-	11,3%	0,0%	2,1%	13,4%

1.3 Whole Justice System Budget

Table 1.3.1 Whole justice system budget and its elements in 2021 (Q7, Q8 and Q9)

Beneficiaries	Whole justice system budget in 2021		Elements of the judicial system budget																		
	Approved	Implemented	Other elements of the whole justice system															Other			
			Courts	Legal aid	Public prosecution services	Prison system	Probation services	High Judicial Council	High Prosecutorial Council	Constitutional court	Judicial management body	State advocacy	Enforcement services	Notariat	Forensic services	Judicial protection of juveniles	Functioning of the Ministry of Justice		Refugees and asylum seekers services	Immigration Service	Some police services
Armenia	67 713 790 €	60 516 060 €																			
Azerbaijan	247 979 878 €	243 511 838 €																			
Georgia	87 560 942 €	85 452 500 €																			
Republic of Moldova	86 071 894 €	74 124 781 €																			
Ukraine																					
Average	122 331 626 €	115 901 295 €																			
Median	86 816 418 €	79 788 641 €																			
Minimum	67 713 790 €	60 516 060 €																			
Maximum	247 979 878 €	243 511 838 €																			






















Yes 
 No 
 NA 
 NAP 

Table 1.3.2 Evolution of the whole justice system budget in € per capita between 2020 and 2021 (Q1 and Q7)

	Evolution of the whole justice system budget in € per capita between 2020 and 2021			
	Approved whole justice system budget per capita		Implemented whole justice system budget per capita	
	2020	2021	2020	2021
Armenia	 22,0 €	 22,9 €	 21,41 €	 20,44 €
Azerbaijan	 24,4 €	 24,5 €	 18,63 €	 24,06 €
Georgia	 19,9 €	 23,7 €	 18,58 €	 23,17 €
Republic of Moldova	 40,7 €	 33,1 €	 30,26 €	 28,47 €
Ukraine	 75,3 €	NA	NA	NA
Average	36,5 €	26,0 €	22,2 €	24,0 €
Median	24,4 €	24,1 €	20,0 €	23,6 €
Minimum	19,9 €	22,9 €	18,6 €	20,4 €
Maximum	75,3 €	33,1 €	30,3 €	28,5 €

1.4 Donors' Contributions

Table 1.4.1 Estimated percentage of the external donor's contribution compared with the implemented judicial system and its components, and whole justice system budget between 2020 and 2021 (Q11)

Beneficiaries	Estimated percentage of the external donor's contribution compared with the implemented judicial system and its components, and whole justice system budget between 2020 and 2021							
	2020				2021			
	Courts	Legal aid	Public prosecution system	Whole Justice system	Courts	Legal aid	Public prosecution system	Whole Justice system
Armenia	0,0%	0,0%	0,0%	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	1,0%	NAP	NAP	NA	NA	NA	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-

Indicator 1 - Budget

by country

Question 4. 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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.

Question 5. If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:

Question 6. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

Question 7. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 8 and other elements of the justice system - see 9).

Question 8. Elements of the judicial system budget (Q4, Q5, Q6, Q12)

Question 9. Other budgetary elements

Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.

Question 11. If you cannot provide the amount of external donor's contribution (specified in question 10), please provide an estimation of the ratio of this amount within the total implemented budget:

Question 12. Annual approved public budget allocated to legal aid, in €.

Question 13. Annual implemented public budget allocated to legal aid in €.

Armenia

Q004 (2021): Are included in the category "other":

7.1 The reserve fund of courts -428 246 -425 518

7.2 Providing social packages of employees of state's institution and organization-324 962----286 303

7.3 Annual public budget allocated to other equipment -----0-----0

7.4 Maintenance of courts of RA----2 427 331-----2 371 288

Regarding investments in vestments in computerisation, it should be noted that no funding has been allocated directly to the Judicial Department in 2021. However, 116 computers were purchased and transferred to the courts through the Ministry of Justice (40,756,716 AMD, which is 75,112 EUR). Also 87,730,280 AMD (161,682 EUR) was allocated through the Ministry of Justice for the renovation of the Anti-corruption court building.

Q006 (2021): The budget of the RA Prosecutor's Office is formed exclusively at the expense of the state budget. As for the budget allocated for training, the allocations for the training of prosecutors at the expense of the state budget are provided to the RA Academy of Justice.

Q010 (2021): 10 million euros were provided by the European Union within the framework of the support to justice sector reforms in Armenia.

Azerbaijan

Q004 (2021): In 2021, the budget allocated for the operation of all courts increased slightly by only 5.5%. The bulk of the increase is due to the computerization of the courts, which is being expanded, followed by salaries and the improvement of court buildings. This is connected both with the creation of a new Sumgayit Court for Grave Crimes (regional court), which was fully staffed. The economic situation, such as inflation, should also be taken into account (costs are higher than in

Q006 (2021): The budget allocated for the prosecutor's office has increased significantly. This is explained by the increased wages of prosecutors.

However, there was a significant decrease in the implemented budget for training between 2020 and 2021 since in 2021, post-pandemic period, it was decided to reduce the trainings for a while and conduct them online.

Q007 (2021): The budget allocated for the whole justice system has mainly risen due to allocations for the judiciary system and the prosecutor's office.

Q010 (2021): In Azerbaijan most of the international projects are financed partly by state budget and partly by loan (to be repaid), as only some are financed by international organisations. The projects currently implemented in Azerbaijan are as follows: The CEPEJ project Strengthening the efficiency and quality of the judicial system in Azerbaijan (2019-2022), regional project "Support for a better evaluation of the result of the judicial reform efforts in the Eastern Partnership Project" ("Justice Dashboard EaP"/" Project") (2021-2024), "Support further Development of Alternative Dispute Resolution Services and Specialized Courts in Azerbaijan" (2020-2022), Judicial Services and Smart nrastructure Project of the World Bank (2014-2024), "Further Support to the Penitentiary Reform in Azerbaijan–2" (2019-

Q012 (2021): Approved annual public budget allocated to legal aid decreased marginally in accordance with statistics forecasts/expectations confirmed for the year of 2021. Regarding legal aid for cases not brought to court no funds are allocated from the budget since legal assistance in those cases is provided by lawyers on a

Georgia

Q004 (General Comment): Difference between Allocated and Implemented Budget includes - The savings received as a result of conducted tender's; Remained unused funds from signed service contracts during the year; Funds allocated for construction of new buildings - The construction of the new building of the Tbilisi City Court has not been started. 004.5 According article 16 of the law on „2021 Budget of Georgia" -2021 Budget of the Judiciary (Code 0900) is divided in two parts - Budget for Functioning of Courts (Code 0901) and Budget for trainings of Judges and Court staff (Code 0902). Budget allocated for trainings under - code 0902 is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question 142.

Q004 (2021): 5. Construction of New Court building in 2021 have not been started.

7. Other: Business trips, goods and services necessary for office activities, uniforms, vehicle fuel, repair and insurance, judges' apartment rent.

004.5 According article 16 of the law on „2021 Budget of Georgia" -2021 Budget of the Judiciary (Code 0900) is divided in two parts - Budget for Functioning of Courts (Code 0901) and Budget for trainings of Judges and Court staff (Code 0902). Budget allocated for trainings under - code 0902 is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question 142.

Q006 (2021): The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it.

Q010 (General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. Meanwhile, it is worth noting that the Council of Europe, the European Union, and the US Embassy in Georgia support the Judicial System and PSG in the capacity-building activities. They are directly managing their expenses, without the Court system and PSG involvement. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Legal Aid Service has sent information - External Donor Funds - 92 132 Euros.

Q010 (2021): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. Meanwhile, it is worth noting that the Council of Europe, the European Union, and the US Embassy in Georgia support the Judicial System and PSG in the capacity-building activities. They are directly managing their expenses, without the Court system and PSG involvement. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Legal Aid Service has sent information - External Donor Funds - 92 132 Euros, according their contracts and memorandums with Donor international organizations.

Q011 (General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. Meanwhile, it is worth noting that the Council of Europe, the European Union, and the US Embassy in Georgia support the Judicial System and PSG in the capacity-building activities. They are directly managing their expenses, without the Court system and PSG involvement. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Republic of Moldova

Q004 (General Comment): The annual public budget allocated for training includes the costs of professional training of judges and personnel of the instance. It subsumes only the amount allocated to judicial bodies for the training of entrants, excluding the budget of the National Institute of Justice. According to point 21 of the Government Decision no. 231 from 13.04.2012, the decentralized financing is made from the financial means provided in the annual budget of each public authority, amounting to at least 2% of the salary fund.

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants,

Q004 (2021): The variation in 2021 compared with 2020 in total approved and implemented budget needs to be interpreted carefully due to variation of exchange rate. The allocated and implemented amount for salaries calculated in national currency slightly increased in 2021 compared with 2020, but due to the variation of the exchange rate the amounts decreased in Euro.

The amount allocated and implemented for investments in computerisation slightly decreased in 2021 due to the fact that more resources were invested with success for this reason in 2020, due to the implementation of a new version of ICMS.

The amount for investment in new court buildings in 2021 was allocated for implementation of court reorganization reform and necessity to build new court premises. The amount allocated was not spent due to different factors that affected the institutional capacity to build new court premises (COVID pandemic limitations, insufficient staff) or blocked the process (proposals to modify the court reorganization and as a result the plan for building new court premises that were under consultation procedure).

The amount allocated to training decreased and the amount implemented increased due to the necessities presented by courts. The variation between amount allocated to training and the implemented one for 2021 is due to the fact that many additional trainings for court staff were organized by different cooperation projects with outsourced financial assistance. As a result the courts spent the allocated financial means to training on other necessities.

Q006 (2021): The prosecution system benefited from continuous training organized by the National Institute of Justice.

Q009 (2021): The sum also includes the budget allocated and implemented by the following authorities: Agency for Legal Resources, National Institute of Justice.

Q010 (2021): In 2021 external funds were allocated by UNDP, EU and CoE (CEPEJ) for implementing projects aimed at improving functioning of judiciary, such as development of new IT solutions (refining electronic court statistics by developing a new application JUSTAT for general public) in judiciary. For this application EU and CoE spent EUR 39 000 and the development is still in process. All procurements linked to the external assistance were not a part of the national budget and were organized by the development partners. In this regard the national justice actors are not keeping a complete evidence on the implemented amount of the international donor assistance. The Prosecutor General Office, Superior Council of Prosecutors, Legal Aid Council and other justice sector actors reported that they

Q011 (2021): There is a specific menu dedicated to the external assistance on the Ministry of Finance webpage. There is also functional a national aid management platform <http://www.amp.gov.md/portal>. The Ministry of Finance publishes an annual Report on external assistance on its webpage which divides the external assistance received by sectors. The disaggregated data on external donor's contributions for justice sector are not available for the related period. Please see the report at the following link: <https://www.mf.gov.md/sites/default/files/Raport%20ODA%202021.pdf>

Q012 (General Comment): The primary legal aid is granted pursuant to Law No. 198 of 26 July 2007 on legal aid guaranteed by the State, by paralegals and specialised social associations in the granting of legal aid. It involves the sharing of information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the effective exercise of rights by legal action or extrajudicial mean; the granting of advice in relation to legal issues; the assistance in the drafting of legal documents; any other form of assistance which is not part of the qualified legal assistance category.

Q013 (2021): The budget deficit is due to the fact that, during 2021, the legislative changes regarding the conventional unit entered into force and the amount of the fixed remuneration partially increased the monthly payments for public lawyers, the number of legal aid beneficiaries increased (The source of explanation-2021 annual activity Report of the Legal Aid Council, available at https://cnaigs.md/uploads/asset/file/ro/1671/Raportul_anual_de_activitate_pentru_anul_2021.pdf.)

Ukraine

Q006 (2021): Exchange rate as of 22.12.2022

Indicator 1 - Budget

by question No.

Question 4. 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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.

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Question 8. Elements of the judicial system budget (Q4, Q5, Q6, Q12)

Question 9. Other budgetary elements

Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.

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Question 13. Annual implemented public budget allocated to legal aid in €.

Question 004

Armenia

(2021): Are included in the category "other":

7.1 The reserve fund of courts -428 246 -425 518

7.2 Providing social packages of employees of state's institution and organization-324 962----286 303

7.3 Annual public budget allocated to other equipment -----0-----0

7.4 Maintenance of courts of RA----2 427 331-----2 371 288

Regarding investments in vestments in computerisation, it should be noted that no funding has been allocated directly to the Judicial Department in 2021. However, 116 computers were purchased and transferred to the courts through the Ministry of Justice (40,756,716 AMD, which is 75,112 EUR). Also 87,730,280 AMD (161,682 EUR) was allocated through the Ministry of Justice for the renovation of the Anti-corruption court building.

Azerbaijan

(2021): In 2021, the budget allocated for the operation of all courts increased slightly by only 5.5%. The bulk of the increase is due to the computerization of the courts, which is being expanded, followed by salaries and the improvement of court buildings. This is connected both with the creation of a new Sumgayit Court for Grave Crimes (regional court), which was fully staffed. The economic situation, such as inflation, should also be taken into account (costs are higher than in previous

Georgia

(General Comment): Difference between Allocated and Implemented Budget includes - The savings received as a result of conducted tender's; Remained unused funds from signed service contracts during the year; Funds allocated for construction of new buildings - The construction of the new building of the Tbilisi City Court has not been started. 004.5 According article 16 of the law on „2021 Budget of Georgia" -2021 Budget of the Judiciary (Code 0900) is divided in two parts - Budget for Functioning of Courts (Code 0901) and Budget for trainings of Judges and Court staff (Code 0902). Budget allocated for trainings under - code 0902 is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question 142.

(2021): 5. Construction of New Court building in 2021 have not been started.

7. Other: Business trips, goods and services necessary for office activities, uniforms, vehicle fuel, repair and insurance, judges' apartment rent.

004.5 According article 16 of the law on „2021 Budget of Georgia" -2021 Budget of the Judiciary (Code 0900) is divided in two parts - Budget for Functioning of Courts (Code 0901) and Budget for trainings of Judges and Court staff (Code 0902). Budget allocated for trainings under - code 0902 is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question 142.

Republic of Moldova

(General Comment): The annual public budget allocated for training includes the costs of professional training of judges and personnel of the instance. It subsumes only the amount allocated to judicial bodies for the training of entrants, excluding the budget of the National Institute of Justice. According to point 21 of the Government Decision no. 231 from 13.04.2012, the decentralized financing is made from the financial means provided in the annual budget of each public authority, amounting to at least 2% of the salary fund.

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants,

(2021): The variation in 2021 compared with 2020 in total approved and implemented budget needs to be interpreted carefully due to variation of exchange rate. The allocated and implemented amount for salaries calculated in national currency slightly increased in 2021 compared with 2020, but due to the variation of the exchange rate the amounts decreased in Euro.

The amount allocated and implemented for investments in computerisation slightly decreased in 2021 due to the fact that more resources were invested with success for this reason in 2020, due to the implementation of a new version of ICMS.

The amount for investment in new court buildings in 2021 was allocated for implementation of court reorganization reform and necessity to build new court premises. The amount allocated was not spent due to different factors that affected the institutional capacity to build new court premises (COVID pandemic limitations, insufficient staff) or blocked the process (proposals to modify the court reorganization and as a result the plan for building new court premises that were under consultation procedure).

The amount allocated to training decreased and the amount implemented increased due to the necessities presented by courts. The variation between amount allocated to training and the implemented one for 2021 is due to the fact that many additional trainings for court staff were organized by different cooperation projects with outsourced financial assistance. As a result the courts spent the allocated financial means to training on other necessities.

Question 006

Armenia

(2021): The budget of the RA Prosecutor's Office is formed exclusively at the expense of the state budget. As for the budget allocated for training, the allocations for the training of prosecutors at the expense of the state budget are provided to the RA Academy of Justice.

Azerbaijan

(2021): The budget allocated for the prosecutor's office has increased significantly. This is explained by the increased wages of prosecutors. However, there was a significant decrease in the implemented budget for training between 2020 and 2021 since in 2021, post-pandemic period, it was decided to reduce the trainings for a while and conduct them online.

Georgia

(2021): The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it.

Republic of Moldova

(2021): The prosecution system benefited from continuous training organized by the National Institute of Justice.

Ukraine

(2021): Exchange rate as of 22.12.2022

Question 007

Azerbaijan

(2021): The budget allocated for the whole justice system has mainly risen due to allocations for the judiciary system and the prosecutor's office.

Question 009

Republic of Moldova

(2021): The sum also includes the budget allocated and implemented by the following authorities: Agency for Legal Resources, National Institute of Justice.

Question 010

Armenia

(2021): 10 million euros were provided by the European Union within the framework of the support to justice sector reforms in Armenia.

Azerbaijan

(2021): In Azerbaijan most of the international projects are financed partly by state budget and partly by loan (to be repaid), as only some are financed by international organisations. The projects currently implemented in Azerbaijan are as follows: The CEPEJ project Strengthening the efficiency and quality of the judicial system in Azerbaijan (2019-2022), regional project "Support for a better evaluation of the result of the judicial reform efforts in the Eastern Partnership Project" ("Justice Dashboard EaP"/" Project") (2021-2024), "Support further Development of Alternative Dispute Resolution Services and Specialized Courts in Azerbaijan" (2020-2022), Judicial Services and Smart nrastructure Project of the World Bank (2014-2024), "Further Support to the Penitentiary Reform in Azerbaijan–2" (2019-

Georgia

(General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. Meanwhile, it is worth noting that the Council of Europe, the European Union, and the US Embassy in Georgia support the Judicial System and PSG in the capacity-building activities. They are directly managing their expenses, without the Court system and PSG involvement. For this reason, information on the amount spent by donors for the Courts and PSG is not available. Legal Aid Service has sent information - External Donor Funds - 92 132 Euros.

(2021): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. Meanwhile, it is worth noting that the Council of Europe, the European Union, and the US Embassy in Georgia support the Judicial System and PSG in the capacity-building activities. They are directly managing their expenses, without the Court system and PSG involvement. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Legal Aid Service has sent information - External Donor Funds - 92 132 Euros, according to their contracts and memorandums with Donor international organizations.

Republic of Moldova

(2021): In 2021 external funds were allocated by UNDP, EU and CoE (CEPEJ) for implementing projects aimed at improving functioning of judiciary, such as development of new IT solutions (refining electronic court statistics by developing a new application JUSTAT for general public) in judiciary. For this application EU and CoE spent EUR 39 000 and the development is still in process. All procurements linked to the external assistance were not a part of the national budget and were organized by the development partners. In this regard the national justice actors are not keeping a complete evidence on the implemented amount of the international donor assistance. The Prosecutor General Office, Superior Council of Prosecutors, Legal Aid Council and other justice sector actors reported that they

Question 011

Georgia

(General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. Meanwhile, it is worth noting that the Council of Europe, the European Union, and the US Embassy in Georgia support the Judicial System and PSG in the capacity-building activities. They are directly managing their expenses, without the Court system and PSG involvement. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Republic of Moldova

(2021): There is a specific menu dedicated to the external assistance on the Ministry of Finance webpage. There is also functional a national aid management platform <http://www.amp.gov.md/portal>. The Ministry of Finance publishes an annual Report on external assistance on its webpage which divides the external assistance received by sectors. The disaggregated data on external donor's contributions for justice sector are not available for the related period. Please see the report at the following link: <https://www.mf.gov.md/sites/default/files/Raport%20ODA%202021.pdf>

Question 012

Azerbaijan

(2021): Approved annual public budget allocated to legal aid decreased marginally in accordance with statistics forecasts/expectations confirmed for the year of 2021. Regarding legal aid for cases not brought to court no funds are allocated from the budget since legal assistance in those cases is provided by lawyers on a

Republic of Moldova

(General Comment): The primary legal aid is granted pursuant to Law No. 198 of 26 July 2007 on legal aid guaranteed by the State, by paralegals and specialised social associations in the granting of legal aid. It involves the sharing of information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the effective exercise of rights by legal action or extrajudicial mean; the granting of advice in relation to legal issues; the assistance in the drafting of legal documents; any other form of assistance which is not part of the qualified legal assistance category.

Question 013

Republic of Moldova

(2021): The budget deficit is due to the fact that, during 2021, the legislative changes regarding the conventional unit entered into force and the amount of the fixed remuneration partially increased the monthly payments for public lawyers, the number of legal aid beneficiaries increased (The source of explanation-2021 annual activity Report of the Legal Aid Council, available at https://cnaigs.md/uploads/asset/file/ro/1671/Raportul_anual_de_activitate_pentru_anul_2021.pdf.)

2. Professionals - Overview

2.1 Number of justice professionals

Number of justice professionals per 100 000 inhabitants in 2021 and variation (%) between 2020 and 2021 (Tables 2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.8, 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.6 and 2.3.1)

Beneficiaries	Justice professionals per 100 000 inhabitants													
	Judges		Court Presidents		Non-judge staff		Prosecutors		Heads of prosecution services		Non-prosecutor staff		Lawyers	
	2021	% Variation 2020-2021	2021	% Variation 2020-2021	2021	% Variation 2020-2021	2021	% Variation 2020-2021	2021	% Variation 2020-2021	2021	% Variation 2020-2021	2021	% Variation 2020-2021
Armenia	10,2	24,2%	0,6	6,3%	51,5	6,1%	13,4	12,1%	1,4	-2,4%	6,1	-0,5%	83,8	10,9%
Azerbaijan	5,3	3,6%	0,9	-6,9%	28,4	0,3%	11,9	-7,9%	NA	NA	NA	NA	21,1	4,4%
Georgia	9,3	4,3%	0,6	5,0%	48,7	2,0%	11,7	4,3%	1,6	5,5%	9,6	-1,1%	136,6	6,7%
Republic of Moldova	16,7	-5,6%	0,8	0,0%	69,4	1,8%	23,6	-3,6%	1,7	-4,4%	14,8	7,9%	77,6	-2,3%
Ukraine	10,6	-19,6%	1,5	-1,3%	58,7	-9,3%	23,6	10,0%	0,6	52,2%	12,5	33,7%	158,5	14,0%
EaP Average	10,4	1,4%	0,9	0,6%	51,4	0,2%	16,8	3,0%	1,3	12,7%	10,7	10,0%	95,5	6,8%

For reference only, the 2021 EU medians are as follows: 24,1 judges per 100 000 inhabitants; 58,5 non-judge staff per 100 000 inhabitants; 10,8 prosecutors per 100 000 inhabitants; 14,7 non-prosecutors staff per 100 000 inhabitants and 122,4 lawyers per 100 000 inhabitants.

Figure 2.1.1 Judges, non-judge staff, prosecutors and non-prosecutor staff per 100 000 inhabitants in 2021

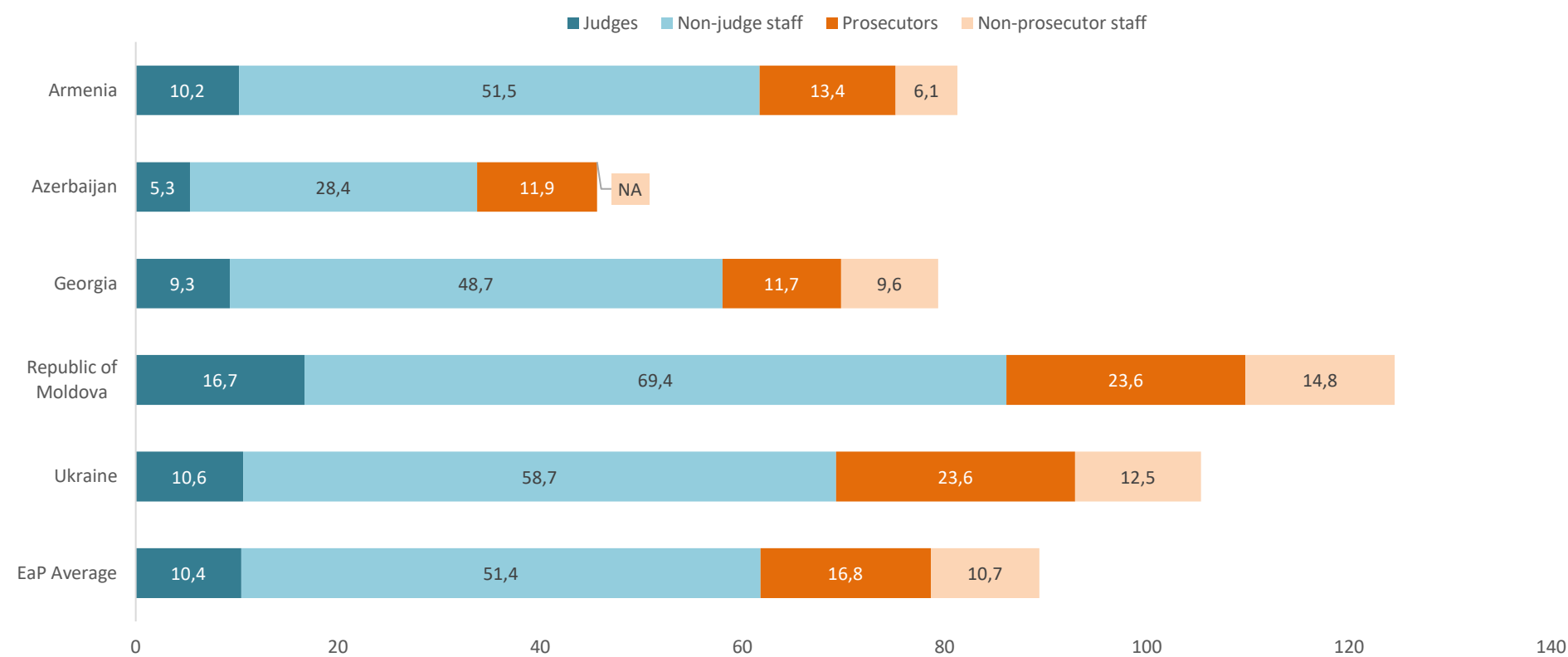
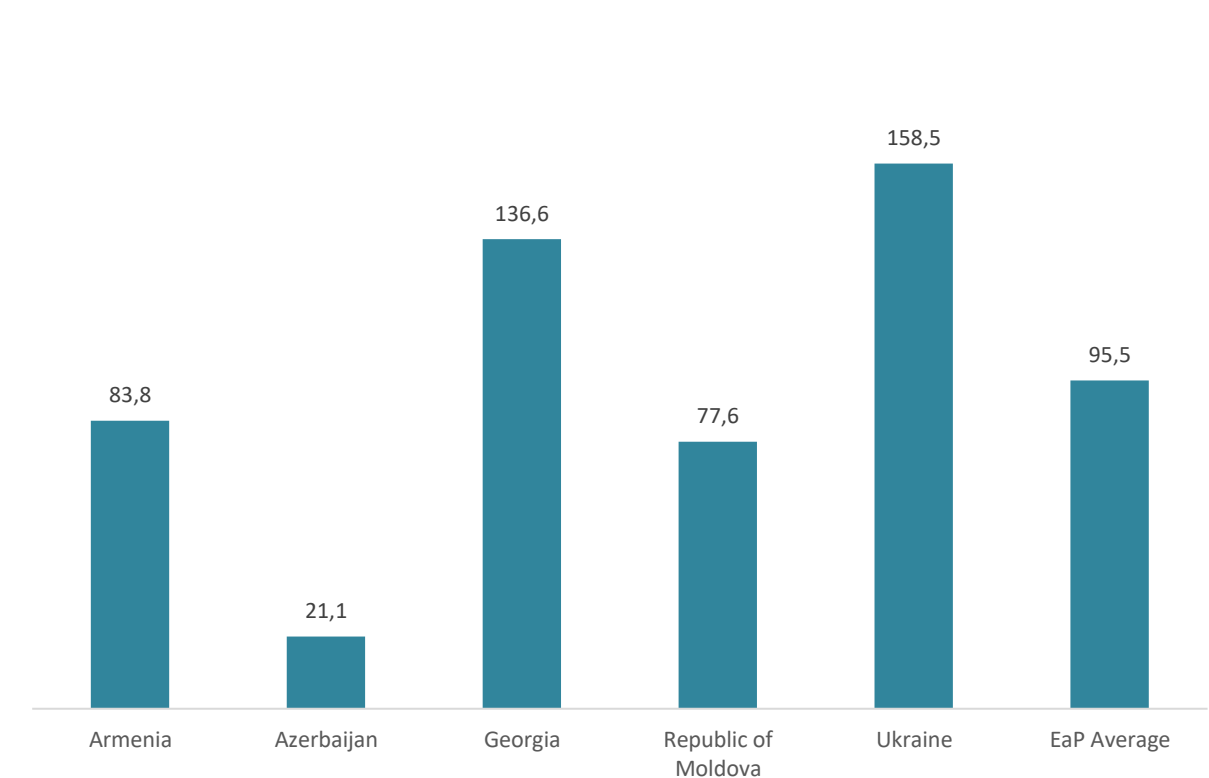


Figure 2.1.2 Lawyers per 100 000 inhabitants in 2021



2.2 Average gross salary of professional judges and prosecutors

Average gross salary of professional judges and prosecutors, and its ratio with the average gross annual national salary in 2021 (Tables 2.4.3 and 2.4.7)

Beneficiaries	Judges						Prosecutors					
	At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2021		At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2021	
	2021	% Variation 2020-2021	2021	% Variation 2020-2021	At the beginning of the career	At the Supreme Court	2021	% Variation 2020-2021	2021	% Variation 2020-2021	At the beginning of the career	At the Supreme Court
Armenia	20 234 €	23,0%	29 898 €	22,9%	4,93	7,29	7 650 €	0,0%	NA	NA	1,86	NA
Azerbaijan	27 625 €	8,4%	42 294 €	8,4%	6,06	9,28	16 086 €	133,4%	42 163 €	134,1%	3,53	9,25
Georgia	20 634 €	73,0%	39 413 €	75,9%	4,62	8,82	12 307 €	49,2%	27 656 €	0,0%	2,76	6,19
Republic of Moldova	11 842 €	-5,6%	18 615 €	-0,1%	2,30	3,61	10 454 €	-5,6%	16 217 €	-1,6%	2,03	3,15
Ukraine	30 450 €	-0,6%	135 275 €	38,3%	4,66	20,68	13 900 €	14,7%	37 200 €	23,9%	2,13	5,69
EaP Average	22 157 €	19,6%	53 099 €	29,1%	4,51	9,94	12 079 €	38,3%	30 809 €	39,1%	2,46	6,07

For reference only, the 2021 EU median for:

- the ratio of the judges' salary at the beginning of the career with average gross annual national salary is 1,9
- the ratio of the judges' salary at the Supreme Court with average gross annual national salary is 4,13

For reference only, the 2021 EU median for:

- the ratio of the prosecutors' salary at the beginning of the career with average gross annual national salary is 1,67
- the ratio of the prosecutors' salary at the Supreme Court with average gross annual national salary is 3,41

Figure 2.2.1 Judges' salary - Ratio with average gross annual national salary in 2021

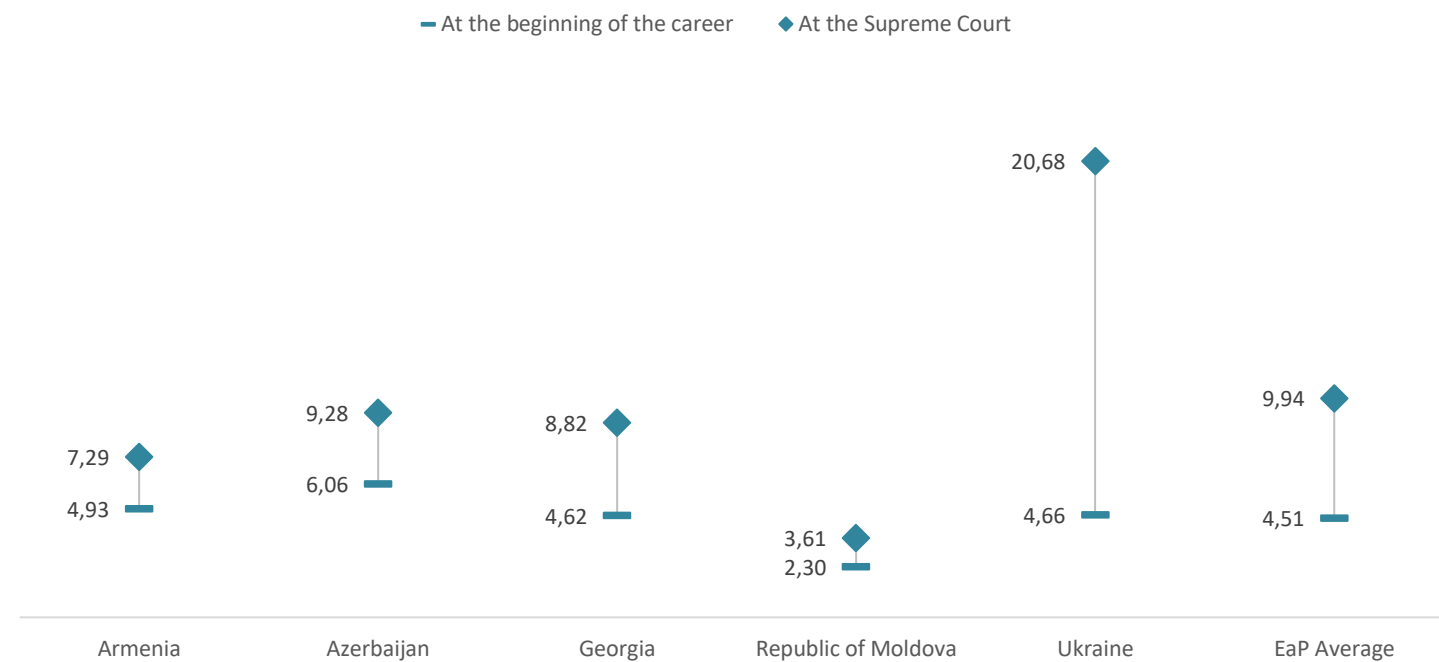
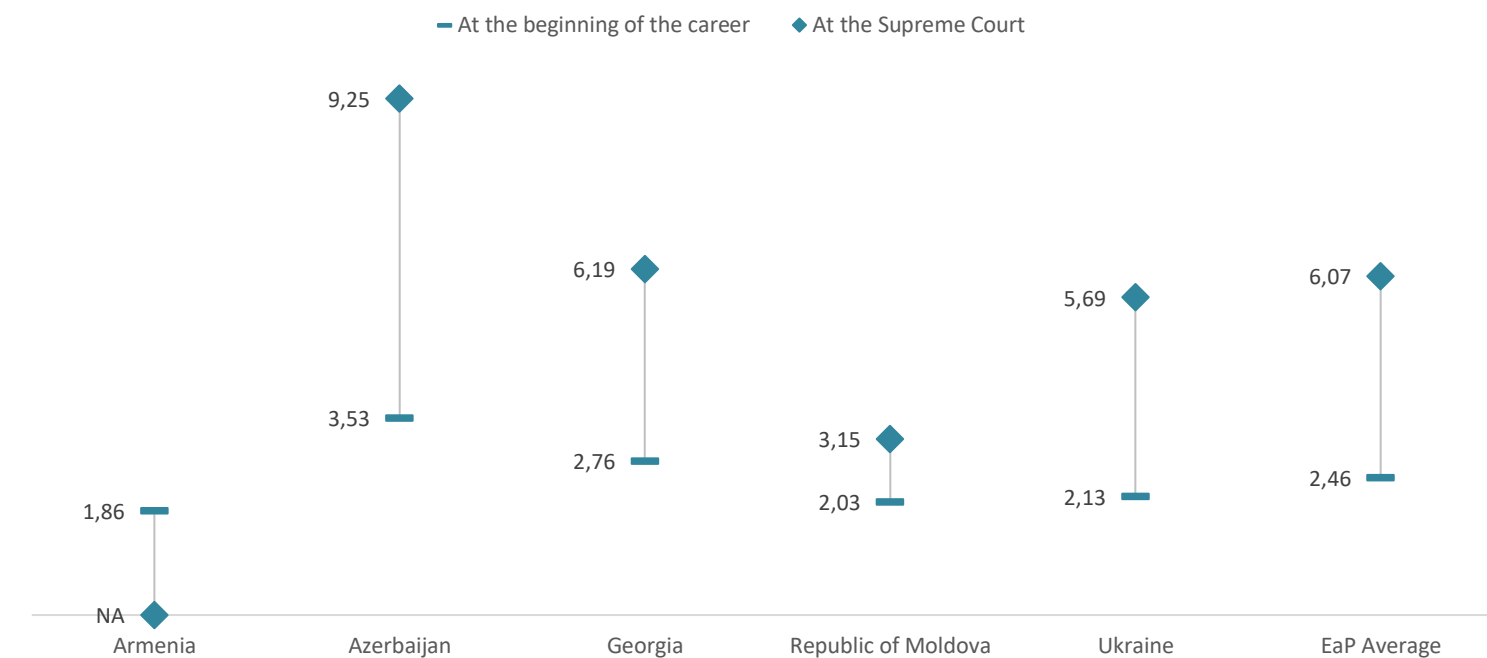


Figure 2.2.2 Prosecutors' salary - Ratio with average gross annual national salary in 2021



NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

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2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance and variations between 2020 and 2021 (Q19)

Beneficiaries	Number of professional judges by instance and variations between 2020 and 2021								
	2020				2021				% Variation of total number of professional judges
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2020-2021
Armenia	244	183	44	17	303	219	65	19	24,2%
Azerbaijan	522	368	116	38	541	380	123	38	3,6%
Georgia	329	219	90	20	343	230	86	27	4,3%
Republic of Moldova	461	347	92	22	435	329	81	25	-5,6%
Ukraine	5420	4307	930	183	4360	3439	742	179	-19,6%
Average	1395	1085	254	56	1196	919	219	58	1,4%
Median	461	347	92	22	435	329	86	27	3,6%
Minimum	244	183	44	17	303	219	65	19	-19,6%
Maximum	5420	4307	930	183	4360	3439	742	179	24,2%

Table 2.1.2 Number of professional judges per 100 000 inhabitants by instance in 2020 and 2021 (Q1 and Q19)

Beneficiaries	Number of professional judges per 100 000 inhabitants by instance in 2020 and 2021							
	2020				2021			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	8,2	6,2	1,5	0,6	10,2	7,4	2,2	0,6
Azerbaijan	5,2	3,7	1,2	0,4	5,3	3,8	1,2	0,4
Georgia	8,8	5,9	2,4	0,5	9,3	6,2	2,3	0,7
Republic of Moldova	17,5	13,2	3,5	0,8	16,7	12,6	3,1	1,0
Ukraine	13,1	10,4	2,2	0,4	10,6	8,4	1,8	0,4
Average	10,6	7,9	2,2	0,6	10,4	7,7	2,1	0,6
Median	8,8	6,2	2,2	0,5	10,2	7,4	2,2	0,6
Minimum	5,2	3,7	1,2	0,4	5,3	3,8	1,2	0,4
Maximum	17,5	13,2	3,5	0,8	16,7	12,6	3,1	1,0

Table 2.1.3 Distribution of professional judges by instance between 2020 and 2021 (Q19)

Beneficiaries	Distribution of professional judges by instance between 2020 and 2021					
	2020			2021		
	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court
Armenia	75,0%	18,0%	7,0%	72,3%	21,5%	6,3%
Azerbaijan	70,5%	22,2%	7,3%	70,2%	22,7%	7,0%
Georgia	66,6%	27,4%	6,1%	67,1%	25,1%	7,9%
Republic of Moldova	75,3%	20,0%	4,8%	75,6%	18,6%	5,7%
Ukraine	79,5%	17,2%	3,4%	78,9%	17,0%	4,1%
Average	73,4%	20,9%	5,7%	72,8%	21,0%	6,2%
Median	75,0%	20,0%	6,1%	72,3%	21,5%	6,3%
Minimum	66,6%	17,2%	3,4%	67,1%	17,0%	4,1%
Maximum	79,5%	27,4%	7,3%	78,9%	25,1%	7,9%

Table 2.1.4 Professional judges on occasional basis, non-professional judges and trial by jury with the participation of citizens in 2021 (Q20, Q21, Q22, Q23, Q24)

Beneficiaries	Non-professional judges										Professional judges on occasional basis			Trial by jury with the participation of citizens		
	Gross figure	Full-time equivalents	Type of cases where non-professional judges are involved								Gross figure	Full-time equivalents	Do they deal with a significant part of cases?	Included in the system	Type of cases	
			Criminal cases (severe)	Criminal cases (misdemeanour and/or minor)	Family law cases	Labour law cases	Social law cases	Commercial law cases	Insolvency cases	Other civil cases					Criminal cases	Other than criminal cases
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	Yes	Yes	No
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	Yes	Yes	Yes
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 2.1.5 Number of court presidents by instance in 2020 and 2021 (Q19-1)

Beneficiaries	Number of court presidents by instance in 2020 and 2021								
	2020				2021				% Variation of total number of court presidents 2020-2021
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Armenia	16	12	3	1	17	13	3	1	6,3%
Azerbaijan	102	95	6	1	95	88	6	1	-6,9%
Georgia	20	17	2	1	21	18	2	1	5,0%
Republic of Moldova	20	15	4	1	20	15	4	1	0,0%
Ukraine	613	575	37	1	605	569	35	1	-1,3%
Average	154	143	10	1	152	141	10	1	0,6%
Median	20	17	4	1	21	18	4	1	0,0%
Minimum	16	12	2	1	17	13	2	1	-6,9%
Maximum	613	575	37	1	605	569	35	1	6,3%

Table 2.1.6 Number of court presidents per 100 000 inhabitants by instance in 2020 and 2021 (Q1 and Q19-1)

Beneficiaries	Number of court presidents per 100 000 inhabitants by instance in 2020 and 2021							
	2020				2021			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	0,5	0,4	0,1	0,0	0,6	0,4	0,1	0,0
Azerbaijan	1,0	0,9	0,1	0,0	0,9	0,9	0,1	0,0
Georgia	0,5	0,5	0,1	0,0	0,6	0,5	0,1	0,0
Republic of Moldova	0,8	0,6	0,2	0,0	0,8	0,6	0,2	0,0
Ukraine	1,5	1,4	0,1	0,0	1,5	1,4	0,1	0,0
Average	0,9	0,8	0,1	0,0	0,9	0,8	0,1	0,0
Median	0,8	0,6	0,1	0,0	0,8	0,6	0,1	0,0
Minimum	0,5	0,4	0,1	0,0	0,6	0,4	0,1	0,0
Maximum	1,5	1,4	0,2	0,0	1,5	1,4	0,2	0,0

Table 2.1.7 Number of professional judges per court presidents by instance in 2021 (Q19 and Q19-1)

Beneficiaries	Number of professional judges per court presidents by instance in 2021			
	Total	First instance	Second instance	Supreme court
Armenia	17,8	16,8	21,7	19,0
Azerbaijan	5,7	4,3	20,5	38,0
Georgia	16,3	12,8	43,0	27,0
Republic of Moldova	21,8	21,9	20,3	25,0
Ukraine	7,2	6,0	21,2	179,0
Average	13,8	12,4	25,3	57,6
Median	16,3	12,8	21,2	27,0
Minimum	5,7	4,3	20,3	19,0
Maximum	21,8	21,9	43,0	179,0

Table 2.1.8 Total number of non-judge staff (absolute number and per 100 000 inhabitants) in 2020 and 2021 (Q1 and Q27)

Beneficiaries	Total number of non-judge staff (absolute number and per 100 000 inhabitants) in 2020 and 2021				
	2020		2021		% Variation of number of non-judge staff
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2020-2021
Armenia	1 438	48,5	1 525	51,5	6,1%
Azerbaijan	2 855	28,4	2 877	28,4	0,3%
Georgia	1 782	47,8	1 798	48,7	2,0%
Republic of Moldova	1 792	68,2	1 808	69,4	1,8%
Ukraine	26 777	64,6	24 047	58,7	-9,3%
Average	6 929	51,5	6 411	51,4	0,2%
Median	1 792	48,5	1 808	51,5	1,8%
Minimum	1 438	28,4	1 525	28,4	-9,3%
Maximum	26 777	68,2	24 047	69,4	6,1%

Table 2.1.9 Number of non-judge staff by categories in 2020 and 2021 (Q26)

Beneficiaries	Number of non-judge staff by categories in 2020 and 2021											
	2020						2021					
	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff
Armenia	1 438	NAP	262	692	484	NAP	1 525	NAP	292	753	480	NAP
Azerbaijan	2 855	NAP	1 235	1 244	376	NAP	2 877	NAP	1 243	1 257	377	NAP
Georgia	1 585	3	710	80	792	NAP	1 798	4	817	139	838	NAP
Republic of Moldova	1 792	NAP	900	573	319	NAP	1 808	NAP	874	614	320	NAP
Ukraine	26 777	NAP	6 910	15 534	NA	NA	24 047	NAP	11 387	2 313	1 763	8 584
Average	6 889	-	2 003	3 625	493	-	6 411	-	2 923	1 015	756	-
Median	1 792	-	900	692	430	-	1 808	-	874	753	480	-
Minimum	1 438	-	262	80	319	-	1 525	-	292	139	320	-
Maximum	26 777	-	6 910	15 534	792	-	24 047	-	11 387	2 313	1 763	-

Table 2.1.10 Number and distribution of non-judge staff by instance in 2020 and 2021 (Q27)

Beneficiaries	Number and distribution of non-judge staff by instance in 2020 and 2021							
	2020				2021			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	1 438	1 139	205	94	1 525	1 213	215	97
Azerbaijan	2 855	2 146	474	235	2 877	2 159	483	235
Georgia	1 782	1 293	292	197	1 798	1 299	295	204
Republic of Moldova	1 792	1 332	304	156	1 808	1 326	318	164
Ukraine	26 777	20 606	4 724	1 447	24 047	19 488	4 559	1 422
Average	6 929	5 303	1 200	426	6 411	5 097	1 174	424
Median	1 792	1 332	304	197	1 808	1 326	318	204
Minimum	1 438	1 139	205	94	1 525	1 213	215	97
Maximum	26 777	20 606	4 724	1 447	24 047	19 488	4 559	1 422

Table 2.1.11 Ratio of non-judge staff per professional judges in 2020 and 2021 (Q19, Q27)

Beneficiaries	Ratio of non-judge staff per professional judges in 2020 and 2021		
	2020	2021	% Variation of the ratio
			2020-2021
Armenia	5,9	5,0	-14,6%
Azerbaijan	5,5	5,3	-2,8%
Georgia	5,4	5,2	-3,2%
Republic of Moldova	3,9	4,2	6,9%
Ukraine	4,9	5,5	11,6%
Average	5,1	5,1	-0,4%
Median	5,4	5,2	-2,8%
Minimum	3,9	4,2	-14,6%
Maximum	5,9	5,5	11,6%

2.2 Public prosecutors and non-prosecutor staff

Table 2.2.1 Number of prosecutors by instance and its variation between 2020 and 2021, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Beneficiaries	Number of prosecutors by instance and its variation between 2020 and 2021, and persons with similar duties as prosecutors												
	Number of prosecutors									Existence of persons with similar duties as prosecutors			
	2020				2021				% Variation of total number of prosecutors	Persons with similar duties as prosecutors	Number in FTE	This number included in the number of public prosecutors	
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2020-2021				
Armenia	355	NAP	NAP	NAP	398	NAP	NAP	NAP		12,1%			
Azerbaijan	1303	NA	NA	NA	1200	NA	NA	NA		-7,9%			
Georgia	414	NAP	NAP	NAP	432	NAP	NAP	NAP		4,3%			
Republic of Moldova	638	449	22	167	615	NA	NA	NA		-3,6%			
Ukraine	8800	NAP	NAP	NAP	9683	NAP	NAP	NAP		10,0%			
Average	2302	-	-	-	2466	-	-	-		3,0%	Yes		
Median	638	-	-	-	615	-	-	-		4,3%	No		
Minimum	355	-	-	-	398	-	-	-		-7,9%	NA		
Maximum	8800	-	-	-	9683	-	-	-		12,1%	NAP		

Table 2.2.2 Number of prosecutors per 100 000 inhabitants by instance in 2020 and 2021 (Q1 and Q28)

Beneficiaries	Number of prosecutors per 100 000 inhabitants by instance in 2020 and 2021							
	2020				2021			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
Armenia	11,98	NAP	NAP	NAP	13,44	NAP	NAP	NAP
Azerbaijan	12,94	NA	NA	NA	11,86	NA	NA	NA
Georgia	11,10	NAP	NAP	NAP	11,71	NAP	NAP	NAP
Republic of Moldova	24,29	17,09	0,84	6,36	23,62	NA	NA	NA
Ukraine	21,25	NAP	NAP	NAP	23,62	NAP	NAP	NAP
Average	16	-	-	-	17	-	-	-
Median	13	-	-	-	13	-	-	-
Minimum	11	-	-	-	12	-	-	-
Maximum	24	-	-	-	24	-	-	-

Table 2.2.3 Number of heads of prosecution offices by instance in 2020 and 2021 (Q28-1)

Beneficiaries	Number of heads of prosecution offices by instance in 2020 and 2021								
	2020				2021				% Variation of total number of heads of prosecution offices 2020-2021
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Armenia	42	NAP	NAP	NAP	41	NAP	NAP	NAP	-2,4%
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	55	NAP	NAP	NAP	58	NAP	NAP	NAP	5,5%
Republic of Moldova	45	39	3	3	43	40	2	1	-4,4%
Ukraine	157	NAP	NAP	NAP	239	NAP	NAP	NAP	52,2%
Average	75	-	-	-	95	-	-	-	12,7%
Median	50	-	-	-	51	-	-	-	1,5%
Minimum	42	-	-	-	41	-	-	-	-4,4%
Maximum	157	-	-	-	239	-	-	-	52,2%

Table 2.2.4 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2020 and 2021 (Q1 and Q28-1)

Beneficiaries	Number of heads of prosecution offices per 100 000 inhabitants by instance in 2020 and 2021							
	2020				2021			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	1,4	NAP	NAP	NAP	1,4	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	1,5	NAP	NAP	NAP	1,6	NAP	NAP	NAP
Republic of Moldova	1,7	1,5	0,1	0,1	1,7	1,5	0,1	0,0
Ukraine	0,4	NAP	NAP	NAP	0,6	NAP	NAP	NAP
Average	1,2	-	-	-	1,3	-	-	-
Median	1,4	-	-	-	1,5	-	-	-
Minimum	0,4	-	-	-	0,6	-	-	-
Maximum	1,7	-	-	-	1,7	-	-	-

Table 2.2.5 Number of prosecutors per head of prosecution offices in 2021 (Q28 and Q28-1)

Beneficiaries	Number of prosecutors per head of prosecution offices in 2021			
	2021			
	Total	First instance	Second instance	Supreme court
Armenia	9,7	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA
Georgia	7,4	NAP	NAP	NAP
Republic of Moldova	14,3	NA	NA	NA
Ukraine	40,5	NAP	NAP	NAP
Average	18	-	-	-
Median	12	-	-	-
Minimum	7	-	-	-
Maximum	41	-	-	-

Table 2.2.6 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2020 and 2021 (Q1 and Q32)

Beneficiaries	Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2020 and 2021				
	2020		2021		% Variation of number of non-prosecutor staff
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2020-2021
Armenia	182	6,1	181	6,1	-0,5%
Azerbaijan	NA	NA	NA	NA	NA
Georgia	363	9,7	355	9,6	-1,1%
Republic of Moldova	360	13,7	385	14,8	7,9%
Ukraine	3 864	9,3	5 114	12,5	33,7%
Average	1192	10	1509	11	10,0%
Median	362	10	370	11	3,7%
Minimum	182	6	181	6	-1,1%
Maximum	3864	14	5114	15	33,7%

Table 2.2.7 Ratio of non-prosecutor staff per prosecutors between 2020 and 2021 (Q28, Q32)

Beneficiaries	Ratio of non-prosecutor staff per prosecutors between 2020 and 2021		
	2020	2021	% Variation of the ratio
			2020-2021
Armenia	0,51	0,45	-11,3%
Azerbaijan	NA	NA	NA
Georgia	0,88	0,82	-6,3%
Republic of Moldova	0,56	0,63	10,9%
Ukraine	0,44	0,53	20,3%
Average	0,60	0,61	3,4%
Median	0,54	0,58	2,3%
Minimum	0,44	0,45	-11,3%
Maximum	0,88	0,82	20,3%

2.3 Lawyers

Table 2.3.1 Number of lawyers (absolute number and per 100 000 inhabitants) between 2020 and 2021 (Q33 and Q34)

Beneficiaries	Number of lawyers (absolute number and per 100 000 inhabitants) between 2020 and 2021						Does these figures include legal advisors?
	2020		2021		% Variation of number of lawyers		
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2020-2021		
Armenia	2 240	75,6	2 482	83,8	10,9%		
Azerbaijan	2 031	20,2	2 132	21,1	4,4%		
Georgia	4 772	128,0	5 038	136,6	6,7%		
Republic of Moldova	2 086	79,4	2 021	77,6	-2,3%		
Ukraine	57 591	139,0	65 000	158,5	14,0%		
Average	13 744	88	15 335	96	6,8%		
Median	2 240	79	2 482	84	6,7%		
Minimum	2 031	20	2 021	21	-2,3%		
Maximum	57 591	139	65 000	159	14,0%		

Yes
No
NA
NAP

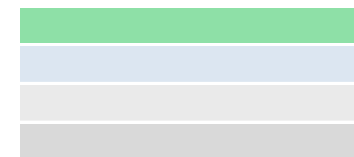


Table 2.3.2 Number of professional judges and lawyers per 100 000 inhabitants in 2020 and 2021 (Q19 and Q33)

Beneficiaries	Number of professional judges and lawyers per 100 000 inhabitants in 2020 and 2021			
	2020		2021	
	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants
Armenia	8,2	75,6	10,2	83,8
Azerbaijan	5,2	20,2	5,3	21,1
Georgia	8,8	128,0	9,3	136,6
Republic of Moldova	17,5	79,4	16,7	77,6
Ukraine	13,1	139,0	10,6	158,5
Average	10,6	88,4	10,4	95,5
Median	8,8	79,4	10,2	83,8
Minimum	5,2	20,2	5,3	21,1
Maximum	17,5	139,0	16,7	158,5

2.4 Salaries of judges and public prosecutors

Table 2.4.1 Salaries of judges in € and in local currency in 2021 (Q15)

Beneficiaries	Salaries of judges in € in 2021				Salaries of judges in local currency in 2021				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Armenia	20 234 €	29 898 €	15 782 €	23 320 €	AMD (Dram)	10 979 240	16 223 014	8 563 807	12 653 951
Azerbaijan	27 625 €	42 294 €	24 031 €	37 591 €	AZN (Manat)	53 220	81 480	46 296	72 420
Georgia	20 634 €	39 413 €	16 177 €	30 900 €	GEL (Lari)	72 200	137 910	56 605	108 121
Republic of Moldova	11 842 €	18 615 €	9 628 €	15 051 €	MDL (Leu)	247 800	389 520	201 462	314 952
Ukraine	30 450 €	135 275 €	24 512 €	108 896 €	UAH (Hryvnia)	942 747	4 179 983	758 911	3 364 887
Average	22 157 €	53 099 €	18 026 €	43 152 €					
Median	20 634 €	39 413 €	16 177 €	30 900 €					
Minimum	11 842 €	18 615 €	9 628 €	15 051 €					
Maximum	30 450 €	135 275 €	24 512 €	108 896 €					

Table 2.4.2 Ratio of the gross annual salaries of judges with average gross annual national salary in 2021 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of judges with average gross annual national salary in 2021	
	At the beginning of the career	At the Supreme Court
Armenia	4,93	7,29
Azerbaijan	6,06	9,28
Georgia	4,62	8,82
Republic of Moldova	2,30	3,61
Ukraine	4,66	20,68
Average	4,51	9,94
Median	4,66	8,82
Minimum	2,30	3,61
Maximum	6,06	20,68

Table 2.4.3 Gross annual salaries of judges (in €) between 2020 and 2021 (Q14, Q15)

Beneficiaries	Gross annual salaries of judges (in €) between 2020 and 2021					
	At the beginning of the career			At the Supreme Court		
	2020	2021	% Variation 2020 - 2021	2020	2021	% Variation 2020 - 2021
Armenia	16 453 €	20 234 €	23,0%	24 325 €	29 898 €	22,9%
Azerbaijan	25 476 €	27 625 €	8,4%	39 004 €	42 294 €	8,4%
Georgia	11 928 €	20 634 €	73,0%	22 404 €	39 413 €	75,9%
Republic of Moldova	12 551 €	11 842 €	-5,6%	18 631 €	18 615 €	-0,1%
Ukraine	30 619 €	30 450 €	-0,6%	97 838 €	135 275 €	38,3%
Average	19 405 €	22 157 €	19,6%	40 440 €	53 099 €	29,1%
Median	16 453 €	20 634 €	8,4%	24 325 €	39 413 €	22,9%
Minimum	11 928 €	11 842 €	-5,6%	18 631 €	18 615 €	-0,1%
Maximum	30 619 €	30 450 €	73,0%	97 838 €	135 275 €	75,9%

Table 2.4.4 Net annual salaries of judges (in €) between 2020 and 2021 (Q15)

Beneficiaries	Net annual salaries of judges (in €) between 2020 and 2021					
	At the beginning of the career			At the Supreme Court		
	2020	2021	% Variation 2020 - 2021	2020	2021	% Variation 2020 - 2021
Armenia	12 668 €	15 782 €	24,6%	18 730 €	23 320 €	24,5%
Azerbaijan	22 162 €	24 031 €	8,4%	34 667 €	37 591 €	8,4%
Georgia	9 540 €	16 177 €	69,6%	17 928 €	30 900 €	72,4%
Republic of Moldova	10 041 €	9 628 €	-4,1%	14 905 €	15 051 €	1,0%
Ukraine	24 648 €	24 512 €	-0,6%	78 760 €	108 896 €	38,3%
Average	15 812 €	18 026 €	19,6%	32 998 €	43 152 €	28,9%
Median	12 668 €	16 177 €	8,4%	18 730 €	30 900 €	24,5%
Minimum	9 540 €	9 628 €	-4,1%	14 905 €	15 051 €	1,0%
Maximum	24 648 €	24 512 €	69,6%	78 760 €	108 896 €	72,4%

Table 2.4.5 Salaries of public prosecutors in € and in local currency in 2021 (Q15)

Beneficiaries	Salaries of public prosecutors in € in 2021				Salaries of public prosecutors in local currency in 2021				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Armenia	7 650 €	NA	5 558 €	NA	AMD (Dram)	4 904 940	NA	3 563 660	NA
Azerbaijan	16 086 €	42 163 €	14 346 €	37 431 €	AZN (Manat)	30 989	81 226	27 637	72 109
Georgia	12 307 €	27 656 €	9 846 €	23 049 €	GEL (Lari)	39 012	87 888	31 212	73 248
Republic of Moldova	10 454 €	16 217 €	8 371 €	12 987 €	MDL (Leu)	218 760	339 360	175 183	271 759
Ukraine	13 900 €	37 200 €	11 100 €	30 000 €	UAH (Hryvnia)	539 000	1 446 400	433 900	1 164 300
Average	12 079 €	30 809 €	9 844 €	25 867 €					
Median	12 307 €	32 428 €	9 846 €	26 525 €					
Minimum	7 650 €	16 217 €	5 558 €	12 987 €					
Maximum	16 086 €	42 163 €	14 346 €	37 431 €					

Table 2.4.6 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2021 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2021	
	At the beginning of the career	At the Supreme Court
Armenia	1,86	NA
Azerbaijan	3,53	9,25
Georgia	2,76	6,19
Republic of Moldova	2,03	3,15
Ukraine	2,13	5,69
Average	2,46	6,07
Median	2,13	5,94
Minimum	1,86	3,15
Maximum	3,53	9,25

Table 2.4.7 Gross annual salaries of prosecutors (in €) between 2020 and 2021 (Q14, Q15)

Beneficiaries	Gross annual salaries of prosecutors (in €) between 2020 and 2021					
	At the beginning of the career			At the Supreme Court		
	2020	2021	% Variation 2020 - 2021	2020	2021	% Variation 2020 - 2021
Armenia	7 651 €	7 650 €	0,0%	NA	NA	NA
Azerbaijan	6 893 €	16 086 €	133,4%	18 014 €	42 163 €	134,1%
Georgia	8 247 €	12 307 €	49,2%	27 656 €	27 656 €	0,0%
Republic of Moldova	11 080 €	10 454 €	-5,6%	16 489 €	16 217 €	-1,6%
Ukraine	12 118 €	13 900 €	14,7%	30 023 €	37 200 €	23,9%
Average	9 198 €	12 079 €	38,3%	23 046 €	30 809 €	39,1%
Median	8 247 €	12 307 €	14,7%	22 835 €	32 428 €	12,0%
Minimum	6 893 €	7 650 €	-5,6%	16 489 €	16 217 €	-1,6%
Maximum	12 118 €	16 086 €	133,4%	30 023 €	42 163 €	134,1%

Table 2.4.8 Net annual salaries of prosecutors (in €) between 2020 and 2021 (Q15)

Beneficiaries	Net annual salaries of prosecutors (in €) between 2020 and 2021					
	At the beginning of the career			At the Supreme Court		
	2020	2021	% Variation 2020 - 2021	2020	2021	% Variation 2020 - 2021
Armenia	5 597 €	5 558 €	-0,7%	NA	NA	NA
Azerbaijan	6 066 €	14 346 €	136,5%	15 556 €	37 431 €	140,6%
Georgia	6 872 €	9 846 €	43,3%	23 049 €	23 049 €	0,0%
Republic of Moldova	8 872 €	8 371 €	-5,6%	13 491 €	12 987 €	-3,7%
Ukraine	9 755 €	11 100 €	13,8%	24 168 €	30 000 €	24,1%
Average	7 432 €	9 844 €	37,4%	19 066 €	25 867 €	40,3%
Median	6 872 €	9 846 €	13,8%	19 303 €	26 525 €	12,1%
Minimum	5 597 €	5 558 €	-5,6%	13 491 €	12 987 €	-3,7%
Maximum	9 755 €	14 346 €	136,5%	24 168 €	37 431 €	140,6%

Table 2.4.9 Additional benefits and productivity bonuses for judges and prosecutors in 2021 (Q16 and Q18)

Beneficiaries	Additional benefits and productivity bonuses for judges and prosecutors in 2021								
	Judges					Prosecutors			
	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.4.10)	Productivity bonuses	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.4.10)
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									


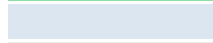
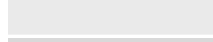

Yes 
 No 
 NA 
 NAP 

Table 2.4.10 Other financial benefits for judges and prosecutors in 2021 (Q17)

Beneficiaries	Other financial benefits for judges and prosecutors in 2021
Armenia	<p>The additional salary includes supplements and surcharges.</p> <p>Special fee for judges is 30% of their salary (the special fee is an additional remuneration which is not based on performance/other criteria and mainly it is the same for all judges). The social guarantees of judge's is fixed in the Article 57 of the Judicial Code. In particular, a judge's salary and increments added thereon, the amount of pension may not be reduced, even when an equal reduction is made for all high-ranking officials. A judge shall be entitled to health insurance and casualty insurance at state expenses, under the conditions and in the manner prescribed by the Government. In cases prescribed by the Supreme Judicial Council, a judge appointed to a position outside the place of his or her permanent residence shall, based on his or her request, be provided with compensation equal to the rent of an apartment in the given place. The procedure for providing compensation, maximum amount and periods thereof shall be prescribed by the Government. A judge shall also enjoy the social guarantees prescribed for the public servant.</p> <p>According to the Article 65 of the "Law on the Prosecutor's Office" the prosecutor may be granted a one time financial assistance in the amount prescribed by the Prosecutor General's Office fund, and according to the Article 66 of the same law: Property damage caused to the prosecutor or his/her family members due to the fulfillment of obligations shall be compensated in the manner prescribed by law.</p> <p>Also, the state provides free examination and treatment of prosecutors. The examination and treatment of the prosecutor's health condition is carried out in the medical institutions mentioned in the list approved by the Police of the Republic of Armenia and the Ministry of Defense of the Republic of Armenia. The complete list of social guarantees of prosecutor's is fixed in the Article 67 of the "Law on the Prosecutor's Office".</p>
Azerbaijan	NAP
Georgia	<p>Other financial benefits of Judges: 1. Life and health insurance 2. Fuel and Call deposits 3. Supreme Court Judges and Court Presidents can use Company Car.</p> <p>Other financial benefits of Prosecutors: Insurance; Fuel and call deposits; bonuses</p>
Republic of Moldova	<p>According to Law No. 270 of 11.23.2018 on unitary system of remuneration in the budgetary sector, all public employees can benefit of unique financial means for professional holidays and working holidays, which are paid from savings of the financial means allocated for the remuneration of work for that year, but not more than 5% of the annual salary fund at the level of the institution.</p> <p>The cumulative amount of the bonuses granted to a judge or prosecutor during a year can not exceed the official salary of the judge/prosecutor.</p>
Ukraine	NA

Indicator 2 - Profile of the judiciary

by country

Question 14. Average gross annual salary (in €) for the reference year

Question 15. Salaries of judges and public prosecutors on 31 December of the reference year:

Question 16. Do judges and public prosecutors have additional benefits?

Question 17. If “other financial benefit”

Question 18. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Question 19. 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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

Question 19-1. Number of court presidents (professional judges).

Question 20. 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):

Question 21. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

Question 22. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):

Question 23. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

Question 24. Does your judicial system include trial by jury with the participation of citizens?

Question 25. If yes, for which type(s) of case(s)?

Question 26. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)

Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)

Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).

Question 28-1. Number of heads of prosecution offices.

Question 29. In your judicial system, do other persons have similar duties to those of public prosecutors?

Question 30. If yes please provide the number (full-time equivalent)

Question 31. If yes, is their number included in the number of public prosecutors that you have indicated under question 28?

Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).

Question 33. Total number of lawyers practicing in your country:

Question 34. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Armenia

Q016 (2021): Although, the option "housing" is not selected, it should be noted that a judge or a prosecutor appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place. The additional salary includes supplements and surcharges.

Q026 (2021): It should be noted that Judicial department's staff and bailiffs are not considered as non-judge staff who are working in courts, but they assist in the operation of courts. Judicial department's staff- 147, Bailiffs - 744 (641 male, 103 females).

Q028 (2021): All 398 prosecutors work for full time. In Armenia there is no separation of prosecutors for the first or other instance courts.

Azerbaijan

Q014 (2021): Average Annual gross salary increase is correlated with inflation indexes as well as economy boost (including oil and non-oil sectors).

Q015 (2021): By the Decree of the President of the Republic of Azerbaijan of 2021, the social protection of the employees of the prosecutor's office was strengthened, also salaries of all employees were increased.

Q019 (2021): In 2021, the number of judges increased slightly compared to the previous year, due to changes in the procedure for conducting the examination. Exams had been carried out more intensively and more often. This trend continues currently.

Ensuring gender equality to protect gender equality, leadership, existing gender policy and national and international legislation in this area appropriate measures are being taken. As a result of these measures number of women judges have increased and this tendency continues.

Q019-1 (2021): The decrease in the number of chairmen of courts is concerned with the retirement of many of them.

If last year there were 2 female judges of the chairmen, then in 2021 one of them changed as she was transferred to another court of appeal.

Q026 (General Comment): The establishment of the new position “assistant to judge”, the increase of the number of IT consultants in courts etc., are among measures aimed at increasing the productivity of judges. This process is on-going and should result in the increase of the number of non-judge staff from 3 to 4 per

Q028 (General Comment): Prosecutor includes prosecutors, prosecutor's office investigators, prosecutor's office operatives, and prosecutor's office interns. In the context of criminal prosecution, the investigator shall obey the requirements of the law and rely on the prosecutor's instructions and his own conscience in taking the necessary procedural decisions and carrying out the investigation and other procedures. The investigator can examine applications and additional information received concerning offences committed or planned, to instigate proceedings where there are sufficient reasons and grounds, to take charge of the case, to take the necessary steps to detect the offence and investigate the case thoroughly, comprehensively and objectively, and to carry out all the investigative and other procedures within his powers. Operative search activity is carried out by the inquiry authorities as set forth in the criminal procedural legislation of the Republic of Azerbaijan, and for crimes related to corruption by the prosecutor's office specializing in the field of fighting corruption. Examination of mail correspondence, telegraph and other information; taping of telephone conversations by means of connecting to the transmitting equipment of private and legal entities, departments, entities, and organizations providing communication infrastructure, delivering communication services regardless of the forms of ownership; and retrieval of information from technical channels and other technical means shall be implemented by the agents of the prosecutor's office specializing in the field of fighting corruption.

According to Article 5.2 of the Law of the Republic of Azerbaijan "On service in the prosecutor's office", a 6-month internship period is imposed for the persons recruited to the prosecutor's office for the first time.

Q033 (2021): In 2017 there has been change to the national legislation where the monopoly of the lawyers over court representation was enshrined, which mean that no one except the members of the Azerbaijani Bar Association may represent a person at the court, except close relatives. However prior that time not only members of the Bar Association, but also person who was not the member to the Association may represent any person at courts by only getting PoA from a person who wants to be represented at the court. Therefore after the changes in the legislation there was a case with the lack of the lawyers. In order to change the situation the Azerbaijani Bar Association begun to hold admission exams on regular basis that led to the rise up in the number of lawyer. This process continues.

Georgia

Q014 (2021): According officially published information on Geostat.ge - Average monthly salary in 2021 was - 1304.5 Gel. Average gross annual salary (15 654 Gel) is calculated according GEL to Euro exchange rate 3.504 (31.12.21).

Q015 (General Comment): Difference between 2020 and 2021 Annual Salary (Gross and Net) of Judges (First Instance and Supreme Court judges) is resulted from the fact, that in 2020 DATA was mentioned only salary of Judges defined By Law, but there wasn't included Bonuses which are part of Judges salary according to the legislation and are paid to all judges irrespective of their personal circumstances.

PSG Comment: PSG is not organized according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead.

Q015 (2021): Difference between 2020 and 2021 Annual Salary (Gross and Net) of Judges (First Instance and Supreme Court judges) is resulted from the fact, that in 2020 DATA was mentioned only salary of Judges defined By Law, but there wasn't included Bonuses which are part of Judges salary according to the legislation and are paid to all judges irrespective of their personal circumstances. PSG Comment: PSG is not organized according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead. Salary was calculated

Q018 (General Comment): The regulations for salary increment of judges of first and second instance courts is further provided by the Rule adopted by the HCJ on 5 February 2018. In line with the rule, judges may be given the a). monthly salary increment b). an (additional) increment taking into consideration the workload of a certain judge (court) or for their function as an internship coordinator of justice listener of the HSJ. As regards the judges of the Supreme Court, articles 18(2-j) and 69 (7) of the LCC prescribe that the Plenum of the Supreme Court is entitled to determine the amount of a salary increment and/or an (additional) increment to all judges of the Supreme Court. It should be emphasized that there are no discretionary payments. None of the judges is given a salary increment on an individual basis

Q018 (2021): The regulations for salary increment of judges of first and second instance courts is further provided by the Rule adopted by the HCJ on 5 February 2018. In line with the rule, judges may be given the a). monthly salary increment b). an (additional) increment taking into consideration the workload of a certain judge (court) or for their function as an internship coordinator of justice listener of the HSJ. As regards the judges of the Supreme Court, articles 18(2-j) and 69 (7) of the LCC prescribe that the Plenum of the Supreme Court is entitled to determine the amount of a salary increment and/or an (additional) increment to all judges of the Supreme Court. It should be emphasized that there are no discretionary payments. None of the judges is given a salary increment on an individual basis for

Q019-1 (2021): In two District Courts position of Court President is vacant (All Judges in these courts are in probation period, thus they can't be appointed as Court Presidents). In six District Courts position of Court President is vacant, but according the Legislation Judges with the longest experience perform duty of Court

Q025 (2021): The case shall be heard by a jury if the charges are brought under Articles - 108 (Intentional killing) completed and 109 (intentional killing under aggravating circumstances) completed; Article 117(2; 4;6;8) (Intentional infliction of serious harm to health); Article 126(2) (Domestic violence) and other articles mentioned in article 226 of Criminal Procedural Code of Georgia.

Q028 (General Comment): Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

Q028 (2021): PSG comment: PSG is not organized according to the court instances. Its structure is as follows:

☒ District Prosecutor's Offices ☒ Regional Prosecutor's Offices

☒ Tbilisi Prosecutor's Office ☒ Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia

☒ Office of the Prosecutor General.

Each structural body of PSG has prosecutors and management subordinated to the Prosecutor General and other prosecutors in the hierarchy.

Q028-1 (General Comment): Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

Q029 (General Comment): Pursuant to Article 2 (a) of the Law of Georgia on Prosecution Service, the term "prosecutor" also includes PSG interns. Accordingly, those interns are considered as prosecutors, rather than other persons with similar duties.

Q032 (2021): PSG comment: The statistics include PSG investigators, civil servants, and temporary staff.

Republic of Moldova

Q014 (2021): The information is publicly available on the National Bureau of Statistics web page and it can be accessed at the following link:
https://statistica.gov.md/ro/statistic_indicator_details/2

Q017 (General Comment): According with the Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity. So, the cumulative amount of the bonuses granted to a judge or prosecutor during a budgetary year can not exceed the official salary of the judge/prosecutor.

Q019-1 (2021): The discrepancies are not significant.

Q026 (2021): The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant

Q027 (2021): The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant

Q028 (2021): There is no specific record kept according to the EN definition.

Source: General Prosecutor's Office annual activity report available at http://procuratura.md/file/2022-03-21_RAPORT%20de%20activitate%20FINAL.pdf

Q028-1 (General Comment): Number of heads of prosecution offices at supreme court level reflects the number of heads of the of the Prosecutor General Office.

Q028-1 (2021): In row 2 is reflected the number of heads of specialized prosecutor's offices.

In row 3 is reflected the head of the Prosecutor's General Office. Source: General Prosecutor's Office

Ukraine

Q020 (General Comment): In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine "On the Judiciary and the Status of Judges", a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

Q026 (2021): A specialist on legal issues (Rechtspfleger) is not available. Paragraph 2 includes judicial assistants and clerks of the court. Paragraph 3 includes all staff belonging to category B.

Q027 (2021): There was no explanation for the vertical inconsistency.

Q028 (General Comment): Ukrainian legislation does not provide prosecutors at the first instance, second instance, and at the supreme court level. The only separation is for regional, district, specialized anticorruption prosecution offices and prosecutors of the General Prosecutor's Office.

Q033 (General Comment): Only lawyers with attorney's certificate have a right to represent client in a court. To get this certificate a person should have a higher legal education, appropriate experience and pass the exam.

Indicator 2 - Profile of the judiciary

by question No.

Question 14. Average gross annual salary (in €) for the reference year

Question 15. Salaries of judges and public prosecutors on 31 December of the reference year:

Question 16. Do judges and public prosecutors have additional benefits?

Question 17. If “other financial benefit”

Question 18. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Question 19. 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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

Question 19-1. Number of court presidents (professional judges).

Question 20. 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):

Question 21. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

Question 22. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):

Question 23. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

Question 24. Does your judicial system include trial by jury with the participation of citizens?

Question 25. If yes, for which type(s) of case(s)?

Question 26. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)

Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)

Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).

Question 28-1. Number of heads of prosecution offices.

Question 29. In your judicial system, do other persons have similar duties to those of public prosecutors?

Question 30. If yes please provide the number (full-time equivalent)

Question 31. If yes, is their number included in the number of public prosecutors that you have indicated under question 28?

Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).

Question 33. Total number of lawyers practicing in your country:

Question 34. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Question 014

Azerbaijan

(2021): Average Annual gross salary increase is correlated with inflation indexes as well as economy boost (including oil and non-oil sectors).

Georgia

(2021): According officially published information on Geostat.ge - Average monthly salary in 2021 was - 1304.5 Gel. Average gross annual salary (15 654 Gel) is calculated according GEL to Euro exchange rate 3.504 (31.12.21).

Republic of Moldova

(2021): The information is publicly available on the National Bureau of Statistics web page and it can be accessed at the following link:
https://statistica.gov.md/ro/statistic_indicator_details/2

Question 015

Azerbaijan

(2021): By the Decree of the President of the Republic of Azerbaijan of 2021, the social protection of the employees of the prosecutor's office was strengthened, also salaries of all employees were increased.

Georgia

(General Comment): Difference between 2020 and 2021 Annual Salary (Gross and Net) of Judges (First Instance and Supreme Court judges) is resulted from the fact, that in 2020 DATA was mentioned only salary of Judges defined By Law, but there wasn't included Bonuses which are part of Judges salary according to the legislation and are paid to all judges irrespective of their personal circumstances.

PSG Comment: PSG is not organized according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead.

(2021): Difference between 2020 and 2021 Annual Salary (Gross and Net) of Judges (First Instance and Supreme Court judges) is resulted from the fact, that in 2020 DATA was mentioned only salary of Judges defined By Law, but there wasn't included Bonuses which are part of Judges salary according to the legislation and are paid to all judges irrespective of their personal circumstances. PSG Comment: PSG is not organized according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead. Salary was calculated

Question 016

Armenia

(2021): Although, the option "housing" is not selected, it should be noted that a judge or a prosecutor appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place. The additional salary includes supplements and surcharges.

Question 017

Republic of Moldova

(General Comment): According with the Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity. So, the cumulative amount of the bonuses granted to a judge or prosecutor during a budgetary year can not exceed the official salary of the judge/prosecutor.

Question 018

Georgia

(General Comment): The regulations for salary increment of judges of first and second instance courts is further provided by the Rule adopted by the HCJ on 5 February 2018. In line with the rule, judges may be given the a). monthly salary increment b). an (additional) increment taking into consideration the workload of a certain judge (court) or for their function as an internship coordinator of justice listener of the HSJ. As regards the judges of the Supreme Court, articles 18(2-j) and 69 (7) of the LCC prescribe that the Plenum of the Supreme Court is entitled to determine the amount of a salary increment and/or an (additional) increment to all judges of the Supreme Court. It should be emphasized that there are no discretionary payments. None of the judges is given a salary increment on an individual basis

(2021): The regulations for salary increment of judges of first and second instance courts is further provided by the Rule adopted by the HCJ on 5 February 2018. In line with the rule, judges may be given the a). monthly salary increment b). an (additional) increment taking into consideration the workload of a certain judge (court) or for their function as an internship coordinator of justice listener of the HSJ. As regards the judges of the Supreme Court, articles 18(2-j) and 69 (7) of the LCC prescribe that the Plenum of the Supreme Court is entitled to determine the amount of a salary increment and/or an (additional) increment to all judges of the Supreme Court. It should be emphasized that there are no discretionary payments. None of the judges is given a salary increment on an individual basis for fulfilment

Question 019

Azerbaijan

(2021): In 2021, the number of judges increased slightly compared to the previous year, due to changes in the procedure for conducting the examination. Exams had been carried out more intensively and more often. This trend continues currently.

Ensuring gender equality to protect gender equality, leadership, existing gender policy and national and international legislation in this area appropriate measures are being taken. As a result of this measures number of women judges have increased and this tendency continues.

Question 019-1

Azerbaijan

(2021): The decrease in the number of chairmen of courts is concerned with the retirement of many of them.

If last year there were 2 female judges of the chairmen, then in 2021 one of them changed as she was transferred to another court of appeal.

Georgia

(2021): In two District Courts position of Court President is vacant (All Judges in these courts are in probation period, thus they can't be appointed as Court Presidents). In six District Courts position of Court President is vacant, but according the Legislation Judges with the longest experience perform duty of Court

Republic of Moldova

(2021): The discrepancies are not significant.

Question 020

Ukraine

(General Comment): In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

Question 025

Georgia

(2021): The case shall be heard by a jury if the charges are brought under Articles - 108 (Intentional killing) completed and 109 (intentional killing under aggravating circumstances) completed; Article 117(2; 4;6;8) (Intentional infliction of serious harm to health); Article 126(2) (Domestic violence) and other articles mentioned in article 226 of Criminal Procedural Code of Georgia.

Question 026

Armenia

(2021): It should be noted that Judicial department's staff and bailiffs are not considered as non-judge staff who are working in courts, but they assist in the operation of courts. Judicial department's staff- 147, Bailiffs - 744 (641 male, 103 females).

Azerbaijan

(General Comment): The establishment of the new position “assistant to judge”, the increase of the number of IT consultants in courts etc., are among measures aimed at increasing the productivity of judges. This process is on-going and should result in the increase of the number of non-judge staff from 3 to 4 per one

Republic of Moldova

(2021): The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant amount of

Ukraine

(2021): A specialist on legal issues (Rechtspfleger) is not available. Paragraph 2 includes judicial assistants and clerks of the court. Paragraph 3 includes all staff belonging to category B.

Question 027

Republic of Moldova

(2021): The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant amount of

Ukraine

(2021): There was no explanation for the vertical inconsistency.

Question 028

Armenia

(2021): All 398 prosecutors work for full time. In Armenia there is no separation of prosecutors for the first or other instance courts.

Azerbaijan

(General Comment): Prosecutor includes prosecutors, prosecutor's office investigators, prosecutor's office operatives, and prosecutor's office interns. In the context of criminal prosecution, the investigator shall obey the requirements of the law and rely on the prosecutor's instructions and his own conscience in taking the necessary procedural decisions and carrying out the investigation and other procedures. The investigator can examine applications and additional information received concerning offences committed or planned, to instigate proceedings where there are sufficient reasons and grounds, to take charge of the case, to take the necessary steps to detect the offence and investigate the case thoroughly, comprehensively and objectively, and to carry out all the investigative and other procedures within his powers. Operative search activity is carried out by the inquiry authorities as set forth in the criminal procedural legislation of the Republic of Azerbaijan, and for crimes related to corruption by the prosecutor's office specializing in the field of fighting corruption. Examination of mail correspondence, telegraph and other information; taping of telephone conversations by means of connecting to the transmitting equipment of private and legal entities, departments, entities, and organizations providing communication infrastructure, delivering communication services regardless of the forms of ownership; and retrieval of information from technical channels and other technical means shall be implemented by the agents of the prosecutor's office specializing in the field of fighting corruption.

According to Article 5.2 of the Law of the Republic of Azerbaijan "On service in the prosecutor's office", a 6-month internship period is imposed for the persons recruited to the prosecutor's office for the first time.

Georgia

(General Comment): Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

(2021): PSG comment: PSG is not organized according to the court instances. Its structure is as follows:

☒ District Prosecutor's Offices ☒ Regional Prosecutor's Offices

☒ Tbilisi Prosecutor's Office ☒ Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia

☒ Office of the Prosecutor General.

Each structural body of PSG has prosecutors and management subordinated to the Prosecutor General and other prosecutors in the hierarchy.

Republic of Moldova

(2021): There is no specific record kept according to the EN definition.

Source: General Prosecutor's Office annual activity report available at http://procuratura.md/file/2022-03-21_RAPORT%20de%20activitate%20FINAL.pdf

Ukraine

(General Comment): Ukrainian legislation does not provide prosecutors at the first instance, second instance, and at the supreme court level. The only separation is for regional, district, specialized anticorruption prosecution offices and prosecutors of the General Prosecutor's Office.

Question 028-1

Georgia

(General Comment): Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

Republic of Moldova

(General Comment): Number of heads of prosecution offices at supreme court level reflects the number of heads of the of the Prosecutor General Office.

(2021): In row 2 is reflected the number of heads of specialized prosecutor's offices.
In row 3 is reflected the head of the Prosecutor's General Office. Source: General Prosecutor's Office

Question 029

Georgia

(General Comment): Pursuant to Article 2 (a) of the Law of Georgia on Prosecution Service, the term “prosecutor” also includes PSG interns. Accordingly, those interns are considered as prosecutors, rather than other persons with similar duties.

Question 032

Georgia

(2021): PSG comment: The statistics include PSG investigators, civil servants, and temporary staff.

Question 033

Azerbaijan

(2021): In 2017 there has been change to the national legislation where the monopoly of the lawyers over court representation was enshrined, which mean that no one except the members of the Azerbaijani Bar Association may represent a person at the court, except close relatives. However prior that time not only members of the Bar Association, but also person who was not the member to the Association may represent any person at courts by only getting PoA from a person who wants to be represented at the court. Therefore after the changes in the legislation there was a case with the lack of the lawyers. In order to change the situation the Azerbaijani Bar Association begun to hold admission exams on regular basis that led to the rise up in the number of lawyer. This process continues.

Ukraine

(General Comment): Only lawyers with attorney's certificate have a right to represent client in a court. To get this certificate a person should have a higher legal education, appropriate experience and pass the exam.

3. Efficiency - Overview

Performance indicators for first instance Civil (and Commercial) litigious cases

Civil (and commercial) litigious cases from 2018 to 2021 (Table 3.1.4)

Beneficiaries	Clearance Rate (1st instance)		
	2018	2020	2021
Armenia	101%	126%	87%
Azerbaijan	99%	96%	103%
Georgia	91%	87%	91%
Republic of Moldova	104%	97%	100%
Ukraine	97%	98%	93%
EaP Average	98%	101%	95%

For reference only: the 2021 EU median for the Clearance Rate for the first instance Civil (and commercial) litigious cases is 100%.

Beneficiaries	Disposition Time (1st instance)		
	2018	2020	2021
Armenia	194	126	172
Azerbaijan	51	88	52
Georgia	274	433	326
Republic of Moldova	143	171	144
Ukraine	129	122	165
EaP Average	158	188	172

For reference only: the 2021 EU median for the Disposition Time for the first instance Civil (and commercial) litigious cases is 234 days.

Figure 3.1 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases from 2018 to 2021

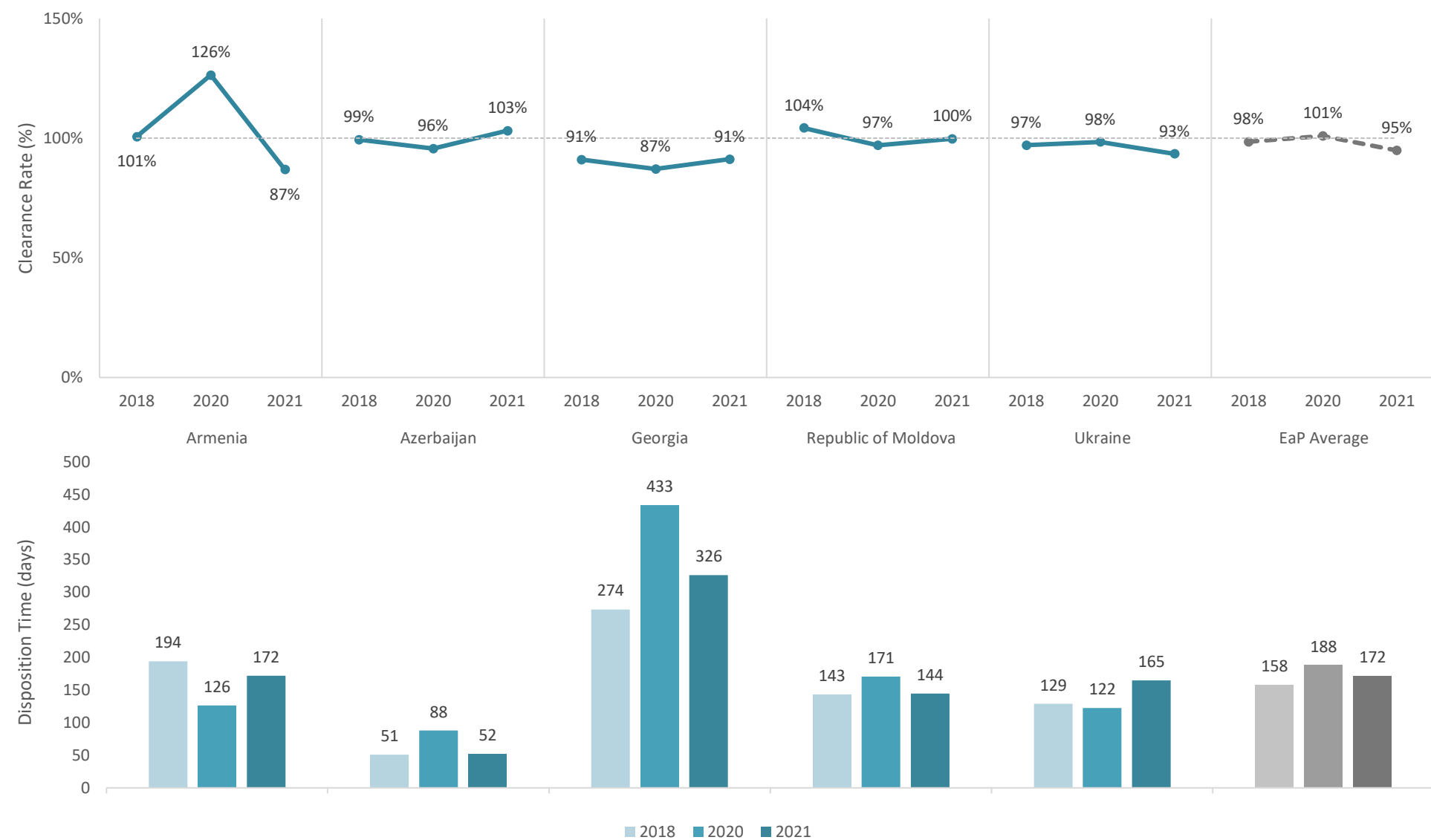
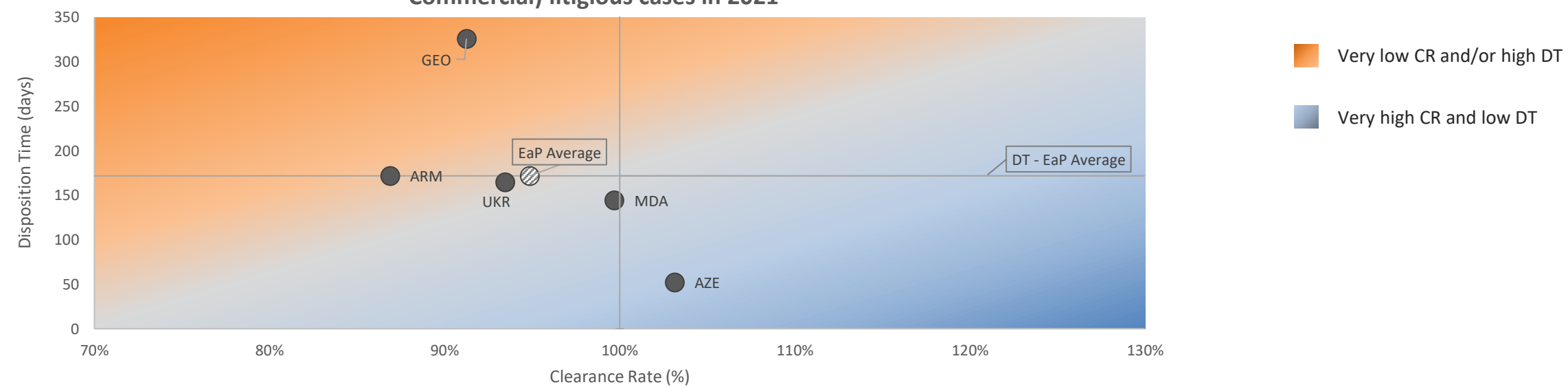


Figure 3.2 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases in 2021



Performance indicators for first instance Administrative cases

First instance Administrative cases from 2018 to 2021 (Table 3.1.4)

Beneficiaries	Clearance Rate (1st instance)		
	2018	2020	2021
Armenia	118%	87%	95%
Azerbaijan	98%	91%	87%
Georgia	94%	75%	83%
Republic of Moldova	106%	95%	98%
Ukraine	101%	81%	NA
EaP Average	103%	86%	91%

For reference only: the 2021 EU median for the Clearance Rate for the first instance Administrative cases is 102%.

Beneficiaries	Disposition Time (1st instance)		
	2018	2020	2021
Armenia	119	237	199
Azerbaijan	76	180	181
Georgia	185	440	463
Republic of Moldova	205	358	268
Ukraine	122	204	NA
EaP Average	142	283	278

For reference only: the 2021 EU median for the Disposition Time for the first instance Administrative cases is 296 days.

Figure 3.3 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases from 2018 to 2021

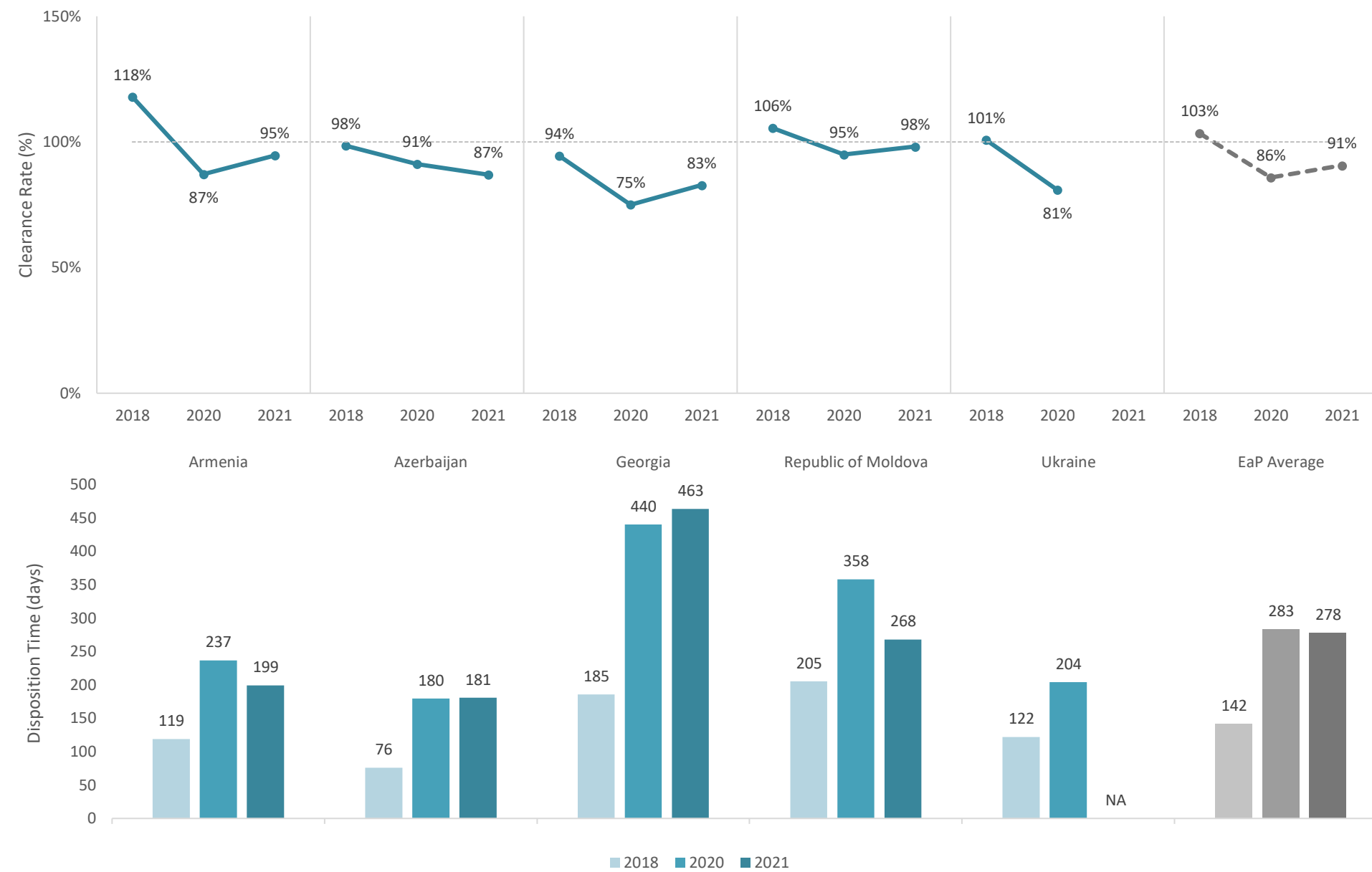
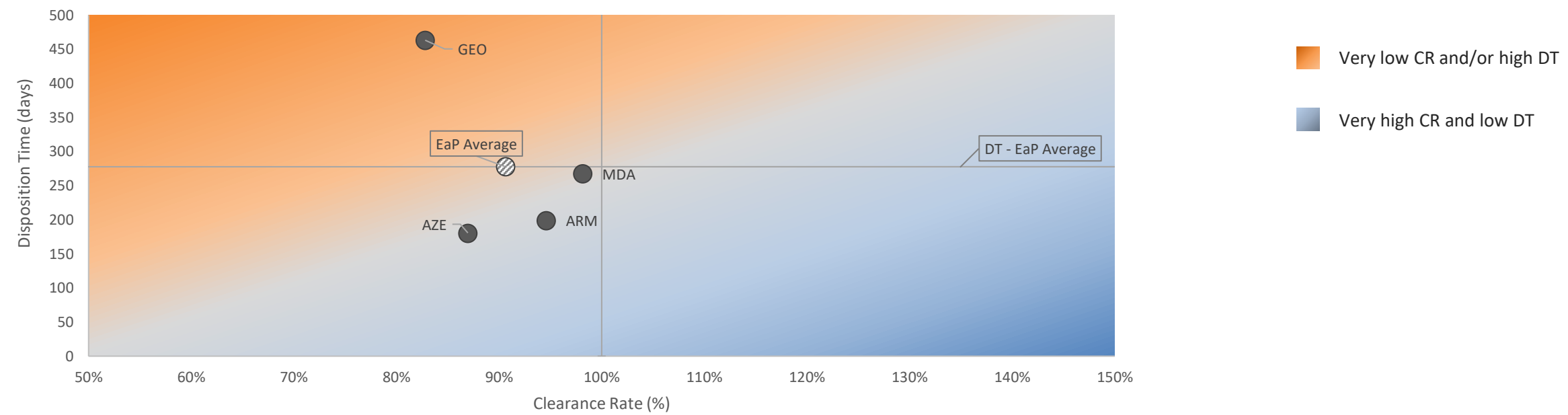


Figure 3.4 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases in 2021



Performance indicators for first instance Total Criminal cases

First instance Total Criminal cases between 2018 and 2021 (Table 3.2.4)

Beneficiaries	Clearance Rate (1st instance)		
	2018	2020	2021
Armenia	104%	73%	74%
Azerbaijan	101%	86%	102%
Georgia	101%	91%	92%
Republic of Moldova	98%	91%	96%
Ukraine	85%	93%	100%
EaP Average	98%	87%	93%

For reference only: the 2021 EU median for the Clearance Rate for the first instance Total Criminal cases is 100%.

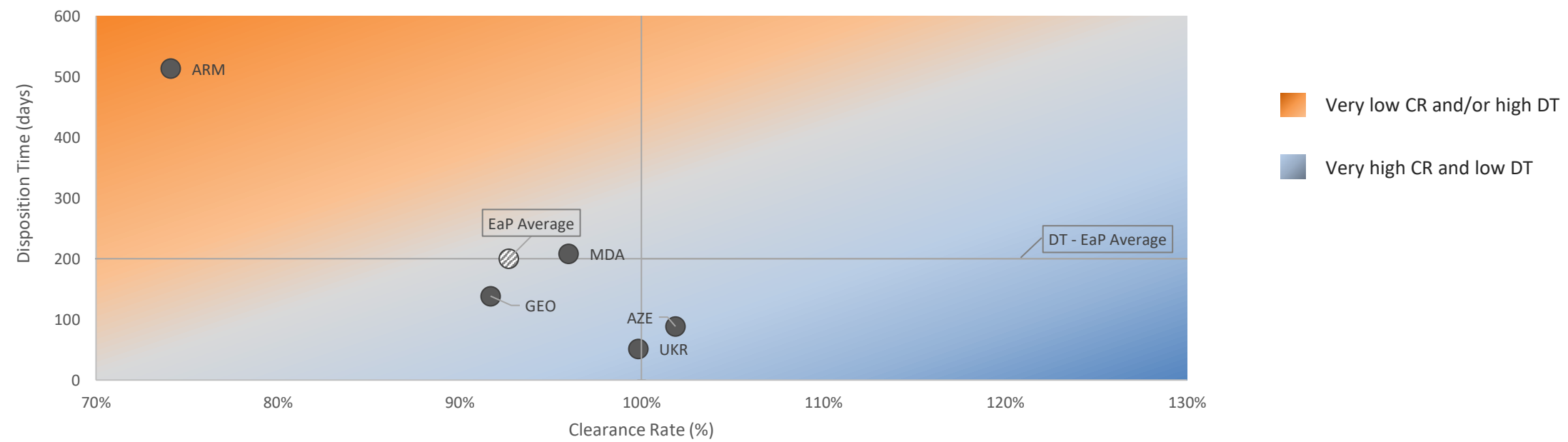
Beneficiaries	Disposition Time (1st instance)		
	2018	2020	2021
Armenia	216	488	514
Azerbaijan	73	144	88
Georgia	64	126	138
Republic of Moldova	171	242	208
Ukraine	271	298	52
EaP Average	159	260	200

For reference only: the 2021 EU median for the Disposition Time for the first instance Total Criminal cases is 134 days.

Figure 3.5 Clearance Rate (%) and Disposition Time (days) for first instance Total Criminal cases from 2018 to 2021



Figure 3.6 Clearance Rate (%) and Disposition Time (days) for first instance Total Criminal cases in 2021



Number of first instance cases per 100 inhabitants

Number of first instance per 100 inhabitants and variation between 2018 and 2021 (Tables 3.1.2 and 3.2.2)

	Civil and Commercial litigious cases per 100 inhabitants					
	2021			% variation 2018-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	5,54	4,82	2,27	94,7% ▲	68,1% ▲	48,6% ▲
Azerbaijan	1,90	1,96	0,28	-18,5% ▼	-15,5% ▼	-13,5% ▼
Georgia	2,19	2,00	1,78	13,0% ▲	13,2% ▲	34,8% ▲
Republic of Moldova	3,78	3,77	1,49	60,6% ▲	53,6% ▲	55,2% ▲
Ukraine	1,93	1,80	0,81	15,5% ▲	11,2% ▲	42,2% ▲
EaP Average	3,07	2,87	1,33	33,0%	26,1%	33,5%

For reference only: the 2021 EU median is 1,76 incoming first instance Civil and commercial litigious cases per 100 inhabitants.

	Administrative cases per 100 inhabitants					
	2021			% variation 2018-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,52	0,49	0,27	11,0% ▲	-11,0% ▼	48,9% ▲
Azerbaijan	0,18	0,15	0,08	0,0% ▲	-11,7% ▼	109,9% ▲
Georgia	0,34	0,28	0,36	4,7% ▲	-8,2% ▼	129,5% ▲
Republic of Moldova	0,18	0,18	0,13	-2,7% ▼	-9,5% ▼	18,0% ▲
Ukraine	NA	NA	NA	NA	NA	NA
EaP Average	0,31	0,28	0,21	3,3%	-10,1%	76,6%

For reference only: the 2021 EU median is 0,35 incoming first instance Administrative cases per 100 inhabitants.

	Total Criminal cases per 100 inhabitants					
	2021			% variation 2018-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,16	0,12	0,16	57,7% ▲	12,0% ▲	166,8% ▲
Azerbaijan	0,16	0,16	0,04	24,7% ▲	25,9% ▲	53,2% ▲
Georgia	0,44	0,41	0,15	12,0% ▲	1,5% ▲	120,3% ▲
Republic of Moldova	1,44	1,39	0,79	-1,6% ▼	-3,8% ▼	17,1% ▲
Ukraine	2,31	2,31	0,33	640,6% ▲	769,9% ▲	65,9% ▲
EaP Average	0,90	0,87	0,29	146,7%	161,1%	84,7%

For reference only: the 2021 EU median is 1,58 incoming first instance Total Criminal cases per 100 inhabitants.

Figure 3.7 Number of first instance Civil and Commercial litigious cases per 100 inhabitants and Clearance Rate (CR) in 2021

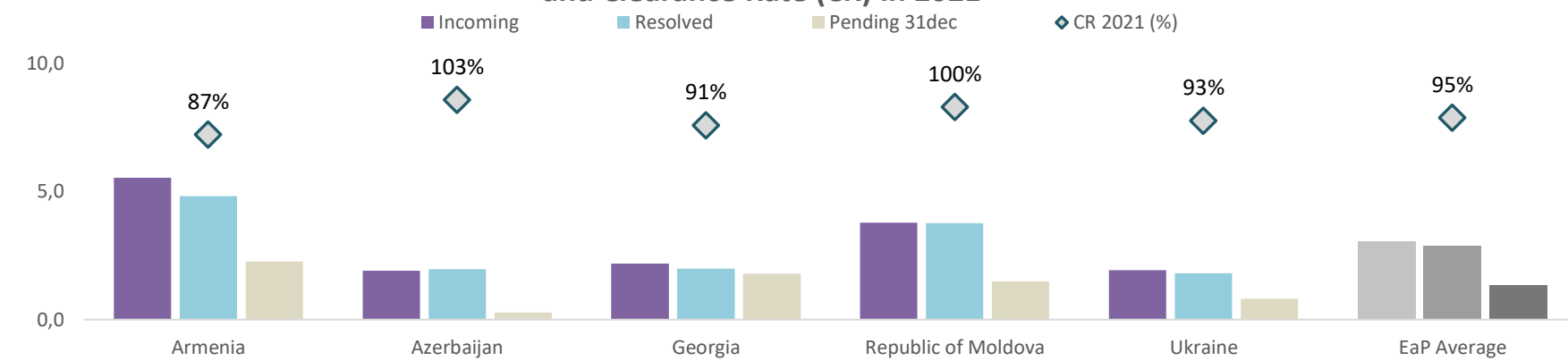


Figure 3.8 Number of first instance Administrative cases per 100 inhabitants and Clearance Rate (CR) in 2021

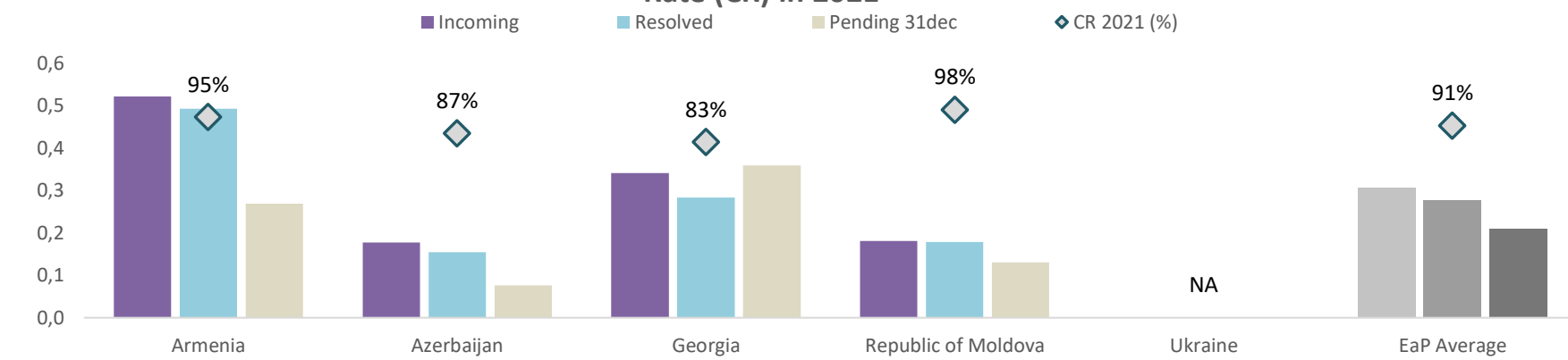
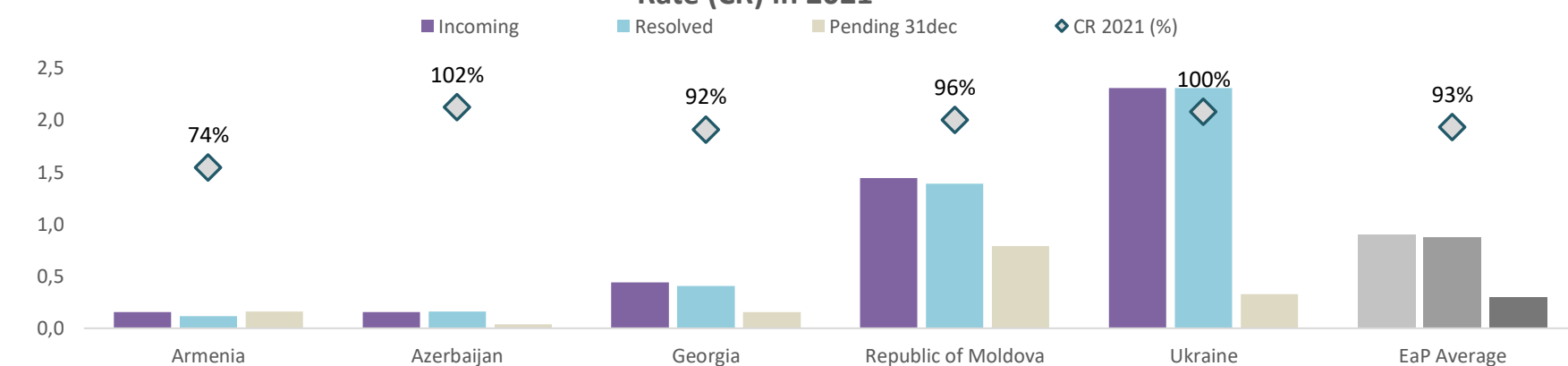


Figure 3.9 Number of first instance Total Criminal cases per 100 inhabitants and Clearance Rate (CR) in 2021



Number of second instance cases per 100 inhabitants

Number of second instance per 100 inhabitants and variation between 2018 and 2021 (Tables 3.3.2 and 3.4.2)

	Civil and Commercial litigious cases					
	2021			% variation 2018-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,23	0,23	0,03	58,9% ▲	57,7% ▲	7,8% ▲
Azerbaijan	0,25	0,27	0,04	-18,8% ▼	-9,7% ▼	-33,9% ▼
Georgia	0,12	0,13	0,06	-30,8% ▼	-25,6% ▼	-5,5% ▼
Republic of Moldova	0,48	0,46	0,13	12,3% ▲	1,3% ▲	47,6% ▲
Ukraine	0,28	0,27	0,08	7,3% ▲	21,4% ▲	-9,1% ▼
EaP Average	0,27	0,27	0,07	5,8%	9,0%	1,4%

For reference only: the 2021 EU median is 0,17 incoming second instance Civil and commercial litigious cases per 100 inhabitants.

	Administrative cases					
	2021			% variation 2018-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,16	0,15	0,12	20,5% ▲	18,4% ▲	13,4% ▲
Azerbaijan	0,05	0,05	0,01	-17,2% ▼	-14,5% ▼	43,8% ▲
Georgia	0,09	0,10	0,04	-14,8% ▼	-5,1% ▼	-12,9% ▼
Republic of Moldova	0,13	0,12	0,05	-4,0% ▼	-13,2% ▼	71,6% ▲
Ukraine	NA	NA	NA	NA	NA	NA
EaP Average	0,11	0,10	0,05	-3,9%	-3,6%	29,0%

For reference only: the 2021 EU median is 0,06 incoming second instance Administrative cases per 100 inhabitants.

	Total Criminal cases					
	2021			% variation 2018-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,15	0,15	0,02	NA	NA	NA
Azerbaijan	0,05	0,05	0,01	-14,4% ▼	-6,4% ▼	39,3% ▲
Georgia	0,08	0,08	0,02	22,1% ▲	29,9% ▲	11,3% ▲
Republic of Moldova	0,55	0,47	0,21	14,3% ▲	-1,3% ▼	152,3% ▲
Ukraine	0,58	0,57	0,03	674,4% ▲	981,4% ▲	-18,9% ▼
EaP Average	0,28	0,26	0,06	174,1%	250,9%	46,0%

For reference only: the 2021 EU median is 0,15 incoming second instance Total Criminal cases per 100 inhabitants.

Figure 3.10 Number of second instance Civil and Commercial litigious cases per 100 inhabitants and Clearance Rate (CR) in 2021

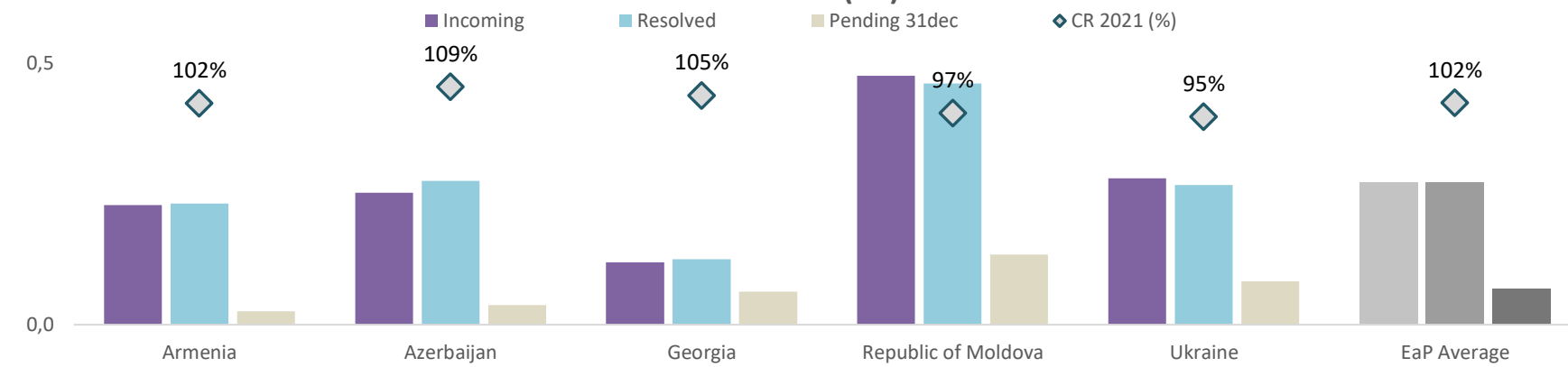


Figure 3.11 Number of second instance Administrative cases per 100 inhabitants and Clearance Rate (CR) in 2021

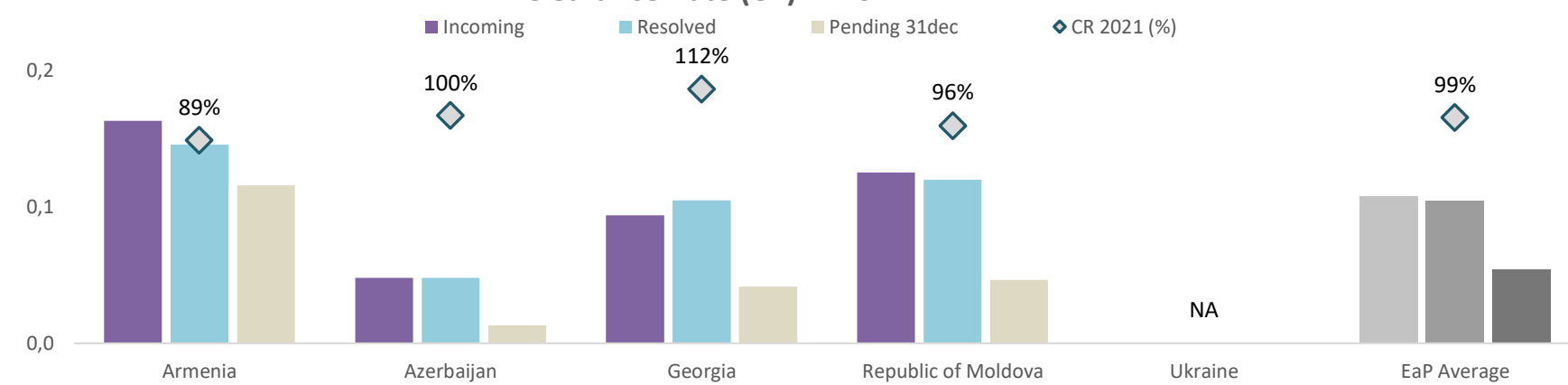
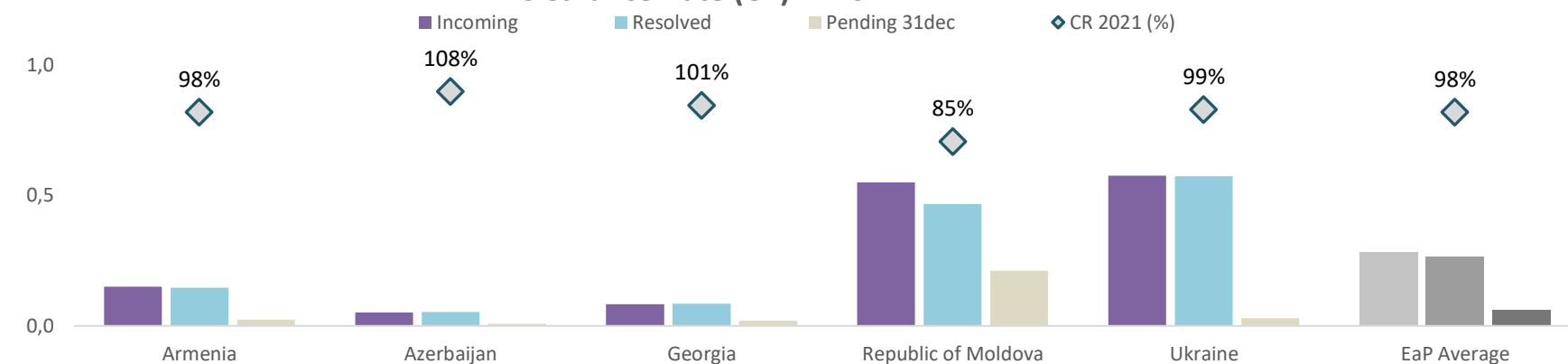


Figure 3.12 Number of second instance Total Criminal cases per 100 inhabitants and Clearance Rate (CR) in 2021



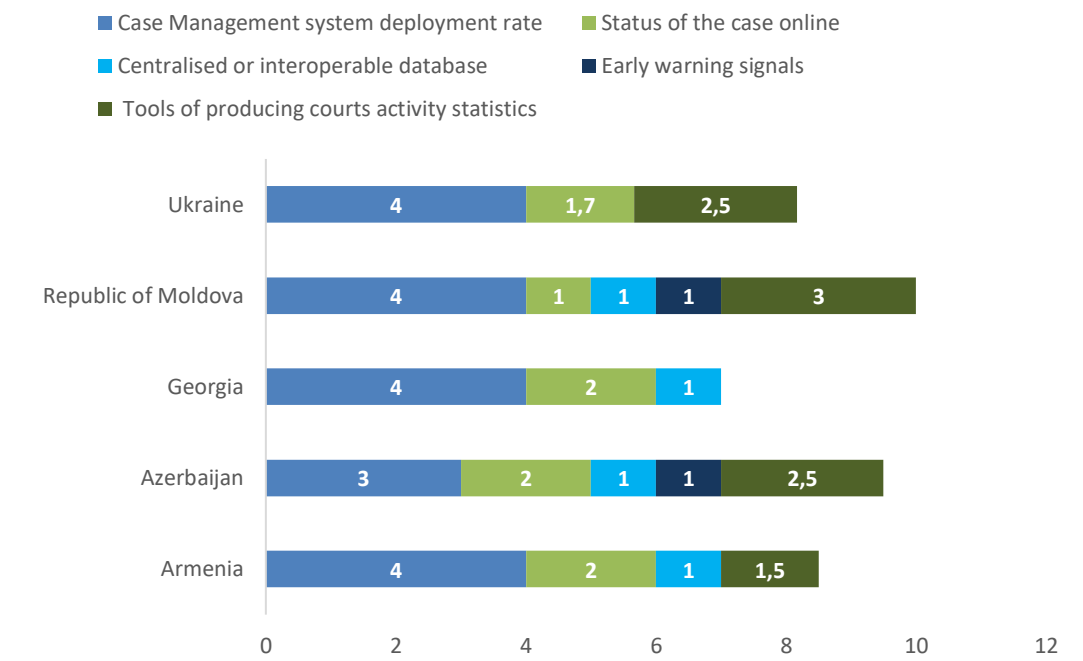
CMS index

Table 3.8.2

The Case Management System (CMS) Index is an index ranging from 0 to 12 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarised while the deployment rate is multiplied as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included. This methodology provides an adequate evaluation.

	Case Management system deployment rate	Status of the case online	Centralised or interoperable database	Early warning signals	Tools of producing courts activity statistics	Total (12 max)
	(4 max)	(3 max)	(1 max)	(1 max)	(3 max)	
Armenia	4	2	1	0	1,5	8,5
Azerbaijan	3	2	1	1	2,5	9,5
Georgia	4	2	1	0	0	7
Republic of Moldova	4	1	1	1	3	10
Ukraine	4	1,7	0	0	2,5	8,2

Figure 3.13 CMS Index and composition in 2021 (maximum possible value: 12)



■ Beneficiary's CMS Index
 ▨ Maximum attainable score

Figure 3.14 CMS index for each beneficiary and the maximum attainable score in 2021



3. Efficiency - List of tables

Table 3.0.0 Case categories included in Civil (and commercial) non-litigious cases and in other cases in the Other than criminal cases in 2021 (Q36 and Q37)

3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2021 (Q35)

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2021 (Q1 and Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2020 and 2021 (Q35)

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q35)

Table 3.1.5 First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q35)

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2021 (Q38)

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2021 (Q1 and Q38)

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2020 and 2021 (Q38)

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q38)

Table 3.2.5 First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q38)

3. Efficiency - List of tables

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts Number of other than criminal cases in 2021 (Q39)

Table 3.3.2 Second instance courts Number of other than criminal cases per 100 inhabitants in 2021 (Q1 and Q39)

Table 3.3.3 Second instance courts percentage variation of the number of other than criminal cases between 2020 and 2021 (Q39)

Table 3.3.4 Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q39)

Table 3.3.5 Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q39)

3.4 Second instance criminal cases

Table 3.4.1 Second instance courts Number of criminal cases in 2021 (Q40)

Table 3.4.2 Second instance courts Number of Criminal cases per 100 inhabitants in 2021 (Q1 and Q40)

Table 3.4.3 Second instance courts percentage variation in number of criminal cases between 2020 and 2021 (Q40)

Table 3.4.4 Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2021 (Q40)

Table 3.4.5 Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q40)

3. Efficiency - List of tables

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2021 (Q41)

Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2021 (Q41)

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2021 (Q41)

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2021 (Q41)

Table 3.5.5 Civil and commercial litigious cases and Litigious divorce cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Table 3.5.6 Employment dismissal cases and Insolvency cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Table 3.5.7 Robbery cases and Intentional homicide cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Table 3.5.8 Bribery and Trading in influence cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

3. Efficiency - List of tables

3.6 Public prosecution

Table 3.6.1 Role and powers of the public prosecutor in the criminal procedure in 2021 (Q41-1)

Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2021 (Q41-2)

Table 3.6.3: Public prosecution: Total number of first instance criminal cases in 2021 (Q41-3, Q41-5)

Table 3.6.4: Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2021 (Q41-3)

Table 3.6.5: Public prosecution: Distribution of different categories of processed cases within all processed cases in 2021 (Q41-3)

Table 3.6.6 Number of cases concluded with the guilty plea procedure in 2021 (Q41-4)

3. Efficiency - List of tables

3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2021 (Q42 and Q43)

Table 3.7.2 Regular monitoring of courts' activities (performance and quality at court's level) in 2021 (Q58)

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality at prosecution service's level) in 2021 (Q59)

Table 3.7.4 Evaluation of the performance at court level in 2021 (Q48, Q49, Q50, Q51 and Q56)

Table 3.7.5 Evaluation of performance at public prosecution services level in 2021 (Q52, Q53, Q54, Q55 and Q57)

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2021 (Q60 and Q61)

Table 3.7.7 Possibility for courts and lawyers 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) in 2021 (Q61-1)

Table 3.7.8 Information regarding courts' activity in 2021 (Q62, Q63, Q66, Q67 and Q68)

Table 3.7.9 Information regarding public prosecution services' activity in 2021 (Q64, Q65, Q69, Q70 and Q71)

Table 3.7.10 Performance and evaluation of judges in 2021 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Table 3.7.11 Performance and evaluation of public prosecutors in 2021 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

3. Efficiency - List of tables

3.8 IT, Electronic case management system and court activity statistics

Table 3.8.1 IT Strategy and Case management system in 2021 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.8.2 CMS Index in 2021 (Q83)

Table 3.8.3 Centralised national database of court decisions in 2021 (Q84, Q85)

Table 3.0.0 Case categories included in Civil (and commercial) non-litigious cases and in other cases in the Other than criminal cases in 2021 (Q36 and Q37)

Beneficiaries	Case categories included in Civil (and commercial) non-litigious cases and in other cases in the Other than criminal cases in 2021	
	Case categories included in "civil (and commercial) non-litigious cases"	Case categories included in the category "other cases" in Other than criminal cases
Armenia	Regarding the case categories, which are included in civil (and commercial) non litigious cases, according to the statistics provided by the Judicial department the following cases are included: statement for recognition of sui juris (emancipated), cases on declaring a citizens having no active legal capacity or limiting the active legal capacity of a citizen, cases on involuntary hospitalization of the citizen in the psychiatric organization, cases on recognition of the citizen as missing or dead, cases on finding out the inaccuracies in the records of civil acts, cases on considering property as owner less, cases on conconfirmation of the facts having legal value, cases on recovery of the rights on the lost bearer securities or order securities, cases on review of court act as a result of the settlement agreement of the parties, cases on approval of the settlement agreement concluded out of court with the participation of a licensed mediator.	-
Azerbaijan	No comment	No comment
Georgia	NAP	NAP
Republic of Moldova	<ul style="list-style-type: none"> -derived from an authenticated legal act -resulted from a legal act concluded through a simple document, if the law does not stipulate other method -based on a bill protest regarding non-payment, non-acceptance of the acceptance bill, authenticated by a notary -Taking into account the child support of the minor that does not require the establishment of paternity, the challenge of paternity(maternity) or the attraction of other interested persons -Following salary or other entitlements calculated but not paid to the employee -Submitted by the police, the fiscal body, or the enforcement body of the court proceedings, in order to recover the costs of seeking the defendant or the debtor or his property or the child taken from the debt or by virtue of a court decision, as well as the cost of keeping the property seized by to the debtor and to the property of the debtor who was evicted from house. -resulted from purchase of goods in credit -resulted failure to return the books borrowed from the library; -resulted from economic agent's failure to pay the Social Fund debt -resulted from tax arrears or state social insurance -following the forfeiture and forced sale of the pledge object(movable or immovable property) -other cases 	cases for review in civil, commercial, bankruptcy proceedings

<p>Ukraine</p>	<p>Civil proceedings:</p> <p>1. Cases of special proceedings on:</p> <ul style="list-style-type: none"> - restriction of civil legal capacity of an individual, recognition of an individual as incapacitated and restoration of civil legal capacity of an individual; - restriction of an individual in visiting gambling establishments and participation in gambling; - granting full civil capacity to a minor; - recognition of an individual as missing person or declaring him/her dead; - adoption; - establishment of facts of legal significance; - restoration of rights to lost securities to bearer and promissory notes; - transfer of an ownerless immovable property to communal ownership; - recognition of inheritance from the deceased; - compulsory provision of psychiatric care to a person; - forced hospitalization to a tuberculosis institution; - granting the right to marriage; divorce at the request of a spouse who has children, at the request of either spouse, if one of them is sentenced to imprisonment; establishing a separate residence regime at the request of the spouses and other cases in accordance with the law. <p>2. Cases of writ proceedings on:</p> <ul style="list-style-type: none"> - recovery of accrued but unpaid wages and average earnings for the period of delay in payment; - compensation for the costs of searching for the defendant, the debtor, the child or the debtor's vehicles - recovery of debts for housing and communal services, electronic communication services, television and radio broadcasting services, taking into account the inflation index and 3 percent per annum accrued by the applicant on the amount of the debt; - recovery of alimony in the amount of one quarter for one child, one third for two children, and half of the alimony payer's earnings (income) for three or more children, but not more than ten subsistence minimums for a child of the corresponding per each child, unless this requirement is related to the establishment or contestation of paternity (maternity) and the need to involve other interested persons; - recovery of alimony for a child in a fixed sum of money in the amount of 50 percent of the subsistence minimum for a child of the corresponding age, if this requirement is not related to the establishment or contestation of paternity (maternity) and the need to involve other interested parties; - refund of the cost of goods of inadequate quality, if there is a court decision, which has entered into force, establishing the fact of the sale of goods of inadequate quality, adopted in favor of an indefinite number of consumers; - debt collection under an agreement (other than on the provision of housing and communal services, electronic communication services, television and radio broadcasting services) concluded in writing (including electronic), if the amount of the claim does not exceed one hundred subsistence minimums for able-bodied persons. <p>Commercial proceedings:</p> <p>Cases of writ proceedings on:</p> <ul style="list-style-type: none"> - collection of monetary debt under an agreement concluded in writing (including electronic), if the amount of the claim does not exceed one hundred subsistence minimums for able-bodied persons debt collection arises on the basis of a written agreement (as of December 2021, the amount is UAH 248 100, EUR 8 023). 	<p>"Other cases" includes cases on administrative offenses as a separate type of cases in accordance with the procedural legislation of Ukraine. An administrative offense (misdemeanor) is an unlawful, culpable (intentional or negligent) action or inaction that infringes on public order, property, rights and freedoms of citizens, on the established order of governance and for which the law provides for administrative liability.</p> <p>Administrative liability for offenses provided for by the Code of Ukraine on Administrative Offenses occurs if these violations by their nature do not entail criminal liability in accordance with the law.</p> <p>Examples of administrative offenses are: violation of labor legislation and labor protection requirements; violation of driving rules, rules for the use of seat belts or helmets; violation of animal quarantine rules and other veterinary and sanitary requirements; violation of trade and service provision rules; violation of the procedure for termination of legal or entrepreneurial activity by an individual entrepreneur, etc</p>
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3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2021 (Q35)

Beneficiaries	First instance courts: number of other than criminal cases in 2021																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	45 583	164 187	142 649	67 121	NA	NA	NA	NA	NA	NA	7 129	15 431	14 599	7 961	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	39 866	210 369	214 049	36 186	552	34 474	192 398	198 421	28 451	517	NAP	NAP	NAP	NAP	NAP	5 392	17 971	15 628	7 735	35	NAP	NAP	NAP	NAP	NAP
Georgia	71 996	118 226	108 720	81 502	28 287	58 740	80 790	73 714	65 816	23 976	2 188	6 378	6 114	2 452	181	11 068	12 596	10 430	13 234	3 555	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	47 065	117 692	118 259	46 498	4 939	38 516	98 470	98 153	38 833	4 594	5 064	14 297	15 265	4 096	0	3 314	4 725	4 637	3 402	345	171	200	204	167	0
Ukraine	NA	NA	NA	NA	NA	281 825	791 899	739 990	333 734	NA	29 306	520 169	511 119	38 356	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	52 976	148 762	147 009	54 729	11 259	91 828	265 549	250 585	106 791	9 696	12 186	180 281	177 499	14 968	-	6 726	12 681	11 324	8 083	1 312	-	-	-	-	-
Median	47 065	118 226	118 259	46 498	4 939	45 583	164 187	142 649	65 816	4 594	5 064	14 297	15 265	4 096	-	6 261	14 014	12 515	7 848	345	-	-	-	-	-
Minimum	39 866	117 692	108 720	36 186	552	34 474	80 790	73 714	28 451	517	2 188	6 378	6 114	2 452	-	3 314	4 725	4 637	3 402	35	-	-	-	-	-
Maximum	71 996	210 369	214 049	81 502	28 287	281 825	791 899	739 990	333 734	23 976	29 306	520 169	511 119	38 356	-	11 068	17 971	15 628	13 234	3 555	-	-	-	-	-

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2021 (Q1 and Q35)

Beneficiaries	First instance courts: number of other than criminal cases per 100 inhabitants in 2021																								
	Total of other than criminal cases (1+2+3+4)					1.Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	1,54	5,54	4,82	2,27	NA	NA	NA	NA	NA	NA	0,24	0,52	0,49	0,27	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	0,39	2,08	2,12	0,36	0,01	0,34	1,90	1,96	0,28	0,01	NAP	NAP	NAP	NAP	NAP	0,05	0,18	0,15	0,08	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	1,95	3,21	2,95	2,21	0,77	1,59	2,19	2,00	1,78	0,65	0,06	0,17	0,17	0,07	0,00	0,30	0,34	0,28	0,36	0,10	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	1,81	4,52	4,54	1,79	0,19	1,48	3,78	3,77	1,49	0,18	0,19	0,55	0,59	0,16	0,00	0,13	0,18	0,18	0,13	0,01	0,01	0,01	0,01	0,01	0,00
Ukraine	NA	NA	NA	NA	NA	0,69	1,93	1,80	0,81	NA	0,07	1,27	1,25	0,09	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	1,38	3,27	3,20	1,45	0,32	1,13	3,07	2,87	1,33	0,28	0,11	0,66	0,67	0,11	-	0,18	0,31	0,28	0,21	0,04	-	-	-	-	-
Median	1,81	3,21	2,95	1,79	0,19	1,48	2,19	2,00	1,49	0,18	0,07	0,55	0,59	0,09	-	0,18	0,26	0,23	0,20	0,01	-	-	-	-	-
Minimum	0,39	2,08	2,12	0,36	0,01	0,34	1,90	1,80	0,28	0,01	0,06	0,17	0,17	0,07	-	0,05	0,18	0,15	0,08	0,00	-	-	-	-	-
Maximum	1,95	4,52	4,54	2,21	0,77	1,59	5,54	4,82	2,27	0,65	0,19	1,27	1,25	0,16	-	0,30	0,52	0,49	0,36	0,10	-	-	-	-	-

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2020 and 2021 (Q35)

Beneficiaries	First instance courts: percentage variation of number of other than criminal cases between 2020 and 2021																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	-38%	57%	8%	47%	NA	NA	NA	NA	NA	NA	29%	22%	33%	12%	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	24%	30%	39%	-9%	-28%	23%	28%	38%	-17%	-29%	NAP	NAP	NAP	NAP	NAP	25%	50%	43%	43%	-10%	NAP	NAP	NAP	NAP	NAP
Georgia	16%	26%	31%	12%	79%	13%	40%	47%	11%	58%	16%	40%	45%	11%	81%	38%	2%	13%	19%	642%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	1%	17%	18%	-1%	-5%	29%	40%	43%	21%	78%	-1%	26%	25%	-1%	-	-9%	14%	18%	-12%	-24%	-98%	-99%	-99%	-98%	-100%
Ukraine	NA	NA	NA	NA	NA	10%	-4%	-8%	23%	NA	136%	122%	124%	109%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	14%	24%	29%	1%	16%	7%	32%	26%	17%	36%	50%	63%	64%	40%	-	21%	22%	26%	16%	203%	-	-	-	-	-
Median	16%	26%	31%	-1%	-5%	13%	40%	38%	21%	58%	16%	40%	45%	11%	-	27%	18%	25%	15%	-10%	-	-	-	-	-
Minimum	1%	17%	18%	-9%	-28%	-38%	-4%	-8%	-17%	-29%	-1%	26%	25%	-1%	-	-9%	2%	13%	-12%	-24%	-	-	-	-	-
Maximum	24%	30%	39%	12%	79%	29%	57%	47%	47%	78%	136%	122%	124%	109%	-	38%	50%	43%	43%	642%	-	-	-	-	-

Lowest value  Highest value

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q35)

Beneficiaries	First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021														
	Total of other than criminal cases (1+2+3 +4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	NA	NA	NA	87%	172	NA	NA	NA	NA	95%	199	NA	NAP	NAP	NAP
Azerbaijan	102%	62	2%	103%	52	2%	NAP	NAP	NAP	87%	181	0%	NAP	NAP	NAP
Georgia	92%	274	35%	91%	326	36%	96%	146	7%	83%	463	27%	NAP	NAP	NAP
Republic of Moldova	100%	144	11%	100%	144	12%	107%	98	0%	98%	268	10%	102%	299	0%
Ukraine	NA	NA	NA	93%	165	NA	98%	27	NA	NA	NA	NA	NA	NA	NA
Average	98%	160	16%	95%	172	17%	100%	91 -		91%	278	12% -	-		-
Median	100%	144	11%	93%	165	12%	98%	98 -		91%	233	10% -	-		-
Minimum	92%	62	2%	87%	52	2%	96%	27 -		83%	181	0% -	-		-
Maximum	102%	274	35%	103%	326	36%	107%	146 -		98%	463	27% -	-		-

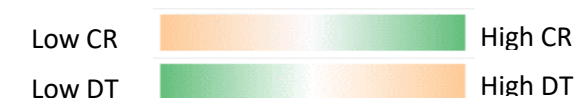


Table 3.1.5 First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q35)

Beneficiaries	First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	NA	NA	NA	-39,5	36,3%	NA	NA	NA	NA	7,5	-15,9%	NA	NAP	NAP	NAP
Azerbaijan	6,4	-34,5%	-0,4	7,5	-40,3%	-0,3	NAP	NAP	NAP	-4,2	0,6%	-0,3	NAP	NAP	NAP
Georgia	3,4	-14,3%	13,1	4,1	-24,8%	10,9	2,8	-23,2%	2,8	7,8	5,3%	22,6	NAP	NAP	NAP
Republic of Moldova	0,9	-16,0%	-0,5	2,7	-15,5%	3,8	-1,6	-20,6%	0,0	3,1	-25,1%	-1,6	-4,7	85,5%	-31,8
Ukraine	NA	NA	NA	-5,0	34,8%	NA	0,8	-6,5%	NA	NA	NA	NA	NA	NA	NA
Average	3,6	-21,6%	4,1	-6,0	-1,9%	4,8	0,7	-16,8%	-	3,6	-8,8%	6,9	-	-	-
Median	3,4	-16,0%	-0,4	2,7	-15,5%	3,8	0,8	-20,6%	-	5,3	-7,6%	-0,3	-	-	-
Minimum	0,9	-34,5%	-0,5	-39,5	-40,3%	-0,3	-1,6	-23,2%	-	-4,2	-25,1%	-1,6	-	-	-
Maximum	6,4	-14,3%	13,1	7,5	36,3%	10,9	2,8	-6,5%	-	7,8	5,3%	22,6	-	-	-

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2021 (Q38)

Beneficiaries	First instance courts: number of Criminal cases in 2021																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	3 628	4 628	3 430	4 826	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	4 205	15 836	16 131	3 910	170	1 008	2 984	2 810	1 182	57	3 197	12 852	13 321	2 728	113	NAP	NAP	NAP	NAP	NAP
Georgia	4 316	16 309	14 955	5 670	452	1 637	6 121	5 378	2 380	236	2 679	28 650	28 039	3 290	216	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	19 073	37 618	36 111	20 580	2 717	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	131 965	947 148	945 395	133 718	10 479	50 572	35 003	32 122	53 453	NA	17 950	50 189	50 637	17 502	NA	63 443	861 956	862 636	62 763	NA
Average	32 637	204 308	203 204	33 741	3 455	17 739	14 703	13 437	19 005	-	7 942	30 564	30 666	7 840	-	-	-	-	-	-
Median	4 316	16 309	16 131	5 670	1 585	1 637	6 121	5 378	2 380	-	3 197	28 650	28 039	3 290	-	-	-	-	-	-
Minimum	3 628	4 628	3 430	3 910	170	1 008	2 984	2 810	1 182	-	2 679	12 852	13 321	2 728	-	-	-	-	-	-
Maximum	131 965	947 148	945 395	133 718	10 479	50 572	35 003	32 122	53 453	-	17 950	50 189	50 637	17 502	-	-	-	-	-	-

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2021 (Q1 and Q38)

Beneficiaries	First instance courts: number of Criminal cases per 100 inhabitants in 2021																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	0,12	0,16	0,12	0,16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0,04	0,16	0,16	0,04	0,00	0,01	0,03	0,03	0,01	0,00	0,03	0,13	0,13	0,03	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,12	0,44	0,41	0,15	0,01	0,04	0,17	0,15	0,06	0,01	0,07	0,78	0,76	0,09	0,01	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,73	1,44	1,39	0,79	0,10	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,32	2,31	2,31	0,33	0,03	0,12	0,09	0,08	0,13	NA	0,04	0,12	0,12	0,04	NA	0,15	2,10	2,10	0,15	NA
Average	0,27	0,90	0,87	0,29	0,04	0,06	0,09	0,08	0,07	-	0,05	0,34	0,34	0,05	-	-	-	-	-	-
Median	0,12	0,44	0,41	0,16	0,02	0,04	0,09	0,08	0,06	-	0,04	0,13	0,13	0,04	-	-	-	-	-	-
Minimum	0,04	0,16	0,12	0,04	0,00	0,01	0,03	0,03	0,01	-	0,03	0,12	0,12	0,03	-	-	-	-	-	-
Maximum	0,73	2,31	2,31	0,79	0,10	0,12	0,17	0,15	0,13	-	0,07	0,78	0,76	0,09	-	-	-	-	-	-

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2020 and 2021 (Q38)

Beneficiaries	First instance courts: percentage variation of the number of criminal cases between 2020 and 2021																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	40%	24%	26%	33%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	71%	28%	51%	-7%	-8%	92%	43%	76%	17%	-10%	66%	24%	47%	-15%	-7%	NAP	NAP	NAP	NAP	NAP
Georgia	38%	19%	20%	31%	155%	10%	37%	24%	45%	162%	65%	210%	242%	23%	148%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	1%	2%	8%	-8%	13%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	43%	614%	664%	32%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Average	39%	137%	154%	16%	54%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	40%	24%	26%	31%	13%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	1%	2%	8%	-8%	-8%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	71%	614%	664%	33%	155%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Lowest value  Highest value

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q38)

Beneficiaries	First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	74%	514	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	102%	88	4%	94%	154	5%	104%	75	4%	NAP	NAP	NAP
Georgia	92%	138	8%	88%	162	10%	98%	43	7%	NAP	NAP	NAP
Republic of Moldova	96%	208	13%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	100%	52	8%	92%	607	NA	101%	126	NA	100%	27	NA
Average	93%	200	8%	91%	307	-	101%	81	-	-	-	-
Median	96%	138	8%	92%	162	-	101%	75	-	-	-	-
Minimum	74%	52	4%	88%	154	-	98%	43	-	-	-	-
Maximum	102%	514	13%	94%	607	-	104%	126	-	-	-	-

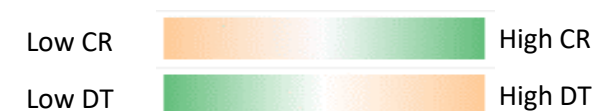


Table 3.2.5 First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q38)

Beneficiaries	First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	1,6	5,2%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	16,0	-38,5%	0,0	17,4	-33,3%	-1,4	15,9	-41,9%	0,4	NAP	NAP	NAP
Georgia	0,5	9,8%	3,9	-8,8	16,7%	4,4	9,3	-64,2%	3,3	NAP	NAP	NAP
Republic of Moldova	5,2	-14,2%	2,4	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	6,5	-82,7%	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NA
Average	5,9	-24,1%	2,1	-	-	-	-	-	-	-	-	-
Median	5,2	-14,2%	2,4	-	-	-	-	-	-	-	-	-
Minimum	16,0	9,8%	3,9	-	-	-	-	-	-	-	-	-
Maximum	0,5	-82,7%	0,0	-	-	-	-	-	-	-	-	-

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts Number of other than criminal cases in 2021 (Q39)

Beneficiaries	Second instance courts Number of other than criminal cases in 2021																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	855	6 753	6 862	746	NA	NA	NA	NA	NA	NA	2 909	4 831	4 313	3 427	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	7 474	30 339	32 668	5 145	156	6 128	25 479	27 801	3 806	141	NAP	NAP	NAP	NAP	NAP	1 346	4 860	4 867	1 339	15	NAP	NAP	NAP	NAP	NAP
Georgia	4 554	9 372	10 029	3 897	596	2 541	4 394	4 621	2 314	311	0	33	33	0	NAP	1 944	3 460	3 869	1 535	285	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	4 246	15 910	15 403	4 753	19	3 116	12 388	12 011	3 493	0	NAP	NAP	NAP	NAP	NAP	1 074	3 264	3 127	1 211	19	56	258	265	49	0
Ukraine	NA	NA	NA	NA	NA	28 649	114 594	109 232	34 011	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NA	3 556	27 944	27 597	3 903	18
Average	5 425	18 540	19 367	4 598	257	8 258	32 722	32 105	8 874	151	-	-	-	-	-	1 818	4 104	4 044	1 878	106	-	-	-	-	-
Median	4 554	15 910	15 403	4 753	156	3 116	12 388	12 011	3 493	141	-	-	-	-	-	1 645	4 146	4 091	1 437	19	-	-	-	-	-
Minimum	4 246	9 372	10 029	3 897	19	855	4 394	4 621	746	0	-	-	-	-	-	1 074	3 264	3 127	1 211	15	-	-	-	-	-
Maximum	7 474	30 339	32 668	5 145	596	28 649	114 594	109 232	34 011	311	-	-	-	-	-	2 909	4 860	4 867	3 427	285	-	-	-	-	-

Table 3.3.2 Second instance courts Number of other than criminal cases per 100 inhabitants in 2021 (Q1 and Q39)

Beneficiaries	Second instance courts Number of other than criminal cases per 100 inhabitants in 2021																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	0,03	0,23	0,23	0,03	NA	NA	NA	NA	NA	0,10	0,16	0,15	0,12	NA	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	0,07	0,30	0,32	0,05	0,00	0,06	0,25	0,27	0,04	0,00	NAP	NAP	NAP	NAP	NAP	0,01	0,05	0,05	0,01	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,12	0,25	0,27	0,11	0,02	0,07	0,12	0,13	0,06	0,01	0,00	0,00	0,00	0,00	NAP	0,05	0,09	0,10	0,04	0,01	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,16	0,61	0,59	0,18	0,00	0,12	0,48	0,46	0,13	0,00	NAP	NAP	NAP	NAP	NAP	0,04	0,13	0,12	0,05	0,00	0,00	0,01	0,01	0,00	0,00
Ukraine	NA	NA	NA	NA	NA	0,07	0,28	0,27	0,08	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NA	0,01	0,07	0,07	0,01	0,00
Average	0,12	0,39	0,40	0,11	0,01	0,07	0,27	0,27	0,07	0,00	-	-	-	-	-	0,05	0,11	0,10	0,05	0,00	-	-	-	-	-
Median	0,12	0,30	0,32	0,11	0,00	0,07	0,25	0,27	0,06	0,00	-	-	-	-	-	0,05	0,11	0,11	0,04	0,00	-	-	-	-	-
Minimum	0,07	0,25	0,27	0,05	0,00	0,03	0,12	0,13	0,03	0,00	-	-	-	-	-	0,01	0,05	0,05	0,01	0,00	-	-	-	-	-
Maximum	0,16	0,61	0,59	0,18	0,02	0,12	0,48	0,46	0,13	0,01	-	-	-	-	-	0,10	0,16	0,15	0,12	0,01	-	-	-	-	-

Table 3.3.3 Second instance courts percentage variation of the number of other than criminal cases between 2020 and 2021 (Q39)

Beneficiaries	Second instance courts percentage variation of the number of other than criminal cases between 2020 and 2021																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	8%	5%	14%	34%	NA	NA	NA	NA	NA	NA	-13%	62%	32%	18%	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	26%	18%	36%	-31%	-4%	23%	19%	37%	-38%	-3%	NAP	NAP	NAP	NAP	NAP	43%	14%	27%	-1%	-12%	NAP	NAP	NAP	NAP	NAP
Georgia	-1%	6%	13%	-14%	53%	-10%	7%	5%	-9%	56%	NAP	14%	14%	NAP	NAP	19%	11%	38%	-21%	51%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	1%	-9%	-6%	-10%	-	-5%	-5%	-3%	-11%	-	NAP	NAP	NAP	NAP	NAP	53%	7%	17%	13%	-	-75%	-81%	-80%	-79%	0%
Ukraine	NA	NA	NA	NA	NA	13%	17%	15%	20%	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NA	69%	23%	29%	10%	NA
Average	9%	5%	14%	-18%	24%	6%	9%	14%	-1%	26%	-	-	-	-	-	26%	23%	28%	2%	20%	-	-	-	-	-
Median	1%	6%	13%	-14%	24%	8%	7%	14%	-9%	26%	-	-	-	-	-	31%	13%	29%	6%	20%	-	-	-	-	-
Minimum	-1%	-9%	-6%	-31%	-4%	-10%	-5%	-3%	-38%	-3%	-	-	-	-	-	-13%	7%	17%	-21%	-12%	-	-	-	-	-
Maximum	26%	18%	36%	-10%	53%	23%	19%	37%	34%	56%	-	-	-	-	-	53%	62%	38%	18%	51%	-	-	-	-	-

Lowest value  Highest value

Table 3.3.4 Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q39)

Beneficiaries	Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021														
	Total of other than criminal cases (1+2+3)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	NA	NA	NA	102%	40	NA	NA	NA	NA	89%	290	NA	NAP	NAP	NAP
Azerbaijan	108%	57	3%	109%	50	4%	NAP	NAP	NAP	100%	100	1%	NAP	NAP	NAP
Georgia	107%	142	15%	105%	183	13%	100%	0	NAP	112%	145	19%	NAP	NAP	NAP
Republic of Moldova	97%	113	0%	97%	106	0%	NAP	NAP	NAP	96%	141	2%	103%	67	0%
Ukraine	NA	NA	NA	95%	114	NA	NAP	NAP	NAP	NA	NA	NA	99%	52	0%
Average	104%	104	6%	102%	98	6%	-	-	-	99%	169	7%	-	-	-
Median	107%	113	3%	102%	106	4%	-	-	-	98%	143	2%	-	-	-
Minimum	97%	57	0%	95%	40	0%	-	-	-	89%	100	1%	-	-	-
Maximum	108%	142	15%	109%	183	13%	-	-	-	112%	290	19%	-	-	-

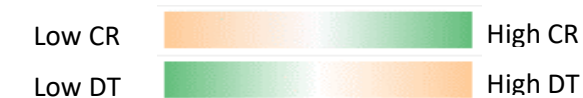


Table 3.3.5 Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q39)

Beneficiaries	Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	NA	NA	NA	7,8	17,7%	NA	NA	NA	NA	-20,0	-10,8%	NA	NAP	NAP	NAP
Azerbaijan	13,8	-49,3%	0,9	14,5	-54,8%	1,3	NAP	NAP	NAP	9,6	-21,4%	-0,1	NAP	NAP	NAP
Georgia	6,7	-24,2%	6,8	-1,3	-13,6%	5,6	0,0	NAP	NAP	21,6	-42,8%	8,8	NAP	NAP	NAP
Republic of Moldova	2,8	-3,7%	0,4	2,0	-8,6%	0,0	NAP	NAP	NAP	8,1	-3,5%	1,6	3,6	2,7%	0,0
Ukraine	NA	NA	NA	-1,5	3,8%	NA	NAP	NAP	NAP	NA	NA	NA	5,1	-15,2%	NA
Average	7,7	-25,7%	2,7	4,3	-11,1%	2,3	-	-	-	4,8	-19,6%	3,4	-	-	-
Median	6,7	-24,2%	0,9	2,0	-8,6%	1,3	-	-	-	8,9	-16,1%	1,6	-	-	-
Minimum	2,8	-49,3%	0,4	-1,5	-54,8%	0,0	-	-	-	-20,0	-42,8%	-0,1	-	-	-
Maximum	13,8	-3,7%	6,8	14,5	17,7%	5,6	-	-	-	21,6	-3,5%	8,8	-	-	-

3.4 Second instance criminal cases

Table 3.4.1 Second instance courts Number of criminal cases in 2021 (Q40)

Beneficiaries	Second instance courts Number of criminal cases in 2021																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	619	4 437	4 352	704	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	1 249	5 099	5 492	856	24	401	1 603	1 588	416	19	848	3 496	3 904	440	5	NAP	NAP	NAP	NAP	NAP
Georgia	746	3 064	3 101	709	35	521	836	852	505	34	294	3 713	3 755	252	1	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	3 337	14 298	12 116	5 519	1 786	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	11 107	236 117	234 692	12 532	552	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Average	3 412	52 603	51 951	4 064	599	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	1 249	5 099	5 492	856	294	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	619	3 064	3 101	704	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	11 107	236 117	234 692	12 532	1 786	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.4.2 Second instance courts Number of Criminal cases per 100 inhabitants in 2021 (Q1 and Q40)

Beneficiaries	Second instance courts Number of Criminal cases per 100 inhabitants in 2021																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	0,02	0,15	0,15	0,02	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0,01	0,05	0,05	0,01	0,00	0,00	0,02	0,02	0,00	0,00	0,01	0,03	0,04	0,00	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,02	0,08	0,08	0,02	0,00	0,01	0,02	0,02	0,01	0,00	0,01	0,10	0,10	0,01	0,00	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,13	0,55	0,47	0,21	0,07	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,03	0,58	0,57	0,03	0,00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Average	0,04	0,28	0,26	0,06	0,02	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	0,02	0,15	0,15	0,02	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	0,01	0,05	0,05	0,01	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	0,13	0,58	0,57	0,21	0,07	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.4.3 Second instance courts percentage variation in number of criminal cases between 2020 and 2021 (Q40)

Beneficiaries	Second instance courts percentage variation in number of criminal cases between 2020 and 2021																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	27%	0%	25%	14%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	147%	18%	53%	-31%	9%	123%	47%	82%	4%	58%	160%	8%	44%	-48%	-50%	NAP	NAP	NAP	NAP	NAP
Georgia	16%	13%	18%	-5%	133%	24%	4%	21%	-3%	127%	30%	94%	96%	12%	-	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	31%	24%	13%	66%	-	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	35%	747%	766%	39%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Average	51%	160%	175%	16%	71%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	31%	18%	25%	14%	71%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	16%	0%	13%	-31%	9%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	147%	747%	766%	66%	133%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Table 3.4.4 Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2021 (Q40)

Beneficiaries	Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2021											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	98%	59	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	108%	57	3%	99%	96	5%	112%	41	1%	NAP	NAP	NAP
Georgia	101%	83	5%	102%	216	7%	101%	24	0%	NAP	NAP	NAP
Republic of Moldova	85%	166	32%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	99%	19	4%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Average	98%	77	11%	-	-	-	-	-	-	-	-	-
Median	99%	59	5%	-	-	-	-	-	-	-	-	-
Minimum	85%	19	3%	-	-	-	-	-	-	-	-	-
Maximum	108%	166	32%	-	-	-	-	-	-	-	-	-



Table 3.4.5 Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q40)

Beneficiaries	Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2020 and 2021											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	19,5	-8,9%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	24,8	-55,2%	1,0	19,3	-43,0%	1,6	27,8	-63,9%	0,0	NAP	NAP	NAP
Georgia	4,9	-19,7%	2,9	14,4	-19,6%	3,8	1,1	-43,2%	0,4	NAP	NAP	NAP
Republic of Moldova	-8,4	47,2%	32,4	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	2,1	-83,9%	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Average	8,6	-24%	12,1	-	-	-	-	-	-	-	-	-
Median	4,9	-20%	2,9	-	-	-	-	-	-	-	-	-
Minimum	-8,4	-84%	1,0	-	-	-	-	-	-	-	-	-
Maximum	24,8	47%	32,4	-	-	-	-	-	-	-	-	-

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2021 (Q41)

Beneficiaries	Civil and commercial litigious cases and Litigious divorce cases in 2021											
	Civil and commercial litigious cases						Litigious divorce cases					
	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	1%	152	194	306	1012	65%	1%	161	172	187	694	100%
Republic of Moldova	12%	NA	NA	NA	NA	2%	5%	NA	NA	NA	NA	1%
Ukraine	NA	91	94	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2021 (Q41)

Beneficiaries	Specific category cases: Employment dismissal cases and Insolvency cases in 2021											
	Employment dismissal cases						Insolvency cases					
	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	38%	234	234	292	1016	51%	74%	570	16	NAP	754	NAP
Republic of Moldova	87%	NA	NA	NA	NA	6%	39%	NA	NA	NA	NA	67%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2021 (Q41)

Beneficiaries	Specific category cases: Robbery cases and Intentional homicide cases in 2021											
	Robbery case						Intentional homicide					
	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	33%	154	222	248	776	12%	36%	183	263	203	667	17,0%
Republic of Moldova	39%	NA	NA	NA	NA	14%	80%	NA	NA	NA	NA	7,0%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2021 (Q41)

Beneficiaries	Specific category cases: Bribery cases and Trading in influence cases in 2021											
	Bribery cases						Trading in influence					
	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision 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 length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	6%	104	419	0	640	0%	0%	0	0	0	0	0%
Republic of Moldova	63%	NA	NA	NA	NA	59%	48%	NA	NA	NA	NA	41%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.5 Civil and commercial litigious cases and Litigious divorce cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Beneficiaries	Civil and commercial litigious cases and Litigious divorce cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021												
	Civil and commercial litigious cases						Litigious divorce cases						
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Georgia	0,0	-17,4%	36,6%	12,9%	5,3%	35,00	0,0	28%	40%	0%	-2%	63,00	
Republic of Moldova	0,0	NA	NA	NA	NA	-2,00	1,0	NA	NA	NA	NA	-1,00	
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Average	-	-	-	-	-	-	-	-	-	-	-	-	
Median	-	-	-	-	-	-	-	-	-	-	-	-	
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	

Table 3.5.6 Employment dismissal cases and Insolvency cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Beneficiaries	Employment dismissal cases and Insolvency cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021												
	Employment dismissal cases						Insolvency cases						
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Georgia	21,0	95,0%	28,6%	7,7%	2,3%	-1,0	22,0	8,6%	6,7%	NA	43,1%	NA	
Republic of Moldova	24,0	NA	NA	NA	NA	1,0	6,0	NA	NA	NA	NA	47,0	
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Average	-	-	-	-	-	-	-	-	-	-	-	-	
Median	-	-	-	-	-	-	-	-	-	-	-	-	
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	

Table 3.5.7 Robbery cases and Intentional homicide cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Beneficiaries	Robbery cases and Intentional homicide cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021												
	Robbery case						Intentional homicide						
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Georgia	-3,0	-17,2%	1,8%	41,7%	43,7%	-18,0	-20,0	-30,4%	22,3%	23,8%	10,4%	9,0	
Republic of Moldova	-3,0	NA	NA	NA	NA	4,0	4,0	NA	NA	NA	NA	-5,0	
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Average	-	-	-	-	-	-	-	-	-	-	-	-	
Median	-	-	-	-	-	-	-	-	-	-	-	-	
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	

Table 3.5.8 Bribery and Trading in influence cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Beneficiaries	Bribery and Trading in influence cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021												
	Bribery cases						Trading in influence						
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Georgia	6,0	-11,1%	96,7%	-100,0%	38,2%	0,0	0,0	NA	NA	NA	NA	0,0	
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Average	-	-	-	-	-	-	-	-	-	-	-	-	
Median	-	-	-	-	-	-	-	-	-	-	-	-	
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	

3.6 Public prosecution

Table 3.6.1 Role and powers of the public prosecutor in the criminal procedure in 2021 (Q41-1)

Beneficiaries	Role and powers of the public prosecutor in the criminal procedure in 2021									
	To conduct or supervise investigation	When necessary, to request 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 discontinue a case without needing a decision by a judge	To end the case by imposing or negotiating a penalty or measure	Other significant powers
Armenia	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes
Azerbaijan	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Nb of Yes	5	3	5	5	5	5	2	5	2	1


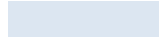

Yes 
 No/NAP 
 NA 

Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2021 (Q41-2)

Beneficiaries	Role of the public prosecutor in civil, administrative and insolvency cases in 2021		
	Civil cases	Administrative cases	Insolvency cases
Armenia	Yes	Yes	Yes
Azerbaijan	Yes	Yes	No/NAP
Georgia	Yes	Yes	No/NAP
Republic of Moldova	Yes	Yes	No/NAP
Ukraine	Yes	Yes	Yes
Nb of Yes	5	5	2

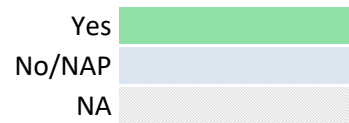


Table 3.6.3: Public prosecution: Total number of first instance criminal cases in 2021 (Q41-3, Q41-5)

Beneficiaries	Public prosecution: Total number of first instance criminal cases in 2021											
	1. Pending cases on 1 Jan.	2. Incoming/received cases	3. Processed cases (3.1+3.2+3.3)	3.1. Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4)	3.1.1 Discontinued by the public prosecutor because the offender could not be identified	3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	3.1.3 Discontinued by the public prosecutor for reasons of opportunity	3.1.4 Discontinued for other reasons	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases brought to court	4. Pending cases on 31 Dec.	Figures provided include traffic offence cases
Armenia	8 237	36 374	36 758	31 972	10 679	NAP	NAP	21 293	NAP	4 786	7 853	
Azerbaijan	5 084	26 910	26 137	12 648	4 071	1 286	2 369	4 922	NAP	13 489	5 857	
Georgia	NA	NA	NA	50 539	27 887	20 025	1 969	658	1 872	16 309	NA	
Republic of Moldova	10 736	32 205	29 511	15 931	6 788	4 039	2 414	2 690	47	13 533	13 430	
Ukraine	1 022 451	826 895	817 493	689 184	NAP	633 566	NAP	55 618	NAP	128 309	949 932	
Average	261 627	230 596	227 475	160 055	12 356	164 729	2 251	17 036	-	35 285	244 268	
Median	9 487	34 290	33 135	31 972	8 734	12 032	2 369	4 922	-	13 533	10 642	
Minimum	5 084	26 910	26 137	12 648	4 071	1 286	1 969	658	-	4 786	5 857	
Maximum	1 022 451	826 895	817 493	689 184	27 887	633 566	2 414	55 618	-	128 309	949 932	

Table 3.6.4: Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2021 (Q41-3)

Beneficiaries	Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2021										
	1. Pending cases on 1 Jan.	2. Incoming/received cases	3. Processed cases (3.1+3.2+3.3)	3.1. Discontinued during the reference year (3.1.1+3.1.2+3.1.3)	3.1.1 Discontinued by the public prosecutor because the offender could not be identified	3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	3.1.3 Discontinued by the public prosecutor for reasons of opportunity	3.1.4 Discontinued for other reasons	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases brought to court	4. Pending cases on 31 Dec.
Armenia	0,28	1,23	1,24	1,08	0,36	NAP	NAP	0,72	NAP	0,16	0,27
Azerbaijan	0,05	0,27	0,26	0,12	0,04	0,01	0,02	0,05	NAP	0,13	0,06
Georgia	NA	NA	NA	1,37	0,76	0,54	0,05	0,02	0,05	0,44	NA
Republic of Moldova	0,41	1,24	1,13	0,61	0,26	0,16	0,09	0,10	0,00	0,52	0,52
Ukraine	2,49	2,02	1,99	1,68	NAP	1,55	NAP	0,14	NAP	0,31	2,32
Average	0,81	1,19	1,16	0,97	0,35	0,56	0,06	0,20	-	0,31	0,79
Median	0,35	1,23	1,19	1,08	0,31	0,35	0,05	0,10	-	0,31	0,39
Minimum	0,05	0,27	0,26	0,12	0,04	0,01	0,02	0,02	-	0,13	0,06
Maximum	2,49	2,02	1,99	1,68	0,76	1,55	0,09	0,72	-	0,52	2,32

Table 3.6.5: Public prosecution: Distribution of different categories of processed cases within all processed cases in 2021 (Q41-3)

Beneficiaries	Public prosecution: Distribution of different categories of processed cases within all processed cases in 2021						
	% of discontinued cases within all processed cases	% of discontinued cases because the offender could not be identified within all discontinued cases	% of discontinued cases due to the lack of an established offence or a specific legal situation within all discontinued cases	% of discontinued cases for reasons of opportunity within all discontinued cases	% of discontinued cases for other reasons within all discontinued cases	% of concluded cases by a penalty or a measure imposed or negotiated by the public prosecutor within all processed cases	% of cases brought to court within all processed cases
Armenia	87%	33%	NAP	NAP	67%	NAP	13%
Azerbaijan	48%	32%	10%	19%	39%	NAP	52%
Georgia	NA	55%	40%	4%	1%	NA	NA
Republic of Moldova	54%	43%	25%	15%	17%	0%	46%
Ukraine	84%	NAP	92%	NAP	8%	NAP	16%
Average	68%	41%	42%	13%	26%	-	32%
Median	69%	38%	32%	15%	17%	-	31%
Minimum	48%	32%	10%	4%	1%	-	13%
Maximum	87%	55%	92%	19%	67%	-	52%

The distribution of processed cases is shown with dark blue bars whereas the distribution of discontinued cases is shown with light blue bars.

Table 3.6.6 Number of cases concluded with the guilty plea procedure in 2021 (Q41-4)

Beneficiaries	Number of cases concluded with the guilty plea procedure in 2021								
	Total			Before the main trial			During the main trial		
	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Armenia	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	9 147	3 914	5 233	6 722	2 273	4 449	2 425	1 641	784
Republic of Moldova	285	NA	NA	151	NA	NA	134	NA	NA
Ukraine	NA	NA	NA	6 597	NA	NA	NA	NA	NA
Average	-	-	-	4 490	-	-	-	-	-
Median	-	-	-	6 597	-	-	-	-	-
Minimum	-	-	-	151	-	-	-	-	-
Maximum	-	-	-	6 722	-	-	-	-	-

3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2021 (Q42 and Q43)

Beneficiaries	Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2021		
	Quality standards determined for the judicial system at the national level	Specialised personnel entrusted with the implementation of these standards	
		Within the courts	Within the public prosecution services
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			





Yes 
 No 
 NA 
 NAP 

Table 3.7.2 Regular monitoring of courts' activities (performance and quality at court's level) in 2021 (Q58)

Beneficiaries	Regular monitoring of courts' activities (performance and quality at court's level) in 2021													
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction of users (regarding the services delivered by the courts)	Costs of the judicial procedures	Number of appeals	Appeal ratio	Clearance rate	Disposition time	Other
Armenia														
Azerbaijan														
Georgia														
Republic of Moldova														
Ukraine														


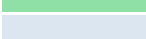
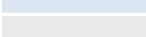




Yes 
 No 
 NA 
 NAP 

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality at prosecution service's level) in 2021 (Q59)

Beneficiaries	Regular monitoring of public prosecution activities (performance and quality at the prosecution service's level) in 2021												
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of prosecutors and prosecution staff	Satisfaction of prosecution staff	Satisfaction of users (regarding the services delivered by the by the public prosecution)	Costs of the judicial procedures	Clearance rate	Disposition time	Percentage of convictions and acquittals	Other
Armenia													
Azerbaijan													
Georgia													
Republic of Moldova													
Ukraine													

Yes 

No 

NA 


NAP 

Table 3.7.4 Evaluation of the performance at court level in 2021 (Q48, Q49, Q50,Q51 and Q56)

Beneficiaries	Evaluation of the performance at court level in 2021														
	Existence of a system to regularly evaluate court performance based on the monitored indicators	Frequency of the performance evaluation			Evaluation of the court activity used for the later allocation of resources within a court	Action taken for the allocation of resources within the court following the evaluation of the court activity				Body/authority responsible for evaluating the performance of the courts					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance)	Reengineering of internal procedures to increase efficiency	Other	Judicial Council	Ministry of justice	Inspection authority	Supreme court	External audit body	Other
Armenia															
Azerbaijan															
Georgia															
Republic of Moldova															
Ukraine															


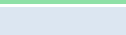
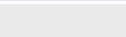

Yes 
 No 
 NA 
 NAP 

Table 3.7.5 Evaluation of performance at public prosecution services level in 2021 (Q52, Q53, Q54, Q55 and Q57)

Beneficiaries	Evaluation of performance at public prosecution services level in 2021														
	Existence of a system to regularly evaluate the performance of the public prosecution services based on the monitored indicators	Frequency of the performance evaluation			Evaluation of the activity of public prosecution services used for the later allocation of resources within a public prosecution service	Action taken for the allocation of resources within the court following the evaluation of the public prosecution services				Body/authority responsible for evaluating the performance of the public prosecution services					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance)	Reengineering of internal procedures to increase efficiency	Other	Public prosecutorial Council	Ministry of Justice	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	External audit body	Other
Armenia															
Azerbaijan															
Georgia															
Republic of Moldova															
Ukraine															


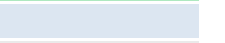
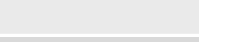
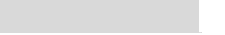
Yes 
 No 
 NA 
 NAP 

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2021 (Q60 and Q61)

Beneficiaries	Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2021				
	Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs)			Monitoring the waiting time during judicial proceedings	
	Civil cases	Criminal cases	Administrative cases	Within the courts	Within the public prosecution services
Armenia	Yes	Yes	Yes	No	No
Azerbaijan	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes	No
Republic of Moldova	Yes	Yes	Yes	Yes	No
Ukraine	Yes	Yes	Yes	Yes	No


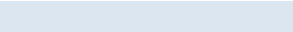
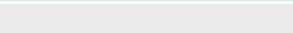


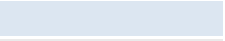
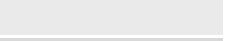
Yes 
 No 
 NA 
 NAP 

Table 3.7.7 Possibility for courts and lawyers 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) in 2021 (Q61-1)

Beneficiaries	Possibility for courts and lawyers 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) in 2021
Armenia	
Azerbaijan	Yes
Georgia	
Republic of Moldova	
Ukraine	

Yes 

No 

NA 


NAP 

Table 3.7.8 Information regarding courts' activity in 2021 (Q62, Q63, Q66, Q67 and Q68)

Beneficiaries	Information regarding courts' activity in 2021											
	Centralised institution responsible for collecting statistical data regarding the functioning of the courts		Publication of statistics on the functioning of each court by this institution			Individual courts required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Armenia	Yes	Judicial Department of RA (www.court.am); Armenia, 0010, Yerevan, Vazgen Sargisian 5	Yes	No	No	Yes	No	No	Yes	No	No	Yes
Azerbaijan	Yes	Ministry of Justice of the Republic of Azerbaijan Adress: 1, Inshaatchilar avenue, AZ1073, Baku, Azerbaijan.	No	Yes	No	Yes	No	Yes	Yes	No	No	No
Georgia	Yes	Statistical Sector of Supreme court of Georgia	Yes	No	No	Yes	No	Yes	Yes	No	No	No
Republic of Moldova	Yes	1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfînt str., 124 B, et. 2, http://aaij.justice.md	Yes	No	No	Yes	No	No	No	No	No	Yes
Ukraine	Yes	-	Yes	No	No	Yes	No	No	Yes	No	No	No


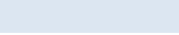
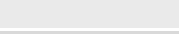

Yes 
 No 
 NA 
 NAP 

Table 3.7.9 Information regarding public prosecution services' activity in 2021 (Q64, Q65, Q69, Q70 and Q71)

Beneficiaries	Information regarding public prosecution services' activity in 2021											
	Centralised institution responsible for collecting statistical data regarding the functioning of the public prosecution services		Publication of statistics on the functioning of each public prosecution service by this institution			Public prosecution services required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Armenia	Yes	The relevant subdivision of the Republic of Armenia Prosecutor's Office, the Department of Statistics and Analysis. Address: 5 Vazgen Sargsyan, Yerevan, Armenia	Yes	No	No	Yes	No	No	Yes	No	No	
Azerbaijan	Yes	General Prosecutor's Office of the Republic of Azerbaijan, Address: Baku	No	Yes	No	Yes	No	Yes	Yes	No	No	
Georgia	Yes	Prosecution Service of Georgia and National Statistics Office of Georgia.	Yes	No	No	Yes	No	No	Yes	No	No	
Republic of Moldova	Yes	General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova	Yes	No	No	Yes	Yes	No	No	No	Yes	
Ukraine	Yes	Department of Organizational Support of the Unified Register of Pre-trial Investigations and Information and Analytical Work of the Prosecutor General's Office (Kyiv, 13/15 Riznytska St.)	Yes	No	No	Yes	Yes	Yes	No	No	Yes	



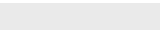

Yes 
 No 
 NA 
 NAP 

Table 3.7.10 Performance and evaluation of judges in 2021 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Beneficiaries	Performance and evaluation of judges in 2021																				
	Existence of quantitative performance targets defined for each judge	Body responsible for setting these targets for each judge					Consequences for a judge if quantitative targets are not met						Existence of a system of qualitative individual assessment of the judges' work	Body responsible for setting the criteria for qualitative assessment of the judges' work					Frequency of this assessment		
		Executive power	Legislative power	Judicial power	President of the court	Other	Warning by court's president	Disciplinary procedure	Temporary salary reduction	Reflected in the individual assessment	Other	No consequences		Executive power	Legislative power	Judicial power	President of the court	Other	Annual	Less frequent	More frequent
Armenia												Yes		Yes	Yes				Yes		
Azerbaijan	Yes		Yes	Yes					Yes			Yes							Yes		
Georgia																					
Republic of Moldova												Yes			Yes				Yes		
Ukraine												Yes				Yes			Yes		









Yes 
 No 
 NA 
 NAP 

Table 3.7.11 Performance and evaluation of public prosecutors in 2021 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)


Beneficiaries	Performance and evaluation of public prosecutors in 2021																				
	Existence of quantitative performance targets defined for each public prosecutor	Body responsible for setting the these targets for each public prosecutor					Consequences for a prosecutor if quantitative targets are not met						Existence of a system of qualitative individual assessment of the public prosecutors' work	Body responsible for setting the criteria for qualitative assessment of the public prosecutors' work					Frequency of this assessment		
		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Warning by head of prosecution	Disciplinary procedure	Temporary salary reduction	Reflected in the individual assessment	Other	No consequences		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Annual	Less frequent	More frequent
Armenia																					
Azerbaijan																					
Georgia																					
Republic of Moldova																					
Ukraine																					

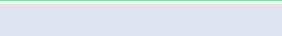
Yes 
 No 
 NA 
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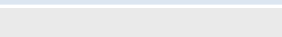
3.8 IT, Electronic case management system and court activity statistics

Table 3.8.1 IT Strategy and Case management system in 2021 (Q82-0, Q82, Q82-1 and Q82-2)

Beneficiaries	IT Strategy and Case management system in 2021							
	Existence of an IT strategy for the judiciary	Existence of a Case Management System (CMS)	Development of the running CSM or major redevelopment					Plans for a significant change in the present IT system in the judiciary in the next year
			In the last 2 years	Between 2 and 5 years	Between 5 and 10 years	More than 10 years	Other	
Armenia	No	Yes	No	No	No	Yes	No	Yes
Azerbaijan	No	Yes	No	No	Yes	No	No	Yes
Georgia	No	Yes	No	No	No	Yes	No	Yes
Republic of Moldova	No	Yes	Yes	No	No	No	No	No
Ukraine	Yes	Yes	No	No	No	Yes	No	No
Nb of Yes	1	5	1	0	1	3	0	3

Yes 

No 

NA 

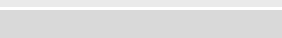




NAP 

Table 3.8.2 CMS Index in 2021 (Q83)

Beneficiaries	CMS Index in 2021																				
	Case Management system deployment rate				Status of the case online				Centralised or interoperable database				Early warning signals				Tools to produce courts activity statistics				Total (12 max)
	Civil and/or commercial	Criminal	Administrative	Index (4 max)	Civil and/or commercial	Criminal	Administrative	Index (3 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (3max)	
Armenia	100%	100%	100%	4	Both	Both	Both	2				1				0	Not integrated but connected	Not integrated but connected	Not integrated but connected	1,5	
Azerbaijan	50-99%	50-99%	50-99%	3	Both	Both	Both	2				1				1	Integrated	Integrated	Integrated	2,5	9,5
Georgia	100%	100%	100%	4	Both	Both	Both	2				1				0	Not connected at all	Not connected at all	Not connected at all	0	7
Republic of Moldova	100%	100%	100%	4	Publication of decision online	Publication of decision online	Publication of decision online	1				1				1	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	3	10
Ukraine	100%	100%	100%	4	Both	Accessible to parties	Accessible to parties	1,7				0				0	Integrated	Integrated	Integrated	2,5	8,2

**Both = Accessible to parties
Publication of decision online**

Yes	
No	
NA	
NAP	

The Case Management System (CMS) Index is an index ranging from 0 to 12 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while the deployment rate is multiplied as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included. This methodology provides an adequate evaluation.

Table 3.8.3 Centralised national database of court decisions in 2021 (Q84, Q85)

Beneficiaries	Centralised national database of court decisions in 2021																					
	Existence	First instance			Second instance			Final instance			Link with ECHR case law			Data anonymised			Case-law database available free online			Case-law database available in open data		
		Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative
Armenia	Yes	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Azerbaijan	Yes	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Georgia	Yes	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Republic of Moldova	Yes	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Yes ■
 No ■
 NA ■
 NAP ■

Indicator 3 - Efficiency and productivity

by country

Question 35. First instance courts: number of other than criminal law cases.

Question 38. First instance courts: number of criminal law cases.

Question 39. Second instance courts (appeal): Number of “other than criminal law” cases.

Question 40. Second instance courts (appeal): Number of criminal law cases.

Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.

Question 41-1. Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):

Question 41-2. Does the public prosecutor also have a role in:

Question 41-3. Public prosecutors: Total number of 1st instance criminal cases.

Question 41-4. If the guilty plea procedure exists, how many cases were concluded by this procedure?

Question 41-5. Do the figures provided in Q41-3 include traffic offence cases?

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?

Question 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?

Question 49. If yes, please specify the frequency:

Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?

Question 51. If yes, which courses of action are taken (multiple replies possible)?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 59?

Question 53. If yes, please specify the frequency:

Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Question 55. If yes, which courses of action are taken (multiple replies possible)?

Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):

Question 58. Do you regularly monitor court activities (performance and quality) concerning:

Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:

Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. 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)?

Question 62. *Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?*

Question 63. *Are the statistics on the functioning of each court published:*

Question 64. *Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?*

Question 65. *Are the statistics on the functioning of each public prosecution service published?*

Question 66. *Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?*

Question 67. *If yes, please specify in which form this report is released:*

Question 68. *If yes, please, indicate the periodicity at which the report is released:*

Question 69. *Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?*

Question 70. *If yes, please specify in which form this report is released:*

Question 71. *If yes, please, indicate the periodicity at which the report is released:*

Question 74. *Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?*

Question 75. *Who is responsible for setting these targets for each judge?*

Question 75-1. *What are the consequences for a judge if quantitative targets are not met?*

Question 76. *Is there a system of qualitative individual assessment of the judges' work?*

Question 76-1. *Who is responsible for setting the criteria for qualitative assessment of the judges' work?*

Question 77. *If yes, please specify the frequency of this assessment:*

Question 78. *Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?*

Question 79. *Who is responsible for setting these targets for each public prosecutor?*

Question 79-1. *What are the consequences for a prosecutor if quantitative targets are not met?*

Question 80. *Is there a system of qualitative individual assessment of the public prosecutors' work?*

Question 80-1. *Who is responsible for setting the criteria for qualitative assessment of the public prosecutors' work?*

Question 81. *If yes, please specify the frequency of this assessment:*

Question 82-0. *Is there a IT strategy for the judiciary?*

Question 82. *Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)*

Question 82-1. *When was the running CMS developed (or in case of major redevelopment when it was redesigned)?*

Question 82-2. *Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)*

Question 83. *Please specify the following information:*

Question 84. *Is there a centralised national database of court decisions (case-law, etc.)?*

Question 85. *If yes, please specify the following information:*

Armenia

Q035 (2021): There is no analysis which would examine the reasons for the variations on the case flow. Between 2020 and 2021 there was a significant increase of incoming civil and commercial litigious cases which resulted in an increase of the number of pending cases at the end of the year; and an increase of civil and commercial non litigious case, which did not result in an increase of pending cases at the end of the year because more cases were resolved in 2021 than in 2020. The reason for the increase may also be the raising of the legal awareness of individuals.

Q038 (General Comment): According to the Criminal Code, the willful acts, for the committal of which this Code envisages maximal imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment, are considered not very grave crimes. Medium-gravity crimes are those willful acts for which this Code envisages a maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Particularly grave crimes are those willful acts for which this Code envisages a maximal imprisonment for more than ten years or for life.

Please note that the information for this questionnaire is provided according to the Criminal Code, which was adopted in 2003 and was in force until July, 2022. The new Criminal Code entered into force in July 2022.

Q039 (2021): There has been an increase of incoming administrative cases in second instance between 2020 and 2021. There is no official statistical analysis prescribed by law, shall:

- (1) instigate criminal prosecution;
- (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
- (3) pursue a charge at court;
- (4) appeal against the civil judgments, criminal judgments and decisions of courts;
- (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.

The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

It should be noted that the powers of the prosecutor at the pre-trial proceedings of the criminal case, and also powers during consideration of the criminal case or materials in the court are prescribed by the Criminal Procedure Code (Articles 53 and 54). Also according to the law on "Confiscation of Property of Illegal Origin" (which defines all the main legal procedures and functions of confiscation of property of illegal origin) the responsible subdivision of the Prosecutor General's Office of the Republic of Armenia is an authorized body in the proceedings of confiscation of property of illegal origin (the authorized body carries out examination, collects information containing confidential information protected by law and performs other powers during examination and also is authorized to bring an action for the confiscation of property).

In accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law.

Q041-2 (General Comment): According to Article 176 of the Constitution of the Republic of Armenia, The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

According to the Article 29 of "Law on Prosecutor's office of RA":

1.The filing by a prosecutor of a claim for the protection of state interests shall include:

- 1) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of civil procedure;
- 2) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of administrative procedure; 3) Filing a claim for compensation of pecuniary damage inflicted upon the state as a direct consequence of a crime in the frameworks of criminal procedure; and
- 4) Filing a claim for confiscation of property on the basis of the "Law on Confiscation of Property of Illegal Origin".

2. The prosecutor shall file a claim for the protection of state interests only if:

- 1) During the exercise of his powers, the prosecutor finds that a state or local government body that had the right to file a claim on such matters related to the protection of state interests, having knowledge of the violation of state interests, did not file such a claim in a reasonable period or did not file such a claim after receiving the prosecutor's suggestion to do so, or
- 2) The state interests were violated in respect of matters for which no state or local government body has the right, under the legislation, to file a claim, or
- 3) According to the results of the study conducted on the basis of the "Law On Confiscation of Property of Illegal Origin", there are grounds to file a lawsuit for confiscation of property.

Q041-2 (2021): One of the constitutional powers of the prosecutor is protecting state property interests. Intentional bankruptcy and illegal activity during bankruptcy are considered as a crime according to the Criminal Code of RA.

Q041-3 (General Comment): The reasons mentioned in 3.1.4 are grounds established by the Article 35 (1) of the Criminal Procedure Code. Thus, according to the Article 35 (1) of the Criminal Procedure Code: Criminal case cannot be instituted, and criminal prosecution may not be started, and the instituted criminal case shall be dismissed:

- 1) in the absence of any criminal act; 2) if the alleged act contains no *corpus delicti*;
- 3) if the alleged act, which has resulted in damages, is legitimate under criminal law;
- 4) in the event of absence of a complaint of the injured, in cases prescribed by this Code; 5) in the event of reconciliation of the injured party and the suspect or the accused, in cases prescribed by this Code; 6) the prescription has expired; 7) against the person and upon a cause, with respect to whom and upon which cause the court has already passed a judgment and such judgment has entered into legal force, or any other enforceable judicial decision is available to exclude criminal prosecution; 8) against the person and upon the same charge, with respect to whom and upon which charge the agency for inquest, the investigator, or the prosecutor has already made a decision denying criminal prosecution, and such decision is still in force;
- 9) At the moment of commitment of the crime the person had not reached the age punishable by law, as established by law;
- 10) The person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or to resume the case on occasion of new circumstances with regard to other persons; 11) The person refused to complete the crime of one's own accord, if the action already committed has no other formal elements of crime;
- 12) The person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia; 13) Amnesty act has been adopted. The mentioned data was calculated by collecting the data received from the subdivisions of the RA Prosecutor's Office.

Referring to the terminology “justifying grounds” and “non justifying grounds” it should be noted that this terminology was suggested by the Cassation court of RA. Thus, grounds which are mentioned in the Article 35, part 1, points 1-3 and part 2 of the Criminal Procedure Code of RA, are considered as “justifying grounds”. As

Q041-3 (2021): There has been an increase of incoming and pending cases between 2020 and 2021. The recorded difference is due to the fact that crime rate increased in 2021 compared to 2020. However, the study conducted shows that the absolute majority of cases of crime registered in 2021, 84.1%, are of minor (57.7%) and medium severity (26.4%), i.e., crimes of less public danger. Particularly grave crimes made up 1.2% (1.1% in 2020) and grave crimes made up 14.7% (15.4% in 2020) of total number of cases. The analysis shows that the increase was mainly caused by the increase in the number of crimes against public safety, public order, public health (+29.5%), property (+15.4%) and economic activities (+32.1%). In particular, number of drug smuggling (+89.2%), crimes against computer information security (+74.5%), drug-related crimes (+25.9%), evasion of paying taxes, duties (+61.6%), illegal or fake business (+ 28%), thefts (+17.8%), computer theft (+17.5%) cases increased in 2021. It should be noted that in 2021 although not significantly but crimes against people (-0.8%) and crimes against state power, public service, and administrative order (-1.7%) decreased. At the same time in 2021 an increase in the detection rate of crimes was also recorded. In 2021 the

Q041-4 (2021): The guilty plea procedure exists in Armenia, the relevant provisions came into force in 27.07.2021, that is why there is no statistics of the number of guilty plea procedures.

Q058 (2021): From 2021, surveys among court staff are being carried out.

Q059 (General Comment): Units of the Prosecutor's office submit semi-annual and annual reports on their work. This report among other data also includes quantitative data on the investigation of criminal cases, the results of the investigation, as well as recommendations and other data aimed at improving the activity of the structural unit of the Prosecutor's office. On the basis of the aforementioned reports, the report on the annual activity of the Prosecutor's Office is prepared. In addition, on the basis of the RA Prosecutor's Office work plan, target sectors are selected on a semi-annual and annual basis and a study is carried out by the relevant responsible departments in order to highlight the problems recorded in specific sectors and take measures to solve them. The mentioned studies, as necessary, are discussed in the collegium of the Prosecutor's Office of the Republic of Armenia, as a result of which, by the order of the Prosecutor General, the units of the Prosecutor's Office of the Republic of Armenia are instructed to take measures to correct the recorded violations and exclude them in the future. Another mechanism of monitoring is the implementation of complex inspections in the units of the Prosecutor's Office conducted by the Department of Organization, Supervision and Legal assistance of the General Prosecutor's Office, as a result of which the problems in the units are revealed and appropriate measures are taken

Q059 (2021): Each year, before April 1, the Prosecutor General submits a report on the activities of the Prosecutor's Office to the National Assembly of the Republic of Armenia. The report shall include information on the activities carried out by the Prosecutor's Office during the previous year in relation to each of the powers defined by Article 4 of this Law, statistical data, comparative analyzes and conclusions.

Q062 (General Comment): Judicial Department of RA (www.court.am); Armenia, 0010, Yerevan, Vazgen Sargisian 5

Q064 (General Comment): The relevant subdivision of the Republic of Armenia Prosecutor's Office, the Department of Statistics and Analysis. Address: 5 Vazgen Sargsyan, Yerevan, Armenia

Q065 (2021): The statistics on the functioning of each public prosecution service are not published, but the general statistics formed as a result of it are published on the official website of the Prosecutor's Office.

Q066 (General Comment): The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

Q068 (2021): Twice a year.

Q070 (2021): It is submitted to the National Assembly.

Q074 (General Comment): The cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the

Q076 (General Comment): Chapter 18 of Judicial Code provides for regular (once in five years) and extraordinary evaluation of the performance of individual judges. Pursuant to Article 138, Criteria for evaluation of the quality and professionalism of the work of a judge shall be: (1)ability to justify the judicial act;

(2)ability to preside over the court session.

3.Criteria for evaluation of the effectiveness of the work of a judge shall be:

(1)effective workload management skill and work planning;

(2)examination of cases and delivery of judicial acts within reasonable time limits;

(3)observance by a judge of time limits prescribed by law for the performance of individual procedural actions; (4)ability to ensure an efficient working environment.

4.Criteria for evaluation of the ethics of a judge shall be:

(1)observance of the rules of ethics;

(2)contribution to the public perception of the court and to the confidence therein; (3)attitude towards other judges and the staff of the court.

According to the Article 139 (part 1 and 2) of the Judicial Code, performance evaluation of judges shall be carried out by the Commission for Performance Evaluation of Judges on the basis of the criteria prescribed by this Code. The Supreme Judicial Council shall prescribe the methodology of the performance evaluation of judges, including the criteria for evaluation prescribed by Article 138 of this Code, the procedure for collecting data necessary for the evaluation and other details necessary

Q078 (2021): Process is currently underway to introduce a quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation. Relationships related to attestation are regulated in Article 50 of the Law on the Prosecutor's Office, in particular, at least two weeks before the attestation, the immediate superior prosecutor submits the prosecutor's assessment. The assessment shall contain information about the prosecutor, his practical and personal features, and a justified evaluation of his official performance. The assessment shall be based on the opinions of the immediate supervisor formed on the basis of reports presented to him by the prosecutor annually about the prosecutor's performance during the period since the previous attestation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of

Q080 (General Comment): Qualification Commission functions in attachment to the Prosecutor General. The Qualification Commission has nine members, and in case of an open competition for filling the list of candidates for prosecutors performing functions envisaged by "Law on Confiscation of property of illegal Origin" it has eleven members. The Qualification Commission is governed by the Deputy Prosecutor General. The members of the Qualification Commission are independent. Any interference with their activities is prohibited

Q081 (General Comment): Prosecutors are evaluated (attestation) every three years. A person holding the position of a prosecutor for the first time passes the attestation three years after being appointed to the position. The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years' professional activities of the prosecutor concerned submitted to his/her direct supervisor.

Q082-0 (2021): The Strategy of Judicial and Legal Reforms of 2022-2026 contains provisions regarding modernization of the electronic management systems in the

Q082 (2021): Regarding the status of the case online, it is both accessible to the parties and the decision is published online even if this is not done directly but via another system Datalex connected to the CMS. All users can access online and see the status of their case and scheduled hearings, also it can be seen if applications and motions have been submitted, but the content is not accessible to parties through the system. The CMS database is centralised since the collected information is centralised in the system. The statistical module is "Not integrated but connected" for all case matter, as statistical data is collected through the system, but main

Q082-2 (2021): A significant change in the IT system is planned to be implemented in the 2022-2026 period of judicial and legal reforms within the strategy.

Q085 (2021): ww.datalex.am is the national portal of court decisions. The portal is based on Cast court management system which includes over 2 million files of court cases. Datalex portal consists of civil, criminal, administrative, bankruptcy and payment order cases.

There are some judgments which are not published.

-Judicial acts concluding the proceedings at the relevant judicial instance and, in cases provided for by law or by the decision of the Supreme Judicial Council, also other judicial acts shall be subject to mandatory publication on the official website of the judiciary.

-Where the judicial proceedings, or part of them, are held behind closed doors, the concluding part of the conclusive judicial act shall be published on the official website of the judiciary, provided that said concluding part does not contain a secret protected by law.

-Information on the case and its progress shall be published on the official website of the judiciary, the list and procedure for publication of such information to be defined by the Supreme Judicial Council.

-Judicial acts containing data on private life, personal biometric and personal special category data, as well as personal data on a child, shall be published on the official website of the judiciary in a depersonalised manner. The Supreme Judicial Council may prescribe other cases of depersonalisation of personal data. The procedure for depersonalisation shall be defined by the Supreme Judicial Council.

Azerbaijan

Q035 (2021): Due to SARS Covid-19 related lock-down and operations restriction, in 2020, there was a decrease of incoming and resolved civil, commercial as well as administrative cases. In 2021 there is an increase in number of the above mentioned figures, which related to lifting of all restrictions. As regards to the reduction of pending cases, here besides lifting Covid-19 restrictions, the main reason is amendmends to the Civil Procedure Code by the Law of July 9, 2021. According to this amendments, an expert should issue a written opinion within 1 month from the date of the court decision on the appointment of an expert and no later than 10 days to the some cases. Before this amendmends the cases prossesed during the reasonable time. Since the main part of these pending cases was cases aimed at expertise, their consideration has been accelarated both in court and in forensic bodies.

Q038 (2021): There is an increase of pending cases at the beginning of the year because in 2020, there was an increase of pending criminal cases due to SARS Covid-19 related lock-down and operations restriction. In 2021, there is an increase of resolved cases related to lifting of all restrictions. There is also an increase of incoming cases as in 2021, the fight against crime, including illegal drug trafficking, was further strengthened in the Republic of Azerbaijan, illegal drug trafficking was prevented by the use of modern telecommunications and information media by law enforcement agencies, large quantities of potent drugs were seized. Appropriate additional measures have been taken to improve the quality of offenders and preventive measures.”

Q039 (2021): There has also been an increase in the number of cases pending in the courts of appeal, which is explained by the increase in the number of cases in the

Q040 (2021): There is an increase of pending cases at the beginning of the year because in 2020, there was an increase of pending criminal cases due to SARS Covid-19 related lock-down and operations restriction. Following the lifting of the restrictions, there has been an increase of incoming and resolved cases, and a decrease of pending cases at the end of the year.

Q041 (2021): According to Civil Procedural Code of Azerbaijan case must be considered no later than 4 months after the application is received by the court. Cases on employment, alimony, shall be considered and resolved within 2 month, the cases on mortgage and bankruptcy within 3 month. According to the Family Code, if one of the parties does not agree to the dissolution of the marriage, the court may adjourn the case by setting a period of 3 months for the couple to reconcile. The appeal shall be considered within 3 months from the date of its receipt by the court and the cassation appeal within 2 months from the date of its receipt.

Q061 (General Comment): Monitoring Dashboard of the "Azemis" e-court information system allows to track procedural and/or reasonable timeframes and notify in

Q062 (General Comment): Ministry of Justice, 1, Inshaatchilar avenue, AZ1073, Baku, Azerbaijan.

Q064 (General Comment): General Prosecutor's Office of the Republic of Azerbaijan

Q076 (2021): At least every 5 years

Q080-1 (2021): Collegium of the Prosecutor General's Office of the Republic of Azerbaijan is responsible for setting criteria. But decisions of this structure should be approved by the General Prosecutor before getting into force.

Q081 (2021): According to the legislation in order to determine whether the level of professionalism of the prosecutor's office staff is suitable for the position they hold, the attestation is an important tool in the correct selection, placement and training of personnel, increasing professional training and sense of responsibility, as well as strengthening service discipline. During the attestation of the prosecutor's office, the results of the assessment of their service activities are taken into account. Evaluation of the activities of prosecutor's office workers is carried out in accordance with the procedure established by the Law of the Republic of Azerbaijan "On Civil Service". The procedure for the attestation of prosecutor's office workers is determined by the General Prosecutor of the Republic of Azerbaijan. It is not permissible to ask questions of the certified prosecutor's office that are not directly related to his service activity, as well as to evaluate him based on his political views and beliefs. The results of the attestation (price and recommendations), as well as the questions and answers given during the attestation, are written on the attestation sheet, drawn up in 1 (one) copy, signed by the chairman, secretary and other members of the attestation commission who participated in the voting. Periodic evaluation of the theoretical knowledge and professional training of prosecutor's office employees during their work is carried out only in the cases

Q082 (General Comment): In 2011, the application of the "Electronic Court" system was started in pilot mode. The official application of this System was started with the Decree of the President of the Republic of Azerbaijan on the creation of the "Electronic court" information system dated February 13, 2014.

Q082-2 (2021): In the next year, a new version of the "Mobile court" application will be developed and presented. It is planned to update the mobile application, both visually and functionally, to expand the opportunities of citizens to apply to the court.

Georgia

Q035 (2021): Difference between number of Pending cases on 31 December of 2020 and Pending cases on 1 January 2021 is resulted by the additional technical corrections related with statistical data of resolved cases in 2020. After Pandemic restrictions in 2020 (which has decreased number of incoming cases in 2020), in 2021 number of incoming cases has been extremely increased. Increase of incoming cases reflected on the number of pending cases and the percentage of cases that have not been reviewed for more than 2 years.

Q038 (General Comment): The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

Q038 (2021): According Criminal Procedural Code of Georgia, those criminal cases where detention as a measure of restraint isn't used against accused, should be resolved in 24 months (and few kind of cases in 36 months) by First Instance Court. Thus, time limit for first Instance court for above mentioned criminal cases (where detention against accused isn't used) is about two years. Data includes administrative offences cases.

Q039 (2021): NAP

Q041 (2021): Bribery cases have not been appealed in Supreme Court during Reference year.

Trading in influence cases have not been resolved during reference year. Divorce cases - subject of appeal is 0.4 %. Insolvency cases have no time limits in first Instance. Decisions of Appeal Court on Insolvency cases are final and can't be appealed in Supreme Court. 100% of litigious divorce cases pending more than 3 years - not all cases, but only one case which was appealed in Supreme Court (during Reference Year) is pending more than 3 years.

Q041-1 (General Comment): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria.

Regarding imposing or negotiating a penalty - According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the

Q041-1 (2021): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria.

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Q041-2 (2021): Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecution Service.

Q041-3 (General Comment): Regarding Question 3.1 - A considerable increase in the number in comparison to previous reporting was caused by the massive review of old criminal cases by prosecutors in 2021 followed by the decisions to discontinue the ones where offenders could not be identified due to the objective reasons. This trend of reviewing old criminal cases was motivated by the PSG performance appraisal system. The PSG, through its relevant departments, has monitored the terminated cases in order to make sure that the decisions on discontinuation were made on valid and justified grounds.

Q041-3 (2021): Regarding Question 3.1 - A considerable increase in the number in comparison to previous reporting was caused by the massive review of old criminal cases by prosecutors in 2021 followed by the decisions to discontinue the ones where offenders could not be identified due to the objective reasons. This trend of reviewing old criminal cases was motivated by the PSG performance appraisal system. The PSG, through its relevant departments, has monitored the terminated cases in order to make sure that the decisions on discontinuation were made on valid and justified grounds.

Q042 (2021): The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the Courts of Appeal and the Supreme Court that are available on the website of High Council of Justice.

Q043 (2021): Department of Court Management of the HCJ – the body created by the LLC specifically for ensuring efficiency and quality of the common courts system. Quality standards are locally in each court implemented by Court Managers.

Q062 (2021): Approximately all large Courts have Statistical Sectors or Court statistics. All important information is collected and accumulated at Statistical Sector of Supreme Court of Georgia.

Q066 (2021): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Chairperson of High Council of Justice of Georgia. Reports are presented at Annual Conference of Judges of Common Courts of Georgia and are also published on the website. Reports show statistical and analytical overview of the activities of the High Council of Justice of Georgia, as well as activities of Courts.

Q069 (2021): The Report of the Prosecutor General of Georgia is released annually, and published on the website. The report shows a statistical and analytical overview of the activities of the PSG, implemented criminal policy, challenges and future plans.

Q074 (General Comment): According the law there isn't quantitative performance targets defined for each judge.

Q076 (General Comment): According the law there isn't qualitative individual assessment of Judges work. According the law only probation Judge's work is evaluated annually during 3 years. (Annually; Until December 2024)

Q082-0 (2021): At the moment there isn't officially approved IT Strategy for the Judiciary, but concept and vision of IT strategy for the Judiciary is prepared.

Q082-2 (2021): At the moment Information Technology Service of High Council of Justice of Georgia is working on development of new Case Management program.

Q085 (2021): Georgian Court system has two main websites for publication of Court Decisions: 1. www.ecd.court.ge - All decisions taken by Courts (by all Instance Courts) had been automatically published (with anonymised data) on this website.

2. www.supremecourt.ge - All decisions taken by Supreme Court of Georgia are published (with anonymised data) on this website. After decision made by Constitutional Court of Georgia in June 2019, it has become important to adopt clear and obvious regulations about publication form of Court Decisions. As soon as Georgian Parliament adopts the new regulations, the HCJ will continue uploading court rulings in compliance with the legislative amendments. In 2021 Decisions of

Republic of Moldova

Q035 (2021): The upward trend in resolved cases in 2021 and downward trend in pending backlog at the end of the reference period is due to an increased capacity of judiciary in 2021 to activate after passing through a pandemic period in 2020 with lockdown periods when examination of not urgent civil cases was postponed. Bankruptcy and appeals against decisions issued by bailiffs were moved in this exercise according to the EN from Category 4 Others to Category 1 Civil and Commercial litigious cases.

Also, for adjusting the counting methodology to the EN in this exercise were distinguished also some legal acts proceedings from statistical reports containing civil judicial authorities in compliance with the Code of Misdemeanors. The 2020 data reflects criminal cases concerning natural and legal persons accused of committing an offence under the Criminal Code, without being classified according to the nature and the degree of the damage. Since 2012, according to article 16 of the Criminal Code, offences were classified as follows: minor offences - offences punishable by a deprivation of liberty for a maximum of 2 years; less serious offences - offences punishable by a deprivation of liberty for a maximum of 5 years; serious offences - offences punishable by deprivation of liberty for a maximum of 12 years; extremely serious offences - intentional breaches punishable by a deprivation of liberty exceeding 12 years; exceptionally serious offences - intentional breaches punishable by life imprisonment.

Q039 (2021): Other-review proceedings for civil, commercial, bankruptcy litigious cases.

Bankruptcy cases were moved in this exercise according to the EN from Category 4 Others to Category 1 Civil and Commercial litigious cases.

Q040 (2021): The upward trend in incoming and resolved criminal cases in 2021 is due to an increased capacity of judiciary in 2021 to activate after passing through a pandemic period in 2020 with lockdown periods when examination of not urgent cases was postponed.

Q041 (2021): The discrepancies are not significant. The increase of insolvency cases pending more than 3 years can be explained by the backlog created in 2020 due to pandemic restrictions.

Q041-1 (2021): The role and powers of public prosecutor in the criminal procedure are stipulated by articles 52,53, 53/1 of the Criminal Procedure Code.

Q041-2 (General Comment): In civil matters, the public prosecutor takes part in the investigation of first instance if s/he her/himself filed a petition for legal action. The prosecutor may lodge a petition for compensation for the damage caused to public authorities by a criminal offence, as well as for the annulment of the acts that caused the damage, in the case of ceasing or non-commencement of the criminal prosecution under art. 275 (4), 5) and 9) of the Code of Criminal Procedure. The petition may be filed regardless of the consent of the public authority. The prosecutor who has brought an action has the applicant's rights and procedural obligations, except for the right to terminate the transaction and the obligation to pay the costs. The dismissal of the prosecutor's claim submitted in defence of the interests of the public authority does not deprive the prosecutor of the right to request the examination of the case. The dismissal of the public authority of the action brought by the prosecutor does not affect the examination of the case if the prosecutor requests that. The absence of the prosecutor legally summoned in court does not terminate the examination of the case if the public authority in whose interests the action was brought supports the examination of the case. The prosecutor is a subject with a right to appeal the administrative court under the terms of Article 5 of the Code of Civil Procedure in order to contest the acts issued by the public authorities.

Q041-2 (2021): In accordance with the art. 5 letter j) of the Law on the Prosecutor's Office no. 3/2016, in cases of non-start or termination of the criminal investigation, under the law, the prosecutor initiates a civil action and participates in its examination. Also, a structural subdivision is designated by the General Prosecutor's Office for representing the authority in courts, when the administrative acts issued by Prosecutor's office are disputed.

Q041-3 (General Comment): In the category "Discontinued for other reasons" are included suspended cases. The prosecutor may suspend a case in Moldova, until the offender is being identified. It doesn't mean that the case is closed. Thus, the prosecutor orders suspension of the criminal investigation by a reasoned order. By law is mandatory that the prosecutor, before suspending the investigation, should do all actions that are possible in the absence of the accused, undertake all

Q041-3 (2021): The reflected data include:

1. Pending cases (01.01.2021) according to Info GPO Information System.
2. Incoming cases according to Info GPO Information System. Data include criminal cases on which criminal investigation was started, reopened cases, separated cases.
 - 3.1.1 The prosecutor may suspend a case in Moldova, until the offender is being identified. It doesn't mean that the case is closed. Thus, the prosecutor orders suspension of the criminal investigation by a reasoned order. By law is mandatory that the prosecutor, before suspending the investigation, should do all actions that are possible in the absence of the accused, undertake all possible measures to identify the offender. There were suspended 6788 cases in 2021 because the offender was not identified. In 2020 the data were added in 3.1.4.
 - 3.1.2 Cases discontinued according to article 275 (1-3) of the Criminal Procedure Code.
 - 3.1.3. Suspended cases according to article 287/1 (1 p. 1) of the Criminal Procedure Code-the offender has disappeared, evading prosecution or trial, or his whereabouts are not established.
 - 3.1.4 Discontinued cases according to article 275 (4-8) of the Criminal Procedure Code.
- 3.2 Cases according to article 510 of the Criminal Procedure Code. In 2020 in 3.2 were included other discontinued cases which were added in 2021 in 3.1.4, adjusting the methodology to the EN.
- 3.3 Cases brought to court with an indictment according to Info GPO Information System.

Q041-4 (2021): The reason for guilty plea procedures decrease in 2021 in comparison with 2020, 2018 and 2016 data is the applicability of another simplified procedure based on the evidence administered at the phase of the criminal investigation (application of Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase).

In accordance with the provisions of art. 16 of the Criminal Code, depending on the nature and degree of prejudice, the offences are classified into the following categories: mild, less serious, serious, particularly serious and exceptional serious. According to data of the Info GPO Information System, there is no such delimitation of guilty plea agreements in compliance with the classification of crimes aforementioned. During 2021, they were sent to court with a guilty plea agreement – 151 criminal cases.

In the part related to main trial, during 2021, first instance courts examined 134 criminal cases on 145 offenders according to art. 504-509 of the Criminal Procedure Code (guilty plea agreement), which constitutes 1.08 % of the total number of cases finished with the issuance of a sentence.

All 134 sentences issued as a result of the examination of the cases based on the guilty plea agreement were for committing mild, less serious and serious offences. There were not any guilty plea agreements for particularly serious and exceptional serious offences.

Q042 (General Comment): On September 12, 2014 through an order signed by General Prosecutor's Office jointly with the Ministry of Internal Affairs, the National Anticorruption Center and the Customs Service were approved the Performance Indicators for the institutions involved in the criminal process and the Methodology for evaluating the effectiveness of the criminal investigation activity, but in practice these indicators are not applied.

Q049 (2021): According to the national legislation provisions the system is collecting and analyzing data every three months.

Q053 (2021): Monthly, Quarterly

Q056 (General Comment): The Agency for Courts Administration is an entity subordinated to the Ministry of Justice who is responsible for data collection and analysis of court performance at the central level (excepting individual performance of judges) for policy making specifically for facilitating access to justice, improving court staff training, court IT solutions, cybersecurity, data protection, facilitating the maintenance/renovation/building of court premises and other court

Q061 (2021): The waiting time is being monitored due to the implementation of the new version of ICMS in all courts.

Q062 (General Comment): The institutions responsible for collecting statistical data regarding the functioning of the courts and judiciary are the Superior Council of Magistracy and the Agency for Courts Administration.

According to art. 54 of the Law no. 514 on judicial organization, the courts present to the Superior Council of Magistracy and to the Agency for Courts Administration statistical information on the cases examined in civil, commercial, administrative, misdemeanor and criminal cases, as established by the courts. The Agency for Courts Administration has the following attributions in the field of judicial statistics:

- a) develops the mechanism and rules for keeping of judicial statistics;
- b) carries out the collection, analysis and systematization of data on judicial statistics;
- c) verifies the correctness of the statistical reports produced by the courts, as well as the statistical reports generated by the Integrated Case Management Program;
- d) ensures the keeping and storing of generalized statistical reports and related information submitted by the courts;
- e) collects, checks, stores and keeps records of the statistical records of the defendants and of the checklists presented by the courts and their lists, as well as ensures the compliance of the number of records of the defendants with the number of convicted persons in the statistical reports;
- f) collects and generalizes other information related to judicial statistics submitted by the courts;
- g) provides methodological assistance and support to court personnel as regards the bookkeeping, generalization and analysis of judicial statistics;
- h) examines requests and inquiries from interested institutions and representatives of civil society regarding the provision of statistical information;
- i) prepares quarterly and annual reports on judicial statistics and submits them to the Supreme Court of Justice, the Superior Council of Magistracy and other interested bodies for information, as well as publishes them on the official website of the Ministry of Justice and on the Agency's webpage.

Therefore, two institutions are responsible for maintaining judicial statistics in the Republic of Moldova:

1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ;
2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfînt str., 124 B, et. 2, <http://aaij.justice.md> .

Q062 (2021): 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfînt str., 124 B, et. 2, <http://aaij.justice.md>

Q064 (2021): General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

Q065 (2021): The annual reports on the activity of the Prosecutor's Office system are being published on the website of the General Prosecutor's Office. The activity report of the Prosecutor's Office for 2021 can be accessed at

the following link: http://procuratura.md/file/2022-03-21_RAPORT%20de%20activatie%20FINAL.pdf

Statistical data for each individual prosecutor's office are not being published.

Q067 (2021): Due to the implementation of new ICMS functionalities in all courts, including electronic statistical reports, starting with 2020 the data are available for individual courts in the ICMS and are collected from the system at the local and central level.

Q068 (General Comment): The report is accessible to the general public, Agency for Courts Administration and Superior Council of Magistracy. The structure of the report is determined at the general level and contains information on the number of examined cases, the number of filed cases, the number of pending cases, the number of judges, the workload per judge. The report reflects the information on the activity of the court, including also the issued decisions, maintained decisions,

Q068 (2021): Quarterly

Q071 (2021): Monthly, quarterly, every 6 months.

Q075 (General Comment): All cases are randomly distributed by Integrated Case Management System based on case complexity and on a specific percentage of examination established by the Superior Council of Magistrates. The investigative judges examine specific criminal materials and 50% of other case categories. Just in case if the workload of a judge is too high, the president of the court is responsible for setting less case types to be distributed in order to balance the workload.

Q076 (2021): Once in 3 years

Q078 (2021): In the Republic of Moldova, according to legal provisions in force in 2021, no quantitative performance targets are set for each prosecutor and there is no authority responsible for setting these targets for each prosecutor.

Q081 (General Comment): According to Article 29 of the Law no.3/2016 on the Prosecutors Office, the evaluation of prosecutors performance is carried out in two forms:

- a) periodic evaluation;
- b) extraordinary evaluation.

The prosecutor is subject to periodic performance evaluation once every 4 years. The performance of the person appointed as a prosecutor is evaluated during the first year of service.

The prosecutor is subject to extraordinary performance evaluation:

- (a) at his or her request, but not more often than once a year;

Q082 (General Comment): The Moldovan CMS was developed and it is functional for over than 10 years. It has been redesigned (major redevelopments) in the last 2 years (2019-2021).

Ukraine

Q035 (General Comment): Such a number of cases pending on 31 December is caused by the overall lack of judges in the judicial system. After the introduction of certain measures aimed at raising the transparency and integrity of the work of Ukrainian judges in the framework of judicial reform the whole judicial corps had to go through a thorough evaluation procedure as part of the qualification evaluation of judges. One of its stages - interview with members of the High Qualification Commission of Judges of Ukraine - is broadcast online. In addition, the filling of the positions became possible only via the public transparent procedure on a competitive basis. Judges now have to file not only the financial declaration but also a declaration of family ties and a declaration of integrity. The judicial dossier (which, apart from personal data, are published online) within competitions was introduced. The additional stage of career procedures became psychological testing. The public society also takes part in the procedure of evaluation of the candidates through the Public Integrity Council (PIC), except for the competition to the High Anti-Corruption Court. If the judge or the candidate to judicial position gets the PIC's negative opinion, it had to be overruled by 11 votes of the Members of the High Qualification Commission of Judges of Ukraine (HQCJU). In case of competition to the High Anti-Corruption Court, the assistance to the HQCJU is exercised by the Public Council of International Experts.

After the introduction of reform novelties in 2016, around 20% of judges resigned on their own will. In 2017 this number reached about 30%. Simultaneously with this process, the judicial authorities initially took all the possible efforts to fill the vacant positions. The High Qualification Commission of Judges of Ukraine initiated career procedures for more than 1000 judicial vacancies, many of which were successfully finalized. But the rest remained pending. On November 7, 2019 according to the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193-IX dated October 16, 2019, the powers of members of the High Qualification Commission of Judges of Ukraine were terminated. From

In Ukraine, the procedure for commercial and civil proceedings is established by the Commercial Procedure Code of Ukraine (the "CoPC") and the Civil Procedure Code of Ukraine (the "CiPC"), which also define the jurisdiction and powers of the courts to resolve commercial and civil cases in certain proceedings. Commercial and civil proceedings are a set of procedural actions aimed at consideration and resolution of a certain category of commercial and civil cases. The types of proceedings in commercial and civil proceedings are associated with the following features: substantive nature of court cases; peculiarities of the procedural order of their consideration; tasks performed by the court in their consideration; system of interrelated procedural rights and obligations, as well as procedural actions; objects, subjects and content of procedural relations, etc. The type of proceedings has relative independence and completeness of legal regulation. According to these criteria, economic procedure law and legislation distinguish two main types of proceedings: action and writ proceedings. Civil procedural law and legislation distinguish three main types of proceedings: action, writ and special proceedings. Each of these types of proceedings is characterized by specific features of their consideration in court. The CoPC defines the following proceedings in the court of first instance

- writ proceedings (section II of the CoPC) - intended to consider cases on applications for the recovery of small amounts of money, in respect of which there is no dispute or the applicant is not aware of its existence
- lawsuit proceedings (Section III of the CoPC) - characterized by the existence of a dispute between two parties with opposing interests;

The CiPC defines such proceedings in the court of first instance:

- writ proceedings (Section II of the CiPC) - intended for consideration of certain categories of cases on applications for recovery of small amounts of money, in respect of which there is no dispute or the applicant is not aware of its existence
- lawsuit proceedings (Section III of the CiPC) - characterized by a dispute between two parties with opposing interests;
- special proceedings (Section IV of the CiPC) - aimed at establishing certain circumstances, legal facts or legal status of citizens necessary for the exercise of subjective rights.

According to the CiPC, special proceedings are a type of non-action civil proceedings in which civil cases are considered to confirm the presence or absence of legal facts that are important for the protection of rights, freedoms and interests of a person or to create conditions for the exercise of personal non-property or property rights or to confirm the presence or absence of undisputed rights.

The court considers in a separate proceeding the following cases:

- restriction of civil capacity of an individual, recognition of an individual as incapacitated and restoration of civil capacity of an individual;
- restriction of an individual from visiting gambling facilities and participating in gambling;
- granting full civil capacity to a minor;
- recognizing an individual as missing or declaring him/her dead;
- adoption;
- establishing facts of legal significance;

Q038 (2021): The category "on the enforcement of court decisions in criminal cases" refers to the category "enforcement of criminal sentences".

We provide the requested detailed information on the enforcement of court decisions in criminal cases, indicating their share among other procedures in percentage terms:

Cases on enforcement of court decisions in criminal cases - 10 263 (Pending cases on 1 Jan. ref. year), 79 078 (Incoming cases), 80 235 (Resolved cases), 9 106 (Pending cases on 31 Dec. ref. year).

share among other category 3 procedures - 16,2% (Pending cases on 1 Jan. ref. year), 9,2% (Incoming cases), 9,3% (Resolved cases), 14,5% (Pending cases on 31 Dec.

Q039 (General Comment): With respect to the change of many items from NA to NAP, the previous cycle shall be harmonized with the 2016 cycle, because there were no changes in legislation in that respect.

To 'other cases' the data on the number of cases on administrative offenses is indicated (in both cycles).

Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. Plus, the difference in total numbers for 2014 compared with 2016 cycle was caused by the sharp increase in administrative cases number, the reasons of which is NA for now. That was an official statistics given by the State Judicial Administration of Ukraine which is documented.

With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). The reasons for that changes are NA for now.

Q040 (General Comment): The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanor and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanor/minor offences cases is not

Q041-1 (General Comment): According to the amendments to the Constitution of Ukraine of June 2, 2016, Ukraine has a Prosecutor's office that organizes and manages procedural pre-trial investigations, resolves other issues in accordance with the law during criminal proceedings, supervises covert and other investigative actions of law enforcement agencies.

court in exceptional cases and in the manner prescribed by law.

The prosecutor's representation of the interests of the state in court may be carried out in criminal proceedings and beyond: in civil, commercial and administrative proceedings.

According to Part 3 of Article 23 of the Law of Ukraine "On the Prosecutor's Office", the prosecutor shall exercise representation of legal interests of the state in court in case of a combination of the following circumstances: violations or a threat of violation of state interests, failure to implement or undue implementation of the protection of these interests by a public authority, local government authority or another authority the competence of which includes the respective powers, as well as in case of absence of such an authority. A public prosecutor shall justify grounds for representation in court, which provides for compliance with the procedure specified in Part 4 of Art. 23 of the Law of Ukraine "On the Prosecutor's Office", namely prior notification of the relevant entity of the violation, providing it with a reasonable period of time to take measures to protect the interests of the state and only in case of inaction of such an entity, filing a lawsuit.

The procedure for participation of the prosecutor in civil, commercial and administrative proceedings is provided for by Article 53 of the Code of Administrative Proceedings of Ukraine, Article 56 of the Civil Procedure Code of Ukraine, Article 53 of the Code of Commercial Procedure of Ukraine.

When exercising the prosecutor's representative powers, the priorities are the existence of a violation or threat of violation of the state's interests in the budget sphere, in the sphere of land relations, on issues of state and communal property, including bankruptcy cases.

In addition, according to the provisions of Art. 250 of the Code of Ukraine on Administrative Offenses, the participation of the prosecutor is mandatory when considering cases of administrative offenses related to corruption under Articles 1724-1729, 1729-2

Q041-3 (General Comment): The information for 2018 contained data on criminal proceedings (indictments, motions) investigated and sent to court, the pre-trial investigation of which was carried out directly by investigators of the prosecutor's offices in accordance with the reporting form No. 1-СЛ "On the work of investigators of the prosecutor's offices" and "On the work of investigators of military prosecutor's offices". Pursuant to the provisions of Article 131(1) of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On the Prosecutor's Office", Article 216 of the CPC of Ukraine, starting from November 20, 2019, the prosecutor's offices do not perform pre-trial investigation functions in criminal proceedings. At the same time, Article 36 of the CPC of Ukraine defines the powers of the prosecutor to supervise the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, and support of the public prosecution in court. In view of the above, when preparing the answer to Question 41-3 "State prosecutors: Total number of criminal cases in the 1st instance" for 2021, the data on criminal proceedings investigated and sent to court by the prosecutor (procedural supervisor), the pre-trial investigation of which was carried out by investigators of the police, security, State Bureau of Investigation, tax authorities and the National Anti-Corruption Bureau of Ukraine in accordance with the reporting forms No. 1-СЛ (НП) "On the work of pre-trial investigation bodies of the National Police", No. 1-СЛ (ДБР) "On the work of pre-trial investigation bodies of the State Bureau of Investigation", No. 1-СЛ (ДФС) "On the work of pre-trial investigation bodies exercising control over compliance with tax legislation", No. 1-СЛ (НАБУ) "On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", No. 1-СЛ (СБУ) "On the work of pre-trial security

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Q041-4 (General Comment): The Criminal Procedure Code refers to criminal proceedings based on agreements. According to its Chapter 35, the following types of agreements may be concluded: reconciliation agreement between the victim and the suspect or the accused; plea agreement between the public prosecutor and the suspect or the accused about pleading guilty.

Q041-4 (2021): Total number 9810, of which:

with a reconciliation agreement - 3213;

with a guilty plea agreement - 6597

Q041-5 (2021): Only in the part of committing criminal offenses related to violation of traffic safety rules.

Q042 (General Comment): Starting from 2015 the "Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods (CPEF)" is applied in Ukraine. This system is aimed to evaluate the work of the court for improving the organization of their work, namely to increase the productivity, efficiency, and quality of court procedures. CPEF consists of basic indicators (recommended to be applied by the courts every 6 months; the results of the evaluation shall be published on the websites of the courts) and 4 following modules: "Judicial Administration", "Timeliness of Trial" (optional), "Judicial Decision" (optional), "Satisfaction of the court users with the work of the court" (optional). By its decision the Council of Judges of Ukraine recommended to the courts of Ukraine to apply CPEF to evaluate the work of the court both in full or its individual modules, depending on the managerial purpose and the tasks aimed at improving the work of the court.

CPEF was based on the instruments developed by the CEPEJ Working group on the quality of justice (Checklist for promoting the quality of justice and the courts (2008), Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe's Member States (2010), Questionnaire for collecting information on the organization and accessibility of Court premises (2013) etc.)

By decision of April 26, 2016, No. 26, the Council of Judges of Ukraine approved the methodological guide "Application of the Court Evaluation System" and the list of basic court performance indicators.

Also, the order of the State Judicial Administration of Ukraine dated June 28, 2018 No. 286 approved the Methodology for analyzing the activity of courts. The SJA of Ukraine is analyzing the activity of the courts to be used in making objective management decisions to improve the state of litigation and the rational use of budgetary funds.

In the process of analyzing the activities of the courts, two main aspects that characterize the activities of the court are examined, namely: dated June 11, 2021 No. 231/2021.

According to this Strategy, a detailed list of tasks, measures, expected results and indicators for further implementation of the reform of the judiciary, justice system and other legal institutions is reflected in the Action Plan for the implementation of the Strategy, which is approved by the Legal Reform Commission. Development and implementation of the Action Plan should be accompanied by comprehensive discussions involving the public and expert environment.

Monitoring the effectiveness of the implementation of the provisions of the Strategy should be determined on the basis of objective, relevant and measurable indicators.

Q043 (General Comment): As can be seen from the questionnaire, questions 42 and 43 are inextricably linked and relate to the quality standards of the judicial system at the national level. At the same time, the activities of the prosecutor's office are not directly related to the implementation of these standards in the judicial system. Taking into account the previously provided explanations to question 43 (question 67 of the CEPEJ questionnaire), the Department of Criminal Policy and Investment Protection erroneously stated that there are persons responsible for the implementation and/or monitoring of quality standards at the national level. In view of the above, it is proposed to amend the response to question 43 accordingly. At the same time, on 16.10.2020, the Prosecutor General's Order No. 489 approved the Prosecution Development Strategy for 2021-2023, and subsequently, in May 2021, the corresponding Action Plan, which sets out the deadlines for the implementation of measures to implement each of the strategic priorities, the executors of clear goals, the achievement of which is measured by a specific result. The first priority of the Strategy is aimed at ensuring a high level of quality and efficiency in the implementation of the constitutional functions of the prosecutor's office, which involves the development of standards for prosecutors, including standards for pre-trial investigation, as well as the introduction of the approved standards into the curricula of initial, special training, advanced training of prosecutors and other training programs. In addition, the Department of Criminal Policy and Investment Protection, together with experts from the International Development Law Organization (IDLO), ensures the development and implementation of a system of individual performance evaluation of prosecutors. The said evaluation should be conducted every four years and will include an assessment of the quality of performance, which will determine the suitability of the position held and provide recommendations for further development and promotion. In accordance with the Rules of Procedure of the Prosecutor General's Office, the implementation of certain measures is monitored on a quarterly basis and the Prosecutor General is informed of the status of their implementation. The main tasks of the structural units, including those responsible for the implementation of quality standards, their

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Q049 (2021): Weekly, semi-annually, annually.

Q050 (General Comment): The decision of the Council of Judges of Ukraine No. 61 of September 16, 2016 recommended applying the Regulation on the Procedure for Planning the Expenditure of Courts Based on the Expected Result approved by the Chairman of the State Judicial Administration of Ukraine.

This planning methodology is based on understandable for society performance indicators of the judiciary, as well as the formula for determining them basing on the budget of the judiciary with the possibility of inverse modeling of performance depending on the allocated financial resources.

If according to the results of statistical reporting in some courts deviation of the actual number of resolved model cases from their planned number is found out, by the initiative of the chief spending unit the budget (appropriations approved by the state budget schedule and estimates) are adjusted.

Based on the results of statistical reporting on the consideration of court cases during the current budget year, the SJA calculates model budgets of consumption and adjusts expenditures for consumption. Based on the adjustments, the proportional redistribution of planned expenditures in terms of economic classification codes is carried out without changing the state budget outline.

Q052 (General Comment): The performance evaluation of prosecutors is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

Q053 (General Comment): The report on the implementation of budget program passports is submitted annually to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic in the form.

At the same time, according to Article 6 of the Law of Ukraine 'On the Prosecutor's Office', the prosecutor's office also informs the public about its activities at least twice a year through media reports.

In accordance with the requirements of part two of this article, the Prosecutor General shall submit to the Parliament of Ukraine a report on the activities of the prosecutor's office by April 1 of each year, which shall contain the information provided for in this article.

The Prosecutor General personally reports on the activities of the prosecutor's office to the Verkhovna Rada of Ukraine at its plenary session. Heads of regional and district prosecutor's offices at an open plenary session of the relevant council, to which media representatives are invited, at least twice a year inform the society of the relevant administrative-territorial unit about the results of activities in this area by providing generalized statistical and analytical data.

Information on the activities of the prosecutor's office is published in national and local print media and on the official websites of the prosecutor's office.

In addition, the results of the work of the prosecutor's office, ways to improve the efficiency of their activities are periodically discussed at operational meetings with the heads of the prosecutor's office, where the priorities and main tasks for the next period is determined.

Q056 (General Comment): The State Judicial Administration of Ukraine analyses the activities of the courts to take objective managerial decisions on improving consideration of court cases and rational use of budget funds.

Q058 (General Comment): CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6)

Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

The system was developed with the international technical assistance provided by the USAID.

Q058 (2021): According to Article 1311 of the Constitution of Ukraine and the Law of Ukraine "On the Prosecutor's Office", the assessment of the quality and performance of the court's activity does not fall within the competence of the prosecutor's office. At the same time, the prosecutor's office monitors the data on the number of appeals and other indicators in cases in which the participation of the prosecutor is provided by law.

According to the first part of Article 152 of the Law of Ukraine "On the Judiciary and the Status of Judges", the State Judicial Administration of Ukraine, in particular, shall ensure appropriate working conditions for courts, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine and judicial self-government bodies within the scope defined by this Law; examine how courts are organised, and thereafter draft and duly submit proposals with the purpose of enhancing the same; organise activities related to court statistics, paperwork and archives; oversee the status of paperwork in courts.

According to Article 151-1 of the Law of Ukraine "On the Judiciary and the Status of Judges", analytical and statistical processing of information is carried out through the Unified Judiciary Informational Telecommunication System. Evaluation of the efficiency of court staff is entrusted to the respective presidents of courts (para. 3 part 1 of Art. 24, para. 3 part 1 of Art. 29, para. 3 part 1 of Art. 34, para. 4 part 2 of Art. 39 of the Law of Ukraine "On the Judicial System and Status of Judges").

According to paragraph 7 of part 1 of Article 93 of the aforementioned Law of Ukraine, the High Qualification Commission of Judges of Ukraine conducts qualification assessment of judges.

Between February and April 2021, the USAID New Justice Sector Reform Program conducted national surveys on trust in the judiciary, other branches of government and public institutions, independence and accountability of judges, perception of corruption in the judiciary, and reporting of corruption cases. According to the survey results, 10% of the general public indicated that they have full or strong trust in the judiciary; 40% of legal professionals with experience of interacting with the courts and other branches of government in Ukraine reported that they trusted the courts in which they were represented, and 27% indicated that they generally trust the judiciary as a branch of government. Judges demonstrated a very high level of trust in all judicial institutions, in particular, 86% in the judiciary in general, 79% in the High Council of Justice, 75% in the Supreme Court. The results of the surveys are published at the link: <https://newjustice.org.ua/uk/lib/doslidzhennya-ta-zviti/> According to a survey conducted by the Razumkov Center sociological service from July 29 to August 4, 2021, 2.8% of respondents fully trust the judiciary in general (12.7% rather trust); 2.8% of respondents fully trust the local court (17.3% rather trust); The Supreme Court is fully trusted by 3.8% of respondents (rather trusted - 17.6%); the Constitutional Court of Ukraine is fully trusted by 4.8% of respondents (rather trusted - 16.5%); the High Anti-Corruption Court is fully trusted by 2.7% of respondents (rather trusted - 12.6%). The results of the polls are published by the link: <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/dovira-do-instytutiv-suspilstva-ta-politykiv-elektoralni-orientatsii-gromadian-ukrainy> By the decision of the Council of Judges of Ukraine dated 02.04.2015 № 28 the framework system of court performance evaluation in Ukraine was approved with the final title: "Court Performance Evaluation System: Standards, Criteria, Indicators and Methods" (CPES). In particular, the mentioned decision recommended the courts of Ukraine to apply the CPES to evaluate the work of the court both in full and individual modules of the CPES, depending on the management goals and objectives aimed at improving the work of the court, with a frequency of once every three years.

Additionally, dynamics and share of receipt and consideration of cases and materials on administration of justice by the Supreme Court (by type of proceedings, by

Q059 (General Comment): The performance indicators regarding the work of the public prosecution activities are determined in the passports of the budget programs of the Prosecutor's General Office. Budget program passport is a document defining the purpose, objectives, directions of use of budget funds, responsible executors, performance indicators and other characteristics of the budget program in accordance with the budget purpose established by the law on the State Budget of Ukraine and the goals of state policy, which is provided by the chief administrator.

These performance indicators within budget program passports, for example, include but not limited to:

- the number of appeals to the prosecutor's office;
- the number of proceedings (cases) in which prosecutors took part in the courts;
- the number of considered requests for public information;
- the number of citizens received by prosecutors at a personal reception;
- the sum for which the interests of the state are protected by prosecutors in court;
- the number of documents of the prosecutor's response related to the executing of functions of the prosecutor's office to restrict the personal freedom of citizens;
- the number of processed appeals of foreign institutions for legal assistance;
- the number of appeals of Ukrainian institutions to the competent authorities of foreign countries for legal assistance.

The report on the implementation of budget program passports is submitted (annually) to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic form.

The Chief Administrator annually publishes the results of the evaluation of the effectiveness of budget programs for the reporting budget period by posting them on its official website within two weeks after the submission of the annual budget reports.

The monitoring of prosecution activity is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

Q059 (2021): According to part 1 of Article 8 of the Law of Ukraine "On Prosecutor's Office", the Office of the Prosecutor General ensures proper functioning of the Unified Register of Pre-trial Investigations and its maintenance by pre-trial investigation bodies, determines the unified procedure for reporting on the state of criminal unlawfulness and the work of the prosecutor in order to ensure the effective performance of the prosecutor's functions. According to Part 2 of Article 28 of the CPC of Ukraine, conducting pre-trial investigation within a reasonable time shall be ensured by public prosecutor.

Q060 (2021): The SJA of Ukraine collects statistical information and monitors the indicators of local and appellate courts on the number of cases and materials that were in proceedings, considered and remained unexamined at the end of the reporting period, including those not considered for more than 1 year.

Q062 (General Comment): The State Judicial Administration of Ukraine is responsible for organization of the statistic work.

Q063 (2021): General courts of appeal, economic courts of appeal, administrative courts of appeal, local general courts, local economic courts, local administrative courts publish statistical reports on the state of administration of justice on the websites of the courts as part of the official web portal "Judiciary of Ukraine". The information available in the courts' reports can be found on the official web-portal of the judiciary of Ukraine (www.court.gov.ua) in the section "Judicial Statistics" of

Q064 (General Comment): Pursuant to the Law of Ukraine "On State Statistics" and in accordance with the normative legal acts of the Prosecutor General's Office of Ukraine, the Prosecutor General's Office of Ukraine for the purpose of fulfilling its administrative duties and tasks, forms consolidated reports on the results of prosecutorial and investigative activities, as well as provides proper organization of the work of the prosecution bodies on these issues.

Q064 (2021): Department of Organizational Support of the Unified Register of Pre-trial Investigations and Information and Analytical Work of the Prosecutor General's Office (Kyiv, 13/15 Riznytska St.)

Q065 (General Comment): According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics Service of Ukraine.

In addition, in accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports

No. P (quarterly), which are formed by the Prosecutor General's Office (<https://data.gov.ua/organization/office-heneralnogo-prokurora>), on the Internet portal of the Prosecutor General's Office (<https://gp.gov.ua/ua/posts/statistika>), as well as those formed by regional and equivalent prosecutor's offices, on the Internet portals of these prosecutor's offices, and which are available to the public:

<https://ark.gp.gov.ua/ua/statinfo.html>; <https://vin.gp.gov.ua/ua/documents.html>;
<https://vol.gp.gov.ua/ua/statvol.html>;
https://dnipr.gp.gov.ua/ua/documents.html?dir_id=110446&libid=100320; <https://don.gp.gov.ua/ua/statdon.html>;
https://zhit.gp.gov.ua/ua/materials.html?_m=publications&_t=cat&id=110840;
https://zak.gp.gov.ua/ua/zakdoc.html?_m=publications&_t=cat&id=114396;
[https://zap.gp.gov.ua/ua/documents.html?dir_id=107560&libid=;](https://zap.gp.gov.ua/ua/documents.html?dir_id=107560&libid=)
https://ifr.gp.gov.ua/ua/stat_info.html;
[https://kyiv.gp.gov.ua/ua/documents.html?dir_id=111393&libid=;](https://kyiv.gp.gov.ua/ua/documents.html?dir_id=111393&libid=)
<https://kobl.gp.gov.ua/ua/documents.html>;
[https://kir.gp.gov.ua/ua/documents.html?dir_id=111213&libid=;](https://kir.gp.gov.ua/ua/documents.html?dir_id=111213&libid=)
[https://lug.gp.gov.ua/ua/documents.html?dir_id=113207&libid=;](https://lug.gp.gov.ua/ua/documents.html?dir_id=113207&libid=)
https://lviv.gp.gov.ua/ua/lvdoc.html?_m=publications&_t=cat&id=111440;
<https://myk.gp.gov.ua/ua/statnik.html>;
[https://od.gp.gov.ua/ua/documents.html?dir_id=111595&libid=;](https://od.gp.gov.ua/ua/documents.html?dir_id=111595&libid=)
<https://pol.gp.gov.ua/ua/statpol.html>;
<https://pro.gp.gov.ua/statistic>;
https://sumy.gp.gov.ua/ua/suminf.html?_m=publications&_t=cat&id=117306;
https://tern.gp.gov.ua/ua/terndoc.html?_m=publications&_t=cat&id=112160;
[https://khar.gp.gov.ua/ua/documents.html?dir_id=106560&libid=;](https://khar.gp.gov.ua/ua/documents.html?dir_id=106560&libid=)
[https://kherson.gp.gov.ua/ua/documents.html?dir_id=113225&libid=;](https://kherson.gp.gov.ua/ua/documents.html?dir_id=113225&libid=)
[https://khmel.gp.gov.ua/ua/documents.html?dir_id=111937&libid=;](https://khmel.gp.gov.ua/ua/documents.html?dir_id=111937&libid=)
<https://chk.gp.gov.ua/ua/documents.html>;
<https://chnr.gp.gov.ua/ua/static>;
https://chrg.gp.gov.ua/ua/stat_infoc.html;
https://vppdr.gp.gov.ua/ua/vpprdoc.html?_m=publications&_t=cat&id=118636;

Q066 (General Comment): According to the Law of Ukraine "On the Judiciary and Status of Judges", the State Judicial Administration of Ukraine organizes work on conducting judicial statistics.

In order to report on the effectiveness of the administration of justice by local and appellate courts, ensuring the timely receipt of the information on the observance by courts of time for review of lawsuits, the adoption of sound management decisions and in accordance with designated powers, the State Judicial Administration of Ukraine develops forms of reporting on the implementation of legal proceedings, rules for filling out forms of state reporting the consideration of court cases and materials, as well as the procedure for their submission, which are approved by orders. The said orders are approved by the State Statistics Service of Ukraine in accordance with the established procedure. In addition, draft forms of reporting are agreed with the higher specialized courts and the Supreme Court of Ukraine. The reports contain data on the total number of cases pending before the courts, the results of their consideration by types of proceedings, as well as other applications, petitions, complaints handled by the courts of the first and appellate instances.

In the reports on civil, criminal and administrative cases, information is provided on cases dealt with in violation of the time limits established by the procedural law. The reports also contain information on criminal, administrative and civil cases in which proceedings are not completed at the end of the reporting period: more than 6 months to 1 year; more than 1 year to 2 years; more than 2 years.

Q066 (2021): There are forms of official statistical reporting on the state of administration of justice by local and appellate courts, which are approved by orders of the State Judicial Administration of Ukraine and are calculated automatically on the basis of information entered into the automated court document management system. Statistical data are used to assess the performance of courts and make informed management decisions.

Q067 (2021): Courts submit information for reports through the automated court document management system. The submission requires an electronic digital signature of the responsible persons. After consolidation of data for Ukraine, the consolidated report is published on the official web portal of the judiciary of Ukraine in the section "Judicial Statistics" (https://court.gov.ua/inshe/sudova_statystyka/).

General of Ukraine. This normative document defines the procedure for formation, submission of reports to higher-level prosecutor's offices, as well as the format and its content.

These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

- 1) statistical and analytical data on the performance of functions entrusted to the prosecutor's office
- 2) the actual number of prosecution bodies in terms of the number of prosecutors, civil servants, other employees, their professional development, special training, activities of the Training Centre of Prosecutors of Ukraine;
- 3) ensuring the independence of prosecutors, in particular, the number of reports on threats to prosecutor's independence received by the Council of Prosecutors of Ukraine and information on decisions taken on such reports;
- 4) ensuring lawfulness and integrity in the activities of the prosecutor's office, in particular the number of integrity checks of prosecutors conducted by internal security units and information on the decisions taken on such checks;
the number of internal investigations conducted, information on the reasons and grounds for their appointment and conduct and on the decisions taken on the results of such internal investigations;
the number of appeals and court cases on compensation by the state for damage caused by unlawful decisions, actions or inaction of the prosecutor, and the amount of such damage compensated by the state during the reporting period, as well as the number of court cases on the state's counterclaims against prosecutors and the amount of funds claimed under the satisfied counterclaims of the state;
the number of disciplinary complaints against prosecutors, information on the decisions taken upon consideration of such complaints, in particular the number of decisions on the existence of disciplinary offenses of prosecutors and on the disciplinary sanctions imposed (applied);
- 5) budgets of the prosecution bodies and their implementation;
- 6) ensuring the activity of the prosecutor's self-government bodies;
- 7) information specified in clauses 1-5 of this part on the activity of the Specialized Anti-Corruption Prosecutor's Office;
- 8) other information related to the results of the Prosecutor's Office activity.

The Prosecutor General annually by April 1 submits to the Verkhovna Rada of Ukraine a report on the activities of the Prosecutor's Office. In addition, the prosecutor's offices inform the public about their activities at least twice a year by means of mass media reports (Article 6(1) and (2) of the Law of Ukraine "On the Prosecutor's Office").

Heads of regional and district prosecutor's offices at an open plenary meeting of the respective council, to which representatives of the mass media are invited, at least twice a year inform the population of the respective administrative and territorial unit about the results of their activities in this territory by providing generalized statistical and analytical data (part 3 of Article 6 of the Law of Ukraine "On the Prosecutor's Office").

Q070 (General Comment): In accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by publishing on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by the order (within five days after their signature).

Q071 (General Comment): The report on the work of the prosecutor is made quarterly (every 3 months), which is formed by the cumulative result from the beginning of the year. The report is generated in an automated mode using a software package - information and analytical system "Accounting and Statistics of the Prosecutor's Office" on the basis of primary accounting data entered into the system by prosecutors who performed the work being accounted for.

Q074 (General Comment): The quantitative factor is taken into account within the qualification assessment of judges, when the record of a judge is studied. According to the Law of Ukraine On the Judiciary and Status of Judges, the record of a judge shall include information on the effectiveness of judicial proceedings, in particular:

- a) the total number of cases considered;
- b) the number of canceled court decisions and the grounds for their cancellation;
- c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations;
- d) the number of amended court decisions and the reasons for their change;
- e) observance of terms of consideration of cases;
- e) average length of the text of the motivated decision;

Q076 (General Comment): The qualitative individual assessment can be part of the qualification evaluation of judges in Ukraine.

Q082-0 (2021): Order of the State Judicial Administration of Ukraine "On Approval of the Sectoral Program of Informatization of Local and Appellate Courts and the Project for the Construction of the Unified Judicial Information and Telecommunication System for 2022-2024" of 14.06.2022 No. 178. In 2022, the Concept of Building the Unified Judicial Information and Telecommunication System, which existed as of 2021.

Q082 (2021): Courts have document management systems that use local databases. Part of the information from these databases is replicated to the central database of the automated court document management system. In this case, the central database is auxiliary, and all information is generated and stored in local court databases. If in the previous reporting period the emphasis was on "compatibility", the possible answer was "Yes".

Now, the answer was focused on the absence of a single centralized database used by all courts to enter, store and retrieve information in accordance with the direction of creating a single centralized court document management system set out in the Concept of the Unified Judicial Information and Telecommunication

Q083 (General Comment): Courts have document management systems that use local databases. Part of the information from these databases is replicated to the central database of the automated court document management system. In this case, the central database is auxiliary, and all information is generated and stored in local court databases. If in the previous reporting period the emphasis was on "compatibility", the possible answer was "Yes".

Now, the answer was focused on the absence of a single centralized database used by all courts to enter, store and retrieve information in accordance with the direction of creating a single centralized court document management system set out in the Concept of the Unified Judicial Information and Telecommunication

Q084 (2021): The Unified State Register of Court Decisions (hereinafter - the Register) is an automated system of collection, storage, protection, accounting, search and provision of electronic copies of court decisions (part two of Article 3 of the Law of Ukraine "On Access to Court Decisions")

Indicator 3 - Efficiency and productivity

by question No.

Question 35. First instance courts: number of other than criminal law cases.

Question 38. First instance courts: number of criminal law cases.

Question 39. Second instance courts (appeal): Number of "other than criminal law" cases.

Question 40. Second instance courts (appeal): Number of criminal law cases.

Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.

Question 41-1. Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):

Question 41-2. Does the public prosecutor also have a role in:

Question 41-3. Public prosecutors: Total number of 1st instance criminal cases.

Question 41-4. If the guilty plea procedure exists, how many cases were concluded by this procedure?

Question 41-5. Do the figures provided in Q41-3 include traffic offence cases?

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?

Question 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?

Question 49. If yes, please specify the frequency:

Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?

Question 51. If yes, which courses of action are taken (multiple replies possible)?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 59?

Question 53. If yes, please specify the frequency:

Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Question 55. If yes, which courses of action are taken (multiple replies possible)?

Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):

Question 58. Do you regularly monitor court activities (performance and quality) concerning:

Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:

Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. 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)?

Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Question 63. Are the statistics on the functioning of each court published:

Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Question 65. Are the statistics on the functioning of each public prosecution service published?

Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Question 67. If yes, please specify in which form this report is released:

Question 68. If yes, please, indicate the periodicity at which the report is released:

Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Question 70. If yes, please specify in which form this report is released:

Question 71. If yes, please, indicate the periodicity at which the report is released:

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Question 75. Who is responsible for setting these targets for each judge?

Question 75-1. What are the consequences for a judge if quantitative targets are not met?

Question 76. Is there a system of qualitative individual assessment of the judges' work?

Question 76-1. Who is responsible for setting the criteria for qualitative assessment of the judges' work?

Question 77. If yes, please specify the frequency of this assessment:

Question 78. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Question 79. Who is responsible for setting these targets for each public prosecutor?

Question 79-1. What are the consequences for a prosecutor if quantitative targets are not met?

Question 80. Is there a system of qualitative individual assessment of the public prosecutors' work?

Question 80-1. Who is responsible for setting the criteria for qualitative assessment of the public prosecutors' work?

Question 81. If yes, please specify the frequency of this assessment:

Question 82-0. Is there a IT strategy for the judiciary?

Question 82. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

Question 82-1. When was the running CMS developed (or in case of major redevelopment when it was redesigned)?

Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)

Question 83. Please specify the following information:

Question 84. Is there a centralised national database of court decisions (case-law, etc.)?

Question 85. If yes, please specify the following information:

Question 035

Armenia

(2021): There is no analysis which would examine the reasons for the variations on the case flow. Between 2020 and 2021 there was a significant increase of incoming civil and commercial litigious cases which resulted in an increase of the number of pending cases at the end of the year; and an increase of civil and commercial non litigious case, which did not result in an increase of pending cases at the end of the year because more cases were resolved in 2021 than in 2020. The reason for the increase may also be the raising of the legal awareness of individuals.

Azerbaijan

(2021): Due to SARS Covid-19 related lock-down and operations restriction, in 2020, there was a decrease of incoming and resolved civil, commercial as well as administrative cases. In 2021 there is an increase in number of the above mentioned figures, which related to lifting of all restrictions. As regards to the reduction of pending cases, here besides lifting Covid-19 restrictions, the main reason is amendments to the Civil Procedure Code by the Law of July 9, 2021. According to this amendments, an expert should issue a written opinion within 1 month from the date of the court decision on the appointment of an expert and no later than 10 days to the some cases. Before this amendments the cases processed during the reasonable time. Since the main part of these pending cases was cases aimed at

Georgia

(2021): Difference between number of Pending cases on 31 December of 2020 and Pending cases on 1 January 2021 is resulted by the additional technical corrections related with statistical data of resolved cases in 2020. After Pandemic restrictions in 2020 (which has decreased number of incoming cases in 2020), in 2021 number of incoming cases has been extremely increased. Increase of incoming cases reflected on the number of pending cases and the percentage of cases that have not been reviewed for more than 2 years.

Republic of Moldova

(2021): The upward trend in resolved cases in 2021 and downward trend in pending backlog at the end of the reference period is due to an increased capacity of judiciary in 2021 to activate after passing through a pandemic period in 2020 with lockdown periods when examination of not urgent civil cases was postponed. Bankruptcy and appeals against decisions issued by bailiffs were moved in this exercise according to the EN from Category 4 Others to Category 1 Civil and Commercial litigious cases.

Also, for adjusting the counting methodology to the EN in this exercise were distinguished also some legal acts proceedings from statistical reports containing civil

Ukraine

(General Comment): Such a number of cases pending on 31 December is caused by the overall lack of judges in the judicial system. After the introduction of certain measures aimed at raising the transparency and integrity of the work of Ukrainian judges in the framework of judicial reform the whole judicial corps had to go through a thorough evaluation procedure as part of the qualification evaluation of judges. One of its stages - interview with members of the High Qualification Commission of Judges of Ukraine - is broadcast online. In addition, the filling of the positions became possible only via the public transparent procedure on a competitive basis. Judges now have to file not only the financial declaration but also a declaration of family ties and a declaration of integrity. The judicial dossier (which, apart from personal data, are published online) within competitions was introduced. The additional stage of career procedures became psychological testing. The public society also takes part in the procedure of evaluation of the candidates through the Public Integrity Council (PIC), except for the competition to the High Anti-Corruption Court. If the judge or the candidate to judicial position gets the PIC's negative opinion, it had to be overruled by 11 votes of the Members of the High Qualification Commission of Judges of Ukraine (HQCJU). In case of competition to the High Anti-Corruption Court, the assistance to the HQCJU is exercised by the Public Council of International Experts.

After the introduction of reform novelties in 2016, around 20% of judges resigned on their own will. In 2017 this number reached about 30%. Simultaneously with this process, the judicial authorities initially took all the possible efforts to fill the vacant positions. The High Qualification Commission of Judges of Ukraine initiated career procedures for more than 1000 judicial vacancies, many of which were successfully finalized. But the rest remained pending. On November 7, 2019 according to the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193-IX dated October 16, 2019, the powers of members of the High Qualification Commission of Judges of Ukraine were terminated. From

In Ukraine, the procedure for commercial and civil proceedings is established by the Commercial Procedure Code of Ukraine (the "CoPC") and the Civil Procedure Code of Ukraine (the "CiPC"), which also define the jurisdiction and powers of the courts to resolve commercial and civil cases in certain proceedings. Commercial and civil proceedings are a set of procedural actions aimed at consideration and resolution of a certain category of commercial and civil cases. The types of proceedings in commercial and civil proceedings are associated with the following features: substantive nature of court cases; peculiarities of the procedural order of their consideration; tasks performed by the court in their consideration; system of interrelated procedural rights and obligations, as well as procedural actions; objects, subjects and content of procedural relations, etc. The type of proceedings has relative independence and completeness of legal regulation. According to these criteria, economic procedure law and legislation distinguish two main types of proceedings: action and writ proceedings. Civil procedural law and legislation distinguish three main types of proceedings: action, writ and special proceedings. Each of these types of proceedings is characterized by specific features of their consideration in court. The CoPC defines the following proceedings in the court of first instance

- writ proceedings (section II of the CoPC) - intended to consider cases on applications for the recovery of small amounts of money, in respect of which there is no dispute or the applicant is not aware of its existence
- lawsuit proceedings (Section III of the CoPC) - characterized by the existence of a dispute between two parties with opposing interests;

The CiPC defines such proceedings in the court of first instance:

- writ proceedings (Section II of the CiPC) - intended for consideration of certain categories of cases on applications for recovery of small amounts of money, in respect of which there is no dispute or the applicant is not aware of its existence
- lawsuit proceedings (Section III of the CiPC) - characterized by a dispute between two parties with opposing interests;
- special proceedings (Section IV of the CiPC) - aimed at establishing certain circumstances, legal facts or legal status of citizens necessary for the exercise of subjective rights.

According to the CiPC, special proceedings are a type of non-action civil proceedings in which civil cases are considered to confirm the presence or absence of legal facts that are important for the protection of rights, freedoms and interests of a person or to create conditions for the exercise of personal non-property or property rights or to confirm the presence or absence of undisputed rights.

The court considers in a separate proceeding the following cases:

- restriction of civil capacity of an individual, recognition of an individual as incapacitated and restoration of civil capacity of an individual;
- restriction of an individual from visiting gambling facilities and participating in gambling;
- granting full civil capacity to a minor;
- recognizing an individual as missing or declaring him/her dead;
- adoption;
- establishing facts of legal significance;

Question 038

Armenia

(General Comment): According to the Criminal Code, the willful acts, for the committal of which this Code envisages maximal imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment, are considered not very grave crimes. Medium-gravity crimes are those willful acts for which this Code envisages a maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Particularly grave crimes are those willful acts for which this Code envisages a maximal imprisonment for more than ten years or for life. Please note that the information for this questionnaire is provided according to the Criminal Code, which was adopted in 2003 and was in force until July, 2022. The new Criminal Code entered into force in July 2022.

Azerbaijan

(2021): There is an increase of pending cases at the beginning of the year because in 2020, there was an increase of pending criminal cases due to SARS Covid-19 related lock-down and operations restriction. In 2021, there is an increase of resolved cases related to lifting of all restrictions. There is also an increase of incoming cases as in 2021, the fight against crime, including illegal drug trafficking, was further strengthened in the Republic of Azerbaijan, illegal drug trafficking was prevented by the use of modern telecommunications and information media by law enforcement agencies, large quantities of potent drugs were seized. Appropriate additional measures have been taken to improve the quality of offenders and preventive measures.”

Georgia

(General Comment): The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

(2021): According Criminal Procedural Code of Georgia, those criminal cases where detention as a measure of restraint isn't used against accused, should be resolved in 24 months (and few kind of cases in 36 months) by First Instance Court. Thus, time limit for first Instance court for above mentioned criminal cases (where detention against accused isn't used) is about two years. Data includes administrative offences cases.

Republic of Moldova

authorities in compliance with the Code of Misdemeanors. The 2020 data reflects criminal cases concerning natural and legal persons accused of committing an offence under the Criminal Code, without being classified according to the nature and the degree of the damage. Since 2012, according to article 16 of the Criminal Code, offences were classified as follows: minor offences - offences punishable by a deprivation of liberty for a maximum of 2 years; less serious offences - offences punishable by a deprivation of liberty for a maximum of 5 years; serious offences - offences punishable by deprivation of liberty for a maximum of 12 years; extremely serious offences - intentional breaches punishable by a deprivation of liberty exceeding 12 years; exceptionally serious offences - intentional breaches punishable by life imprisonment.

Ukraine

(2021): The category "on the enforcement of court decisions in criminal cases" refers to the category "enforcement of criminal sentences".

We provide the requested detailed information on the enforcement of court decisions in criminal cases, indicating their share among other procedures in percentage terms:

Cases on enforcement of court decisions in criminal cases - 10 263 (Pending cases on 1 Jan. ref. year), 79 078 (Incoming cases), 80 235 (Resolved cases), 9 106 (Pending cases on 31 Dec. ref. year).

share among other category 3 procedures - 16,2% (Pending cases on 1 Jan. ref. year), 9,2% (Incoming cases), 9,3% (Resolved cases), 14,5% (Pending cases on 31 Dec.

Question 039

Armenia

(2021): There has been an increase of incoming administrative cases in second instance between 2020 and 2021. There is no official statistical analysis regarding this

Azerbaijan

(2021): There has also been an increase in the number of cases pending in the courts of appeal, which is explained by the increase in the number of cases in the

Georgia

(2021): NAP

Republic of Moldova

(2021): Other-review proceedings for civil, commercial, bankruptcy litigious cases.

Bankruptcy cases were moved in this exercise according to the EN from Category 4 Others to Category 1 Civil and Commercial litigious cases.

Ukraine

(General Comment): With respect to the change of many items from NA to NAP, the previous cycle shall be harmonized with the 2016 cycle, because there were no changes in legislation in that respect.

To 'other cases' the data on the number of cases on administrative offenses is indicated (in both cycles).

Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. Plus, the difference in total numbers for 2014 compared with 2016 cycle was caused by the sharp increase in administrative cases number, the reasons of which is NA for now. That was an official statistics given by the State Judicial Administration of Ukraine which is documented.

With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). The reasons for that changes are NA for now.

Question 040

Azerbaijan

(2021): There is an increase of pending cases at the beginning of the year because in 2020, there was an increase of pending criminal cases due to SARS Covid-19 related lock-down and operations restriction. Following the lifting of the restrictions, there has been an increase of incoming and resolved cases, and a decrease of

Republic of Moldova

(2021): The upward trend in incoming and resolved criminal cases in 2021 is due to an increased capacity of judiciary in 2021 to activate after passing through a pandemic period in 2020 with lockdown periods when examination of not urgent cases was postponed.

Ukraine

(General Comment): The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanor and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanor/minor offences cases is not available.

Question 041

Azerbaijan

(2021): According to Civil Procedural Code of Azerbaijan case must be considered no later than 4 months after the application is received by the court. Cases on employment, alimony, shall be considered and resolved within 2 month, the cases on mortgage and bankruptcy within 3 month. According to the Family Code, if one of the parties does not agree to the dissolution of the marriage, the court may adjourn the case by setting a period of 3 months for the couple to reconcile. The appeal shall be considered within 3 months from the date of its receipt by the court and the cassation appeal within 2 months from the date of its receipt.

Georgia

(2021): Bribery cases have not been appealed in Supreme Court during Reference year.

Trading in influence cases have not been resolved during reference year. Divorce cases - subject of appeal is 0.4 %. Insolvency cases have no time limits in first Instance. Decisions of Appeal Court on Insolvency cases are final and can't be appealed in Supreme Court. 100% of litigious divorce cases pending more than 3 years - not all cases, but only one case which was appealed in Supreme Court (during Reference Year) is pending more than 3 years.

Republic of Moldova

(2021): The discrepancies are not significant. The increase of insolvency cases pending more than 3 years can be explained by the backlog created in 2020 due to pandemic restrictions.

Question 041-1

Armenia

(General Comment): According to article 176 of the Constitution of the Republic of Armenia, the Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:

- (1) instigate criminal prosecution;
- (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
- (3) pursue a charge at court;
- (4) appeal against the civil judgments, criminal judgments and decisions of courts;
- (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.

The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests. It should be noted that the powers of the prosecutor at the pre-trial proceedings of the criminal case, and also powers during consideration of the criminal case or materials in the court are prescribed by the Criminal Procedure Code (Articles 53 and 54). Also according to the law on "Confiscation of Property of Illegal Origin" (which defines all the main legal procedures and functions of confiscation of property of illegal origin) the responsible subdivision of the Prosecutor General's Office of the Republic of Armenia is an authorized body in the proceedings of confiscation of property of illegal origin (the authorized body carries out examination, collects information containing confidential information protected by law and performs other powers during examination and also is authorized to bring an action for the confiscation of property).

In accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities,

Georgia

(General Comment): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria.

Regarding imposing or negotiating a penalty - According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the

(2021): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria.

Regarding imposing or negotiating a penalty - According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

Republic of Moldova

(2021): The role and powers of public prosecutor in the criminal procedure are stipulated by articles 52,53, 53/1 of the Criminal Procedure Code.

Ukraine

(General Comment): According to the amendments to the Constitution of Ukraine of June 2, 2016, Ukraine has a Prosecutor's office that organizes and manages procedural pre-trial investigations, resolves other issues in accordance with the law during criminal proceedings, supervises covert and other investigative actions of law enforcement agencies.

Question 041-2

Armenia

(General Comment): According to Article 176 of the Constitution of the Republic of Armenia, The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

According to the Article 29 of "Law on Prosecutor's office of RA":

1.The filing by a prosecutor of a claim for the protection of state interests shall include:

- 1) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of civil procedure;
- 2) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of administrative procedure; 3) Filing a claim for compensation of pecuniary damage inflicted upon the state as a direct consequence of a crime in the frameworks of criminal procedure; and
- 4) Filing a claim for confiscation of property on the basis of the "Law on Confiscation of Property of Illegal Origin".

2. The prosecutor shall file a claim for the protection of state interests only if:

- 1) During the exercise of his powers, the prosecutor finds that a state or local government body that had the right to file a claim on such matters related to the protection of state interests, having knowledge of the violation of state interests, did not file such a claim in a reasonable period or did not file such a claim after receiving the prosecutor's suggestion to do so, or
- 2) The state interests were violated in respect of matters for which no state or local government body has the right, under the legislation, to file a claim, or
- 3) According to the results of the study conducted on the basis of the "Law On Confiscation of Property of Illegal Origin", there are grounds to file a lawsuit for confiscation of property.

(2021): One of the constitutional powers of the prosecutor is protecting state property interests. Intentional bankruptcy and illegal activity during bankruptcy are considered as a crime according to the Criminal Code of RA.

Georgia

(2021): Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecution Service.

Republic of Moldova

(General Comment): In civil matters, the public prosecutor takes part in the investigation of first instance if s/he her/himself filed a petition for legal action. The prosecutor may lodge a petition for compensation for the damage caused to public authorities by a criminal offence, as well as for the annulment of the acts that caused the damage, in the case of ceasing or non-commencement of the criminal prosecution under art. 275 (4), 5) and 9) of the Code of Criminal Procedure. The petition may be filed regardless of the consent of the public authority. The prosecutor who has brought an action has the applicant's rights and procedural obligations, except for the right to terminate the transaction and the obligation to pay the costs. The dismissal of the prosecutor's claim submitted in defence of the interests of the public authority does not deprive the prosecutor of the right to request the examination of the case. The dismissal of the public authority of the action brought by the prosecutor does not affect the examination of the case if the prosecutor requests that. The absence of the prosecutor legally summoned in court does not terminate the examination of the case if the public authority in whose interests the action was brought supports the examination of the case. The prosecutor is a subject with a right to appeal the administrative court under the terms of Article 5 of the Code of Civil Procedure in order to contest the acts issued by the public authorities.

(2021): In accordance with the art. 5 letter j) of the Law on the Prosecutor's Office no. 3/2016, in cases of non-start or termination of the criminal investigation, under the law, the prosecutor initiates a civil action and participates in its examination. Also, a structural subdivision is designated by the General Prosecutor's Office for representing the authority in courts, when the administrative acts issued by Prosecutor's office are disputed.

Ukraine

exceptional cases and in the manner prescribed by law.

The prosecutor's representation of the interests of the state in court may be carried out in criminal proceedings and beyond: in civil, commercial and administrative proceedings.

According to Part 3 of Article 23 of the Law of Ukraine "On the Prosecutor's Office", the prosecutor shall exercise representation of legal interests of the state in court in case of a combination of the following circumstances: violations or a threat of violation of state interests, failure to implement or undue implementation of the protection of these interests by a public authority, local government authority or another authority the competence of which includes the respective powers, as well as in case of absence of such an authority. A public prosecutor shall justify grounds for representation in court, which provides for compliance with the procedure specified in Part 4 of Art. 23 of the Law of Ukraine "On the Prosecutor's Office", namely prior notification of the relevant entity of the violation, providing it with a reasonable period of time to take measures to protect the interests of the state and only in case of inaction of such an entity, filing a lawsuit.

The procedure for participation of the prosecutor in civil, commercial and administrative proceedings is provided for by Article 53 of the Code of Administrative Proceedings of Ukraine, Article 56 of the Civil Procedure Code of Ukraine, Article 53 of the Code of Commercial Procedure of Ukraine.

When exercising the prosecutor's representative powers, the priorities are the existence of a violation or threat of violation of the state's interests in the budget sphere, in the sphere of land relations, on issues of state and communal property, including bankruptcy cases.

In addition, according to the provisions of Art. 250 of the Code of Ukraine on Administrative Offenses, the participation of the prosecutor is mandatory when considering cases of administrative offenses related to corruption under Articles 1724-1729, 1729-2

Question 041-3

Armenia

(General Comment): The reasons mentioned in 3.1.4 are grounds established by the Article 35 (1) of the Criminal Procedure Code. Thus, according to the Article 35 (1) of the Criminal Procedure Code: Criminal case cannot be instituted, and criminal prosecution may not be started, and the instituted criminal case shall be dismissed:

- 1) in the absence of any criminal act; 2) if the alleged act contains no corpus delicti;
- 3) if the alleged act, which has resulted in damages, is legitimate under criminal law;
- 4) in the event of absence of a complaint of the injured, in cases prescribed by this Code; 5) in the event of reconciliation of the injured party and the suspect or the accused, in cases prescribed by this Code; 6) the prescription has expired; 7) against the person and upon a cause, with respect to whom and upon which cause the court has already passed a judgment and such judgment has entered into legal force, or any other enforceable judicial decision is available to exclude criminal prosecution; 8) against the person and upon the same charge, with respect to whom and upon which charge the agency for inquest, the investigator, or the prosecutor has already made a decision denying criminal prosecution, and such decision is still in force;
- 9) At the moment of commitment of the crime the person had not reached the age punishable by law, as established by law;
- 10) The person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or to resume the case on occasion of new circumstances with regard to other persons; 11) The person refused to complete the crime of one's own accord, if the action already committed has no other formal elements of crime;
- 12) The person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia; 13) Amnesty act has been adopted. The mentioned data was calculated by collecting the data received from the subdivisions of the RA Prosecutor's Office.

Referring to the terminology “justifying grounds” and “non justifying grounds” it should be noted that this terminology was suggested by the Cassation court of RA. Thus, grounds which are mentioned in the Article 35, part 1, points 1-3 and part 2 of the Criminal Procedure Code of RA, are considered as “justifying grounds”. As

(2021): There has been an increase of incoming and pending cases between 2020 and 2021. The recorded difference is due to the fact that crime rate increased in 2021 compared to 2020. However, the study conducted shows that the absolute majority of cases of crime registered in 2021, 84.1%, are of minor (57.7%) and medium severity (26.4%), i.e., crimes of less public danger. Particularly grave crimes made up 1.2% (1.1% in 2020) and grave crimes made up 14.7% (15.4% in 2020) of total number of cases. The analysis shows that the increase was mainly caused by the increase in the number of crimes against public safety, public order, public health (+29.5%), property (+15.4%) and economic activities (+32.1%). In particular, number of drug smuggling (+89.2%), crimes against computer information security (+74.5%), drug-related crimes (+25.9%), evasion of paying taxes, duties (+61.6%), illegal or fake business (+ 28%), thefts (+17.8%), computer theft (+17.5%) cases increased in 2021. It should be noted that in 2021 although not significantly but crimes against people (-0.8%) and crimes against state power, public service, and administrative order (-1.7%) decreased. At the same time in 2021 an increase in the detection rate of crimes was also recorded. In 2021 the disclosure index was

Georgia

(General Comment): Regarding Question 3.1 - A considerable increase in the number in comparison to previous reporting was caused by the massive review of old criminal cases by prosecutors in 2021 followed by the decisions to discontinue the ones where offenders could not be identified due to the objective reasons. This trend of reviewing old criminal cases was motivated by the PSG performance appraisal system. The PSG, through its relevant departments, has monitored the terminated cases in order to make sure that the decisions on discontinuation were made on valid and justified grounds.

(2021): Regarding Question 3.1 - A considerable increase in the number in comparison to previous reporting was caused by the massive review of old criminal cases by prosecutors in 2021 followed by the decisions to discontinue the ones where offenders could not be identified due to the objective reasons. This trend of reviewing old criminal cases was motivated by the PSG performance appraisal system. The PSG, through its relevant departments, has monitored the terminated cases in order to make sure that the decisions on discontinuation were made on valid and justified grounds.

Republic of Moldova

(General Comment): In the category "Discontinued for other reasons" are included suspended cases. The prosecutor may suspend a case in Moldova, until the offender is being identified. It doesn't mean that the case is closed. Thus, the prosecutor orders suspension of the criminal investigation by a reasoned order. By law is mandatory that the prosecutor, before suspending the investigation, should do all actions that are possible in the absence of the accused, undertake all possible

(2021): The reflected data include:

1. Pending cases (01.01.2021) according to Info GPO Information System.
2. Incoming cases according to Info GPO Information System. Data include criminal cases on which criminal investigation was started, reopened cases, separated cases.
 - 3.1.1 The prosecutor may suspend a case in Moldova, until the offender is being identified. It doesn't mean that the case is closed. Thus, the prosecutor orders suspension of the criminal investigation by a reasoned order. By law is mandatory that the prosecutor, before suspending the investigation, should do all actions that are possible in the absence of the accused, undertake all possible measures to identify the offender. There were suspended 6788 cases in 2021 because the offender was not identified. In 2020 the data were added in 3.1.4.
 - 3.1.2 Cases discontinued according to article 275 (1-3) of the Criminal Procedure Code.
 - 3.13. Suspended cases according to article 287/1 (1 p. 1) of the Criminal Procedure Code-the offender has disappeared, evading prosecution or trial, or his whereabouts are not established.
 - 3.1.4 Discontinued cases according to article 275 (4-8) of the Criminal Procedure Code.
- 3.2 Cases according to article 510 of the Criminal Procedure Code. In 2020 in 3.2 were included other discontinued cases which were added in 2021 in 3.1.4, adjusting the methodology to the EN.
- 3.3 Cases brought to court with an indictment according to Info GPO Information System.

Ukraine

(General Comment): The information for 2018 contained data on criminal proceedings (indictments, motions) investigated and sent to court, the pre-trial investigation of which was carried out directly by investigators of the prosecutor's offices in accordance with the reporting form No. 1-СЛ "On the work of investigators of the prosecutor's offices" and "On the work of investigators of military prosecutor's offices". Pursuant to the provisions of Article 131(1) of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On the Prosecutor's Office", Article 216 of the CPC of Ukraine, starting from November 20, 2019, the prosecutor's offices do not perform pre-trial investigation functions in criminal proceedings. At the same time, Article 36 of the CPC of Ukraine defines the powers of the prosecutor to supervise the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, and support of the public prosecution in court. In view of the above, when preparing the answer to Question 41-3 "State prosecutors: Total number of criminal cases in the 1st instance" for 2021, the data on criminal proceedings investigated and sent to court by the prosecutor (procedural supervisor), the pre-trial investigation of which was carried out by investigators of the police, security, State Bureau of Investigation, tax authorities and the National Anti-Corruption Bureau of Ukraine in accordance with the reporting forms No. 1-СЛ (НП) "On the work of pre-trial investigation bodies of the National Police", No. 1-СЛ (ДБР) "On the work of pre-trial investigation bodies of the State Bureau of Investigation", No. 1-СЛ (ДФС) "On the work of pre-trial investigation bodies exercising control over compliance with tax legislation", No. 1-СЛ (НАБУ) "On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", No. 1-СЛ (СБУ) "On the work of pre-trial security

(2021): The information for 2018 contained data on criminal proceedings (indictments, motions) investigated and sent to court, the pre-trial investigation of which was carried out directly by investigators of the prosecutor's offices in accordance with the reporting form No. 1-СЛ "On the work of investigators of the prosecutor's offices" and "On the work of investigators of military prosecutor's offices". Pursuant to the provisions of Article 131(1) of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On the Prosecutor's Office", Article 216 of the CPC of Ukraine, starting from November 20, 2019, the prosecutor's offices do not perform pre-trial investigation functions in criminal proceedings. At the same time, Article 36 of the CPC of Ukraine defines the powers of the prosecutor to supervise the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, and support of the public prosecution in court. In view of the above, when preparing the answer to Question 41-3 "State prosecutors: Total number of criminal cases in the 1st instance" for 2021, the data on criminal proceedings investigated and sent to court by the prosecutor (procedural supervisor), the pre-trial investigation of which was carried out by investigators of the police, security, State Bureau of Investigation, tax authorities and the National Anti-Corruption Bureau of Ukraine in accordance with the reporting forms No. 1-СЛ (НП) "On the work of pre-trial investigation bodies of the National Police", No. 1-СЛ (ДБР) "On the work of pre-trial investigation bodies of the State Bureau of Investigation", No. 1-СЛ (ДФС) "On the work of pre-trial investigation bodies exercising control over compliance with tax legislation", No. 1-СЛ (НАБУ) "On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", No. 1-СЛ (СБУ) "On the work of pre-trial security investigation bodies", the

Question 041-4

Armenia

(2021): The guilty plea procedure exists in Armenia, the relevant provisions came into force in 27.07.2021, that is why there is no statistics of the number of guilty

Republic of Moldova

(2021): The reason for guilty plea procedures decrease in 2021 in comparison with 2020, 2018 and 2016 data is the applicability of another simplified procedure based on the evidence administered at the phase of the criminal investigation (application of Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase).

In accordance with the provisions of art. 16 of the Criminal Code, depending on the nature and degree of prejudice, the offences are classified into the following categories: mild, less serious, serious, particularly serious and exceptional serious. According to data of the Info GPO Information System, there is no such delimitation of guilty plea agreements in compliance with the classification of crimes aforementioned. During 2021, they were sent to court with an guilty plea agreement – 151 criminal cases.

In the part related to main trial, during 2021, first instance courts examined 134 criminal cases on 145 offenders according to art. 504-509 of the Criminal Procedure Code (guilty plea agreement), which constitutes 1.08 % of the total number of cases finished with the issuance of a sentence.

All 134 sentences issued as a result of the examination of the cases based on the guilty plea agreement were for committing mild, less serious and serious offences. There were not any guilty plea agreements for particularly serious and exceptional serious offences.

Ukraine

(General Comment): The Criminal Procedure Code refers to criminal proceedings based on agreements. According to its Chapter 35, the following types of agreements may be concluded: reconciliation agreement between the victim and the suspect or the accused; plea agreement between the public prosecutor and the suspect or the accused about pleading guilty.

(2021): Total number 9810, of which:
with a reconciliation agreement - 3213;
with a guilty plea agreement - 6597

Question 041-5

Ukraine

(2021): Only in the part of committing criminal offenses related to violation of traffic safety rules.

Question 042

Georgia

(2021): The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the Courts of Appeal and the Supreme Court that are available on the website of High Council of Justice.

Republic of Moldova

(General Comment): On September 12, 2014 through an order signed by General Prosecutor's Office jointly with the Ministry of Internal Affairs, the National Anticorruption Center and the Customs Service were approved the Performance Indicators for the institutions involved in the criminal process and the Methodology for evaluating the effectiveness of the criminal investigation activity, but in practice these indicators are not applied.

Ukraine

(General Comment): Starting from 2015 the "Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods (CPEF)" is applied in Ukraine. This system is aimed to evaluate the work of the court for improving the organization of their work, namely to increase the productivity, efficiency, and quality of court procedures. CPEF consists of basic indicators (recommended to be applied by the courts every 6 months; the results of the evaluation shall be published on the websites of the courts) and 4 following modules: "Judicial Administration", "Timeliness of Trial" (optional), "Judicial Decision" (optional), "Satisfaction of the court users with the work of the court" (optional). By its decision the Council of Judges of Ukraine recommended to the courts of Ukraine to apply CPEF to evaluate the work of the court both in full or its individual modules, depending on the managerial purpose and the tasks aimed at improving the work of the court.

CPEF was based on the instruments developed by the CEPEJ Working group on the quality of justice (Checklist for promoting the quality of justice and the courts (2008), Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe's Member States (2010), Questionnaire for collecting information on the organization and accessibility of Court premises (2013) etc.)

By decision of April 26, 2016, No. 26, the Council of Judges of Ukraine approved the methodological guide "Application of the Court Evaluation System" and the list of basic court performance indicators.

Also, the order of the State Judicial Administration of Ukraine dated June 28, 2018 No. 286 approved the Methodology for analyzing the activity of courts. The SJA of Ukraine is analyzing the activity of the courts to be used in making objective management decisions to improve the state of litigation and the rational use of budgetary funds.

In the process of analyzing the activities of the courts, two main aspects that characterize the activities of the court are examined, namely:

1) effectiveness of litigation;

June 11, 2021 No. 231/2021.

According to this Strategy, a detailed list of tasks, measures, expected results and indicators for further implementation of the reform of the judiciary, justice system and other legal institutions is reflected in the Action Plan for the implementation of the Strategy, which is approved by the Legal Reform Commission. Development and implementation of the Action Plan should be accompanied by comprehensive discussions involving the public and expert environment.

Monitoring the effectiveness of the implementation of the provisions of the Strategy should be determined on the basis of objective, relevant and measurable indicators.

Question 043

Georgia

(2021): Department of Court Management of the HCJ – the body created by the LLC specifically for ensuring efficiency and quality of the common courts system. Quality standards are locally in each court implemented by Court Managers.

Ukraine

(General Comment): As can be seen from the questionnaire, questions 42 and 43 are inextricably linked and relate to the quality standards of the judicial system at the national level. At the same time, the activities of the prosecutor's office are not directly related to the implementation of these standards in the judicial system. Taking into account the previously provided explanations to question 43 (question 67 of the CEPEJ questionnaire), the Department of Criminal Policy and Investment Protection erroneously stated that there are persons responsible for the implementation and/or monitoring of quality standards at the national level. In view of the above, it is proposed to amend the response to question 43 accordingly. At the same time, on 16.10.2020, the Prosecutor General's Order No. 489 approved the Prosecution Development Strategy for 2021-2023, and subsequently, in May 2021, the corresponding Action Plan, which sets out the deadlines for the implementation of measures to implement each of the strategic priorities, the executors of clear goals, the achievement of which is measured by a specific result. The first priority of the Strategy is aimed at ensuring a high level of quality and efficiency in the implementation of the constitutional functions of the prosecutor's office, which involves the development of standards for prosecutors, including standards for pre-trial investigation, as well as the introduction of the approved standards into the curricula of initial, special training, advanced training of prosecutors and other training programs. In addition, the Department of Criminal Policy and Investment Protection, together with experts from the International Development Law Organization (IDLO), ensures the development and implementation of a system of individual performance evaluation of prosecutors. The said evaluation should be conducted every four years and will include an assessment of the quality of performance, which will determine the suitability of the position held and provide recommendations for further development and promotion. In accordance with the Rules of Procedure of the Prosecutor General's Office, the implementation of certain measures is monitored on a quarterly basis and the Prosecutor General is informed of the status of their implementation. The main tasks of the structural units, including those responsible for the implementation of quality standards, their

(2021): As can be seen from the questionnaire, questions 42 and 43 are inextricably linked and relate to the quality standards of the judicial system at the national level. At the same time, the activities of the prosecutor's office are not directly related to the implementation of these standards in the judicial system. Taking into account the previously provided explanations to question 43 (question 67 of the CEPEJ questionnaire), the Department of Criminal Policy and Investment Protection erroneously stated that there are persons responsible for the implementation and/or monitoring of quality standards at the national level. In view of the above, it is proposed to amend the response to question 43 accordingly. At the same time, on 16.10.2020, the Prosecutor General's Order No. 489 approved the Prosecution Development Strategy for 2021-2023, and subsequently, in May 2021, the corresponding Action Plan, which sets out the deadlines for the implementation of measures to implement each of the strategic priorities, the executors of clear goals, the achievement of which is measured by a specific result. The first priority of the Strategy is aimed at ensuring a high level of quality and efficiency in the implementation of the constitutional functions of the prosecutor's office, which involves the development of standards for prosecutors, including standards for pre-trial investigation, as well as the introduction of the approved standards into the curricula of initial, special training, advanced training of prosecutors and other training programs. In addition, the Department of Criminal Policy and Investment Protection, together with experts from the International Development Law Organization (IDLO), ensures the development and implementation of a system of individual performance evaluation of prosecutors. The said evaluation should be conducted every four years and will include an assessment of the quality of performance, which will determine the suitability of the position held and provide recommendations for further development and promotion. In accordance with the Rules of Procedure of the Prosecutor General's Office, the implementation of certain measures is monitored on a quarterly basis and the Prosecutor General is informed of the status of their implementation. The main tasks of the structural units, including those responsible for the implementation of quality standards, their functions

Question 049

Republic of Moldova

(2021): According to the national legislation provisions the system is collecting and analyzing data every three months.

Ukraine

(2021): Weekly, semi-annually, annually.

Question 050

Ukraine

(General Comment): The decision of the Council of Judges of Ukraine No. 61 of September 16, 2016 recommended applying the Regulation on the Procedure for Planning the Expenditure of Courts Based on the Expected Result approved by the Chairman of the State Judicial Administration of Ukraine.

This planning methodology is based on understandable for society performance indicators of the judiciary, as well as the formula for determining them basing on the budget of the judiciary with the possibility of inverse modeling of performance depending on the allocated financial resources.

If according to the results of statistical reporting in some courts deviation of the actual number of resolved model cases from their planned number is found out, by the initiative of the chief spending unit the budget (appropriations approved by the state budget schedule and estimates) are adjusted.

Based on the results of statistical reporting on the consideration of court cases during the current budget year, the SJA calculates model budgets of consumption and adjusts expenditures for consumption. Based on the adjustments, the proportional redistribution of planned expenditures in terms of economic classification codes is carried out without changing the state budget outline.

Question 052

Ukraine

(General Comment): The performance evaluation of prosecutors is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

Question 053

Republic of Moldova

(2021): Monthly, Quarterly

Ukraine

(General Comment): The report on the implementation of budget program passports is submitted annually to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic in the form.

At the same time, according to Article 6 of the Law of Ukraine 'On the Prosecutor's Office', the prosecutor's office also informs the public about its activities at least twice a year through media reports.

In accordance with the requirements of part two of this article, the Prosecutor General shall submit to the Parliament of Ukraine a report on the activities of the prosecutor's office by April 1 of each year, which shall contain the information provided for in this article.

The Prosecutor General personally reports on the activities of the prosecutor's office to the Verkhovna Rada of Ukraine at its plenary session. Heads of regional and district prosecutor's offices at an open plenary session of the relevant council, to which media representatives are invited, at least twice a year inform the society of the relevant administrative-territorial unit about the results of activities in this area by providing generalized statistical and analytical data.

Information on the activities of the prosecutor's office is published in national and local print media and on the official websites of the prosecutor's office.

In addition, the results of the work of the prosecutor's office, ways to improve the efficiency of their activities are periodically discussed at operational meetings with the heads of the prosecutor's office, where the priorities and main tasks for the next period is determined.

Question 056

Republic of Moldova

(General Comment): The Agency for Courts Administration is an entity subordinated to the Ministry of Justice who is responsible for data collection and analysis of court performance at the central level (excepting individual performance of judges) for policy making specifically for facilitating access to justice, improving court staff training, court IT solutions, cybersecurity, data protection, facilitating the maintenance/renovation/building of court premises and other court facilities,

Ukraine

(General Comment): The State Judicial Administration of Ukraine analyses the activities of the courts to take objective managerial decisions on improving consideration of court cases and rational use of budget funds.

Question 058

Armenia

(2021): From 2021, surveys among court staff are being carried out.

Ukraine

(General Comment): CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6) Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

The system was developed with the international technical assistance provided by the USAID.

(2021): According to Article 1311 of the Constitution of Ukraine and the Law of Ukraine "On the Prosecutor's Office", the assessment of the quality and performance of the court's activity does not fall within the competence of the prosecutor's office. At the same time, the prosecutor's office monitors the data on the number of appeals and other indicators in cases in which the participation of the prosecutor is provided by law.

According to the first part of Article 152 of the Law of Ukraine "On the Judiciary and the Status of Judges", the State Judicial Administration of Ukraine, in particular, shall ensure appropriate working conditions for courts, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine and judicial self-government bodies within the scope defined by this Law; examine how courts are organised, and thereafter draft and duly submit proposals with the purpose of enhancing the same; organise activities related to court statistics, paperwork and archives; oversee the status of paperwork in courts.

According to Article 151-1 of the Law of Ukraine "On the Judiciary and the Status of Judges", analytical and statistical processing of information is carried out through the Unified Judiciary Informational Telecommunication System. Evaluation of the efficiency of court staff is entrusted to the respective presidents of courts (para. 3 part 1 of Art. 24, para. 3 part 1 of Art. 29, para. 3 part 1 of Art. 34, para. 4 part 2 of Art. 39 of the Law of Ukraine "On the Judicial System and Status of Judges").

According to paragraph 7 of part 1 of Article 93 of the aforementioned Law of Ukraine, the High Qualification Commission of Judges of Ukraine conducts qualification assessment of judges.

Between February and April 2021, the USAID New Justice Sector Reform Program conducted national surveys on trust in the judiciary, other branches of government and public institutions, independence and accountability of judges, perception of corruption in the judiciary, and reporting of corruption cases. According to the survey results, 10% of the general public indicated that they have full or strong trust in the judiciary; 40% of legal professionals with experience of interacting with the courts and other branches of government in Ukraine reported that they trusted the courts in which they were represented, and 27% indicated that they generally trust the judiciary as a branch of government. Judges demonstrated a very high level of trust in all judicial institutions, in particular, 86% in the judiciary in general, 79% in the High Council of Justice, 75% in the Supreme Court. The results of the surveys are published at the link: <https://newjustice.org.ua/uk/lib/doslidzhennya-ta-zviti/> According to a survey conducted by the Razumkov Center sociological service from July 29 to August 4, 2021, 2.8% of respondents fully trust the judiciary in general (12.7% rather trust); 2.8% of respondents fully trust the local court (17.3% rather trust); The Supreme Court is fully trusted by 3.8% of respondents (rather trusted - 17.6%); the Constitutional Court of Ukraine is fully trusted by 4.8% of respondents (rather trusted - 16.5%); the High Anti-Corruption Court is fully trusted by 2.7% of respondents (rather trusted - 12.6%). The results of the polls are published by the link: <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/dovira-do-instytutiv-suspilstva-ta-politykiv-elektoralni-orientatsii-gromadian-ukrainy> By the decision of the Council of Judges of Ukraine dated 02.04.2015 № 28 the framework system of court performance evaluation in Ukraine was approved with the final title: "Court Performance Evaluation System: Standards, Criteria, Indicators and Methods" (CPES). In particular, the mentioned decision recommended the courts of Ukraine to apply the CPES to evaluate the work of the court both in full and individual modules of the CPES, depending on the management goals and objectives aimed at improving the work of the court, with a frequency of once every three years.

Additionally, dynamics and share of receipt and consideration of cases and materials on administration of justice by the Supreme Court (by type of proceedings, by

Question 059

Armenia

(General Comment): Units of the Prosecutor's office submit semi-annual and annual reports on their work. This report among other data also includes quantitative data on the investigation of criminal cases, the results of the investigation, as well as recommendations and other data aimed at improving the activity of the structural unit of the Prosecutor's office. On the basis of the aforementioned reports, the report on the annual activity of the Prosecutor's Office is prepared. In addition, on the basis of the RA Prosecutor's Office work plan, target sectors are selected on a semi-annual and annual basis and a study is carried out by the relevant responsible departments in order to highlight the problems recorded in specific sectors and take measures to solve them. The mentioned studies, as necessary, are discussed in the collegium of the Prosecutor's Office of the Republic of Armenia, as a result of which, by the order of the Prosecutor General, the units of the Prosecutor's Office of the Republic of Armenia are instructed to take measures to correct the recorded violations and exclude them in the future. Another mechanism of monitoring is the implementation of complex inspections in the units of the Prosecutor's Office conducted by the Department of Organization, Supervision and Legal assistance of the General Prosecutor's Office, as a result of which the problems in the units are revealed and appropriate measures are taken to correct them.

(2021): Each year, before April 1, the Prosecutor General submits a report on the activities of the Prosecutor's Office to the National Assembly of the Republic of Armenia. The report shall include information on the activities carried out by the Prosecutor's Office during the previous year in relation to each of the powers defined by Article 4 of this Law, statistical data, comparative analyzes and conclusions.

Ukraine

(General Comment): The performance indicators regarding the work of the public prosecution activities are determined in the passports of the budget programs of the Prosecutor's General Office. Budget program passport is a document defining the purpose, objectives, directions of use of budget funds, responsible executors, performance indicators and other characteristics of the budget program in accordance with the budget purpose established by the law on the State Budget of Ukraine and the goals of state policy, which is provided by the chief administrator.

These performance indicators within budget program passports, for example, include but not limited to:

- the number of appeals to the prosecutor's office;
- the number of proceedings (cases) in which prosecutors took part in the courts;
- the number of considered requests for public information;
- the number of citizens received by prosecutors at a personal reception;
- the sum for which the interests of the state are protected by prosecutors in court;
- the number of documents of the prosecutor's response related to the executing of functions of the prosecutor's office to restrict the personal freedom of citizens;
- the number of processed appeals of foreign institutions for legal assistance;
- the number of appeals of Ukrainian institutions to the competent authorities of foreign countries for legal assistance.

The report on the implementation of budget program passports is submitted (annually) to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic form.

The Chief Administrator annually publishes the results of the evaluation of the effectiveness of budget programs for the reporting budget period by posting them on its official website within two weeks after the submission of the annual budget reports.

The monitoring of prosecution activity is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

(2021): According to part 1 of Article 8 of the Law of Ukraine "On Prosecutor's Office", the Office of the Prosecutor General ensures proper functioning of the Unified Register of Pre-trial Investigations and its maintenance by pre-trial investigation bodies, determines the unified procedure for reporting on the state of criminal unlawfulness and the work of the prosecutor in order to ensure the effective performance of the prosecutor's functions. According to Part 2 of Article 28 of the CPC of Ukraine, conducting pre-trial investigation within a reasonable time shall be ensured by public prosecutor.

Question 060

Ukraine

(2021): The SJA of Ukraine collects statistical information and monitors the indicators of local and appellate courts on the number of cases and materials that were in proceedings, considered and remained unexamined at the end of the reporting period, including those not considered for more than 1 year.

Question 061

Azerbaijan

(General Comment): Monitoring Dashboard of the "Azemis" e-court information system allows to track procedural and/or reasonable timeframes and notify in case

Republic of Moldova

(2021): The waiting time is being monitored due to the implementation of the new version of ICMS in all courts.

Question 062

Armenia

(General Comment): Judicial Department of RA (www.court.am); Armenia, 0010, Yerevan, Vazgen Sargisian 5

Azerbaijan

(General Comment): Ministry of Justice, 1, Inshaatchilar avenue, AZ1073, Baku, Azerbaijan.

Georgia

(2021): Approximately all large Courts have Statistical Sectors or Court statistics. All important information is collected and accumulated at Statistical Sector of Supreme Court of Georgia.

Republic of Moldova

(General Comment): The institutions responsible for collecting statistical data regarding the functioning of the courts and judiciary are the Superior Council of Magistracy and the Agency for Courts Administration.

According to art. 54 of the Law no. 514 on judicial organization, the courts present to the Superior Council of Magistracy and to the Agency for Courts Administration statistical information on the cases examined in civil, commercial, administrative, misdemeanor and criminal cases, as established by the courts. The Agency for Courts Administration has the following attributions in the field of judicial statistics:

- a) develops the mechanism and rules for keeping of judicial statistics;
- b) carries out the collection, analysis and systematization of data on judicial statistics;
- c) verifies the correctness of the statistical reports produced by the courts, as well as the statistical reports generated by the Integrated Case Management Program;
- d) ensures the keeping and storing of generalized statistical reports and related information submitted by the courts;
- e) collects, checks, stores and keeps records of the statistical records of the defendants and of the checklists presented by the courts and their lists, as well as ensures the compliance of the number of records of the defendants with the number of convicted persons in the statistical reports;
- f) collects and generalizes other information related to judicial statistics submitted by the courts;
- g) provides methodological assistance and support to court personnel as regards the bookkeeping, generalization and analysis of judicial statistics;
- h) examines requests and inquiries from interested institutions and representatives of civil society regarding the provision of statistical information;
- i) prepares quarterly and annual reports on judicial statistics and submits them to the Supreme Court of Justice, the Superior Council of Magistracy and other interested bodies for information, as well as publishes them on the official website of the Ministry of Justice and on the Agency's webpage.

Therefore, two institutions are responsible for maintaining judicial statistics in the Republic of Moldova:

1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ;
2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aij.justice.md> .

(2021): 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aij.justice.md>

Ukraine

(General Comment): The State Judicial Administration of Ukraine is responsible for organization of the statistic work.

Question 063

Ukraine

(2021): General courts of appeal, economic courts of appeal, administrative courts of appeal, local general courts, local economic courts, local administrative courts publish statistical reports on the state of administration of justice on the websites of the courts as part of the official web portal "Judiciary of Ukraine". The information available in the courts' reports can be found on the official web-portal of the judiciary of Ukraine (www.court.gov.ua) in the section "Judicial Statistics" of

Question 064

Armenia

(General Comment): The relevant subdivision of the Republic of Armenia Prosecutor's Office, the Department of Statistics and Analysis. Address: 5 Vazgen Sargsyan, Yerevan, Armenia

Azerbaijan

(General Comment): General Prosecutor's Office of the Republic of Azerbaijan

Republic of Moldova

(2021): General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

Ukraine

(General Comment): Pursuant to the Law of Ukraine "On State Statistics" and in accordance with the normative legal acts of the Prosecutor General's Office of Ukraine, the Prosecutor General's Office of Ukraine for the purpose of fulfilling its administrative duties and tasks, forms consolidated reports on the results of prosecutorial and investigative activities, as well as provides proper organization of the work of the prosecution bodies on these issues.

(2021): Department of Organizational Support of the Unified Register of Pre-trial Investigations and Information and Analytical Work of the Prosecutor General's Office (Kyiv, 13/15 Riznytska St.)

Question 065

Armenia

(2021): The statistics on the functioning of each public prosecution service are not published, but the general statistics formed as a result of it are published on the official website of the Prosecutor's Office.

Republic of Moldova

(2021): The annual reports on the activity of the Prosecutor's Office system are being published on the website of the General Prosecutor's Office. The activity report of the Prosecutor's Office for 2021 can be accessed at the following link: http://procuratura.md/file/2022-03-21_RAPORT%20de%20activatie%20FINAL.pdf
Statistical data for each individual prosecutor's office are not being published.

Ukraine

(General Comment): According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics Service of Ukraine.

In addition, in accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports

(quarterly), which are formed by the Prosecutor General's Office (<https://data.gov.ua/organization/office-heneralnogo-prokurora>), on the Internet portal of the Prosecutor General's Office (<https://gp.gov.ua/ua/posts/statistika>), as well as those formed by regional and equivalent prosecutor's offices, on the Internet portals of these prosecutor's offices, and which are available to the public:

<https://ark.gp.gov.ua/ua/statinfo.html>; <https://vin.gp.gov.ua/ua/documents.html>;
<https://vol.gp.gov.ua/ua/statvol.html>;
https://dnipr.gp.gov.ua/ua/documents.html?dir_id=110446&libid=100320; <https://don.gp.gov.ua/ua/statdon.html>;
https://zhit.gp.gov.ua/ua/materials.html?_m=publications&_t=cat&id=110840;
https://zak.gp.gov.ua/ua/zakdoc.html?_m=publications&_t=cat&id=114396;
https://zap.gp.gov.ua/ua/documents.html?dir_id=107560&libid=;
https://ifr.gp.gov.ua/ua/stat_info.html;
https://kyiv.gp.gov.ua/ua/documents.html?dir_id=111393&libid=;
<https://kobl.gp.gov.ua/ua/documents.html>;
https://kir.gp.gov.ua/ua/documents.html?dir_id=111213&libid=;
https://lug.gp.gov.ua/ua/documents.html?dir_id=113207&libid=;
https://lviv.gp.gov.ua/ua/lvdoc.html?_m=publications&_t=cat&id=111440;
<https://myk.gp.gov.ua/ua/statnik.html>;
https://od.gp.gov.ua/ua/documents.html?dir_id=111595&libid=;
<https://pol.gp.gov.ua/ua/statpol.html>;
<https://pro.gov.ua/statistic>;
https://sumy.gp.gov.ua/ua/suminf.html?_m=publications&_t=cat&id=117306;
https://tern.gp.gov.ua/ua/terndoc.html?_m=publications&_t=cat&id=112160;
https://khar.gp.gov.ua/ua/documents.html?dir_id=106560&libid=;
https://kherson.gp.gov.ua/ua/documents.html?dir_id=113225&libid=;
https://khemel.gp.gov.ua/ua/documents.html?dir_id=111937&libid=;
<https://chk.gp.gov.ua/ua/documents.html>;
<https://chnr.gp.gov.ua/ua/static>;
https://chrg.gp.gov.ua/ua/stat_infoc.html;
https://vppdr.gp.gov.ua/ua/vpprdoc.html?_m=publications&_t=cat&id=118636;

Question 066

Armenia

(General Comment): The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

Georgia

(2021): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Chairperson of High Council of Justice of Georgia. Reports are presented at Annual Conference of Judges of Common Courts of Georgia and are also published on the website. Reports show statistical and analytical overview of the activities of the High Council of Justice of Georgia, as well as activities of Courts.

Ukraine

(General Comment): According to the Law of Ukraine "On the Judiciary and Status of Judges", the State Judicial Administration of Ukraine organizes work on conducting judicial statistics.

In order to report on the effectiveness of the administration of justice by local and appellate courts, ensuring the timely receipt of the information on the observance by courts of time for review of lawsuits, the adoption of sound management decisions and in accordance with designated powers, the State Judicial Administration of Ukraine develops forms of reporting on the implementation of legal proceedings, rules for filling out forms of state reporting the consideration of court cases and materials, as well as the procedure for their submission, which are approved by orders. The said orders are approved by the State Statistics Service of Ukraine in accordance with the established procedure. In addition, draft forms of reporting are agreed with the higher specialized courts and the Supreme Court of Ukraine. The reports contain data on the total number of cases pending before the courts, the results of their consideration by types of proceedings, as well as other applications, petitions, complaints handled by the courts of the first and appellate instances.

In the reports on civil, criminal and administrative cases, information is provided on cases dealt with in violation of the time limits established by the procedural law. The reports also contain information on criminal, administrative and civil cases in which proceedings are not completed at the end of the reporting period: more than 6 months to 1 year; more than 1 year to 2 years; more than 2 years.

(2021): There are forms of official statistical reporting on the state of administration of justice by local and appellate courts, which are approved by orders of the State Judicial Administration of Ukraine and are calculated automatically on the basis of information entered into the automated court document management system. Statistical data are used to assess the performance of courts and make informed management decisions.

Question 067

Republic of Moldova

(2021): Due to the implementation of new ICMS functionalities in all courts, including electronic statistical reports, starting with 2020 the data are available for individual courts in the ICMS and are collected from the system at the local and central level.

Ukraine

(2021): Courts submit information for reports through the automated court document management system. The submission requires an electronic digital signature of the responsible persons. After consolidation of data for Ukraine, the consolidated report is published on the official web portal of the judiciary of Ukraine in the section "Judicial Statistics" (https://court.gov.ua/inshe/sudova_statystyka/).

Question 068

Armenia

(2021): Twice a year.

Republic of Moldova

(General Comment): The report is accessible to the general public, Agency for Courts Administration and Superior Council of Magistracy. The structure of the report is determined at the general level and contains information on the number of examined cases, the number of filed cases, the number of pending cases, the number of judges, the workload per judge. The report reflects the information on the activity of the court, including also the issued decisions, maintained decisions, quashed,

(2021): Quarterly

Question 069

Georgia

(2021): The Report of the Prosecutor General of Georgia is released annually, and published on the website. The report shows a statistical and analytical overview of the activities of the PSG, implemented criminal policy, challenges and future plans.

Ukraine

General of Ukraine. This normative document defines the procedure for formation, submission of reports to higher-level prosecutor's offices, as well as the format and its content.

These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

- 1) statistical and analytical data on the performance of functions entrusted to the prosecutor's office
- 2) the actual number of prosecution bodies in terms of the number of prosecutors, civil servants, other employees, their professional development, special training, activities of the Training Centre of Prosecutors of Ukraine;
- 3) ensuring the independence of prosecutors, in particular, the number of reports on threats to prosecutor's independence received by the Council of Prosecutors of Ukraine and information on decisions taken on such reports;
- 4) ensuring lawfulness and integrity in the activities of the prosecutor's office, in particular the number of integrity checks of prosecutors conducted by internal security units and information on the decisions taken on such checks;
the number of internal investigations conducted, information on the reasons and grounds for their appointment and conduct and on the decisions taken on the results of such internal investigations;
the number of appeals and court cases on compensation by the state for damage caused by unlawful decisions, actions or inaction of the prosecutor, and the amount of such damage compensated by the state during the reporting period, as well as the number of court cases on the state's counterclaims against prosecutors and the amount of funds claimed under the satisfied counterclaims of the state;
the number of disciplinary complaints against prosecutors, information on the decisions taken upon consideration of such complaints, in particular the number of decisions on the existence of disciplinary offenses of prosecutors and on the disciplinary sanctions imposed (applied);
- 5) budgets of the prosecution bodies and their implementation;
- 6) ensuring the activity of the prosecutor's self-government bodies;
- 7) information specified in clauses 1-5 of this part on the activity of the Specialized Anti-Corruption Prosecutor's Office;
- 8) other information related to the results of the Prosecutor's Office activity.

The Prosecutor General annually by April 1 submits to the Verkhovna Rada of Ukraine a report on the activities of the Prosecutor's Office. In addition, the prosecutor's offices inform the public about their activities at least twice a year by means of mass media reports (Article 6(1) and (2) of the Law of Ukraine "On the Prosecutor's Office").

Heads of regional and district prosecutor's offices at an open plenary meeting of the respective council, to which representatives of the mass media are invited, at least twice a year inform the population of the respective administrative and territorial unit about the results of their activities in this territory by providing generalized statistical and analytical data (part 3 of Article 6 of the Law of Ukraine "On the Prosecutor's Office").

Question 070

Armenia

(2021): It is submitted to the National Assembly.

Ukraine

(General Comment): In accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by publishing on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by the order (within five days after their signature).

Question 071

Republic of Moldova

(2021): Monthly, quarterly, every 6 months.

Ukraine

(General Comment): The report on the work of the prosecutor is made quarterly (every 3 months), which is formed by the cumulative result from the beginning of the year. The report is generated in an automated mode using a software package - information and analytical system "Accounting and Statistics of the Prosecutor's Office" on the basis of primary accounting data entered into the system by prosecutors who performed the work being accounted for.

Question 074

Armenia

(General Comment): The cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the relevant

Georgia

(General Comment): According the law there isn't quantitative performance targets defined for each judge.

Ukraine

(General Comment): The quantitative factor is taken into account within the qualification assessment of judges, when the record of a judge is studied.

According to the Law of Ukraine On the Judiciary and Status of Judges, the record of a judge shall include information on the effectiveness of judicial proceedings, in particular:

- a) the total number of cases considered;
- b) the number of canceled court decisions and the grounds for their cancellation;
- c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations;
- d) the number of amended court decisions and the reasons for their change;
- e) observance of terms of consideration of cases;
- e) average length of the text of the motivated decision;

Question 075

Republic of Moldova

(General Comment): All cases are randomly distributed by Integrated Case Management System based on case complexity and on a specific percentage of examination established by the Superior Council of Magistrates. The investigative judges examine specific criminal materials and 50% of other case categories. Just in case if the workload of a judge is too high, the president of the court is responsible for setting less case types to be distributed in order to balance the workload.

Question 076

Armenia

(General Comment): Chapter 18 of Judicial Code provides for regular (once in five years) and extraordinary evaluation of the performance of individual judges.

Pursuant to Article 138, Criteria for evaluation of the quality and professionalism of the work of a judge shall be: (1)ability to justify the judicial act;

(2)ability to preside over the court session.

3.Criteria for evaluation of the effectiveness of the work of a judge shall be:

(1)effective workload management skill and work planning;

(2)examination of cases and delivery of judicial acts within reasonable time limits;

(3)observance by a judge of time limits prescribed by law for the performance of individual procedural actions; (4)ability to ensure an efficient working environment.

4.Criteria for evaluation of the ethics of a judge shall be:

(1)observance of the rules of ethics;

(2)contribution to the public perception of the court and to the confidence therein; (3)attitude towards other judges and the staff of the court.

According to the Article 139 (part 1 and 2) of the Judicial Code, performance evaluation of judges shall be carried out by the Commission for Performance Evaluation of Judges on the basis of the criteria prescribed by this Code. The Supreme Judicial Council shall prescribe the methodology of the performance evaluation of judges, including the criteria for evaluation prescribed by Article 138 of this Code, the procedure for collecting data necessary for the evaluation and other details necessary

Azerbaijan

(2021): At least every 5 years

Georgia

(General Comment): According the law there isn't qualitative individual assessment of Judges work. According the law only probation Judge's work is evaluated annually during 3 years. (Annually; Until December 2024)

Republic of Moldova

(2021): Once in 3 years

Ukraine

(General Comment): The qualitative individual assessment can be part of the qualification evaluation of judges in Ukraine.

Question 078

Armenia

(2021): Process is currently underway to introduce a quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation. Relationships related to attestation are regulated in Article 50 of the Law on the Prosecutor's Office, in particular, at least two weeks before the attestation, the immediate superior prosecutor submits the prosecutor's assessment. The assessment shall contain information about the prosecutor, his practical and personal features, and a justified evaluation of his official performance. The assessment shall be based on the opinions of the immediate supervisor formed on the basis of reports presented to him by the prosecutor annually about the prosecutor's performance during the period since the previous attestation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of

Republic of Moldova

(2021): In the Republic of Moldova, according to legal provisions in force in 2021, no quantitative performance targets are set for each prosecutor and there is no authority responsible for setting these targets for each prosecutor.

Question 080

Armenia

(General Comment): Qualification Commission functions in attachment to the Prosecutor General. The Qualification Commission has nine members, and in case of an open competition for filling the list of candidates for prosecutors performing functions envisaged by “Law on Confiscation of property of illegal Origin” it has eleven members. The Qualification Commission is governed by the Deputy Prosecutor General. The members of the Qualification Commission are independent. Any interference with their activities is prohibited

Question 080-1

Azerbaijan

(2021): Collegium of the Prosecutor General's Office of the Republic of Azerbaijan is responsible for setting criteria. But decisions of this structure should be approved by the General Prosecutor before getting into force.

Question 081

Armenia

(General Comment): Prosecutors are evaluated (attestation) every three years. A person holding the position of a prosecutor for the first time passes the attestation three years after being appointed to the position. The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years' professional activities of the prosecutor concerned submitted to his/her direct supervisor.

Azerbaijan

(2021): According to the legislation in order to determine whether the level of professionalism of the prosecutor's office staff is suitable for the position they hold, the attestation is an important tool in the correct selection, placement and training of personnel, increasing professional training and sense of responsibility, as well as strengthening service discipline. During the attestation of the prosecutor's office, the results of the assessment of their service activities are taken into account. Evaluation of the activities of prosecutor's office workers is carried out in accordance with the procedure established by the Law of the Republic of Azerbaijan "On Civil Service". The procedure for the attestation of prosecutor's office workers is determined by the General Prosecutor of the Republic of Azerbaijan. It is not permissible to ask questions of the certified prosecutor's office that are not directly related to his service activity, as well as to evaluate him based on his political views and beliefs. The results of the attestation (price and recommendations), as well as the questions and answers given during the attestation, are written on the attestation sheet, drawn up in 1 (one) copy, signed by the chairman, secretary and other members of the attestation commission who participated in the voting. Periodic evaluation of the theoretical knowledge and professional training of prosecutor's office employees during their work is carried out only in the cases specified

Republic of Moldova

(General Comment): According to Article 29 of the Law no.3/2016 on the Prosecutors Office, the evaluation of prosecutors performance is carried out in two forms:

- a) periodic evaluation;
- b) extraordinary evaluation.

The prosecutor is subject to periodic performance evaluation once every 4 years. The performance of the person appointed as a prosecutor is evaluated during the first year of service.

The prosecutor is subject to extraordinary performance evaluation:

- (a) at his or her request, but not more often than once a year;
- (b) in the event of participation in the competition for the post of Chief Prosecutor;

Question 082-0

Armenia

(2021): The Strategy of Judicial and Legal Reforms of 2022-2026 contains provisions regarding modernization of the electronic management systems in the courts.

Georgia

(2021): At the moment there isn't officially approved IT Strategy for the Judiciary, but concept and vision of IT strategy for the Judiciary is prepared.

Ukraine

(2021): Order of the State Judicial Administration of Ukraine "On Approval of the Sectoral Program of Informatization of Local and Appellate Courts and the Project for the Construction of the Unified Judicial Information and Telecommunication System for 2022-2024" of 14.06.2022 No. 178. In 2022, the Concept of Building the Unified Judicial Information and Telecommunication System, which existed as of 2021.

Question 082

Armenia

(2021): Regarding the status of the case online, it is both accessible to the parties and the decision is published online even if this is not done directly but via another system Datalex connected to the CMS. All users can access online and see the status of their case and scheduled hearings, also it can be seen if applications and motions have been submitted, but the content is not accessible to parties through the system. The CMS database is centralised since the collected information is centralised in the system. The statistical module is "Not integrated but connected" for all case matter, as statistical data is collected through the system, but main

Azerbaijan

(General Comment): In 2011, the application of the "Electronic Court" system was started in pilot mode. The official application of this System was started with the Decree of the President of the Republic of Azerbaijan on the creation of the "Electronic court" information system dated February 13, 2014.

Republic of Moldova

(General Comment): The Moldovan CMS was developed and it is functional for over than 10 years. It has been redesigned (major redevelopments) in the last 2 years

Ukraine

(2021): Courts have document management systems that use local databases. Part of the information from these databases is replicated to the central database of the automated court document management system. In this case, the central database is auxiliary, and all information is generated and stored in local court databases. If in the previous reporting period the emphasis was on "compatibility", the possible answer was "Yes".

Now, the answer was focused on the absence of a single centralized database used by all courts to enter, store and retrieve information in accordance with the direction of creating a single centralized court document management system set out in the Concept of the Unified Judicial Information and Telecommunication

Question 082-2

Armenia

(2021): A significant change in the IT system is planned to be implemented in the 2022-2026 period of judicial and legal reforms within the strategy.

Azerbaijan

(2021): In the next year, a new version of the "Mobile court" application will be developed and presented. It is planned to update the mobile application, both visually and functionally, to expand the opportunities of citizens to apply to the court.

Georgia

(2021): At the moment Information Technology Service of High Council of Justice of Georgia is working on development of new Case Management program.

Question 083

Ukraine

(General Comment): Courts have document management systems that use local databases. Part of the information from these databases is replicated to the central database of the automated court document management system. In this case, the central database is auxiliary, and all information is generated and stored in local court databases. If in the previous reporting period the emphasis was on "compatibility", the possible answer was "Yes".

Now, the answer was focused on the absence of a single centralized database used by all courts to enter, store and retrieve information in accordance with the direction of creating a single centralized court document management system set out in the Concept of the Unified Judicial Information and Telecommunication

Question 084

Ukraine

(2021): The Unified State Register of Court Decisions (hereinafter - the Register) is an automated system of collection, storage, protection, accounting, search and provision of electronic copies of court decisions (part two of Article 3 of the Law of Ukraine "On Access to Court Decisions")

Question 085

Armenia

(2021): ww.datalex.am is the national portal of court decisions. The portal is based on Cast court management system which includes over 2 million files of court cases. Datalex portal consists of civil, criminal, administrative, bankruptcy and payment order cases.

There are some judgments which are not published.

-Judicial acts concluding the proceedings at the relevant judicial instance and, in cases provided for by law or by the decision of the Supreme Judicial Council, also other judicial acts shall be subject to mandatory publication on the official website of the judiciary.

-Where the judicial proceedings, or part of them, are held behind closed doors, the concluding part of the conclusive judicial act shall be published on the official website of the judiciary, provided that said concluding part does not contain a secret protected by law.

-Information on the case and its progress shall be published on the official website of the judiciary, the list and procedure for publication of such information to be defined by the Supreme Judicial Council.

-Judicial acts containing data on private life, personal biometric and personal special category data, as well as personal data on a child, shall be published on the official website of the judiciary in a depersonalised manner. The Supreme Judicial Council may prescribe other cases of depersonalisation of personal data. The procedure for depersonalisation shall be defined by the Supreme Judicial Council.

Georgia

(2021): Georgian Court system has two main websites for publication of Court Decisions: 1. www.ecd.court.ge - All decisions taken by Courts (by all Instance Courts) had been automatically published (with anonymised data) on this website.

2. www.supremecourt.ge - All decisions taken by Supreme Court of Georgia are published (with anonymised data) on this website. After decision made by Constitutional Court of Georgia in June 2019, it has become important to adopt clear and obvious regulations about publication form of Court Decisions. As soon as Georgian Parliament adopts the new regulations, the HCJ will continue uploading court rulings in compliance with the legislative amendments. In 2021 Decisions of

4. Access to justice - Overview

Legal Aid

Total number of cases per 100 inhabitants in which legal aid was granted from 2020 to 2021 (Table 4.3.2)

Beneficiaries	Number of cases for which legal aid has been granted per 100 inhabitants	
	2020	2021
Armenia	0,52	0,65
Azerbaijan	0,22	0,29
Georgia	0,36	0,45
Republic of Moldova	1,69	1,71
Ukraine	1,58	NA
EaP Average	0,87	0,77
EaP Median	0,52	0,55

For reference only: the 2020 EU median for the number of cases for which legal aid has been granted is 0,84 per 100 inhabitants.

Average amount per case for which legal aid has been granted from 2020 to 2021 (Table 4.3.3)

Beneficiaries	Average amount per case for which legal aid has been granted	
	2020	2021
Armenia	42,2 €	33,8 €
Azerbaijan	86,5 €	80,3 €
Georgia	146,1 €	108,4 €
Republic of Moldova	56,7 €	80,6 €
Ukraine	31,4 €	NA
EaP Average	72,6 €	75,8 €
EaP Median	56,7 €	80,4 €

Figure 4.1 Number of cases for which legal aid has been granted per 100 inhabitants

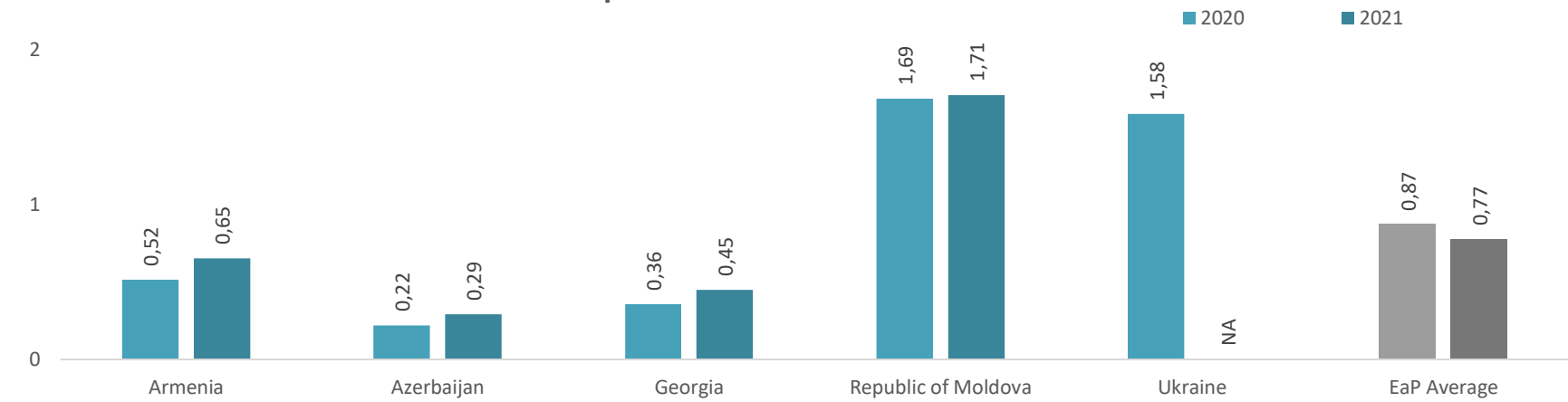
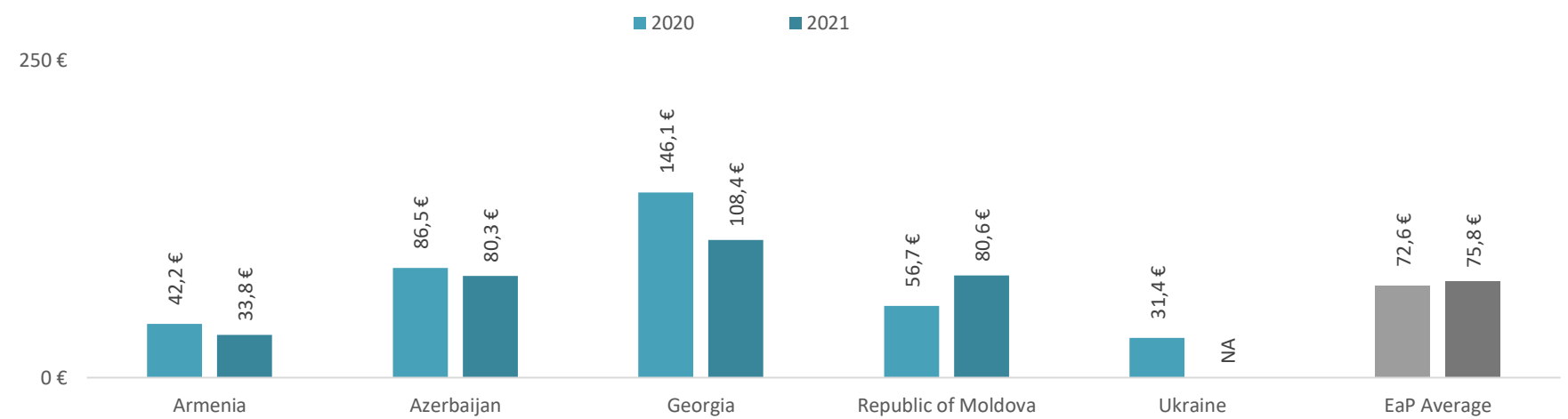


Figure 4.2 Average amount per case for which legal aid has been granted



4. Access to justice - List of tables

4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2021 (Q12 and Q13-2)

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2021 (Q13 and Q13-2)

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2021 and its evolution between 2020 and 2021 (Q1 and Q13)

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2021 (Q1 and Q13)

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2021 (Q86-0-0)

Table 4.2.2 Organisation of the legal aid system in 2021 (Q86-0)

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2021 (Q87, Q88)

Table 4.2.4 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2021 (Q88-1)

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2021 (Q86)

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2021 (Q1, Q86)

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2021 (Q13 and Q86)

4.4 Favourable arrangements to vulnerable persons

Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2021 (Q163)

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2021 (Q163)

Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2021 (Q163)

4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2021 (Q12 and Q13-2)

Beneficiaries	Access to justice - Approved budget for legal aid and coverage of court fees in 2021										
	Approved budget for legal aid									Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases				
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Coverage of court fees	Exemption from court fees
Armenia	651 191 €	NA	NA	NA	NA	NA	NA	NA	NA		
Azerbaijan	2 356 190 €	2 356 190 €	NAP	NA	NA	NAP	NA	NA	NAP		
Georgia	1 814 431 €	NA	NA	NA	NA	NA	NA	NA	NA		
Republic of Moldova	3 379 719 €	3 280 830 €	98 889 €	NA	NA	NA	NA	NA	NA		
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Average	2 050 383 €	-	-	-	-	-	-	-	-		
Median	2 085 311 €	-	-	-	-	-	-	-	-		
Minimum	651 191 €	-	-	-	-	-	-	-	-		
Maximum	3 379 719 €	-	-	-	-	-	-	-	-		


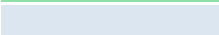

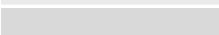
Yes	
No	
NA	
NAP	

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2021 (Q13 and Q13-2)

Beneficiaries	Access to justice - Implemented budget for legal aid and coverage of court fees in 2021										
	Implemented budget for legal aid									Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases				
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Coverage of court fees	Exemption from court fees
Armenia	651 172 €	NA	NA	NA	NA	NA	NA	NA	NA		
Azerbaijan	2 356 190 €	2 356 190 €	NAP	NA	NA	NAP	NA	NA	NAP		
Georgia	1 799 785 €	NA	NA	NA	NA	NA	NA	NA	NA		
Republic of Moldova	3 582 022 €	3 513 546 €	68 476 €	NA	NA	NA	NA	NA	NA		
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Average	2 097 292 €	-	-	-	-	-	-	-	-		
Median	2 077 988 €	-	-	-	-	-	-	-	-		
Minimum	651 172 €	-	-	-	-	-	-	-	-		
Maximum	3 582 022 €	-	-	-	-	-	-	-	-		





Yes	
No	
NA	
NAP	

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2021 and its evolution between 2020 and 2021 (Q1 and Q13)

Beneficiaries	Access to justice - Total implemented budget for legal aid per inhabitant in 2021 and its evolution between 2020 and 2021					
	Total implemented budget for legal aid per inhabitant			Evolution		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	2020	2021	Trend 2020 - 2021
Armenia	0,22 €	NA	NA	0,22 €	0,22 €	
Azerbaijan	0,23 €	0,23 €	NAP	0,19 €	0,23 €	
Georgia	0,49 €	NA	NA	0,52 €	0,49 €	
Republic of Moldova	1,38 €	1,35 €	0,0 €	0,96 €	1,38 €	
Ukraine	NA	NA	NA	0,50 €	NA	NA
Average	0,58 €	-	-	0,48 €	0,58 €	
Median	0,36 €	-	-	0,50 €	0,36 €	
Minimum	0,22 €	-	-	0,19 €	0,22 €	
Maximum	1,38 €	-	-	0,96 €	1,38 €	

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2021 (Q1 and Q13)

Beneficiaries	Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2021			
	Distribution of the total implemented budget for legal aid between:		Distribution of the total implemented budget for legal aid between:	
	Cases brought to court	Cases not brought to court	Criminal cases	Other than criminal cases
Armenia	NA	NA	NA	NA
Azerbaijan	100,0%	NAP	NA	NA
Georgia	NA	NA	NA	NA
Republic of Moldova	98,1%	1,9%	NA	NA
Ukraine	NA	NA	NA	NA
Average	-	-	-	-
Median	-	-	-	-
Minimum	-	-	-	-
Maximum	-	-	-	-

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2021 (Q86-0-0)

Beneficiaries	Types of legal aid in 2021			
	Criminal cases		Other than criminal cases	
	Representation in court	Legal advice, ADR, and other legal services	Representation in court	Legal advice, ADR, and other legal services
Armenia	Yes	Yes	Yes	Yes
Azerbaijan	Yes	NA	Yes	NA
Georgia	Yes	Yes	Yes	Yes
Republic of Moldova	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes

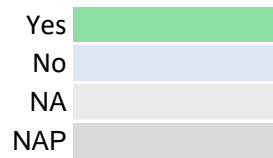


Table 4.2.2 Organisation of the legal aid system in 2021 (Q86-0)

Beneficiaries	Organisation of the legal aid system in 2021
Armenia	<p>Legal aid is provided through the Public Defender’s Office which is a structural unit of the Chamber of Advocates of RA. The legal aid includes: 1)consultation: preparation of lawsuits, applications, complaints and other legal documents, including the provision of legal information, 2)representation or defence in criminal, civil, administrative and constitutional cases.” Legal aid is provided to the following people: 1. People subjected to criminal prosecution (suspect or defendant) in cases envisioned by the RA Criminal Procedure Code or international treaties, or if the interest of justice requires it, based on the decision or application of the body (investigator, court) performing the proceedings; 2. In case of applying to the Public Defender’s Office free legal aid is provided to the following 17 groups of people: 1.Members of families of soldiers who died due to causal connection of military service; 2. People with 1st and 2nd category disability; 3.Convicts; 4. Members of families registered in the family indigence assessment system and those having a rate of indigence higher than “0”; 5. Participants of military actions during the Great Patriotic War and defence of the borders of RA; 6. The unemployed; 7. Pensioners who live alone; 8. Children deprived of parental care, as well as persons falling into the category of children deprived of parental care; 9.Refugess; 10.People who received temporary protection in RA; 11. Insolvent natural persons, who present trustworthy data confirming their insolvency; 12.Persons with mental disorders who receive treatment in psychiatric institutions; 13. Person recognised as a victim or special victim by the commission of identification of victims of human trafficking and abuse; 14. Asylum seekers in the Republic of Armenia; 15.Persons who are victims of tortures, for the purpose of receiving compensation under the procedure defined by article 1087.3 of RA Civil Code; 16. People subjected to domestic violence according to the RA Law on Prevention of Domestic Violence, Protection of People Subjected Domestic Violence and Restoration of Solidarity in the Family; 17. Respondents in civil cases initiated on the basis of the Law of the Republic of Armenia "On Confiscation of Property of Illegal Origin". Please note that the information is provided in compliance with legal regulations, which were in force in 2021. In 2022 amendments on Law on Advocacy were adopted and as a result the mentioned list was expanded.</p>
Azerbaijan	<p>During the investigation, a low-income person (LIP) is provided with a lawyer at the expense of the State based on the decision of the institution conducting the investigation. In criminal cases, a lawyer is appointed for a LIP in court on the basis of a court decision. In civil cases, to this day, a lawyer can be appointed at the expense of the state on the basis of Court (Appellate or Supreme) decision for LIP in connection with a cassation appeal only to the Supreme Court. According to the proposed new draft law, by the decision of the Court, in civil cases, a judge will be appointed for a LIP in all court instances.</p>

Georgia

The Legal Aid Service is a legal entity under public law, which is independent in its activities and provides access to legal consultation and legal aid based on the Constitution of Georgia, the Law of Georgia "On Legal Aid", other legislative and subordinate normative acts and the provision of the service. The Legal Aid Service is not subject to any state body and is accountable only to the Parliament of Georgia in the manner established by the legislation of Georgia.

Legal Aid Service provides legal services through legal aid bureaus and counseling centers. Since 2019, the Service has opened 31 Consulting Centers and 2 legal Aid Bureaus across Georgia. Currently, the Service is represented by 37 Consulting Centers and 14 Legal Assistance Bureaus throughout Georgia including in mountainous regions and regions populated by ethnic minorities.

To ensure proper administration of the Service, efficient performance of its functions, and independence and transparency of The Legal Aid Board is created within Legal Aid Service. The Legal Aid Board is comprised of nine members. Three members are selected by the Executive Council of Georgian Bar Association and three members – by the Public Defender of Georgia, one member is selected by the Legal Aid Bureaus from the lawyers of the Bureaus, one member is nominated by the Minister of Justice of Georgia from the employees of the Ministry of Justice of Georgia and one member is nominated by the High Council of Justice of Georgia from the non-judge members of the High Council of Justice.

For the management of the Legal aid service the director is elected by the Legal aid board.

According to the law, Legal Aid includes: •legal advice,

•preparation of legal documents, •representation in a court with respect to civil, administrative and criminal cases and in an administrative body

On the one hand, the mandate of the legal aid service is prescribed by the law, and on the other hand, legal aid board has the authority to approve exceptional criteria for the appointment of a lawyer.

Legal consultation is legal advice available to everyone on any legal issue, and legal assistance (preparation of legal documents, representation in a court with respect to civil, administrative and criminal cases and in an administrative body) is provided at the state's expense if person meets the criteria prescribed to the law.

According to the Law Legal Aid Service provides legal assistance to socially vulnerable/insolvent persons, as well as persons with disabilities, minors, persons receiving support, victims of domestic violence, asylum seekers as well as to a person with international protection with respect to whom a dispute on application for international protection is to be resolved by a court;

Legal Aid is available for socially vulnerable persons in any area of civil or administrative law. A victim of domestic violence, regardless of his insolvency, has the right to free legal aid, if the case is related to the fact of domestic violence and concerns specific areas of law prescribed by the law.

For asylum seekers/international protection free legal aid is available in court.

Legal Aid in criminal law is available for accused persons if the person is socially vulnerable or the is a case of mandatory protection under the Criminal Procedure Code.


Mandatory protection case are:

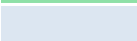
- a) if the accused is a minor;
- b) if the accused has no command of the language of the criminal proceedings;
- c) if the accused has such disability as to prevent him/her from defending himself/herself;
- d) if a ruling (decree) has been issued on the assignment of a forensic psychiatric examination;

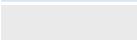
Republic of Moldova	<p>The main body administering the legal aid system is the National Legal Aid Council (NLAC) and its territorial Offices. Ministry of Justice is the policy making body in the field. The Bar Association cooperates with the NLAC for ensuring the delivery of legal aid. The National Legal Aid Council has four territorial offices, OT Chisinau, OT Balti, OT Comrat and OT Cahul. The territorial offices administer the process of granting the legal aid and operate in the cities (municipalities) where the courts of appeal are located. The activity of ensuring the delivery of qualified legal aid is carried out directly by the coordinator of the territorial office, selected and delegated by the National Council on the basis of a contest organized in the established way. Both primary legal aid and qualified legal aid are delivered for all types of cases (criminal and non-criminal). Emergency legal assistance is provided in the event of detention in criminal or misdemeanor cases, including the examination of the arrest warrant. Eligibility is based on the financial criterion, but for certain types of cases, legal aid is granted regardless of the person's income level. The concept of state-guaranteed legal aid includes only the compensation of expenses for the services provided by the lawyer on behalf of the state, not other court costs. At the moment, public attorneys, lawyers on request and paralegals are involved in the process of providing state-guaranteed legal aid.</p>
Ukraine	<p>In order to ensure access to free legal aid in Ukraine, a system consisting of the Coordination Center for Legal Aid Provision, primary legal aid providers, and secondary legal aid providers has been created. The subjects of free secondary legal aid are executive authorities, local self-government bodies, individuals and legal entities of private law, specialized institutions. The subjects of free secondary legal aid are the centres for the provision of free secondary legal aid and advocates included in the Register of advocates providing free secondary legal aid.</p> <p>Free legal aid is guaranteed by the state and is fully or partially provided at the expense of the State Budget of Ukraine, local budgets and other sources.</p> <p>The system of free legal aid in Ukraine is a network of 535 points of access to legal services: 23 regional, 84 local centres of free secondary legal aid and 428 legal aid bureaus in all regions of Ukraine</p>

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2021 (Q87, Q88)

Beneficiaries	Income and assets evaluation for granting full or partial legal aid in 2021								
	Income and assets evaluation for granting full or partial legal aid	Full legal aid				Partial legal aid			
		Criminal cases		Other than criminal cases		Criminal cases		Other than criminal cases	
		Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value
Armenia		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia		NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova		1 252 €	NAP	1 252 €	NAP	1 252 €	NAP	1 252 €	NAP
Ukraine		NA	NA	NA	NA	NA	NA	NA	NA
Average		-	-	-	-	-	-	-	-
Median		-	-	-	-	-	-	-	-
Minimum		-	-	-	-	-	-	-	-
Maximum		-	-	-	-	-	-	-	-

Yes 

No 

NA 


NAP 

Table 4.2.4 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2021 (Q88-1)

Beneficiaries	Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2021	
	Maximum duration prescribed in law/regulation (in days)	Actual average duration (in days)
Armenia	2	1
Azerbaijan	NAP	NA
Georgia	2	1
Republic of Moldova	3	1
Ukraine	NA	NA
Average	2	1
Median	2	1
Minimum	2	1
Maximum	3	1

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2021 (Q86)

Beneficiaries	Access to justice - Number of cases for which legal aid was granted in 2021								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	19 292	NA	NA	10 492	NA	NA	8 800	NA	NA
Azerbaijan	29 344	21 296	8 048	29 129	21 081	8 048	215	215	0
Georgia	16 599	15 386	1 213	10 846	9 635	1 211	5 753	5 751	2
Republic of Moldova	44 466	NA	NA	36 461	NA	NA	8 005	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	27 425	-	-	21 732	-	-	5 693	-	-
Median	24 318	-	-	19 988	-	-	6 879	-	-
Minimum	16 599	-	-	10 492	-	-	215	-	-
Maximum	44 466	-	-	36 461	-	-	8 800	-	-

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2021 (Q1, Q86)

Beneficiaries	Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2021								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	0,65	NA	NA	0,35	NA	NA	0,30	NA	NA
Azerbaijan	0,29	0,21	0,08	0,29	0,21	0,08	0,00	0,00	0,00
Georgia	0,45	0,42	0,03	0,29	0,26	0,03	0,16	0,16	0,00
Republic of Moldova	1,71	NA	NA	1,40	NA	NA	0,31	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	0,77	-	-	0,58	-	-	0,19	-	-
Median	0,55	-	-	0,32	-	-	0,23	-	-
Minimum	0,29	-	-	0,29	-	-	0,00	-	-
Maximum	1,71	-	-	1,40	-	-	0,31	-	-

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2021 (Q13 and Q86)

Beneficiaries	Access to justice - Average amount per case for which legal aid was granted in 2021								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	33,8 €	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	80,3 €	110,6 €	NAP	NA	NA	NAP	NA	NA	NAP
Georgia	108,4 €	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	80,6 €	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	75,8 €	-	-	-	-	-	-	-	-
Median	80,4 €	-	-	-	-	-	-	-	-
Minimum	33,8 €	-	-	-	-	-	-	-	-
Maximum	108,4 €	-	-	-	-	-	-	-	-

4.4 Favourable arrangements to vulnerable persons

Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2021 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2021								
	Victims of sexual violence/rape			Victims of terrorism			Victims of domestic violence		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									


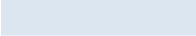
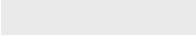


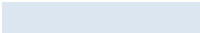
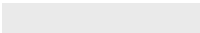
Yes 
 No 
 NA 
 NAP 

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2021 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2021					
	Minors (witnesses or victims)			Juvenile offenders		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia	Yes	Yes	Yes	Yes	Yes	Yes
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	NA	Yes	Yes	Yes
Republic of Moldova	No	Yes	Yes	No	Yes	Yes
Ukraine	No	No	No	No	No	No

Yes 

No 

NA 

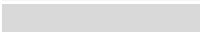

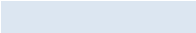
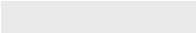

NAP 

Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2021 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2021								
	Ethnic minorities			Persons with disabilities			Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Georgia	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Republic of Moldova	No	No	No	No	Yes	Yes	No	Yes	Yes
Ukraine	No	No	No	Yes	Yes	Yes	No	No	No

Yes 
 No 
 NA 
 NAP 

Indicator 4. Access to justice-legal aid

by country

Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:

Question 86. Please indicate the number of cases for which legal aid has been granted:

Question 86-0. Please briefly describe the organisation of the legal aid system in your country.

Question 86-0-0. Does legal aid apply to:

Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?

Question 88. If yes, please specify in the table:

Question 88-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Armenia

Q013-2 (2021): No, exemption is defined directly for legal aid beneficiaries, although some court fee exemptions may include those having right to legal aid. For example, pensioners, who live alone, can get a legal aid, and simultaneously all pensioners are exempted from court fees.

Q087 (General Comment): Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. According to the Law on Advocacy, the Head of the PDO (Public Defender's office) has the right to make a decision on eligibility of persons for legal aid – to grant the services or to refuse them, based on the set of criteria established by Article 41 of the Law on Advocacy, listed under point 2.1. The Law gives the right to the Head of PDO to apply to state or local self-government bodies or economic entities to verify the insolvency of insolvent persons, as well as to obtain the necessary information to provide free legal aid.

It seems that in practice, however, the criterion of insolvency is difficult to check. The situation with checking the criteria for eligibility for state-guaranteed legal aid has not been made clearer nor easier since 2013. It is still identified as one of the main problems facing the PDO and unduly contributing to its heavy workload. Especially, this concerns the criteria of insolvency, as there is no system for quickly and reliably checking the income and property status of an applicant, through an electronic system or otherwise. It is still not possible to check information about criteria of eligibility for state-guaranteed legal aid (e.g., the unemployment status) by electronic means. But it should be noted that in order to solve the mentioned problems the amendments to the Law on Advocacy were adopted in 2022. According

Q088 (General Comment): The criterion that is taken into account for the granting of legal aid according to Law on Advocacy is that a person should be unable to pay, meaning that a person does not have enough income or does not live with someone who is employed or besides his own apartment does not have any property or does not possess automobile the cost of which does not exceed 1 000 000 AMD.

In addition to providing legal aid to the suspect or accused in criminal cases, free legal aid is provided to people fallen under the following category.

1) to the members of the families of military servicemen who perished (died) while defending the borders of the Republic of Armenia. 2) to the disabled of the 1-st and 2-nd groups. 3) to the convicted. 4) to the members of families who are registered in the system of family insolvency estimation and have insolvency units above 0. 5) To the participants of the Great Patriotic War and the participants of military actions during the defence of the borders of the Republic of Armenia. 6) to the unemployed. 7) to the living alone retired people. 8) to children who have remained without parental custody, as also to the ones belonging to the number of persons who have remained without parental custody. 9) to refugees. 10) to the ones who have received temporary defense in the Republic of Armenia. 11) to other insolvent individuals who present reliable data proving their insolvency. According to this point an insolvent is considered the individual who doesn't have sufficient income, a cohabit working member of a family, as also except for his private flat has no other property of his own or a vehicle exceeding in its price a thousand times the minimal salary. 12) to individuals having mental disorders and receiving medical treatment in an asylum. 13) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 14) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 15) Persons affected by torture for compensation in the manner prescribed by the Article 1087.3 of the Civil Code of the RA

Free legal aid can't be provided: 1) on cases of entrepreneurial character (including corporate quarrels).

2) on cases of property (sum) claims that exceed 1 000 000 AMD, with the exception of the cases where the individual comes out as defendant or the third party acting on behalf of the defendant.

3) if there is reliable factual evidence denying the insolvency of the applicant. The head of Public defender's office can also make inquiries about the financial status

Q088-1 (2021): Maximum duration is not prescribed in law or other normative legal act, but it should be noted that maximum duration of time has been envisaged in the decision of the chairman of the Chamber of Advocates ("The regulations on procedure for providing free legal assistance" N 357-L).

Q163 (General Comment): There are different regulations ensuring minors protection.

According to the Civil Procedure Code the courts shall involve the legal representative of a minor witness in the interrogation thereof, and in case of interrogation of minors under fourteen years of age — also a child psychologist or a pedagogue. When interrogating a witness under fourteen years of age, persons participating in the case shall be removed from the courtroom, if they have a representative or their participation may influence the testimony of the witness. The representative of a person, participating in the case who has been removed, shall participate in the session. During interrogation of a witness under sixteen years old, the Court of First Instance shall make sure that the method of interrogation or questions does not confuse the witness or subject him or her to undue psychological pressure, and, for that purpose, may remove any question, interrupt or stop the interrogation of the witness.

According to the Criminal Procedure Code the Court of First Instance shall explain to a witness under sixteen years of age the importance of giving testimony and communicating only the truth, without forewarning him or her of the criminal liability for giving false testimony or refusing to give testimony.

Azerbaijan

Q086 (General Comment): The decrease in granted legal aid since 2018 is explained by two factors: firstly, as mentioned before it is related to decrease in number of cases. secondly, it is also has correlation with the improvement of advocacy institute in general, as the number of qualified advocates increased and population started applying to them more often than before.

Q086 (2021): Due to SARS Covid-19 related lock-down and operations restriction, in 2020, there was a decrease of cases for which legal aid has been granted. In 2021 there is an increase in number of the above mentioned figures, which related to lifting of all restrictions. In civil cases, provision of a lawyer at the expense of the state budget is available only in cassation and additional cassation proceedings in the Supreme Court. According to the amendments to the MPM dated July 9, 2021, Article 402 of the MPM (Right to file a cassation appeal) is given in the following version.

A cassation appeal can be filed against the resolutions of the civil and commercial panels of the appeal courts, except for resolutions on property claims in the contested part of the resolution adopted in civil cases, the cost of the claim is less than five thousand manats, and in cases of commercial disputes less than ten thousand manats, respectively.

In the previous edition, these amounts were indicated as two thousand and five thousand manats, respectively.

The single form of cassation appeal is defined in the Civil Procedure Code. It led to the return of many complaints in the period leading up to the establishment of

Q086-0 (General Comment): Regarding the assessment and categories of low-income people: Persons belonging to certain categories mentioned below can be considered as "Low-income person": For example (categories): 1. persons entitled to receive social assistance and their family members; 2. members of the families of martyrs; 3. Group I and II disabled people; 4. January 20, disabled people of Karabakh, World War II, and Chernobyl; 5. war veterans; 6. victims of domestic violence; 7. abandoned children and orphaned minors; 8. Unemployed persons; 9. Persons whose per capita monthly income is below the minimum subsistence level for the country. Also, persons in addition to these categories may receive legal assistance at the expense of the state, depending on the actual circumstances of the case. More importantly, courts can immediately obtain this information by submitting an electronic request to government agencies and verify whether they are

Q088-1 (2021): There is no time limit in the legislation.

Q163 (General Comment): According to the Criminal Procedural Code, all evidences which open personal or family secrets as well as State`s secrets, professional and commercial secrets are to be considered in closed session of the court.

Georgia

Q087 (General Comment): Income and assets evaluation for granting full or partial legal aid isn't connected with value of money. According Georgian legislation - A person is considered insolvent and entitled to free legal aid, if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 70,000.

Also, person is considered insolvent and is entitled to free legal aid if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 100,000 and belongs to one of the following categories:

- a) a member of a large family that has 3 or more children under the age of 18;
- b) veteran of war and defense forces;
- c) a disabled person under the age of 18;
- d) an adult with a severely or significantly disabled status;
- e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;
- f) orphaned child under the age of 18;
- g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

Q088 (2021): A person is considered insolvent and entitled to free legal aid, if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 70,000.

Also, person is considered insolvent and is entitled to free legal aid if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 100,000 and belongs to one of the following categories:

- a) a member of a large family that has 3 or more children under the age of 18;
- b) veteran of war and defense forces;
- c) a disabled person under the age of 18;
- d) an adult with a severely or significantly disabled status;
- e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;
- f) orphaned child under the age of 18;
- g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

Q088-1 (2021): According to the law on legal aid service, Service ensures the involvement of a public lawyer in criminal proceedings: a) based on an application of an accused, convicted and/or acquitted person or his/her representative or close relative; b) based on an application of a body conducting proceedings according to the procedure established by the legislation of Georgia.

According to the law, Service immediately considers the application of a person with respect to civil and administrative cases; Service finds out whether the application meets criteria established by this Law and other legal acts and within two working days decides to appoint a public lawyer or refuse to appoint him/her.

The Legal Aid Service is obliged to comply with the court judgement to appoint a lawyer at the expense of the State Legal Aid Service bylaw specifies, that in criminal cases, the application is considered immediately or within 2 days.

After decision is made, the legal case management information system – case-bank (which was updated in 2021) automatically allocates cases to lawyers based on the lawyer's workload.

Republic of Moldova

Q086 (General Comment): The legal provisions on legal aid make a distinction between primary legal aid (providing information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the manner of realization and capitalization of judicial and extrajudicial rights; legal advice; providing assistance in drafting legal documents; providing other forms of assistance, which do not fall into the category of qualified legal assistance) and qualified legal aid (providing legal consultancy, representation and / or defense services in criminal investigation bodies, in courts, for criminal, misdemeanor, civil or administrative cases; providing representation before public administration authorities).

Q088-1 (2021): According to art. 18 (2) of the Law no. 198 on legal aid, the primary legal assistance is granted immediately, after the moment the request is received. In case of impossibility to provide immediate assistance, the applicant is notified about date and time of the hearing which should be held within 3 days from the date of submission of the written or oral request.

Q163 (General Comment): Upon the request of domestic violence victims, the court can issue a special order granting protection by means of the following obligations imposed to the aggressor: obligation to leave temporary the common housing or to keep distance from the victim's house, regardless of the property title; obligation to keep distance from the victim, ensuring his/her safety; obligation not to contact the victim, his/her children or other persons depending on her/him; prohibition to visit the working place of the victim; restriction on the unilateral use of joint property; obligation to undergo a medical examination and, if needed, to follow a compulsory medical treatment; obligation to participate in a special conciliation program if the court considers such measure necessary; prohibition of having arms (article 21-1 of the Criminal Procedure Code and article 318/4 of the Civil Procedure Code). The case of a minor is subdivided to the maximum extent and constitutes a single file when adults have participated to the commission of the offence (article 476 of the Criminal Procedure Code). Custody or preventive arrest of minors are possible only in exceptional situations of serious offences with use of violence, severe and extremely severe crimes (the prosecutor, the parents or other legal representatives of the concerned minor are immediately informed about these measures (article 477 of the Criminal procedure Code)).

According to art. 14 of the Law no. 105 of 16.05.2008 on the protection of witnesses and other participants in the criminal proceeding, the following protection measures may be applied in respect of the protected person: a) protection of identity data; b) hearing by applying special arrangements; c) change of domicile or place of work or study; d) change of identity, change of appearance; e) installing an alarm system at home or residence; f) changing the phone number; g) ensuring the protection of the goods.

"Protected person" - a person with whom a protection agreement has been concluded under the law and which has the procedural status of: a) a witness in a criminal case involving serious, extremely serious or exceptionally serious offenses, in the stage of criminal investigation or trial, according to art.90 of the Criminal Procedure Code; b) injured party in a criminal case related to serious offenses, extremely serious or exceptionally serious, in the stage of criminal investigation or trial, according to art.59 of the Criminal Procedure Code; c) a victim in criminal proceedings involving serious, extremely serious or exceptionally serious offenses, in the criminal investigation or trial phase, who accept to cooperate until the criminal proceedings are commenced; d) a suspected, accused, defendant who accepts to make statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; e) convicted during the execution of a custodial sentence of imprisonment or life imprisonment who accepts to submit statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; f) a person who does not have a procedural quality but

Ukraine

Q163 (General Comment): Victims of rape have the possibility of closed procedure that excludes the public; ethnic minorities and disabled persons should be granted language interpreter and other required assistance during court proceeding; in respect of juvenile offenders, there is an obligation to hear the opinion of an association protecting the interest of a minor accused of a crime. Besides, other specific arrangements include ramps that are built to provide free access to the court buildings. At the acceptable height, there is a call button and accessibility badges for visually impaired people (Braille signs). It is also possible to freely receive information as to the case (its consideration, date of the hearing, the decision taken), telephone numbers of the court.

The issue of accessibility is solved by taking organizational measures by responsible persons appointed in all courts to assist persons with disabilities and other low-mobility groups. Information about the responsible person and contact phone numbers is posted on the official website of the court and is public. For persons with visual impairments, the information is duplicated in embossed dot font (Braille) on the sign with the name of the court, its working hours, names of the main premises, such as the courtroom, office, reception, etc. Special measures during hearings

393 court buildings are equipped with ramps, contrast marking of glass surfaces (in particular, transparent doors are equipped with a warning contrast stripe), marking of level differences (thresholds), as well as staircase steps with contrast paint or textured coating material.

Other special measures

Minimum standards of accessibility for persons with disabilities and other low-mobility groups in courts are ensured through the implementation of the principle of reasonable accommodation, taking into account the specifics of each case, including the placement, if necessary, on the ground floor level of the office, reception, courtrooms.

Indicator 4. Access to justice-legal aid

by question No.

Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:

Question 86. Please indicate the number of cases for which legal aid has been granted:

Question 86-0. Please briefly describe the organisation of the legal aid system in your country.

Question 86-0-0. Does legal aid apply to:

Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?

Question 88. If yes, please specify in the table:

Question 88-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval o

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Question 013-2

Armenia

(2021): No, exemption is defined directly for legal aid beneficiaries, although some court fee exemptions may include those having right to legal aid. For example, pensioners, who live alone, can get a legal aid, and simultaneously all pensioners are exempted from court fees.

Question 086

Azerbaijan

(General Comment): The decrease in granted legal aid since 2018 is explained by two factors: firstly, as mentioned before it is related to decrease in number of cases.

(2021): Due to SARS Covid-19 related lock-down and operations restriction, in 2020, there was a decrease of cases for which legal aid has been granted. In 2021 there is an increase in number of the above mentioned figures, which related to lifting of all restrictions. In civil cases, provision of a lawyer at the expense of the state budget is available only in cassation and additional cassation proceedings in the Supreme Court. According to the amendments to the MPM dated July 9, 2021, Article 402 of the MPM (Right to file a cassation appeal) is given in the following version.

A cassation appeal can be filed against the resolutions of the civil and commercial panels of the appeal courts, except for resolutions on property claims in the contested part of the resolution adopted in civil cases, the cost of the claim is less than five thousand manats, and in cases of commercial disputes less than ten thousand manats, respectively.

In the previous edition, these amounts were indicated as two thousand and five thousand manats, respectively.

The single form of cassation appeal is defined in the Civil Procedure Code. It led to the return of many complaints in the period leading up to the establishment of

Republic of Moldova

(General Comment): The legal provisions on legal aid make a distinction between primary legal aid (providing information on the legal system of the Republic of Mold

Question 086-0

Azerbaijan

(General Comment): Regarding the assessment and categories of low-income people: Persons belonging to certain categories mentioned below can be considered as

Question 087

Armenia

(General Comment): Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. According to the Law on Advocacy, the Head of the PDO (Public Defender's office) has the right to make a decision on eligibility of persons for legal aid – to grant the services or to refuse them, based on the set of criteria established by Article 41 of the Law on Advocacy, listed under point 2.1. The Law gives the right to the Head of PDO to apply to state or local self-government bodies or economic entities to verify the insolvency of insolvent persons, as well as to obtain the necessary information to provide free legal aid.

It seems that in practice, however, the criterion of insolvency is difficult to check. The situation with checking the criteria for eligibility for state-guaranteed legal aid has not been made clearer nor easier since 2013. It is still identified as one of the main problems facing the PDO and unduly contributing to its heavy workload. Especially, this concerns the criteria of insolvency, as there is no system for quickly and reliably checking the income and property status of an applicant, through an electronic system or otherwise. It is still not possible to check information about criteria of eligibility for state-guaranteed legal aid (e.g., the unemployment status) by electronic means. But it should be noted that in order to solve the mentioned problems the amendments to the Law on Advocacy were adopted in 2022. According

Georgia

(General Comment): Income and assets evaluation for granting full or partial legal aid isn't connected with value of money. According Georgian legislation - A person is considered insolvent and entitled to free legal aid, if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 70,000.

Also, person is considered insolvent and is entitled to free legal aid if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 100,000 and belongs to one of the following categories:

- a) a member of a large family that has 3 or more children under the age of 18;
- b) veteran of war and defense forces;
- c) a disabled person under the age of 18;
- d) an adult with a severely or significantly disabled status;
- e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;
- f) orphaned child under the age of 18;
- g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

Question 088

Armenia

(General Comment): The criterion that is taken into account for the granting of legal aid according to Law on Advocacy is that a person should be unable to pay, meaning that a person does not have enough income or does not live with someone who is employed or besides his own apartment does not have any property or does not possess automobile the cost of which does not exceed 1 000 000 AMD.

In addition to providing legal aid to the suspect or accused in criminal cases, free legal aid is provided to people fallen under the following category.

1) to the members of the families of military servicemen who perished (died) while defending the borders of the Republic of Armenia. 2) to the disabled of the 1-st and 2-nd groups. 3) to the convicted. 4) to the members of families who are registered in the system of family insolvency estimation and have insolvency units above 0. 5) To the participants of the Great Patriotic War and the participants of military actions during the defence of the borders of the Republic of Armenia. 6) to the unemployed. 7) to the living alone retired people. 8) to children who have remained without parental custody, as also to the ones belonging to the number of persons who have remained without parental custody. 9) to refugees. 10) to the ones who have received temporary defense in the Republic of Armenia. 11) to other insolvent individuals who present reliable data proving their insolvency. According to this point an insolvent is considered the individual who doesn't have sufficient income, a cohabit working member of a family, as also except for his private flat has no other property of his own or a vehicle exceeding in its price a thousand times the minimal salary. 12) to individuals having mental disorders and receiving medical treatment in an asylum. 13) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 14) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 15) Persons affected by torture for compensation in the manner prescribed by the Article 1087.3 of the Civil Code of the RA

Free legal aid can't be provided: 1) on cases of entrepreneurial character (including corporate quarrels).

2) on cases of property (sum) claims that exceed 1 000 000 AMD, with the exception of the cases where the individual comes out as defendant or the third party acting on behalf of the defendant.

3) if there is reliable factual evidence denying the insolvency of the applicant. The head of Public defender's office can also make inquiries about the financial status

Georgia

(2021): A person is considered insolvent and entitled to free legal aid, if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 70,000.

Also, person is considered insolvent and is entitled to free legal aid if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 100,000 and belongs to one of the following categories:

a) a member of a large family that has 3 or more children under the age of 18;

b) veteran of war and defense forces;

c) a disabled person under the age of 18;

d) an adult with a severely or significantly disabled status;

e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;

f) orphaned child under the age of 18;

g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

Question 088-1

Armenia

(2021): Maximum duration is not prescribed in law or other normative legal act, but it should be noted that maximum duration of time has been envisaged in the deci

Azerbaijan

(2021): There is no time limit in the legislation.

Georgia

(2021): According to the law on legal aid service, Service ensures the involvement of a public lawyer in criminal proceedings: a) based on an application of an accused, convicted and/or acquitted person or his/her representative or close relative; b) based on an application of a body conducting proceedings according to the procedure established by the legislation of Georgia.

According to the law, Service immediately considers the application of a person with respect to civil and administrative cases; Service finds out whether the application meets criteria established by this Law and other legal acts and within two working days decides to appoint a public lawyer or refuse to appoint him/her.

The Legal Aid Service is obliged to comply with the court judgement to appoint a lawyer at the expense of the State

Legal Aid Service bylaw specifies, that in criminal cases, the application is considered immediately or within 2 days.

After decision is made, the legal case management information system – case-bank (which was updated in 2021) automatically allocates cases to lawyers based on the lawyer's workload.

Republic of Moldova

(2021): According to art. 18 (2) of the Law no. 198 on legal aid, the primary legal assistance is granted immediately, after the moment the request is received. In case (

Question 163

Armenia

(General Comment): There are different regulations ensuring minors protection.

According to the Civil Procedure Code the courts shall involve the legal representative of a minor witness in the interrogation thereof, and in case of interrogation of minors under fourteen years of age — also a child psychologist or a pedagogue. When interrogating a witness under fourteen years of age, persons participating in the case shall be removed from the courtroom, if they have a representative or their participation may influence the testimony of the witness. The representative of a person, participating in the case who has been removed, shall participate in the session. During interrogation of a witness under sixteen years old, the Court of First Instance shall make sure that the method of interrogation or questions does not confuse the witness or subject him or her to undue psychological pressure, and, for that purpose, may remove any question, interrupt or stop the interrogation of the witness.

According to the Criminal Procedure Code the Court of First Instance shall explain to a witness under sixteen years of age the importance of giving testimony and communicating only the truth, without forewarning him or her of the criminal liability for giving false testimony or refusing to give testimony.

Azerbaijan

(General Comment): According to the Criminal Procedural Code, all evidences which open personal or family secrets as well as State`s secrets, professional and commercial secrets are to be considered in closed session of the court.

Republic of Moldova

(General Comment): Upon the request of domestic violence victims, the court can issue a special order granting protection by means of the following obligations imposed to the aggressor: obligation to leave temporary the common housing or to keep distance from the victim's house, regardless of the property title; obligation to keep distance from the victim, ensuring his/her safety; obligation not to contact the victim, his/her children or other persons depending on her/him; prohibition to visit the working place of the victim; restriction on the unilateral use of joint property; obligation to undergo a medical examination and, if needed, to follow a compulsory medical treatment; obligation to participate in a special conciliation program if the court considers such measure necessary; prohibition of having arms (article 21-1 of the Criminal Procedure Code and article 318/4 of the Civil Procedure Code). The case of a minor is subdivided to the maximum extent and constitutes a single file when adults have participated to the commission of the offence (article 476 of the Criminal Procedure Code). Custody or preventive arrest of minors are possible only in exceptional situations of serious offences with use of violence, severe and extremely severe crimes (the prosecutor, the parents or other legal representatives of the concerned minor are immediately informed about these measures (article 477 of the Criminal procedure Code)).

According to art. 14 of the Law no. 105 of 16.05.2008 on the protection of witnesses and other participants in the criminal proceeding, the following protection measures may be applied in respect of the protected person: a) protection of identity data; b) hearing by applying special arrangements; c) change of domicile or place of work or study; d) change of identity, change of appearance; e) installing an alarm system at home or residence; f) changing the phone number; g) ensuring the protection of the goods.

"Protected person" - a person with whom a protection agreement has been concluded under the law and which has the procedural status of: a) a witness in a criminal case involving serious, extremely serious or exceptionally serious offenses, in the stage of criminal investigation or trial, according to art.90 of the Criminal Procedure Code; b) injured party in a criminal case related to serious offenses, extremely serious or exceptionally serious, in the stage of criminal investigation or trial, according to art.59 of the Criminal Procedure Code; c) a victim in criminal proceedings involving serious, extremely serious or exceptionally serious offenses, in the criminal investigation or trial phase, who accept to cooperate until the criminal proceedings are commenced; d) a suspected, accused, defendant who accepts to make statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; e) convicted during the execution of a custodial sentence of imprisonment or life imprisonment who accepts to submit statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; f) a person who does not have a procedural quality but agrees to provide information on the preparation of serious, particularly serious or exceptionally serious crimes. At the request of the persons mentioned in letters a)

Ukraine

(General Comment): Victims of rape have the possibility of closed procedure that excludes the public; ethnic minorities and disabled persons should be granted langu

The issue of accessibility is solved by taking organizational measures by responsible persons appointed in all courts to assist persons with disabilities and other low-mobility groups. Information about the responsible person and contact phone numbers is posted on the official website of the court and is public. For persons with visual impairments, the information is duplicated in embossed dot font (Braille) on the sign with the name of the court, its working hours, names of the main premises, such as the courtroom, office, reception, etc. Special measures during hearings

393 court buildings are equipped with ramps, contrast marking of glass surfaces (in particular, transparent doors are equipped with a warning contrast stripe), marking of level differences (thresholds), as well as staircase steps with contrast paint or textured coating material.

Other special measures

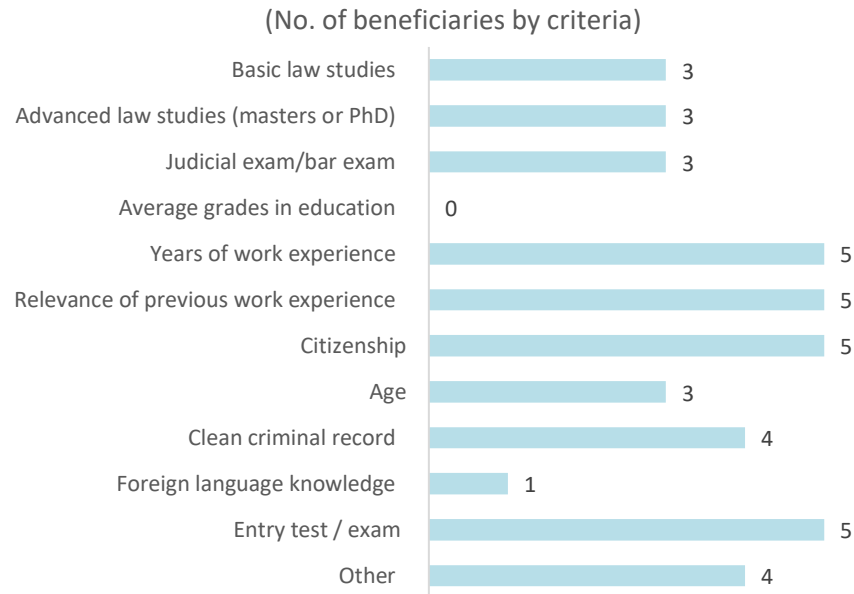
Minimum standards of accessibility for persons with disabilities and other low-mobility groups in courts are ensured through the implementation of the principle of reasonable accommodation, taking into account the specifics of each case, including the placement, if necessary, on the ground floor level of the office, reception, courtrooms.

5. and 6. Appointment, recruitment and promotion of judges and prosecutors - Overview

Appointment, recruitment and promotion of judges

Tables 5.1.2, 5.1.5, 5.1.6, 5.1.8, 5.1.9, 5.1.10, 6.1.1 and 6.1.2

Figure 5.1 Entry criteria to become a judge

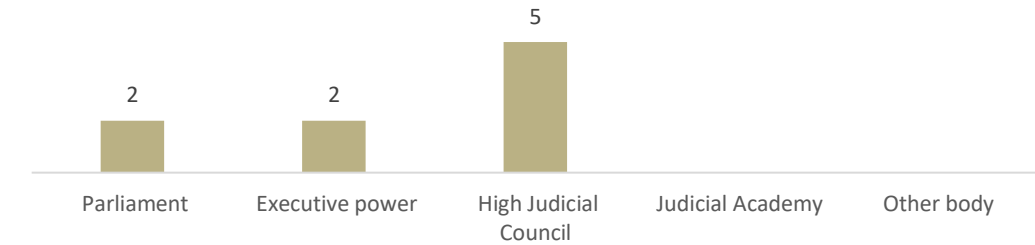


Possibility for non pre-selected judge candidates to appeal exists in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (2) (AZE - MDA)
- Judicial Academy (1) (MDA)
- Court (3) (ARM - AZE - UKR)
- Other body (2) (ARM - GEO)

Figure 6.1 Authority competent for the promotion of judges (No. of beneficiaries by authority)



Possibility to appeal the decision on the promotion of judges exists in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

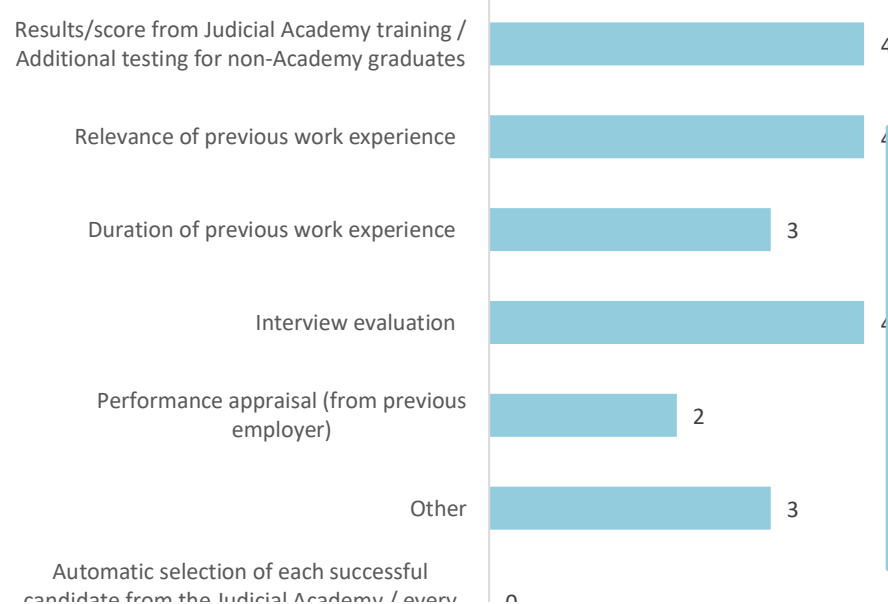
Body competent to decide on appeal (No. of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (1) (MDA)
- Court (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (0)



Figure 5.2 Criteria in the selection procedure for judges

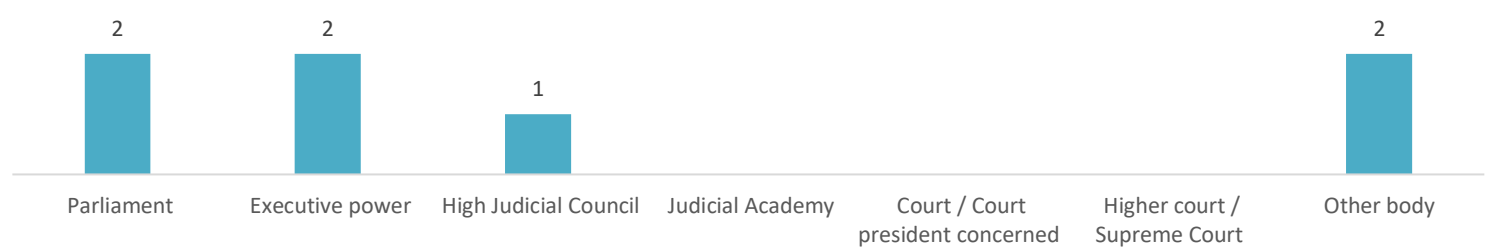
(No. of beneficiaries by criteria)



Authority competent for selection of judges (no. of beneficiaries):

- Parliament (1) (GEO)
- Executive power (0)
- High Judicial Council (4) (ARM - AZE - GEO - MDA)
- Judicial Academy (0)
- Other body (1) (UKR)

Figure 5.3 Authority competent for the final appointment of judges (No. of beneficiaries by authority)



Possibility for non-selected candidates to appeal against the decision of appointment 4 beneficiaries (ARM - AZE - GEO - UKR)

Body competent for the appeal (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (1) (AZE)
- Court (4) (ARM - AZE - GEO - UKR)
- Judicial Academy (0)

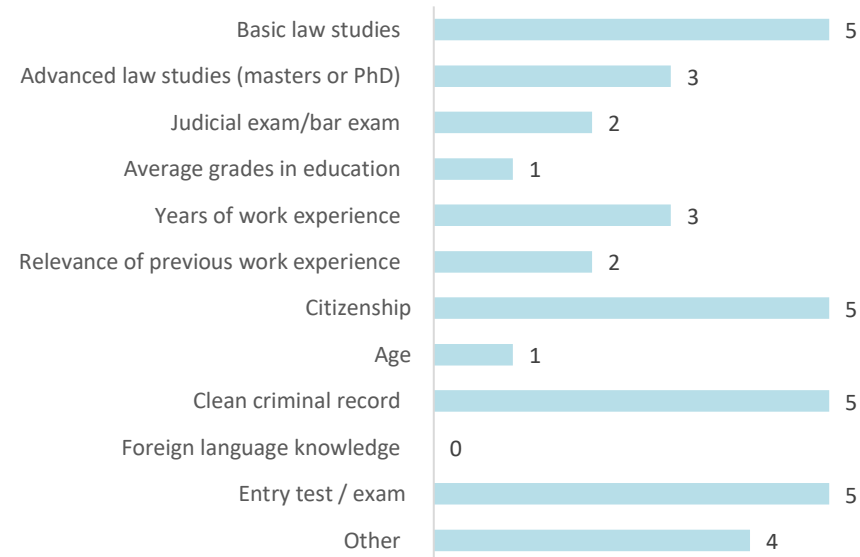
candidate from the Judicial Academy / every
pre-selected experienced candidate outside of... | U

- Other body (1) (GEO)

Appointment, recruitment and promotion of prosecutors

Tables 5.2.2, 5.2.5, 5.2.6, 5.2.8, 5.2.9, 5.2.10, 6.1.4 and 6.1.5

Figure 5.4 Entry criteria to become a prosecutor
(No. of beneficiaries by criteria)

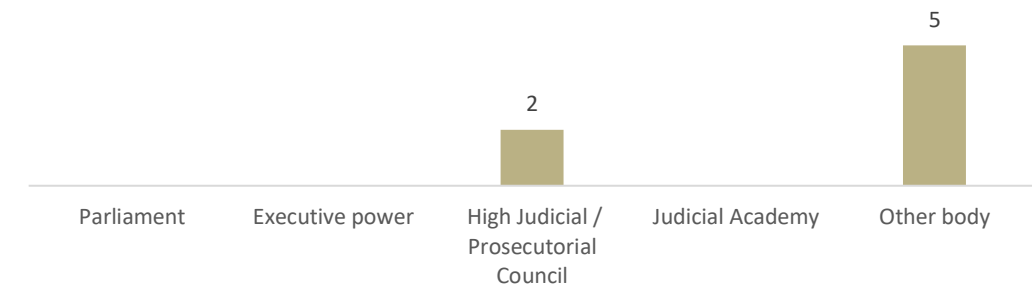


Possibility for non pre-selected prosecutor candidates to appeal exists in 5 beneficiaries (ARM - GEO - MDA - UKR)

Body competent for the appeal (No. of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Prosecution services (0)
- Judicial Academy (1) (MDA)
- Court (4) (ARM - GEO - MDA - UKR)
- Other body (0)

Figure 6.2 Authority competent for the promotion of prosecutor
(No. of beneficiaries by authority)



Possibility to appeal the decision on the promotion of prosecutors exists in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

Body competent to decide on appeal (No. of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Court / Prosecution office (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (0)

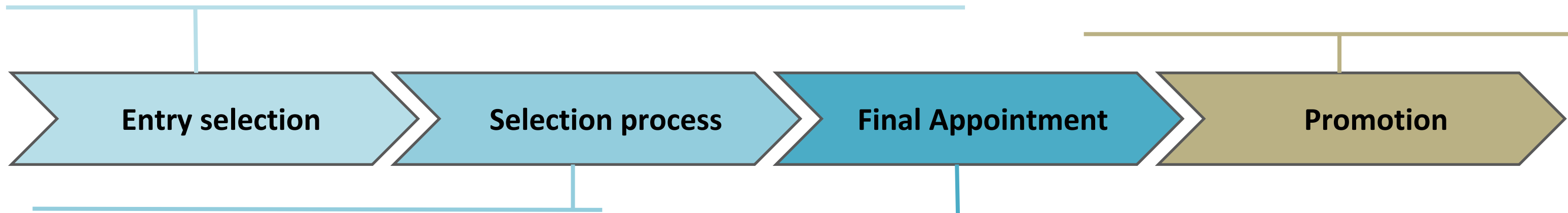
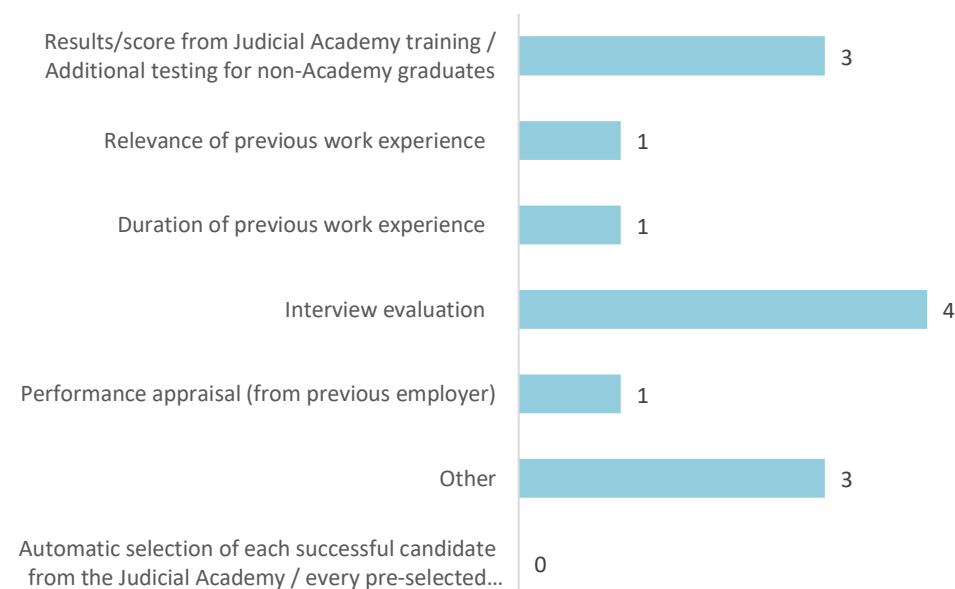


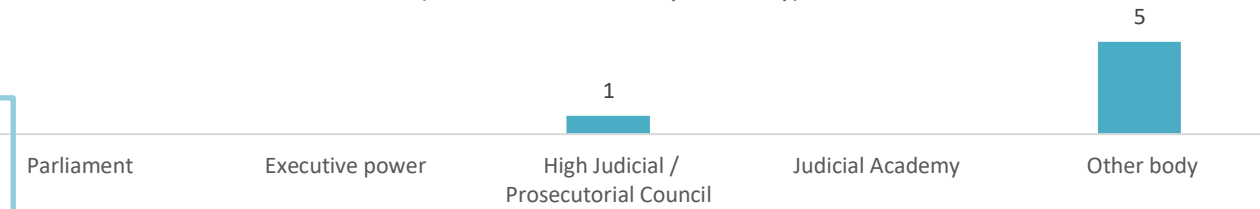
Figure 5.5 Criteria in the selection procedure for prosecutors
(No. of beneficiaries by criteria)



Authority competent for selection of prosecutors (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (1) (MDA)
- Prosecutorial services (2) (AZE - GEO)
- Judicial Academy (0)
- Other body (2) (ARM - UKR)

Figure 5.6 Authority competent for the final appointment of prosecutors
(No. of beneficiaries by authority)



Possibility for non-selected candidates to appeal against the decision of appointment 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

Body competent for the appeal (No. of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (4) (ARM - AZE - GEO - MDA)
- Judicial Academy (0)

- Other body (1) (UKR)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.1 Recruitment of judges

Table 5.1.1 Recruitment process for judges in 2021 (Q89)

Table 5.1.2 Entry criteria to become a judge in 2021 (Q90)

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2021 (Q91)

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2021 (Q92, Q93 and Q94)

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2021 (Q95 and Q96)

Table 5.1.6 Criteria in the selection procedure (after exam/interview, etc) for judges in 2021 (Q97)

Table 5.1.7 Measures in place to ensure the transparency in case the selection of a judge takes place via an “Interview evaluation” in 2021 (Q97-1)

Table 5.1.8 Authority competent for selection of judges in 2021 (Q98)

Table 5.1.9 Authority competent for the final appointment of judges and its competences in 2021 (Q99 and Q100)

Table 5.1.10 Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q101 and Q102)

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment process for prosecutors in 2021 (Q111)

Table 5.2.2 Entry criteria to become a prosecutor in 2021 (Q112)

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2021 (Q113)

Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2021 (Q114, Q115 and Q116)

Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2021 (Q117 and Q118)

Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2021 (Q119)

Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2021 (Q119-1)

Table 5.2.8 Authority competent for selection of prosecutors in 2021 (Q120)

Table 5.2.9 Authority competent for the final appointment of prosecutors and its competences in 2021 (Q121 and Q121-1)

Table 5.2.10 Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q122 and Q123)

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check the integrity of candidate judges in 2021 (Q103)

Table 5.3.2 Mandate of judges and compulsory retirement age in 2021 (Q104, Q108 and Q109)

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2021 (Q105, Q106 and Q107)

Table 5.3.4 Methods to check the integrity of candidate prosecutors in 2021 (Q124)

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2021 (Q125, Q129 and Q130)

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2021 (Q126, Q127 and Q128)

5.1 Recruitment of judges

Table 5.1.1 Recruitment process for judges in 2021 (Q89)

Beneficiaries	Recruitment process for judges in 2021			
	Competitive exam	Recruitment procedure for experienced legal professionals	Other	Comment on Other
Armenia	Yes	No	No	
Azerbaijan	Yes	Yes	No	
Georgia	Yes	Yes	No	
Republic of Moldova	Yes	Yes	No	
Ukraine	Yes	Yes	No	

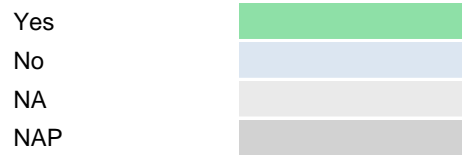


Table 5.1.2 Entry criteria to become a judge in 2021 (Q90)

Beneficiaries	Entry criteria to become a judge in 2021											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test / exam	Other
Armenia	Both - Via & without Judicial Academy	No	No	No	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	Via Judicial Academy	Both - Via & without Judicial Academy
Azerbaijan	Both - Via & without Judicial Academy	No	Via Judicial Academy	No	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	No	No	Via Judicial Academy	Without Judicial Academy
Georgia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Via Judicial Academy	No	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	Via Judicial Academy	No
Republic of Moldova	No	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	No	No	Via Judicial Academy	Both - Via & without Judicial Academy
Ukraine	No	Without Judicial Academy	No	No	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	No	No	Without Judicial Academy	Without Judicial Academy

Legend:

	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2021 (Q91)

Beneficiaries	Authority competent for evaluation and decision during the entry selection of judges in 2021				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Legend:

	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2021 (Q92, Q93 and Q94)

Beneficiaries	Public availability of call, entry criteria and list of pre-selected candidates for judges in 2021								
	Public call available for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Armenia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	No	No	Both - Via & without Judicial Academy	No	No	No
Azerbaijan	Both - Via & without Judicial Academy	No	No	No	Via Judicial Academy	No	Without Judicial Academy	No	No
Georgia	Both - Via & without Judicial Academy	No	No	No	Both - Via & without Judicial Academy	No	No	No	No
Republic of Moldova	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	No	No	Both - Via & without Judicial Academy	No	No	No
Ukraine	Without Judicial Academy	Without Judicial Academy	No	No	No	No	No	No	No

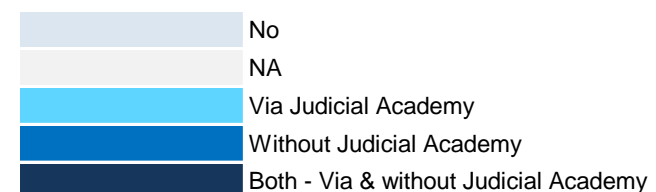


Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2021 (Q95 and Q96)

Beneficiaries	Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2021						
	Possibility for non pre-selected candidates to appeal	Body competent for appeal					
		Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Armenia	Both - Via & without Judicial Academy	No	No	No	No	Court	Via Judicial Academy
Azerbaijan	Both - Via & without Judicial Academy	No	No	High Judicial Council	No	Court	No
Georgia	Both - Via & without Judicial Academy	No	No	No	No	No	Without Judicial Academy
Republic of Moldova	Both - Via & without Judicial Academy	No	No	High Judicial Council	Judicial Academy	No	No
Ukraine	Without Judicial Academy	No	No	No	No	Court	No

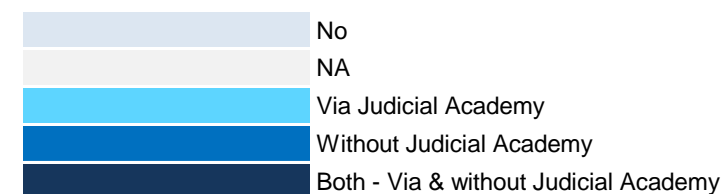


Table 5.1.6 Criteria in the selection procedure (after exam/interview, etc) for judges in 2021 (Q97)

Beneficiaries	Criteria in the selection procedure (after exam/interview, etc) for judges in 2021						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy / every pre-selected candidate outside of Judicial Academy
Armenia	Via Judicial Academy	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	No	No	No
Azerbaijan	Via Judicial Academy	Both - Via & without Judicial Academy	No	Via Judicial Academy	No	No	No
Georgia	Via Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No
Republic of Moldova	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No
Ukraine	No	No	No	No	No	Without Judicial Academy	No

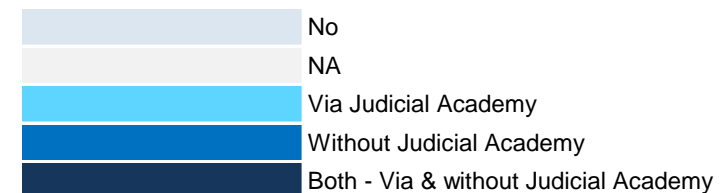


Table 5.1.7 Measures in place to ensure the transparency in case the selection of a judge takes place via an “Interview evaluation” in 2021 (Q97-1)

Beneficiaries	Measures in place to ensure the transparency in case the selection of a judge takes place via an “Interview evaluation” in 2021				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					


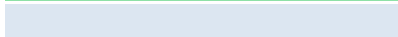
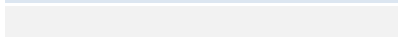

Yes	
No	
NA	
NAP	

Table 5.1.8 Authority competent for selection of judges in 2021 (Q98)

Beneficiaries	Authority competent for selection of judges in 2021				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia			Both - Via & without Judicial Academy		
Azerbaijan			Both - Via & without Judicial Academy		
Georgia	Without Judicial Academy		Both - Via & without Judicial Academy		
Republic of Moldova			Both - Via & without Judicial Academy		
Ukraine					Without Judicial Academy

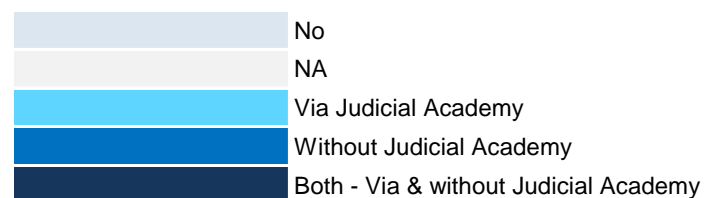


Table 5.1.9 Authority competent for the final appointment of judges and its competences in 2021 (Q99 and Q100)

Beneficiaries	Authority competent for the final appointment of judges and its competences in 2021										
	Authority							Authority's competences			
	Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Armenia							Yes		Yes		
Azerbaijan		Yes							Yes		
Georgia	Yes		Yes						Yes		
Republic of Moldova	Yes	Yes							Yes		
Ukraine							Yes	Yes			

Yes


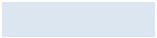


No

NA

NAP

Table 5.1.10 Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q101 and Q102)

Beneficiaries	Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021							
	Possibility to appeal against the decision of appointment	Competent body to decide on the appeal						Comment on Other body
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	
Armenia	Yes	No	No	No	Yes	No	No	
Azerbaijan	Yes	No	No	Yes	Yes	No	No	
Georgia	Yes	No	No	No	Yes	No	Yes	
Republic of Moldova	No	NAP	NAP	NAP	NAP	NAP	NAP	
Ukraine	Yes	No	No	No	Yes	No	No	

Yes 
 No 
 NA 
 NAP 

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment process for prosecutors in 2021 (Q111)

Beneficiaries	Recruitment process for prosecutors in 2021			
	Competitive exam	Recruitment procedure for experienced legal professionals	Other	Comment on Other
Armenia	Yes	Yes	No	
Azerbaijan	Yes	No	No	
Georgia	Yes	Yes	No	
Republic of Moldova	Yes	Yes	No	
Ukraine	Yes	No	Yes	-

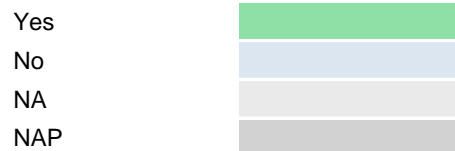


Table 5.2.2 Entry criteria to become a prosecutor in 2021 (Q112)

Beneficiaries	Entry criteria to become a prosecutor in 2021											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test / exam	Other
Armenia	Light Blue	Dark Blue	Light Blue	Light Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Dark Blue
Azerbaijan	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Dark Blue
Georgia	Dark Blue	Light Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue
Republic of Moldova	Dark Blue	Dark Blue	Dark Blue	Light Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue
Ukraine	Dark Blue	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Dark Blue

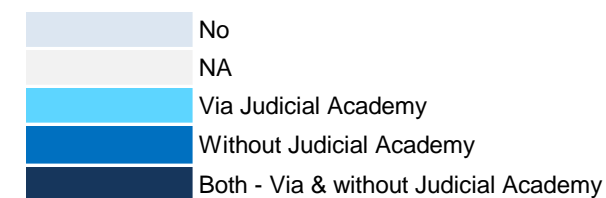


Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2021 (Q113)

Beneficiaries	Authority competent for evaluation and decision during the entry selection of prosecutors in 2021					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

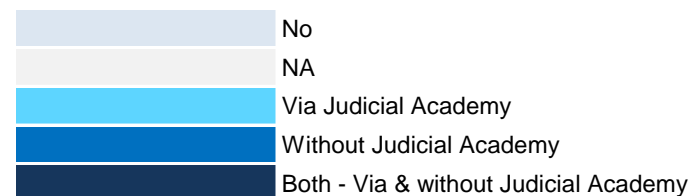


Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2021 (Q114, Q115 and Q116)

Beneficiaries	Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2021								
	Public call available for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Armenia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy						Both - Via & without Judicial Academy	
Azerbaijan	Without Judicial Academy							Without Judicial Academy	
Georgia	Without Judicial Academy							Without Judicial Academy	
Republic of Moldova	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy				Both - Via & without Judicial Academy			
Ukraine	Without Judicial Academy				Without Judicial Academy				Without Judicial Academy

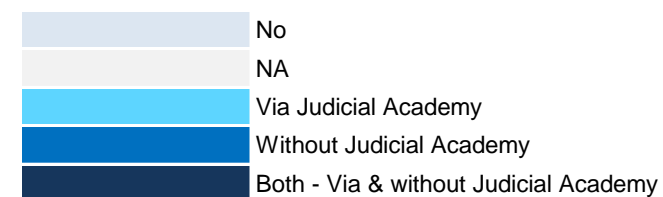


Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2021 (Q117 and Q118)

Beneficiaries	Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2021							
	Possibility for non pre-selected candidates to appeal	Body competent for appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Court	Other body
Armenia	Both - Via & without Judicial Academy	No	No	No	No	No	Both - Via & without Judicial Academy	No
Azerbaijan	No	No	No	No	No	No	No	No
Georgia	Without Judicial Academy	No	No	No	No	No	Without Judicial Academy	No
Republic of Moldova	Both - Via & without Judicial Academy	No	No	No	No	Both - Via & without Judicial Academy	Without Judicial Academy	No
Ukraine	Without Judicial Academy	No	No	No	No	No	Without Judicial Academy	No

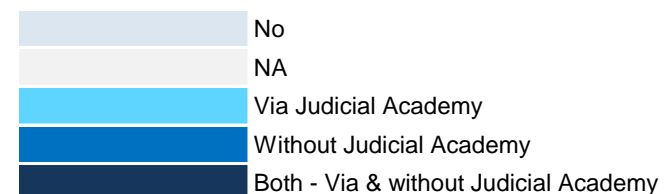


Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2021 (Q119)

Beneficiaries	Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2021						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy / every pre-selected experienced candidate outside Judicial Academy
Armenia	Via Judicial Academy	No	No	Without Judicial Academy	No	No	No
Azerbaijan	No	No	No	Without Judicial Academy	No	Without Judicial Academy	No
Georgia	Without Judicial Academy	No	No	Without Judicial Academy	No	No	No
Republic of Moldova	Both - Via & without Judicial Academy	Without Judicial Academy	Without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No
Ukraine	No	No	No	No	No	Without Judicial Academy	No

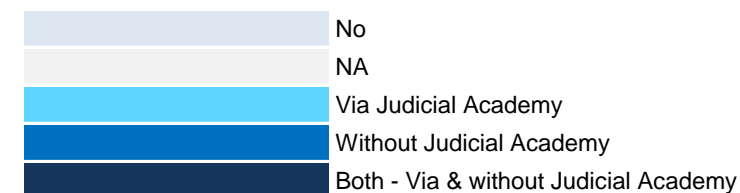


Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2021 (Q119-1)

Beneficiaries	Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2021				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					


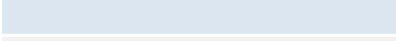
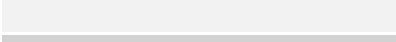

Yes	
No	
NA	
NAP	

Table 5.2.8 Authority competent for selection of prosecutors in 2021 (Q120)

Beneficiaries	Authority competent for selection of prosecutors in 2021					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecutorial services	Judicial Academy	Other body
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

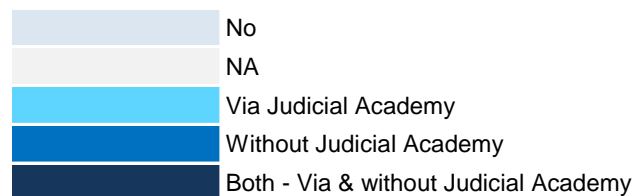


Table 5.2.9 Authority competent for the final appointment of prosecutors and its competences in 2021 (Q121 and Q121-1)

Beneficiaries	Authority competent for the final appointment of prosecutors and its competences in 2021								
	Authority					Authority's competences			
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Armenia					Yes		Yes		
Azerbaijan					Yes		Yes		
Georgia					Yes		Yes		
Republic of Moldova			Yes		Yes		Yes		
Ukraine					Yes		Yes		


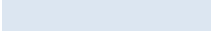
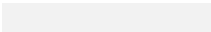


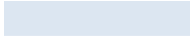
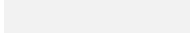

Yes 
 No 
 NA 
 NAP 

Table 5.2.10 Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q122 and Q123)

Beneficiaries	Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021							
	Possibility to appeal against the decision of appointment	Competent body to decide on the appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body	Comment on Other body
Armenia	Yes	No	No	No	Yes	No	No	
Azerbaijan	Yes	No	No	No	Yes	No	No	
Georgia	Yes	No	No	No	Yes	No	No	
Republic of Moldova	Yes	No	No	No	Yes	No	No	
Ukraine	Yes	No	No	No	No	No	Yes	

Yes 
 No 
 NA 
 NAP 

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check the integrity of candidate judges in 2021 (Q103)

Beneficiaries	Methods to check the integrity of candidate judges in 2021
Armenia	<p>The candidates should fill an integrity questionnaire and submit it to the Judicial Department. The Judicial Department shall submit the questionnaire to the Commission for the Prevention of Corruption for the purpose of receiving an advisory opinion within a one month period.</p>
Azerbaijan	<p>According to Rules on Selection of non-judicial candidates to vacant judicial posts adopted by Judicial-Legal Council, training center (Justice Academy) reports to the Judge Selection Committee the results of the training stage (degree of success, participation, conduct of the candidates).</p>
Georgia	<p>Pursuant to the Organic Law of Georgia “on Common Courts”, a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of integrity criteria: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behaviour; personal and professional reputation and financial obligations. The High Council of Justice evaluates information about each candidate based on interviews conducted with them, and the background check such as - a criminal record and a current administrative penalty; information regarding income and financial liabilities; information regarding the possession and disposal of shares in entrepreneurial and non-entrepreneurial legal entities; previous work experience; attitude toward colleagues (based on anonymous survey of colleagues and other acquaintances of candidate's) etc.</p>
Republic of Moldova	<p>At the moment of submitting the set of documents, the candidate for the position of judge is informed about the obligation to pass the polygraph test according to Law no. 269/2008 on the application of testing to the simulated behaviour detector (polygraph). The candidate for the position of judge is obliged to present the written consent regarding the transfer of the test to the polygraph.</p> <p>According to the provisions of the article 9 of the Law of the status of the judge, after submitting the set of documents, the College for the Selection and Career of judges requests from the National Integrity Authority the integrity certificate and from the National Anticorruption Centre the criminal record certificate regarding the professional integrity of the candidate for the position of judge.</p>
Ukraine	<p>In accordance with paragraph 5 of the first part of Article 71 of the Law of Ukraine "On the Judiciary and the Status of Judges" to participate in the selection, a candidate for judicial office shall submit a declaration of family ties and an integrity declaration of a candidate for judicial office.</p>

Table 5.3.2 Mandate of judges and compulsory retirement age in 2021 (Q104, Q108 and Q109)

Beneficiaries	Mandate of judges and compulsory retirement age in 2021			
	Mandate of judges			Compulsory retirement age
	Appointed to office for an undetermined period	Length of the mandate (if it is not undetermined)	Renewable mandate	
Armenia				65
Azerbaijan				-
Georgia				65
Republic of Moldova				65
Ukraine				65

Yes
No
NA
NAP

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2021 (Q105, Q106 and Q107)

Beneficiaries	Probation period for judges and institution responsible to decide if the probation period is successful in 2021									
	Probation period for judges	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	
Armenia										
Azerbaijan		3								
Georgia		3								
Republic of Moldova										
Ukraine										


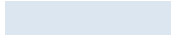


Yes 
 No 
 NA 
 NAP 

Table 5.3.4 Methods to check the integrity of candidate prosecutors in 2021 (Q124)

Beneficiaries	Methods to check the integrity of candidate prosecutors in 2021
Armenia	According to the "Law on Amendments to the Law on Public Prosecutor's Office" adopted on April 14, 2021, a person applying to be included in the list of candidates for prosecutors must submit a completed questionnaire on integrity provided by the "Law on the Commission for Prevention of Corruption". The chairperson of the Qualification Commission submits the questionnaire on integrity to the Corruption Prevention Commission within one day for an advisory opinion, which must be provided within one month. After receiving the opinion, the chairperson of the Qualification Commission provides it to the members of the Qualification Commission at least three days before the competition. During the selection of candidates the Qualification Commission must also consider the advisory opinion provided by the Commission for Prevention of Corruption.
Azerbaijan	There is no specific method in checking integrity. But all the candidates pass the interview during which they are checked verbally by asking specific questions.
Georgia	Chapter X of the Organic Law of Georgia on Prosecution Service prescribes general rules for assessing the integrity of candidates. According to the provisions of this chapter, the following information on a person shall be subject to an examination: <ul style="list-style-type: none"> • a criminal record and a current administrative penalty; • information regarding income and financial liabilities; • information regarding the possession and disposal of shares in entrepreneurial and non-entrepreneurial legal entities; • previous work experience.
Republic of Moldova	Pursuant to the provisions of Article 24(5) of Law no.3/2016 and according to point 8.82 of the Regulations of the Superior Council of Prosecutors, adopted by Decision no.12-225/16 of 14.09.2016, at the stage of evaluation of the applications submitted in the announced competitions, the Council will request for all candidates whose files have been submitted to the College for the Selection and Career of Prosecutors: <ol style="list-style-type: none"> (a) National Integrity Authority - certificate of integrity; b) National Anti-Corruption Centre - certificate of professional integrity; c) Intelligence and Security Service - information on the absence or existence of risk factors that may prejudice the rule of law, state security, public order; d) the Prosecutor General - opinion on the professional performance within the organs of the Prosecutors Office.

Ukraine

According to Art. 32 (background check of a candidate for the position of a prosecutor), the relevant body conducting disciplinary proceedings organizes a background check of candidates for the position of a prosecutor who have successfully passed the qualification exam. Information about the person subject to special verification, as well as the procedure for its implementation are determined by the Law of Ukraine "On Prevention of Corruption".

In particular, in accordance with Articles 57-58 of the Law of Ukraine "On Prevention of Corruption", a background check is carried out with the written consent of the person applying for the position within a period that does not exceed twenty-five calendar days from the date consent to the background check is granted.

If the individual fails to provide such consent, the matter of his/her appointment shall not be considered.

The procedure for conducting a background check and the form of consent for conducting a background check are approved by the Cabinet of Ministers of Ukraine (Resolution No. 171 "On Approval of the Procedure for Conducting a Background Check of Persons Applying for Positions of Responsibility or Highly Responsible Positions and Positions with Increased Corruption Risk and Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine" dated 25.03.2015).

To conduct a background check, a person applying for a position shall submit: 1) written consent to conduct a background check;

2) autobiography

3) copy of the passport of the citizen of Ukraine

4) copies of documents on education, academic titles and scientific degrees;

5) medical certificate of health in the form approved by the Ministry of Health of Ukraine on the person's registration in psychoneurological or narcological health care institutions;

6) a copy of the military registration document: for conscripts - a certificate of assignment to a recruiting station, for persons liable for military service, a military reservist - a military ID card or a temporary certificate of a person liable for military service, for military persons - a military ID card, a military identity card;

7) certificate of access to state secrets (if any).

The person applying for the position shall also submit to the National Agency on Corruption Prevention a declaration of a person authorized to perform the duties of the state or local self-government in accordance with the procedure specified in part 1 of Article 45 of this Law.

Upon receipt of the written consent of the person applying for the position to conduct a background check, the authority, the position in which the person is applying for, no later than the next day sends to the relevant state authorities, whose competence includes conducting a special verification of information provided for in part three of Art. 56, or to their territorial bodies (if any), a request for verification of information about the person applying for the relevant position, in the form approved by the Cabinet of Ministers of Ukraine.

The request shall be signed by the head of the body for which the person is applying for the position, and in case of his/her absence - by the person acting as the head or one of his/her deputies in accordance with the distribution of responsibilities.

Copies of the above-mentioned documents shall be attached to the request.

A background check shall be performed by:

1) the National Police and the State Judicial Administration of Ukraine, regarding information about bringing a person to criminal liability, existence of a conviction, revocation or cancellation thereof;

2) the Ministry of Justice of Ukraine and the National Securities and Stock Market Commission, regarding the presence of individual equity rights belonging to a person;

3) the National Agency, regarding the presence in the Unified State Register of Perpetrators of Corruption or Corruption-related Offences of information about a candidate; also regarding the reliability of the information indicated by the person in the declaration of the person authorised to perform the functions of state or local government for the previous year;

4) the central executive authority implementing the state policy in the field of public healthcare, the appropriate executive body of the Autonomous Republic of Crimea, the structural unit of the oblast, Kyiv and Sevastopol city administration - on information about the health of the candidate (regarding a person's registration with psychiatric or drug rehabilitation health care institutions);

- 5) the central executive authority implementing the state policy in the field of education, the relevant executive authority of the Autonomous Republic of Crimea, the structural unit of the oblast, Kyiv and Sevastopol city administration, the central body of executive power to which the educational institution is subordinated, the head of the educational institution, regarding the education, the presence of a candidate's academic degree, and his/her academic rank;
- 6) the Security Service of Ukraine, regarding the presence of a person's access to state secrets, as well as the relation of a person to military duty (in terms of personal and quality record-keeping of persons liable to the military service in the Security Service of Ukraine);
- 7) the Ministry of Defense of Ukraine, Military Commissariats of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, regarding a person's relation to military duty (except for personal and quality record-keeping of persons liable to the military service in the Security Service of Ukraine).
- 8) the Foreign Intelligence Service of Ukraine - on the relation of an individual to the fulfilment of military duty (in terms of personal-quality registration of persons liable for military service and reservists of the Foreign Intelligence Service of Ukraine).

Other central executive authorities or specially authorised counter-corruption entities may be involved in conducting a background check in order to verify information about the person referred to in this Article or the authenticity of documents provided for in this Article.

The results of the background check, signed by the head of the authority which carried out the inspection and, in his/her absence, a person who performs his/her duties, or the deputy head of the body in accordance with the assignment of functional responsibilities, shall be submitted to the authority that sent the appropriate request within seven days upon the receipt of the request.

During a background check, authorities (departments) conducting it can interact and exchange between themselves information regarding the individual, particularly regarding individuals who apply for positions holding which constitutes a state secret. Such interaction and exchange shall be carried out under the procedure established by the Cabinet of Ministers of Ukraine.

In case the results of the background check reveal that a candidate for the position of a prosecutor has submitted false information or forged documents, the relevant disciplinary body shall decide to refuse to enroll the candidate to the reserve for filling vacant positions of prosecutors.

The relevant body conducting disciplinary proceedings shall include in the reserve for filling vacant position

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2021 (Q125, Q129 and Q130)

Beneficiaries	Mandate of prosecutors and compulsory retirement age in 2021			
	Mandate of prosecutors			Compulsory retirement age
	Appointed to office for an undetermined period	Length of the mandate (if it is not undetermined)	Renewable mandate	
Armenia	Yes	NA	NA	65
Azerbaijan	Yes	NA	NA	60
Georgia	Yes	NA	NA	NAP
Republic of Moldova	Yes	NA	NA	65
Ukraine	Yes	NA	NA	-






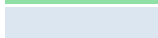


Yes	
No	
NA	
NAP	

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2021 (Q126, Q127 and Q128)

Beneficiaries	Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2021									
	Probation period for prosecutor	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Prosecution office concerned	Higher prosecution office / Prosecutor general (State public prosecutor)	Other body	
Armenia										
Azerbaijan		0,25								
Georgia										
Republic of Moldova										
Ukraine										

Yes 
 No 
 NA 
 NAP 

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by country

Question 89 - How are judges recruited?

Question 90 - What are the entry criteria (pre-conditions) to become a judge?

Question 91 - Which authority is competent during the entry selection procedure?

Question 92 - Is there a public call for candidates to become a judge?

Question 93 - Are the entry criteria to become a judge publicly available?

Question 94 - Is there a list of pre-selected candidates which is public?

Question 95 - Is there a possibility for non pre-selected candidates to appeal?

Question 96 - If yes, what body is competent to decide on appeal?

Question 97 - What are the criteria for the selection of judges?

Question 97-1 - If you selected "Interview evaluation" in the previous question, please indicate what measures are in place to ensure the transparency of the interview

Question 98 - Which authority is competent to select judges?

Question 99 - Which authority is competent for the final appointment of a judge?

Question 100 - Which competences has this authority in the final appointment procedure (multiple replies possible):

Question 101 - May non-selected candidates appeal against the decision of appointment?

Question 102 - If yes, what body is competent to decide on appeal?

Question 103 - How do you check the integrity of candidate judges?

Question 104 - Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Question 105 - Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Question 106 - If yes, which authority is competent to decide if the probation period is successful?

Question 107 - Is there a possibility to appeal against this decision?

Question 108 - If the mandate for judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?

Question 109 - Is it renewable?

Question 111 - How are public prosecutors recruited?

Question 112 - What are the entry criteria (pre-conditions) to become a prosecutor?

Question 113 - Which authority is competent during the entry selection procedure?

Question 114 - Is there a public call for candidates to become a prosecutor?

Question 115 - Are the entry criteria to become a prosecutor publicly available?

Question 116 - Is there a list of pre-selected candidates which is public?

Question 117 - Is there a possibility for non pre-selected candidates to appeal?

Question 118 - If yes, what body is competent to decide on appeal?

Question 119 - What are the criteria of selection of public prosecutor?

Question 119-1 - If you selected "Interview evaluation" in the previous question, please indicate what measures are in place to ensure the transparency of the

Question 120 - Which authority is competent during the selection procedure of a public prosecutor?

Question 121 - Which authority is competent for the final appointment of a prosecutor?

Question 121-1 - Which competences has this authority in the final appointment procedure ? (multiple replies possible):

Question 122 - May non-selected candidates appeal against the decision of appointment?

Question 123 - If yes, what body is competent to decide on appeal?

Question 124 - How do you check the integrity of candidate prosecutors?

Question 125 - Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Question 126 - Is there a probation period for public prosecutors? If yes, how long is this period?

Question 127 - If yes, which authority is competent to decide if the probation period is successful?

Question 128 - Is there a possibility to appeal against this decision?

Question 129 - If the mandate for public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?

Question 130 - Is it renewable?

Armenia

Q089 (General Comment): Competitive exam includes the following stages.

-written exam, -psychological test,

-interview.

Persons holding an academic degree in the field of law and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least five years during the last 10 years, shall have the right to submit an application to the Supreme Judicial Council in order to be included in the list of contenders for judge candidates. A contender holding an academic degree shall undergo the stage of interview of the qualification check

A person may not be appointed to the position of a judge where:

- (1) He or she has been convicted of a crime and the conviction has not been expired or cancelled;
- (2) He or she has been convicted of an intentional crime or has served a custodial punishment regardless of whether or not the conviction has expired or cancelled;
- (3) He or she has a physical impairment or suffers a disease hindering his or her appointment to the position of a judge;
- (4) he has not undergone mandatory military service or alternative service and has not been exempt from mandatory military service as prescribed by law (where the person is male);
- (5) He or she has been declared as having no active legal capacity, having limited active legal capacity, missing or bankrupt by a civil judgment of the court having entered into legal force and the bankruptcy proceedings yet has not completed;
- (6) Criminal prosecution is initiated against him or her.

According to Article 97 of the Judicial Code of RA:

“Persons between the ages of 25 and 60, having the right of suffrage, may participate in the qualification check in order to be included in the list of contenders for judge candidates, where:

- 1) they hold the citizenship of only the Republic of Armenia;
- (2) they have obtained a Bachelor’s qualification degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or have obtained a relevant degree in a foreign state, the recognition and approval of equivalence of which have been carried out in the Republic of Armenia as prescribed by law;
- (3) they are proficient in the Armenian language;
- (4) they have knowledge of at least one language from among English, Russian, and French, the required level of which shall be prescribed by the Supreme Judicial Council and checked through standardised test systems;
- (5) only if they have a bachelor's degree in law or a corresponding degree in a foreign country, they have at least five years of professional experience, and if they have a bachelor's degree in law and a master's degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or corresponding degree in a foreign country, they have at least three years of professional experience;
- (6) there are no restrictions provided for by this Code on being appointed as a judge”.

It should be noted that specific criteria for judge candidates of courts of appeal, the Court of Cassation are defined by the Articles 123 and 132 of the Judicial Code, and the criteria to become a judge of the Constitutional Court are established by Article 4 of the “Law on the Constitutional Court”.

Armenia has the Academy of Justice (hereinafter the Academy), which is a state non-commercial organization, the founder of which is the Republic of Armenia, represented by the Government of the Republic of Armenia. The activities and functions of the Academy are regulated by the “Law on the Academy of Justice”. The general provision is that the contender for judge candidate should attend Academy to be included in the list of judge candidates. However there are some cases,

Q091 (2021): The Supreme Judicial Council is responsible for interviews and the written exam stages if the candidate must attend the Academy of Justice.

Q093 (2021): The entry criteria are established by the Constitution and Judicial Code of RA. It should be noted that in practice the entry criteria are also mentioned in the public call. Public call is also published in court.am.

Q096 (2021): In cases when the candidate shall attend the Academy of Justice, according to parts 1 and 2 of the Article 105.1 of the Judicial Code of RA: “The results of the written examination may be appealed to the Appeals Commission within a 15-day time period upon publication thereof. The appeals commission for the relevant specialization shall be formed within a 5-day period upon receipt of the first appeal against the results of the examination for the specialization concerned, composed of two judges and one academic lawyer who are, by a drawing, elected by the composition of 5 academic lawyer candidates for the given specialization nominated by the Training Commission and at least 3 academic lawyer candidates in the relevant field of law nominated by the Authorized Body, upon their consent. Members of the evaluation commission may not be included in the composition of the Appeals Commission”. Moreover, according to part 5 of the Article 105.1 of the Judicial Code, the results of the written examination may be appealed in court on the basis of procedural violations, if they have been appealed to the Appeals Commission. The competent court is the administrative court. It should be noted that the Judicial Code does not describe the appeal procedure neither of decisions made during interview and other stages of candidate selection, nor for the cases when the candidate is selected without attending to the Academy of Justice, but in

Q098 (2021): The Supreme Judicial Council shall include the contenders for judge candidates, having completed the training at the Academy of Justice, in the list of judge candidates according to the relevant specializations. In cases when the candidate shall not attend the Academy of Justice the list of judge candidates is

Q099 (2021): In case the candidate gives his or her consent, the Supreme Judicial Council shall propose his or her candidacy to the President of the Republic by introducing also his or her personal file, the documents submitted thereby in case he or she is not a judge and those acquired as a result of their check. In case the President of the Republic returns to the Supreme Judicial Council the proposal with the objections therein, the Supreme Judicial Council shall be obliged to convene a session.

The Supreme Judicial Council shall consider the issue of not accepting the objection of the President of the Republic and make a decision by secret ballot. Where the Supreme Judicial Council does not accept the objection of the President of the Republic, the President of the Republic shall, within a period of three days, adopt a decree on appointing the proposed candidate or apply to the Constitutional Court.

Where the Constitutional Court decides that the proposal complies with the Constitution, the President of the Republic shall adopt, within a period of three days, a decree on appointing the proposed candidate.

Where the President of the Republic fails to carry out, within a period of three days, the actions specified in parts 2, 4 or 5 of this Article, the decree of the President of the Republic on appointing the relevant candidate shall enter into force by virtue of law, whereon the Chairperson of the Supreme Judicial Council shall, within a period of three days, publish an announcement on the official website of the judiciary.

Q100 (2021): The President of the Republic shall, within a period of three days upon receipt of the proposal, adopt a decree on appointing the proposed candidate or return to the Supreme Judicial Council the proposal with the objections therein.

Q111 (General Comment): According to the Article 177 of the Constitution, the Prosecutor General shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two consecutive terms. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General. The law may prescribe additional requirements for the Prosecutor General.

According to the Law on Prosecutor's Office, to be eligible for appointment to the position of a Deputy Prosecutor General, a person must meet the requirements prescribed in Article 33 part 1, holding citizenship of only the Republic of Armenia, with high professional qualities, and at least seven years of professional work experience after receiving higher legal education. If the candidate for Deputy Prosecutor General holds the position of prosecutor, he / she may be appointed by the Prosecutor General, after consultation with the Board of the Prosecutor General, without a competition held in accordance with this Article. In case of not being appointed by Prosecutor General as described, the candidates (candidate) for Deputy Prosecutor General shall be selected by the Qualification Commission through a competition held in accordance with the established procedure. The Qualification Commission makes a decision by secret ballot with at least six members of it. The Prosecutor General shall appoint one of the candidates as Deputy Prosecutor General. (Article 36)

For appointment to the position of a prosecutor a person must meet the requirements prescribed in Article 33 part 1. The list of prosecutor candidates shall be supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule, once a year, in January of each year. If so instructed by the Prosecutor General, a closed competition of candidates may be held during the year in order to supplement the list of prosecutor candidates. The Qualification Commission shall check the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by him with other requirements stipulated by law. The candidacies of applicants about whom the Qualification Commission issues a positive opinion shall be submitted to the Prosecutor General, who shall include the candidates acceptable to him in the list of prosecutor candidates. A person included in the list of prosecutor candidates shall complete a program of studies in the Academy of Justice and take a qualification exam. A person is relieved of the requirement to study and take a qualification exam, if he/she: has 3 years of professional work experience as a prosecutor, judge, investigator, or advocate, unless more than 5 years have passed since the person stopped performing such work; has 3 years of professional work experience as a prosecutor unless more than 10 years have passed since the person stopped performing such work and if he/she retired according to the specific grounds prescribed by law; has a PhD degree in Law and has 3 years of professional work experience; or has a PhD Candidate degree in law and 5 years of experience working as a lawyer. The grounds for

Q112 (2021): Relevance and duration of work experience, age compliance, as well as other requirements of Article 33 of the "Law on the Prosecutor's Office" are taken into account at the stage of accepting applications for candidates. Thus, according to Point 1 of the Article 33 of the law on the Prosecutor's office: "A citizen of the Republic of Armenia between the ages of 22 and 65 may be appointed to the position of a prosecutor, where: (1) he or she has obtained a Bachelor's Degree or a qualification degree of a certified specialist of higher legal education in the Republic of Armenia or has obtained a similar degree in a foreign State, the recognition and approval of equivalence whereof have been carried out in the Republic of Armenia as prescribed by law; (2) he or she has a command of Armenian; (3) the limitations referred to in part 1 of Article 34 of this Law do not extend thereto; (4) he or she has completed relevant studies at the Academy of Justice, in case of not being exempt from studying at the Academy of Justice in the cases prescribed by part 10 of Article 38 of this Law."

List of candidates, which are exempted from studying in the Academy of Justice is established by the Article 38 (10) of the "Law on the Prosecutor's Office" (For example, in case a candidate is a Doctor of Laws, has at least three years of experience in the field of law, or a candidate of Laws, has at least five years of experience in the field of law, is exempted from studying at the Academy of Justice.).

Q113 (2021): Qualification Commission of the Prosecution office is responsible for the entry selection procedure.

According to article 23 of the "Law on Prosecution"- The Qualification Commission shall have nine members, and for choosing the candidates of prosecutors for carrying out the activities stipulated in "Forfeiture of unlawfully acquired property" law, the Committee shall have 11 members. The Qualification Committee shall consist of one deputy of the Prosecutor General, four prosecutors, three law academics and the Rector of the Academy of Justice, and in the 2nd case the Committee shall include 2 experts (appointed by the Prosecutor General) having at least 3 year's experience in the field of forfeiture of unlawfully acquired property.

Q114 (2021): The procedure of the organization of the closed and open competitions is regulated by the order of the Prosecutor General. A closed competition of candidates may also be held during the year based on the instructions of the Prosecutor General. No public call is published during closed competitions and participants are notified by written or oral invitation. Person can participate in the closed competition if:

- 1) he/she meets the requirements provided by law and is exempted from studying in the Academy of Justice as prescribed by law,
- 2) he/she has appealed through a judicial procedure against the rejection of the application by the Qualification Commission, and the court satisfied the complaint, but open competition has ended. In cases prescribed by the 2nd point the candidate must attend the Academy of Justice.

Q115 (2021): The entry criteria are established by the "Law on Prosecutor's Office".

Q118 (2021): The appeal can be submitted to the Administrative court.

Q119 (2021): The results of the candidate's education at the Academy of Justice are taken into account when appointing a prosecutor, and in case the candidate is exempted from studying at the Academy of Justice in accordance with the law, the results of the interview are taken into account.

In any case person may be appointed to the position of a prosecutor if he/she meets the requirements set out in Article 35 of the "Law on Prosecutor's Office" and there are no restrictions on the appointment of a prosecutor prescribed by law. For more details please see the comment of Q112.

Q120 (2021): Qualification Commission

Q122 (2021): There are no such regulations according to the "Law on the Prosecutor's office". It should be noted that the Prosecutor General does not make separate decision on rejecting an appointment.

Q123 (2021): According to the "Law on Prosecution", the candidacies of applicants about whom the Qualification Committee issues a positive opinion shall be submitted to the Prosecutor General, who has a right to include the candidates in the list of prosecutor candidates. The Prosecutor General makes a reasoned decision on not including the applicant in the list, which the applicant can appeal through judicial procedure. Prosecutors are appointed by the Prosecutor General from among such persons included in the list of prosecutor candidates. Although the "Law on Prosecution" does not contain provision regarding appeal procedure, actions of the Prosecutor General can be appealed through judicial procedure, as the Constitution guarantees the right to judicial remedies.

Q125 (2021): 1. The grounds for removing a prosecutor from office are prescribed by Article 62 of the "Law on Prosecutor's Office" shall be: (1) a personal application; (2) reaching the age of 65, which is the maximum age for occupying the position of a prosecutor; (3) death of prosecutor; (4) termination of citizenship of the Republic of Armenia; (5) reduction of the staff positions; (6) refusal to be transferred to another subdivision of the Prosecutor's Office in case of liquidation or reorganisation of the respective subdivision where he/she has worked; (7) being recognised through a judicial procedure as dead or missing; (8) the emergence of any of the restrictions established by law; (9) as a result of imposition of a disciplinary penalty (dismissal); (10) act of the court proving that he/she was appointed to that position in violation of the requirements of the law; (11) as a result of attestation; (12) existence of a criminal judgment of conviction against him/her, having entered into legal force; (13) termination of the criminal prosecution initiated against the prosecutor on non justifying grounds. 2. Failure to go to work for more than

Azerbaijan

Q089 (General Comment): The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge: *First and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

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.

According to the Law on Judicial-Legal Council, the latter is endowed with the responsibility of selecting candidates to be appointed to vacant judicial posts through the Judges Selection Committee. More than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power, the Judicial-Legal Council administrative body, the prosecution, the advocacy and the legal scholar. All the candidates are given an equal opportunity and undergo a written and oral examination. Those candidates who successfully passed the exam are entitled to directly attend the long-term training stage at the Academy of Justice. After finishing the probation period in courts, the Judges Selection Committee assesses candidates according to the results of the training and conducts a final interview. The evaluation results and opinion on candidates' specialization are given to the Judicial-Legal Council. The latter proposes to the President of the Republic of Azerbaijan appointments to vacant judicial posts.

*Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of

Q090 (2021): According to Constitution of Republic of Azerbaijan in order to become a judge you need at least 5 years of experience in legal profession. The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge: first and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the

Q091 (2021): According to Article 1 of the Law “on the Judicial-Legal Council”, the Council is the body, which, within its competence, ensures organization of the court system, independence of judges and court system in Azerbaijan Republic; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements self-governance functions of the judiciary.

According to the legislation (Articles 14 of the Law “on the Judicial-Legal Council” and Articles 93-2 of the Law “on Courts and Judges”), the Judicial-Legal Council forms Judges' Selection Committee consisting of 11 members, mainly from judges, its staff, representative of the relevant executive authority of the Republic of Azerbaijan (Ministry of Justice) and the Prosecutor's Office, a lawyer and a lawyer-scientist in order to conduct the selection of candidates for the position of judge. The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005.

According to Article 93-3 of Law on Judges, the applicants for the post of judge are selected as the result of written exam and oral exam. Judges Selection Committee arranges these exams to select candidates. The results of these exams are evaluated by the Judges Selection Committee. The Judges Selection Committee may engage ad hoc commission in the implementation of this function.

The applicants who have succeeded in these exams are automatically admitted to perform a long-term training period. This training period is organized by the

Q096 (2021): According to the law "on Judicial-Legal Council" a candidate for the position of a judge may appeal to the Plenum of the Supreme Court of the Republic of Azerbaijan on the correctness of the application of the legislation on legal issues within twenty days from the date of submission of these decisions by the Judicial Legal Council. For this reason we selected High Judicial Council and Court.

Q097 (2021): At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system.

The applicants shall be classified according to their merit, based on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

Q097-1 (2021): "Other": In order to ensure the transparency of the exams, the Election Committee of Judges invites international, as well as governmental and non-governmental organizations, mass media to observe the exams.

Q098 (2021): At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system.

The applicants shall be classified according to their merit, based on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

Q099 (2021): The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions. Parliament in respect of higher court judges.

Q100 (2021): The President has the right to accept or reject candidates proposed by the Judicial-Legal Council. But in practice, all proposals have always been

Q102 (2021): Decisions of Judges' Selection Committee are appealed to Judicial-Legal Council and decisions of Judicial-Legal Council are appealed to the Presidium of Supreme Court.

Q104 (General Comment): 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.

Q111 (General Comment): All prosecutors shall be recruited to the prosecutor's office in a transparent manner and in accordance with international requirements, as well as on the basis of a competition consisting of tests, written examinations and interviews. When appointing a public prosecutor from among the candidates who passed the competition successfully, the business acumen, level of professionalism, results of work, and moral qualities shall be taken into account

Q112 (2021): In accordance with the "Regulations on Competitions for Candidates for the Prosecutor's Office" approved by the President of the Republic of Azerbaijan dated June 19, 2001, a 7-member Competition Commission was established at the Prosecutor General's Office to conduct competitions for candidates for the Prosecutor's Office. If Five members of the commission present the commission considered valid. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special opinion, the opinion shall be attached to the decision. The commission participates in all stages of the competition (test, written and interview).

Q119 (2021): Other criteria is efficiency, the level of professionalism, the results of his work and moral qualities. In order to determine whether the candidates have the necessary qualities to work in the prosecutor's office, interviews are conducted with those who have passed the qualification exams (tests and written exams). Each candidate is interviewed individually for approximately 20 (twenty) minutes. Questions and answers are recorded by the members of the Commission on the scoreboard and evaluated and submitted to the Chairman of the Commission. Candidates who score less than 20 points in the interview will lose the right to participate in the competition.

Q123 (2021): In case of disagreement with the decision made on the appeal in accordance with Article 14.0.8 of the Law of the Republic of Azerbaijan "On Citizens' Appeals", the citizen whose appeal is considered has the right to appeal against this decision in court.

Q125 (General Comment): This term can be prolonged till the age of 65 by the General Prosecutor.

Q127 (2021): According to Article 5.2 of the Law of the Republic of Azerbaijan "On service in the prosecutor's office", a 6-month internship period is imposed for the persons recruited to the prosecutor's office for the first time. The Prosecutor General of the Republic of D. Mandate of prosecutors Page 44 of 106 Azerbaijan may recruit an employee with more than 5 years of experience in the legal profession without the internship period. At the end of the internship, if the head of the prosecutor's office where the intern is serving gives a positive opinion, the intern is appointed to a position with a probation period of 1 year (reduced to three months in 2021). An employee who has successfully passes the attestation after the end of the probation period in accordance with Article 5.3 of this Law shall be appointed to a permanent position in the Prosecutor's Office by being appointed to the 9th classification position provided for in Article 10 of this Law.

Georgia

Q089 (General Comment): Apart from passing the qualification exam, candidates are expected to have masters degree in law and 5 years experience.– Candidates should complete special initial training course of sixteen-months duration conducted by the High School of Justice Georgia. The Article 34 (3),(6) of the LCC prescribes cases of exemption from applying to a training course at the HSJ: a) A person nominated for election to the office of a Supreme Court judge; b) a former judge who has passed a qualification exam for judges, who has served as a judge of the Supreme Court or a district (city) court and/or a court of appeals and who has at least 18 months of working experience as a judge; c) a person who completed a full training course of the HSJ and who has been included in the Justice Listener Qualifications List, regardless of the period he/she served as a judge or whether he/she had been appointed to the office of a judge since graduation from the HSJ; d) both current

Q090 (2021): A competent citizen of Georgia of 30 years of age who has a higher legal education with at least a master's or equal academic degree/higher education diploma, at least five years of working experience in the specialty, has the command of the official language, has passed a judge's qualification exam, has completed a full training course of the High School of Justice and is entered on the Justice Trainee Qualifications List may be appointed (elected) as a judge. The later requirement does not extend to candidates who are former Supreme Court Judges, Constitutional Court Judges or former judges with 18 months experience of judges and a person nominated for election to the office of a Supreme Court judge. A person to be elected to the position of a judge of the Supreme Court shall be released for passing a judicial qualification exam.

A former judge of general courts of Georgia shall be released from the judge's qualification exam until 10 years have passed after the powers of the judge are terminated.

Decision on appointment of judges of the first and the second instance courts is made by the High Council of Justice of Georgia. Supreme Court judges after open competition, interviews and assessment are nominated by the High Council of Justice and elected by the Parliament of Georgia.

Q091 (2021): The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia. First and the second instance Judges are appointed by High Council of Justice of Georgia.

Q096 (2021): A candidate for judge may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of

Q097 (2021): In addition, a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The characteristics of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity.

Q098 (2021): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice of Georgia and elected by the Parliament of Georgia.

Q099 (2021): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

Q102 (2021): A candidate for judge may appeal the decision of the High Council of Justice of Georgia on refusing to assign or nominate him/her to the Chamber of Qualification of the Supreme Court. Decision of the parliament can be appealed at Court.

Q104 (General Comment): Following the constitutional amendment of December 2018, judges at the Supreme Court will be recruited for lifetime until the age of retirement prescribed by law (65 years). All other judges are appointed for the lifetime since 2013 amendments in the Constitution. The law envisages probation period for newly appointed judges (with no previous experience), but no more than three years.

As of 2020 there are 10 judges at the Supreme Court who are still appointed for 10 year term. Their term has not been prolonged by law.

Q104 (2021): Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment, the judge may be appointed for three-year term until 31 December 2024.

As of 2021 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

Q107 (2021): Judge may appeal the decision to the Chamber of Qualification of the Supreme Court.

Q111 (General Comment): Almost all prosecutors are recruited through a competitive exam, except for the Chief prosecutor and his/her deputies, who are subject to different procedures.

Q119 (2021): Article 34 (3) of the Organic Law On Prosecution Service of Georgia prescribes main criteria of selection of public prosecutor. The criteria are as follows: A citizen of Georgia who has a higher education in law, has a command of the language of legal proceedings, has passed a qualification examination for the Prosecution Service, has completed an internship in the bodies of the Prosecution Service, has taken the oath of an employee of the Prosecution Service, and is able, based on his/her working and moral qualities, as well as his/her health status, to perform the duties of a prosecutor or investigator of the Prosecution Service, may be appointed to the position of a prosecutor of the Prosecution Service. Exceptions to this rule are stipulated in this Law.

Q125 (General Comment): All prosecutors, except the Chief Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate a compulsory retirement age. According to the Prosecution Service Act and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The Chief Prosecutor of Georgia is appointed for the term of 6 years. The same person cannot be re-elected for a consecutive term. stipulate compulsory retirement age. According to the Organic Law of Georgia on Prosecution Service and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

Republic of Moldova

Q090 (2021): Other criteria provided for by the Law on the Status of the Judge include: the knowledge of the official language of the Republic of Moldova, specific medical certificate, polygraph test.

Q092 (General Comment): The call is made public through website and it is thus available to the general public and directed to all potential candidates.

Q104 (General Comment): According to article 116 of the Constitution and art. 11 (1) of the Law on the Status of Judges, No. 544 of 20 July 1995, judges are first appointed for an initial period of 5 years. Once this period of 5 years has expired, the judge is evaluated and then appointed until she/he reaches the age of 65. This initial period of 5 years cannot be considered as a probation period. However, it should be noted that the judge's term of office is interrupted in the event of: the submission of a request for resignation on his/her own initiative; obvious non-compliance with the position held, established at the time of the performance appraisal; transfer to another position under the conditions provided for by law; disciplinary failure to comply with the law; pronouncement of a final judgment of conviction; loss of the nationality of the Republic of Moldova; failure to comply with restrictions on the office of judge; a statement of incapacity for work as confirmed by a medical certificate; expiration of the initial period of 5 years if the judge has not been appointed definitively; attainment of the age limit; establishing

Q111 (General Comment): Candidates for the position of prosecutor - graduates of the National Institute of Justice, as well as candidates with 5 years of seniority (art.20 paragraph (3) of Law no.3/2016) - take the graduation exam before the Graduation Commission at the National Institute of Justice.

Candidates with 10 years service (Article 20(31) of Law No 3/2016) are entered in the Register of candidates for the position of prosecutor, kept by the Council Apparatus, without taking any exams at the National Institute of Justice, but participate in the selection procedures organised by the College for the Selection and Career of Prosecutors.

(1) A person who meets the following conditions may apply for the position of prosecutor:

(a) he/she is a citizen of the Republic of Moldova;

b) he/she knows the state language;

c) no judicial protection measure is in place for him/her;

d) has a bachelors degree and a masters degree in the field of law or other equivalent legal studies, recognized by the structure authorized for the recognition and equivalence of studies and qualifications;

e) has completed the initial training courses for prosecutors at the National Institute of Justice or, in the case of a person who has the necessary seniority to be appointed to the position, has passed the examination before the National Institute of Justice Graduation Commission;

f) enjoys an irreproachable reputation;

g) has not previously been found guilty of a criminal offence;

g1) does not have, in the last 5 years, in the record of professional integrity, entries on the negative result of the professional integrity test for violation of the obligation provided for in Article 7 para. (2) letter a) of the Law no. 325/2013 on institutional integrity assessment;

h) is medically fit to perform the function of prosecutor.

(2) A person may not be considered as having an irreproachable reputation within the meaning of para. (1) and may not be a candidate for the office of public prosecutor if one of the following circumstances exists:

(a) he has been dismissed from the office specified in para. (3) for violations in professional activity during the last 5 years;

b) he/she abuses alcohol or is a user of psychotropic or toxic substances or drugs.

c) is prohibited from holding a public office or a position of public dignity, which derives from a finding of the National Integrity Authority.

Regarding the possession of a bachelor's degree, we mention that the law degrees of candidates for the position of prosecutor based on 10 years of service - Article 20 paragraph (31) of Law no. 3/2016, obtained until 2003 (before the implementation of the Bologna system) are equivalent to a master's degree.

Thus, these candidates with 10 years seniority do not need a master's degree, as their bachelor's degrees are equivalent to them.

Q118 (General Comment): Explanation: According to Article 191(3) of the Administrative Code, the Chisinau Court of Appeal shall settle in the first instance the actions in administrative disputes against the decisions of the Superior Council of Prosecutors. Candidates for the position of prosecutor on the basis of 5 years of seniority (art.20 paragraph (3) of Law no.3/2016), may contest the results of the exams at the Commission of Appeals of the National Institute of Justice. Candidates for the position of prosecutor on the basis of 10 years of service (art.20 paragraph (31) of Law no.3/2016) do not take any exams at the National Institute of Justice, so this category of candidates can challenge the decision of the Superior Council of Prosecutors on their selection in court.

basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- c) seniority in the position of prosecutor or in other positions referred to in Article 20;
- (d) the quality and efficiency of work as a prosecutor;
- (e) compliance with the rules of professional ethics;
- (f) teaching and scientific work.

The procedure and criteria for the selection of candidates for the posts of public prosecutor and for the career of public prosecutor shall be laid down in detail in the regulations referred to in paragraph 1. (1), which shall be published on the official website of the Supreme Council of Prosecutors.

According to the evaluation sheet of the candidate for the position of prosecutor, Annex No.1 to the Regulation on the College for the Selection and Career of Prosecutors and the Procedure for the Selection and Career of Prosecutors, approved by the Decision of the Superior Council of Prosecutors No.12-14/17 of 23.02.2017, the College for the Selection and Career of Prosecutors shall evaluate including and:

-The candidates motivation and performance in the interview before the College:

1. Considerations that prompted the candidate to participate in the competition;
2. Firmness of desire to hold the position for which he/she is applying;
3. Self-control and firmness of presentation during the interview;
4. Understanding of the challenges facing prosecutors.

- Involvement of the candidate in activities in areas relevant to the prosecution:

1. Involvement of the candidate in working groups in areas relevant to prosecution work;
2. Participation as a member of the Scientific Advisory Board of the SCJ; expert, member of national or international projects with a major impact on strengthening the institutional capacities of institutions in the justice sector, member of working groups for adjusting legislation, etc.;
3. Other activities

- Teaching and scientific activity:

1. Relevance of academic work to the position of prosecutor;
2. Duration of teaching and scientific activity;

Q121 (2021): According to the legal provisions the appointment to the positions of prosecutor, chief prosecutor, deputy chief prosecutor, chief prosecutor of the General Prosecutor's Office or deputy chief prosecutor of the General Prosecutor's Office is made by order of the Prosecutor General, upon proposal of the Superior Council of Prosecutors. Within 5 working days of receiving the proposal, the Prosecutor General is obliged to adopt a decision. The Prosecutor General may refuse, with reasons, the candidature submitted for appointment. The High Council of Prosecutors may repeatedly propose the same candidate with the vote of 2/3 of its members. This proposal shall be binding on the Prosecutor General.

Q123 (2021): The candidate has the right to challenge the decision of the Superior Council of Prosecutors at the Chisinau Court of Appeal and also has the right to challenge the order of the Prosecutor General in the competent administrative court.

Q125 (General Comment): According to articles 56, 57 of the Law on Prosecution no.3 from 25.02.2016, prosecutors are nominated for an indefinite period of time, the maximum age being 65. Prosecutor service relations cease in circumstances beyond the control of the parties and in case of dismissal. The circumstances beyond the control of the parties are: (a) loss of citizenship of the Republic of Moldova; (b) reaching the age of 65; (c) the expiration of the term for which he/she was appointed in the case of refusal to be appointed to another position as a prosecutor; (d) if the judgement establishing the prosecutor's guilty for committing a crime is final; (e) depriving the prosecutor of the right to occupy certain positions or to carry out certain activities, as a basic punishment or complementary punishment, on the basis of a final court judgment ordering this sanction; (f) where the prosecutor is declared to have disappeared by a final court order; (g) death or declaration of death of the prosecutor by a final court judgement; (h) in case the court judgement on the limitation of the exercise capacity or the prosecutor's incapacity for work remains final; (i) the finding, after his/her appointment, of at least one reason why the person can not be appointed as a prosecutor. The prosecutor, the chief prosecutor and the deputy of the Prosecutor General shall be released from office in the case of: (a) submitting the request for resignation; (b) in case of the refusal to be transferred to another prosecutor's office or subdivision of the Prosecutor's Office, if the Prosecutor's Office or the subdivision of the Prosecutor's Office in which he/she has acted is liquidated or reorganized; (c) in case of the refusal to submit to the disciplinary sanction of relegation from office; (d) applying to disciplinary sanction of dismissal from the post of prosecutor when the judgement becomes irrevocable; (e) obtaining the "insufficient" rating for two consecutive evaluations or failure of the performance evaluation; (f) absence for two consecutive rounds of performance evaluation without justification; (g) registering as a candidate on the list of a political party or a social-political organization in elections to Parliament or local public administration authorities; (h) if the act establishing its incompatibility status or the violation of certain prohibitions is final; (i) where he/she is considered as medically unelligible for the performance of his/her duties; (j) in case of the refusal to be subject to verification under Law no. 271-XVI of December 18, 2008 regarding the verification of the holders and candidates for public positions; (k) appointment to a position incompatible with the position of prosecutor; (l) establishing, concluding a legal act or taking part in a decision without the resolution of the conflict of interest in accordance with the provisions of the legislation on conflict of interest; (m) the failure to submit the declaration of assets and personal interests or the refusal to submit it, under art. 27 par. (8) of the Law no. 132 of

Ukraine

candidates were introduced in Ukraine and the procedure for selecting judges was changed.

In particular, according to Article 69 of the Law of Ukraine "On Judiciary and the Status of Judges" a citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law is competent, honest and speaks the state language in accordance with the level determined by the National Commission on the Standards of the State Language (changes to the article 69 since April 25, 2019), may be appointed to the position of a judge.

The procedure of selection to a judicial position includes the following general stages:

- 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions;
- 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year;
- 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine;
- 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted;
- 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam;
- 6) taking admission exam by a person who was qualified to participate in the selection;
- 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine;
- 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law;
- 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training;
- 10) taking a qualification examination by the candidates who went through initial training and determining its results;
- 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list;
- 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions;
- 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge;
- 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge;
- 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice makes a proposal on

1. A citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law, is competent, honest, and speaks the state language, may be appointed to the position of a judge. 2. The following citizens may not be appointed to judicial position: 1) recognized by the court as partially capable or incapable; 2) those with chronic mental or other diseases that prevent them from performing the functions of the administration of justice; 3) those who have an unexpunged or unspent conviction. 3. An individual to whom a prohibition to hold the respective position under the law is applied may not be a candidate for this position.
4. An individual who was earlier dismissed from a position of the judge due to committing a substantial disciplinary offense, gross or systematic neglect of duties which is incompatible with the status of a judge, or who was found to be unfit for the office, who violated the incompatibility requirements, violated the duty to certify the legality of the source of property or due to the entry into force of a conviction regarding such person, except for the decision on dismissal for the said reasons was declared illegal by a court or a conviction was canceled by a court, may not be a candidate for a position of judge.
5. A person who was previously dismissed from a judicial position based on results of qualification evaluation may not be a candidate for the position of judge.
6. For the purposes of this Law, the following shall be assumed: 1) higher legal education is higher legal education (master's degree or equal to it higher education of specialist level), acquired in Ukraine as well as higher legal education of the respective degree received in foreign countries and recognized in Ukraine in accordance with the procedures established by law;
- 2) record of professional work in the field of law shall be the person's experience of work in the professional field after obtaining higher legal education;
- 3) academic degree – academic degree in the field of law obtained in a higher educational establishment of Ukraine (university, academy, or institute, except higher military educational establishments) or academic establishment of Ukraine or equivalent higher educational establishment of a foreign state. Academic degree obtained in a higher educational establishment of a foreign state must be recognized in Ukraine according to the procedure stipulated by law; and
- 4) record of scientific work – a record of professional activity in the field of law in positions of research (research and pedagogical) officers in an educational institution of Ukraine (university, academy or institute, except higher military educational institutions) or academic establishment of Ukraine or similar higher educational institution of a foreign state.

Article 70. Procedure for Selecting and Appointing to Judicial Position/Office 1. A judge shall be appointed to the judicial office in the manner stipulated by this Law in the following stages: 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions; 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine; 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the

Q090 (2021): In accordance with parts two and four of Article 69 of the Law of Ukraine “On the Judiciary and the Status of Judges”, no citizen may be appointed a judge, if he/she:

- 1) has been deemed by a court to have limited legal capacity or be incapable;
- 2) is suffering from chronic mental or other illnesses that prevent him/her from the administration of justice;
- 3) has an unexpunged or not annulled criminal record.

No person who is subject to a statutory prohibition to hold the office of a judge may apply for such an office.

Also, no person may apply for a judicial office who has previously been dismissed from the office of a judge for committing a significant disciplinary offence, gross or systematic neglect of duties that has been found incompatible with the status of a judge or has shown his/her incompatibility with the position, a violation of incompatibility requirements, a violation of the obligation to confirm that his/her assets have been legally acquired, or in connection with the entry into force of a criminal sentence against such a person, except in cases where the decision to dismiss him/her on these grounds was later deemed illegal by a court or the criminal sentence overturned.

Q091 (General Comment): Article 70. Procedure for Selecting and Appointing to Judicial Position/Office 1. A judge shall be appointed to the judicial office in the manner stipulated by this Law in the following stages: 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions; 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine; 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted; 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam; 6) taking admission exam by a person who was qualified to participate in the selection; 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine; 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law; 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training; 10) taking a qualification examination by the candidates who went through initial training and determining its results; 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list; 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions; 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge; 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge; 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice makes a proposal on appointing a judge to the office.

Q091 (2021): In accordance with paragraph 2 of the first part of Article 93 of the Law of Ukraine “On the Judicial System and the Status of Judges”, the High Qualifications Commission of Judges of Ukraine shall select candidates for the appointment to the position of a judge, organise a special background and security check-in respect of them in accordance with the law and administer a qualification examination.

particular:

the High Qualification Commission of Judges of Ukraine examining on the basis of submitted documents whether persons who have applied for participation in the selection meet the requirements established by this Law for a candidate for judicial office;

the High Qualification Commission of Judges of Ukraine allowing persons who, based on the results of the examination, meet the requirements established by this Law for a candidate for judicial office at the time of application, to participate in selection and take the selection exam;

a person allowed to participate in the selection taking the selection exam;

the High Qualification Commission of Judges of Ukraine establishing the results of the selection examination and publishing them on the official website of the High Qualification Commission of Judges of Ukraine;

persons who have successfully passed the selection examination undergoing a special background check in the manner prescribed by the legislation on the prevention of corruption and taking into account the special provisions specified in Article 74 of this Law;

the candidates who have successfully passed the selection examination and undergone a special background check, receiving special training and obtaining certificates of special training;

the candidates who have received special training taking the qualification examination and the Commission establishing its results.

Selection of candidates for the position of a judge, who have at least three years of experience as an assistant judge, is carried out with the specifics determined by the decision of the High Qualifications Commission of Judges of Ukraine.

Q098 (2021): In accordance with paragraph 2 of the first part of Article 93 of the Law of Ukraine "On the Judiciary and the Status of Judges", the High Qualification Commission of Judges of Ukraine shall select candidates for the appointment to the position of a judge, organise a special background and security check-in respect of them in accordance with the law and administer a qualification examination.

Q099 (2021): Part one of Article 128 of the Constitution of Ukraine establishes that the President of Ukraine shall appoint judges upon the submission of the High Council of Justice in the manner prescribed by law.

of Ukraine on the basis of and within the terms of a submission made by the High Council of Justice, without any verification of compliance with the requirements established by this Law for candidates for judicial office and the procedure for selection or qualification assessment of candidates.

No submissions regarding a candidate for judicial office shall preclude his/her appointment. The facts set forth in such submissions may create grounds for the President of Ukraine to raise before the competent authorities the issue of verifying these facts in the manner prescribed by law.

The President of Ukraine shall issue a decree on the appointment of a judge no later than thirty days from the date of receipt of the relevant submission of the High Council of Justice.

Q101 (2021): In accordance with the provisions of Articles 7-8 of the Law of Ukraine "On the Judiciary and the Status of Judges", it shall be guaranteed to everyone that his/her rights, freedoms and interests are protected within a reasonable time by an independent, impartial and fair court established by law.

Accessibility of justice for every person shall be ensured in accordance with the Constitution of Ukraine and in the manner prescribed by the laws of Ukraine.

No one may be deprived of the right to have his/her case heard by a court to whose jurisdiction it is assigned by procedural law.

The High Council of Justice may adopt a decision on the refusal to submit a judicial appointment to the President of Ukraine in accordance with item 1 of paragraph nineteen of Article 79 of the Law of Ukraine 'On the judiciary and the status of judges' only based on the grounded information obtained by the High Council of Justice within the procedure prescribed by the law. Should the High Council of Justice refuse to make a submission on the appointment of a judge to office to the President of Ukraine, it shall adopt a reasoned decision which may be appealed to the Supreme Court in the manner prescribed by procedural law

Q104 (General Comment): The institute of the appointment as a judge for the first time for the 5 year term was cancelled after the introduction of amendments to the Constitution of Ukraine in part of justice in 2016.

Q104 (2021): According to the provisions of Article 126 of the Constitution of Ukraine, a judge shall hold office for an unlimited term.

A judge shall be dismissed on the following grounds:

- 1) inability to exercise his/her powers for health reasons;
- 2) violation by him/her of incompatibility requirements;
- 3) committing a significant disciplinary misdemeanour, gross or systematic disregard of his/her duties, which is incompatible with the status of judge or has shown his/her incompatibility with the position held;
- 4) the submission by a judge of a statement of resignation or of voluntary dismissal from office;
- 5) failure to give consent to transferring to another court in case of liquidation or reorganisation of the court where the judge holds office;
- 6) failure to prove the legitimate origin of income.

The authority of the judge shall be terminated in the following cases:

- 1) attaining the age of sixty-five;
- 2) termination of the citizenship of Ukraine or acquisition of foreign citizenship;
- 3) the entry into legal force of a court decision that declares him or her missing or deceased, incapable or partially capable;
- 4) death of the judge;
- 5) the entry into legal force of a guilty verdict against him or her for a committed crime.

Q111 (2021): Pursuant to Article 28(2) of the Law of Ukraine " On the Prosecutor's Office ", anyone who meets the established requirements for a candidate for the position of a prosecutor has the right to apply to the relevant body conducting disciplinary proceedings with an application for participation in the selection of candidates for the position of a prosecutor. The procedure for the selection of candidates and their appointment to the position of a district prosecutor is set forth in Article 29 of the Law of Ukraine "On the Prosecutor's Office", according to which the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by this Law and includes 1) adoption by the relevant body conducting disciplinary proceedings of a decision on the selection of candidates for the position of a prosecutor, which shall be posted on the official website of the relevant body conducting disciplinary proceedings and shall contain a statement of the requirements provided for by this Law that a candidate for the position of a prosecutor must meet, as well as a list of documents to be submitted to the relevant body conducting disciplinary proceedings and the deadline for their submission 2) submission of the relevant application and documents specified by this Law to the relevant disciplinary body by persons who have expressed their desire to become a prosecutor; 3) the relevant body conducting disciplinary proceedings shall verify the compliance of the persons with the requirements set for a candidate for the position of a prosecutor on the basis of the documents submitted by the candidates for the position of a prosecutor; 4) passing the qualification exam by persons who meet the requirements for a candidate for the position of a prosecutor; 5) publication by the relevant body conducting disciplinary proceedings on the official website of the list of candidates who have successfully passed the qualification exam; 6) organization by the relevant disciplinary body of a special inspection of candidates who have successfully passed the qualification examination; 7) determination by the relevant disciplinary body of the ranking of candidates for the position of a prosecutor among the persons who have successfully passed the qualification exam and have been subject to a special examination, as well as their inclusion in the reserve for filling vacant positions of prosecutors; 8) the candidate for the position of a prosecutor undergoes special training at the Training Center of Prosecutors of Ukraine; 9) announcement by the relevant disciplinary body, in case of opening of vacant positions of prosecutors, of a competition for such positions among candidates who are in the reserve and have undergone special training; 10) the relevant body conducting disciplinary proceedings shall hold a competition for vacant positions of prosecutors based on the rating of candidates; 11) the relevant disciplinary body shall submit a proposal to the head of the district prosecutor's office to appoint a candidate for the position of a prosecutor; 12) appointment of a person to the position of a prosecutor; 13) taking the oath of office of a prosecutor. The decision of the disciplinary body No. 113п-21 dated 10/26/2021 approved the Regulation that defines the procedure for consideration of issues and preparation of materials for the selection of candidates for the position of a district prosecutor. At the same time, in accordance with Art. 81 of the Law, the appointment of SAPO prosecutors is carried out by the Head of the Specialized Anti-Corruption Prosecutor's Office (Ukrainian: Спеціалізована антикорупційна прокуратура)/SAPO based on the results of an open competition held by a competition commission consisting of the Head of the SAPO and persons appointed by him/her and the Prosecutor General. The

submitting a statement and documents specified by this Law to persons who have expressed a desire to become a prosecutor to the relevant body conducting disciplinary proceedings. Such candidates must meet the criteria set out in the Law. Persons who meet the criteria of the Law pass the first stage of selection - the qualifying exam. The relevant body conducting disciplinary proceedings shall determine the rating of candidates for the position of prosecutor among persons who have successfully passed the qualifying examination and in respect of whom a special examination has been conducted, and shall include them in the reserve for filling vacant positions of prosecutors. A person who has not passed the qualifying examination at this stage has the right to retake the examination in a year. Candidates from the reserve to fill vacant positions of prosecutors undergo special training at the Training Center of Prosecutors of Ukraine. A candidate for the position of a prosecutor is considered to have successfully passed special training if he / she has received more than 50 percent of the maximum possible score as a result of the examination.

In case of opening vacant positions of prosecutors of the competition for such positions among the candidates who are in the reserve and have undergone special training, the competition is announced by the relevant body conducting disciplinary proceedings. Based on the results of the competition, the relevant body conducting disciplinary proceedings shall send to the head of the relevant prosecutor's office a proposal to appoint a candidate for the position of prosecutor of the prosecutor's office to fill the vacant position in which the candidate applied.

Q112 (2021): According to Part 6 of Art. 27 of the Law of Ukraine "On Prosecutor's Office" an individual may not be appointed to the position of a public prosecutor if he/she has an unexpunged or outstanding conviction, or has been charged with an administrative penalty for committing a corruption offense.

Q113 (2021): According to part 2 of Article 28 of the Law of Ukraine "On Prosecutor's Office" anyone who meets the requirements set for candidate public prosecutors shall be entitled to file their application for participation in the selection of candidates for the position of prosecutor to the relevant body conducting

Q115 (2021): The decision on the selection of candidates for the position of prosecutor is posted on the official website

Q116 (2021): Publication by the relevant body conducting disciplinary proceedings on the official website of the list of candidates who have successfully passed the qualification exam; information on the results of the qualification exam and the place of the candidate for the position of prosecutor in the ranking shall be publicly available and posted on the official website of the relevant body conducting disciplinary proceedings.

Q118 (General Comment): Part 1 of Art. 27 of the Code of Administrative Procedure of Ukraine stipulates that administrative cases on appealing against acts, actions or omissions of the body conducting disciplinary proceedings are resolved by the district administrative court, the territorial jurisdiction of which extends to the city of Kyiv. Thus, in 2021, appeals against decisions of the relevant disciplinary body on the selection of candidates for the position of prosecutor fell within the exclusive competence of the Kyiv District Administrative Court. In addition, pursuant to part 5 of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor who was unsuccessful in special training (which is one of the stages of selection of candidates for the position of a prosecutor) may appeal such a decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receiving a copy of such a decision. In accordance with paragraph 11.1 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority on 26.10.2021 No. 113n-21, the decision to refuse to admit a person to the qualification exam, terminate participation in the selection, prevent the candidate from undergoing special training, exclude the candidate from the reserve for filling vacant positions of a prosecutor, as well as other decisions on the selection of candidates for the position of a district

Q118 (2021): Every person has the right to recourse to an administrative court if he/she believes that his/her rights, freedoms or legitimate interests have been violated by a decision, action or inaction of a public authority, and to ask for their protection. Part 1 of Art. 27 of the Code of Administrative Procedure of Ukraine stipulates that administrative cases on appealing against acts, actions or omissions of the body conducting disciplinary proceedings are resolved by the district administrative court, the territorial jurisdiction of which extends to the city of Kyiv. Thus, in 2021, appeals against decisions of the relevant disciplinary body on the selection of candidates for the position of prosecutor fell within the exclusive competence of the Kyiv District Administrative Court. In addition, pursuant to part 5 of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor who was unsuccessful in special training (which is one of the stages of selection of candidates for the position of a prosecutor) may appeal such a decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receiving a copy of such a decision. In accordance with paragraph 11.1 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority on 26.10.2021 No. 113п-21, the decision to refuse to admit a person to the qualification exam, terminate participation in the selection, prevent the candidate from undergoing special training, exclude the candidate from the reserve for filling vacant positions of a prosecutor, as well as other decisions on the

Q119 (2021): The relevant body conducting disciplinary proceedings shall determine the rating of candidates for the position of prosecutor according to the number of points scored by the candidates in the qualification exam.

A candidate for the position of a prosecutor shall undergo special training at the Prosecutor's Training Center of Ukraine for one year in order to acquire knowledge and skills of practical activity as a prosecutor, drafting procedural documents, studying the rules of prosecutorial ethics.

Based on the results of the special training, the Prosecutor's Training Center of Ukraine makes a motivated decision on successful or unsuccessful completion of the training, a copy of which is handed to the candidate for the position of prosecutor.

Pursuant to Article 28(1) of the Law of Ukraine "On the Prosecutor's Office", candidates for the position of a prosecutor are selected from among persons who meet the requirements set forth in Article 27 of this Law. A citizen of Ukraine who has a higher legal education, at least two years of work experience in the field of law and is proficient in the state language may be appointed as a prosecutor of a district prosecutor's office (part 1 of Article 27 of the Law of Ukraine "On the Prosecutor's Office"). A person who: 1) is recognized by the court as having limited legal capacity or incapacitated 2) has a disease that prevents him/her from performing the duties of a prosecutor 3) has an unexpunged or unexpired criminal record or has been subject to an administrative penalty for committing a corruption-related offense. Thus, one of the criteria for the selection of candidates for the position of prosecutor provided for in part 1 of Article 27 of the Law of Ukraine "On the Prosecutor's Office" is the relevance of previous work experience - at least two years of work experience in the field of law. In addition, during the competition for a vacant position of a prosecutor (which is a stage of selection for the position of a prosecutor), in accordance with the provisions of part four of Article 34 of the Law of Ukraine "On the Prosecutor's Office", if the candidates have the same number of points in the rating of candidates for the position of a prosecutor determined by the relevant body conducting disciplinary proceedings based on the results of the qualification exam, preference is given to the candidate who worked in a temporarily vacant position of a prosecutor or has a longer work experience in the field of law. In this case, the length of service of candidates in the field of law is calculated as of the date of the competition and is determined in accordance with Art. 27 of the Law of Ukraine "On the Prosecutor's Office" (paragraph 9.11 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority, 26.10.2021 No. 113п-21). Thus, in our opinion, the selection of candidates for the position of a prosecutor is also based on the criterion of "length of previous work experience". In addition, the procedure for the selection of candidates and their appointment to the position of a district prosecutor, as defined by Article 29 of the Law of Ukraine "On the Prosecutor's Office", includes the candidate for the

Q120 (2021): According to Part 1 of Art. 29 of the Law of Ukraine "On the Prosecutor's Office", the selection of candidates and their appointment to the position of prosecutor is carried out in accordance with the procedure established by this Law, and includes the adoption by the relevant body conducting disciplinary proceedings of a decision on the selection of candidates for the position of prosecutor, which is published on the official website of the relevant body conducting disciplinary proceedings and must contain the list of requirements, prescribed by this Law, that candidate public prosecutor must meet as well as the list of documents to be submitted to the relevant body conducting disciplinary proceedings, and the deadline for submitting them.

Pursuant to Article 28(1), Article 29(1), Article 77(1)(2) of the Law of Ukraine "On the Prosecutor's Office", starting from September 1, 2021, the selection of candidates for the position of a prosecutor in accordance with the procedure established by this Law shall be within the powers of the relevant body conducting disciplinary proceedings. Pursuant to the provisions of Part 1 of Article 73 of the Law of Ukraine "On the Prosecutor's Office", the relevant body conducting disciplinary proceedings is a collegial body that, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed their intention to hold the position of a prosecutor and decides on disciplinary liability, transfer and dismissal of prosecutors. The status and procedure of the relevant body conducting disciplinary proceedings are determined by Articles 73-79 of the Law. At the same time, the provisions of Art. 73(1), (2), (3), (4), (6) and (7) of the Law, Art. 74, (1) of the Law, Art. 75, Art. 76, (1) of the Law, Art. 77, (1-3) of the Law, Art. 78, 79 of the Law were suspended until September 1, 2021, based on the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of the Prosecution Service" of September 19, 2019 No. 113-IX. Until September 1, 2021, temporarily, in accordance with the provisions of paragraph 22 of Section II "Final and Transitional Provisions" of the Law of 19.09.2019 No. 113-IX, relevant personnel commissions were established in the Office of the Prosecutor General to ensure the selection of prosecutors. The list, composition and procedure of the personnel commissions of the Prosecutor General's Office were determined by the Prosecutor General. The sends to the head of the relevant prosecutor's office a proposal to appoint the candidate for the position of prosecutor of the prosecutor's office, for which the candidate applied.

According to Part 1 of Art. 35 of this Law, the head of the public prosecutor's office shall issue an order appointing the candidate public prosecutor to office not later than 30 days following the receipt of the appointment statement from the relevant body conducting disciplinary proceedings.

Q123 (2021): The candidate for the position of a prosecutor, in respect of whom the decision on unsuccessful completion of special training was made, may appeal against such decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receipt of a copy of such decision. Based on the results of the review, the relevant body conducting disciplinary proceedings shall dismiss the complaint or satisfy the complaint and decide on the successful completion of special training by the candidate for the position of prosecutor.

Q125 (2021): The prosecutor shall be dismissed in the following cases:

- 1) inability to perform his/her duties for health reasons;
- 2) violation of the compatibility requirements, stipulated in Article 18 of this Law;
- 3) entry into force of the judgment bringing the public prosecutor to administrative liability for corruption offenses related to violation of the restrictions established in the Law of Ukraine On the Principles of Preventing and Combating Corruption;
- 3-1) entry into force of the court decision on recognition of the prosecutor's assets or assets acquired on his behalf by other persons or in other cases provided for in Article 290 of the Civil Procedure Code of Ukraine as unjustified and their confiscation in favor of the state;
- 4) inability to transfer to another position or lack of consent thereto due to direct subordination to a close person;
- 5) entry into force of a court judgment of guilt against him/her;
- 6) termination of the citizenship of Ukraine or assuming the citizenship of another state;
- 7) submission of a voluntary resignation application;
- 8) impossibility of further holding a temporary position; and
- 9) liquidation or reorganization of the public prosecutor's office employing the prosecutor or in case of public prosecutors' layoff hereto.

In addition to the grounds stipulated in paragraphs 1-9 of this part, the Deputy Prosecutor General shall be dismissed in case of violation of the requirements of the Law of Ukraine "On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)" in terms of submission, compliance with the deadlines for submission of the declaration of contacts.

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by question No.

Question 89 - How are judges recruited?

Question 90 - What are the entry criteria (pre-conditions) to become a judge?

Question 91 - Which authority is competent during the entry selection procedure?

Question 92 - Is there a public call for candidates to become a judge?

Question 93 - Are the entry criteria to become a judge publicly available?

Question 94 - Is there a list of pre-selected candidates which is public?

Question 95 - Is there a possibility for non pre-selected candidates to appeal?

Question 96 - If yes, what body is competent to decide on appeal?

Question 97 - What are the criteria for the selection of judges?

Question 97-1 - If you selected "Interview evaluation" in the previous question, please indicate what measures are in place to ensure the transparency of the interview

Question 98 - Which authority is competent to select judges?

Question 99 - Which authority is competent for the final appointment of a judge?

Question 100 - Which competences has this authority in the final appointment procedure (multiple replies possible):

Question 101 - May non-selected candidates appeal against the decision of appointment?

Question 102 - If yes, what body is competent to decide on appeal?

Question 103 - How do you check the integrity of candidate judges?

Question 104 - Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Question 105 - Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Question 106 - If yes, which authority is competent to decide if the probation period is successful?

Question 107 - Is there a possibility to appeal against this decision?

Question 108 - If the mandate for judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?

Question 109 - Is it renewable?

Question 111 - How are public prosecutors recruited?

Question 112 - What are the entry criteria (pre-conditions) to become a prosecutor?

Question 113 - Which authority is competent during the entry selection procedure?

Question 114 - Is there a public call for candidates to become a prosecutor?

Question 115 - Are the entry criteria to become a prosecutor publicly available?

Question 116 - Is there a list of pre-selected candidates which is public?

Question 117 - Is there a possibility for non pre-selected candidates to appeal?

Question 118 - If yes, what body is competent to decide on appeal?

Question 119 - What are the criteria of selection of public prosecutor?

Question 119-1 - If you selected "Interview evaluation" in the previous question, please indicate what measures are in place to ensure the transparency of the

Question 120 - Which authority is competent during the selection procedure of a public prosecutor?

Question 121 - Which authority is competent for the final appointment of a prosecutor?

Question 121-1 - Which competences has this authority in the final appointment procedure ? (multiple replies possible):

Question 122 - May non-selected candidates appeal against the decision of appointment?

Question 123 - If yes, what body is competent to decide on appeal?

Question 124 - How do you check the integrity of candidate prosecutors?

Question 125 - Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Question 126 - Is there a probation period for public prosecutors? If yes, how long is this period?

Question 127 - If yes, which authority is competent to decide if the probation period is successful?

Question 128 - Is there a possibility to appeal against this decision?

Question 129 - If the mandate for public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?

Question 130 - Is it renewable?

Question 089

Armenia

(General Comment): Competitive exam includes the following stages.

-written exam, -psychological test,

-interview.

Persons holding an academic degree in the field of law and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least five years during the last 10 years, shall have the right to submit an application to the Supreme Judicial Council in order to be included in the list of contenders for judge candidates. A contender holding an academic degree shall undergo the stage of interview of the qualification check

Azerbaijan

(General Comment): The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge: *First and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

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.

According to the Law on Judicial-Legal Council, the latter is endowed with the responsibility of selecting candidates to be appointed to vacant judicial posts through the Judges Selection Committee. More than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power, the Judicial-Legal Council administrative body, the prosecution, the advocacy and the legal scholar. All the candidates are given an equal opportunity and undergo a written and oral examination. Those candidates who successfully passed the exam are entitled to directly attend the long-term training stage at the Academy of Justice. After finishing the probation period in courts, the Judges Selection Committee assesses candidates according to the results of the training and conducts a final interview. The evaluation results and opinion on candidates' specialization are given to the Judicial-Legal Council. The latter proposes to the President of the Republic of Azerbaijan appointments to vacant judicial posts.

*Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of

Georgia

(General Comment): Apart from passing the qualification exam, candidates are expected to have masters degree in law and 5 years experience.– Candidates should complete special initial training course of sixteen-months duration conducted by the High School of Justice Georgia. The Article 34 (3),(6) of the LCC prescribes cases of exemption from applying to a training course at the HSJ: a) A person nominated for election to the office of a Supreme Court judge; b) a former judge who has passed a qualification exam for judges, who has served as a judge of the Supreme Court or a district (city) court and/or a court of appeals and who has at least 18 months of working experience as a judge; c) a person who completed a full training course of the HSJ and who has been included in the Justice Listener Qualifications List, regardless of the period he/she served as a judge or whether he/she had been appointed to the office of a judge since graduation from the HSJ; d) both current

Ukraine

candidates were introduced in Ukraine and the procedure for selecting judges was changed.

In particular, according to Article 69 of the Law of Ukraine "On Judiciary and the Status of Judges" a citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law is competent, honest and speaks the state language in accordance with the level determined by the National Commission on the Standards of the State Language (changes to the article 69 since April 25, 2019), may be appointed to the position of a judge.

The procedure of selection to a judicial position includes the following general stages:

- 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions;
- 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year;
- 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine;
- 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted;
- 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam;
- 6) taking admission exam by a person who was qualified to participate in the selection;
- 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine;
- 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law;
- 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training;
- 10) taking a qualification examination by the candidates who went through initial training and determining its results;
- 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list;
- 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions;
- 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge;
- 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge;
- 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice makes a proposal on

Question 090

Armenia

A person may not be appointed to the position of a judge where:

- (1) He or she has been convicted of a crime and the conviction has not been expired or cancelled;
- (2) He or she has been convicted of an intentional crime or has served a custodial punishment regardless of whether or not the conviction has expired or cancelled;
- (3) He or she has a physical impairment or suffers a disease hindering his or her appointment to the position of a judge;
- (4) he has not undergone mandatory military service or alternative service and has not been exempt from mandatory military service as prescribed by law (where the person is male);
- (5) He or she has been declared as having no active legal capacity, having limited active legal capacity, missing or bankrupt by a civil judgment of the court having entered into legal force and the bankruptcy proceedings yet has not completed;
- (6) Criminal prosecution is initiated against him or her.

According to Article 97 of the Judicial Code of RA:

“Persons between the ages of 25 and 60, having the right of suffrage, may participate in the qualification check in order to be included in the list of contenders for judge candidates, where:

- 1) they hold the citizenship of only the Republic of Armenia;
- (2) they have obtained a Bachelor’s qualification degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or have obtained a relevant degree in a foreign state, the recognition and approval of equivalence of which have been carried out in the Republic of Armenia as prescribed by law;
- (3) they are proficient in the Armenian language;
- (4) they have knowledge of at least one language from among English, Russian, and French, the required level of which shall be prescribed by the Supreme Judicial Council and checked through standardised test systems;
- (5) only if they have a bachelor's degree in law or a corresponding degree in a foreign country, they have at least five years of professional experience, and if they have a bachelor's degree in law and a master's degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or corresponding degree in a foreign country, they have at least three years of professional experience;
- (6) there are no restrictions provided for by this Code on being appointed as a judge”.

It should be noted that specific criteria for judge candidates of courts of appeal, the Court of Cassation are defined by the Articles 123 and 132 of the Judicial Code, and the criteria to become a judge of the Constitutional Court are established by Article 4 of the “Law on the Constitutional Court”.

Armenia has the Academy of Justice (hereinafter the Academy), which is a state non-commercial organization, the founder of which is the Republic of Armenia, represented by the Government of the Republic of Armenia. The activities and functions of the Academy are regulated by the “Law on the Academy of Justice”. The general provision is that the contender for judge candidate should attend Academy to be included in the list of judge candidates. However there are some cases,

Azerbaijan

(2021): According to Constitution of Republic of Azerbaijan in order to become a judge you need at least 5 years of experience in legal profession. The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge: first and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy. Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the procedures provided by the legislation. They are not subject to examination and training at Justice Academy. But in practice it is very rarely used procedure.

Georgia

(2021): A competent citizen of Georgia of 30 years of age who has a higher legal education with at least a master's or equal academic degree/higher education diploma, at least five years of working experience in the specialty, has the command of the official language, has passed a judge's qualification exam, has completed a full training course of the High School of Justice and is entered on the Justice Trainee Qualifications List may be appointed (elected) as a judge. The later requirement does not extend to candidates who are former Supreme Court Judges, Constitutional Court Judges or former judges with 18 months experience of judges and a person nominated for election to the office of a Supreme Court judge. A person to be elected to the position of a judge of the Supreme Court shall be released for passing a judicial qualification exam.

A former judge of general courts of Georgia shall be released from the judge's qualification exam until 10 years have passed after the powers of the judge are terminated.

Decision on appointment of judges of the first and the second instance courts is made by the High Council of Justice of Georgia. Supreme Court judges after open competition, interviews and assessment are nominated by the High Council of Justice and elected by the Parliament of Georgia.

Republic of Moldova

(2021): Other criteria provided for by the Law on the Status of the Judge include: the knowledge of the official language of the Republic of Moldova, specific medical certificate, polygraph test.

Ukraine

1. A citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law, is competent, honest, and speaks the state language, may be appointed to the position of a judge. 2. The following citizens may not be appointed to judicial position: 1) recognized by the court as partially capable or incapable; 2) those with chronic mental or other diseases that prevent them from performing the functions of the administration of justice; 3) those who have an unexpunged or unspent conviction. 3. An individual to whom a prohibition to hold the respective position under the law is applied may not be a candidate for this position.
4. An individual who was earlier dismissed from a position of the judge due to committing a substantial disciplinary offense, gross or systematic neglect of duties which is incompatible with the status of a judge, or who was found to be unfit for the office, who violated the incompatibility requirements, violated the duty to certify the legality of the source of property or due to the entry into force of a conviction regarding such person, except for the decision on dismissal for the said reasons was declared illegal by a court or a conviction was canceled by a court, may not be a candidate for a position of judge.
5. A person who was previously dismissed from a judicial position based on results of qualification evaluation may not be a candidate for the position of judge.
6. For the purposes of this Law, the following shall be assumed: 1) higher legal education is higher legal education (master's degree or equal to it higher education of specialist level), acquired in Ukraine as well as higher legal education of the respective degree received in foreign countries and recognized in Ukraine in accordance with the procedures established by law;
- 2) record of professional work in the field of law shall be the person's experience of work in the professional field after obtaining higher legal education;
- 3) academic degree – academic degree in the field of law obtained in a higher educational establishment of Ukraine (university, academy, or institute, except higher military educational establishments) or academic establishment of Ukraine or equivalent higher educational establishment of a foreign state. Academic degree obtained in a higher educational establishment of a foreign state must be recognized in Ukraine according to the procedure stipulated by law; and
- 4) record of scientific work – a record of professional activity in the field of law in positions of research (research and pedagogical) officers in an educational institution of Ukraine (university, academy or institute, except higher military educational institutions) or academic establishment of Ukraine or similar higher educational institution of a foreign state.

Article 70. Procedure for Selecting and Appointing to Judicial Position/Office 1. A judge shall be appointed to the judicial office in the manner stipulated by this Law in the following stages: 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions; 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine; 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the

(2021): In accordance with parts two and four of Article 69 of the Law of Ukraine “On the Judiciary and the Status of Judges”, no citizen may be appointed a judge, if he/she:

- 1) has been deemed by a court to have limited legal capacity or be incapable;
- 2) is suffering from chronic mental or other illnesses that prevent him/her from the administration of justice;
- 3) has an unexpunged or not annulled criminal record.

No person who is subject to a statutory prohibition to hold the office of a judge may apply for such an office.

Also, no person may apply for a judicial office who has previously been dismissed from the office of a judge for committing a significant disciplinary offence, gross or systematic neglect of duties that has been found incompatible with the status of a judge or has shown his/her incompatibility with the position, a violation of incompatibility requirements, a violation of the obligation to confirm that his/her assets have been legally acquired, or in connection with the entry into force of a criminal sentence against such a person, except in cases where the decision to dismiss him/her on these grounds was later deemed illegal by a court or the criminal sentence overturned.

Question 091

Armenia

(2021): The Supreme Judicial Council is responsible for interviews and the written exam stages if the candidate must attend the Academy of Justice.

Azerbaijan

(2021): According to Article 1 of the Law “on the Judicial-Legal Council”, the Council is the body, which, within its competence, ensures organization of the court system, independence of judges and court system in Azerbaijan Republic; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements self-governance functions of the judiciary.

According to the legislation (Articles 14 of the Law “on the Judicial-Legal Council” and Articles 93-2 of the Law “on Courts and Judges”), the Judicial-Legal Council forms Judges' Selection Committee consisting of 11 members, mainly from judges, its staff, representative of the relevant executive authority of the Republic of Azerbaijan (Ministry of Justice) and the Prosecutor's Office, a lawyer and a lawyer-scientist in order to conduct the selection of candidates for the position of judge. The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005.

According to Article 93-3 of Law on Judges, the applicants for the post of judge are selected as the result of written exam and oral exam. Judges Selection Committee arranges these exams to select candidates. The results of these exams are evaluated by the Judges Selection Committee. The Judges Selection Committee may engage ad hoc commission in the implementation of this function.

The applicants who have succeeded in these exams are automatically admitted to perform a long-term training period. This training period is organized by the

Georgia

(2021): The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia. First and the second instance Judges are appointed by High Council of Justice of Georgia.

Ukraine

(General Comment): Article 70. Procedure for Selecting and Appointing to Judicial Position/Office 1. A judge shall be appointed to the judicial office in the manner stipulated by this Law in the following stages: 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions; 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine; 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted; 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam; 6) taking admission exam by a person who was qualified to participate in the selection; 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine; 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law; 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training; 10) taking a qualification examination by the candidates who went through initial training and determining its results; 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list; 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions; 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge; 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge; 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice makes a proposal on appointing a judge to the office.

2. Selection of judicial candidates with at least three years of record of service as judge's assistant shall be conducted with specific features determined by the

(2021): In accordance with paragraph 2 of the first part of Article 93 of the Law of Ukraine “On the Judicial System and the Status of Judges”, the High Qualifications Commission of Judges of Ukraine shall select candidates for the appointment to the position of a judge, organise a special background and security check-in respect of them in accordance with the law and administer a qualification examination.

Question 092

Republic of Moldova

(General Comment): The call is made public through website and it is thus available to the general public and directed to all potential candidates.

Question 093

Armenia

(2021): The entry criteria are established by the Constitution and Judicial Code of RA. It should be noted that in practice the entry criteria are also mentioned in the public call. Public call is also published in court.am.

Question 096

Armenia

(2021): In cases when the candidate shall attend the Academy of Justice, according to parts 1 and 2 of the Article 105.1 of the Judicial Code of RA: “The results of the written examination may be appealed to the Appeals Commission within a 15-day time period upon publication thereof. The appeals commission for the relevant specialization shall be formed within a 5-day period upon receipt of the first appeal against the results of the examination for the specialization concerned, composed of two judges and one academic lawyer who are, by a drawing, elected by the composition of 5 academic lawyer candidates for the given specialization nominated by the Training Commission and at least 3 academic lawyer candidates in the relevant field of law nominated by the Authorized Body, upon their consent. Members of the evaluation commission may not be included in the composition of the Appeals Commission”. Moreover, according to part 5 of the Article 105.1 of the Judicial Code, the results of the written examination may be appealed in court on the basis of procedural violations, if they have been appealed to the Appeals Commission. The competent court is the administrative court. It should be noted that the Judicial Code does not describe the appeal procedure neither of decisions made during interview and other stages of candidate selection, nor for the cases when the candidate is selected without attending to the Academy of Justice, but in practice it is

Azerbaijan

(2021): According to the law "on Judicial-Legal Council" a candidate for the position of a judge may appeal to the Plenum of the Supreme Court of the Republic of Azerbaijan on the correctness of the application of the legislation on legal issues within twenty days from the date of submission of these decisions by the Judicial Legal Council. For this reason we selected High Judicial Council and Court.

Georgia

(2021): A candidate for judge may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Question 097

Azerbaijan

(2021): At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system.

The applicants shall be classified according to their merit, based on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

Georgia

(2021): In addition, a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The characteristics of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity.

Ukraine

particular:

the High Qualification Commission of Judges of Ukraine examining on the basis of submitted documents whether persons who have applied for participation in the selection meet the requirements established by this Law for a candidate for judicial office;

the High Qualification Commission of Judges of Ukraine allowing persons who, based on the results of the examination, meet the requirements established by this Law for a candidate for judicial office at the time of application, to participate in selection and take the selection exam;

a person allowed to participate in the selection taking the selection exam;

the High Qualification Commission of Judges of Ukraine establishing the results of the selection examination and publishing them on the official website of the High Qualification Commission of Judges of Ukraine;

persons who have successfully passed the selection examination undergoing a special background check in the manner prescribed by the legislation on the prevention of corruption and taking into account the special provisions specified in Article 74 of this Law;

the candidates who have successfully passed the selection examination and undergone a special background check, receiving special training and obtaining certificates of special training;

the candidates who have received special training taking the qualification examination and the Commission establishing its results.

Selection of candidates for the position of a judge, who have at least three years of experience as an assistant judge, is carried out with the specifics determined by the decision of the High Qualifications Commission of Judges of Ukraine.

Question 097-1

Azerbaijan

(2021): "Other": In order to ensure the transparency of the exams, the Election Committee of Judges invites international, as well as governmental and non-governmental organizations, mass media to observe the exams.

Question 098

Armenia

(2021): The Supreme Judicial Council shall include the contenders for judge candidates, having completed the training at the Academy of Justice, in the list of judge candidates according to the relevant specializations. In cases when the candidate shall not attend the Academy of Justice the list of judge candidates is compiled by

Azerbaijan

(2021): At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system. The applicants shall be classified according to their merit, based on the mark obtained. The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

Georgia

(2021): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice of Georgia and elected by the Parliament of Georgia.

Ukraine

(2021): In accordance with paragraph 2 of the first part of Article 93 of the Law of Ukraine "On the Judiciary and the Status of Judges", the High Qualification Commission of Judges of Ukraine shall select candidates for the appointment to the position of a judge, organise a special background and security check-in respect of them in accordance with the law and administer a qualification examination.

Question 099

Armenia

(2021): In case the candidate gives his or her consent, the Supreme Judicial Council shall propose his or her candidacy to the President of the Republic by introducing also his or her personal file, the documents submitted thereby in case he or she is not a judge and those acquired as a result of their check.

In case the President of the Republic returns to the Supreme Judicial Council the proposal with the objections therein, the Supreme Judicial Council shall be obliged to convene a session.

The Supreme Judicial Council shall consider the issue of not accepting the objection of the President of the Republic and make a decision by secret ballot. Where the Supreme Judicial Council does not accept the objection of the President of the Republic, the President of the Republic shall, within a period of three days, adopt a decree on appointing the proposed candidate or apply to the Constitutional Court.

Where the Constitutional Court decides that the proposal complies with the Constitution, the President of the Republic shall adopt, within a period of three days, a decree on appointing the proposed candidate.

Where the President of the Republic fails to carry out, within a period of three days, the actions specified in parts 2, 4 or 5 of this Article, the decree of the President of the Republic on appointing the relevant candidate shall enter into force by virtue of law, whereon the Chairperson of the Supreme Judicial Council shall, within a period of three days, publish an announcement on the official website of the judiciary.

Azerbaijan

(2021): The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions. Parliament in respect of higher court judges.

Georgia

(2021): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

Ukraine

(2021): Part one of Article 128 of the Constitution of Ukraine establishes that the President of Ukraine shall appoint judges upon the submission of the High Council of Justice in the manner prescribed by law.

Question 100

Armenia

(2021): The President of the Republic shall, within a period of three days upon receipt of the proposal, adopt a decree on appointing the proposed candidate or return to the Supreme Judicial Council the proposal with the objections therein.

Azerbaijan

(2021): The President has the right to accept or reject candidates proposed by the Judicial-Legal Council. But in practice, all proposals have always been confirmed.

Ukraine

Ukraine on the basis of and within the terms of a submission made by the High Council of Justice, without any verification of compliance with the requirements established by this Law for candidates for judicial office and the procedure for selection or qualification assessment of candidates.

No submissions regarding a candidate for judicial office shall preclude his/her appointment. The facts set forth in such submissions may create grounds for the President of Ukraine to raise before the competent authorities the issue of verifying these facts in the manner prescribed by law.

The President of Ukraine shall issue a decree on the appointment of a judge no later than thirty days from the date of receipt of the relevant submission of the High Council of Justice.

Question 101

Ukraine

(2021): In accordance with the provisions of Articles 7-8 of the Law of Ukraine "On the Judiciary and the Status of Judges", it shall be guaranteed to everyone that his/her rights, freedoms and interests are protected within a reasonable time by an independent, impartial and fair court established by law.

Accessibility of justice for every person shall be ensured in accordance with the Constitution of Ukraine and in the manner prescribed by the laws of Ukraine.

No one may be deprived of the right to have his/her case heard by a court to whose jurisdiction it is assigned by procedural law.

The High Council of Justice may adopt a decision on the refusal to submit a judicial appointment to the President of Ukraine in accordance with item 1 of paragraph nineteen of Article 79 of the Law of Ukraine 'On the judiciary and the status of judges' only based on the grounded information obtained by the High Council of Justice within the procedure prescribed by the law. Should the High Council of Justice refuse to make a submission on the appointment of a judge to office to the President of Ukraine, it shall adopt a reasoned decision which may be appealed to the Supreme Court in the manner prescribed by procedural law

Question 102

Azerbaijan

(2021): Decisions of Judges' Selection Committee are appealed to Judicial-Legal Council and decisions of Judicial-Legal Council are appealed to the Presidium of Supreme Court.

Georgia

(2021): A candidate for judge may appeal the decision of the High Council of Justice of Georgia on refusing to assign or nominate him/her to the Chamber of Qualification of the Supreme Court. Decision of the parliament can be appealed at Court.

Question 104

Azerbaijan

(General Comment): 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.

Georgia

(General Comment): Following the constitutional amendment of December 2018, judges at the Supreme Court will be recruited for lifetime until the age of retirement prescribed by law (65 years). All other judges are appointed for the lifetime since 2013 amendments in the Constitution. The law envisages probation period for newly appointed judges (with no previous experience), but no more than three years.

As of 2020 there are 10 judges at the Supreme Court who are still appointed for 10 year term. Their term has not been prolonged by law.

(2021): Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment, the judge may be appointed for three-year term until 31 December 2024.

As of 2021 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

Republic of Moldova

(General Comment): According to article 116 of the Constitution and art. 11 (1) of the Law on the Status of Judges, No. 544 of 20 July 1995, judges are first appointed for an initial period of 5 years. Once this period of 5 years has expired, the judge is evaluated and then appointed until she/he reaches the age of 65. This initial period of 5 years cannot be considered as a probation period. However, it should be noted that the judge's term of office is interrupted in the event of: the submission of a request for resignation on his/her own initiative; obvious non-compliance with the position held, established at the time of the performance appraisal; transfer to another position under the conditions provided for by law; disciplinary failure to comply with the law; pronouncement of a final judgment of conviction; loss of the nationality of the Republic of Moldova; failure to comply with restrictions on the office of judge; a statement of incapacity for work as confirmed by a medical certificate; expiration of the initial period of 5 years if the judge has not been appointed definitively; attainment of the age limit; establishing

Ukraine

(General Comment): The institute of the appointment as a judge for the first time for the 5 year term was cancelled after the introduction of amendments to the Constitution of Ukraine in part of justice in 2016.

(2021): According to the provisions of Article 126 of the Constitution of Ukraine, a judge shall hold office for an unlimited term.

A judge shall be dismissed on the following grounds:

- 1) inability to exercise his/her powers for health reasons;
- 2) violation by him/her of incompatibility requirements;
- 3) committing a significant disciplinary misdemeanour, gross or systematic disregard of his/her duties, which is incompatible with the status of judge or has shown his/her incompatibility with the position held;
- 4) the submission by a judge of a statement of resignation or of voluntary dismissal from office;
- 5) failure to give consent to transferring to another court in case of liquidation or reorganisation of the court where the judge holds office;
- 6) failure to prove the legitimate origin of income.

The authority of the judge shall be terminated in the following cases:

- 1) attaining the age of sixty-five;
- 2) termination of the citizenship of Ukraine or acquisition of foreign citizenship;
- 3) the entry into legal force of a court decision that declares him or her missing or deceased, incapable or partially capable;
- 4) death of the judge;
- 5) the entry into legal force of a guilty verdict against him or her for a committed crime.

Question 107

Georgia

(2021): Judge may appeal the decision to the Chamber of Qualification of the Supreme Court.

Question 111

Armenia

(General Comment): According to the Article 177 of the Constitution, the Prosecutor General shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two consecutive terms. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General. The law may prescribe additional requirements for the Prosecutor General.

According to the Law on Prosecutor's Office, to be eligible for appointment to the position of a Deputy Prosecutor General, a person must meet the requirements prescribed in Article 33 part 1, holding citizenship of only the Republic of Armenia, with high professional qualities, and at least seven years of professional work experience after receiving higher legal education. If the candidate for Deputy Prosecutor General holds the position of prosecutor, he / she may be appointed by the Prosecutor General, after consultation with the Board of the Prosecutor General, without a competition held in accordance with this Article. In case of not being appointed by Prosecutor General as described, the candidates (candidate) for Deputy Prosecutor General shall be selected by the Qualification Commission through a competition held in accordance with the established procedure. The Qualification Commission makes a decision by secret ballot with at least six members of it. The Prosecutor General shall appoint one of the candidates as Deputy Prosecutor General. (Article 36)

For appointment to the position of a prosecutor a person must meet the requirements prescribed in Article 33 part 1. The list of prosecutor candidates shall be supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule, once a year, in January of each year. If so instructed by the Prosecutor General, a closed competition of candidates may be held during the year in order to supplement the list of prosecutor candidates. The Qualification Commission shall check the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by him with other requirements stipulated by law. The candidacies of applicants about whom the Qualification Commission issues a positive opinion shall be submitted to the Prosecutor General, who shall include the candidates acceptable to him in the list of prosecutor candidates. A person included in the list of prosecutor candidates shall complete a program of studies in the Academy of Justice and take a qualification exam. A person is relieved of the requirement to study and take a qualification exam, if he/she: has 3 years of professional work experience as a prosecutor, judge, investigator, or advocate, unless more than 5 years have passed since the person stopped performing such work; has 3 years of professional work experience as a prosecutor unless more than 10 years have passed since the person stopped performing such work and if he/she retired according to the specific grounds prescribed by law; has a PhD degree in Law and has 3 years of professional work experience; or has a PhD Candidate degree in law and 5 years of experience working as a lawyer. The grounds for

Azerbaijan

(General Comment): All prosecutors shall be recruited to the prosecutor's office in a transparent manner and in accordance with international requirements, as well as on the basis of a competition consisting of tests, written examinations and interviews. When appointing a public prosecutor from among the candidates who passed the competition successfully, the business acumen, level of professionalism, results of work, and moral qualities shall be taken into account

Georgia

(General Comment): Almost all prosecutors are recruited through a competitive exam, except for the Chief prosecutor and his/her deputies, who are subject to

Republic of Moldova

(General Comment): Candidates for the position of prosecutor - graduates of the National Institute of Justice, as well as candidates with 5 years of seniority (art.20 paragraph (3) of Law no.3/2016) - take the graduation exam before the Graduation Commission at the National Institute of Justice.

Candidates with 10 years service (Article 20(31) of Law No 3/2016) are entered in the Register of candidates for the position of prosecutor, kept by the Council Apparatus, without taking any exams at the National Institute of Justice, but participate in the selection procedures organised by the College for the Selection and Career of Prosecutors.

Ukraine

(2021): Pursuant to Article 28(2) of the Law of Ukraine " On the Prosecutor's Office ", anyone who meets the established requirements for a candidate for the position of a prosecutor has the right to apply to the relevant body conducting disciplinary proceedings with an application for participation in the selection of candidates for the position of a prosecutor. The procedure for the selection of candidates and their appointment to the position of a district prosecutor is set forth in Article 29 of the Law of Ukraine "On the Prosecutor's Office", according to which the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by this Law and includes 1) adoption by the relevant body conducting disciplinary proceedings of a decision on the selection of candidates for the position of a prosecutor, which shall be posted on the official website of the relevant body conducting disciplinary proceedings and shall contain a statement of the requirements provided for by this Law that a candidate for the position of a prosecutor must meet, as well as a list of documents to be submitted to the relevant body conducting disciplinary proceedings and the deadline for their submission 2) submission of the relevant application and documents specified by this Law to the relevant disciplinary body by persons who have expressed their desire to become a prosecutor; 3) the relevant body conducting disciplinary proceedings shall verify the compliance of the persons with the requirements set for a candidate for the position of a prosecutor on the basis of the documents submitted by the candidates for the position of a prosecutor; 4) passing the qualification exam by persons who meet the requirements for a candidate for the position of a prosecutor; 5) publication by the relevant body conducting disciplinary proceedings on the official website of the list of candidates who have successfully passed the qualification exam; 6) organization by the relevant disciplinary body of a special inspection of candidates who have successfully passed the qualification examination; 7) determination by the relevant disciplinary body of the ranking of candidates for the position of a prosecutor among the persons who have successfully passed the qualification exam and have been subject to a special examination, as well as their inclusion in the reserve for filling vacant positions of prosecutors; 8) the candidate for the position of a prosecutor undergoes special training at the Training Center of Prosecutors of Ukraine; 9) announcement by the relevant disciplinary body, in case of opening of vacant positions of prosecutors, of a competition for such positions among candidates who are in the reserve and have undergone special training; 10) the relevant body conducting disciplinary proceedings shall hold a competition for vacant positions of prosecutors based on the rating of candidates; 11) the relevant disciplinary body shall submit a proposal to the head of the district prosecutor's office to appoint a candidate for the position of a prosecutor; 12) appointment of a person to the position of a prosecutor; 13) taking the oath of office of a prosecutor. The decision of the disciplinary body No. 113п-21 dated 10/26/2021 approved the Regulation that defines the procedure for consideration of issues and preparation of materials for the selection of candidates for the position of a district prosecutor. At the same time, in accordance with Art. 81 of the Law, the appointment of SAPO prosecutors is carried out by the Head of the Specialized Anti-Corruption Prosecutor's Office (Ukrainian: Спеціалізована антикорупційна прокуратура)/SAPO based on the results of an open competition held by a competition commission consisting of the Head of the SAPO and persons appointed by him/her and the Prosecutor General. The

Question 112

Armenia

(2021): Relevance and duration of work experience, age compliance, as well as other requirements of Article 33 of the "Law on the Prosecutor's Office" are taken into account at the stage of accepting applications for candidates. Thus, according to Point 1 of the Article 33 of the law on the Prosecutor's office: "A citizen of the Republic of Armenia between the ages of 22 and 65 may be appointed to the position of a prosecutor, where: (1) he or she has obtained a Bachelor's Degree or a qualification degree of a certified specialist of higher legal education in the Republic of Armenia or has obtained a similar degree in a foreign State, the recognition and approval of equivalence whereof have been carried out in the Republic of Armenia as prescribed by law; (2) he or she has a command of Armenian; (3) the limitations referred to in part 1 of Article 34 of this Law do not extend thereto; (4) he or she has completed relevant studies at the Academy of Justice, in case of not being exempt from studying at the Academy of Justice in the cases prescribed by part 10 of Article 38 of this Law."

List of candidates, which are exempted from studying in the Academy of Justice is established by the Article 38 (10) of the "Law on the Prosecutor's Office" (For example, in case a candidate is a Doctor of Laws, has at least three years of experience in the field of law, or a candidate of Laws, has at least five years of experience in the field of law, is exempted from studying at the Academy of Justice.).

Azerbaijan

(2021): In accordance with the "Regulations on Competitions for Candidates for the Prosecutor's Office" approved by the President of the Republic of Azerbaijan dated June 19, 2001, a 7-member Competition Commission was established at the Prosecutor General's Office to conduct competitions for candidates for the Prosecutor's Office. If Five members of the commission present the commission considered valid. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special opinion, the opinion shall be attached to the decision. The commission participates in all stages of the competition (test, written and interview).

Republic of Moldova

(1) A person who meets the following conditions may apply for the position of prosecutor:

(a) he/she is a citizen of the Republic of Moldova;

b) he/she knows the state language;

c) no judicial protection measure is in place for him/her;

d) has a bachelors degree and a masters degree in the field of law or other equivalent legal studies, recognized by the structure authorized for the recognition and equivalence of studies and qualifications;

e) has completed the initial training courses for prosecutors at the National Institute of Justice or, in the case of a person who has the necessary seniority to be appointed to the position, has passed the examination before the National Institute of Justice Graduation Commission;

f) enjoys an irreproachable reputation;

g) has not previously been found guilty of a criminal offence;

g1) does not have, in the last 5 years, in the record of professional integrity, entries on the negative result of the professional integrity test for violation of the obligation provided for in Article 7 para. (2) letter a) of the Law no. 325/2013 on institutional integrity assessment;

h) is medically fit to perform the function of prosecutor.

(2) A person may not be considered as having an irreproachable reputation within the meaning of para. (1) and may not be a candidate for the office of public prosecutor if one of the following circumstances exists:

(a) he has been dismissed from the office specified in para. (3) for violations in professional activity during the last 5 years;

b) he/she abuses alcohol or is a user of psychotropic or toxic substances or drugs.

c) is prohibited from holding a public office or a position of public dignity, which derives from a finding of the National Integrity Authority.

Regarding the possession of a bachelor's degree, we mention that the law degrees of candidates for the position of prosecutor based on 10 years of service - Article 20 paragraph (31) of Law no. 3/2016, obtained until 2003 (before the implementation of the Bologna system) are equivalent to a master's degree.

Thus, these candidates with 10 years seniority do not need a master's degree, as their bachelor's degrees are equivalent to them.

Ukraine

submitting a statement and documents specified by this Law to persons who have expressed a desire to become a prosecutor to the relevant body conducting disciplinary proceedings. Such candidates must meet the criteria set out in the Law. Persons who meet the criteria of the Law pass the first stage of selection - the qualifying exam. The relevant body conducting disciplinary proceedings shall determine the rating of candidates for the position of prosecutor among persons who have successfully passed the qualifying examination and in respect of whom a special examination has been conducted, and shall include them in the reserve for filling vacant positions of prosecutors. A person who has not passed the qualifying examination at this stage has the right to retake the examination in a year. Candidates from the reserve to fill vacant positions of prosecutors undergo special training at the Training Center of Prosecutors of Ukraine. A candidate for the position of a prosecutor is considered to have successfully passed special training if he / she has received more than 50 percent of the maximum possible score as a result of the examination.

In case of opening vacant positions of prosecutors of the competition for such positions among the candidates who are in the reserve and have undergone special training, the competition is announced by the relevant body conducting disciplinary proceedings. Based on the results of the competition, the relevant body conducting disciplinary proceedings shall send to the head of the relevant prosecutor's office a proposal to appoint a candidate for the position of prosecutor of the prosecutor's office to fill the vacant position in which the candidate applied.

(2021): According to Part 6 of Art. 27 of the Law of Ukraine "On Prosecutor's Office" an individual may not be appointed to the position of a public prosecutor if he/she has an unexpunged or outstanding conviction, or has been charged with an administrative penalty for committing a corruption offense.

Question 113

Armenia

(2021): Qualification Commission of the Prosecution office is responsible for the entry selection procedure.

According to article 23 of the "Law on Prosecution"- The Qualification Commission shall have nine members, and for choosing the candidates of prosecutors for carrying out the activities stipulated in "Forfeiture of unlawfully acquired property" law, the Committee shall have 11 members. The Qualification Committee shall consist of one deputy of the Prosecutor General, four prosecutors, three law academics and the Rector of the Academy of Justice, and in the 2nd case the Committee shall include 2 experts (appointed by the Prosecutor General) having at least 3 year's experience in the field of forfeiture of unlawfully acquired property.

Ukraine

(2021): According to part 2 of Article 28 of the Law of Ukraine "On Prosecutor's Office" anyone who meets the requirements set for candidate public prosecutors shall be entitled to file their application for participation in the selection of candidates for the position of prosecutor to the relevant body conducting disciplinary

Question 114

Armenia

(2021): The procedure of the organization of the closed and open competitions is regulated by the order of the Prosecutor General. A closed competition of candidates may also be held during the year based on the instructions of the Prosecutor General. No public call is published during closed competitions and participants are notified by written or oral invitation. Person can participate in the closed competition if:

- 1) he/she meets the requirements provided by law and is exempted from studying in the Academy of Justice as prescribed by law,
- 2) he/she has appealed through a judicial procedure against the rejection of the application by the Qualification Commission, and the court satisfied the complaint, but open competition has ended. In cases prescribed by the 2nd point the candidate must attend the Academy of Justice.

Question 115

Armenia

(2021): The entry criteria are established by the "Law on Prosecutor's Office".

Ukraine

(2021): The decision on the selection of candidates for the position of prosecutor is posted on the official website

Question 116

Ukraine

(2021): Publication by the relevant body conducting disciplinary proceedings on the official website of the list of candidates who have successfully passed the qualification exam; information on the results of the qualification exam and the place of the candidate for the position of prosecutor in the ranking shall be publicly available and posted on the official website of the relevant body conducting disciplinary proceedings.

Question 118

Armenia

(2021): The appeal can be submitted to the Administrative court.

Republic of Moldova

(General Comment): Explanation: According to Article 191(3) of the Administrative Code, the Chisinau Court of Appeal shall settle in the first instance the actions in administrative disputes against the decisions of the Superior Council of Prosecutors. Candidates for the position of prosecutor on the basis of 5 years of seniority (art.20 paragraph (3) of Law no.3/2016), may contest the results of the exams at the Commission of Appeals of the National Institute of Justice. Candidates for the position of prosecutor on the basis of 10 years of service (art.20 paragraph (31) of Law no.3/2016) do not take any exams at the National Institute of Justice, so this category of candidates can challenge the decision of the Superior Council of Prosecutors on their selection in court.

Ukraine

(General Comment): Part 1 of Art. 27 of the Code of Administrative Procedure of Ukraine stipulates that administrative cases on appealing against acts, actions or omissions of the body conducting disciplinary proceedings are resolved by the district administrative court, the territorial jurisdiction of which extends to the city of Kyiv. Thus, in 2021, appeals against decisions of the relevant disciplinary body on the selection of candidates for the position of prosecutor fell within the exclusive competence of the Kyiv District Administrative Court. In addition, pursuant to part 5 of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor who was unsuccessful in special training (which is one of the stages of selection of candidates for the position of a prosecutor) may appeal such a decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receiving a copy of such a decision. In accordance with paragraph 11.1 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority on 26.10.2021 No. 113п-21, the decision to refuse to admit a person to the qualification exam, terminate participation in the selection, prevent the candidate from undergoing special training, exclude the candidate from the reserve for filling vacant positions of a prosecutor, as well as other decisions on the selection of candidates for the position of a district

(2021): Every person has the right to recourse to an administrative court if he/she believes that his/her rights, freedoms or legitimate interests have been violated by a decision, action or inaction of a public authority, and to ask for their protection. Part 1 of Art. 27 of the Code of Administrative Procedure of Ukraine stipulates that administrative cases on appealing against acts, actions or omissions of the body conducting disciplinary proceedings are resolved by the district administrative court, the territorial jurisdiction of which extends to the city of Kyiv. Thus, in 2021, appeals against decisions of the relevant disciplinary body on the selection of candidates for the position of prosecutor fell within the exclusive competence of the Kyiv District Administrative Court. In addition, pursuant to part 5 of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor who was unsuccessful in special training (which is one of the stages of selection of candidates for the position of a prosecutor) may appeal such a decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receiving a copy of such a decision. In accordance with paragraph 11.1 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority on 26.10.2021 No. 113п-21, the decision to refuse to admit a person to the qualification exam, terminate participation in the selection, prevent the candidate from undergoing special training, exclude the candidate from the reserve for filling vacant positions of a prosecutor, as well as other decisions on the selection of

Question 119

Armenia

(2021): The results of the candidate's education at the Academy of Justice are taken into account when appointing a prosecutor, and in case the candidate is exempted from studying at the Academy of Justice in accordance with the law, the results of the interview are taken into account.

In any case person may be appointed to the position of a prosecutor if he/she meets the requirements set out in Article 35 of the "Law on Prosecutor's Office" and there are no restrictions on the appointment of a prosecutor prescribed by law. For more details please see the comment of Q112.

Azerbaijan

(2021): Other criteria is efficiency, the level of professionalism, the results of his work and moral qualities. In order to determine whether the candidates have the necessary qualities to work in the prosecutor's office, interviews are conducted with those who have passed the qualification exams (tests and written exams). Each candidate is interviewed individually for approximately 20 (twenty) minutes. Questions and answers are recorded by the members of the Commission on the scoreboard and evaluated and submitted to the Chairman of the Commission. Candidates who score less than 20 points in the interview will lose the right to participate in the competition.

Georgia

(2021): Article 34 (3) of the Organic Law On Prosecution Service of Georgia prescribes main criteria of selection of public prosecutor. The criteria are as follows: A citizen of Georgia who has a higher education in law, has a command of the language of legal proceedings, has passed a qualification examination for the Prosecution Service, has completed an internship in the bodies of the Prosecution Service, has taken the oath of an employee of the Prosecution Service, and is able, based on his/her working and moral qualities, as well as his/her health status, to perform the duties of a prosecutor or investigator of the Prosecution Service, may be appointed to the position of a prosecutor of the Prosecution Service. Exceptions to this rule are stipulated in this Law.

Republic of Moldova

basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- c) seniority in the position of prosecutor or in other positions referred to in Article 20;
- (d) the quality and efficiency of work as a prosecutor;
- (e) compliance with the rules of professional ethics;
- (f) teaching and scientific work.

The procedure and criteria for the selection of candidates for the posts of public prosecutor and for the career of public prosecutor shall be laid down in detail in the regulations referred to in paragraph 1. (1), which shall be published on the official website of the Supreme Council of Prosecutors.

According to the evaluation sheet of the candidate for the position of prosecutor, Annex No.1 to the Regulation on the College for the Selection and Career of Prosecutors and the Procedure for the Selection and Career of Prosecutors, approved by the Decision of the Superior Council of Prosecutors No.12-14/17 of 23.02.2017, the College for the Selection and Career of Prosecutors shall evaluate including and:

-The candidates motivation and performance in the interview before the College:

1. Considerations that prompted the candidate to participate in the competition;
2. Firmness of desire to hold the position for which he/she is applying;
3. Self-control and firmness of presentation during the interview;
4. Understanding of the challenges facing prosecutors.

- Involvement of the candidate in activities in areas relevant to the prosecution:

1. Involvement of the candidate in working groups in areas relevant to prosecution work;
2. Participation as a member of the Scientific Advisory Board of the SCJ; expert, member of national or international projects with a major impact on strengthening the institutional capacities of institutions in the justice sector, member of working groups for adjusting legislation, etc.;
3. Other activities

- Teaching and scientific activity:

1. Relevance of academic work to the position of prosecutor;
2. Duration of teaching and scientific activity;

Ukraine

(2021): The relevant body conducting disciplinary proceedings shall determine the rating of candidates for the position of prosecutor according to the number of points scored by the candidates in the qualification exam.

A candidate for the position of a prosecutor shall undergo special training at the Prosecutor's Training Center of Ukraine for one year in order to acquire knowledge and skills of practical activity as a prosecutor, drafting procedural documents, studying the rules of prosecutorial ethics.

Based on the results of the special training, the Prosecutor's Training Center of Ukraine makes a motivated decision on successful or unsuccessful completion of the training, a copy of which is handed to the candidate for the position of prosecutor.

Pursuant to Article 28(1) of the Law of Ukraine "On the Prosecutor's Office", candidates for the position of a prosecutor are selected from among persons who meet the requirements set forth in Article 27 of this Law. A citizen of Ukraine who has a higher legal education, at least two years of work experience in the field of law and is proficient in the state language may be appointed as a prosecutor of a district prosecutor's office (part 1 of Article 27 of the Law of Ukraine "On the Prosecutor's Office"). A person who: 1) is recognized by the court as having limited legal capacity or incapacitated 2) has a disease that prevents him/her from performing the duties of a prosecutor 3) has an unexpunged or unexpired criminal record or has been subject to an administrative penalty for committing a corruption-related offense. Thus, one of the criteria for the selection of candidates for the position of prosecutor provided for in part 1 of Article 27 of the Law of Ukraine "On the Prosecutor's Office" is the relevance of previous work experience - at least two years of work experience in the field of law. In addition, during the competition for a vacant position of a prosecutor (which is a stage of selection for the position of a prosecutor), in accordance with the provisions of part four of Article 34 of the Law of Ukraine "On the Prosecutor's Office", if the candidates have the same number of points in the rating of candidates for the position of a prosecutor determined by the relevant body conducting disciplinary proceedings based on the results of the qualification exam, preference is given to the candidate who worked in a temporarily vacant position of a prosecutor or has a longer work experience in the field of law. In this case, the length of service of candidates in the field of law is calculated as of the date of the competition and is determined in accordance with Art. 27 of the Law of Ukraine "On the Prosecutor's Office" (paragraph 9.11 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority, 26.10.2021 No. 113п-21). Thus, in our opinion, the selection of candidates for the position of a prosecutor is also based on the criterion of "length of previous work experience". In addition, the procedure for the selection of candidates and their appointment to the position of a district prosecutor, as defined by Article 29 of the Law of Ukraine "On the Prosecutor's Office", includes the candidate for the

Question 120

Armenia

(2021): Qualification Commission

Ukraine

(2021): According to Part 1 of Art. 29 of the Law of Ukraine "On the Prosecutor's Office", the selection of candidates and their appointment to the position of prosecutor is carried out in accordance with the procedure established by this Law, and includes the adoption by the relevant body conducting disciplinary proceedings of a decision on the selection of candidates for the position of prosecutor, which is published on the official website of the relevant body conducting disciplinary proceedings and must contain the list of requirements, prescribed by this Law, that candidate public prosecutor must meet as well as the list of documents to be submitted to the relevant body conducting disciplinary proceedings, and the deadline for submitting them.

Pursuant to Article 28(1), Article 29(1), Article 77(1)(2) of the Law of Ukraine "On the Prosecutor's Office", starting from September 1, 2021, the selection of candidates for the position of a prosecutor in accordance with the procedure established by this Law shall be within the powers of the relevant body conducting disciplinary proceedings. Pursuant to the provisions of Part 1 of Article 73 of the Law of Ukraine "On the Prosecutor's Office", the relevant body conducting disciplinary proceedings is a collegial body that, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed their intention to hold the position of a prosecutor and decides on disciplinary liability, transfer and dismissal of prosecutors. The status and procedure of the relevant body conducting disciplinary proceedings are determined by Articles 73-79 of the Law. At the same time, the provisions of Art. 73(1), (2), (3), (4), (6) and (7) of the Law, Art. 74, (1) of the Law, Art. 75, Art. 76, (1) of the Law, Art. 77, (1-3) of the Law, Art. 78, 79 of the Law were suspended until September 1, 2021, based on the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of the Prosecution Service" of September 19, 2019 No. 113-IX. Until September 1, 2021, temporarily, in accordance with the provisions of paragraph 22 of Section II "Final and Transitional Provisions" of the Law of 19.09.2019 No. 113-IX, relevant personnel commissions were established in the Office of the Prosecutor General to ensure the selection of prosecutors. The list, composition and procedure of the personnel commissions of the Prosecutor General's Office were determined by the Prosecutor General. The

Question 121

Republic of Moldova

(2021): According to the legal provisions the appointment to the positions of prosecutor, chief prosecutor, deputy chief prosecutor, chief prosecutor of the General Prosecutor's Office or deputy chief prosecutor of the General Prosecutor's Office is made by order of the Prosecutor General, upon proposal of the Superior Council of Prosecutors.

Within 5 working days of receiving the proposal, the Prosecutor General is obliged to adopt a decision. The Prosecutor General may refuse, with reasons, the candidature submitted for appointment. The High Council of Prosecutors may repeatedly propose the same candidate with the vote of 2/3 of its members. This proposal shall be binding on the Prosecutor General.

Ukraine

to the head of the relevant prosecutor's office a proposal to appoint the candidate for the position of prosecutor of the prosecutor's office, for which the candidate applied.

According to Part 1 of Art. 35 of this Law, the head of the public prosecutor's office shall issue an order appointing the candidate public prosecutor to office not later than 30 days following the receipt of the appointment statement from the relevant body conducting disciplinary proceedings.

Question 122

Armenia

(2021): There are no such regulations according to the "Law on the Prosecutor's office". It should be noted that the Prosecutor General does not make separate decision on rejecting an appointment.

Question 123

Armenia

(2021): According to the "Law on Prosecution", the candidacies of applicants about whom the Qualification Committee issues a positive opinion shall be submitted to the Prosecutor General, who has a right to include the candidates in the list of prosecutor candidates. The Prosecutor General makes a reasoned decision on not including the applicant in the list, which the applicant can appeal through judicial procedure. Prosecutors are appointed by the Prosecutor General from among such persons included in the list of prosecutor candidates. Although the "Law on Prosecution" does not contain provision regarding appeal procedure, actions of the Prosecutor General can be appealed through judicial procedure, as the Constitution guarantees the right to judicial remedies.

Azerbaijan

(2021): In case of disagreement with the decision made on the appeal in accordance with Article 14.0.8 of the Law of the Republic of Azerbaijan "On Citizens' Appeals", the citizen whose appeal is considered has the right to appeal against this decision in court.

Republic of Moldova

(2021): The candidate has the right to challenge the decision of the Superior Council of Prosecutors at the Chisinau Court of Appeal and also has the right to challenge the order of the Prosecutor General in the competent administrative court.

Ukraine

(2021): The candidate for the position of a prosecutor, in respect of whom the decision on unsuccessful completion of special training was made, may appeal against such decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receipt of a copy of such decision. Based on the results of the review, the relevant body conducting disciplinary proceedings shall dismiss the complaint or satisfy the complaint and decide on the successful completion of special training by the candidate for the position of prosecutor.

Question 125

Armenia

(2021): 1. The grounds for removing a prosecutor from office are prescribed by Article 62 of the "Law on Prosecutor's Office" shall be: (1) a personal application; (2) reaching the age of 65, which is the maximum age for occupying the position of a prosecutor; (3) death of prosecutor; (4) termination of citizenship of the Republic of Armenia; (5) reduction of the staff positions; (6) refusal to be transferred to another subdivision of the Prosecutor's Office in case of liquidation or reorganisation of the respective subdivision where he/she has worked; (7) being recognised through a judicial procedure as dead or missing; (8) the emergence of any of the restrictions established by law; (9) as a result of imposition of a disciplinary penalty (dismissal); (10) act of the court proving that he/she was appointed to that position in violation of the requirements of the law; (11) as a result of attestation; (12) existence of a criminal judgment of conviction against him/her, having entered into legal force; (13) termination of the criminal prosecution initiated against the prosecutor on non justifying grounds. 2. Failure to go to work for more than six

Azerbaijan

(General Comment): This term can be prolonged till the age of 65 by the General Prosecutor.

Georgia

(General Comment): All prosecutors, except the Chief Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate a compulsory retirement age. According to the Prosecution Service Act and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The Chief Prosecutor of Georgia is appointed for the term of 6 years. The same person cannot be re-elected for a consecutive term.

compulsory retirement age. According to the Organic Law of Georgia on Prosecution Service and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

Republic of Moldova

(General Comment): According to articles 56, 57 of the Law on Prosecution no.3 from 25.02.2016, prosecutors are nominated for an indefinite period of time, the maximum age being 65. Prosecutor service relations cease in circumstances beyond the control of the parties and in case of dismissal.

The circumstances beyond the control of the parties are: (a) loss of citizenship of the Republic of Moldova; (b) reaching the age of 65; (c) the expiration of the term for which he/she was appointed in the case of refusal to be appointed to another position as a prosecutor; (d) if the judgement establishing the prosecutor's guilty for committing a crime is final; (e) depriving the prosecutor of the right to occupy certain positions or to carry out certain activities, as a basic punishment or complementary punishment, on the basis of a final court judgment ordering this sanction; (f) where the prosecutor is declared to have disappeared by a final court order; (g) death or declaration of death of the prosecutor by a final court judgement; (h) in case the court judgement on the limitation of the exercise capacity or the prosecutor's incapacity for work remains final; (i) the finding, after his/her appointment, of at least one reason why the person can not be appointed as a prosecutor. The prosecutor, the chief prosecutor and the deputy of the Prosecutor General shall be released from office in the case of: (a) submitting the request for resignation; (b) in case of the refusal to be transferred to another prosecutor's office or subdivision of the Prosecutor's Office, if the Prosecutor's Office or the subdivision of the Prosecutor's Office in which he/she has acted is liquidated or reorganized; (c) in case of the refusal to submit to the disciplinary sanction of relegation from office; (d) applying te disciplinary sanction of dismissal from the post of prosecutor when the judgement becomes irrevocable; (e) obtaining the "insufficient" rating for two consecutive evaluations or failure of the performance evaluation; (f) absence for two consecutive rounds of performance evaluation without justification; (g) registering as a candidate on the list of a political party or a social-political organization in elections to Parliament or local public administration authorities; (h) if the act establishing its incompatibility status or the violation of certain prohibitions is final; (i) where he/she is considered as medically unelligible for the performance of his/her duties; (j) in case of the refusal to be subject to verification under Law no. 271-XVI of December 18, 2008 regarding the verification of the holders and candidates for public positions; (k) appointment to a position incompatible with the position of prosecutor; (l) establishing, concluding a legal act or taking part in a decision without the resolution of the conflict of interest in accordance with the provisions of the legislation on conflict of interest; (m) the failure to submit the declaration of assets and personal interests or the refusal to submit it, under art. 27 par. (8) of the Law no. 132 of

Ukraine

(2021): The prosecutor shall be dismissed in the following cases:

- 1) inability to perform his/her duties for health reasons;
- 2) violation of the compatibility requirements, stipulated in Article 18 of this Law;
- 3) entry into force of the judgment bringing the public prosecutor to administrative liability for corruption offenses related to violation of the restrictions established in the Law of Ukraine On the Principles of Preventing and Combating Corruption;
- 3-1) entry into force of the court decision on recognition of the prosecutor's assets or assets acquired on his behalf by other persons or in other cases provided for in Article 290 of the Civil Procedure Code of Ukraine as unjustified and their confiscation in favor of the state;
- 4) inability to transfer to another position or lack of consent thereto due to direct subordination to a close person;
- 5) entry into force of a court judgment of guilt against him/her;
- 6) termination of the citizenship of Ukraine or assuming the citizenship of another state;
- 7) submission of a voluntary resignation application;
- 8) impossibility of further holding a temporary position; and
- 9) liquidation or reorganization of the public prosecutor's office employing the prosecutor or in case of public prosecutors' layoff hereto.

In addition to the grounds stipulated in paragraphs 1-9 of this part, the Deputy Prosecutor General shall be dismissed in case of violation of the requirements of the Law of Ukraine "On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)" in terms of submission, compliance with the deadlines for submission of the declaration of contacts.

Question 127

Azerbaijan

(2021): According to Article 5.2 of the Law of the Republic of Azerbaijan "On service in the prosecutor's office", a 6-month internship period is imposed for the persons recruited to the prosecutor's office for the first time. The Prosecutor General of the Republic of D. Mandate of prosecutors Page 44 of 106 Azerbaijan may recruit an employee with more than 5 years of experience in the legal profession without the internship period. At the end of the internship, if the head of the prosecutor's office where the intern is serving gives a positive opinion, the intern is appointed to a position with a probation period of 1 year (reduced to three months in 2021). An employee who has successfully passes the attestation after the end of the probation period in accordance with Article 5.3 of this Law shall be appointed to a permanent position in the Prosecutor's Office by being appointed to the 9th classification position provided for in Article 10 of this Law.

6.Promotion - List of tables

Table 6.1.1 Authority competent for the promotion of judges in 2021 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2021 (Q135 and Q136)

Table 6.1.3 Procedure and criteria for the promotion of judges in 2021 (Q133 and Q134)

Table 6.1.4 Authority competent for the promotion of prosecutors in 2021 (Q137)

Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2021 (Q140 and Q141)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2021 (Q138 and Q139)

Table 6.1.1 Authority competent for the promotion of judges in 2021 (Q132)

Beneficiaries	Authority competent for the promotion of judges in 2021				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia	Yes	Yes	Yes	No	No
Azerbaijan	No	No	Yes	No	No
Georgia	No	No	Yes	No	No
Republic of Moldova	Yes	Yes	Yes	No	No
Ukraine	No	No	Yes	No	No

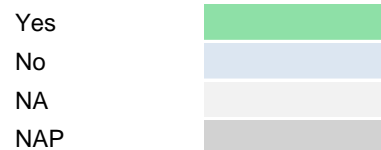


Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2021 (Q135 and Q136)

Beneficiaries	Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2021						
	Possibility to appeal	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body
Armenia	Yes	No	No	No	Yes	No	No
Azerbaijan	Yes	No	No	No	Yes	No	No
Georgia	Yes	No	No	No	Yes	No	No
Republic of Moldova	Yes	No	No	Yes	Yes	No	No
Ukraine	Yes	No	No	No	Yes	No	No


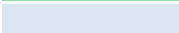
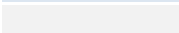

Yes 
 No 
 NA 
 NAP 

Table 6.1.3 Procedure and criteria for the promotion of judges in 2021 (Q133 and Q134)

Beneficiaries	Procedure and criteria for the promotion of judges in 2021									
	Procedure for the promotion of judges				Criteria used for the promotion of a judge					
	Competitive test / Exam	Previous individual evaluations	Other procedure (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine										


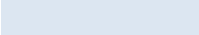
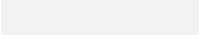

Yes 
 No 
 NA 
 NAP 

Table 6.1.4 Authority competent for the promotion of prosecutors in 2021 (Q137)

Beneficiaries	Authority competent for the promotion of prosecutors in 2021				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes
No
NA
NAP

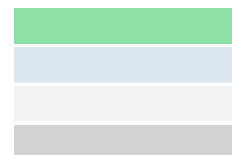


Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2021 (Q140 and Q141)

Beneficiaries	Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2021						
	Possibility to appeal	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Armenia	Yes	No	No	No	Yes	No	No
Azerbaijan	Yes	No	No	No	Yes	No	No
Georgia	Yes	No	No	No	Yes	No	No
Republic of Moldova	Yes	No	No	No	Yes	No	No
Ukraine	Yes	No	No	No	Yes	No	No


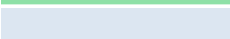



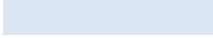
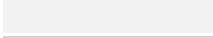

Yes 
 No 
 NA 
 NAP 

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2021 (Q138 and Q139)

Beneficiaries	Procedure and criteria for the promotion of prosecutors in 2021									
	Procedure for the promotion of prosecutors				Criteria used for the promotion of a prosecutor					
	Competitive test / Exam	Previous individual evaluations	Other procedure (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine										

Yes 
 No 
 NA 
 NAP 

Indicator 6- Promotion

by country

Question 132 - Which authority is competent for the promotion of judges?

Question 133 - What is the procedure for the promotion of judges? (multiple replies possible)

Question 134 - Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

Question 135 - Can a decision on the promotion of judges be appealed?

Question 136 - If yes, what is the body competent to decide on appeal?

Question 137 - Which authority is competent for the promotion of prosecutors?

Question 138 - What is the procedure for the promotion of prosecutors? (multiple replies possible)

Question 139 - Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):

Question 140 - Can a decision on the promotion of prosecutors be appealed?

Question 141 - If yes, what is the body competent to decide on appeal?

Armenia

Q132 (General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates.

2. The promotion lists of judge candidates shall be as follows:

(1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;

Q132 (2021): Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years. The same person may be elected as chairperson of a chamber of the Court of Cassation only once.

The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.

Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council. The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of the corresponding court, for a term of three years. The chairperson of the court may not be re-appointed to this

Q133 (General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

- (1) a judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;
- (2) a former judge having held office during the last 10 years who possesses at least five years of experience as a judge.
- (3) a person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

- (1) a judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (2) a former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (3) a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

Q134 (General Comment): In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance

Q134 (2021): Absence of disciplinary sanctions is also a criteria.

Q136 (2021): The decision may be appealed to the Administrative court.

Q138 (General Comment): The prosecutors promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The "Law on Prosecutor's Office" explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

Q139 (General Comment): Absence of disciplinary sanctions is also a criteria.

Azerbaijan

Q132 (General Comment): According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan “On the Judicial-Legal Council” (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council

Q133 (General Comment): The judges' promotion procedure is based on assessment of judges performance.

Q133 (2021): As it was mentioned above, according to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President.

However, in accordance with the Law of the Republic of Azerbaijan “On the Judicial-Legal Council” (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion.

The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

The evaluation procedure is carried out in accordance with Article 13 of the Law “on the Judicial-Legal Council” and “the Rules for the Evaluation of Judges' Performance” approved by the Judicial-Legal Council on 06.03.2020.

In accordance with international practice, “the Rules for the Evaluation of Judges' Performance” define various and multifaceted criteria, as well as quantitative and

Q134 (General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Q136 (2021): "Court" means The Presidium of Supreme Court

Q138 (General Comment): According to article 32 of the Law on Prosecution, prosecutors can be promoted if they run their obligations properly. They have to pass the interview (attestation) in the special board of the Office of General prosecutor regularly. The Competition Commission established in the General Prosecutor's Office in accordance with the “Regulations on Competition among Candidates for Recruitment to the Prosecutor's Office” approved by the Decree of the President of the Republic of Azerbaijan dated June 19, 2001 shall be considered competent. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special

Georgia

Q132 (2021): Promotion of district (city) court judges to courts of appeals is decided by the HCJ.

Election to the position of Supreme Court judges is conducted by Parliament, upon nomination of candidates by the HCJ.

court of appeals through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge inter alia at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence - prescribed by Articles 36.2 and 36.3 of the LCC, the examination of cases, the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice, by a secret ballot.

2. Appointment of judge at Court of Appeal under article 37 - Article 37 of the LCC sets forth the rule for appointment of a judge to another court (to another court of the same instance or to the court of appeals). In particular, “when there is a vacancy, a judge of a district (city) court may be appointed to the court of appeals without competition if he/she meets the requirements set forth in Article 41.” Article 41 concerns promotion of a judge and prescribes that “a judge of a district (city) court may be appointed in the court of appeals if he/she has at least five years’ experience of working as a judge of district (city) court”. Article 13.1 of the Rules of Procedure of the HCJ regulates the procedure for hearing an issue on appointing a judge to another court. According to article 13.1 of the mentioned rule: For the purpose of ensuring the right to be promoted, also for the purposes of the mobility of judges and efficient use of the experience of the acting judges, the HCJ may, in case of existence of vacancies at the court of appeal, determine the number of the vacant positions designated for judicial promotion. The information on vacancies shall be published on the official website of the HCJ. “Any judge of the common courts is entitled to submit an application. The HCJ reviews the applications and invites the candidates for interview. “While making the decision, the member of the HCJ shall take into consideration the quantitative and qualitative indicators of the judge’s performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.” “The HCJ shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the HCJ, by a secret ballot.”

3. Appointment of Supreme Court Judges - In the course of 2019-2021, the Parliament of Georgia adopted the legislation, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this

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Q134 (2021): A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to

Q137 (General Comment): On 22 April 2019, the Prosecutor General established new consultative body, the Career Management, Ethics and Incentives Council. The Council is responsible for sustainable development of PSG as well as application of incentives, promotion and disciplinary liability in relation to PSG employees. It replaced the previously existing Consultative Council, which was created by the Order of the Chief Prosecutor on 11 January 2016. The most important difference between the current and the former consultative bodies is that the new one has the legislative basis that was enshrined in the Organic Law on Prosecution Service during the 2018 PSG reforms. The Career Management, Ethics and Incentives Council is composed of the following 16 members: the General Prosecutor; the First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the head of the General Inspection Unit; the head of the Human Resources Management and Development Department and the head of the Department for Supervision over Prosecutorial Activities and Strategic Development. The General Prosecutor promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the General Prosecutor shall provide the reasons.

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Q139 (2021): PSG comment: The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The evaluation covers the following areas:

☐ quality of prosecutorial work

☐ workload of prosecutor ☐ assessment by a supervisor

Republic of Moldova

Q132 (2021): The Superior Council of Magistracy proposes the candidates as a result of the evaluation process.

agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic or, when appropriate, the Parliament. The promotion in a superior court, the nomination as president or vice-president, the transfer of a judge in a court of the same or inferior level are preceded by the assessment of the work of the judge, according to the Law n°154 of 5 July 2012 on the selection, the assessment of performances and the career of judges and the rules of the Superior Council of Magistracy.

The judge subjected to a disciplinary penalty or who is qualified as "insufficient" during his/her assessment may not, for a year, be promoted in a superior court, may not be nominated to be president or vice-president of a court, may not be transferred in another court, may not be elected as member of the Superior Council of Magistracy and its subordinated bodies.

Q134 (General Comment): According to the Regulation approved by the Decision No.212/8 of the Superior Council of Magistracy from 2013, revised in 2018, there are analyzed several indicators to evaluate (quantitative) a judge for promotion. It is taken into account the clearance rate, compliance with reasonable procedural time limits, compliance with the deadline for drafting the decision, fulfillment in legal terms of other attributions established by law, knowledge and application of

Q138 (General Comment): According to the provisions of Article 54 paragraph (11) of Law no. 3/2016, the promotion of the prosecutor is made by competition, under the conditions provided by law.

According to the provisions of Article 22(4) of the same law, the prosecutor in office who wishes to be promoted may be entered in the Register if in the last four years before the submission of the application for entry in the Register he/she has been subject to a performance evaluation. A prosecutor seeking appointment as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he or she has been subject to a performance appraisal in the two years preceding the submission of the application for entry in the Register.

In accordance with the provisions of Article 23(1) of the above-mentioned Law, the College for the Selection and Career of Prosecutors under the Superior Council of Prosecutors shall assess the candidates entered in the Register referred to in Article 22 on the basis of the criteria laid down in this Law and in accordance with the regulations approved by the Superior Council of Prosecutors.

Q139 (General Comment): According to the Law no.3 of 25.02.2016 on the Prosecutor's Office, (2) in the competition, candidates shall be assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- c) seniority in the position of prosecutor or in other positions referred to in Article 20;
- (d) the quality and efficiency of work as a prosecutor;
- (e) compliance with the rules of professional ethics;
- (f) teaching and scientific work.

Ukraine

Q133 (General Comment): The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II “Final and transitional provisions” of the Law of Ukraine On Amendments to the Law of Ukraine “On the Judiciary and Status of Judges” and Some Laws of Ukraine on the Activity of Judicial Governance Bodies” No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

Q133 (2021): Article 28 of the Law of Ukraine "On the Judiciary and the Status of Judges" establishes that to serve as an appellate court judge, a person must meet the requirements for candidates for judicial office, have his/her ability to administer justice in the appellate court confirmed by the results of a qualification assessment, and also meet at least one of the following requirements:

- 1) have served for at least five years as a judge;
- 2) have a degree in the field of law and at least seven years of experience of research work in the field of law;
- 3) have at least seven years of professional experience as a lawyer, including court representation and/or criminal defence;
- 4) have a total length of service (professional experience) in accordance with the requirements specified in clauses 1–3 of this part of at least seven years.

Article 38 of the Law of Ukraine "On the Judiciary and the Status of Judges" establishes that to serve as a Supreme Court judge, a person must meet the requirements for candidates for judicial office, have his/her ability to administer justice in the Supreme Court confirmed by the results of a qualification assessment, and also meet at least one of the following requirements:

- 1) have served for at least ten years as a judge;
- 2) have a degree in the field of law and at least ten years of experience of research work in the field of law;
- 3) have at least ten years of professional experience as a lawyer, including court representation and/or criminal defence;
- 4) have a total length of service (professional experience) in accordance with the requirements specified in clauses 1-3 of this part of at least ten years.

Q134 (General Comment): The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

Q137 (General Comment): In accordance with clause 22 of Law 113-IX, the transfer of prosecutors to a higher-level prosecutor's office until September 1, 2021, was carried out upon the results of the selection in accordance with the Procedure for the transfer of a prosecutor to a higher-level prosecutor's office, approved by the order of the Prosecutor General dated September 16, 2020 No. 454 and in accordance with the orders of the Prosecutor General dated April 14, 2021 No. 93-122, which established the relevant HR commissions in all regional prosecutor's offices and ensured the selection in the order of transfer to a higher-level prosecutor's office. Prosecutors in the Office of the Prosecutor General and regional prosecutor's offices were appointed by decisions of such commissions. A condition for a prosecutor to participate in the selection was that he or she submit an application for transfer and have the relevant seniority provided for in parts two and three of Article 27 of the Law of Ukraine "On the Prosecutor's Office". In addition, Law 113-IX temporarily suspended until September 1, 2021, part 4 of Article 39 of the Law of Ukraine "On the Prosecutor's Office," which defines the procedure for appointing prosecutors to administrative positions. Paragraph 22 of Section II of this Law stipulates that temporarily, until September 1, 2021, appointments to administrative positions in the prosecution authorities are made after the relevant approval of the Commission for the Selection of the Management of the Prosecutor's Office. Orders of the Prosecutor General No. 335 of December 16, 2019, No. 190 of April 15, 2020, and No. 168 of May 31, 2021 approved the Regulations on the Commission for the Selection of the Management of the Prosecutor's Office. The composition of the above commissions was approved by the orders of the Prosecutor General No. 340 dated December 19, 2019, No. 196 dated April 22, 2020, and No. 213 dated June 29, 2021. The Commission was authorized to make decisions on approving or refusing to approve the appointment of persons to administrative positions provided for in paragraphs 4-15 of part one of Article 39 of the Law of Ukraine "On the Prosecutor's Office", as specified in subparagraph 6 of paragraph 22 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Starting from September 1, 2021, the procedure for appointment to administrative positions in the prosecutor's office, as defined in Article 39(4) of the Law of Ukraine "On the Prosecutor's Office", as well as transfer to a higher-level prosecutor's office upon the results of a competition, the procedure for which is determined by the relevant body conducting disciplinary proceedings (Article 38 of the Law of Ukraine "On the Prosecutor's Office"), has been restored. First deputies, deputies of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies, and heads of district prosecutor's offices were also appointed on the recommendation of the Council of Prosecutors of Ukraine. Prosecutors of the Prosecutor General's Office were appointed by the Prosecutor General, prosecutors of the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office - by

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Q139 (General Comment): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 13зп-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

Q139 (2021): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 13-2/п-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

Indicator 6- Promotion

by question No.

Question 132 - Which authority is competent for the promotion of judges?

Question 133 - What is the procedure for the promotion of judges? (multiple replies possible)

Question 134 - Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

Question 135 - Can a decision on the promotion of judges be appealed?

Question 136 - If yes, what is the body competent to decide on appeal?

Question 137 - Which authority is competent for the promotion of prosecutors?

Question 138 - What is the procedure for the promotion of prosecutors? (multiple replies possible)

Question 139 - Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):

Question 140 - Can a decision on the promotion of prosecutors be appealed?

Question 141 - If yes, what is the body competent to decide on appeal?

Question 132

Armenia

(General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. 2. The promotion lists of judge candidates shall be as follows:

(1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;

(2021): Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years. The same person may be elected as chairperson of a chamber of the Court of Cassation only once.

The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.

Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council. The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme

Azerbaijan

(General Comment): According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan “On the Judicial-Legal Council” (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the

Georgia

(2021): Promotion of district (city) court judges to courts of appeals is decided by the HCJ.

Election to the position of Supreme Court judges is conducted by Parliament, upon nomination of candidates by the HCJ.

Republic of Moldova

(2021): The Superior Council of Magistracy proposes the candidates as a result of the evaluation process.

Question 133

Armenia

(General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

(1) a judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;

(2) a former judge having held office during the last 10 years who possesses at least five years of experience as a judge.

(3) a person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

(1) a judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(2) a former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(3) a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

Azerbaijan

(General Comment): The judges' promotion procedure is based on assessment of judges performance.

(2021): As it was mentioned above, according to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President.

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The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

The evaluation procedure is carried out in accordance with Article 13 of the Law “on the Judicial-Legal Council” and “the Rules for the Evaluation of Judges' Performance” approved by the Judicial-Legal Council on 06.03.2020.

In accordance with international practice, “the Rules for the Evaluation of Judges' Performance” define various and multifaceted criteria, as well as quantitative and

Georgia

of appeals through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge inter alia at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence - prescribed by Articles 36.2 and 36.3 of the LCC, the examination of cases, the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice, by a secret ballot.

2. Appointment of judge at Court of Appeal under article 37 - Article 37 of the LCC sets forth the rule for appointment of a judge to another court (to another court of the same instance or to the court of appeals). In particular, “when there is a vacancy, a judge of a district (city) court may be appointed to the court of appeals without competition if he/she meets the requirements set forth in Article 41.” Article 41 concerns promotion of a judge and prescribes that “a judge of a district (city) court may be appointed in the court of appeals if he/she has at least five years’ experience of working as a judge of district (city) court”. Article 13.1 of the Rules of Procedure of the HCJ regulates the procedure for hearing an issue on appointing a judge to another court. According to article 13.1 of the mentioned rule: For the purpose of ensuring the right to be promoted, also for the purposes of the mobility of judges and efficient use of the experience of the acting judges, the HCJ may, in case of existence of vacancies at the court of appeal, determine the number of the vacant positions designated for judicial promotion. The information on vacancies shall be published on the official website of the HCJ. “Any judge of the common courts is entitled to submit an application. The HCJ reviews the applications and invites the candidates for interview. “While making the decision, the member of the HCJ shall take into consideration the quantitative and qualitative indicators of the judge’s performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.” “The HCJ shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the HCJ, by a secret ballot.”

3. Appointment of Supreme Court Judges - In the course of 2019-2021, the Parliament of Georgia adopted the legislation, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this

through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge inter alia at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence - prescribed by Articles 36.2 and 36.3 of the LCC, the examination of cases, the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice, by a secret ballot.

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Republic of Moldova

agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic or, when appropriate, the Parliament. The promotion in a superior court, the nomination as president or vice-president, the transfer of a judge in a court of the same or inferior level are preceded by the assessment of the work of the judge, according to the Law n°154 of 5 July 2012 on the selection, the assessment of performances and the career of judges and the rules of the Superior Council of Magistracy.

The judge subjected to a disciplinary penalty or who is qualified as "insufficient" during his/her assessment may not, for a year, be promoted in a superior court, may not be nominated to be president or vice-president of a court, may not be transferred in another court, may not be elected as member of the Superior Council of Magistracy and its subordinated bodies.

Ukraine

(General Comment): The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II "Final and transitional provisions" of the Law of Ukraine On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

(2021): Article 28 of the Law of Ukraine "On the Judiciary and the Status of Judges" establishes that to serve as an appellate court judge, a person must meet the requirements for candidates for judicial office, have his/her ability to administer justice in the appellate court confirmed by the results of a qualification assessment, and also meet at least one of the following requirements:

- 1) have served for at least five years as a judge;
- 2) have a degree in the field of law and at least seven years of experience of research work in the field of law;
- 3) have at least seven years of professional experience as a lawyer, including court representation and/or criminal defence;
- 4) have a total length of service (professional experience) in accordance with the requirements specified in clauses 1–3 of this part of at least seven years.

Article 38 of the Law of Ukraine "On the Judiciary and the Status of Judges" establishes that to serve as a Supreme Court judge, a person must meet the requirements for candidates for judicial office, have his/her ability to administer justice in the Supreme Court confirmed by the results of a qualification assessment, and also meet at least one of the following requirements:

- 1) have served for at least ten years as a judge;
- 2) have a degree in the field of law and at least ten years of experience of research work in the field of law;
- 3) have at least ten years of professional experience as a lawyer, including court representation and/or criminal defence;
- 4) have a total length of service (professional experience) in accordance with the requirements specified in clauses 1-3 of this part of at least ten years.

Question 134

Armenia

(General Comment): In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance evaluation

(2021): Absence of disciplinary sanctions is also a criteria.

Azerbaijan

(General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Georgia

(2021): A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to

Republic of Moldova

(General Comment): According to the Regulation approved by the Decision No.212/8 of the Superior Council of Magistracy from 2013, revised in 2018, there are analyzed several indicators to evaluate (quantitative) a judge for promotion. It is taken into account the clearance rate, compliance with reasonable procedural time limits, compliance with the deadline for drafting the decision, fulfillment in legal terms of other attributions established by law, knowledge and application of

Ukraine

(General Comment): The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

Question 136

Armenia

(2021): The decision may be appealed to the Administrative court.

Azerbaijan

(2021): "Court" means The Presidium of Supreme Court

Question 137

Georgia

(General Comment): On 22 April 2019, the Prosecutor General established new consultative body, the Career Management, Ethics and Incentives Council. The Council is responsible for sustainable development of PSG as well as application of incentives, promotion and disciplinary liability in relation to PSG employees. It replaced the previously existing Consultative Council, which was created by the Order of the Chief Prosecutor on 11 January 2016. The most important difference between the current and the former consultative bodies is that the new one has the legislative basis that was enshrined in the Organic Law on Prosecution Service during the 2018 PSG reforms. The Career Management, Ethics and Incentives Council is composed of the following 16 members: the General Prosecutor; the First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the head of the General Inspection Unit; the head of the Human Resources Management and Development Department and the head of the Department for Supervision over Prosecutorial Activities and Strategic Development. The General Prosecutor promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the General Prosecutor shall provide the reasons.

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Ukraine

(General Comment): In accordance with clause 22 of Law 113-IX, the transfer of prosecutors to a higher-level prosecutor's office until September 1, 2021, was carried out upon the results of the selection in accordance with the Procedure for the transfer of a prosecutor to a higher-level prosecutor's office, approved by the order of the Prosecutor General dated September 16, 2020 No. 454 and in accordance with the orders of the Prosecutor General dated April 14, 2021 No. 93-122, which established the relevant HR commissions in all regional prosecutor's offices and ensured the selection in the order of transfer to a higher-level prosecutor's office. Prosecutors in the Office of the Prosecutor General and regional prosecutor's offices were appointed by decisions of such commissions. A condition for a prosecutor to participate in the selection was that he or she submit an application for transfer and have the relevant seniority provided for in parts two and three of Article 27 of the Law of Ukraine "On the Prosecutor's Office". In addition, Law 113-IX temporarily suspended until September 1, 2021, part 4 of Article 39 of the Law of Ukraine "On the Prosecutor's Office," which defines the procedure for appointing prosecutors to administrative positions. Paragraph 22 of Section II of this Law stipulates that temporarily, until September 1, 2021, appointments to administrative positions in the prosecution authorities are made after the relevant approval of the Commission for the Selection of the Management of the Prosecutor's Office. Orders of the Prosecutor General No. 335 of December 16, 2019, No. 190 of April 15, 2020, and No. 168 of May 31, 2021 approved the Regulations on the Commission for the Selection of the Management of the Prosecutor's Office. The composition of the above commissions was approved by the orders of the Prosecutor General No. 340 dated December 19, 2019, No. 196 dated April 22, 2020, and No. 213 dated June 29, 2021. The Commission was authorized to make decisions on approving or refusing to approve the appointment of persons to administrative positions provided for in paragraphs 4-15 of part one of Article 39 of the Law of Ukraine "On the Prosecutor's Office", as specified in subparagraph 6 of paragraph 22 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Starting from September 1, 2021, the procedure for appointment to administrative positions in the prosecutor's office, as defined in Article 39(4) of the Law of Ukraine "On the Prosecutor's Office", as well as transfer to a higher-level prosecutor's office upon the results of a competition, the procedure for which is determined by the relevant body conducting disciplinary proceedings (Article 38 of the Law of Ukraine "On the Prosecutor's Office"), has been restored. First deputies, deputies of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies, and heads of district prosecutor's offices were also appointed on the recommendation of the Council of Prosecutors of Ukraine. Prosecutors of the Prosecutor General's Office were appointed by the Prosecutor General, prosecutors of the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office - by

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Question 138

Armenia

(General Comment): The prosecutors promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The "Law on Prosecutor's Office" explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

Azerbaijan

(General Comment): According to article 32 of the Law on Prosecution, prosecutors can be promoted if they run their obligations properly. They have to pass the interview (attestation) in the special board of the Office of General prosecutor regularly. The Competition Commission established in the General Prosecutor's Office in accordance with the "Regulations on Competition among Candidates for Recruitment to the Prosecutor's Office" approved by the Decree of the President of the Republic of Azerbaijan dated June 19, 2001 shall be considered competent. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special opinion,

Republic of Moldova

(General Comment): According to the provisions of Article 54 paragraph (11) of Law no. 3/2016, the promotion of the prosecutor is made by competition, under the conditions provided by law.

According to the provisions of Article 22(4) of the same law, the prosecutor in office who wishes to be promoted may be entered in the Register if in the last four years before the submission of the application for entry in the Register he/she has been subject to a performance evaluation. A prosecutor seeking appointment as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he or she has been subject to a performance appraisal in the two years preceding the submission of the application for entry in the Register.

In accordance with the provisions of Article 23(1) of the above-mentioned Law, the College for the Selection and Career of Prosecutors under the Superior Council of Prosecutors shall assess the candidates entered in the Register referred to in Article 22 on the basis of the criteria laid down in this Law and in accordance with the regulations approved by the Superior Council of Prosecutors.

Question 139

Armenia

(General Comment): Absence of disciplinary sanctions is also a criteria.

Georgia

(2021): PSG comment: The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The evaluation covers the following areas:

☑quality of prosecutorial work

☑workload of prosecutor ☑assessment by a supervisor

Republic of Moldova

(General Comment): According to the Law no.3 of 25.02.2016 on the Prosecutor's Office, (2) in the competition, candidates shall be assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- c) seniority in the position of prosecutor or in other positions referred to in Article 20;
- (d) the quality and efficiency of work as a prosecutor;
- (e) compliance with the rules of professional ethics;
- (f) teaching and scientific work.

Ukraine

(General Comment): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 13зп-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

(2021): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 13-2/п-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

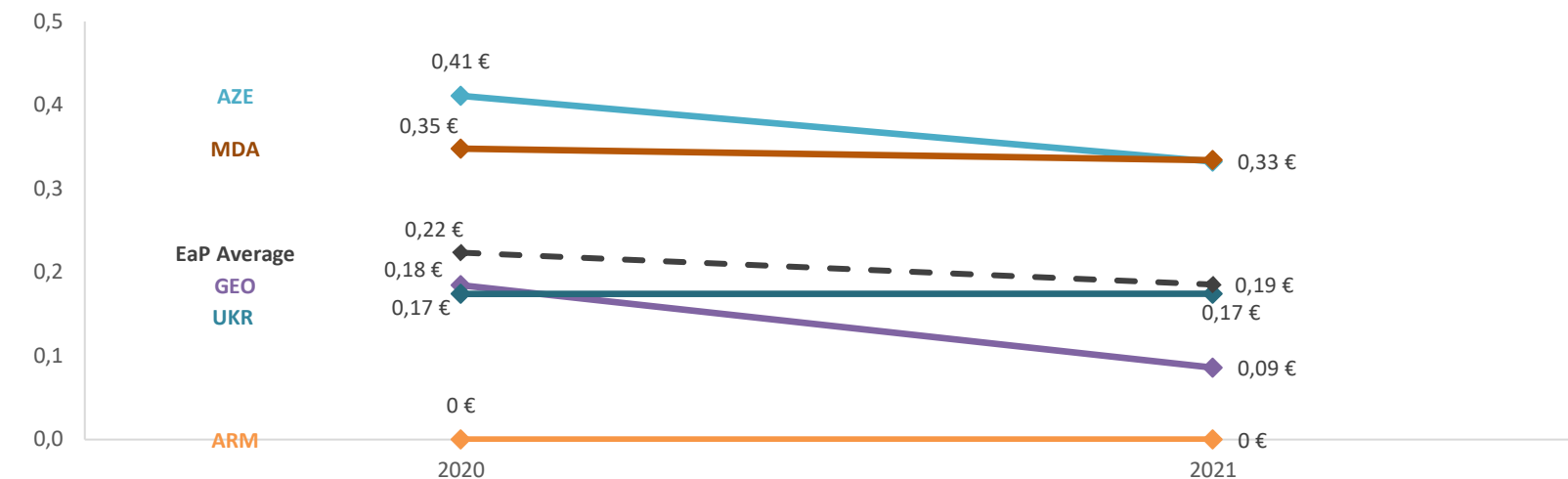
7. Training - Overview

Training budget

Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2020 and 2021 (Table 7.1.3)

Beneficiaries	2020	2021	Variation 2020-2021 (%)
Armenia	0 €	0 €	NA
Azerbaijan	0,41 €	0,33 €	-19,1%
Georgia	0,18 €	0,09 €	-53,4%
Republic of Moldova	0,35 €	0,33 €	-4,0%
Ukraine	0,17 €	0,17 €	0,1%
EaP Average	0,22 €	0,19 €	-19,1%

Figure 7.1 Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2020 and 2021



Armenia: The training institution does not have a separate budget. In 2021, the overall budget named “Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” was equal to 743.586 euros, which is 0,25€ per inhabitant.

Number of trainings

Number of trainings in 2021 (Tables 7.2.5, 7.2.7 and 7.2.8)

Beneficiaries	Live (in person, hybrid, video conference) trainings						Internet-based trainings	
	Available			Delivered			Provided by the public institution(s)	Completed on other e-learning platforms
	Total	For judges	For prosecutors	Total	For judges	For prosecutors		
Armenia	94	59	35	84	50	34	12	9
Azerbaijan	370	268	22	544	390	37	0	17
Georgia	98	6	81	211	52	103	NAP	12
Republic of Moldova	124	78	63	248	156	126	13	21
Ukraine	NA	227	156	NA	227	259	NA	NA
EaP Average	172	128	71	272	175	112	8	15

Figure 7.2 Average number of days per delivered live training in 2021

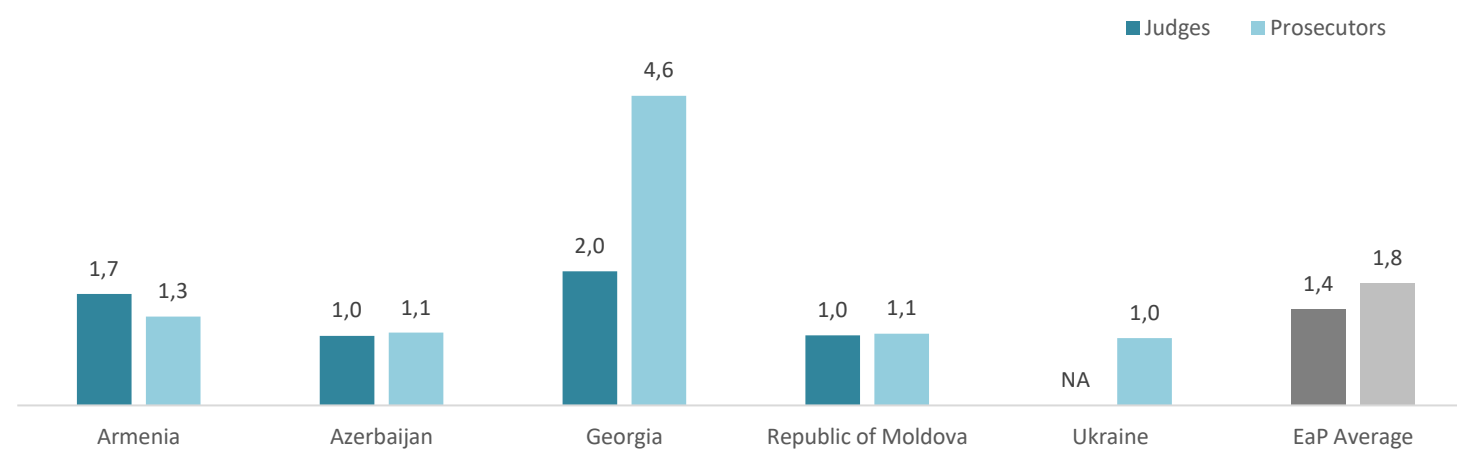
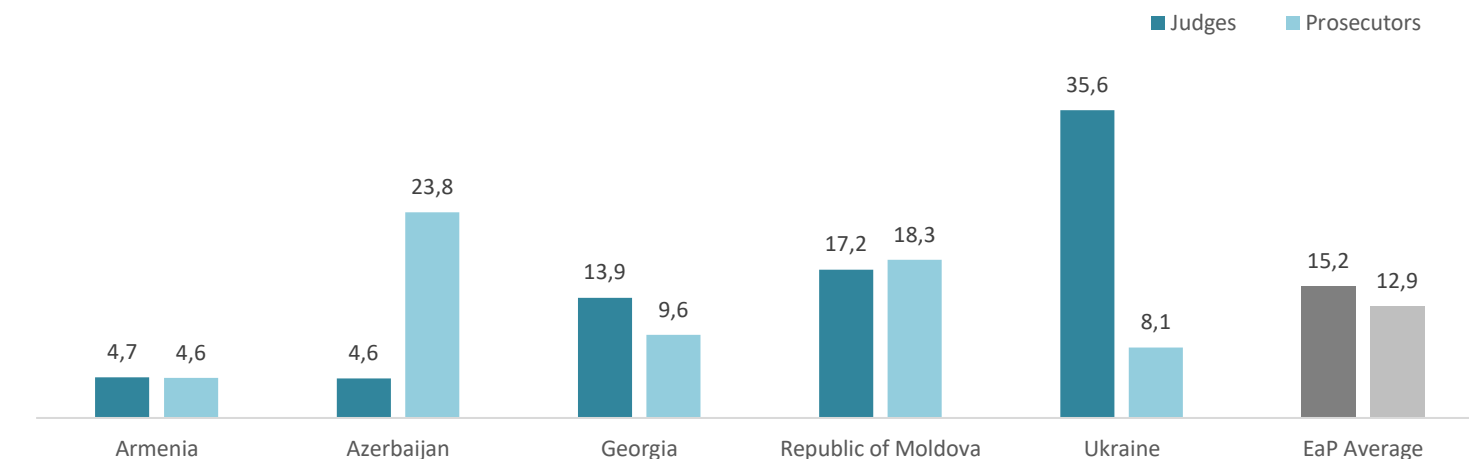


Figure 7.3 Average number of training participants per live training in 2021



Training participants in live trainings

CEPEJ distinguish these types of trainings:

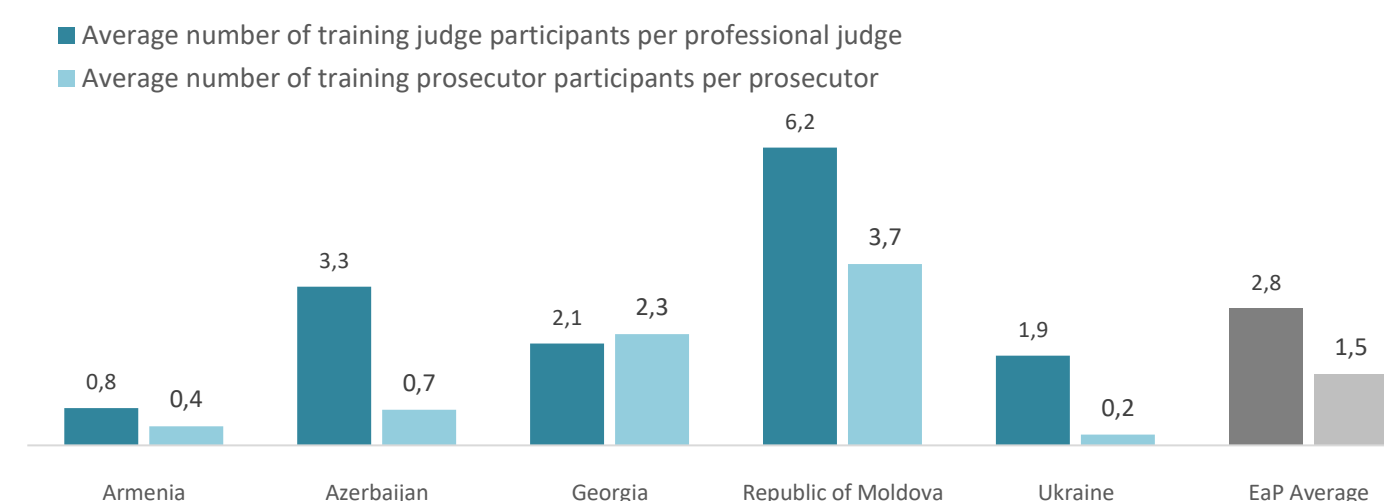
“A live” training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).

“Internet-based” trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Trainings participants (judges and prosecutors) on live and internet trainings, and average number of training participants per professional judge/prosecutor in 2021 (Tables 7.2.6 and 7.2.9)

Beneficiaries	Live trainings					
	Participating judges	Number of judges in each beneficiary	Average number of training judge participants per professional judge	Participating prosecutors	Number of prosecutors in each beneficiary	Average number of training prosecutor participants per prosecutor
Armenia	235	303	0,8	158	398	0,4
Azerbaijan	1 776	541	3,3	881	1 200	0,7
Georgia	723	343	2,1	991	432	2,3
Republic of Moldova	2 677	435	6,2	2 305	615	3,7
Ukraine	8 082	4 360	1,9	2 105	9 683	0,2
EaP Average	2 699	1 196	2,8	1 288	2 466	1,5

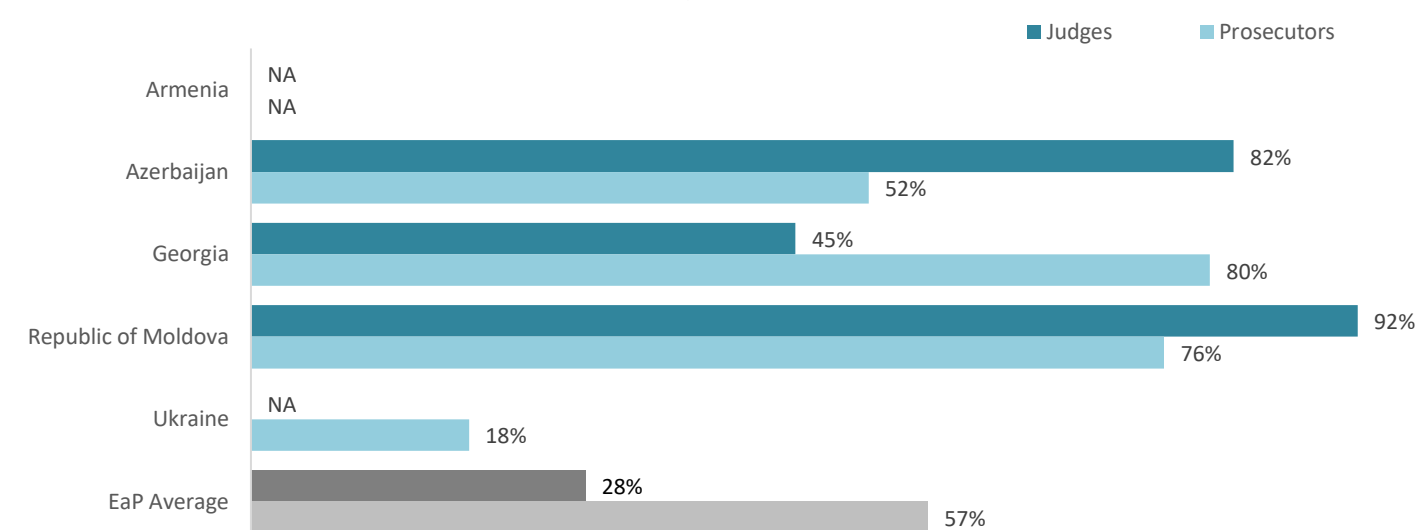
Figure 7.4 Average number of live training participations per judge/prosecutor in 2021



Number of unique participants on trainings and percentage of judges and prosecutors attending at least one training 2021 (Table 7.2.9)

Beneficiaries	Number of unique participants in live trainings		Percentage of judges/prosecutors having attended at least one training	
	Judges	Prosecutors	Judges	Prosecutors
Armenia	NA	NA	NA	NA
Azerbaijan	444	619	82%	52%
Georgia	156	346	45%	80%
Republic of Moldova	402	469	92%	76%
Ukraine	NA	1763	NA	18%
EaP Average	334	799	28%	57%

Figure 7.5 Percentage of judges/prosecutors having attended at least one training in 2021



Trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of training courses organised by institutions responsible for trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2021
(Tables 7.3.1, 7.3.2 and 7.3.3)

Beneficiaries	Training courses organised by institutions responsible for training					
	Number of live trainings organised by the public institution(s) responsible for training		Number of internet-based trainings provided on the e-learning platform of the training institution		Number of internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...)	
	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights
Armenia	NAP	5	NAP	2	NAP	NAP
Azerbaijan	54	14	0	0	3	1
Georgia	2	47	NAP	NAP	2	6
Republic of Moldova	NAP	48	4	10	10	10
Ukraine	4	4	4	4	3	4
EaP Average	20	24	3	4	5	5

Figure 7.6 Number of live trainings in 2021

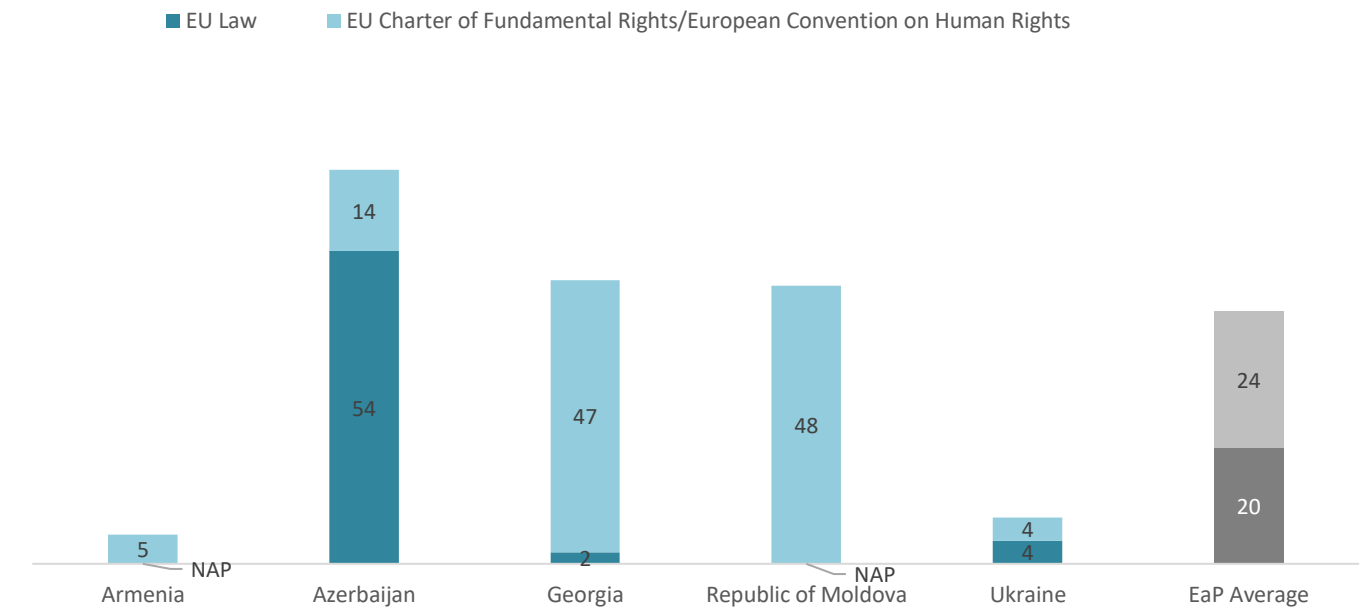


Figure 7.7 Training on EU Law in 2021

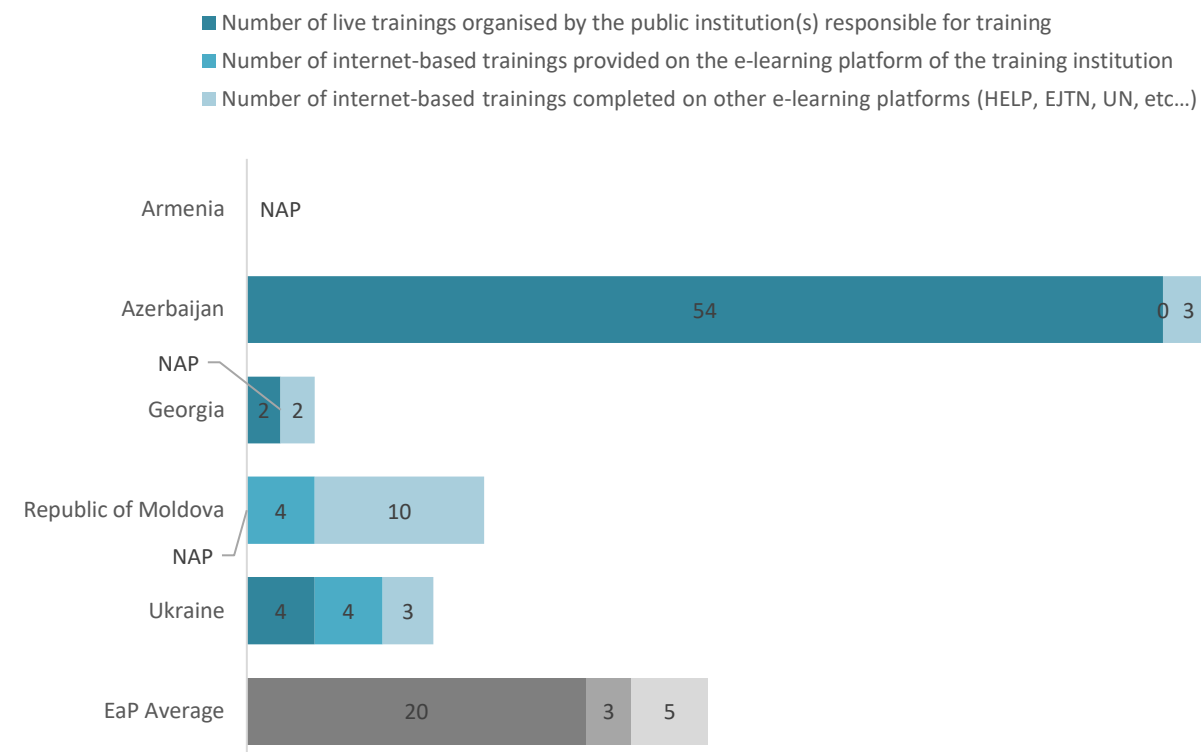
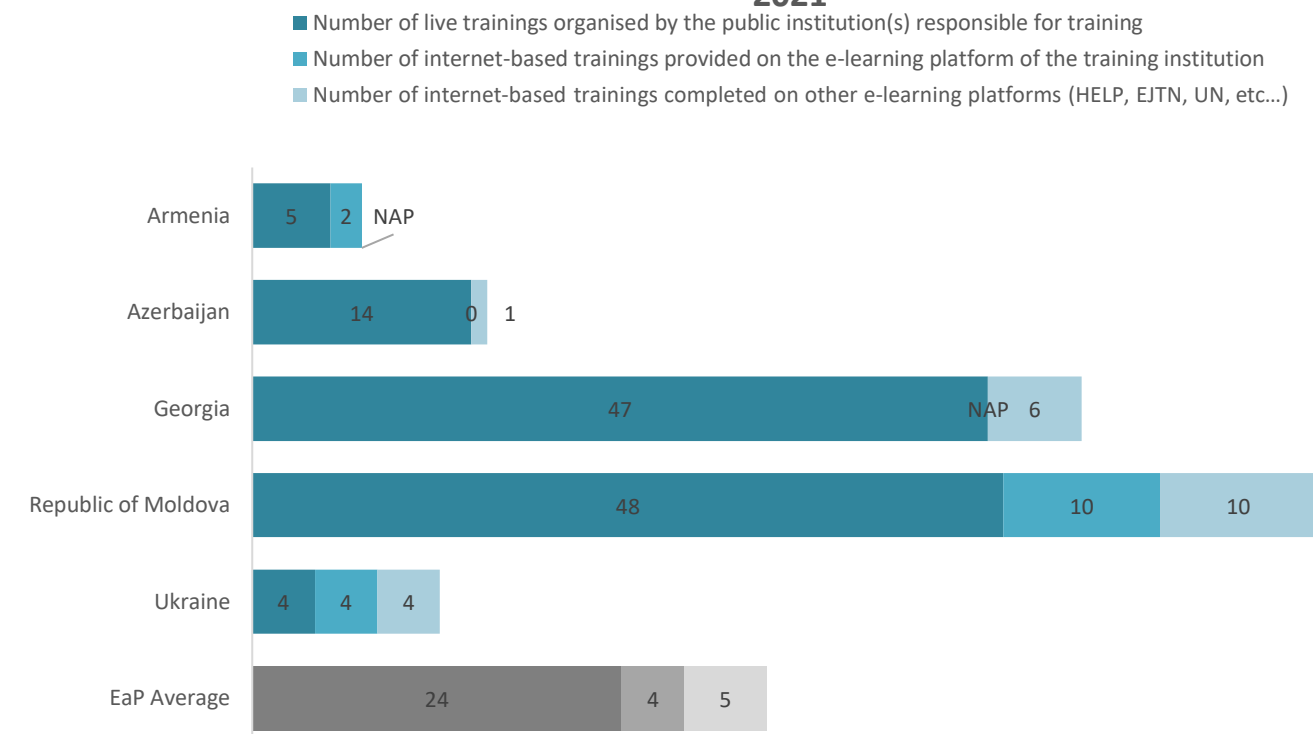


Figure 7.8 EU Charter of Fundamental Rights/European Convention on Human Rights in 2021



Number of participations to live trainings and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Participation shall be understood as one attendance of a person to a training.

Number of participations to live training and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2021 (Tables 7.3.1, 7.3.2 and 7.3.3)

Beneficiaries	Training courses organised by institutions responsible for training							
	Number of participations to live trainings		Average number of live training participations		Number of participations to internet-based trainings provided on the e-learning platform of the training institution		Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	per judge	per prosecutor	Judges	Prosecutors	Judges	Prosecutors
Armenia	64	191	0,2	0,5	4	17	NAP	NAP
Azerbaijan	865	19	1,6	0,02	0	0	39	4
Georgia	31	482	0,1	1,1	NAP	NAP	61	93
Republic of Moldova	403	370	0,9	0,6	34	69	104	55
Ukraine	44	61	0,01	0,01	49	NAP	75	1
EaP Average	281	225	0,6	0,4	22	29	70	38

Figure 7.9 Average number of live training participations in live trainings in 2021

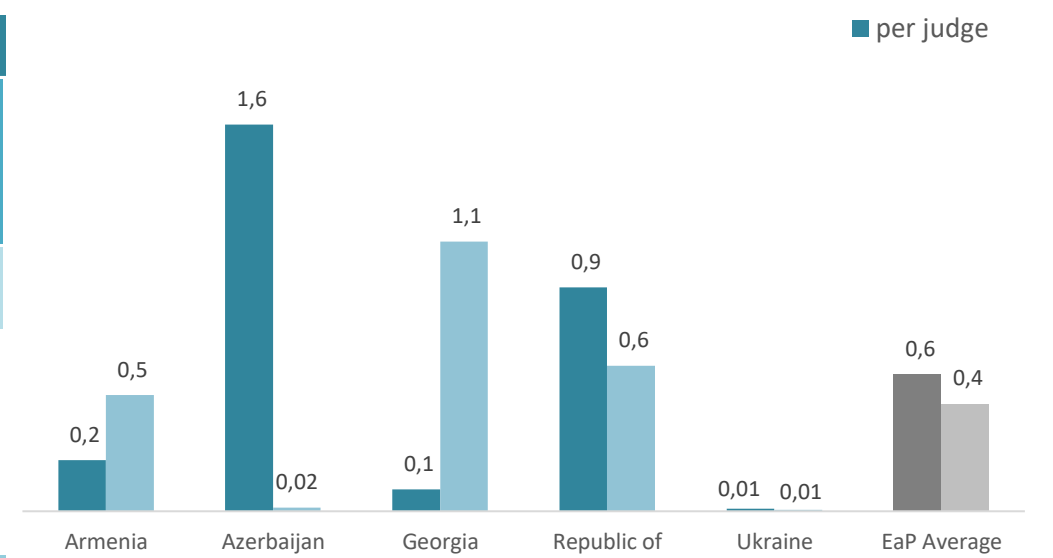


Figure 7.10 Number of participations to internet-based trainings provided on the e-learning platform of the training institution in 2021 (judges and prosecutors)

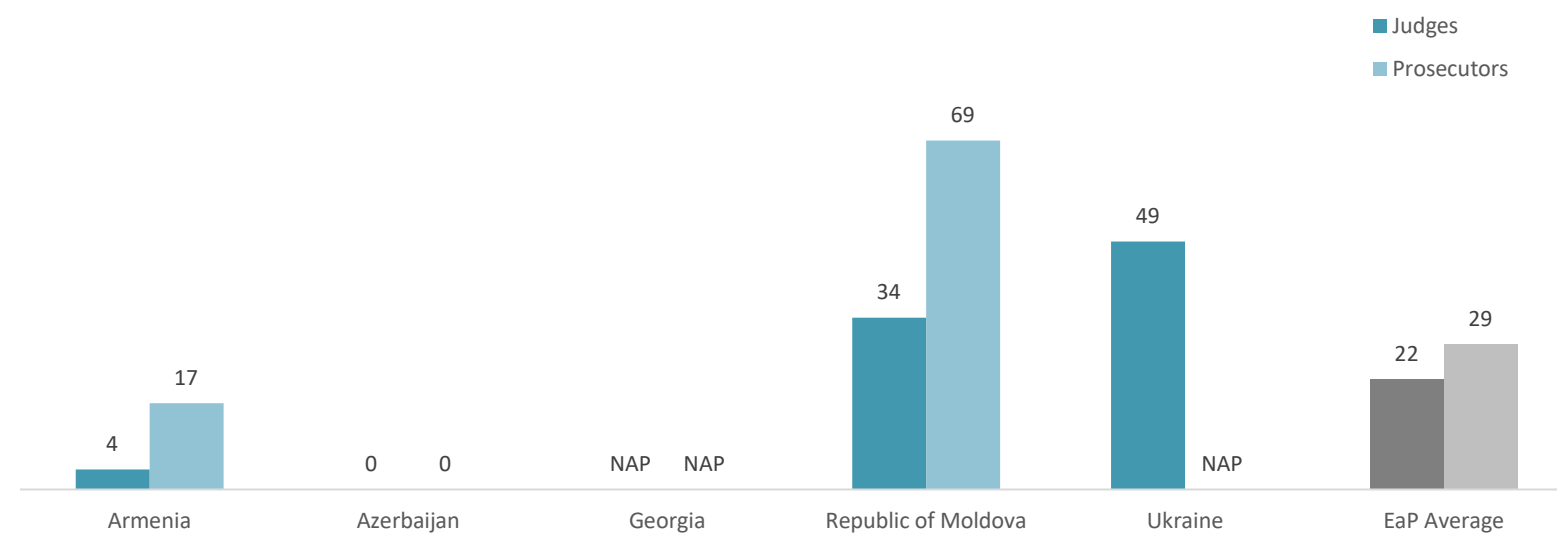
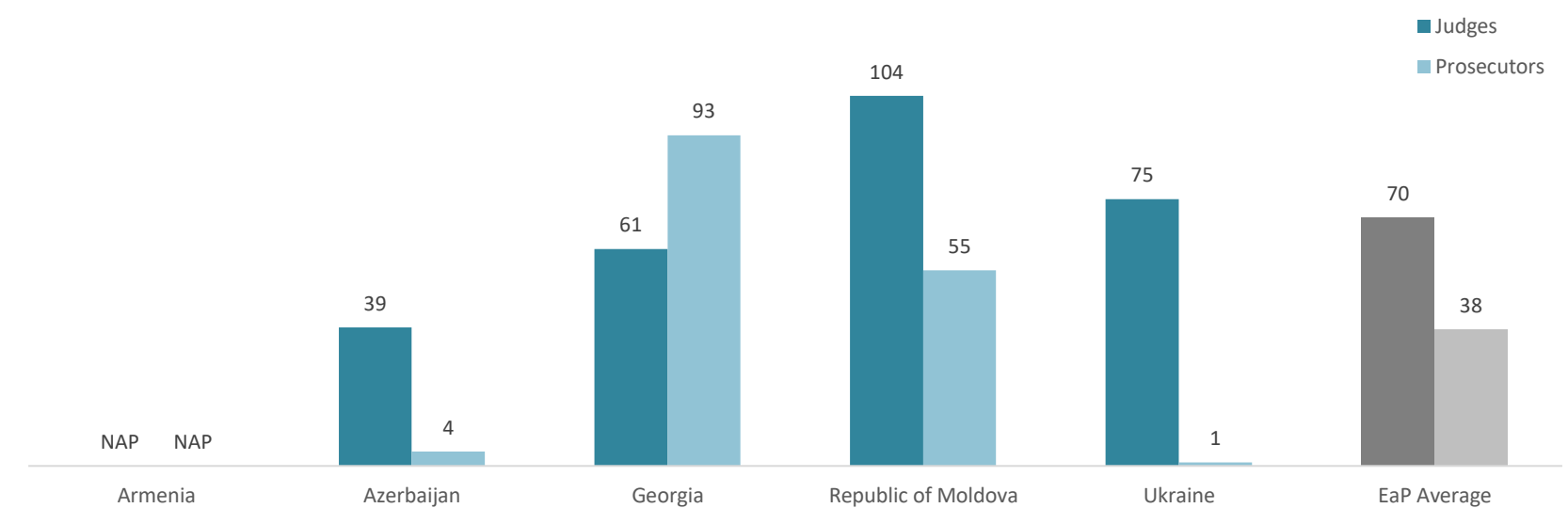


Figure 7.11 Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2021 (judges and prosecutors)



7.Training - List of tables

7.1 Training - Budget

Table 7.1.1 Total implemented budget for training: budget of training institutions and courts and public prosecution services budget allocated to training in 2021 (Q4, Q6, Q142)

Table 7.1.2 Evolution and variations of the total budget for training by training institutions, court and prosecution budget between 2020 and 2021 (Q4, Q6, Q142)

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant by training institutions, court and prosecution budget between 2020 and 2021 (Q1, Q4, Q6, Q142)

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2021 (Q143 and Q145)

Table 7.2.2 Types and frequency of training courses for prosecutors in 2021 (Q144 and Q146)

Table 7.2.3 Minimum number of compulsory trainings in 2021 (Q146-1)

Table 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2021 (Q148 and Q149)

Table 7.2.5 Number of in-service live trainings available and delivered by the public institution(s) responsible for training in 2021 (Q147 and Q147-1)

Table 7.2.6 Number of participants in in-service live trainings available and delivered by the public institution(s) responsible for training in 2021 (Q18, Q28, Q147-1)

Table 7.2.7 Number of in-service internet-based trainings provided by the public institution(s) responsible for training and number of participants 2021 (Q147 and Q147-1)

Table 7.2.8 Number of in-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2021 (Q147 and Q147-1)

Table 7.2.9 Number of unique participants in live (in-person, hybrid, video, conference videocall) trainings in 2021 (Q147-2)

7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights

Table 7.3.1 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training and number of participating judges and prosecutors in 2021 (Q154 and Q154-1)

Table 7.3.2 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), provided on the e-learning platform of the training institution in 2021 (Q154 and Q154-1)

Table 7.3.3 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2021 (Q154 and Q154-1)

Table 7.3.4 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects) and number of participating judges and prosecutors in 2021 (Q155 and Q155-1)

Table 7.3.5 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2021 (Q155 and Q155-1)

Table 7.3.6 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2021 (Q155 and Q155-1)

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Compulsory in-service training solely dedicated to the prevention of corruption and conflicts of interest, and frequency, in 2021 (Q150, Q151 and Q152)

Table 7.4.2 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021 (Q153)

Table 7.4.3 Assessment of future training needs and frequency in 2021 (Q155-2 and Q155-3)

Table 7.4.4 Evaluation of the in-service trainings in 2021 (Q155-4, Q155-5, Q155-6 and Q155-7)

7.1 Training - Budget

Table 7.1.1 Total implemented budget for training: budget of training institutions and courts and public prosecution services budget allocated to training in 2021 (Q4, Q6, Q142)

Beneficiaries	Total implemented budget for training: budget of training institutions and courts and public prosecution services budget allocated to training in 2021					
	Total implemented budget for training covered by training institutions, court and prosecution budget (1 + 2 + 3)	Training institutions (1)			Implemented courts budget allocated to training (2)	Implemented public prosecution services budget allocated to training (3)
		One institution for judges	One institution for prosecutors	One single institution for both judges and prosecutors		
Armenia	0 €	NAP	NAP	NAP	0 €	NAP
Azerbaijan	3 363 270 €	1 094 594 €	451 822 €	NAP	1 365 032 €	451 822 €
Georgia	317 233 €	317 233 €	NAP	NAP	0 €	NAP
Republic of Moldova	869 745 €	NAP	NAP	867 268 €	2 477 €	0 €
Ukraine	7 147 308 €	3 226 598 €	1 992 497 €	NAP	20 213 €	1 908 000 €
Average	2 339 511 €	1 546 142 €	-	-	277 544 €	786 607 €
Median	869 745 €	1 094 594 €	-	-	2 477 €	451 822 €
Minimum	0 €	317 233 €	-	-	0 €	0 €
Maximum	7 147 308 €	3 226 598 €	-	-	1 365 032 €	1 908 000 €

Armenia: The training institution does not have a separate budget. In 2021, the overall budget named “Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” was equal to 743.586 euros.

Table 7.1.2 Evolution and variations of the total budget for training by training institutions, court and prosecution budget between 2020 and 2021 (Q4, Q6, Q142)

Beneficiaries	Evolution and variations of the total budget for training by training institutions, court and prosecution budget between 2020 and 2021		
	Evolution		Variation
	2020	2021	2020-2021 (%)
Armenia	0 €	0 €	NA
Azerbaijan	4 138 176 €	3 363 270 €	-18,7%
Georgia	688 113 €	317 233 €	-53,9%
Republic of Moldova	913 891 €	869 745 €	-4,8%
Ukraine	7 212 699 €	7 147 308 €	-0,9%
Average	2 590 576 €	2 339 511 €	-19,6%
Median	913 891 €	869 745 €	-11,8%
Minimum	0 €	0 €	-53,9%
Maximum	7 212 699 €	7 147 308 €	-0,9%

Armenia: The training institution does not have a separate budget. In 2021, the overall budget named “Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” was equal to 743.586 euros.

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant by training institutions, court and prosecution budget between 2020 and 2021 (Q1, Q4, Q6, Q142)

Beneficiaries	Evolution and variations of the total budget for training per inhabitant by training institutions, court and prosecution budget between 2020 and 2021		
	Evolution of total budget per inhabitant		Variation
	2020	2021	2020-2021 (%)
Armenia	0 €	0 €	NA
Azerbaijan	0,41 €	0,33 €	-19%
Georgia	0,18 €	0,09 €	-53%
Republic of Moldova	0,35 €	0,33 €	-4%
Ukraine	0,17 €	0,17 €	0%
Average	0,22 €	0,19 €	-19%
Median	0,18 €	0,17 €	-12%
Minimum	0 €	0 €	-53%
Maximum	0,41 €	0,33 €	0%

Armenia: The training institution does not have a separate budget. In 2021, the overall budget named “Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” was equal to 743.586 euros, which is 0,25€ per inhabitant.

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2021 (Q143 and Q145)

	Initial training for judges	In-service training for judges													
		General		For specialised judicial functions		For management functions		For the use of computer facilities in courts		On ethics		On child-friendly justice		Other	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Armenia															
Azerbaijan															
Georgia															
Republic of Moldova															
Ukraine															

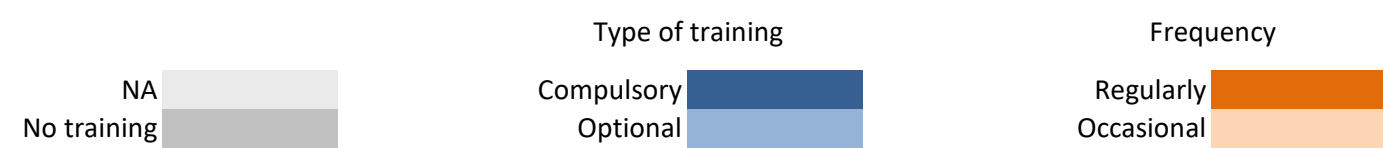


Table 7.2.2 Types and frequency of training courses for prosecutors in 2021 (Q144 and Q146)

Beneficiaries	Types and frequency of training courses for prosecutors in 2021														
	Initial training for prosecutors	In-service training													
		General		For specialised functions		For management functions		For the use of computer facilities in office		On ethics		On child-friendly justice		Other	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Armenia	Compulsory	Regularly	Compulsory	Regularly	Optional	Regularly	NA	NA	Optional	Regularly	Optional	Regularly	Optional	Regularly	
Azerbaijan	Compulsory	Regularly	Compulsory	Regularly	Compulsory	Regularly	Compulsory	Regularly	Compulsory	Regularly	Compulsory	Regularly	Compulsory	Regularly	
Georgia	Compulsory	Occasional	Compulsory	Occasional	Optional	Occasional	Optional	Occasional	Compulsory	Occasional	Compulsory	Regularly	Optional	Occasional	
Republic of Moldova	Compulsory	Regularly	Optional	Regularly	Optional	Regularly	Optional	Regularly	Optional	Regularly	Optional	Regularly	Optional	Regularly	
Ukraine	NA	Compulsory	Regularly	Optional	NA	Optional	NA	Optional	Compulsory	Regularly	Optional	NA	Optional	NA	

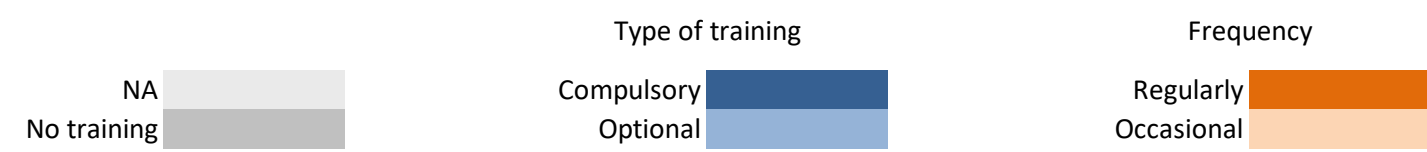


Table 7.2.3 Minimum number of compulsory trainings in 2021 (Q146-1)

Beneficiaries	Minimum number of compulsory trainings in 2021							
	For judges				For prosecutors			
	Initial compulsory training		In-service compulsory trainings		Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year
Armenia	NAP	30	NAP	10	NAP	30	NAP	10
Azerbaijan	NAP	120	1	NAP	NAP	NAP	1	NAP
Georgia	4	16	NAP	NAP	0	40	NAP	NAP
Republic of Moldova	NA	540	5	5	NA	540	5	5
Ukraine	1	5	NA	NA	NA	NA	NA	NA
Average	-	142	-	-	-	203	-	-
Median	-	30	-	-	-	40	-	-
Minimum	-	5	-	-	-	30	-	-
Maximum	-	540	-	-	-	540	-	-

Table 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2021 (Q148 and Q149)

Beneficiaries	Existence of sanctions for not attending compulsory in-service trainings in 2021	
	Judges	Prosecutors
Armenia	Yes	Yes
Azerbaijan	No	No
Georgia	No	No
Republic of Moldova	No	No
Ukraine	No	Yes



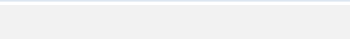

Yes	
No	
NA	
NAP	

Table 7.2.5 Number of in-service live trainings available and delivered by the public institution(s) responsible for training in 2021 (Q147 and Q147-1)

Beneficiaries	Number of in-service live trainings available and delivered by the public institution(s) responsible for training in 2021														
	Number of different trainings available					Number of trainings delivered					Number of days delivered				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Armenia	94	59	35	NAP	NAP	84	50	34	NAP	NAP	128	83	45	NAP	NAP
Azerbaijan	370	268	22	73	7	544	390	37	108	9	563	405	40	108	10
Georgia	98	6	81	2	9	211	52	103	47	9	751	104	475	94	78
Republic of Moldova	124	78	63	35	28	248	156	126	70	56	259	163	135	73	58
Ukraine	NA	227	156	223	34	NA	227	259	223	105	NA	NA	259	NA	105
Average	172	128	71	83	20	272	175	112	112	45	425	189	191	92	63
Median	111	78	63	54	19	230	156	103	89	33	411	134	135	94	68
Minimum	94	6	22	2	7	84	50	34	47	9	128	83	40	73	10
Maximum	370	268	156	223	34	544	390	259	223	105	751	405	475	108	105

Table 7.2.6 Number of participants in in-service live trainings available and delivered by the public institution(s) responsible for training in 2021 (Q18, Q28, Q147-1)

Beneficiaries	Number of participants in in-service live trainings available and delivered by the public institution(s) responsible for training in 2021						
	Number of participants					Average number of live training participations	
	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff	per judge	per prosecutor
Armenia	393	235	158	NAP	NAP	0,8	0,4
Azerbaijan	3 628	1 776	881	937	34	3,3	0,7
Georgia	2 757	723	991	827	216	2,1	2,3
Republic of Moldova	9 028	2 677	2 305	3 308	738	6,2	3,7
Ukraine	NA	8 082	2 105	18 536	NA	1,9	0,2
Average	3 952	2 699	1 288	5 902	329	2,8	1,5
Median	3 193	1 776	991	2 123	216	2,1	0,7
Minimum	393	235	158	827	34	0,8	0,2
Maximum	9 028	8 082	2 305	18 536	738	6,2	3,7

Table 7.2.7 Number of in-service internet-based trainings provided by the public institution(s) responsible for training and number of participants 2021 (Q147 and Q147-1)

Beneficiaries	Number of in-service internet-based trainings provided by the public institution(s) responsible for training and number of participants 2021									
	Number of internet-based provided trainings					Number of participants				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff
Armenia	12	7	5	NAP	NAP	166	88	78	NAP	NAP
Azerbaijan	0	0	0	0	0	0	0	0	0	0
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	13	13	13	13	13	698	62	91	459	86
Ukraine	NA	NA	NAP	NA	NAP	NA	440	NAP	1 206	NA
Average	8	7	6	-	-	288	148	56	555	-
Median	12	7	5	-	-	166	75	78	459	-
Minimum	0	0	0	-	-	0	0	0	0	-
Maximum	13	13	13	-	-	698	440	91	1 206	-

Table 7.2.8 Number of in-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2021 (Q147 and Q147-1)

Beneficiaries	Number of in-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2021									
	Number of completed trainings					Number of participants				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff
Armenia	9	5	4	NAP	NAP	91	56	35	NAP	NAP
Azerbaijan	17	14	2	0	1	44	39	4	0	1
Georgia	12	4	4	2	2	165	35	98	20	12
Republic of Moldova	21	21	21	21	21	772	109	74	530	59
Ukraine	NA	3	1	NA	NAP	NA	3	1	NA	NA
Average	15	9	6	8	8	268	48	42	183	24
Median	15	5	4	2	2	128	39	35	20	12
Minimum	9	3	1	0	1	44	3	1	0	1
Maximum	21	21	21	21	21	772	109	98	530	59

Table 7.2.9 Number of unique participants in live (in-person, hybrid, video, conference videocall) trainings in 2021 (Q147-2)

	Number of unique participants in live (in-person, hybrid, video, conference videocall) trainings in 2021					Percentage of judges/prosecutors having attended at least one training	
	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff	Judges	Prosecutors
Armenia	NA	NA	NA	NAP	NAP	NA	NA
Azerbaijan	1 668	444	619	571	34	82%	52%
Georgia	683	156	346	121	60	45%	80%
Republic of Moldova	1 782	402	469	753	158	92%	76%
Ukraine	NA	NA	1 763	NA	1 177	NA	18%
Average	1 378	334	799	482	357	73%	57%
Median	1 668	402	544	571	109	82%	64%
Minimum	683	156	346	121	34	45%	18%
Maximum	1 782	444	1 763	753	1 177	92%	80%

Trainings in EU Law and EU Charter of Fundamental Rights/European Convention on H

Table 7.3.1 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training and number of participating judges and prosecutors in 2021 (Q154 and Q154-1)

Beneficiaries	Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training and number of participating judges and prosecutors in 2021											
	Number of live trainings in EU Law			Number of live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Average number of live training participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	per judge	per prosecutor	Judges	Prosecutors
Armenia	NAP	NAP	NAP	5	5	48	64	191	0,2	0,5	NA	NA
Azerbaijan	36	54	65	11	14	14	865	19	1,6	0,0	383	19
Georgia	2	2	2	47	47	368	31	482	0,1	1,1	31	240
Republic of Moldova	NAP	NAP	NAP	25	48	56	403	370	0,9	0,6	NA	NA
Ukraine	4	4	NAP	4	4	NAP	44	61	0,0	0,0	NA	61
Average	14	20	-	18	24	122	281	225	0,6	0,4	-	107
Median	4	4	-	11	14	52	64	191	0,2	0,5	-	61
Minimum	2	2	-	4	4	14	31	19	0,0	0,0	-	19
Maximum	36	54	-	47	48	368	865	482	1,6	1,1	-	240

Table 7.3.2 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), provided on the e-learning platform of the training institution in 2021 (Q154 and Q154-1)

Beneficiaries	Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training and number of participating judges and prosecutors in 2021			
	Provided on the e-learning platform of the training institutions			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
Judges			Prosecutors	
Armenia	NAP	2	4	17
Azerbaijan	0	0	0	0
Georgia	NAP	NAP	NAP	NAP
Republic of Moldova	4	10	34	69
Ukraine	4	4	49	NAP
Average	3	4	22	29
Median	4	3	19	17
Minimum	0	0	0	0
Maximum	4	10	49	69

Table 7.3.3 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2021 (Q154 and Q154-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2021			
	Completed on other e-learning platforms (HELP, EJTN, UN, etc...)			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
Judges			Prosecutors	
Armenia	NAP	NAP	NAP	NAP
Azerbaijan	3	1	39	4
Georgia	2	6	61	93
Republic of Moldova	10	10	104	55
Ukraine	3	4	75	1
Average	5	5	70	38
Median	3	5	68	29,5
Minimum	2	1	39	1
Maximum	10	10	104	93

Table 7.3.4 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects) and number of participating judges and prosecutors in 2021 (Q155 and Q155-1)

Beneficiaries	Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects) and number of participating judges and prosecutors in 2021											
	Live trainings in EU Law			Live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Average number of live training participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	per judge	per prosecutor	Judges	Prosecutors
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	28	42	53	1	1	1	651	19	1,2	0,0	290	19
Georgia	2	2	2	47	47	368	31	482	0,1	1,1	31	240
Republic of Moldova	NAP	NAP	NAP	16	29	19	254	197	0,6	0,3	NA	NA
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	45	81	0,0	0,0	NA	81
Average	-	-	-	21	26	129	245	195	0,5	0,4	-	113
Median	-	-	-	16	29	19	149,5	139	0,3	0,2	-	81
Minimum	-	-	-	1	1	1	31	19	0,0	0,0	-	19
Maximum	-	-	-	47	47	368	651	482	1,2	1,1	-	240

Table 7.3.5 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2021 (Q155 and Q155-1)

Beneficiaries	Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2021			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Armenia	NAP	NAP	NAP	NAP
Azerbaijan	0	0	0	0
Georgia	NAP	NAP	NAP	NAP
Republic of Moldova	0	0	0	0
Ukraine	NAP	NAP	49	NAP
Average	-	-	16	-
Median	-	-	0	-
Minimum	-	-	0	-
Maximum	-	-	49	-

Table 7.3.6 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2021 (Q155 and Q155-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2021			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Armenia	NAP	6	56	35
Azerbaijan	3	1	39	4
Georgia	2	6	61	93
Republic of Moldova	10	10	56	30
Ukraine	NAP	NAP	75	NAP
Average	5	6	57	41
Median	3	6	56	32,5
Minimum	2	1	39	4
Maximum	10	10	75	93

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Compulsory in-service training solely dedicated to the prevention of corruption and conflicts of interest, and frequency, in 2021 (Q150, Q151 and Q152)

Beneficiaries	Compulsory in-service training solely dedicated to the prevention of corruption and conflicts of interest, and frequency, in 2021				
	Compulsory in-service training			Frequency during their career	
	Judges	Prosecutors	Duration of the training	Judges	Prosecutors
Armenia					
Azerbaijan			2-3 days	More than once on an ad hoc basis	More than once on an ad hoc basis
Georgia			2-3 days	Other- see comment	More than once on an ad hoc basis
Republic of Moldova			2-3 days	More than once on a regular basis	More than once on a regular basis
Ukraine			Up to 1 day	More than once on a regular basis	

Yes
No
NA
NAP

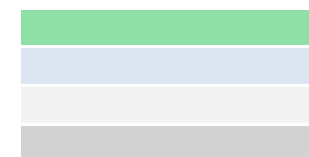


Table 7.4.2 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021 (Q153)

Beneficiaries	Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021			
	Domestic violence training		Sexual violence training	
	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Armenia	Yes	No	Yes	No
Azerbaijan	Yes	No	Yes	No
Georgia	Yes	No	Yes	No
Republic of Moldova	Yes	No	Yes	No
Ukraine	Yes	No	No	Yes

Yes
No
NA
NAP

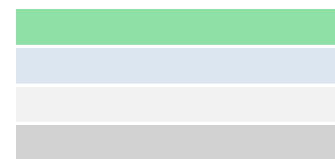


Table 7.4.3 Assessment of future training needs and frequency in 2021 (Q155-2 and Q155-3)

Beneficiaries	Assessment of future training needs and frequency in 2021									
	Source								Assessment	
	Target audience itself	Previous participants in trainings	Trainers	Courts/prosecutor's offices	Relevant judicial institutions	Ministry of Justice	Other	Comment on other	Frequency	Comment on other
Armenia	Yes	Yes	Yes	Yes	Yes	Yes	No		Annual	
Azerbaijan	Yes	Yes	No	Yes	Yes	Yes	No		Annual	
Georgia	Yes	Yes	Yes	Yes	Yes	No	No		Annual	
Republic of Moldova	No	No	No	Yes	Yes	Yes	Yes	Legal Aid Council, National Probation Inspectorate	Annual	
Ukraine	Yes	Yes	Yes	Yes	Yes	No	No		Annual	
Nb of Yes	4	4	3	5	5	3	1			
						Yes				
						No				

Table 7.4.4 Evaluation of the in-service trainings in 2021 (Q155-4, Q155-5, Q155-6 and Q155-7)

Beneficiaries	Evaluation of the in-service trainings in 2021													
	Evaluation of the in-service trainings (seminars, workshops, round tables)	Type of training evaluation model				Frequency of training evaluation			Use of the feedback of the training evaluation process					
		Kirkpatrick training evaluation model	A combination Kirkpatrick and other training evaluation models	Other	Comment on other	Immediately after the training is delivered	3-6 months after the training is delivered	A year or more after the training	To prepare a training evaluation report with recommendations	To improve the training course which, according to the report, needed improvements	To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	To suppress a training course	To introduce a new course	Other
Armenia				Survey										
Azerbaijan				-										
Georgia				-										
Republic of Moldova				-										
Ukraine				-										
Nb of Yes	5	2	2	1	5	1	0	2	5	4	2	4	0	

Yes
No
NAP



Indicator 7- Training

by country

Question 142 - What is the implemented budget of the training institution(s)?

Question 143 - Training of judges:

Question 144 - Training of public prosecutors:

Question 145 - Frequency of the in-service training of judges:

Question 146 - Frequency of the in-service training of public prosecutors:

Question 146-1 - Do you have a minimum number of compulsory trainings:

Question 147-1 - Number of participants of the trainings during the reference year

Question 147-2 - Number of unique participants of the trainings during the reference year

Question 147 - Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

Question 148 - If in-service training is compulsory for judges, are sanctions foreseen if judges do not attend the training sessions?

Question 149 - If in-service training is compulsory for prosecutors, are sanctions foreseen if prosecutors do not attend the training sessions?

Question 150 - Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest?

Question 151 - If yes, what is the duration of this training in total?

Question 152 - If yes, how often during their career do they need to participate on this training?

Question 153 - Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

Question 154 - Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories

Question 154-1 - Number of participating judges and prosecutors to trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights during the reference year organized by the public institution(s) responsible for training

Question 155 - Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) in the reference year organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Question 155-1 - Number of participating judges and prosecutors to trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights during the reference year organized by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Question 155-2 - How do you identify (collect information about) future training needs? (multiple possible answers)

Question 155-3 - What is the frequency of assessing future training needs?

Question 155-4 - Do you evaluate the in-service trainings (seminars, workshops, round tables)?

Question 155-5 - If yes: what type of training evaluation model do you use?

Question 155-6 - If yes: what is the frequency of training evaluation? (multiple possible answers)

Question 155-7 - If yes: what is the feedback of the training evaluation process used for (multiple possible answers):

Armenia

Q142 (2021): The budget is not separated for the training institution. The amount of the overall budget named “ Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” is equal to 743.586 euros. The Academy of Justice is funded from the state budget of the Republic of Armenia through the Ministry of Justice in the form of a grant, and through the Investigative Committee of the Republic of Armenia and the Corruption Prevention Committee under the service delivery contract.

Q143 (2021): Judge candidates must attend initial training at the Academy of Justice. This is a precondition for becoming a judge.

It should be mentioned, that a training course on the use of computer facilities in courts is regularly being held as part of the educational program for individuals included in the list of applicants for candidates of judges position. Regarding a training course of management functions of the court it should be mentioned that this training course is compulsory in a framework of initial training. During in-service training the mentioned training is optional and organized for all judges. During this data collection "In-service training on ethics" and "In-service training on child-friendly justice" are described as "optional" for more accuracy, as these courses

Q144 (2021): In-service trainings on management functions are being held for prosecutors only as part of online educational module (it is not organized only for heads of prosecution offices). A training course on the use of computer facilities in office is only being held for individuals included in the list of prosecutor candidates, as part of core curriculum. During this data collection "In-service training on ethics" and "In-service training on child-friendly justice" are described as "optional" for more accuracy, as these courses become compulsory for judges if they select those ones.

Q146-1 (2021): In Academy of Justice the minimum amount of in-service compulsory trainings is 80 hours for judges and prosecutors.

Q147-1 (2021): Number of participants of the trainings of judicial bailiffs

Number of participants in live (in-person, hybrid, video conference) trainings - 323

Q147 (2021): Number of in-service trainings available and delivered for judicial bailiffs

Number of different available live (in person, hybrid, video conference) trainings-3

Number of delivered live (in person, hybrid, video conference) trainings-3

Number of days of delivered live (in person, hybrid, video conference) trainings- 73

Q148 (2021): There is a rule of conduct that a judge must participate in mandatory training courses.

The breaches of rules of conduct for judges are a ground for disciplinary liability, if they have been committed deliberately or with gross negligence.

Q149 (2021): Yes, the in-service training is compulsory for prosecutors and if they do not attend the training the sanctions are foreseen, because it is a ground for

Q150 (2021): The trainings mentioned above are existed in the list of the in-service training programme, but they are optional. Based on this reasoning, we cannot answer questions number 151 and 152.

Q153 (2021): Compulsory trainings involve topics on domestic violence and sexual violence.

program:

- Within the framework of the project "Promoting Access to Justice for Victims of Discrimination, Hate Crimes and Hate Speech in Eastern Partnership Countries through Extrajudicial Compensation Mechanisms", 2 courses on "Combating Hate Speech" were held, in which 13 judges, 17 prosecutors participated.

- Within the framework of the project "Support to Criminal Justice Reforms and Harmonization of Application of European Standards in Armenia", a course on "Reasoning of judicial acts in criminal cases" was held, in which 17 judges participated.

- "Main principles in human rights in biomedicine" course was conducted, in which participated 4 judges.

- Within the framework of the project "Support to Criminal Justice Reforms and Harmonization of Application of European Standards in Armenia", a course on "Procedural safeguards in criminal proceedings and the rights of the victim" was held, in which participated 10 judges and 10 prosecutors.

- Within the framework of the regional program "Access to justice for women: compliance with the Istanbul Convention and other European standards of gender equality in Eastern Partnership countries", a course on "Access to justice for women" was held, in which 12 judges and 8 prosecutors participated.

Azerbaijan

Q142 (2021): There was a significant decrease in the budget of the training institution for prosecutors between 2020 and 2021. This is because in the post-pandemic period, it was decided to reduce the training budget for a while. In the next period, training needs will be analyzed and the issue will be reconsidered.

Q146-1 (2021): The minimum number of topic/trainings is 1 and maximum number is 15. According to the amendments made to the Law on serving in Prosecutor's Offices in 2021, candidates who have successfully passed the competition to be admitted to the Prosecutor's Office for the first time are involved in compulsory training at the Science and Education Center of the Prosecutor General's Office of the Republic of Azerbaijan (before that, such training was held at the Academy of Justice). Although it is not directly stipulated in the legislation, the duration of compulsory training is defined as 2-3 weeks in practice.

Q148 (2021): Participation in trainings is indicated on their scorecard and taken into account when they are promoted. On the other hand, the main topics of the trainings are included in the program, made up of their proposals and based on their interests, therefore all judges are sufficiently motivated to participate in the training.

Q155 (2021): The name of organisations that co-organised/financed the trainings are European Union and Council of Europe.

Georgia

Q143 (2021): In service training for Judges of Juveniles; Judges on Family cases are compulsory. There are also optional specialized trainings for judges.

Q146-1 (2021): In-service training: minimum 5 days of Training in every 3 year is compulsory for Judges.

PSG comment: The PSG does not have compulsory in-service trainings for all prosecutors. Only specialized prosecutors undergo trainings that are needs-based. Trainings (namely, specialization courses) are compulsory only for prosecutors/PSG investigators who work on specific cases. In particular, crimes committed by juveniles, sex crimes, domestic violence, and hate crimes can only be dealt with by specialized professionals. This means that only specialized prosecutors/PSG investigators have the right to work on such cases. If a prosecutor/PSG investigator does not undergo the specialization course, he/she does not have a right to perform his official duties. Professionals are obliged to undergo the course only once concerning one of the categories of the mentioned crimes. Specialization courses are not compulsory for every prosecutor/PSG investigator. Also, as the courses are organized based on the identified needs, they might not be implemented annually. This is why answer on these questions are not applicable, since there is not regulation about minimum number or minimum days of trainings per-year. But **Q147 (2021):** Under the existing methodology, when different trainings are carried out on the same day, this day is not counted as a single day of training. Its number rather equals the number of those different trainings.

Q150 (2021): Judges have to undergo compulsory in-service training in „Ethic of Judges". This training covers all issues related with „prevention of corruption and conflicts of interest".

Q152 (2021): At the beginning of career judges undergo the training, but it's possible to undergo it again if its some legal changes or other relevant factors.

Q153 (2021): According legislation Prosecutors should be specially trained in above mentioned areas.

Republic of Moldova

Q142 (2021): The data indicated above reflects the implemented budget of the National Institute of Justice.

Q144 (General Comment): According to the provisions of the Law on the Prosecution Office, prosecutors shall participate at least 40 hours per year in the programmes of continuous training organized by the National Institute of Justice, in the programmes organized by other higher education institutions from the country or from abroad, or in other activities of vocational training. The continuous training of prosecutors is being carried out with due account to the necessity of the prosecutors' specialization. When drafting the curricula and topics on the continuous training of prosecutors there are taken into consideration the suggestions and individual needs of prosecutors and they have possibility to choose the field they wish to improve in.

Q145 (General Comment): The National Institute of Justice is a public independent institution responsible for the initial and in-service training of judges and prosecutors, clerks and judicial assistants, heads of court's secretariat and probation officers and other persons with judicial duties. The admission to the Institute is exclusively by competitive exam during which persons possessing the qualifications prescribed in the law to hold the position of judge/prosecutor may apply. Judges have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for judges twice per year and it includes trainings organized continually throughout the year.

Q146 (General Comment): Public prosecutors have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

Q146-1 (2021): The initial training offered by the NIJ is realized according to Initial Training Plan approved by the Council of the NIJ. Please see the link below:
<https://www.inj.md/ro/plan-de-formare-0>

The minimum number of days for initial compulsory training is reflected with approximation. The term for this training is 18 months.

The minimum number of hours for in-service compulsory training per year-40 hours.

Q148 (2021): There are no specific sanctions but this may decrease the score established by Evaluation Board in the assessment of judge activity.

Q149 (2021): There are no specific sanctions but this may decrease the score established by Evaluation Board in the assessment of prosecutor activity.

Q150 (General Comment): There are trainings separate for judges on following topics (Discipline and responsibility of judges, Ethics and deontology of judges) and for prosecutors (Ethical and professional conduct management and conflict management). Also there are joint trainings for both judges and prosecutors (Methods to prevent corrupt behavior).Trainings are organized by the National Institute of Justice.

Q150 (2021): The in-service training annual curricula for judges and prosecutors contains trainings dedicated to ethics, the prevention of corruption and conflicts of interest. When drafting the curricula and topics on the continuous training of judges and prosecutors there are taken into consideration the suggestions and individual needs of judges and prosecutors and they have possibility to choose the field they wish to improve in. Judges and prosecutors have the legal obligation to participate at least 40 hours per year in programmes of continuous training, which include ethics, prevention of corruption and conflicts of interest.

Q153 (2021): Both prosecutors and judges receive special training in the field of domestic violence and sexual violence. According to the National Institute of Justice in-service training Plan, beneficiaries can participate in activities held in the module entitled "Protection of minors and domestic violence". National Institute of Justice opts for trainers with specialization and training in the field of violence. NIJ trainers on this topic are regularly trained in order to improve their knowledge and practices. According to the initial training plan for candidates to be judges and prosecutors, for the year 2021, topics on violence against women and domestic violence were integrated in two submodules "Investigation of crimes against family and minors", carried out in the first semester and "Judicial investigation of crimes against family and minors", integrated in the second semester.

During development of the Plan for in-service training of judges, prosecutors, court staff, probation counselors, lawyers who provide legal aid and prosecutors' consultants for the year 2022, topics from Action Plan of the National Strategy for Prevention and combating violence against women and domestic violence for the years 2018-2023 were included.

In 2021, NIJ carried out the following training activities in the field of violence:

- Training course: Ways of working with domestic abusers and techniques for preventing violence against women and domestic violence.
- Seminar: Peculiarities of examining cases on the application of protective measures for victims of domestic violence/violence against children.
- Seminar: Peculiarities of examining cases on domestic violence/violence against children.
- Training course: Investigating and examining domestic violence offences.
- Seminar "Women's access to justice - the particularities of the applicability of the provisions of the Istanbul Convention".
- Seminar: Justice in the interest of the child.
- Training course: Methods and tactics of investigation and examination of cases on crimes of a sexual nature committed by means of information technologies. Aspects of online abuse of minors.
- Seminar: Investigating sexual crimes committed by minors and against minors.
- Seminar: Psycho-physiological aspects of minors involved in sexual crimes.
- Seminar: Peculiarities of investigating and judging sexual crimes.

Q155-4 (2021): The data were provided by the National Institute of Justice.

Q155-6 (2021): There is a transitional period to Kirkpatrick evaluation model, so in 2021 still an evaluation immediately after the training was delivered but taking into consideration as well the Kirkpatrick model.

Ukraine

Q144 (General Comment): Changes in answers for 2020 compared to 2018 are caused by the change of training institution. The National Prosecution Academy of Ukraine was substituted by the Prosecutor's Training Center of Ukraine. Prosecutor's Training Center of Ukraine was established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 №130 on the basis of the liquidated Training Center and is not related to the activities of the academy. Now the Training Center is only strengthening its training and topical capabilities. As the Training Center only started its activities in 2020, and working conditions were also complicated by the pandemic, some training programs were not yet realized in 2020, for example, training on ethics or the use of computer technology. Such training programs will be available for 2021, according to the official website of the Training Center - <https://ptcu.gp.gov.ua/en/category/trainings/>

Q146-1 (2021): Initial compulsory training - minimum number of trainings: 1 every three years

Q147 (2021): Employees of the State Bureau of Investigation and the National Anti-Corruption Bureau of Ukraine periodically participate in trainings of the Prosecutor's Training Center of Ukraine. In addition, judges of the Criminal Cassation Court within the Supreme Court and other courts (local and appellate) are involved as trainers in the trainings of the Center.

periodically undergoes training at the Prosecutor's Training Centre of Ukraine (hereinafter - the PTCU), which includes the study of the rules of prosecutor's ethics, the components of which are the prevention of conflicts of interest and corruption.

2) remote course "Compliance with the requirements of anti-corruption legislation". The PTCU, together with the General Inspectorate, developed and implemented this remote course to ensure continuous professional development of prosecutors and, above all, to increase their professional level in the application and implementation of the provisions of legislation in the field of corruption prevention, in particular in terms of financial control (annual declaration), restrictions on receiving gifts, outside employment and overlapping with other activities, prevention of other corruption and corruption-related offenses, as well as conflict of interest.

The purpose of the training is to increase the professional competence of prosecutors in compliance with the requirements of anti-corruption legislation and detection of corruption. Objectives of the training: to work out the requirements of anti-corruption legislation, to study the mechanisms of prevention of conflict of interest and corruption by prosecutors. The training is aimed at: consolidating and deepening knowledge of the legislation on the prevention of corruption in the activities of the prosecutor; mastering the mechanisms for preventing and resolving conflicts of interest in the activities of the prosecutor, preventing any manifestations that may create the impression of corruption; compliance with restrictions on gifts; deepening knowledge of declaration.

Q154-1 (2021): Since the Training Centre organized 2 trainings on the European Convention on Human Rights, which were attended by: 36 and 25 unique participants, respectively, the number in the columns "Number of participants in training programs" and "Number of unique participants in training sessions" is the same.

Q155-1 (2021): Since the Training Centre organized 4 trainings "Common Vision-New Prosecutor's Office" for heads of district and regional prosecutor's offices, each of which involved unique participants, the number in the column "Number of participants in training programs" and "Number of unique participants in training sessions" is the same.

Q155-5 (2021): Trainers fill out a questionnaire to evaluate the participants based on the results of the training.

Indicator 7- Training

by question No.

Question 142 - What is the implemented budget of the training institution(s)?

Question 143 - Training of judges:

Question 144 - Training of public prosecutors:

Question 145 - Frequency of the in-service training of judges:

Question 146 - Frequency of the in-service training of public prosecutors:

Question 146-1 - Do you have a minimum number of compulsory trainings:

Question 147-1 - Number of participants of the trainings during the reference year

Question 147-2 - Number of unique participants of the trainings during the reference year

Question 147 - Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

Question 148 - If in-service training is compulsory for judges, are sanctions foreseen if judges do not attend the training sessions?

Question 149 - If in-service training is compulsory for prosecutors, are sanctions foreseen if prosecutors do not attend the training sessions?

Question 150 - Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest?

Question 151 - If yes, what is the duration of this training in total?

Question 152 - If yes, how often during their career do they need to participate on this training?

Question 153 - Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

Question 154 - Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories

Question 154-1 - Number of participating judges and prosecutors to trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights during the reference year organized by the public institution(s) responsible for training

Question 155 - Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) in the reference year organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Question 155-1 - Number of participating judges and prosecutors to trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights during the reference year organized by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Question 155-2 - How do you identify (collect information about) future training needs? (multiple possible answers)

Question 155-3 - What is the frequency of assessing future training needs?

Question 155-4 - Do you evaluate the in-service trainings (seminars, workshops, round tables)?

Question 155-5 - If yes: what type of training evaluation model do you use?

Question 155-6 - If yes: what is the frequency of training evaluation? (multiple possible answers)

Question 155-7 - If yes: what is the feedback of the training evaluation process used for (multiple possible answers):

Question 142

Armenia

(2021): The budget is not separated for the training institution. The amount of the overall budget named “ Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” is equal to 743.586 euros. The Academy of Justice is funded from the state budget of the Republic of Armenia through the Ministry of Justice in the form of a grant, and through the Investigative Committee of the Republic of Armenia and the Corruption Prevention

Azerbaijan

(2021): There was a significant decrease in the budget of the training institution for prosecutors between 2020 and 2021. This is because in the post-pandemic period, it was decided to reduce the training budget for a while. In the next period, training needs will be analyzed and the issue will be reconsidered.

Republic of Moldova

(2021): The data indicated above reflects the implemented budget of the National Institute of Justice.

Question 143

Armenia

(2021): Judge candidates must attend initial training at the Academy of Justice. This is a precondition for becoming a judge. It should be mentioned, that a training course on the use of computer facilities in courts is regularly being held as part of the educational program for individuals included in the list of applicants for candidates of judges position. Regarding a training course of management functions of the court it should be mentioned that this training course is compulsory in a framework of initial training. During in-service training the mentioned training is optional and organized for all judges. During this data collection "In-service training on ethics" and "In-service training on child-friendly justice" are described as "optional" for more accuracy, as these courses

Georgia

(2021): In service training for Judges of Juveniles; Judges on Family cases are compulsory. There are also optional specialized trainings for judges.

Question 144

Armenia

(2021): In-service trainings on management functions are being held for prosecutors only as part of online educational module (it is not organized only for heads of prosecution offices). A training course on the use of computer facilities in office is only being held for individuals included in the list of prosecutor candidates, as part of core curriculum. During this data collection "In-service training on ethics" and "In-service training on child-friendly justice" are described as "optional" for more accuracy, as these courses become compulsory for judges if they select those ones.

Republic of Moldova

(General Comment): According to the provisions of the Law on the Prosecution Office, prosecutors shall participate at least 40 hours per year in the programmes of continuous training organized by the National Institute of Justice, in the programmes organized by other higher education institutions from the country or from abroad, or in other activities of vocational training. The continuous training of prosecutors is being carried out with due account to the necessity of the prosecutors' specialization. When drafting the curricula and topics on the continuous training of prosecutors there are taken into consideration the suggestions and individual needs of prosecutors and they have possibility to choose the field they wish to improve in.

Ukraine

(General Comment): Changes in answers for 2020 compared to 2018 are caused by the change of training institution. The National Prosecution Academy of Ukraine was substituted by the Prosecutor's Training Center of Ukraine. Prosecutor's Training Center of Ukraine was established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 №130 on the basis of the liquidated Training Center and is not related to the activities of the academy. Now the Training Center is only strengthening its training and topical capabilities. As the Training Center only started its activities in 2020, and working conditions were also complicated by the pandemic, some training programs were not yet realized in 2020, for example, training on ethics or the use of computer technology. Such training programs will be available for 2021, according to the official website of the Training Center - <https://ptcu.gp.gov.ua/en/category/trainings/>

Question 145

Republic of Moldova

(General Comment): The National Institute of Justice is a public independent institution responsible for the initial and in-service training of judges and prosecutors, clerks and judicial assistants, heads of court's secretariat and probation officers and other persons with judicial duties. The admission to the Institute is exclusively by competitive exam during which persons possessing the qualifications prescribed in the law to hold the position of judge/prosecutor may apply. Judges have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for judges twice per year and it includes trainings organized continually throughout the year.

Question 146

Republic of Moldova

(General Comment): Public prosecutors have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

Question 146-1

Armenia

(2021): In Academy of Justice the minimum amount of in-service compulsory trainings is 80 hours for judges and prosecutors.

Azerbaijan

(2021): The minimum number of topic/trainings is 1 and maximum number is 15. According to the amendments made to the Law on serving in Prosecutor's Offices in 2021, candidates who have successfully passed the competition to be admitted to the Prosecutor's Office for the first time are involved in compulsory training at the Science and Education Center of the Prosecutor General's Office of the Republic of Azerbaijan (before that, such training was held at the Academy of Justice). Although it is not directly stipulated in the legislation, the duration of compulsory training is defined as 2-3 weeks in practice.

Georgia

(2021): In-service training: minimum 5 days of Training in every 3 year is compulsory for Judges.

PSG comment: The PSG does not have compulsory in-service trainings for all prosecutors. Only specialized prosecutors undergo trainings that are needs-based. Trainings (namely, specialization courses) are compulsory only for prosecutors/PSG investigators who work on specific cases. In particular, crimes committed by juveniles, sex crimes, domestic violence, and hate crimes can only be dealt with by specialized professionals. This means that only specialized prosecutors/PSG investigators have the right to work on such cases. If a prosecutor/PSG investigator does not undergo the specialization course, he/she does not have a right to perform his official duties. Professionals are obliged to undergo the course only once concerning one of the categories of the mentioned crimes. Specialization courses are not compulsory for every prosecutor/PSG investigator. Also, as the courses are organized based on the identified needs, they might not be implemented annually. This is why answer on these questions are not applicable, since there is not regulation about minimum number or minimum days of trainings per-year. But

Republic of Moldova

(2021): The initial training offered by the NIJ is realized according to Initial Training Plan approved by the Council of the NIJ. Please see the link below:

<https://www.inj.md/ro/plan-de-formare-0>

The minimum number of days for initial compulsory training is reflected with approximation. The term for this training is 18 months.

The minimum number of hours for in-service compulsory training per year-40 hours.

Ukraine

(2021): Initial compulsory training - minimum number of trainings: 1 every three years

Question 147-1

Armenia

(2021): Number of participants of the trainings of judicial bailiffs

Number of participants in live (in-person, hybrid, video conference) trainings - 323

Question 147

Armenia

(2021): Number of in-service trainings available and delivered for judicial bailiffs
Number of different available live (in person, hybrid, video conference) trainings-3
Number of delivered live (in person, hybrid, video conference) trainings-3
Number of days of delivered live (in person, hybrid, video conference) trainings- 73

Georgia

(2021): Under the existing methodology, when different trainings are carried out on the same day, this day is not counted as a single day of training. Its number rather equals the number of those different trainings.

Ukraine

(2021): Employees of the State Bureau of Investigation and the National Anti-Corruption Bureau of Ukraine periodically participate in trainings of the Prosecutor's Training Center of Ukraine. In addition, judges of the Criminal Cassation Court within the Supreme Court and other courts (local and appellate) are involved as

Question 148

Armenia

(2021): There is a rule of conduct that a judge must participate in mandatory training courses.
The breaches of rules of conduct for judges are a ground for disciplinary liability, if they have been committed deliberately or with gross negligence.

Azerbaijan

(2021): Participation in trainings is indicated on their scorecard and taken into account when they are promoted. On the other hand, the main topics of the trainings are included in the program, made up of their proposals and based on their interests, therefore all judges are sufficiently motivated to participate in the training.

Republic of Moldova

(2021): There are no specific sanctions but this may decrease the score established by Evaluation Board in the assessment of judge activity.

Question 149

Armenia

(2021): Yes, the in-service training is compulsory for prosecutors and if they do not attend the training the sanctions are foreseen, because it is a ground for

Republic of Moldova

(2021): There are no specific sanctions but this may decrease the score established by Evaluation Board in the assessment of prosecutor activity.

Question 150

Armenia

(2021): The trainings mentioned above are existed in the list of the in-service training programme, but they are optional. Based on this reasoning, we cannot answer questions number 151 and 152.

Georgia

(2021): Judges have to undergo compulsory in-service training in „Ethic of Judges“. This training covers all issues related with „prevention of corruption and conflicts

Republic of Moldova

(General Comment): There are trainings separate for judges on following topics (Discipline and responsibility of judges, Ethics and deontology of judges) and for prosecutors (Ethical and professional conduct management and conflict management). Also there are joint trainings for both judges and prosecutors (Methods to prevent corrupt behavior).Trainings are organized by the National Institute of Justice.

(2021): The in-service training annual curricula for judges and prosecutors contains trainings dedicated to ethics, the prevention of corruption and conflicts of interest. When drafting the curricula and topics on the continuous training of judges and prosecutors there are taken into consideration the suggestions and individual needs of judges and prosecutors and they have possibility to choose the field they wish to improve in. Judges and prosecutors have the legal obligation to participate at least 40 hours per year in programmes of continuous training, which include ethics, prevention of corruption and conflicts of interest.

Ukraine

undergoes training at the Prosecutor's Training Centre of Ukraine (hereinafter - the PTCU), which includes the study of the rules of prosecutor's ethics, the components of which are the prevention of conflicts of interest and corruption.

2) remote course "Compliance with the requirements of anti-corruption legislation". The PTCU, together with the General Inspectorate, developed and implemented this remote course to ensure continuous professional development of prosecutors and, above all, to increase their professional level in the application and implementation of the provisions of legislation in the field of corruption prevention, in particular in terms of financial control (annual declaration), restrictions on receiving gifts, outside employment and overlapping with other activities, prevention of other corruption and corruption-related offenses, as well as conflict of interest.

The purpose of the training is to increase the professional competence of prosecutors in compliance with the requirements of anti-corruption legislation and detection of corruption. Objectives of the training: to work out the requirements of anti-corruption legislation, to study the mechanisms of prevention of conflict of interest and corruption by prosecutors. The training is aimed at: consolidating and deepening knowledge of the legislation on the prevention of corruption in the activities of the prosecutor; mastering the mechanisms for preventing and resolving conflicts of interest in the activities of the prosecutor, preventing any manifestations that may create the impression of corruption; compliance with restrictions on gifts; deepening knowledge of declaration.

Question 152

Georgia

(2021): At the beginning of career judges undergo the training, but it's possible to undergo it again if its some legal changes or other relevant factors.

Question 153

Armenia

(2021): Compulsory trainings involve topics on domestic violence and sexual violence.

Georgia

(2021): According legislation Prosecutors should be specially trained in above mentioned areas.

Republic of Moldova

(2021): Both prosecutors and judges receive special training in the field of domestic violence and sexual violence. According to the National Institute of Justice in-service training Plan, beneficiaries can participate in activities held in the module entitled "Protection of minors and domestic violence". National Institute of Justice opts for trainers with specialization and training in the field of violence. NIJ trainers on this topic are regularly trained in order to improve their knowledge and practices. According to the initial training plan for candidates to be judges and prosecutors, for the year 2021, topics on violence against women and domestic violence were integrated in two submodules "Investigation of crimes against family and minors", carried out in the first semester and "Judicial investigation of crimes against family and minors", integrated in the second semester.

During development of the Plan for in-service training of judges, prosecutors, court staff, probation counselors, lawyers who provide legal aid and prosecutors' consultants for the year 2022, topics from Action Plan of the National Strategy for Prevention and combating violence against women and domestic violence for the years 2018-2023 were included.

In 2021, NIJ carried out the following training activities in the field of violence:

- Training course: Ways of working with domestic abusers and techniques for preventing violence against women and domestic violence.
- Seminar: Peculiarities of examining cases on the application of protective measures for victims of domestic violence/violence against children.
- Seminar: Peculiarities of examining cases on domestic violence/violence against children.
- Training course: Investigating and examining domestic violence offences.
- Seminar "Women's access to justice - the particularities of the applicability of the provisions of the Istanbul Convention".
- Seminar: Justice in the interest of the child.
- Training course: Methods and tactics of investigation and examination of cases on crimes of a sexual nature committed by means of information technologies. Aspects of online abuse of minors.
- Seminar: Investigating sexual crimes committed by minors and against minors.
- Seminar: Psycho-physiological aspects of minors involved in sexual crimes.
- Seminar: Peculiarities of investigating and judging sexual crimes.

Question 154-1

Ukraine

(2021): Since the Training Centre organized 2 trainings on the European Convention on Human Rights, which were attended by: 36 and 25 unique participants, respectively, the number in the columns "Number of participants in training programs" and "Number of unique participants in training sessions" is the same. We do not have information about unique participants Judges

Question 155

Armenia

program:

- Within the framework of the project "Promoting Access to Justice for Victims of Discrimination, Hate Crimes and Hate Speech in Eastern Partnership Countries through Extrajudicial Compensation Mechanisms", 2 courses on "Combating Hate Speech" were held, in which 13 judges, 17 prosecutors participated.
- Within the framework of the project "Support to Criminal Justice Reforms and Harmonization of Application of European Standards in Armenia", a course on "Reasoning of judicial acts in criminal cases" was held, in which 17 judges participated.
- "Main principles in human rights in biomedicine" course was conducted, in which participated 4 judges.
- Within the framework of the project "Support to Criminal Justice Reforms and Harmonization of Application of European Standards in Armenia", a course on "Procedural safeguards in criminal proceedings and the rights of the victim" was held, in which participated 10 judges and 10 prosecutors.
- Within the framework of the regional program "Access to justice for women: compliance with the Istanbul Convention and other European standards of gender equality in Eastern Partnership countries", a course on "Access to justice for women" was held, in which 12 judges and 8 prosecutors participated.

Azerbaijan

(2021): The name of organisations that co-organised/financed the trainings are European Union and Council of Europe.

Question 155-1

Ukraine

(2021): Since the Training Centre organized 4 trainings "Common Vision-New Prosecutor's Office" for heads of district and regional prosecutor's offices, each of which involved unique participants, the number in the column "Number of participants in training programs" and "Number of unique participants in training sessions" is the same.

Question 155-4

Republic of Moldova

(2021): The data were provided by the National Institute of Justice.

Question 155-5

Ukraine

(2021): Trainers fill out a questionnaire to evaluate the participants based on the results of the training.

Question 155-6

Republic of Moldova

(2021): There is a transitional period to Kirkpatrick evaluation model, so in 2021 still an evaluation immediately after the training was delivered but taking into consideration as well the Kirkpatrick model.

8. Accountability and processes affecting public trust - Overview

Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges and prosecutors in 2021 (Tables 8.9.5 and 8.9.10)

Beneficiaries	Disciplinary proceedings and sanctions against judges and prosecutors in 2021					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	41	8	11	8	11	6
Azerbaijan	17	52	12	52	10	52
Georgia	166	10	49	14	0	9
Republic of Moldova	36	52	16	46	5	8
Ukraine	182	264	140	229	74	105
EaP Average	88	77	46	70	20	36

Figure 8.1 Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2021 (per 100 judges)

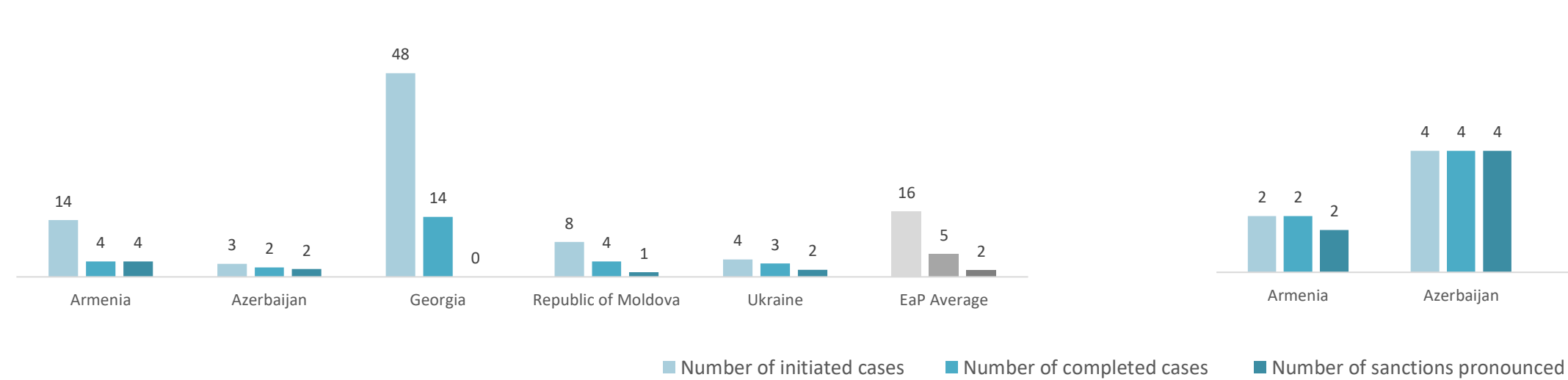
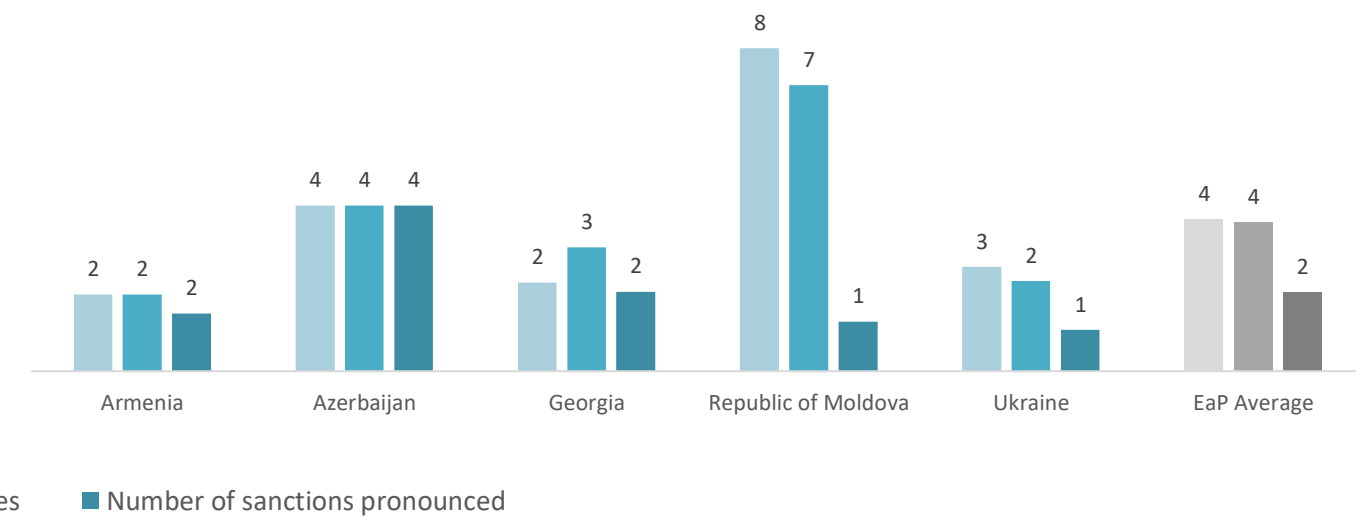


Figure 8.2 Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2021 (per 100 prosecutors)



Number of criminal cases against judges and prosecutors in 2021 (Table 8.4.2)

Beneficiaries	Number of criminal cases and sanctions against judges and prosecutors in 2021					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	4	0	2	0	0	0
Azerbaijan	1	0	0	0	0	0
Georgia	0	1	0	0	0	0
Republic of Moldova	4	19	2	6	4	2
Ukraine	NA	NA	NA	NA	NA	NA
EaP Average	2	5	1	2	1	1

8. Accountability and processes affecting public trust - List of tables

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2021 (Q156)

Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2021 (Q156)

Table 8.1.3 Authorities responsible for dealing with the requests and existence of a legal time limit to deal with these requests in 2021 (Q156-1)

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge and total number of initiated procedures and total number of pronounced recusals in 2021 (Q160 and Q161)

8.3 Public prosecution services

Table 8.3.1 Status of public prosecution services in 2021 (Q162-0)

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2021 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

8. Accountability and processes affecting public trust - List of tables

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2021 (Q164 and Q166)

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2021 (Q171)

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2021 (Q172-0)

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2021 (Q182)

8.5 Code of ethics of judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2021 (Q172, Q173 and Q173-1)

Table 8.5.2 Code of ethics for prosecutors in 2021 (Q174, Q175 and Q175-1)

Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2021 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and 181-1)

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of distribution of court cases in 2021 (Q183, Q184)

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2021 (Q185, Q186, Q187 and Q188)

Table 8.6.3 Number of processed reassignments of cases in 2021 (Q185-1)

8. Accountability and processes affecting public trust - List of tables

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2021: law(s) and regulation(s) that require a declaration of assets (Q190 and Q192)

Table 8.7.2 Declaration of assets for judges in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Table 8.7.3 Declaration of assets for judges in 2021: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Table 8.7.4 Declaration of assets for judges in 2021: sanction in case of non-declaration (Q201)

Table 8.7.5 Declaration of assets for prosecutors in 2021: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Table 8.7.6 Declaration of assets for prosecutors in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Table 8.7.7 Declaration of assets for prosecutors in 2021: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Table 8.7.8 Declaration of assets for prosecutors in 2021: sanction in case of non-declaration of assets (Q214)

Table 8.7.9 Declaration of assets for judges and prosecutors in 2021: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

8. Accountability and processes affecting public trust - List of tables

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2021 (Q217)

Table 8.8.2 Other functions/activities carried out by judges in 2021 (Q218, Q219, Q220 and Q221)

Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2021 (Q222 and Q223)

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2021 (Q226)

Table 8.8.5 Other functions/activities carried out by prosecutors in 2021 (Q227, Q228, Q229 and Q230)

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2021 (Q231 and Q232)

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2021 (Q224 and Q233)

8. Accountability and processes affecting public trust - List of tables

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of disciplinary procedure against judges in 2021 (Q234 and Q235)

Table 8.9.2 Authority with disciplinary power over judges in 2021 (Q234 and Q235)

Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal in 2021 (Q236, Q240 and Q241)

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2021 (Q242)

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2021 (Q237, Q238 and Q239)

Table 8.9.6 Description of professional inadequacy for judges in 2021 (Q237 and Q237-1)

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2021 (Q243)

Table 8.9.8 Authority with disciplinary power over prosecutors in 2021 (Q244)

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal in 2021 (Q245, Q250 and Q251)

Table 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2021 (Q246, Q247 and Q248)

Table 8.9.11 Description of professional inadequacy for prosecutors in 2021 (Q246 and Q246-1)

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2021 (Q156)


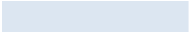
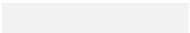
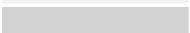
Beneficiaries	System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2021												
	Total number of requests for compensation	Total number of compensations granted	Specific circumstances										
			Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other		
			Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	402	147	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
Ukraine	NA	NA	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2021 (Q156)

Beneficiaries	System for compensating users: amounts granted by specific circumstances in 2021										
	Total amount (in €) (1 + 2 + 3 + 4 + 5)	Amount granted by specific circumstances									
		Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other	
		Amount in € (1)	As % of Total amount	Amount in € (2)	As % of Total amount	Amount in € (3)	As % of Total amount	Amount in € (4)	As % of Total amount	Amount in € (5)	As % of Total amount
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	352 920 €	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
Ukraine	NA	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-

Table 8.1.3 Authorities responsible for dealing with the requests and existence of a legal time limit to deal with these requests in 2021 (Q156-1)

Beneficiaries	Authorities responsible for dealing with the requests and existence of a legal time limit to deal with these requests in 2021									
	Court concerned		Higher court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
	Responsible authorities	Legal time limit	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine										

Yes 
 No 
 NA 
 NAP 

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge and total number of initiated procedures and total number of pronounced recusals in 2021 (Q160 and Q161)

Beneficiaries	Existence of a procedure to effectively challenge a judge, if a party considers that the judge is not impartial	Total number of initiated procedures	Total number of pronounced recusals
Armenia		NA	NA
Azerbaijan		NA	NA
Georgia		NA	NA
Republic of Moldova		6164	459
Ukraine		NA	NA
Average		-	-
Median		-	-
Minimum		-	-
Maximum		-	-

Yes	
No	
NA	
NAP	

8.3 Public prosecution services


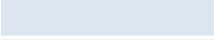
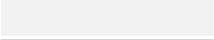

Table 8.3.1 Status of public prosecution services in 2021 (Q162-0)

Beneficiaries	Status of public prosecution services in 2021						
	Independent status as a separate entity among state institutions	Part of the executive power but enjoys functional independence	Part of the executive power (without functional independence)	Part of the judicial power but enjoys functional independence	Part of the judicial power (without functional independence)	Mixed model	Other status
Armenia	Yes	No	No	No	No	No	No
Azerbaijan	No	No	No	Yes	No	No	No
Georgia	Yes	No	No	No	No	No	No
Republic of Moldova	No	No	No	Yes	No	No	No
Ukraine	Yes	No	No	No	No	No	No

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2021 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

Beneficiaries	Specific instructions to prosecute or not, addressed to a public prosecutor in 2021																				Number of instructions addressed to a public prosecutor to prosecute or not	Public prosecutor able to oppose/report an instruction to an independent body
	Existence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor		Absence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor																			
	Yes	Exceptions in the laws and regulations that envisage the possibility of the issuance of specific instructions	Authority issuing the specific instructions				Form of instructions				Type of instructions				Frequency of the instructions							
General Prosecutor			Higher prosecutor/Head of prosecution office	Executive power	Other	Oral instruction	Oral instruction with written confirmation	Written instruction	Other	Issued seeking prior advice from the competent public prosecutor	Mandatory	Argumented	Recorded in the case file	Other	Exceptional	Occasional	Frequent	Systematic				
Armenia																						
Azerbaijan																						
Georgia																						
Republic of Moldova																						
Ukraine																						

Yes 
 No 
 NA 
 NAP 

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2021 (Q164 and Q166)

Beneficiaries	Type of legal provisions to guarantee the independence of judges and prosecutors in 2021							
	Judges				Prosecutors			
	Constitution	Special law	Law	Other	Constitution	Special law	Law	Other
Armenia	Yes	Yes	No	No	Yes	Yes	No	No
Azerbaijan	Yes	Yes	No	No	Yes	Yes	No	No
Georgia	Yes	Yes	Yes	No	Yes	Yes	No	No
Republic of Moldova	Yes	Yes	No	Yes	Yes	Yes	No	No
Ukraine	Yes	Yes	No	No	No	Yes	No	No

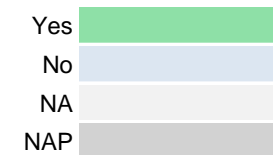


Table 8.4.2 Number of criminal cases against judges or prosecutors in 2021 (Q171)

Beneficiaries	Number of criminal cases against judges or prosecutors in 2021					
	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	4	2	0	0	0	0
Azerbaijan	1	0	0	0	0	0
Georgia	0	0	0	1	0	0
Republic of Moldova	4	2	4	19	6	2
Ukraine	NA	NA	NA	NA	NA	NA
Average	2	1	1	5	2	1
Median	3	1	0	1	0	0
Minimum	0	0	0	0	0	0
Maximum	4	2	4	19	6	2

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2021 (Q172-0)

Beneficiaries	Specific measures to prevent corruption for judges and prosecutors in 2021													
	Mandatory rotation of judges, prosecutors, and staff		Gift rules		Specific training		Internal controls		Safe complaints mechanisms		Other		No mechanism in place	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia			Yes	Yes				Yes	Yes	Yes	Yes	Yes		
Azerbaijan		Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes			
Georgia			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
Republic of Moldova			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
Ukraine			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			



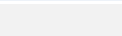

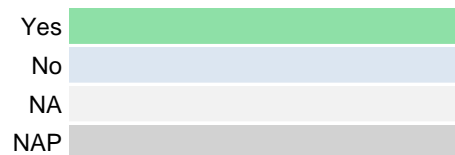
Yes 
 No 
 NA 
 NAP 

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2021 (Q182)

Beneficiaries	System to report attempt for influence/corruption on judges and prosecutors in 2021	
	Judges	Prosecutors
Armenia	Yes	Yes
Azerbaijan	Yes	Yes
Georgia	Yes	Yes
Republic of Moldova	Yes	Yes
Ukraine	Yes	Yes



8.5 Code of ethics of judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2021 (Q172, Q173 and Q173-1)

Beneficiaries	Code of ethics for judges in 2021											Link to the code of ethics
	Existence of code of ethics	Regular update of the code for ethics	Principles contained in the code of ethics									
			Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules	
Armenia	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	https://court.am/hy/decisions-general-meeting-single/8
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://e-qanun.az/framework/16075
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	http://www.supremecourt.ge/judges-self-governance/judges-ethics-code
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.csm.md/files/Acte_normative/Codul_de_etica_al_judecatorului.pdf
Ukraine	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	https://zakon.rada.gov.ua/rada/show/n0001415-13#Text


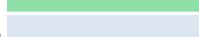
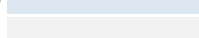

Yes 
 No 
 NA 
 NAP 

Table 8.5.2 Code of ethics for prosecutors in 2021 (Q174, Q175 and Q175-1)

Beneficiaries	Code of ethics for prosecutors in 2021											
	Existence of code of ethics	Regular update of the code for ethics	Principles contained in the code of ethics									Link to the code of ethics
			Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules	
Armenia	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.prosecutor.am/myfiles/files/decrees/Varqagci-kanonnery.pdf
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://genprosecutor.gov.az/az/page/prokurorluq/senedler/etik-davranis-kodeksi
Georgia	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.matsne.gov.ge/ka/document/view/4973795?publication=0
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://csp.md/sites/default/files/inline-files/CODUL%20de%20Etica%20Redactat%2015.07.2019_0.pdf
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://gp.gov.ua/ua/posts/prokurorska-etika


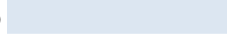
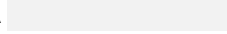


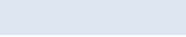
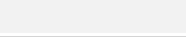
Yes 
 No 
 NA 
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Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2021 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and 181-1)

Beneficiaries	Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2021							
	Judges				Prosecutors			
	Existence of the institution	Composition of the institution/body	Opinions publicly available	Number of opinions given	Existence of the institution	Members of the institution/body	Opinions publicly available	Number of opinions given
Armenia		NAP		-		Only prosecutors		0
Azerbaijan		Only judges		NA		Prosecutors and other legal professionals		NA
Georgia		NAP		-		Only prosecutors		NA
Republic of Moldova		Only judges		0		Prosecutors and other legal professionals		0
Ukraine		Only judges		NAP		Only prosecutors		NA

Yes 

No 

NA 

NAP 

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of distribution of court cases in 2021 (Q183, Q184)

Beneficiaries	Transparency and organisation of distribution of court cases in 2021						
	Transparency in the court cases distribution	Organisation in distribution of court cases					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Armenia	Yes	No	Yes	No	No	Yes	Yes
Azerbaijan	Yes	No	Yes	No	No	Yes	Yes
Georgia	Yes	No	Yes	No	No	No	No
Republic of Moldova	Yes	No	Yes	No	No	Yes	Yes
Ukraine	Yes	No	Yes	No	No	No	Yes


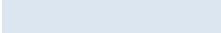
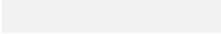
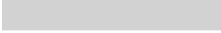
Yes 
 No 
 NA 
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Table 8.6.2 Transparency and organisation of reassignment of court cases in 2021 (Q185, Q186, Q187 and Q188)

Beneficiaries	Transparency and organisation of reassignment of court cases in 2021													
	Reasons for reassigning a case				Does the reassignment of cases have to be reasoned?			Reassignments of cases processed through the computerised distribution of cases	If yes, how are reassignments of cases processed:					
	Conflict of interest declared by the judge or by the parties	Recusal of the judge or requested by the parties	Physical unavailability (illness, longer absence)	Other	Yes for all reassignments	Yes for some reassignments	No		Automatic allocation	Random allocation	By discretion of a president of a court	Other	All interventions on the system are irreversibly logged/registered	
Armenia														
Azerbaijan														
Georgia														
Republic of Moldova														
Ukraine														


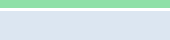
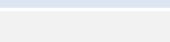

Yes 
 No 
 NA 
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Table 8.6.3 Number of processed reassignments of cases in 2021 (Q185-1)

Beneficiaries	Number of processed reassignments of cases in 2021				
	Total	Conflict of interest declared by the judge or by the parties	Recusal of the judge or requested by the parties	Physical unavailability (illness, longer absence)	Other
Armenia	NA	NAP	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NAP
Georgia	NA	NA	NA	NA	NA
Republic of Moldova	417	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA
Average	-	-	-	-	-
Median	-	-	-	-	-
Minimum	-	-	-	-	-
Maximum	-	-	-	-	-

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2021: law(s) and regulation(s) that require a declaration of assets (Q190 and Q192)

Beneficiaries	Declaration of assets for judges in 2021: law(s) and regulation(s) that require a declaration of assets							Copy of the declaration of assets form provided in attachment
	Law(s) and regulation(s) that require a declaration of assets for judges							
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Armenia				Yes				Yes
Azerbaijan				Yes	Yes			
Georgia				Yes				Yes
Republic of Moldova		Yes		Yes				Yes
Ukraine		Yes			Yes			


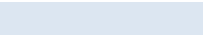
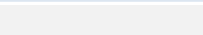

Yes 
 No 
 NA 
 NAP 

Table 8.7.2 Declaration of assets for judges in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Beneficiaries	Declaration of assets for judges in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the judge
Armenia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ukraine	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes


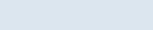
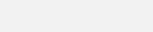

Yes 
 No 
 NA 
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Table 8.7.3 Declaration of assets for judges in 2021: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Beneficiaries	Declaration of assets for judges in 2021: verification, registration and publication of the declaration								
	Declaration of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	Other	Not published
Armenia	Yes	Yes	Yes	Yes	Yes	No	No	No	No
Azerbaijan	No	Yes	Yes	Yes	No	No	No	No	Yes
Georgia	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Ukraine	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No


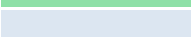


Yes 
 No 
 NA 
 NAP 

Table 8.7.4 Declaration of assets for judges in 2021: sanction in case of non-declaration (Q201)

Beneficiaries	Declaration of assets for judges in 2021: sanction in case of non-declaration							
	Warning	Fine	Withdrawal from cases	Transfer to another (court) geographical location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Armenia	Yes	Yes	No	No	No	Yes	Yes	Yes
Azerbaijan	No	Yes	No	No	No	No	No	No
Georgia	No	Yes	No	No	No	No	Yes	Yes
Republic of Moldova	No	No	No	No	No	No	No	Yes
Ukraine	No	Yes	Yes	No	No	Yes	Yes	No


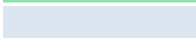

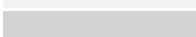

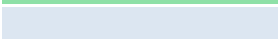
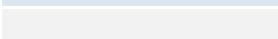
Yes	
No	
NA	
NAP	

Table 8.7.5 Declaration of assets for prosecutors in 2021: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Beneficiaries	Declaration of assets for prosecutors in 2021: law(s) and regulation(s) that require a declaration of assets							
	Law(s) and regulation(s) that require a declaration of assets for prosecutors							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of prosecutors	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Armenia				Yes				Yes
Azerbaijan				Yes	Yes	Yes		
Georgia				Yes		Yes		Yes
Republic of Moldova		Yes		Yes				Yes
Ukraine				Yes				

Yes 

No 

NA 

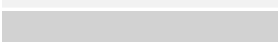
NAP 

Table 8.7.6 Declaration of assets for prosecutors in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Beneficiaries	Declaration of assets for prosecutors in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the prosecutor
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																

Yes ■
 No ■
 NA ■
 NAP ■

Table 8.7.7 Declaration of assets for prosecutors in 2021: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Beneficiaries	Declaration of assets for prosecutors in 2021: verification, registration and publication of the declaration								
	Declarations of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	Other	Not published
Armenia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Azerbaijan	No	Yes	Yes	Yes	No	No	No	No	Yes
Georgia	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No



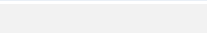

Yes 
 No 
 NA 
 NAP 

Table 8.7.8 Declaration of assets for prosecutors in 2021: sanction in case of non-declaration of assets (Q214)

Beneficiaries	Declaration of assets for prosecutors in 2021: sanction in case of non-declaration of assets							
	Warning	Fine	Withdrawal from cases	Transfer to another public prosecution office	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Armenia	No	Yes	No	No	No	Yes	No	Yes
Azerbaijan	No	Yes	No	No	No	No	No	No
Georgia	No	Yes	No	No	No	Yes	Yes	No
Republic of Moldova	No	Yes	No	No	No	No	No	Yes
Ukraine	No	Yes	No	No	No	Yes	Yes	Yes


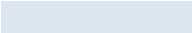
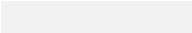

Yes 
 No 
 NA 
 NAP 

Table 8.7.9 Declaration of assets for judges and prosecutors in 2021: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

Beneficiaries	Declaration of assets for judges and prosecutors in 2021: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration					
	Proceedings against judges			Proceedings against prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	7	7	2	1	1	0
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	9	9	4	0	0	0
Republic of Moldova	12	NA	NA	24	NA	NA
Ukraine	NA	NA	NA	20	18	10
Average	9	-	-	11	6	3
Median	9	-	-	11	1	0
Minimum	7	-	-	0	0	0
Maximum	12	-	-	24	18	10

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2021 (Q217)

Beneficiaries	Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2021				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a judge with other functions/professional activities	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

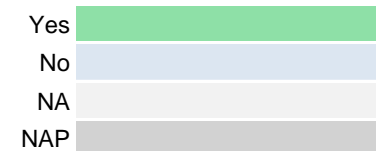


Table 8.8.2 Other functions/activities carried out by judges in 2021 (Q218, Q219, Q220 and Q221)

Beneficiaries	Other functions/activities carried out by judges in 2021																				
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the judge have to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	The court in question	High Judicial Council		Other			
Armenia	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	No	No	No	No	Yes	Yes					
Azerbaijan	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	No	No	No	No	No	No					
Georgia	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	No	No	No	No	No	No					
Republic of Moldova	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No				Yes	
Ukraine	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	No	No	No	No	Yes	Yes					


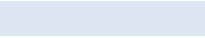
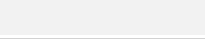

Yes 
 No 
 NA 
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Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2021 (Q222 and Q223)

Beneficiaries	Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2021															
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on judges	Law on the High Judicial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on judges	Law on the High Judicial Council	Other
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																



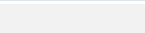
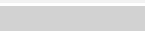
Yes 
 No 
 NA 
 NAP 

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2021 (Q226)

Beneficiaries	Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2021				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a prosecutor with other functions/professional activities	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes	
No	
NA	
NAP	

Table 8.8.5 Other functions/activities carried out by prosecutors in 2021 (Q227, Q228, Q229 and Q230)

Beneficiaries	Other functions/activities carried out by prosecutors in 2021																					
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the prosecutor have to inform his or her hierarchy about these accessory activities	
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	The public prosecution office in question	High Judicial/Prosecutorial Council		Other				
Armenia																						
Azerbaijan																						
Georgia																						
Republic of Moldova																						
Ukraine																						


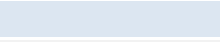
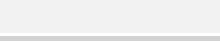

Yes 
 No 
 NA 
 NAP 

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2021 (Q231 and Q232)

Beneficiaries	Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2021															
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the Judicial/ Prosecutorial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the High Judicial/ Prosecutorial Council	Other
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																


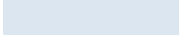
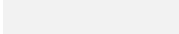
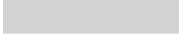
Yes 
 No 
 NA 
 NAP 

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2021 (Q224 and Q233)

Beneficiaries	Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2021					
	Against judges			Against prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	0	0	0	0	0	0
Azerbaijan	0	0	0	0	0	0
Georgia	0	0	0	0	0	0
Republic of Moldova	1	NA	NA	0	0	0
Ukraine	NA	NA	NA	NA	NA	NA
Average	0	0	0	0	0	0
Median	0	0	0	0	0	0
Minimum	0	0	0	0	0	0
Maximum	1	0	0	0	0	0

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of disciplinary procedure against judges in 2021 (Q234 and Q235)

	Initiation of disciplinary procedure against judges in 2021										
	Court users	Relevant Court or hierarchical superior	High Court / Supreme Court	High Judicial Council	Disciplinary court	Disciplinary body	Ombudsman	Parliament	Executive power	Other	This is not possible
Armenia						Yes			Yes	Yes	
Azerbaijan				Yes					Yes	Yes	
Georgia						Yes					
Republic of Moldova	Yes			Yes						Yes	
Ukraine										Yes	



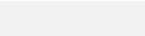

Yes 
 No 
 NA 
 NAP 

Table 8.9.2 Authority with disciplinary power over judges in 2021 (Q234 and Q235)

	Authority with disciplinary power over judges in 2021							
	Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Armenia			Yes					
Azerbaijan			Yes					
Georgia			Yes	Yes				
Republic of Moldova			Yes					
Ukraine			Yes					


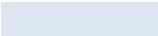
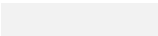


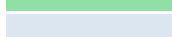
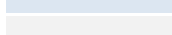
Yes 
 No 
 NA 
 NAP 

Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal in 2021 (Q236, Q240 and Q241)

Beneficiaries	Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal in 2021										
	Possibility for the judge to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal							
	Hearing	Written submission		Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Armenia	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No
Azerbaijan	Yes	Yes	Yes	No	Yes	No	No	No	No	No	No
Georgia	Yes	Yes	Yes	No	No	No	Yes	No	No	No	No
Republic of Moldova	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No
Ukraine	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No

Yes 

No 

NA 





NAP 

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2021 (Q242)

Beneficiaries	Reasons for transferring a judge without his/her consent in 2021		
	For disciplinary reasons	For organisational reasons	For other reason
Armenia	No	No	No
Azerbaijan	Yes	No	No
Georgia	No	Yes	Yes
Republic of Moldova	No	No	No
Ukraine	Yes	Yes	No

Yes 

No 

NA 


NAP 

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2021 (Q237, Q238 and Q239)

Beneficiaries	Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2021																						
	Number of disciplinary proceedings initiated against judges						Number of cases completed against judges						Number of sanctions pronounced against judges										
	Total	Breach of professional ethics (including breach of	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical (court) location	Resignation	Other	Dismissal
	1+...+5	1	2	3	4	5	1+...+5	1	2	3	4	5	1+...+10	1	2	3	4	5	6	7	8	9	10
Armenia	41	20	20	NAP	NAP	1	11	2	9	NAP	NAP	NAP	11	9	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	2
Azerbaijan	17	1	16	0	NAP	NAP	12	1	11	0	NAP	NAP	10	8	NAP	NAP	NAP	NAP	NAP	0	0	2	0
Georgia	166	NAP	102	2	0	62	49	NAP	36	0	0	13	0	0	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0	0
Republic of Moldova	36	NA	NA	NA	NA	NA	16	NA	NA	NA	NA	NA	5	1	NAP	NAP	NAP	0	NAP	NAP	NAP	2	2
Ukraine	182	26	156	0	NA	NA	140	23	117	0	NA	NAP	74	32	NAP	1	NAP	33	0	0	NAP	33	8
Average	88	16	74	1	-	-	46	9	43	0	-	-	20	10	-	-	-	-	-	-	-	9	2
Median	41	20	61	0	-	-	16	2	24	0	-	-	10	8	-	-	-	-	-	-	-	2	2
Minimum	17	1	16	0	-	-	11	1	9	0	-	-	0	0	-	-	-	-	-	-	-	0	0
Maximum	182	26	156	2	-	-	140	23	117	0	-	-	74	32	-	-	-	-	-	-	-	33	8

Table 8.9.6 Description of professional inadequacy for judges in 2021 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2021	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Armenia	20	violation of provisions of substantive or procedural law while administering justice or exercising — as a court — other powers provided for by law, which have been committed deliberately or with gross negligence.
Azerbaijan	16	Gross infringement of the requirements of legislation in the course of consideration of case.
Georgia	102	f.a - Violation by a judge of a time limit specified by the Georgian procedural law without good reason – 82; f.b - Expression of undisguised disrespect by a judge towards a different judge, a court staffer, or a participant in a court process - 20.
Republic of Moldova	NA	There is not a clear written delimitation between the disciplinary violations stated in the article 4 of the Law no, 178/2014 on the disciplinary liability of judges in order to count the violations or procedures that are included in "Professional inadequacy" category.
Ukraine	156	<p>1) regardless of whether the below was committed intentionally or caused by negligence:</p> <p>a) unlawful denial of access to justice (including unlawful denial to review any statement of claim, statement of appeal, or a cassational appeal on the merits of the same) or any other substantial breach of procedural law in the course of administration of justice, which denied the exercise by the litigants of their procedural rights and compliance with their procedural obligations, or caused an infringement of rules regarding the court jurisdiction or composition;</p> <p>b) omission to include the reasons for accepting or rejecting the arguments of the parties on the merits of the dispute into the court decision;</p> <p>c) violation of the open court principle;</p> <p>d) violation of the principles of equality of all litigants before the law and the court, adversary nature of the proceedings, and freedom of the parties to provide their evidence and support their arguments before the court;</p> <p>e) infringement of the right of the accused to protection, and impeding the exercise of rights by other parties of the proceedings;</p> <p>f) violation of recusal / self-recusal rules;</p> <p>2) unsubstantiated delaying, or omission by the judge to take action for reviewing the statement, complaint or case within the period of time determined by law; delaying the preparation of a substantiated court decision; failure by the judge to provide in due time a copy of the court decision that must be registered in the Unified State Register of Court Decisions;</p> <p>3) the judge acts in ways that are considered inappropriate for a judge or disrupt the authority of justice, specifically where related to morals, honesty, integrity, lifestyle that corresponds to the status of a judge, other rules of judicial ethics and behavioural standards that win public trust to courts, displaying disrespect to other courts, attorneys, experts, witnesses, or other litigants;</p> <p>4) violation by the judge who was involved in the approval of a court decision of human rights and fundamental freedoms, or any other gross violation of the law that caused significant implications, regardless of whether committed intentionally or due to gross negligence;</p> <p>5) the judge discloses any sensitive information protected by law, including any information shared in the consultation room, or any information that became known to the judge in the course of a closed court trial;</p> <p>14) the judge has not completed an advance training course at the National School of Judges of Ukraine as directed by the authority conducting disciplinary proceedings against judges, or has not passed a follow-up qualification assessment required to certify a judge's ability to administer justice at a relevant court, or such qualification assessment has not proven the judge's ability to administer justice at the relevant court.</p> <p>(Part one of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges").</p>

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2021 (Q243)

Beneficiaries	Initiation of a disciplinary procedure against prosecutors in 2021										
	Citizens	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public Prosecutorial Council (High Judicial Council)	Disciplinary court	Disciplinary body	Ombudsman	Professional body	Executive power	Other	This is not possible
Armenia			Yes			Yes					
Azerbaijan			Yes								
Georgia			Yes								
Republic of Moldova	Yes			Yes						Yes	
Ukraine	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	



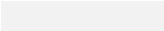

Yes 
 No 
 NA 
 NAP 

Table 8.9.8 Authority with disciplinary power over prosecutors in 2021 (Q244)

Beneficiaries	Authority with disciplinary power over prosecutors in 2021									
	Supreme Court	Head of the organisational unit or hierarchical superior	Prosecutor General/ State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other	(Other, details)
Armenia										-
Azerbaijan										-
Georgia										-
Republic of Moldova										Disciplinary and Ethics Board
Ukraine										The relevant body conducting disciplinary proceedings.


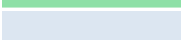
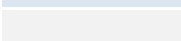

Yes 
 No 
 NA 
 NAP 

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal in 2021 (Q245, Q250 and Q251)

Beneficiaries	Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal in 2021												
	Possibility for the prosecutor to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal									
	Hearing	Written submission		Supreme Court	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other	(Other, details)
Armenia	Yes	Yes	Yes	No	No	No	No	Yes	No	No	No	No	-
Azerbaijan	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No	No	Court
Georgia	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	-
Republic of Moldova	Yes	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No	Chisinau Court of Appeal (Article 191(3) of the Administrative Code)
Ukraine	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	District Administrative Court, High Council of Justice.


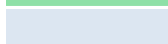
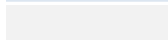

Yes 
 No 
 NA 
 NAP 

Table 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2021 (Q246, Q247 and Q248)

Beneficiaries	Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2021																						
	Number of initiated disciplinary proceedings against prosecutors						Number of completed cases against prosecutors						Number of pronounced sanctions against prosecutors										
	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another public prosecution	Resignation	Other	Dismissal
	1+...+5	1	2	3	4	5	1+...+5	1	2	3	4	5	1+...+10	1	2	3	4	5	6	7	8	9	10
Armenia	8	0	0	0	0	8	8	0	0	0	0	8	6	5	NAP	NAP	NAP	NAP	0	NAP	NAP	0	1
Azerbaijan	52	50	2	NAP	NAP	NAP	52	50	2	NAP	NAP	NAP	52	30	5	NAP	NAP	NAP	0	NAP	0	15	2
Georgia	10	0	9	0	0	1	14	0	10	0	0	4	9	7	0	NAP	NAP	0	0	NAP	NAP	NA	2
Republic of Moldova	52	NA	NA	NA	NA	NA	46	NA	NA	NA	NA	NA	8	0	NAP	NAP	NAP	0	0	NAP	NAP	7	1
Ukraine	264	83	108	18	NAP	55	229	70	130	14	NAP	15	105	61	NAP	NAP	NAP	NAP	NAP	NAP	NAP	21	23
Average	77	33	30	6	-	21	70	30	36	5	-	9	36	21	-	-	-	-	0	-	-	11	6
Median	52	25	6	0	-	8	46	25	6	0	-	8	9	7	-	-	-	-	0	-	-	11	2
Minimum	8	0	0	0	-	1	8	0	0	0	-	4	6	0	-	-	-	-	0	-	-	0	1
Maximum	264	83	108	18	-	55	229	70	130	14	-	15	105	61	-	-	-	-	0	-	-	21	23

Table 8.9.11 Description of professional inadequacy for prosecutors in 2021 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2021	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Armenia	0	practical skills, awareness of the requirements of the basic legal acts related to his / her status, his / her personal qualities and merits (self-control, behavior, ability to listen, commun
Azerbaijan	2	"Professional inadequacy" means violation of official disciplines and improper performance of official duties.
Georgia	9	"Professional inadequacy" includes disciplinary violations, such as non-performance or improper performance of official duties prescribed by the legislation of Georgia.
Republic of Moldova	NA	NAP
Ukraine	108	In accordance with Part 1 of Article 43 of the Law of Ukraine "On the Prosecutor's Office" dated 14.10.2014 No. 1697-VII, a prosecutor may be held disciplinary liable in the course of his / her service, in the presence of others, on the following grounds: 1) non-performance or improper performance of service duties; 2) unjustified delay in considering an appeal; 3) disclosure of a secret protected by law, which became known to the prosecutor during the performance of his powers. Thus, a prosecutor's professional misconduct is defined as non-fulfilment or improper performance of service duties by the prosecutor, unjustified delay in considering an appeal and disclosure of a secret protected by law, which became known to the prosecutor during the performance of his powers.

Indicator 8 - Accountability and processes affecting public trust

by country

Question 156. Is there a system of compensation in the following circumstances:

Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Question 161. If yes, what are:

Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by the law or another regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by the law or other regulation, are there exceptions?

Question 162-2. What form these instructions may take?

Question 162-2-0. Which authority can issue such specific instructions?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges

Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?

Question 171. Number of criminal cases against judges or prosecutors

Question 172-0. Are specific measures to prevent corruption in place?

Question 172. Is there a code of ethics applicable to all judges? Please provide the link.

Question 173. If yes, is it regularly updated?

Question 173-1. Does the Code of Ethics contain principles on:

Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.

Question 175. If yes, is it regularly updated?

Question 175-1. Does the Code of Ethics contain principles on:

Question 176. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Question 177. If yes, who are the members of this institution / body?

Question 178. Are the opinions of this institution / body publicly available?

Question 178-1. How many opinions were given during the reference year?

Question 179. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. If yes, who are the members of this institution / body ?

Question 181. Are the opinions of this institution / body publicly available?

Question 181-1. How many opinions were given during the reference year?

Question 182. Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?

Question 183. Is transparency in distribution of court cases ensured in your judicial system?

Question 184. How is distribution of court cases organized in your system?

Question 185. What are the different possible reasons for reassigning a case?

Question 185-1. How many reassignments of cases were processed in the reference year?

Question 186. Does the reassignment of cases have to be reasoned?

Question 187. Are all reassignments of cases processed through the computerised distribution of cases?

Question 188. If yes, how are reassignments of cases processed:

Question 190. Which law(s) and regulation(s) require a declaration of assets by judges

Question 192. Can you provide the declaration of assets form (attachment)?

Question 193. What items are to be declared?

Question 194. What is the moment of the declaration of assets of judges?

Question 195. Does this declaration concern the members of the family?

Question 196. Is the declaration for family members the same as for the judge?

Question 197. Which authority receives the declaration? Please specify the status and nature of this authority (is it an independent body, what is the procedure for appointing members, etc.)?

Question 198. Are these declarations of assets verified as regards:

Question 199. Is there a register of declaration of assets?

Question 200. Where is the declaration published?

Question 201. What is the sanction in case of non-declaration of assets?

Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:

Question 203. Which law(s) and regulation(s) require a declaration of assets by prosecutors

Question 205. Can you provide the declaration of assets form (attachment)?

Question 206. What items are to be declared?

Question 207. What is the moment of the declaration of assets of prosecutors?

Question 208. Does this declaration concern the members of the family?

Question 209. Is the declaration for family members the same as for the prosecutor?

Question 210. Which authority receives the declaration?

Question 211. Are these declarations of assets verified as regards:

Question 212. *Is there a register of declaration of assets?*

Question 213. *Where is the declaration published?*

Question 214. *What is the sanction in case of non-declaration of assets?*

Question 215. *Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:*

Question 217. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:*

Question 218. *Can judges combine their work with any of the following other functions/activities?*

Question 219. *Is an authorisation needed to perform these accessory activities for judges?*

Question 220. *If yes, who is giving authorisation for these accessory activities for judges?*

Question 221. *If not, does the judge have to inform his or her hierarchy about these accessory activities?*

Question 222. *Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?*

Question 223. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:*

Question 224. *Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference*

Question 226. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:*

Question 227. *Can public prosecutors combine their work with any of the following other functions/activities?*

Question 228. *Is an authorisation needed to perform these accessory activities for public prosecutors?*

Question 229. *If yes, who is giving authorisation for these accessory activities for public prosecutors?*

Question 230. *If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?*

Question 231. *Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?*

Question 232. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:*

Question 233. *Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year*

Question 234. *Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?*

Question 235. *Which authority has disciplinary power over judges? (multiple replies possible)*

Question 236. *What are the possibilities for the judge to present an argumentation? (multiple replies possible)*

Question 237. *Number of disciplinary proceedings initiated during the reference year against judges.*

Question 238. *Number of cases completed in the reference year against judges.*

Question 239. *Number of sanctions pronounced during the reference year against judges.*

Question 240. *Can a disciplinary decision be appealed?*

Question 241. *If yes, what body is competent to decide on appeal?*

Question 242. *Can a judge be transferred to another court without his/her consent:*

Question 243. *Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):*

Question 244. *Which authority has disciplinary power over public prosecutors? (multiple replies possible)*

Question 245. *What are the possibilities for prosecutors to present an argumentation (multiple replies possible):*

Question 246. *Number of disciplinary proceedings initiated during the reference year against public prosecutors.*

Question 247. *Number of cases completed in the reference year against public prosecutors.*

Question 248. Number of sanctions pronounced during the reference year against public prosecutors.

Question 250. Can the disciplinary decision be appealed?

Question 251. If yes, what body is competent to decide on appeal?

Armenia

Q156 (2021): There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

Q156-1 (2021): Other bodies- Ethics and Disciplinary Commission of judges, Corruption Prevention Commission.

Q160 (General Comment): The grounds for self-recusal shall include, inter alia, the cases where:

(1) a judge is biased towards a person acting as a party, his or her representative, advocate, other participants of the proceedings;

(2) a judge, acting in his or her personal capacity, has been a witness to circumstances being disputed during the examination of a case;

(3) a judge has participated in the examination of the case concerned in another court;

(4) a close relative of a judge has acted, is acting or will reasonably act as a participant in the case;

(5) a judge is aware or must be reasonably aware that he or she personally or his or her close relative pursues economic interests in connection with the merits of the dispute or with any of the parties;

(6) a judge occupies a position in a non-commercial organisation and the interests of that organisation may be affected by the case.

In some procedural codes, the decision to refuse self-recusal can be directly challenged to the Court of Appeal (for example in administrative cases).

3. Within the meaning of this Article, the concept "economic interest" shall not include the following:

(1) managing stocks of the open joint-stock company in question through an investment fund or a pension fund or another nominee, where the judge is not aware of it;

(2) having a deposit in the bank in question, having an insurance policy with the insurance company in question, or being a participant of the credit union or the savings union in question, where the outcome of the case does not pose a significant threat to the solvency of that organisation;

(3) owning securities issued by the Republic of Armenia, a community or the Central Bank of the Republic of Armenia.

4. A judge having recused himself or herself shall be obliged to disclose the grounds for self-recusal to the parties, which shall be put on the record. Where the judge firmly believes that he or she will be impartial in the case concerned, he or she may propose that the parties consider, in his or her absence, waiving his or her self-recusal. Where the parties decide, in the absence of the judge, to waive the self-recusal of the judge, the latter shall carry out the examination of the case after that

Q161 (2021): Statistics are not being elaborated.

Q162 (2021): According to the Article 6 of the "Law on Prosecution" of RA, in the exercise of his/her powers, every prosecutor shall take decisions autonomously based on laws and inner conviction, and shall be responsible for decisions taken by him. Any interference with the prosecutor's activities, which is not prescribed by law, leads to legal liability and shall be prohibited. According to the Article 32, instructions of the superior prosecutor are mandatory for the subordinate prosecutor, except in cases when the subordinate prosecutor finds that instructions are illegal or unfounded. In that case the subordinate prosecutor shall not follow the given instructions and must file a written objection to the superior prosecutor, who gave the instruction, except in cases when the instruction was given by the General

Q162-5 (2021): The prosecutor can oppose the instructions and challenge them to the higher prosecutor.

Q164 (2021): The special law is the Judicial Code of RA.

Q166 (2021): "Law on Prosecution"

Commission": "If, as a result of the analysis of the declarations, the Commission concludes that the declaration has not been submitted within the period prescribed by law or has been submitted in violation of the relevant requirements or procedure, or the declared information is incorrect or incomplete, it shall initiate administrative violation proceedings.

Q175 (2021): The rules of conduct of the prosecutor are established by the "Law on Prosecutor's Office", and the requirements arising from them are defined by the order of the Prosecutor General. These rules were last reviewed in 2018

Q176 (2021): The possibility of applying to Disciplinary commission for advice on the rule of ethics and conduct has been eliminated based on Venice Commissions report and the concerns that we have. Specifically, a Disciplinary body responsible for initiating a disciplinary should not have the authority to interpret those rules. There is no body in the judiciary which can be authorised to give advice on ethical rules. Besides, the advice will lead to complying to the interpretation, which can be explained differently by the Supreme Judicial Council, which is responsible for applying disciplinary measures. Thus, contradicting opinions will exist regarding the same rule. The status of advice on ethics or rules of conduct and its influence should be clear and not lead to conflicting situations.

Q180 (2021): Based on GRECO's recommendation, a new committee was formed to advise prosecutors on ethics, consisting of 2 prosecutors, who are specialized in prosecutorial ethics.

Q181-1 (2021): In practice, there has been only one case when prosecutor realizing the disciplinary proceedings applied to the Ethics Committee for an advisory

Q182 (2021): On June 2017 the "Law on the system of whistle-blowing" was adopted in Armenia and according to the law, others could report on a conflict of interests related to judges as well to prosecutors.

Also any intervention into the activities of the court, with the purpose of hindrance to the administration of justice or any intervention into the activities of the prosecutor, investigator or the person in charge of inquiry, with the purpose of hindrance to the comprehensive, complete and objective investigation of the case is considered a crime according to the Article 332 of the Criminal code.

Q184 (2021): According to Parts 2 and 3 of the Article 42 of the Judicial Code: “Where a judge is in charge of a case of particular complexity, the judge may apply to the Supreme Judicial Council with a suggestion to temporarily remove his or her name and surname from the distribution list or define a different percentage of cases to be distributed to him or her. Where it finds the application of the judge to be reasonable, the Supreme Judicial Council shall make a decision on temporarily removing the name and surname of the judge from the list of distribution of cases or on prescribing a different percentage of cases to be distributed to the judge and define a certain time limit for it which may not exceed six months. Based on the application of the judge, the Supreme Judicial Council may make a decision on extending the time limit of six months where the examination of the case of particular complexity has not ended.

The name and surname of a judge shall be removed from the list of distribution of cases:

- (1) in the case of a leave — for the period of the leave and the period of the preceding ten days;
- (2) in the case of secondment to another court — for the period of secondment and the period of the preceding ten days. The name of the seconded judge shall be removed from the list of distribution of cases of the court to which the judge was seconded one month before the expiry of the period of secondment;
- (3) in the case of temporary incapacity, participation in training courses, secondment abroad or suspension of powers — for the relevant period;
- (4) in the case of expiry of the term of office — three months before the expiry of the term of office;
- (5) in other cases provided for by this Code”.

Q185 (2021): The Judicial Code prescribes the circumstances when the cases are redistributed. According to Part 1 of the Article 46 of the Judicial code: “If a judge has been seconded, or his or her secondment period has expired, or he or she has been transferred to another court, or judges have exchanged their positions, or a judge has recused himself or herself from the case in question, or has participated in the examination of the case in question in the past, or has rejected the institution of proceedings the decision on which has been reversed in the manner prescribed, or his or her powers have been suspended, automatically or imposingly terminated, then the cases assigned to that judge shall be redistributed among other judges of relevant specialization of the court in question”.

Q190 (2021): Judicial code

Q192 (2021): The Government’s decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:

<https://www.arlis.am/DocumentView.aspx?DocID=153169>

Q193 (2021): The annual declaration includes information about assets, income, expenditures and interests.

Q194 (2021): According to article 69 of judicial code: When engaging in any activity and in cases provided for by the Law on the Commission for the Prevention of Corruption, a judge shall be obliged: to submit, in the cases and under the procedure prescribed by the Law “On the Commission for Prevention of Corruption, to the Commission for Prevention of Corruption appropriate materials or clarifications establishing that the changes in his or her property (increase in property and (or) decrease in liabilities) are reasonably justified by lawful income, or that he or she does not possess non- declared property or property not completely declared, or the source of income is lawful and reliable. According article 25 paragraph 5.1 of the "Law on the Commission for Prevention of Corruption" in case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

Q195 (2021): Comments According to article 34 of the "Law on the Public Service" "7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

8. Adult members of the declarant official's family shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

9. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

Q196 (2021): According to article 34 of the law on the Public service: Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as

Q200 (2021): Declarations are published in the official webpage of Corruption Prevention Commission. The link: <http://cpcarmenia.am/hy/declarations-registry/> of Judicial Code, the submission of declaration on the property, income, interests and expenses is considered as a rule of conduct of judges. According to the Article 67 of the Judicial Code, a judge shall be obliged to follow the rules of conduct prescribed by the Code. Failure to follow the rules of conduct in cases and as prescribed by the Code may result in a disciplinary sanction on a judge. According to the Article 149 (1), the Supreme Judicial Council may impose one of the following types of disciplinary penalties on the judge: (1)warning;(2)reprimand;(3)severe reprimand; (3.1)prohibition on being included in the list at the time of regular and extraordinary completion of the promotion list of judge candidates, for a period of one year;(3.2)Dismissal from the position of the chairperson of a court or chairperson of a chamber of the Court of Cassation;(4)Termination of powers on the ground of a essential disciplinary violation.

Criminal code

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia" On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand five hundred to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

Code on Administrative Violations

Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage.

(...)

Q202 (2021): The cumulative data is presented in the table.

Administrative proceedings

Number of cases initiated-5

Number of cases completed-5

Number of sanctions pronounced-2

Disciplinary proceedings Number of cases initiated-2

Number of cases completed-2

Number of sanctions pronounced- cases had been terminated by the Supreme Judicial Council

The mentioned cases were initiated by the Corruption Prevention Commission, which has the power to initiate both disciplinary and administrative proceedings. If, as a result of the analysis of the declarations, the Commission comes to the conclusion that the declaration was not submitted within the time limit set by the law or was submitted in violation of the relevant requirements or order, or the declared data is incorrect or incomplete, it initiates administrative proceedings. If the declarant is a judge or a member of the Supreme Judicial Council, the Commission, in addition to initiating proceedings regarding an administrative offense, initiates disciplinary proceedings. The materials obtained during the proceedings are submitted to the Supreme Judicial Council along with the motion to impose the judge or

Q203 (2021): Prosecutors are required to submit declaration of assets by the "Law on Public Service". In particular the article 34 paragraph 1 describes the scope of

Q205 (2021): The Government's decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:

<https://www.arlis.am/DocumentView.aspx?DocID=153169>

Q207 (2021): Annual declarations are submitted by May 31 of each year.

According article 25 paragraph 5.1 of the "Law on Corruption Prevention Commission", in case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

Q208 (2021): According to article 34 of the law on the Public service 7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data. 8. Adult members of the declarant official's family shall be deemed persons having obligation to submit a declaration and shall fill in data in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data. 9. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

Q209 (2021): According to article 34 of the law on the Public service . Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as

Q213 (2021): The link: <http://cpcarmenia.am/hy/declarations-registry/>

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia " On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand five hundred to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

Code on Administrative Violations

Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage.

(...)

Q218 (General Comment): A judge may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

Q218 (2021): There is an exception regarding consultation provided without remuneration. According to the Article 69 (part 1, point 10) of the Judicial Code, when engaging in any activity and in all circumstances, a judge shall be obliged not to act as a representative or provide counselling, including without compensation, except for cases when he or she acts as a legal representative or provides legal counselling to his or her close relatives or persons under his or her guardianship or

Q221 (2021): But there is a norm in Judicial Code:

Article 59. Right of a judge to participate in educational programmes

1. A judge shall have the right to participate in educational programmes, conferences and other professional gatherings of lawyers.

2. The consent to be absent for not more than up to five days per year for participating in educational programmes, conferences and other professional gatherings of lawyers during working hours shall be given by the chairperson of the court. To receive consent for a longer period, a judge shall, upon the consent of the chairperson of the court, apply to the Training Commission.

3. The consent to participate in other educational programmes, conferences and other professional gatherings of lawyers shall be granted to the judge so as not to impede the normal operation of the court.

4. Where a judge has received the consent of the chairperson of the court or that of the Training Commission, the absence of the judge in connection with participation in such events shall be considered to be with valid excuse, and the judge shall retain his or her salary.

5. Disputes related to failure to grant consent shall be settled by the Supreme Judicial Council.

Q227 (General Comment): A prosecutor may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

57 of the RA "Law on the Prosecutor's Office" (hereinafter "The Law"). Thus, according to the Article 56, the Prosecutor General may institute disciplinary proceedings against a prosecutor on the grounds prescribed by the Law. In the case of receiving a communication or motion to institute disciplinary proceedings against a prosecutor on the ground prescribed by point 4 of part 1 of Article 53 of the Law, the Prosecutor General or, in the case provided for by part 4 of the Article 56, the Ethics Commission shall, within a period of three days, forward the communication or motion to the Commission for the Prevention of Corruption. Where the institution of disciplinary proceedings against a prosecutor is initiated by the Prosecutor General, the latter shall, within a period of three days, submit to the Commission for the Prevention of Corruption information on the fact of failure by the prosecutor to comply with the restrictions or incompatibility requirements prescribed by Article 49 of the Law. The Ethics Commission shall also have the right to institute disciplinary proceedings against a prosecutor by the majority vote of the members present at the sitting based on communications provided for by point 3 of part 1 of the Article 56 addressed to the Ethics Commission, except for the case provided for by part 2 of the Article. According to the Article 57 of the Law, the Prosecutor General shall, within a period of seven days following the completion of the disciplinary proceedings, submit the issue of imposing disciplinary action, which may also include a motion to impose a disciplinary penalty. The Ethics Commission shall render one of the following decisions:

- (1) On the absence of a disciplinary violation;
- (2) On finding a disciplinary violation and the prosecutor's guilt in it;
- (3) On finding a disciplinary violation and the absence of the prosecutor's guilt in it.

Q234 (General Comment): Disciplinary body for judges is the Commission on Disciplinary and Ethics Issues under the General Assembly of judges which has not only judge members but also academics of law nominated by the civil society organisations. Corruption Prevention Commission is authorized to initiate disciplinary proceedings concerning asset declaration matters.

The Minister of Justice can also initiate disciplinary proceedings against judges.

These bodies initiate the disciplinary proceedings and apply to Supreme Judicial Council, which makes the decision.

Q235 (General Comment): Only the Supreme Judicial Council has the power to make the final decision on disciplinary sanctions against judges.

Q237 (2021): "Other" option was selected as the ground was violation of the incompatibility requirements.

Q241 (2021): It can be appealed to Supreme Judicial Council, which reviews its own decision or to the Constitutional Court (according to the Article 169 part 1 point 8 of the Constitution, everyone may apply to the Constitutional Court under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he or she challenges the constitutionality of the relevant provision of a regulatory legal act applied against him or her upon this act, which has led to the violation of his or her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice).

Article 156.1 of the Judicial Code.

Appealing against the decision of the Supreme Judicial Council on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability 1. The appeal brought by a judge against the decision on subjecting him or her to disciplinary liability or the appeal brought by the body having instituted disciplinary proceedings against the decision on rejecting the motion on subjecting a judge to disciplinary liability, respectively, shall be examined by the Supreme Judicial Council, where an essential evidence or circumstance has emerged which the person bringing the appeal did not previously introduce due to circumstances beyond his or her control and which could have reasonably affected the decision. 2. After having received the appeal, the Supreme Judicial Council shall immediately forward it to the other party, which may submit to the Supreme Judicial Council a response to the appeal within 10 days following the receipt thereof. 3. The Supreme Judicial Council shall examine the appeals against the decision on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability and shall render respective decisions thereon in writing except for the cases where it comes to a conclusion that it is necessary to examine the appeal at the session. A decision shall be rendered on examining the appeal at the court session. 4. In case a decision on examining the appeal at the court session is rendered, the parties shall be notified of the time and venue of the session. Failure to appear shall not preclude the examination of the appeal. The examination of the appeal at the court session shall start with reporting by the member reporting on the issue, who shall introduce the appeal and arguments in the response to the appeal. The members of the Supreme Judicial Council shall have the right to address questions to the rapporteur and the parties having appeared at the session, whereafter the examination of the appeal shall be declared as completed.

5. During the examination of the appeal, the Supreme Judicial Council shall revise the decision being appealed against only to the extent of the grounds and justifications of the appeal. 6. The appeal shall be examined and the decision shall be rendered within a period of two months following the receipt of the appeal.

Q242 (General Comment): The regulation on consent is stated in Art 56 para 5 of the Judicial Code.

Q243 (General Comment): According to the Law on Prosecutor's office, the Prosecutor General initiates disciplinary proceedings. In certain cases the ethics commission adjunct to General Prosecution can also initiate proceedings. The Disciplinary body for prosecutors is the Ethics commission under the Prosecutor General which consists of 7 members: the Deputy Prosecutor General, 3 academics of law and 3 prosecutors elected by senior prosecutors. The Prosecutor General within a one-week period from the end of the disciplinary proceedings presents the issue to the Ethics Committee for discussion. When discussing the issue related to the disciplinary offense, the Ethics Committee votes to decide whether a disciplinary offense has taken place, whether the prosecutor is guilty of the offense, and, if the Prosecutor General requests so, then also whether it is possible to apply the disciplinary sanction of "removal from office." Based on the appropriate opinion of the Ethics Committee, the Prosecutor General orders the disciplinary sanction within a three-

Q244 (2021): It should be noted that according to the Article 55 of the "Law on Prosecutor's Office", the disciplinary sanction "lowering the rank by one degree" may be applied in relation to the Prosecutor General by the President of the Republic. Also the mentioned sanction may be applied in relation to the higher-ranking prosecutor by the President of the Republic upon a proposal from the Prosecutor General.

Q246 (2021): Non-performance or improper performance of duties was the basis for initiating disciplinary proceedings against 12 prosecutors in 8 cases in the

Q247 (2021): More than one prosecutor may be involved in a case. There were 8 initiated cases (four of the eight cases were not presented to the commission) against 12 prosecutors in Armenia. So, the number of prosecutors is indicated for more accuracy.

Q251 (2021): According to part 16 of the Article 56 of the "Law on the Prosecutor's office": "A prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law". The competent court is the Administrative court.

Azerbaijan

Q156 (2021): According to Article 36.2 of the Code of Criminal Procedure of the Republic of Azerbaijan, the rights of persons who have been innocently convicted, illegally detained, or whose rights have been restricted in other forms during the criminal proceedings shall be restored in accordance with this Code and other laws of the Republic of Azerbaijan.

According to Article 56.0.5 of the Code, a person who has been illegally arrested or forcibly placed in a medical or educational institution, as well as detained for more than the specified period without a legal basis, has the right to be compensated for the damage caused as a result of the error or abuse of the body conducting the criminal process.

The rules for compensation of damage caused by the error or abuse of the body implementing the criminal process after the conclusion of the criminal prosecution proceedings are regulated by the Law of the Republic of Azerbaijan "On compensation of damage caused to natural persons as a result of illegal actions of investigation, preliminary investigation, prosecutor's office and judicial authorities" in the order of civil court proceedings is carried out (Article 63).

According to that Law, the wages, pensions, allowances and other incomes deprived of each person, confiscation, confiscation, confiscation by investigative bodies, property damage caused by arrest, paid court costs, as well as paid or withheld during the execution of the sentence a fine, amounts paid in connection with the provision of legal assistance, physical and moral damage caused must be paid.

The amount of damages is determined by the court.

The legislation does not provide for direct compensation due to the excessive length of proceedings and non-execution of court decisions. However, it should be noted that according to Article 4.1 of the MPM, all individuals and legal entities have the right to use court protection in order to protect and secure their rights and

Q156-1 (2021): According to Article 63 of the Code of Criminal Procedure of the Republic of Azerbaijan, the rules for payment of damage caused by the error or abuse of the body implementing the criminal process after the completion of criminal prosecution proceedings are carried out in the order of civil court proceedings. Also, according to Article 36.7 of the Code of Civil Procedure of the Republic of Azerbaijan, the restoration of labor, pension and housing rights in connection with the compensation of damages caused to an individual by being illegally convicted, brought to criminal liability, detained as a preventive measure, or by administrative punishment in the form of arrest, claims for the return of property or its value can also be filed based on the claimant's place of residence.

process only before the court investigation has begun, and after the court investigation has begun, only if any participant of the criminal process has objected before directly objecting to the circumstances that exclude the participation of the relevant person in the process. It is objected when it is proved that it is.

Objection to the judge (court composition) must be justified.

Briefly an objection may be made if there are grounds for objection appears during the court review and if it is proved.

Article 109 of the Code defines the range of circumstances that exclude a person from participating as a judge in criminal proceedings. According to Article 109.4 of the Code, the opinion of the participants of the criminal process and the protested judge is studied, and the relevant decision is made by considering the self-protest or the protest.

Q162-5 (2021): In case of disagreement with the instructions of a higher prosecutor on the prosecution, for instance, in charging the accused, choosing or changing the measure of restraint, in qualification of the crime, the scope of the charge, the termination of the case or referral of the case to the court, the prosecutor in charge of the procedural supervision over the preliminary investigation shall have the right to send a motivated objection to the higher prosecutor.

Q164 (2021): "Special Law" is Law on Courts and Judges, Law on Judicial-Legal Council

Q166 (2021): Law of the Republic of Azerbaijan "On Prosecutor's Office", Law "About service in bodies of prosecutor's office", Criminal Procedure Code

Q177 (2021): A counselling group was established at the Conference of the Union of Public Associations of Judges held on 20/02/2016, as a result of discussions on the Ethics Code of Judicial Conduct (these were held in light of the Bangalore Principles of Judicial Conduct). The participants of the conference adopted the Statute of the Counselling Group, which regulates the setting-up of this body, the election of its members and other aspects of its functioning. The Group operates on a continuous basis, providing counselling on ethical issues upon request and on a confidential basis. It is composed of three experienced judges, representing all court instances (district court, appellate court and Supreme Court) and genders.

Q178 (2021): Decisions made by the Judicial-Legal Council on ethical issues, including the Code of ethical conduct, are publicly published.

Q180 (2021): In order to bring to disciplinary responsibility for unethical conduct of prosecutors by reviewing information collected on violations of the rules of ethical conduct, conflict of interest, transparency and anti-corruption or service inspections, giving an opinion on the imposition of disciplinary sanctions in ethical conduct, An Ethics Commission has been established in the Prosecutor General's Office.

The prosecutor's office shall consider the relevant information about the employee or the material collected during the official inspection in accordance with the principles of legality, collegiality, justice, impartiality and objectivity and submit it to the Prosecutor General. The Ethical Conduct Commission has 7 (seven) members, who are appointed by the Prosecutor General of the Republic of Azerbaijan from among the candidates elected by the Board of the Prosecutor General's Office. 5 members of the Commission are authorized to carry out disciplinary proceedings.

Q182 (2021): External channels for reporting also exist and are available for everyone. Pursuant to Article 11-1 of « Law on Combating Corruption » information on corruption offenses may be provided by any person in written (including electronically) or oral form. A whistleblower may submit the relevant information to competent law enforcement bodies, such as the Anti-Corruption Directorate (ACD). As specialized body in fighting corruption, the ACD receives and reviews information on corruption offences and other related misconduct. It should be highlighted that, the ACD has « 161 Hotline » which has been established for the

Q184 (2021): A judge's illness, business trip or vacation precludes his participation in the distribution of cases. In case of repeated appeals to the court on returned or pending cases, the system provides for the transfer of these cases to the judge who returned the case or did not consider it (presiding in a collegial form), regardless of the number of cases filed in the current year.

When cases involving overturning of judgments by higher courts are referred to lower courts for retrial, the system ensures that these cases are allocated to other judges who have not previously participated in the proceedings.

When cases related to the annulment of court decisions by higher courts are sent to lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings. In exceptional cases, the judges may be held away from the distribution.

Q186 (2021): When cases related to the annulment of court decisions by higher courts are sent to the lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings.

CORRUPTION.

However, it was not implemented in 2021 due to the lack of approval of the financial information declaration form.

Q192 (2021): The existing declaration form of income is being modernized and at this moment the final version can not be provided.

Q201 (2021): According to the article 10 of the LAW OF THE REPUBLIC OF AZERBAIJAN "On approval of the "Rules on submission of financial information by officials"" violation of these Rules entails criminal, administrative or disciplinary liability in accordance with the legislation of the Republic of Azerbaijan. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for non-compliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

Q203 (2021): Law "On Approval of Procedures for Submission of Financial Information by Public Officials", LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION, "Rules of work organization at the Prosecutor General's Office".

"On Approval of Procedures for Submission of Financial Information by Public Officials" require a declaration of assets by prosecutors. Pursuant to "Procedures on submission of financial information by public officials" financial declarations are submitted by public officials in written form. Submission and review of financial declarations submitted by public officials are carried out in accordance with the "Procedures on submission of financial information by public officials". Currently an operative system for online submission of financial declarations is under development. We expect the completion of this process in the near future. However, it was not implemented in 2021 due to the lack of approval of the financial information declaration form.

Q205 (2021): It should be noted that, necessary reforms are implemented in the asset and interest declaration area. There are several projects on establishment of electronic system, and it is expected a comprehensive system to be put into operation in the near future.

Q206 (2021): According to Article 5 of “On Approval of Procedures for Submission of Financial Information by Public Officials” Statement shall contain the information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption”. Thus, according to Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption” officials shall submit the following information within the procedure laid down by the legislation: yearly, on their income, indicating the source, type and amount thereof; on their property being a tax base; on their deposits in banks, securities and other financial means; on their participation in the activity of companies, funds and other economic entities as a shareholder or founder, on their property share in such enterprises; on their debt exceeding five thousand times the nominal financial unit; on their other obligations of financial and property character exceeding a thousand times the nominal financial unit. The information envisaged in Article 5.1 of this Law can be demanded in an order defined by the legislation.

Q208 (2021): The information specified in Article 5.1 of the Law of the Republic of Azerbaijan "On Combating Corruption" also includes information on the property, financial and property obligations of family members of officials (husband or wife and their parents and children living with them).

Q213 (2021): According to Article 9 of the Law of the Azerbaijan Republic “On Approval of Procedures for Submission of Financial Information by Public Officials” , financial information provided by a public official is a secret of private life and the bodies receiving financial information must ensure the confidentiality of such information.

Q214 (2021): According to Article 10 of the Law of the Azerbaijan Republic “On Approval of Procedures for Submission of Financial Information by Public Officials” Violation of these procedures shall result in criminal, administrative and disciplinary actions. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for noncompliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

Chapter 68. Additional labor activity

1. Conditions for engaging in additional labor activity

1.1. It is the right of a prosecutor to engage in scientific, pedagogical and creative activities.

1.2. An employee of the Prosecutor's Office may work in educational and non-educational institutions, on a permanent and temporary basis, in paid and unpaid areas.

1.3. A prosecutor may not engage in scientific, pedagogical or creative activities in the following cases:

1.3.1. if the implementation of that activity has led to a violation of the executive discipline of the prosecutor at the workplace;

1.3.2. when the occupation of a prosecutor creates a threat to the disclosure of confidential information, the nature of which is defined by law.

1.4. Unreasonable restriction of the right of a prosecutor to engage in scientific, pedagogical and creative activities shall not be allowed.

1.5. A salary (reward) for the implementation of scientific, pedagogical and creative activities that may affect the impartial performance of official duties by a prosecutor or that may create the impression of such influence may not be accepted by a prosecutor.

1.6. The daily working hours of the substitute in connection with scientific, pedagogical and creative activities may not exceed 4 hours, and the weekly period may not exceed 20 hours.

1.7. Receipt of a previous refusal to engage in scientific, pedagogical or creative activities shall not restrict the right of a prosecutor to re-apply in connection with that matter.

2. Resolution of appeals related to additional employment

2.1. In order to engage in scientific and creative, pedagogical activities during working hours, the prosecutor's office employee shall apply to the Prosecutor General with the consent agreed with the head of the relevant structural unit.

2.2. Within 7 (seven) days, the Personnel Department submits the appeal to the Prosecutor General together with the reference containing its opinion. The Personnel Department shall respond to the author of the appeal by letter within 3 (three) working days on the results of consideration of the appeal by the Prosecutor General.

2.3. If the appeal is not granted, a reasoned response shall be given, stating the reasons for the refusal. A copy of the letter on the results of the appeal shall be attached to the personal file of the prosecutor.

2.4. In accordance with the requirements of Article 58 of the Labor Code, the second place of employment of a prosecutor is the second place of employment where a substitution employment contract is concluded in connection with scientific, pedagogical and creative activities.

2.5. The employment record book of a substitute prosecutor shall be kept in the Personnel Department at the main place of work.

2.6. In order to conclude an employment contract on a substitute basis, a prosecutor shall be issued a certificate of the main place of work.

2.7. A copy of the contract concluded between the prosecutor's office employee and the relevant department, enterprise or organization in connection with

Q232 (2021): According to the provision of article 26.5 of Law on the passage of service in the

prosecutor's office of Azerbaijan the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated by code of ethics unless they create administrative or criminal liability.

Q234 (General Comment): The Judicial-Legal Council is entrusted to initiate disciplinary proceedings against judges. At the same time, the Ministry of Justice is also entrusted to send any information received about the violation of procedural rights of citizens in courts of first and second instances to the Judicial-Legal Council. According to the article 112 of the Law on Courts and judges only Judicial-Legal Council shall be entitled to institute disciplinary proceedings against judge. Chairmen of the Supreme Court, courts of appeal, and the relevant executive body shall be bound, within their competence, to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings, if there are elements on which the initiative of opening of a disciplinary procedure can be based or grounds for calling to

Q239 (2021): "Other": 2 judges were given "Remark". In 2 cases no sanction was applied, proceeding was terminated with mere discussion.

Q242 (2021): In general, for organizational reasons, it is not envisaged to have transfers without the consent of the judge. However, this situation may exist during reorganization or liquidation of courts. For example, as of 2020, administrative-economic courts were liquidated and administrative and commercial courts were

Q248 (2021): "Other" means in this context "Remark".

Q251 (2021): The Prosecutor General of the Republic of Azerbaijan may, to a certain extent, instruct prosecutors to resolve the issue of imposing disciplinary sanctions on employees. The decision of Prosecutor General may be appealed to the court, decisions of above mentioned prosecutors to the Prosecutor General.

Georgia

Q156 (2021): According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting civil complaint in case of wrongful arrest and/or wrongful conviction (same right is provided by Article 92 of the Code of Criminal Procedure).

Q156-1 (2021): Only Court of Common Court's (depends on territorial jurisdiction) on the bases of general procedural law can decide the case (claim regarding the

Q161 (2021): Detailed procedure of recusal of Judge and grounds for recusal of Judges are regulated by Civil, Administrative and Criminal Procedural Code of

Q162 (General Comment): According to the legislation of Georgia, prosecutors are independent in their activity and no one has the right to interfere in it.

Respectively, it is prohibited to give specific instructions to prosecutors on whether to prosecute or not. Only the General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

Q162 (2021): The Prosecutor General of Georgia has the right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

Q173 (2021): 2001, 2007, 2021

Q179 (2021): The General Inspectorate of the General Prosecutor's Office, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors. The statistics of such

Q180 (2021): The General Inspectorate of the Office of the Prosecutor General, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors.



Q182 (2021): Independent Inspector of High Council of Justice of Georgia is competent body for investigating all allegations of corruption and attempts to influence in relation to Judges. Furthermore Information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Also the Civil Service Bureau manages a whistleblowing website www.mkhileba.gov.ge. The PSG General Inspectorate is a competent body for investigating the allegations of corruption and attempts to influence in relation to prosecutors. The report to the General Inspectorate can be made through any possible means of communication, including a written statement, e-mail, hotline and website (mkhileba.gov.ge). Even anonymous reports are acceptable. Notably, under the existing criminalization of corruption, offering a bribe or accepting such an offer is a complete corruption offense rather than the attempt.

Q186 (2021): Reassignments occur when there is recusal issues, envisaged by criminal, civil and administrative procedure codes. National legislation enshrines the specific reasons for recusal of relevant case. Furthermore „Rule on Electronic Case Allocation System" establishes grounds for reassignment of cases.

Q190 (2021): Law “on Conflict of Interest and Corruption in Public Service”

Q192 (2021): <https://declaration.gov.ge/img/slider-doc.pdf>

Q194 (2021): A person shall submit an official's asset declaration to the Civil Service Bureau within two months after his/her appointment. During his/her term of office, an official shall annually complete and submit an official's asset declaration within the respective month of completion of the previous declaration. An official shall, within two months after dismissal, if he/she failed to submit the declaration within the calendar year of his/her dismissal, and within the same, respective month of completing the previous declaration in the year following the dismissal, unless he/she is appointed to another position, complete and submit an official's asset declaration.

The options “at the beginning of the term of office’ and ‘at the end of the term of office” also applies to judiciary of Georgia. According to Article 14 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions,   1. A person is obliged to submit a declaration of property status of an official to the Civil Service Bureau within two months after being appointed to the position. The procedure for submitting a declaration of assets of an official shall be determined by the Government of Georgia.

2. The person of the position is obliged to fill in and submit the declaration of the property status of the official every year during the relevant month of the month of filling in the previous declaration.

A person is obliged to fill in and submit declaration within 2 months after dismissal, if he / she has not submitted a declaration during the calendar year of dismissal,

Q201 (2021): Pursuant to Article 20 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, failure to submit an official declaration of assets of an official within the period specified in Article 14 of this Law shall result in a fine of 1000 GEL, in connection with which an individual administrative-legal act is issued - an ordinance on imposing a fine. Failure of an official to submit a declaration of assets of an official within 2 weeks from the date of entry into force of the decree or court decision (ruling) on imposing a fine will result in criminal liability.

Failure to submit a declaration of assets under Article 355 of the Criminal Code, after the imposition of an administrative penalty for such an act, or intentionally incomplete or incorrect entry of data in the declaration, is punishable by a fine or community service for a term of one hundred and twenty to two hundred hours, with deprivation of the right to hold office or engage in activities for a term of up to three years.

Violation of Declaration assets can also result disciplinary sanctions against Judge.

Q202 (2021): Decisions of Civil Service Bureau are appealed at Court.

Q205 (2021): Same for Judges

Q207 (2021): The Prosecutors, who are eligible to file the asset declaration, are obliged to do it in two months after the appointment, annually, during the term in office and depending on the date of submission of the last declaration, twice or once after leaving the office, until the end of the next year.

Q208 (2021): PSG comment: In addition to spouse and children (under legal age), the declaration also concerns person permanently residing with the person obliged to file the asset declaration.

Q214 (2021): PSG comment: According to Article 355 of the Criminal Code of Georgia, failure to submit a property declaration after an administrative penalty has been imposed for such an act, or intentional entry of incomplete or incorrect information therein, shall be punished by fine or corrective labour from one hundred and twenty to two hundred hours, with deprivation of the right to carry out activities for up to three years.

interest; Declare incompatibility of interests before being appointed / elected to the relevant position or after appointment / election, as soon as he / she becomes aware of the fact of incompatibility of interests.

According to the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, a civil servant, who is obliged to make a decision on which he / she has property or other personal interests, is obliged to resign and notify his / her immediate superior (superior body) in writing. Makes the appropriate decision by itself, or imposes this duty on another official.

However, according to the Code of Criminal Procedure, a judge may not participate in criminal proceedings if: he / she was not appointed or elected to a position in accordance with the law; Participates or has participated in this case as an accused, a lawyer, a victim, an expert, an interpreter or a witness; An investigation is underway into the possible commission of a crime by him; Is a family member or close relative of the accused, lawyer, victim; They are family members or close relatives of each other; Was a mediator in the same case or in another case substantially related to that case; There is another circumstance that casts doubt on its objectivity and impartiality. If there is a circumstance precluding the judge's participation in the criminal proceedings, he or she should immediately resign.

According to the Code of Civil Procedure, a judge who participated in the first instance hearing of a case cannot participate in the hearing of this case in the Court of Appeal and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Appeal may not participate in the hearing of this case in the Court of First Instance and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Cassation may not participate in the hearing of this case in the Court of Appeal and / or the Court of First Instance. However, the court hearing the civil case may not include persons who are close relatives of each other, and if such relatives are still found among them, they should be excluded from the hearing of the case. A judge may not hear a case or take part in the hearing if he or she: a) is a party to the case or has common rights or obligations with that party; B) participated in the previous hearing of this case as a witness, expert, specialist, translator, representative or secretary of the court; C) is a relative of the party or its representative; D) is personally, directly or indirectly interested in the outcome of the case, or if there are other circumstances that cast doubt on its impartiality; E) was a mediator in the same case or in another case substantially related to that case. If there are grounds for avoidance, the judge is obliged to declare self-avoidance. The judge (court) issues a decision on self-avoidance, which must indicate the grounds for self-avoidance.

According to the Code of Administrative Procedure, a judge may not participate in the hearing of a case if he or she has previously participated in administrative proceedings in connection with the case.

"Gift" is property or services rendered to a public servant, his family member free of charge or on preferential terms, full or partial release from property liability, which is an exception to the general rule. The total value of gifts received by a public servant during the reporting year should not exceed 15% of his / her annual salary, and 5% of one-time gifts - if these gifts are not received from a single source. The total value of gifts received by each member of the civil servant family during the reporting year should not exceed GEL 1,000 per family member, and one-time gifts - GEL 500 if these gifts are not received from a single source.

If a public servant or his / her family member determines after receiving the gift that the value of the gift exceeds the amount allowed by law, and / or if for some reason (receiving the gift by mail, giving the gift publicly) it was impossible to refuse it, he / she is obliged to make it public within 3 working days. Submit information

Q221 (2021): According the law there is not obligation.

Q222 (2021): Organic Common Courts of Georgia; Law on conflict of Interest and corruption

Q223 (2021): Organic Common Courts of Georgia; Law on conflict of Interest and corruption

Georgia (OLPSG), the Law of Georgia on Conflict of Interests and Corruption in Public Service, the Criminal Procedure Code of Georgia (CPCG) and the Code of Ethics for the Employees of the Prosecution Service.

On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia. The document was developed by the General Inspectorate of the Prosecution Service in cooperation with competent PSG representatives and international experts. Chapter 5 of the Commentary is dedicated to conflicts of interest. It provides practical examples and methodological guidance.

Procedure for recusal/withdrawal from a case

The applicable CPCG rules and procedures with respect to prosecutors are as follows:

A prosecutor may not participate in criminal proceedings if:

☐he/she participates or participated in this case as the accused, a defense lawyer, a victim, an expert, an interpreter or a witness;

☐the investigation is in progress with respect to the alleged commission by him/her of a crime;

☐he/she is a family member or close relative of the accused, defense lawyer, or of the victim;

☐they are members of one family, or close relatives;

☐there are other circumstances that question his/her objectivity and impartiality. ☐If there are any circumstances that exclude the participation of a judge or a prosecutor, he/she shall immediately declare about self-recusal. A prosecutor shall declare about self-recusal to a superior prosecutor, and during the court hearing, to the court. A declaration of self-recusal shall be substantiated; ☐If there are circumstances that exclude the participation of any of the participants in criminal proceedings specified in this Code and the participant has not declared about self-recusal, the parties may file a motion for recusal; ☐A duly authorised person shall file a motion for recusal immediately, at the earliest available opportunity, after he/she has been informed about the grounds for recusal. Otherwise, a motion shall not be considered; ☐A motion to recuse a judge or a prosecutor, during the court hearing shall be filed with the court by duly authorised persons; ☐A motion for recusal of a prosecutor during the investigation shall be filed by duly authorised persons before a superior prosecutor; ☐A person, who was requested to be recused may, before a motion to recuse is heard, provide explanations; ☐A motion for recusal filed during the investigation shall be decided within 24 hours, and a motion filed during a court hearing shall be decided immediately, by deliberation in chambers or in the courtroom; ☐A prosecutor shall issue a decree, and a court shall render a ruling on the filed motion for recusal; ☐A decision on granting a motion for recusal may not be appealed; ☐The refusal of a court to grant a motion for recusal may be appealed along with a final decision. Procedure on reporting a (potential) conflict of interest According to the Law of Georgia on Conflict of Interests and Corruption in Public Service, a public servant is obliged to declare any conflict of interest before being appointed or elected to the respective position or after being appointed or elected as soon as he/she becomes aware of that fact. The Code of Ethics for the Employees of the Prosecution Service also pays particular attention to this matter and prescribes that an employee of the PSG, who has property-related or other personal interest towards any issue falling within the competence of the PSG, is obliged to file for self-recusal in accordance with the procedure defined by law and not participate in discussions and decision-making process on that specific

Q231 (2021): In case of suspecting potential disciplinary misconduct of the PSG employee, the PSG General Inspectorate is competent to open an administrative investigation. This includes interviewing people, collecting information and reviewing materials. At the end, the PSG General Inspectorate draws report containing the findings about whether the person has committed the disciplinary misconduct or not. This report is then reviewed by the Career Management, Ethics and Incentives Council on the hearing. The subject person has a right to be represented by a lawyer, attend the hearing and give an explanation. The Council decides by the majority of votes whether person has committed the violation. If he/she was found guilty, the Council also selects the applicable sanction. The decision of the Council is recommendatory for the Prosecutor General, who is competent to formally find person guilty in the disciplinary violation and impose sanction. The Prosecutor General might disagree with the recommendation and make a different decision. However, in this case, he/she is required to provide reasons.

Q234 (General Comment): The Independent Inspector of the High Council of Justice of Georgia has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

Q234 (2021): Independent Inspector

Q237 (General Comment): According Georgian legislation Independent Inspector is obliged to start and initiate disciplinary proceedings against judges when Disciplinary claim or information is submitted. Thus this is the total number of submitted disciplinary claims or information and not the number of cases where misconduct had been approved. The LCC separates the initiation of disciplinary proceedings and initiation of disciplinary prosecution from each other: the Independent Inspector is able to initiate disciplinary proceedings against a judge, whereas the HCJ has an authority to initiate the disciplinary prosecution. More precisely, as a result of the examination of the opinion submitted by the Independent Inspector, made after the preliminary examination of an alleged disciplinary misconduct of a judge, the HCJ shall adopt a reasoned decision to terminate the disciplinary proceedings or to initiate disciplinary prosecution against the judge and to take explanations from the judge concerned. Whereas, following the initiation of disciplinary prosecution against the judge and having taken an explanation from the judge concerned, the HCJ shall adopt a reasoned decision to terminate disciplinary proceedings or to impose disciplinary liability on a judge.

a.a - Political or social influence or influence of personal interests when a judge exercises judiciary powers – 20;

b.d - Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist – 7;

e.a - Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties – 7;

e.b - Judge's failure to react if he or she witnesses a discriminatory verbal or other action towards a participant in a process by a court staffer or a participant in a process – 3;

d.a - Establishment of personal and intense (friendly, familial) relations with a participant in a process to be held for a case to be handled by him or her personally, which results in the judge's bias and/or placement of a participant in a process in a favorable position, if the judge had an information about the side – 2;

b.a - Public expression of an opinion by a judge on a case currently handled by court. Judge's commentary on organizational and technical matters pertaining to the case currently handled by court for the purpose of informing the public shall not constitute disciplinary misconduct – 1;

b.b - Disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the Georgian procedural law – 1.

Q239 (2021): According the organic law on Common Courts of Georgia, Sanctions against Judges are pronounced by Disciplinary Board (if the decision of Board is appealed by Disciplinary Chamber). Disciplinary case is sent to Disciplinary Board only after High Council of Justice takes two decisions - First decision about Initiation Disciplinary Prosecution against Judge (After the opinion of Independent Inspector is presented to the High Council of Justice of Georgia; Independent Inspector initiates disciplinary proceedings against Judge on the basis of disciplinary claim or other information) and second decision - The decision on imposing disciplinary liability on a judge. Disciplinary Board hasn't decided disciplinary case against Judge during reference year.

Q241 (2021): Disciplinary chamber of Supreme Court of Georgia

Q242 (General Comment): In general, in accordance with the law a judge may be transferred to another court with his/her consent for no more than one year. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.

Q246 (2021): Violation of work discipline is included under the category of “other”.

Q251 (2021): The court is responsible for deciding an appeal on disciplinary decisions.

Republic of Moldova

Q156 (General Comment): On 21 April 2011 a remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures.

Q156 (2021): The amount of the compensation for wrongful conviction and arrest is calculated starting from the average monthly income of the natural person at the moment of causing the damage, with the application of the inflation coefficient. The amount of the damage caused to the natural person who was convicted to unpaid work for the benefit of the community shall be calculated in the amount of up to 2 conventional units for one hour of work performed.

For the quantification of the reparable damage, the average monthly income is calculated as follows:

- persons employed by contract - by applying the method of calculating the average salary in accordance with the legislation;
- persons not employed by contract - by dividing by 12 the amount of the total income for the previous year;
- persons who did not work for proved reasons - starting from the average salary in the country in the respective year.

The legal entities are compensated for the patrimonial damage caused, as well as for the unearned benefit (lost income) as a result of the illicit actions.

The amount of compensation for moral damage is calculated taking into account: a) the gravity of the crime for which the person was charged; b) the character and gravity of the procedural violations committed during the criminal investigation and during the examination of the criminal case by court; c) the resonance that the information about the person's accusation had in the society;

d) the duration of the criminal investigation, as well as the duration of the examination of the criminal case by court;

e) the nature of the injured personal right and its place in the person's value system; f) physical suffering, character and degree of mental suffering; g) the extent to which monetary compensation can alleviate the caused physical and mental suffering; h) the duration of detention.

The amount of the compensation for the damage caused by the violation of the right to a fair trial or the right to a reasonable execution of the judgment is established by court in each individual case, depending on the circumstances of the case in which the violation was committed, as well as the claims made by the applicant, the complexity of the case, the applicant's conduct, the conduct of the prosecution body, the court and other relevant authorities, the duration of the infringement and the importance of the proceedings for the applicant.

Q161 (2021): In both criminal and civil proceedings the request needs to be motivated and the judge's recusal or disqualification shall be decided by another judge or, as the case may be, by a panel. The examination of the recusal/disqualification request is a urgent matter, listening to the parties and the person whose recusal is requested. In cases when a new panel cannot be formed in the same court to examine the case, this matter is decided by the hierarchically superior court, which, if it admits the recusal/diqualification, appoints a court to examine the case equal in hierarchy to the court in which the recusal was requested. The decision of the court

Q162 (General Comment): According to the Law on Prosecution Office, the prosecutor operates on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him/her the opportunity to make independent and unipersonal decisions in the cases he/she manages.

The procedural independence of the prosecutor shall be ensured by guarantees which exclude any political, financial, administrative or other influence on the prosecutor in connection with the exercise of his/her duties.

Q162-0 (2021): The Prosecutor's Office is an autonomous public institution within the judicial authority which, in criminal proceedings and in other procedures stipulated by law, contributes to the observance of the rule of law, performing the act of justice, the defense of the rights and legitimate interests of the person and society. The Prosecutor's Office is independent of the legislative, executive and judicial powers, of any political party or socio-political organization, as well as of any other institutions, organizations or persons.

Prosecutor's Office budget

The prosecutor's office is financed from the state budget within the limits of the budgetary allocations approved by the annual budget law. The budget of the Prosecutor's Office is unique and is administered by the General Prosecutor's Office.

The draft budget of the Prosecutor's Office is elaborated by the General Prosecutor's Office, having the approval of the Superior Council of Prosecutors. The budget of the Prosecutor's Office is prepared, approved and administered in accordance with the principles, rules and procedures established by the legislation on public finances and budgetary-fiscal responsibility.

The independence of the prosecutor is granted by a strict determination, by law, of the status of the prosecutor, the delimitation of the attributions of the Prosecutor's Office, of the attributions and competences of the prosecutor within the exercise of the functions of the Prosecutor's Office; the procedures for appointment, suspension and dismissal; his/her inviolability; the decisional discretion of the prosecutor in the exercise of the function, granted by law; establishing, by law, the interdiction regarding the interference of other persons or authorities in the activity of the prosecutor; ensuring the adequate means for the functioning

Q173 (2021): It was approved by the Decision of the General Assembly of Judges no. 8 of September 11, 2015 and amended by GAJ Decision no. 12 of March 11,

Q175 (2021): It was approved by the Decision of the General Assembly of Prosecutors no. 4 of May 27, 2016 and amended by the Decision of the General Assembly of Prosecutors no. 1 of 22.02.2019.

Q176 (General Comment): In the case of dilemmas or problems, which concern the interpretation and the application of the provisions of the Code of ethics and professional conduct of a judge, the Ethics Committee, as an advisory body, adopts, ex officio or upon request

a written advisory opinion on how to resolve the matter. The opinion is general. In the case of the dilemma on behavior in a concrete case, which concerns a judge, he\she may ask for a recommendation (an advice), and the Committee, in a shortest term, is going to present its opinion, from the perspective of the provisions of the Code of ethics.

The Ethics Committee issues advisory opinions and recommendations on conduct in the future to be followed. No advisory opinions and recommendations are issued on past or present conduct, unless this will continue in the future.

The Ethics Committee was created in 2018 by the Superior Council of Magistracy. A specific Regulation was approved by the Superior Council of Magistracy's decision (229/12 from 2018) in this regard. The meetings of the Committee are deliberative in the majority composition of its members. The organizational activity and

Q177 (General Comment): The Ethics Committee has 5 members - judges who are also members of the Superior Council of Magistracy.

Q178 (General Comment): For the purpose of ensuring confidentiality, the Committee's documentation, including all opinions, requests, replies, draft opinions / recommendations distributed, acts, documents, files, communications with Committee staff and procedures will be kept confidential and will not be made public, unless the solicitant agrees. Opinions of public interest are published on the website of the SCM.

Q178-1 (2021): No recommendations/advisories were developed/adopted during the reporting year.

Q179 (General Comment): According to the provisions of the national legislation the Disciplinary and Ethics Committee subordinated to the Superior Council of Prosecutors has the competence to adopt recommendations on the prevention of disciplinary misconduct and compliance with ethics by the prosecutors. The Disciplinary and Ethics Committee was created in 2016 by the Superior Council of Prosecutors. A specific Regulation was approved by the Superior Council of Prosecutor's decision (12-228/16 from 2016) in this regard. The meetings of the Committee are deliberative if at least 5 of its members are present. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Prosecutors.

Q180 (General Comment): The Committee consists of 7 members: 5 members prosecutors and 2 members appointed by civil society.

Q180 (2021): The Discipline and Ethics Board consists of 7 members as follows:

-5 are elected by the General Assembly of Prosecutors from among prosecutors;

-2 are elected by the Superior Council of Prosecutors, by public competition, from among the representatives of civil society

Q181 (General Comment): The Committee, in order to provide guidelines to other prosecutors who may be in similar situations, may decide to publish individual opinions on the official website of the Superior Council of Prosecutors. In this case, the name of the prosecutor and other information that constitutes personal data will be excluded from the individual opinion before its publication. The opinions are published in the same menu as the decisions concerning disciplinary issues.

Pursuant to Article 89(b) of Law 3/2016, the Disciplinary and Ethics Board adopts recommendations on the prevention of disciplinary offences within the Office of the Public Prosecutor and the observance of prosecutors ethics. Similar provisions are contained in point 20 of the Regulation on the organisation and activity of the Discipline and Ethics College, adopted by Decision No. 12-228/16 of 14.09.2016, which states that, in order to carry out its tasks, the College is responsible for adopting recommendations on the prevention of disciplinary offences and compliance with ethics by prosecutors, as well as formulating individual opinions on incompatibilities of prosecutors or, where appropriate, possible or alleged conflicts of interest, and on issues of ethics and deontology of prosecutors. According to paragraph 11 of the Code of Ethics for Prosecutors;The Disciplinary and Ethics Board shall develop additional written guidance on the interpretation of ethical rules that prosecutors will face, including practical examples of violations of the provisions of this Code. Confidential counselling in specific cases, at the request of the prosecutor concerned, will be provided by persons appointed by the PSC as Ethics Advisers, who will be chosen from among former members of the self-governing bodies of the Prosecution. The selection will take into account the prosecutors reputation and communication skills. The PSC will make public the list of counsellors identities, contact details and will regulate the conditions for holding discussions and maintaining confidentiality.

Q181-1 (2021): No recommendations/advisories were developed/adopted during the reporting year.

report cases of corruption to the National Anticorruption Center. Confidentiality is guaranteed.

In order to prevent and combat cases of corruption in the judiciary, the Superior Council of Magistracy has established the anti-corruption hotline functional between 8:00 and 17:00 5 days in a week:(022) 990-990 (Chancellery).

Through the displayed phone number, any person has the opportunity to communicate about the known act of corruption in the judiciary. Confidentiality is guaranteed.

The General Prosecution Office has published also a list of hotlines on its webpage.

By Order of the Prosecutor General No.62/35 of 03.12.2014, the Regulation on the evidence of cases of improper influence exerted on public officials of the Prosecutors Office was approved, in order to ensure the professional integrity of the employees of the Prosecutors Office bodies, to prevent and combat corruption, to establish the single order of communication, identification and evidence of improper influence exerted on public officials employed by the Prosecutors Office bodies, pursuant to Art.7 paragraph (2) letter b) of the Law no.325 of 23.12.2013 on the evaluation of professional integrity, Government Decision no.767 of 19.09.2014 on the implementation of the Law no.325 of 23.12.2013. According to the mentioned Regulation: The public official, employee of the Prosecutors Office bodies, subject to improper influence is obliged:

- 1) to refuse undue influence;
- 2) to lawfully carry out the activity for which the undue influence occurred;
- 3) to make a denunciation about the exercise of undue influence in the manner provided for in items 8-9 of this Regulation.

6. The Prosecutor General shall designate the Inspectorate of Public Prosecutors to:

- (a) perform the duties of receiving and recording cases of improper influence;
- (b) keep records of reports in a special register of cases of improper influence;
- (c) ensure the confidentiality of the reports made, the information obtained from their examination and the data in the register of cases of undue influence;
- (d) verify the performance of the tasks for which the undue influence arose;
- (e) take measures to prevent cases of undue influence by being directly involved in their resolution (warning through formal referrals, discouraging the person generating undue influence, including by warning his/her superior, identifying other legal measures);
- f) ensure access to the institutional register of cases of improper influence, including in electronic format, by the

Q190 (2021): Law no. 133/2016 on the declaration of assets and personal interests

Q195 (2021): According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration;

Q202 (2021): The source of the data is the National Authority for Integrity. The reported cases initiated in 2021, are still under examination in courts, waiting for a final decision to be issued.

Q203 (2021): Law no. 133/2016 on the declaration of assets and personal interests

- a) the income obtained by the subject of the declaration together with family members, cohabitant/cohabitant in the previous tax year;
- b) movable and immovable property, including unfinished property, owned with the right of usufruct, use, habitation, surface area by the person subject to the declaration and his/her family members, cohabitant/cohabitee, including as beneficial owners, or in their possession on the basis of contracts of mandate, commission, fiduciary management, contracts transferring possession and use;
- c) assets transferred by the subject of the declaration, whether for consideration or free of charge, personally or by members of his family, his cohabitee/cohabitee to any natural or legal person during the declaration period, if the value of each asset exceeds the amount of 10 average wages per economy;
- d) financial assets held by the subject of the declaration and his family members, cohabitant/cohabitant, including as beneficial owners, i.e. cash in national or foreign currency exceeding the value of 15 average wages per economy and not deposited in financial institutions. Bank accounts, units in investment funds, equivalent forms of savings and investments, investments, bonds, cheques, bills of exchange, loan certificates, other documents incorporating the personal property rights of the subject of the declaration and of the members of his family or spouse, including as beneficial owners, direct investments in national currency or foreign currency made by the declarant and his family members, cohabitee/domestic partner, including as beneficial owners, as well as other financial assets, if the total value of all of them exceeds the value of 15 average wages per economy;
- e) personal debts of the declarant, family members or his/her cohabitee/concubine in the form of debt, pledge, mortgage, guarantee, issued for the benefit of third parties, loan and/or credit, if their value exceeds the value of 10 average wages per economy;
- f) goods in the form of precious metals and/or stones, objects of art and worship, objects forming part of the national or universal cultural heritage, the unit value of which exceeds the value of 15 average wages per economy, owned by the subject of the declaration personally or by the members of his family, his spouse, including as beneficial owners;
- g) collections of art, numismatics, philately, weapons or other goods whose value exceeds the value of 20 average wages per economy, owned by the subject of the declaration personally or by the members of his family, his cohabitant/cohabitant, including as beneficial owners;
- h) share/shares in the share capital of an economic agent held by the subject of the declaration personally or by his family members, cohabiting partner/cohabitant, including as beneficial owners;

Q207 (General Comment): According to Art.6 paragraph (1) of Law no.133/2016, the declaration shall be submitted annually, by 31 March, indicating the income obtained by the subject of the declaration together with his family members, cohabitant/cohabitant in the previous fiscal year, as well as the assets owned and personal interests referred to in Art. (1) (b) to (m) at the time of filing the declaration.

According to paragraph (5) of the mentioned Law, the subject of the declaration who, in accordance with the legislation in force, has their employment or service relationship suspended, shall submit the declaration within 30 days after their reinstatement, indicating in the declaration the income obtained together with their family members, their cohabitant/cohabitant during the entire undeclared period, as well as the assets owned and personal interests referred to in Art. 4 para. (1) (b) to (m) at the date of submission of the declaration.

The provisions of para. (5) shall not apply if the duration of the suspension of employment or service is less than one tax year.

Q208 (2021): According to art.2 of Law no.133/2016:

family member - spouse, minor child, including adopted child or dependent of the subject of the declaration;

public organisation - any public authority (judicial authority, authority of jurisdiction, authority of central or local public administration, as well as administrative authorities subordinated to them, autonomous public authority), public institution, state organisation, state body, collegiate body with the status of a legal person under public law, self-administration body, state or municipal enterprise, commercial company or financial institution with majority state capital;

dependent person - a person who meets all the following conditions:

(a) lives with or is maintained by the subject of the declaration, including on the basis of a lifetime maintenance contract;

close person - spouse, child, cohabiting partner of the subject of the declaration, dependant of the subject of the declaration, also the person related by blood or adoption to the subject of the declaration (parent, brother/sister, grandparent, grandchild, uncle/aunt) and the person related by affinity to the subject of the declaration (brother-in-law/ sister-in-law, father-in-law/ mother-in-law, son-in-law/ daughter-in-law).

b) has an annual income that does not exceed two average monthly salaries in the economy;

Q214 (2021): According to Article 330 2 (2) of the Contravention Code, failure to submit the declaration of assets and personal interests by the person obliged to submit it is punishable by a fine of 60 to 90 conventional units. According to Article 58(1)(m) of Law No 3/2016, failure to submit the declaration of assets and personal interests or refusal to submit it, under the terms of Article 27(1)(m) of Law No 3/2016, is punishable by a fine of (8) of the Law no. 132 of 17 June 2016 on the National Integrity Authority, shall constitute grounds for dismissal of the prosecutor from office.

Q215 (2021): The source for presented information is the National Authority for Integrity. The reported cases initiated in 2021, are still under examination in courts, final decision not being issued, yet.

Q224 (2021): The reported cases initiated in 2021, are still under examination in courts, final decision not being issued, yet.

Q227 (General Comment): According to the rules approved by the Superior Council of Prosecutors in 2018 the prosecutor who intends to carry out didactic and scientific activity shall submit to the SCP apparatus a request for the cumulation of the activity of prosecutor with the didactic / scientific activities which should contain specific information for the accomplishment of the targeted activities (institution, manner and conditions of exercise). A prosecutor may cumulate the activity for a determined period of time or part-time, which should not affect the exercise of the functional obligations and the principles of organization or activity of the Prosecutor's Office. The didactic and/or scientific activities can be carried out by the prosecutor in the universities, National Institute of Justice, different training activities organized for civil servants, projects aiming the implementation of the national or international policy of the state in criminal matters. Rules on the accumulation of the function of public prosecutor with teaching, scientific and collegiate activities in public authorities or institutions, approved by the Decision of the Superior Council of Prosecutors no.12-168/18 of 12.12.2018

Q232 (General Comment): The establishment, by a final act, a direct conclusion or by means of a third party legal act, that a prosecutor took or participated in a decision making without resolving the real conflict of interest in accordance with the provisions of the legislation on conflict of interest constitutes grounds for dismissal of the prosecutor. The dismissal of the prosecutor, the chief prosecutor or the deputy general prosecutor shall be made within 5 working days from the intervention or bringing the case to the attention of the Prosecutor General, by an order of the Prosecutor General, which is communicated to the prosecutor concerned within 5 working days from the issuance, but prior to the date of dismissal. The order of the Prosecutor General regarding the dismissal may be contested

Q234 (General Comment): The Superior Council of Magistracy is responsible for initiating disciplinary proceedings against judges but the court users, the members of the Superior Council of Magistracy, the Judicial Inspection and the Committee for the evaluation of judges can be at the origin of a disciplinary proceeding. The Judicial Inspection and the Committee for the evaluation of judges are entities subordinated to the Superior Council of Magistracy.

Q235 (General Comment): The Superior Council of Magistracy has disciplinary power on judges.

Q237 (2021): The data were counted according to the 2021 Report of the Disciplinary Board available at the following link:
https://www.csm.md/files/RAPOARTE/2021/RaportulCD_2021.pdf

Q238 (2021): The data were counted according to the 2021 Report of the Disciplinary Board available at the following link:
https://www.csm.md/files/RAPOARTE/2021/RaportulCD_2021.pdf

Q239 (General Comment): The warning is the mildest sanction that can be applied consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour.

The circumstances in which the warning sanction is applied are determined by:

- 1) the primary commission of a disciplinary violation, usually minor, of an intentional nature or by negligence;
- 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the

Q239 (2021): Warnings

Q242 (General Comment): The transfer of a judge to another jurisdiction for a limited period of time may be decided by the Superior Council of the Judiciary at the request of the president of the court in question, for organisational reasons. The judge's consent is necessary and must be given in writing (Article 20/1 of Law No. 544-XIII on the Status of Judges). Moreover, in all cases specified by Law No. 544-XIII of 20/07/1995 on the status of judges, a magistrate may be transferred to

Q243 (General Comment): According to the provisions of article 43 of the Law on Prosecutor Office, the disciplinary proceedings against prosecutors can be initiated by the Superior Council of Prosecutors, by the Disciplinary and Ethics Committee, by the Prosecutor's Inspection as a result of different controls, by Performance Evaluation Board and by interested persons. Also, disciplinary proceedings against prosecutors can be initiated by the Ministry of Justice upon notification by the Government Agent. The Prosecutor's Inspection is a department of the Prosecutor General Office which is checking the primary notifications. The Disciplinary and Ethics Committee and the Performance Evaluation Board are entities subordinated to the Superior Council of Prosecutors.

Q243 (2021): According to the provisions of Article 42 of the Law on Prosecution Office, the disciplinary procedure starts automatically at the moment of the referral, and according to Article 43 paragraph (1) of the mentioned law, the referral of the act that may constitute disciplinary misconduct committed by the prosecutor may be submitted by:

- (a) any interested person;
- b) members of the Superior Council of Prosecutors;
- c) the College for the evaluation of prosecutors performance, under the terms of Article 31(1)(a) and (b). (5);
- d) the Inspectorate of Public Prosecutors, following controls carried out.
- e) the Ministry of Justice, upon notification of the Government Agent, in the event of a request for a finding of disciplinary misconduct as referred to in Article 38(e1) with regard to the actions or inactions of the prosecutor which have led to one of the consequences referred to in Article 2007(e2). (1), point (1), of Art. c) of the Civil Code of the Republic of Moldova No 1107/2002.

Q244 (General Comment): The Superior Council of Prosecutors and the Committee of Discipline and Ethics have the disciplinary authority on prosecutors. The Committee of Discipline and Ethics examines the disciplinary case and issues a decision which can be contested to the Superior Council of Prosecutors.

Q244 (2021): The Disciplinary and Ethics Board of the Supreme Council of Prosecutors examines disciplinary cases brought against prosecutors and applies disciplinary sanctions where appropriate. It consists of 7 members, including:

- 5 elected by the General Assembly of Prosecutors from among the prosecutors;
- 2 elected by the High Council of Prosecutors, by public competition, from among representatives of civil society.

The High Council of Prosecutors has competence in disciplinary matters concerning prosecutors, examining appeals against decisions of the Disciplinary and Ethics Board.

Q246 (General Comment): (a) improper performance of official duties;
(b) failure to apply or incorrect application of the law, unless justified by a change in the practice of applying the rules laid down in the legal system;
c) unlawful interference in the work of another prosecutor or interference of any kind with authorities, institutions or officials for the resolution of any matter;
d) deliberately obstructing the work of the Inspectorate of Public Prosecutions by any means;
e) serious violation of the law;
e 1) committing, in the exercise of official duties, actions or inactions by which the fundamental rights and freedoms of natural or legal persons guaranteed by the Constitution of the Republic of Moldova and international treaties on fundamental human rights to which the Republic of Moldova is a party have been violated, either intentionally or through gross negligence;
f) undignified attitude, manifestations or way of life which are prejudicial to the honour, integrity, professional probity, prestige of the Prosecutors Office or which violate the Code of Ethics of Prosecutors.
(g) breach of the obligation laid down in Article 7(7) of the Code of Conduct. (2) letter a) of Law No. 325/2013 on the evaluation of institutional integrity.

Q246 (2021): There were initiated 52 procedures on 31 prosecutors.

Q247 (2021): There were completed 46 procedures on 26 prosecutors.

Q248 (2021): In 2021, the Disciplinary and Ethics Board issued 26 decisions concerning 26 prosecutors, as follows:

- With regard to 17 prosecutors, the College decided to terminate the disciplinary proceedings on the grounds that no disciplinary misconduct had been established.
- Disciplinary proceedings were discontinued against 1 prosecutor in connection with the termination of his service relationship
- 7 prosecutors were given a warning
- 1 prosecutor was sanctioned - dismissal

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of this Code, shall be independent in his/her procedural activity, interference in which by persons not legally authorized to do so shall be prohibited. State authorities, local self-government bodies, enterprises, institutions and organizations, officials and other individuals shall comply with the lawful requirements and procedural decisions of the prosecutor.

6. The Prosecutor General, the head of the regional prosecutor's office, the head of the district prosecutor's office, their first deputies and deputies, when supervising the observance of laws during the pre-trial investigation, have the right to cancel illegal and unreasonable decisions of investigators and lower-level prosecutors within the time limits of the pre-trial investigation provided for in Article 219 of this Code. The prosecutor who supervises the observance of laws during the relevant pre-trial investigation shall be notified of the cancellation of such decisions. Cancellation of illegal and unreasonable decisions of detectives of the National Anti-Corruption Bureau of Ukraine and prosecutors of the Specialized Anti-Corruption Prosecutor's Office may be carried out by the Prosecutor General or the person performing his/her duties, or by the Head of the Specialized Anti-Corruption Prosecutor's Office.

Article 37 of the Law of Ukraine, "On the Prosecutor's Office". 1. The prosecutor, who will exercise the powers of the prosecutor in a particular criminal proceeding, shall be determined by the head of the relevant prosecutor's office after the pre-trial investigation is initiated. If necessary, the head of the prosecutor's office may determine a group of prosecutors who will exercise the powers of prosecutors in a particular criminal proceeding, as well as a senior prosecutor of such group who will supervise the actions of other prosecutors.

- 1) prosecution by the prosecutor in court on behalf of the State;
- 2) the organisation and procedural management of pre-trial investigation, solving of other issues in the course of criminal proceedings in accordance with the law, control over covert and other investigative and search actions of law enforcement agencies;
- 3) representation of the interests of the State in court in exceptional cases and in the manner prescribed by law.

The organisation and operational procedure of prosecutor's office shall be determined by law.

Article 1 of the Law of Ukraine, "On the Prosecutor's Office". The Public Prosecution Service of Ukraine constitutes a unified system that shall, in line with the procedures set hereby, perform functions established by the Constitution of Ukraine with the aim of protecting human rights and freedoms, common interests of the society and the state.

Article 3 of the Law of Ukraine "On the Prosecutor's Office". Principles of Operation of the Public Prosecutor's Office:

The Public Prosecution Service shall work by the following principles of:

- 1) the rule of law and recognition of an individual, his/her life and health, honor and dignity, inviolability and security as the highest social value;
- 2) legality, justice, impartiality, and objectivity;
- 3) territoriality;
- 4) presumption of innocence;
- 5) independence of public prosecutors, which implies the existence of safeguards against illegal political, financial or other influence on a public prosecutor in connection with his/her decision-making when performing official duties;
- 6) political neutrality of the Public Prosecutor's Office;
- 7) inadmissibility of illegal interference of the Public Prosecutor's Office in the functions of the legislative, executive, and judicial authorities;
- 8) respect for independence of judges, which shall imply prohibition of public expression of doubt regarding legality of court judgments beyond the procedure of appealing them in the manner prescribed by the procedural law;
- 9) transparency of operations of the Public Prosecution Service which shall be guaranteed with an open and competitive appointment to the position of a public prosecutor, free access to reference information, provision of information upon request, unless the law sets limitations on its disclosure; and
- 10) strict compliance with professional ethics and conduct.

Q162-1 (2021): According to Article 16(1) of the Law of Ukraine "On the Prosecutor's Office", the independence of the prosecutor is ensured, among other things, by the prohibition of unlawful influence, pressure or interference in the exercise of the prosecutor's powers.

According to the provisions of part 2 of this article, when exercising the functions of the prosecutor's office, the prosecutor is independent of any unlawful influence, pressure, interference and is guided in his/her activities only by the Constitution and laws of Ukraine.

At the same time, Article 17 of this Law contains provisions on the subordination of prosecutors and the execution of orders and instructions. Thus, prosecutors are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies.

According to the requirements of part 3 of this article, in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to follow only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article.

Q162-4-1 (2021): Such statistical records are not kept.

limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

Orders of administrative nature, as well as instructions directly related to the exercise by the prosecutor of the prosecution functions, issued (given) in writing within the powers defined by law, shall be binding on the respective prosecutor.

The prosecutor, who was given an order or instruction orally, shall be provided with a written confirmation of such order or instruction.

The prosecutor shall not be obliged to execute orders and instructions of a higher-level prosecutor, which raise doubts as to their legality, if he/she has not received them in writing, as well as obviously criminal orders or instructions. The prosecutor shall have the right to apply to the Council of Prosecutors of Ukraine with a report on the threat to his/her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

Issuing (giving) an unlawful order or instruction or its execution, as well as issuing (giving) or execution of an obviously criminal order or instruction shall entail liability as provided by law.

At the same time, the said instructions may be appealed to the Council of Prosecutors of Ukraine or to the court in order to protect the prosecutor's independence.

The authority of the Council of Prosecutors of Ukraine is provided for in Section 4 of the Regulation on the Council of Prosecutors of Ukraine (as amended by the All-Ukrainian Conference of Prosecutors of 21.12.2018, 28.08.2021). Among other things, the Council of Prosecutors considers appeals from prosecutors and other reports of threats to the independence of prosecutors, takes appropriate measures based on the results of the consideration (notifies the relevant authorities of the grounds for bringing to criminal, disciplinary or other liability; initiates consideration of the issue of taking measures to ensure the safety of prosecutors; publishes statements on behalf of the prosecutorial corps on the facts of violation of prosecutor's independence; appeals to international organizations with relevant reports, etc.)

When exercising its powers, the Council of Prosecutors has the right to receive information and relevant documents necessary for the performance of its powers from the structural units of the Prosecutor General's Office, regional and district prosecutor's offices, the Prosecutor's Training Center of Ukraine, the relevant body conducting disciplinary proceedings, in accordance with the established procedure.

Meetings of the Council of Prosecutors shall be held openly, except for cases when the issues submitted for its consideration require confidentiality, which shall be decided upon. By decision of the Council of Prosecutors, the course of the meeting shall be recorded by technical means.

A closed meeting shall be held if consideration of a particular item on the agenda may lead to disclosure of information protected by law.

Decisions of the Council of Prosecutors that do not contain restricted information shall be published on the official websites of the Prosecutor General's Office and the Council of Prosecutors within seven days after adoption. Within the same period a duly certified copy of the decision adopted by the Council of Prosecutors shall be provided to the interested person.

The decisions of the Council of Prosecutors adopted on the issues of ensuring the independence of prosecutors, protection against unlawful influence, pressure or interference in the execution of prosecutor's powers may be forwarded to the prosecutor's offices and are binding within their competence

Q164 (General Comment): The independence and untouchability of judges are guaranteed by Articles 126 and 129 of the Constitution of Ukraine, and stipulate that judges are independent in the administration of justice and are subject only to the law. The Law of Ukraine 'On the Judiciary and the Status of Judges' (hereinafter the Law) defines the conditions for the performance of professional duties of judges and legal means by which the implementation of constitutional guarantees of judicial independence and independence of judges is ensured. In particular, Article 6 of the Law prohibits interference with the administration of justice, influence on the court or judges in any way, contempt of court or judges, collection, storage, use and dissemination of information in any form to harm the authority of judges or influence on the impartiality of the court.

Article 48 of the Law provides for the means of ensuring the independence of judges, which include: a special procedure for the appointment, selection, prosecution and dismissal of judges, the untouchability, immunity and the irremovability of judges; the procedures for administration of justice defined by procedural law and the secret of decision making; prohibition of interference with the administration of justice; liability for contempt of court or a judge; a separate procedure for funding and organizational support of functioning of courts stipulated by law; adequate financial and social support of judges; functioning of bodies of judicial governance and self-government; means defined by law to ensure personal safety of a judge and members of his/her family, property and other means of legal protection; the

Q173 (2021): There is no particular regularity on updating it. For example, currently, the Council of Judges of Ukraine has drafted a new version of the Code, but it has not been approved by the Congress of Judges of Ukraine. It is being worked on continuously. The Code we are using now is actually an updated (22.02.2013) version of the Code that was created in 2002.

Q175 (2021): Thus, the provisions of the Code of Professional Ethics and Conduct of Prosecutors, approved by the All-Ukrainian Conference of Prosecutors on 27.04.2017, were amended on 21.12.2018 and 28.08.2021.

Also, by the decision of the Council of Prosecutors of Ukraine dated 23.11.2022 No. 36, the Commentary to the Code of Professional Ethics and Conduct of Prosecutors (190 pages) was approved, the content of which was brought to the attention of all prosecutors and used during mandatory training on professional ethics of prosecutors conducted at the Training Center of Prosecutors of Ukraine.

The Commentary contains explanations of the provisions of the Code of Professional Ethics and Conduct of Prosecutors, situational (illustrative) examples, taking into account the results of its practical application, the activities of the Qualification and Disciplinary Commission of Prosecutors, the relevant body conducting disciplinary proceedings, and judicial practice.

Link to the Commentary to the Code of Professional Ethics and Conduct for Prosecutors:

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=223942

Q176 (2021): The Congress of Judges of Ukraine approves the Code of Ethics on the proposal of the Council of Judges of Ukraine. At the legislative level, the Council of Judges of Ukraine does not have the authority to provide recommendations on ethical issues, but despite this, the Council of Judges of Ukraine approved a

Q178 (2021): <https://rsu.gov.ua/uploads/article/komentar-kodeksusuddivskoietiki-fd35472a7d.pdf>

Q178-1 (2021): No opinions were provided, only the commentary to the Code was approved. The new version of the Code of Ethics is currently being developed.

Q181-1 (2021): Statistical records of such data are not kept.

"Prevention of Corruption" on streamlining certain issues of whistleblower protection" of 01.06.2021 No. 1502-IX (entered into force on 26.06.2021), before the launch of the Unified Whistleblower Reporting Portal in accordance with this Law, reports are accepted through channels and considered in the manner in force before the adoption of this Law. Thus, in accordance with Part 4 of Art. 53 of the Law of Ukraine "On Prevention of Corruption" (as amended until 26.06.2021) (hereinafter - the Law), the National Anti-Corruption Bureau of Ukraine, the National Agency, other specially authorised counter-corruption entities, state authorities, authorities of the Autonomous Republic of Crimea, local governments, legal entities of public law and legal entities specified in part 2, Article 62 of this Law, shall be obliged to establish protected anonymous communication channels (online communication channels, anonymous hotlines, electronic mailboxes, etc.), through which a whistle-blower may provide a report with guaranteed anonymity.

According to part 1 of Art. 53 of the Law, The State shall encourage and assist whistle-blowers to report possible facts of corruption or corruption-related offences or other violations of this Law orally and in writing, in particular through special telephone lines, official websites, electronic means of communication, by contacting mass media, journalists, public associations and trade unions.

According to clause 4 of part 2 of Article 531 of the Law, specially authorised counter-corruption entities, state authorities, authorities of the Autonomous Republic of Crimea, local authorities, legal entities of public law and legal entities specified in part 2, Article 62 of this Law shall provide whistle-blowers with conditions for reporting of possible facts of corruption or corruption-related offences, other violations of this Law by mandatory establishing and functioning of internal* and regular** channels for reporting of possible facts of corruption or corruption-related offences, other violations of this Law. Thus, the National Agency on Corruption Prevention, pursuant to the requirements of Part 4 of Art. 53, Part 1 and Clause 4 of Part 2 of Art. 53 of the Law, has created and ensured the functioning of the relevant regular channels for reporting possible facts of corruption or corruption-related offenses, other violations of the Law, including attempts to influence/corrupt judges and prosecutors.

In particular, the main page of the official website of the National Agency on Corruption Prevention (<https://nazk.gov.ua/uk/>) contains a banner "Where to report on corruption", clicking on which the website visitor is directed to the relevant page (<https://nazk.gov.ua/uk/povidomyty-prokoruptsiyu/>) containing information on regular channels of the National Agency on Corruption Prevention. Thus, it is possible to report corruption, including attempts to influence/corrupt judges and prosecutors, to the National Agency on Corruption Prevention by phone +38(044)200-06-91, by e-mail: anticor_reports@nazk.gov.ua, as well as using the web form.

* internal channels for reporting of possible corruption or corruption-related offences or other violations of this Law" shall mean methods of secure and anonymous reporting of information by the whistle-blower to the head or authorised unit (person) of the authority or legal entity in which the whistle-blower works, serves or studies or on whose order performs work (para. 21, Part 1, Article 1 of the Law of Ukraine "On Prevention of Corruption" as amended by 26.06.2021)

** regular channels for reporting of possible corruption or corruption-related offences or other violations of this Law" shall mean ways of secure and anonymous reporting of information by the whistle-blower to the National Agency on Corruption Prevention, other public authority competent to consider and make decisions on the matters on which the relevant information is disclosed. Regular channels must be established by specially authorised counter-corruption entities, pre-trial investigation bodies, bodies responsible for monitoring compliance with laws in relevant areas, other state authorities, institutions and organisations (para. 23, Part

Q183 (2021): The mechanism of case distribution is determined by the procedural legislation and the Regulation on the automated court document management system approved by the decision of the Council of Judges of Ukraine dated 26.11.2010 No. 30, the rules of which are known in advance to the parties, lawyers and

Q186 (2021): The reassignment of court cases among judges is applied in cases stipulated by law, as well as the Regulation on the automated court document management system, approved by the decision of the Council of Judges of Ukraine dated 26.11.2010 № 30

Q192 (2021): The Order of the National Agency on Corruption Prevention of 12.12.2019 No. 168/19 "On Approval of Amendments to the Decision of the National Agency on Corruption Prevention of June 10, 2016 No. 3" amended the declaration form (new version) (<https://zakon.rada.gov.ua/laws/show/z1300-19#n7>) - this order became invalid on the basis of the Order of the National Agency on Corruption Prevention No. 448/21 of 23.07.2021

(<https://zakon.rada.gov.ua/laws/show/z0986-21#n7>). In fact, the declaration form was valid from 01.01.2020 to 01.12.2021. Order of the National Agency dated 23.07.2021 No. 449/21 "On Approval of the Form of Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government and the Procedure for Filling out and Submitting a Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government" approved a new declaration form and developed a procedure for filling it out (<https://zakon.rada.gov.ua/laws/show/z0987-21#Text>). This declaration form is valid since 01.12.2021.

Q194 (2021): Notification of significant changes in the property status in accordance with part four of Article 52 of the Law of Ukraine "On Prevention of Corruption" is an additional measure of financial control aimed at clarifying the actual change in the property status of the declarant without waiting for the next declaration. The obligation to submit a notification of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or expenditure in an amount exceeding 50 subsistence minimum incomes.

Q196 (2021): The declaration contains information about the assets of the declarant and family members. However, in sections 2.1 "Information about the declarant", 14. "Expenses and transactions of the declarant", 15. "Outside employment of the declaring entity" and "Membership of the declaring entity in organizations and their bodies" of the declaration reflect information only about the declaring entity. At the same time, if a family member is also a declarant, he/she 6 substantiated conclusions on the detection of signs of criminal offenses under Article 366-2 of the Criminal Code of Ukraine; 4 protocols on administrative offenses related to corruption under Part 4 of Article 172-6 of the Code of Administrative Offenses (violation of financial control requirements).

In 2021, the Department of Special Inspections and Lifestyle Monitoring drew up

6 protocols on administrative offenses related to corruption under Part 1 and 2 of Article 172-6 of the Code of Administrative Offenses

Q205 (2021): This information is entered directly into the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Government in electronic form and published on the official website of the National Agency for the Prevention of Corruption.

We also provide a link to the declaration form on the official website of the National Agency on Corruption Prevention

Article 46. Information to be included in the declaration

1. The declaration shall contain information on:

- 1) surname, name, patronymic, date, month and year of birth, registration number of the taxpayer's account card, series and number of the passport of the citizen of Ukraine, the declarant and his/her family members, unique number of the entry in the Unified State Demographic Register of the declarant and his/her family members (in case of formation of such unique number), registered place of their residence, as well as the place of actual residence or postal address to which the National Agency may send correspondence to the declarant, place of work (service) or place of future work (service), position held or position to be applied for, and category of position (if any) of the declarant, including whether they belong to officials who hold responsible and especially responsible positions, declarants who hold positions associated with a high level of corruption risks, as well as belonging to national public figures in accordance with the Law of Ukraine "On Prevention and Counteraction to Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction".
- 2) real estate objects belonging to the declarant and his/her family members on the right of private ownership, including joint ownership, or are leased or on other right of use, regardless of the form of the transaction, as a result of which such right was acquired. 2-1) objects of unfinished construction, objects not put into operation or the ownership of which is not registered in accordance with the procedure established by law;
- 3) valuable movable property, the value of which exceeds 100 subsistence minimums established for able-bodied persons as of January 1 of the reporting year, which belongs to the declarant or members of his/her family on the right of private property, including joint ownership, or is in his/her possession or use regardless of the form of the transaction as a result of which such right was acquired;
- 4) securities, including shares, bonds, checks, certificates, bills of exchange belonging to the declarant or members of his family, with information on the type of security, its issuer, date of acquisition of securities in ownership, number and nominal value of securities;
- 5) other corporate rights belonging to the declarant or his family members, indicating the name of each business entity, its organizational and legal form, the code of the Unified State Register of Enterprises and Organizations of Ukraine, the share in the authorized (share) capital of the company, enterprise, organization in monetary and percentage terms;
- 5-1) legal entities, trusts or other similar legal entities, the ultimate beneficial owner (controller) of which is the declarant or his family members.
- 6) intangible assets belonging to the declarant or their family members, including intellectual property that can be valued in monetary terms, cryptocurrencies; 7) income received by the declarant or his/her family members, including income in the form of wages (salaries) received both at the main place of work and part-time, fees, dividends, interest, royalties, insurance payments, charitable assistance, pensions, income from the alienation of securities and corporate rights, gifts and other income.
- 8) monetary assets available to the declarant or his/her family members, including cash, funds placed on bank accounts or kept in a bank, contributions to credit unions and other non-bank financial institutions, funds lent to third parties, as well as assets in precious (bank) metals. 8-1) banking and other financial institutions, including abroad, where the declarant or his/her family members have accounts (regardless of the type of account, as well as accounts opened by third parties in the

Article 45 Submission of declarations of persons authorized to perform functions of the government or local self-government

1. Persons referred to in Clause 1, Sub-Clauses “a” and “c” of Clause 2, Part One,

Article 3 of this Law are required, on an annual basis, before 1 April, through the official website of the National Agency, to file a declaration of a person authorized to perform the functions of government or local self-government (hereinafter – the Declaration) for the previous year in the form, as determined by the National Agency.

2. Persons referred to in Clause 1, Sub-Clauses “a” and “c” of Clause 2, Part One,

Article 3 of this Law who terminate activity related to performance of the functions of

government or local self-government shall submit a declaration of a person authorized to perform the functions of government or local self-government for the period not covered by previously submitted declarations.

Persons who terminate activity related to the performance of functions of government or local self-government or other activity mentioned in Sub-Clauses “a” and “c” of Clause 2, Part One, Article 3 are required, for the year following the termination of activity, to submit part of a declaration of a person authorized to perform the functions of government or local self-government for the previous year, in accordance with the procedure stipulated in Part One of this Article.

3. A person who is running for a position specified in paragraph 1, subparagraph "a" of paragraph 2 of part one of Article 3 of this Law, and a person specified in paragraph 4 (except for persons running as candidates for deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils, for positions of village village, settlement, city mayors) of part one of Article 3 of this Law, prior to appointment or election to the respective position, shall submit a declaration of a person authorized to perform the functions of the state or local self-government for the previous year in accordance with the procedure established by this Law. A person elected as a deputy of the Verkhovna Rada of the Autonomous Republic of Crimea, a deputy of a local council, a village, settlement, city mayor shall submit such declaration within fifteen calendar days from the date of assumption of powers of a deputy, village, settlement, city mayor, respectively.

Article 52. Additional measures of financial control

1. When a declarant or his/her family member open a foreign currency account in a

non-resident bank, the respective declarant is obliged to notify the National Agency in writing within ten days, according to the established procedure, indicating the account number and location of the non-resident bank.

4. In case of significant changes in the property status of the declaring entity, namely the receipt of income, acquisition of property or expenditure in an amount exceeding 50 subsistence minimums established for able-bodied persons as of January 1 of the respective year, the said entity shall notify the National Agency within ten days from the date of receipt of income, acquisition of property or expenditure. This information shall be entered into the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions and published on the official website of the National Agency.

Q209 (2021): The declaration is filed exclusively by the prosecutor, which contains information about family members. If a family member is the subject of the declaration, he/she must also submit a declaration.

Q211 (2021): The National Agency for the Prevention of Corruption conducts the following types of control over declarations submitted by declaring entities

- 1) timeliness of submission;
- 2) accuracy and completeness in the declaration;
- 3) logical and arithmetic control.

(Article 51-1 of the Law of Ukraine "On Prevention of Corruption").

financial control requirements, namely for:

1. Late submission without valid reasons of the declaration of a person authorized to perform the functions of the state or local self-government;
2. Failure to notify or untimely notification about opening a foreign currency account in a non-resident bank or about significant changes in property status;
3. Actions provided for in part one or two of this Article, committed by a person who was subjected to an administrative penalty for the same violations during the year;
4. Submission of knowingly false information in the declaration of a person authorized to perform the functions of the state or local self-government. The liability under this Article for submission of knowingly false information in the declaration of a person authorized to perform the functions of the state or local self-government, in relation to property or other object of declaration that has value, occurs if such information differs from the reliable information in the amount of 100 to 500 subsistence minimums for able-bodied persons.

Ukraine "On Prevention of Corruption", including judges, to engage in teaching, scientific and cultural activities, medical practice, instructing and refereeing in sports).

According to Article 54 of the Law of Ukraine "On the Judiciary and the Status of Judges", a judge may not combine his/her activity with entrepreneurial, advocacy activities, hold any other paid positions, perform other paid work (except for teaching, scientific or cultural activities), as well as be a member of the governing body or supervisory board of an enterprise or organization aimed at making profit.

Q223 (2021): Proceedings in cases of administrative offences related to corruption are carried out in accordance with the requirements of the Law of Ukraine "On Prevention of Corruption" and the Code of Ukraine on Administrative Offences.

At the same time, corruption-related offences under the Code of Ukraine on Administrative Offences include, in particular, violation of restrictions on the combination of employment and other accessory activities (Article 172-4), violation of statutory restrictions on receiving gifts (Article 172-5), violation of requirements for the prevention and settlement of conflicts of interest (Article 172-7), illegal use of information that became known to a person in connection with the performance of official duties (Article 172-8), failure to take measures to combat corruption.

According to Article 221 of the Code of Ukraine on Administrative Offences, cases of administrative offences related to corruption are considered by judges of the district court, district court in the city, city court or city district court.

Upon consideration of the case, one of the following decisions is made (Article 284 of the Code of Ukraine on Administrative Offences): to impose an administrative penalty or to close the case.

The sanction of Article 1727 of the Code of Ukraine on Administrative Offences provides for the imposition of a fine of 100 to 400 tax-free minimum incomes, repeated violation of the requirements for the prevention and settlement of conflicts of interest by a person who has been subjected to an administrative penalty for the same violations within a year - imposition of a fine of 400 to 800 tax-free minimum incomes with deprivation of the right to hold certain positions or engage in certain activities for a period of one year (the tax-free minimum income of citizens is 17 UAH). Article 247 of the Code of Ukraine on Administrative Offences stipulates that proceedings on an administrative offence may not be initiated, and the initiated proceedings shall be closed in the following circumstances:

- 1) absence of the action and elements of an administrative offence;
- 2) the person has not reached the age of sixteen at the time of committing an administrative offence;
- 3) insanity of the person who committed the unlawful act or omission;
- 4) commission of an action by a person in a state of emergency or necessary defence;
- 5) issuance of an act of amnesty, if it eliminates the application of an administrative penalty;
- 6) cancellation of an act that establishes administrative liability;
- 7) expiration at the time of consideration of a case on an administrative offence of the terms provided for in Article 38 of this Code;
- 8) on the same fact in respect of a person who is brought to administrative liability, there is either a resolution of the competent body (official) on imposing an administrative penalty, or an unrevoked resolution to close a case on an administrative offence, as well as a notice of suspicion to a person in criminal proceedings on this fact;

Q227 (General Comment): Part 4 of Article 25 of the Law of Ukraine "On the Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, in particular prosecutors, are prohibited from:

- 1) engaging in other paid (except for teaching, scientific and creative activities, medical practice, instructor and referee practice in sports) or entrepreneurial activity, unless otherwise provided for by the Constitution or laws of Ukraine;
- 2) being a member of the board, other executive or control bodies, the supervisory board of an enterprise or organization that aims to make a profit (except for cases when persons perform functions of managing shares (portions, units) belonging to the state or territorial community, and represent the interests of the state or territorial community in the council (supervisory council), audit commission of an economic organization), unless otherwise provided for by the Constitution or laws of Ukraine, except for the case provided for in the first paragraph of the second part of this article.

Q227 (2021): Part 4 of Article 25 of the Law of Ukraine "On the Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, in particular prosecutors, are prohibited from:

- 1) engaging in other paid (except for teaching, scientific and creative activities, medical practice, instructor and referee practice in sports) or entrepreneurial activity, unless otherwise provided for by the Constitution or laws of Ukraine;
- 2) being a member of the board, other executive or control bodies, the supervisory board of an enterprise or organization that aims to make a profit (except for cases when persons perform functions of managing shares (portions, units) belonging to the state or territorial community, and represent the interests of the state or territorial community in the council (supervisory council), audit commission of an economic organization), unless otherwise provided for by the Constitution or laws of Ukraine, except for the case provided for in the first paragraph of the second part of this article.

Q229 (2021): Shall be agreed with the employer in accordance with the requirements of the Labor Code of Ukraine, only if such activity is carried out during the working hours of his main place of work

The employer for the prosecutor shall be represented by the head of the relevant prosecutor's office.

settlement of conflicts of interest.

In addition, the Law of Ukraine "On the Prosecutor's Office" provides for disciplinary liability for prosecutors' actions in conditions of real or potential conflict of interest.

Q234 (2021): Until August 5, 2021 Member of the Disciplinary Chamber determined for the preliminary check of a relevant disciplinary complaint (rapporteur) shall: 1) study the disciplinary complaint, check its compliance with legal requirements 3) forward the complaint to the Disciplinary Chamber to adopt a decision to open a disciplinary proceeding; 4) prepare materials with proposal on opening or refusal in opening a disciplinary case.. (part one of Article 43 of the Law of Ukraine "On the High Council of Justice" (as amended before the amendment by Law No. 1635-IX dated 14.07.2021)). Since August 5, 2021 (amendments were made to the Law of Ukraine "On the High Council of Justice"). A disciplinary inspector of the High Council of Justice, determined by the automated case distribution system for a preliminary check of a relevant disciplinary complaint (disciplinary inspector of the High Council of Justice - rapporteur) shall: 1) study the disciplinary complaint, check its compliance with legal requirements. 3) forward the complaint to the Disciplinary Chamber to adopt a decision to open a disciplinary proceeding; 4)prepares materials with proposal on opening or refusal in opening a disciplinary case. (Part one of Article 43 of the Law of Ukraine "On the High Council of Justice" as amended by Law No. 1635-IX dated 14.07.2021)

In accordance with part five of Article 27 of the Law of Ukraine "On the High Council of Justice" (as amended by Law No. 1635-IX dated July 14, 2021), the Disciplinary Inspectorate Service acts within the Secretariat of the High Council of Justice as an independent structure unit, which shall be established for realization of powers of the High Council of Justice regarding carrying out disciplinary proceedings concerning judges and acts by the principle of functional independence from the High Council of Justice.

According to part three of Article 42 of the Law of Ukraine "On the High Council of Justice", a disciplinary proceeding shall comprise:

- 1) preliminary study of materials that have signs of committing by a judge a disciplinary offense, and making a decision on opening a disciplinary case or refusal in its opening;
- 2) consideration of a disciplinary complaint and making a decision on bringing or refusal in bringing a judge to disciplinary liability

Disciplinary inspector of the High Council of Justice shall hold a preliminary check of a disciplinary complaint, transferred to him/her by the results of the automated case distribution (paragraph 1 of part four of Article 28 of the Law of Ukraine "On the High Council of Justice").

A disciplinary inspector of the High Council of Justice, determined by the automated case distribution system for a preliminary check of a relevant disciplinary complaint (disciplinary inspector of the High Council of Justice – rapporteur) shall: 1) study the disciplinary complaint, check its compliance with legal requirements;

- 3) forward the complaint to the Disciplinary Chamber to adopt a decision ...to open a disciplinary proceeding;
- 4)prepares materials with proposal on opening or refusal in opening a disciplinary case. The conclusion of a disciplinary inspector of the High Council of Justice - rapporteur, along with the disciplinary complaint and the materials collected during the preliminary check, shall be submitted to the Disciplinary Chamber for consideration.

(Article 43 of the Law of Ukraine "On the High Council of Justice")

Q235 (General Comment): Disciplinary power over judges is entrusted with the High Qualification Commission of Judges of Ukraine (as regards judges of local and appellate courts) or the High Council of Justice (as regards judges of high specialized courts and the Supreme Court). In the case of dismissal of a judge such disciplinary power belongs to the President (for the judges elected for 5-years term) or the Parliament (for the judges elected for lifetime term). Disciplinary proceedings against judges involve checking on grounds for bringing judges to disciplinary liability, opening a disciplinary case, its review and making decision by the High Qualification Commission of Judges of Ukraine (HQCJU) or the High Council of Justice (HCJ). Checking the grounds for opening a disciplinary case and bringing judges of local or appellate courts to disciplinary liability shall be made by the HQCJU. No later than 3 days after the HQCJU decision on opening a disciplinary case was made its copy shall be sent to both judge against whom disciplinary case was opened and person that filed an appeal. The disciplinary case shall be considered at the meeting of the HQCJU. The appellant, the concerned judge and other interested persons can attend the meeting. If there are justifiable reasons because of which judge cannot take part in the meeting of the HQCJU, he/she may give a written explanation on merits of the case that will be attached to the case file. The consideration of the disciplinary case against a judge is adversarial. The HCJ carries out disciplinary proceedings as regards judges of the Supreme Court and high

Q235 (2021): To review cases on disciplinary responsibility of judges, the High Council of Justice shall set up Disciplinary Chambers consisting of members of the High Council of Justice. (Part two of Article 26 of the Law of Ukraine "On the High Council of Justice"). Three Disciplinary Chambers were set up in the High Council of Justice by the decision of the High Council of Justice dated February 2, 2017 No. 184/0/15-17.

Q237 (General Comment): according to the EaP Explanatory Note, criminal offence (offence committed in the private or professional framework) refers to cases in which disciplinary proceedings are conducted either before, during or after criminal proceedings for the same facts. Information for the category "4. Other criminal offense" is marked as "not available" since such cases may occur but those are not separately accounted for. Record/registration is carried out on the grounds for taking disciplinary action, defined in the first part of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges", and what was reflected in filling out

Q237 (2021): Information for the category "4. Other criminal offense" is marked as "not available" since such cases may occur but those are not separately accounted for. Record/registration is carried out on the grounds for taking disciplinary action, defined in the first part of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges".

Q238 (General Comment): Question 238 includes all decisions in disciplinary cases concerning judges: on bringing to disciplinary responsibility, on refusing to bring on disciplinary responsibility, on closing the disciplinary case.

Q238 (2021): Question 238 includes all decisions in disciplinary cases concerning judges: on bringing to disciplinary responsibility, on refusing to bring on disciplinary responsibility, on closing the disciplinary case.

Q239 (General Comment): The difference between 2014 and the 2016 was caused by the suspension of the HQCJU work in 2014 for 8,5 month (for more details, please see comments to Q144). The HQCJU opened the disciplinary proceeding in the beginning of 2014, but had a chance to hold disciplinary liable only 13 judges during 2014.

in the comments to the sanction "Temporary reduction of salary", it was stated that disciplinary sanctions can be applied to judges in the form of: reprimand – with deprivation of the right to receive supplemental payments to the basic wage of a judge for one month; severe reprimand – with deprivation of the right to receive supplemental payments to the basic wage of a judge for three months; initiation of temporary (one month to six months) suspension from administration of justice – with deprivation of right to receive supplemental payments to the basic wage of a judge (paragraphs 2, 3, 4 of the first part of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges"). In the table for question 239, in particular, the types of sanctions were indicated "1. Reprimand" with a quantitative indicator

The following types of disciplinary sanctions may be imposed upon judges: reprimand with deprivation of the right to receive supplemental payments to the basic wage of a judge for one month; severe reprimand with deprivation of the right to receive supplemental payments to the basic wage of a judge for three months; initiation of temporary (one month to six months) suspension from administration of justice with deprivation of right to receive supplemental payments to the basic wage (paragraphs 2, 3, 4 of the first part of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges").

2. To the sanctions "Position downgrade", "Transfer to another geographical (court) location"

The disciplinary sanction may be imposed upon judges in the form of initiation of the judge's transfer to a lower-level court (paragraph 5 of part one of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges").

3. To the sanction "Other".

The disciplinary sanction may be imposed upon judges in the form of warning (paragraph 1 of the first part 109 of the Law of Ukraine "On the judiciary and the status of judges").

Council of Justice in a disciplinary case to the High Council of Justice.

The complainant has the right to appeal the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice with the permission of the Disciplinary Chamber for such an appeal.

Members of the High Council of Justice who are members of the Disciplinary Chamber that made the decision appealed do not participate in the consideration of the complaint.

The decision of the High Council of Justice, adopted as a result of consideration of the appeal against the decision of the Disciplinary Chamber, may be appealed in a court (in particular, in the Supreme Court as the court of the first instance and in the Grand Chamber of the Supreme Court as the appellate instance).

In case the court annuls the decision of the High Council of Justice, adopted as a result of consideration of the appeal against the decision of the Disciplinary Chamber, the High Council of Justice shall reconsider the relevant disciplinary case.

Q242 (General Comment): A judge may not be transferred to another court without his/her consent, except a transfer:

1) in the event of reorganization, liquidation or termination of the court; 2) as a disciplinary measure. (Article 53 of the Law "On Judiciary and the Status of Judges")

Q243 (General Comment): According to Ukrainian legislation, everyone who is aware of such facts has the right to apply to the Qualification and Disciplinary Commission of Prosecutors with a disciplinary complaint about the prosecutor's commission of a disciplinary offence. The Qualification and Disciplinary Commission of Prosecutors shall publish on its website a recommended sample of a disciplinary complaint. (para.2 art. 45 of the Law of Ukraine On Prosecution Office).

submit the relevant document to the body authorized to make a decision in disciplinary proceedings, then according to part 2 of Art. 45 of the Law of Ukraine "On the Prosecutor's Office", the list of such persons shall include anyone who is aware of the fact that the prosecutor has committed a disciplinary offense. In return, the authorized member of the relevant body carrying out disciplinary proceedings (Part 3 of Article 46 of the Law of Ukraine "On the Prosecutor's Office") shall make a decision on opening disciplinary proceedings.

We note that in 2021, temporarily (until September 1, 2021), consideration of disciplinary complaints against a prosecutor committing a disciplinary offense, and conducting disciplinary proceedings against prosecutors was carried out by a staff commission formed by the Prosecutor General, and in the procedure approved by the Prosecutor General (para. 1, 7, 8, clause 22 of Chapter II of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for the Reform of Prosecutor's Offices" dated September 19, 2019 No. 113-IX). Accordingly, a member of the relevant staff commission was authorized to make a decision to open disciplinary proceedings.

Subsequently, from September 1, 2021, the provisions of the Law of Ukraine "On the Prosecutor's Office" regarding the status and powers of the relevant body conducting disciplinary proceedings, as well as the legally established procedure for considering disciplinary complaints and conducting disciplinary proceedings against prosecutors, were renewed.

A similar caveat regarding temporary orders and procedures also applies to the answer and comment to question 244.

Q244 (2021): According to parts 1, 2 of Art. 73 of the Law of Ukraine "On the Prosecutor's Office", the relevant body conducting disciplinary proceedings shall be a collegial body, which, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed the intention to take up the position of prosecutor, and resolves issues of disciplinary liability, transfer and dismissal of prosecutors. The relevant body conducting disciplinary proceedings is a legal entity, has a seal with the image of the State Coat of Arms of Ukraine and its name, an independent balance sheet and accounts in the bodies of the State Treasury of Ukraine.

The specified relevant body started its operation on 03.11.2021, as decided by it on 26.10.2021 No. 16зп-21 "On the date of commencement of operation of the relevant body conducting disciplinary proceedings". According to paras 4 - 5 of Part 1 of Art. 77 of the Law of Ukraine "On the Prosecutor's Office" the powers of the relevant body conducting disciplinary proceedings include the consideration of disciplinary complaints on a prosecutor's disciplinary misconduct, carrying out disciplinary proceedings and the adoption of a decision to impose a disciplinary penalty on a prosecutor of the Office of the Prosecutor General, regional and district prosecutor's offices or a decision on the impossibility of a person's further tenure as a prosecutor based on the results of disciplinary proceedings and if there are grounds provided for by this Law.

As for the role of the High Council of Justice, according to Part 1 (3) of Art. 131 of the Constitution of Ukraine, Part 1 (5) of Art. 3, Art. 53 of the Law of Ukraine "On the Prosecutor's Office", Part 1 of Art. 50 of the Law of Ukraine "On the Prosecutor's Office", the High Council of Justice shall consider complaints against the decision

Q246 (2021): Violation of work regulations, violation of the rules of filing declarations.

Violation of labour regulations does not belong to the category of "professional misconduct". Regarding the classification of certain misdemeanours in this category, see the comment to question 246-1.

In the table for question 246, the "Other" category, which includes violations of labour regulations, violations of the rules for submitting declarations, is not part of category 2 of this table.

In addition, violation of the rules for submitting a declaration may be a disciplinary, criminal or administrative offense depending on the amount of false information entered into the declaration.

For violations related to declaration, guilty persons bear various types of responsibility, including: criminal, administrative, and also disciplinary responsibility. Thus, criminal liability is established for the deliberate entry by the subject of the declaration of knowingly inaccurate information into the declaration of a person authorized to perform the functions of the state or local self-government, provided for by the Law of Ukraine "On the Prevention of Corruption", if such information differs from the reliable information by the amount of 500 to 2,000 subsistence minimums for employable persons (Part 1 of Article 366-2 of the Criminal Code of Ukraine).

Article 1726 of the Code of Ukraine on Administrative Offenses establishes administrative liability, in particular for untimely submission without valid reasons of the declaration of a person authorized to perform the functions of the state or local self-government, as well as the submission of knowingly inaccurate information in the declaration of a person authorized to perform the functions of the state or local self-government.

In addition, according to Part 1 (4) of Art. 43 of the Law of Ukraine "On the Prosecutor's Office" a violation of the procedure established by law for submitting a declaration of a person authorized to perform the functions of the state or local self-government shall be the grounds for bringing a prosecutor to disciplinary

Q247 (2021): The "Other" category includes violations of labour regulations and violations of declaration submission rules.

Q248 (2021): A ban on transfer to a higher body

Q250 (General Comment): The prosecutor may appeal the decision made as a result of disciplinary proceedings to the administrative court or to the High Council of Justice within one month from the date of serving a copy of the decision or receiving it by mail.

Indicator 8 - Accountability and processes affecting public trust

by question No.

Question 156. Is there a system of compensation in the following circumstances:

Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Question 161. If yes, what are:

Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by the law or another regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by the law or other regulation, are there exceptions?

Question 162-2. What form these instructions may take?

Question 162-2-0. Which authority can issue such specific instructions?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges

Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?

Question 171. Number of criminal cases against judges or prosecutors

Question 172-0. Are specific measures to prevent corruption in place?

Question 172. Is there a code of ethics applicable to all judges? Please provide the link.

Question 173. If yes, is it regularly updated?

Question 173-1. Does the Code of Ethics contain principles on:

Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.

Question 175. If yes, is it regularly updated?

Question 175-1. Does the Code of Ethics contain principles on:

Question 176. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Question 177. If yes, who are the members of this institution / body?

Question 178. Are the opinions of this institution / body publicly available?

Question 178-1. How many opinions were given during the reference year?

Question 179. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. *If yes, who are the members of this institution / body ?*

Question 181. *Are the opinions of this institution / body publicly available?*

Question 181-1. *How many opinions were given during the reference year?*

Question 182. *Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?*

Question 183. *Is transparency in distribution of court cases ensured in your judicial system?*

Question 184. *How is distribution of court cases organized in your system?*

Question 185. *What are the different possible reasons for reassigning a case?*

Question 185-1. *How many reassignments of cases were processed in the reference year?*

Question 186. *Does the reassignment of cases have to be reasoned?*

Question 187. *Are all reassignments of cases processed through the computerised distribution of cases?*

Question 188. *If yes, how are reassignments of cases processed:*

Question 190. *Which law(s) and regulation(s) require a declaration of assets by judges*

Question 192. *Can you provide the declaration of assets form (attachment)?*

Question 193. *What items are to be declared?*

Question 194. *What is the moment of the declaration of assets of judges?*

Question 195. *Does this declaration concern the members of the family?*

Question 196. *Is the declaration for family members the same as for the judge?*

Question 197. *Which authority receives the declaration? Please specify the status and nature of this authority (is it an independent body, what is the procedure for appointing members, etc.)?*

Question 198. *Are these declarations of assets verified as regards:*

Question 199. *Is there a register of declaration of assets?*

Question 200. *Where is the declaration published?*

Question 201. *What is the sanction in case of non-declaration of assets?*

Question 202. *Number of proceedings against judges due to violations/discrepancies in their declaration of assets:*

Question 203. *Which law(s) and regulation(s) require a declaration of assets by prosecutors*

Question 205. *Can you provide the declaration of assets form (attachment)?*

Question 206. *What items are to be declared?*

Question 207. *What is the moment of the declaration of assets of prosecutors?*

Question 208. *Does this declaration concern the members of the family?*

Question 209. *Is the declaration for family members the same as for the prosecutor?*

Question 210. *Which authority receives the declaration?*

Question 211. *Are these declarations of assets verified as regards:*

Question 212. *Is there a register of declaration of assets?*

Question 213. *Where is the declaration published?*

Question 214. *What is the sanction in case of non-declaration of assets?*

Question 215. *Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:*

Question 217. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:*

Question 218. *Can judges combine their work with any of the following other functions/activities?*

Question 219. *Is an authorisation needed to perform these accessory activities for judges?*

Question 220. *If yes, who is giving authorisation for these accessory activities for judges?*

Question 221. *If not, does the judge have to inform his or her hierarchy about these accessory activities?*

Question 222. *Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?*

Question 223. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:*

Question 224. *Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference*

Question 226. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:*

Question 227. *Can public prosecutors combine their work with any of the following other functions/activities?*

Question 228. *Is an authorisation needed to perform these accessory activities for public prosecutors?*

Question 229. *If yes, who is giving authorisation for these accessory activities for public prosecutors?*

Question 230. *If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?*

Question 231. *Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?*

Question 232. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:*

Question 233. *Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year*

Question 234. *Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?*

Question 235. *Which authority has disciplinary power over judges? (multiple replies possible)*

Question 236. *What are the possibilities for the judge to present an argumentation? (multiple replies possible)*

Question 237. *Number of disciplinary proceedings initiated during the reference year against judges.*

Question 238. *Number of cases completed in the reference year against judges.*

Question 239. *Number of sanctions pronounced during the reference year against judges.*

Question 240. *Can a disciplinary decision be appealed?*

Question 241. *If yes, what body is competent to decide on appeal?*

Question 242. *Can a judge be transferred to another court without his/her consent:*

Question 243. *Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):*

Question 244. *Which authority has disciplinary power over public prosecutors? (multiple replies possible)*

Question 245. *What are the possibilities for prosecutors to present an argumentation (multiple replies possible):*

Question 246. *Number of disciplinary proceedings initiated during the reference year against public prosecutors.*

Question 247. *Number of cases completed in the reference year against public prosecutors.*

Question 248. *Number of sanctions pronounced during the reference year against public prosecutors.*

Question 250. *Can the disciplinary decision be appealed?*

Question 251. If yes, what body is competent to decide on appeal?

Question 156

Armenia

(2021): There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

Azerbaijan

(2021): According to Article 36.2 of the Code of Criminal Procedure of the Republic of Azerbaijan, the rights of persons who have been innocently convicted, illegally detained, or whose rights have been restricted in other forms during the criminal proceedings shall be restored in accordance with this Code and other laws of the Republic of Azerbaijan.

According to Article 56.0.5 of the Code, a person who has been illegally arrested or forcibly placed in a medical or educational institution, as well as detained for more than the specified period without a legal basis, has the right to be compensated for the damage caused as a result of the error or abuse of the body conducting the criminal process.

The rules for compensation of damage caused by the error or abuse of the body implementing the criminal process after the conclusion of the criminal prosecution proceedings are regulated by the Law of the Republic of Azerbaijan "On compensation of damage caused to natural persons as a result of illegal actions of investigation, preliminary investigation, prosecutor's office and judicial authorities" in the order of civil court proceedings is carried out (Article 63).

According to that Law, the wages, pensions, allowances and other incomes deprived of each person, confiscation, confiscation, confiscation by investigative bodies, property damage caused by arrest, paid court costs, as well as paid or withheld during the execution of the sentence a fine, amounts paid in connection with the provision of legal assistance, physical and moral damage caused must be paid.

The amount of damages is determined by the court.

The legislation does not provide for direct compensation due to the excessive length of proceedings and non-execution of court decisions. However, it should be noted that according to Article 4.1 of the MPM, all individuals and legal entities have the right to use court protection in order to protect and secure their rights and

Georgia

(2021): According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting civil complaint in case of wrongful arrest and/or wrongful conviction (same right is provided by Article 92 of the Code of Criminal Procedure).

Republic of Moldova

(General Comment): On 21 April 2011 a remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures.

(2021): The amount of the compensation for wrongful conviction and arrest is calculated starting from the average monthly income of the natural person at the moment of causing the damage, with the application of the inflation coefficient. The amount of the damage caused to the natural person who was convicted to unpaid work for the benefit of the community shall be calculated in the amount of up to 2 conventional units for one hour of work performed.

For the quantification of the reparable damage, the average monthly income is calculated as follows:

- persons employed by contract - by applying the method of calculating the average salary in accordance with the legislation;
- persons not employed by contract - by dividing by 12 the amount of the total income for the previous year;
- persons who did not work for proved reasons - starting from the average salary in the country in the respective year.

The legal entities are compensated for the patrimonial damage caused, as well as for the unearned benefit (lost income) as a result of the illicit actions.

The amount of compensation for moral damage is calculated taking into account: a) the gravity of the crime for which the person was charged; b) the character and gravity of the procedural violations committed during the criminal investigation and during the examination of the criminal case by court; c) the resonance that the information about the person's accusation had in the society;

d) the duration of the criminal investigation, as well as the duration of the examination of the criminal case by court;

e) the nature of the injured personal right and its place in the person's value system; f) physical suffering, character and degree of mental suffering; g) the extent to which monetary compensation can alleviate the caused physical and mental suffering; h) the duration of detention.

The amount of the compensation for the damage caused by the violation of the right to a fair trial or the right to a reasonable execution of the judgment is established by court in each individual case, depending on the circumstances of the case in which the violation was committed, as well as the claims made by the applicant, the complexity of the case, the applicant's conduct, the conduct of the prosecution body, the court and other relevant authorities, the duration of the infringement and the importance of the proceedings for the applicant.

Question 156-1

Armenia

(2021): Other bodies- Ethics and Disciplinary Commission of judges, Corruption Prevention Commission.

Azerbaijan

(2021): According to Article 63 of the Code of Criminal Procedure of the Republic of Azerbaijan, the rules for payment of damage caused by the error or abuse of the body implementing the criminal process after the completion of criminal prosecution proceedings are carried out in the order of civil court proceedings.

Also, according to Article 36.7 of the Code of Civil Procedure of the Republic of Azerbaijan, the restoration of labor, pension and housing rights in connection with the compensation of damages caused to an individual by being illegally convicted, brought to criminal liability, detained as a preventive measure, or by administrative punishment in the form of arrest, claims for the return of property or its value can also be filed based on the claimant's place of residence.

Georgia

(2021): Only Court of Common Court's (depends on territorial jurisdiction) on the bases of general procedural law can decide the case (claim regarding the

Question 160

Armenia

(General Comment): The grounds for self-recusal shall include, inter alia, the cases where:

- (1) a judge is biased towards a person acting as a party, his or her representative, advocate, other participants of the proceedings;
- (2) a judge, acting in his or her personal capacity, has been a witness to circumstances being disputed during the examination of a case;
- (3) a judge has participated in the examination of the case concerned in another court;
- (4) a close relative of a judge has acted, is acting or will reasonably act as a participant in the case;
- (5) a judge is aware or must be reasonably aware that he or she personally or his or her close relative pursues economic interests in connection with the merits of the dispute or with any of the parties;
- (6) a judge occupies a position in a non-commercial organisation and the interests of that organisation may be affected by the case.

In some procedural codes, the decision to refuse self-recusal can be directly challenged to the Court of Appeal (for example in administrative cases).

3. Within the meaning of this Article, the concept “economic interest” shall not include the following:

- (1) Managing stocks of the open joint-stock company in question through an investment fund or a pension fund or another nominee, where the judge is not aware of it;
- (2) Having a deposit in the bank in question, having an insurance policy with the insurance company in question, or being a participant of the credit union or the savings union in question, where the outcome of the case does not pose a significant threat to the solvency of that organisation;
- (3) Owning securities issued by the Republic of Armenia, a community or the Central Bank of the Republic of Armenia.

4. A judge having recused himself or herself shall be obliged to disclose the grounds for self-recusal to the parties, which shall be put on the record. Where the judge firmly believes that he or she will be impartial in the case concerned, he or she may propose that the parties consider, in his or her absence, waiving his or her self-recusal. Where the parties decide, in the absence of the judge, to waive the self-recusal of the judge, the latter shall carry out the examination of the case after that

Question 161

Armenia

(2021): Statistics are not being elaborated.

Azerbaijan

process only before the court investigation has begun, and after the court investigation has begun, only if any participant of the criminal process has objected before directly objecting to the circumstances that exclude the participation of the relevant person in the process. It is objected when it is proved that it is.

Objection to the judge (court composition) must be justified.

Briefly an objection may be made if there are grounds for objection appears during the court review and if it is proved.

Article 109 of the Code defines the range of circumstances that exclude a person from participating as a judge in criminal proceedings. According to Article 109.4 of the Code, the opinion of the participants of the criminal process and the protested judge is studied, and the relevant decision is made by considering the self-protest or the protest.

Georgia

(2021): Detailed procedure of recusal of Judge and grounds for recusal of Judges are regulated by Civil, Administrative and Criminal Procedural Code of Georgia.

Republic of Moldova

(2021): In both criminal and civil proceedings the request needs to be motivated and the judge's recusal or disqualification shall be decided by another judge or, as the case may be, by a panel. The examination of the recusal/disqualification request is a urgent matter, listening to the parties and the person whose recusal is requested. In cases when a new panel cannot be formed in the same court to examine the case, this matter is decided by the hierarchically superior court, which, if it admits the recusal/diqualification, appoints a court to examine the case equal in hierarchy to the court in which the recusal was requested. The decision of the court

Question 162

Armenia

(2021): According to the Article 6 of the "Law on Prosecution" of RA, in the exercise of his/her powers, every prosecutor shall take decisions autonomously based on laws and inner conviction, and shall be responsible for decisions taken by him. Any interference with the prosecutor's activities, which is not prescribed by law, leads to legal liability and shall be prohibited. According to the Article 32, instructions of the superior prosecutor are mandatory for the subordinate prosecutor, except in cases when the subordinate prosecutor finds that instructions are illegal or unfounded. In that case the subordinate prosecutor shall not follow the given instructions and must file a written objection to the superior prosecutor, who gave the instruction, except in cases when the instruction was given by the General Prosecutor.

Georgia

(General Comment): According to the legislation of Georgia, prosecutors are independent in their activity and no one has the right to interfere in it. Respectively, it is prohibited to give specific instructions to prosecutors on whether to prosecute or not. Only the General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

(2021): The Prosecutor General of Georgia has the right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

Republic of Moldova

(General Comment): According to the Law on Prosecution Office, the prosecutor operates on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him/her the opportunity to make independent and unipersonal decisions in the cases he/she manages. The procedural independence of the prosecutor shall be ensured by guarantees which exclude any political, financial, administrative or other influence on the prosecutor in connection with the exercise of his/her duties.

Ukraine

Code, shall be independent in his/her procedural activity, interference in which by persons not legally authorized to do so shall be prohibited. State authorities, local self-government bodies, enterprises, institutions and organizations, officials and other individuals shall comply with the lawful requirements and procedural decisions of the prosecutor.

6. The Prosecutor General, the head of the regional prosecutor's office, the head of the district prosecutor's office, their first deputies and deputies, when supervising the observance of laws during the pre-trial investigation, have the right to cancel illegal and unreasonable decisions of investigators and lower-level prosecutors within the time limits of the pre-trial investigation provided for in Article 219 of this Code. The prosecutor who supervises the observance of laws during the relevant pre-trial investigation shall be notified of the cancellation of such decisions. Cancellation of illegal and unreasonable decisions of detectives of the National Anti-Corruption Bureau of Ukraine and prosecutors of the Specialized Anti-Corruption Prosecutor's Office may be carried out by the Prosecutor General or the person performing his/her duties, or by the Head of the Specialized Anti-Corruption Prosecutor's Office.

Article 37 of the Law of Ukraine, "On the Prosecutor's Office". 1. The prosecutor, who will exercise the powers of the prosecutor in a particular criminal proceeding, shall be determined by the head of the relevant prosecutor's office after the pre-trial investigation is initiated. If necessary, the head of the prosecutor's office may determine a group of prosecutors who will exercise the powers of prosecutors in a particular criminal proceeding, as well as a senior prosecutor of such group who will supervise the actions of other prosecutors.

Question 162-0

Republic of Moldova

(2021): The Prosecutor's Office is an autonomous public institution within the judicial authority which, in criminal proceedings and in other procedures stipulated by law, contributes to the observance of the rule of law, performing the act of justice, the defense of the rights and legitimate interests of the person and society. The Prosecutor's Office is independent of the legislative, executive and judicial powers, of any political party or socio-political organization, as well as of any other institutions, organizations or persons.

Prosecutor's Office budget

The prosecutor's office is financed from the state budget within the limits of the budgetary allocations approved by the annual budget law. The budget of the Prosecutor's Office is unique and is administered by the General Prosecutor's Office.

The draft budget of the Prosecutor's Office is elaborated by the General Prosecutor's Office, having the approval of the Superior Council of Prosecutors. The budget of the Prosecutor's Office is prepared, approved and administered in accordance with the principles, rules and procedures established by the legislation on public finances and budgetary-fiscal responsibility.

The independence of the prosecutor is granted by a strict determination, by law, of the status of the prosecutor, the delimitation of the attributions of the Prosecutor's Office, of the attributions and competences of the prosecutor within the exercise of the functions of the Prosecutor's Office; the procedures for appointment, suspension and dismissal; his/her inviolability; the decisional discretion of the prosecutor in the exercise of the function, granted by law; establishing, by law, the interdiction regarding the interference of other persons or authorities in the activity of the prosecutor; ensuring the adequate means for the functioning

Ukraine

- 1) prosecution by the prosecutor in court on behalf of the State;
- 2) the organisation and procedural management of pre-trial investigation, solving of other issues in the course of criminal proceedings in accordance with the law, control over covert and other investigative and search actions of law enforcement agencies;
- 3) representation of the interests of the State in court in exceptional cases and in the manner prescribed by law.

The organisation and operational procedure of prosecutor's office shall be determined by law.

Article 1 of the Law of Ukraine, "On the Prosecutor's Office". The Public Prosecution Service of Ukraine constitutes a unified system that shall, in line with the procedures set hereby, perform functions established by the Constitution of Ukraine with the aim of protecting human rights and freedoms, common interests of the society and the state.

Article 3 of the Law of Ukraine "On the Prosecutor's Office". Principles of Operation of the Public Prosecutor's Office:

The Public Prosecution Service shall work by the following principles of:

- 1) the rule of law and recognition of an individual, his/her life and health, honor and dignity, inviolability and security as the highest social value;
- 2) legality, justice, impartiality, and objectivity;
- 3) territoriality;
- 4) presumption of innocence;
- 5) independence of public prosecutors, which implies the existence of safeguards against illegal political, financial or other influence on a public prosecutor in connection with his/her decision-making when performing official duties;
- 6) political neutrality of the Public Prosecutor's Office;
- 7) inadmissibility of illegal interference of the Public Prosecutor's Office in the functions of the legislative, executive, and judicial authorities;
- 8) respect for independence of judges, which shall imply prohibition of public expression of doubt regarding legality of court judgments beyond the procedure of appealing them in the manner prescribed by the procedural law;
- 9) transparency of operations of the Public Prosecution Service which shall be guaranteed with an open and competitive appointment to the position of a public prosecutor, free access to reference information, provision of information upon request, unless the law sets limitations on its disclosure; and
- 10) strict compliance with professional ethics and conduct.

Question 162-1

Ukraine

(2021): According to Article 16(1) of the Law of Ukraine "On the Prosecutor's Office", the independence of the prosecutor is ensured, among other things, by the prohibition of unlawful influence, pressure or interference in the exercise of the prosecutor's powers. According to the provisions of part 2 of this article, when exercising the functions of the prosecutor's office, the prosecutor is independent of any unlawful influence, pressure, interference and is guided in his/her activities only by the Constitution and laws of Ukraine. At the same time, Article 17 of this Law contains provisions on the subordination of prosecutors and the execution of orders and instructions. Thus, prosecutors are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies. According to the requirements of part 3 of this article, in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to follow only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article.

Question 162-4-1

Ukraine

(2021): Such statistical records are not kept.

Question 162-5

Armenia

(2021): The prosecutor can oppose the instructions and challenge them to the higher prosecutor.

Azerbaijan

(2021): In case of disagreement with the instructions of a higher prosecutor on the prosecution, for instance, in charging the accused, choosing or changing the measure of restraint, in qualification of the crime, the scope of the charge, the termination of the case or referral of the case to the court, the prosecutor in charge of the procedural supervision over the preliminary investigation shall have the right to send a motivated objection to the higher prosecutor.

Ukraine

limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

Orders of administrative nature, as well as instructions directly related to the exercise by the prosecutor of the prosecution functions, issued (given) in writing within the powers defined by law, shall be binding on the respective prosecutor.

The prosecutor, who was given an order or instruction orally, shall be provided with a written confirmation of such order or instruction.

The prosecutor shall not be obliged to execute orders and instructions of a higher-level prosecutor, which raise doubts as to their legality, if he/she has not received them in writing, as well as obviously criminal orders or instructions. The prosecutor shall have the right to apply to the Council of Prosecutors of Ukraine with a report on the threat to his/her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

Issuing (giving) an unlawful order or instruction or its execution, as well as issuing (giving) or execution of an obviously criminal order or instruction shall entail liability as provided by law.

At the same time, the said instructions may be appealed to the Council of Prosecutors of Ukraine or to the court in order to protect the prosecutor's independence.

The authority of the Council of Prosecutors of Ukraine is provided for in Section 4 of the Regulation on the Council of Prosecutors of Ukraine (as amended by the All-Ukrainian Conference of Prosecutors of 21.12.2018, 28.08.2021). Among other things, the Council of Prosecutors considers appeals from prosecutors and other reports of threats to the independence of prosecutors, takes appropriate measures based on the results of the consideration (notifies the relevant authorities of the grounds for bringing to criminal, disciplinary or other liability; initiates consideration of the issue of taking measures to ensure the safety of prosecutors; publishes statements on behalf of the prosecutorial corps on the facts of violation of prosecutor's independence; appeals to international organizations with relevant reports, etc.)

When exercising its powers, the Council of Prosecutors has the right to receive information and relevant documents necessary for the performance of its powers from the structural units of the Prosecutor General's Office, regional and district prosecutor's offices, the Prosecutor's Training Center of Ukraine, the relevant body conducting disciplinary proceedings, in accordance with the established procedure.

Meetings of the Council of Prosecutors shall be held openly, except for cases when the issues submitted for its consideration require confidentiality, which shall be decided upon. By decision of the Council of Prosecutors, the course of the meeting shall be recorded by technical means.

A closed meeting shall be held if consideration of a particular item on the agenda may lead to disclosure of information protected by law.

Decisions of the Council of Prosecutors that do not contain restricted information shall be published on the official websites of the Prosecutor General's Office and the Council of Prosecutors within seven days after adoption. Within the same period a duly certified copy of the decision adopted by the Council of Prosecutors shall be provided to the interested person.

The decisions of the Council of Prosecutors adopted on the issues of ensuring the independence of prosecutors, protection against unlawful influence, pressure or interference in the execution of prosecutor's powers may be forwarded to the prosecutor's offices and are binding within their competence

Question 164

Armenia

(2021): The special law is the Judicial Code of RA.

Azerbaijan

(2021): "Special Law" is Law on Courts and Judges, Law on Judicial-Legal Council

Ukraine

(General Comment): The independence and untouchability of judges are guaranteed by Articles 126 and 129 of the Constitution of Ukraine, and stipulate that judges are independent in the administration of justice and are subject only to the law. The Law of Ukraine 'On the Judiciary and the Status of Judges' (hereinafter the Law) defines the conditions for the performance of professional duties of judges and legal means by which the implementation of constitutional guarantees of judicial independence and independence of judges is ensured. In particular, Article 6 of the Law prohibits interference with the administration of justice, influence on the court or judges in any way, contempt of court or judges, collection, storage, use and dissemination of information in any form to harm the authority of judges or influence on the impartiality of the court.

Article 48 of the Law provides for the means of ensuring the independence of judges, which include: a special procedure for the appointment, selection, prosecution and dismissal of judges, the untouchability, immunity and the irremovability of judges; the procedures for administration of justice defined by procedural law and the secret of decision making; prohibition of interference with the administration of justice; liability for contempt of court or a judge; a separate procedure for funding and organizational support of functioning of courts stipulated by law; adequate financial and social support of judges; functioning of bodies of judicial governance and self-government; means defined by law to ensure personal safety of a judge and members of his/her family, property and other means of legal protection; the

Question 166

Armenia

(2021): "Law on Prosecution"

Azerbaijan

(2021): Law of the Republic of Azerbaijan "On Prosecutor's Office" , Law "About service in bodies of prosecutor's office", Criminal Procedure Code

Question 172-0

Armenia

Commission”: “If, as a result of the analysis of the declarations, the Commission concludes that the declaration has not been submitted within the period prescribed by law or has been submitted in violation of the relevant requirements or procedure, or the declared information is incorrect or incomplete, it shall initiate administrative violation proceedings.

Question 173

Georgia

(2021): 2001, 2007, 2021

Republic of Moldova

(2021): It was approved by the Decision of the General Assembly of Judges no. 8 of September 11, 2015 and amended by GAJ Decision no. 12 of March 11, 2016.

Ukraine

(2021): There is no particular regularity on updating it. For example, currently, the Council of Judges of Ukraine has drafted a new version of the Code, but it has not been approved by the Congress of Judges of Ukraine. It is being worked on continuously. The Code we are using now is actually an updated (22.02.2013) version of the Code that was created in 2002.

Question 175

Armenia

(2021): The rules of conduct of the prosecutor are established by the “Law on Prosecutor’s Office”, and the requirements arising from them are defined by the order of the Prosecutor General. These rules were last reviewed in 2018

Republic of Moldova

(2021): It was approved by the Decision of the General Assembly of Prosecutors no. 4 of May 27, 2016 and amended by the Decision of the General Assembly of Prosecutors no. 1 of 22.02.2019.

Ukraine

(2021): Thus, the provisions of the Code of Professional Ethics and Conduct of Prosecutors, approved by the All-Ukrainian Conference of Prosecutors on 27.04.2017, were amended on 21.12.2018 and 28.08.2021.

Also, by the decision of the Council of Prosecutors of Ukraine dated 23.11.2022 No. 36, the Commentary to the Code of Professional Ethics and Conduct of Prosecutors (190 pages) was approved, the content of which was brought to the attention of all prosecutors and used during mandatory training on professional ethics of prosecutors conducted at the Training Center of Prosecutors of Ukraine.

The Commentary contains explanations of the provisions of the Code of Professional Ethics and Conduct of Prosecutors, situational (illustrative) examples, taking into account the results of its practical application, the activities of the Qualification and Disciplinary Commission of Prosecutors, the relevant body conducting disciplinary proceedings, and judicial practice.

Link to the Commentary to the Code of Professional Ethics and Conduct for Prosecutors:

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=223942

Question 176

Armenia

(2021): The possibility of applying to Disciplinary commission for advice on the rule of ethics and conduct has been eliminated based on Venice Commissions report and the concerns that we have. Specifically, a Disciplinary body responsible for initiating a disciplinary should not have the authority to interpret those rules. There is no body in the judiciary which can be authorised to give advice on ethical rules. Besides, the advice will lead to complying to the interpretation, which can be explained differently by the Supreme Judicial Council, which is responsible for applying disciplinary measures. Thus, contradicting opinions will exist regarding the same rule. The status of advice on ethics or rules of conduct and its influence should be clear and not lead to conflicting situations.

Republic of Moldova

(General Comment): In the case of dilemmas or problems, which concern the interpretation and the application of the provisions of the Code of ethics and professional conduct of a judge, the Ethics Committee, as an advisory body, adopts, ex officio or upon request a written advisory opinion on how to resolve the matter. The opinion is general. In the case of the dilemma on behavior in a concrete case, which concerns a judge, he\she may ask for a recommendation (an advice), and the Committee, in a shortest term, is going to present its opinion, from the perspective of the provisions of the Code of ethics.

The Ethics Committee issues advisory opinions and recommendations on conduct in the future to be followed. No advisory opinions and recommendations are issued on past or present conduct, unless this will continue in the future.

The Ethics Committee was created in 2018 by the Superior Council of Magistracy. A specific Regulation was approved by the Superior Council of Magistracy's decision (229/12 from 2018) in this regard. The meetings of the Committee are deliberative in the majority composition of its members. The organizational activity and

Ukraine

(2021): The Congress of Judges of Ukraine approves the Code of Ethics on the proposal of the Council of Judges of Ukraine. At the legislative level, the Council of Judges of Ukraine does not have the authority to provide recommendations on ethical issues, but despite this, the Council of Judges of Ukraine approved a

Question 177

Azerbaijan

(2021): A counselling group was established at the Conference of the Union of Public Associations of Judges held on 20/02/2016, as a result of discussions on the Ethics Code of Judicial Conduct (these were held in light of the Bangalore Principles of Judicial Conduct). The participants of the conference adopted the Statute of the Counselling Group, which regulates the setting-up of this body, the election of its members and other aspects of its functioning. The Group operates on a continuous basis, providing counselling on ethical issues upon request and on a confidential basis. It is composed of three experienced judges, representing all court instances (district court, appellate court and Supreme Court) and genders.

Republic of Moldova

(General Comment): The Ethics Committee has 5 members - judges who are also members of the Superior Council of Magistracy.

Question 178

Azerbaijan

(2021): Decisions made by the Judicial-Legal Council on ethical issues, including the Code of ethical conduct, are publicly published.

Republic of Moldova

(General Comment): For the purpose of ensuring confidentiality, the Committee's documentation, including all opinions, requests, replies, draft opinions / recommendations distributed, acts, documents, files, communications with Committee staff and procedures will be kept confidential and will not be made public, unless the solicitant agrees. Opinions of public interest are published on the website of the SCM.

Ukraine

(2021): <https://rsu.gov.ua/uploads/article/komentar-kodeksusuddivskoietiki-fd35472a7d.pdf>

Question 178-1

Republic of Moldova

(2021): No recommendations/advisories were developed/adopted during the reporting year.

Ukraine

(2021): No opinions were provided, only the commentary to the Code was approved. The new version of the Code of Ethics is currently being developed.

Question 179**Georgia**

(2021): The General Inspectorate of the General Prosecutor's Office, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors. The statistics of such consultations is not

Republic of Moldova

(General Comment): According to the provisions of the national legislation the Disciplinary and Ethics Committee subordinated to the Superior Council of Prosecutors has the competence to adopt recommendations on the prevention of disciplinary misconduct and compliance with ethics by the prosecutors. The Disciplinary and Ethics Committee was created in 2016 by the Superior Council of Prosecutors. A specific Regulation was approved by the Superior Council of Prosecutor's decision (12-228/16 from 2016) in this regard. The meetings of the Committee are deliberative if at least 5 of its members are present. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Prosecutors.

Question 180**Armenia**

(2021): Based on GRECO's recommendation, a new committee was formed to advise prosecutors on ethics, consisting of 2 prosecutors, who are specialized in

Azerbaijan

(2021): In order to bring to disciplinary responsibility for unethical conduct of prosecutors by reviewing information collected on violations of the rules of ethical conduct, conflict of interest, transparency and anti-corruption or service inspections, giving an opinion on the imposition of disciplinary sanctions in ethical conduct, An Ethics Commission has been established in the Prosecutor General's Office. The prosecutor's office shall consider the relevant information about the employee or the material collected during the official inspection in accordance with the principles of legality, collegiality, justice, impartiality and objectivity and submit it to the Prosecutor General. The Ethical Conduct Commission has 7 (seven) members, who are appointed by the Prosecutor General of the Republic of Azerbaijan from among the candidates elected by the Board of the Prosecutor General's Office. 5 members of the Commission are authorized to carry out disciplinary proceedings.

Georgia

(2021): The General Inspectorate of the Office of the Prosecutor General, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors.

Republic of Moldova

(General Comment): The Committee consists of 7 members: 5 members prosecutors and 2 members appointed by civil society.

(2021): The Discipline and Ethics Board consists of 7 members as follows:

-5 are elected by the General Assembly of Prosecutors from among prosecutors;

-2 are elected by the Superior Council of Prosecutors, by public competition, from among the representatives of civil society

Question 181

Republic of Moldova

(General Comment): The Committee, in order to provide guidelines to other prosecutors who may be in similar situations, may decide to publish individual opinions on the official website of the Superior Council of Prosecutors. In this case, the name of the prosecutor and other information that constitutes personal data will be excluded from the individual opinion before its publication. The opinions are published in the same menu as the decisions concerning disciplinary issues. Pursuant to Article 89(b) of Law 3/2016, the Disciplinary and Ethics Board adopts recommendations on the prevention of disciplinary offences within the Office of the Public Prosecutor and the observance of prosecutors ethics. Similar provisions are contained in point 20 of the Regulation on the organisation and activity of the Discipline and Ethics College, adopted by Decision No. 12-228/16 of 14.09.2016, which states that, in order to carry out its tasks, the College is responsible for adopting recommendations on the prevention of disciplinary offences and compliance with ethics by prosecutors, as well as formulating individual opinions on incompatibilities of prosecutors or, where appropriate, possible or alleged conflicts of interest, and on issues of ethics and deontology of prosecutors. According to paragraph 11 of the Code of Ethics for Prosecutors;The Disciplinary and Ethics Board shall develop additional written guidance on the interpretation of ethical rules that prosecutors will face, including practical examples of violations of the provisions of this Code. Confidential counselling in specific cases, at the request of the prosecutor concerned, will be provided by persons appointed by the PSC as Ethics Advisers, who will be chosen from among former members of the self-governing bodies of the Prosecution. The selection will take into account the prosecutors reputation and communication skills. The PSC will make public the list of counsellors identities, contact details and will regulate the conditions for holding discussions and maintaining confidentiality.

Question 181-1

Armenia

(2021): In practice, there has been only one case when prosecutor realizing the disciplinary proceedings applied to the Ethics Committee for an advisory opinion.

Republic of Moldova

(2021): No recommendations/advisories were developed/adopted during the reporting year.

Ukraine

(2021): Statistical records of such data are not kept.

Question 182

Armenia

(2021): On June 2017 the "Law on the system of whistle-blowing" was adopted in Armenia and according to the law, others could report on a conflict of interests related to judges as well to prosecutors.

Also any intervention into the activities of the court, with the purpose of hindrance to the administration of justice or any intervention into the activities of the prosecutor, investigator or the person in charge of inquiry, with the purpose of hindrance to the comprehensive, complete and objective investigation of the case is considered a crime according to the Article 332 of the Criminal code.

Azerbaijan

(2021): External channels for reporting also exist and are available for everyone. Pursuant to Article 11-1 of « Law on Combating Corruption » information on corruption offenses may be provided by any person in written (including electronically) or oral form. A whistleblower may submit the relevant information to competent law enforcement bodies, such as the Anti-Corruption Directorate (ACD). As specialized body in fighting corruption, the ACD receives and reviews information on corruption offences and other related misconduct. It should be highlighted that, the ACD has « 161 Hotline » which has been established for the

Georgia

(2021): Independent Inspector of High Council of Justice of Georgia is competent body for investigating all allegations of corruption and attempts to influence in relation to Judges. Furthermore Information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Also the Civil Service Bureau manages a whistleblowing website www.mkhileba.gov.ge. The PSG General Inspectorate is a competent body for investigating the allegations of corruption and attempts to influence in relation to prosecutors. The report to the General Inspectorate can be made through any possible means of communication, including a written statement, e-mail, hotline and website (mkhileba.gov.ge). Even anonymous reports are acceptable. Notably, under the existing criminalization of corruption, offering a bribe or accepting such an offer is a complete corruption offense rather than the attempt.

Republic of Moldova

cases of corruption to the National Anticorruption Center. Confidentiality is guaranteed.

In order to prevent and combat cases of corruption in the judiciary, the Superior Council of Magistracy has established the anti-corruption hotline functional between 8:00 and 17:00 5 days in a week:(022) 990-990 (Chancellery).

Through the displayed phone number, any person has the opportunity to communicate about the known act of corruption in the judiciary. Confidentiality is guaranteed.

The General Prosecution Office has published also a list of hotlines on its webpage.

By Order of the Prosecutor General No.62/35 of 03.12.2014, the Regulation on the evidence of cases of improper influence exerted on public officials of the Prosecutors Office was approved, in order to ensure the professional integrity of the employees of the Prosecutors Office bodies, to prevent and combat corruption, to establish the single order of communication, identification and evidence of improper influence exerted on public officials employed by the Prosecutors Office bodies, pursuant to Art.7 paragraph (2) letter b) of the Law no.325 of 23.12.2013 on the evaluation of professional integrity, Government Decision no.767 of 19.09.2014 on the implementation of the Law no.325 of 23.12.2013. According to the mentioned Regulation: The public official, employee of the Prosecutors Office bodies, subject to improper influence is obliged:

- 1) to refuse undue influence;
 - 2) to lawfully carry out the activity for which the undue influence occurred;
 - 3) to make a denunciation about the exercise of undue influence in the manner provided for in items 8-9 of this Regulation.
6. The Prosecutor General shall designate the Inspectorate of Public Prosecutors to:
- (a) perform the duties of receiving and recording cases of improper influence;
 - (b) keep records of reports in a special register of cases of improper influence;
 - (c) ensure the confidentiality of the reports made, the information obtained from their examination and the data in the register of cases of undue influence;
 - (d) verify the performance of the tasks for which the undue influence arose;
 - (e) take measures to prevent cases of undue influence by being directly involved in their resolution (warning through formal referrals, discouraging the person generating undue influence, including by warning his/her superior, identifying other legal measures);
 - f) ensure access to the institutional register of cases of improper influence, including in electronic format, by the

Ukraine

of Corruption" on streamlining certain issues of whistleblower protection" of 01.06.2021 No. 1502-IX (entered into force on 26.06.2021), before the launch of the Unified Whistleblower Reporting Portal in accordance with this Law, reports are accepted through channels and considered in the manner in force before the adoption of this Law. Thus, in accordance with Part 4 of Art. 53 of the Law of Ukraine "On Prevention of Corruption" (as amended until 26.06.2021) (hereinafter - the Law), the National Anti-Corruption Bureau of Ukraine, the National Agency, other specially authorised counter-corruption entities, state authorities, authorities of the Autonomous Republic of Crimea, local governments, legal entities of public law and legal entities specified in part 2, Article 62 of this Law, shall be obliged to establish protected anonymous communication channels (online communication channels, anonymous hotlines, electronic mailboxes, etc.), through which a whistleblower may provide a report with guaranteed anonymity.

According to part 1 of Art. 53 of the Law, The State shall encourage and assist whistle-blowers to report possible facts of corruption or corruption-related offences or other violations of this Law orally and in writing, in particular through special telephone lines, official websites, electronic means of communication, by contacting mass media, journalists, public associations and trade unions.

According to clause 4 of part 2 of Article 531 of the Law, specially authorised counter-corruption entities, state authorities, authorities of the Autonomous Republic of Crimea, local authorities, legal entities of public law and legal entities specified in part 2, Article 62 of this Law shall provide whistle-blowers with conditions for reporting of possible facts of corruption or corruption-related offences, other violations of this Law by mandatory establishing and functioning of internal* and regular** channels for reporting of possible facts of corruption or corruption-related offences, other violations of this Law. Thus, the National Agency on Corruption Prevention, pursuant to the requirements of Part 4 of Art. 53, Part 1 and Clause 4 of Part 2 of Art. 53 of the Law, has created and ensured the functioning of the relevant regular channels for reporting possible facts of corruption or corruption-related offenses, other violations of the Law, including attempts to influence/corrupt judges and prosecutors.

In particular, the main page of the official website of the National Agency on Corruption Prevention (<https://nazk.gov.ua/uk/>) contains a banner "Where to report on corruption", clicking on which the website visitor is directed to the relevant page (<https://nazk.gov.ua/uk/povidomyty-prokoruptsiyu/>) containing information on regular channels of the National Agency on Corruption Prevention. Thus, it is possible to report corruption, including attempts to influence/corrupt judges and prosecutors, to the National Agency on Corruption Prevention by phone +38(044)200-06-91, by e-mail: anticor_reports@nazk.gov.ua, as well as using the web form.

* internal channels for reporting of possible corruption or corruption-related offences or other violations of this Law" shall mean methods of secure and anonymous reporting of information by the whistle-blower to the head or authorised unit (person) of the authority or legal entity in which the whistle-blower works, serves or studies or on whose order performs work (para. 21, Part 1, Article 1 of the Law of Ukraine "On Prevention of Corruption" as amended by 26.06.2021)

** regular channels for reporting of possible corruption or corruption-related offences or other violations of this Law" shall mean ways of secure and anonymous reporting of information by the whistle-blower to the National Agency on Corruption Prevention, other public authority competent to consider and make decisions on the matters on which the relevant information is disclosed. Regular channels must be established by specially authorised counter-corruption entities, pre-trial investigation bodies, bodies responsible for monitoring compliance with laws in relevant areas, other state authorities, institutions and organisations (para. 23, Part

Question 183

Ukraine

(2021): The mechanism of case distribution is determined by the procedural legislation and the Regulation on the automated court document management system approved by the decision of the Council of Judges of Ukraine dated 26.11.2010 No. 30, the rules of which are known in advance to the parties, lawyers and the public.

Question 184

Armenia

(2021): According to Parts 2 and 3 of the Article 42 of the Judicial Code: “Where a judge is in charge of a case of particular complexity, the judge may apply to the Supreme Judicial Council with a suggestion to temporarily remove his or her name and surname from the distribution list or define a different percentage of cases to be distributed to him or her. Where it finds the application of the judge to be reasonable, the Supreme Judicial Council shall make a decision on temporarily removing the name and surname of the judge from the list of distribution of cases or on prescribing a different percentage of cases to be distributed to the judge and define a certain time limit for it which may not exceed six months. Based on the application of the judge, the Supreme Judicial Council may make a decision on extending the time limit of six months where the examination of the case of particular complexity has not ended.

The name and surname of a judge shall be removed from the list of distribution of cases:

- (1) in the case of a leave — for the period of the leave and the period of the preceding ten days;
- (2) in the case of secondment to another court — for the period of secondment and the period of the preceding ten days. The name of the seconded judge shall be removed from the list of distribution of cases of the court to which the judge was seconded one month before the expiry of the period of secondment;
- (3) in the case of temporary incapacity, participation in training courses, secondment abroad or suspension of powers — for the relevant period;
- (4) in the case of expiry of the term of office — three months before the expiry of the term of office;
- (5) in other cases provided for by this Code”.

Azerbaijan

(2021): A judge's illness, business trip or vacation precludes his participation in the distribution of cases. In case of repeated appeals to the court on returned or pending cases, the system provides for the transfer of these cases to the judge who returned the case or did not consider it (presiding in a collegial form), regardless of the number of cases filed in the current year.

When cases involving overturning of judgments by higher courts are referred to lower courts for retrial, the system ensures that these cases are allocated to other judges who have not previously participated in the proceedings.

When cases related to the annulment of court decisions by higher courts are sent to lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings. In exceptional cases, the judges may be held away from the distribution.

Question 185

Armenia

(2021): The Judicial Code prescribes the circumstances when the cases are redistributed. According to Part 1 of the Article 46 of the Judicial code: “If a judge has been seconded, or his or her secondment period has expired, or he or she has been transferred to another court, or judges have exchanged their positions, or a judge has recused himself or herself from the case in question, or has participated in the examination of the case in question in the past, or has rejected the institution of proceedings the decision on which has been reversed in the manner prescribed, or his or her powers have been suspended, automatically or imposingly terminated, then the cases assigned to that judge shall be redistributed among other judges of relevant specialization of the court in question”.

Question 186

Azerbaijan

(2021): When cases related to the annulment of court decisions by higher courts are sent to the lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings.

Georgia

(2021): Reassignments occur when there is recusal issues, envisaged by criminal, civil and administrative procedure codes. National legislation enshrines the specific reasons for recusal of relevant case. Furthermore „Rule on Electronic Case Allocation System" establishes grounds for reassignment of cases.

Ukraine

(2021): The reassignment of court cases among judges is applied in cases stipulated by law, as well as the Regulation on the automated court document management system, approved by the decision of the Council of Judges of Ukraine dated 26.11.2010 № 30

Question 190

Armenia

(2021): Judicial code

Azerbaijan

CORRUPTION.

However, it was not implemented in 2021 due to the lack of approval of the financial information declaration form.

Georgia

(2021): Law “on Conflict of Interest and Corruption in Public Service”

Republic of Moldova

(2021): Law no. 133/2016 on the declaration of assets and personal interests

Question 192

Armenia

(2021): The Government’s decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:
<https://www.arlis.am/DocumentView.aspx?DocID=153169>

Azerbaijan

(2021): The existing declaration form of income is being modernized and at this moment the final version can not be provided.

Georgia

(2021): <https://declaration.gov.ge/img/slider-doc.pdf>

Ukraine

(2021): The Order of the National Agency on Corruption Prevention of 12.12.2019 No. 168/19 "On Approval of Amendments to the Decision of the National Agency on Corruption Prevention of June 10, 2016 No. 3" amended the declaration form (new version) (<https://zakon.rada.gov.ua/laws/show/z1300-19#n7>) - this order became invalid on the basis of the Order of the National Agency on Corruption Prevention No. 448/21 of 23.07.2021 (<https://zakon.rada.gov.ua/laws/show/z0986-21#n7>). In fact, the declaration form was valid from 01.01.2020 to 01.12.2021. Order of the National Agency dated 23.07.2021 No. 449/21 "On Approval of the Form of Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government and the Procedure for Filling out and Submitting a Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government" approved a new declaration form and developed a procedure for filling it out (<https://zakon.rada.gov.ua/laws/show/z0987-21#Text>). This declaration form is valid since 01.12.2021.

Question 193

Armenia

(2021): The annual declaration includes information about assets, income, expenditures and interests.

Question 194

Armenia

(2021): According to article 69 of judicial code: When engaging in any activity and in cases provided for by the Law on the Commission for the Prevention of Corruption, a judge shall be obliged: to submit, in the cases and under the procedure prescribed by the Law "On the Commission for Prevention of Corruption, to the Commission for Prevention of Corruption appropriate materials or clarifications establishing that the changes in his or her property (increase in property and (or) decrease in liabilities) are reasonably justified by lawful income, or that he or she does not possess non- declared property or property not completely declared, or the source of income is lawful and reliable. According article 25 paragraph 5.1 of the "Law on the Commission for Prevention of Corruption" in case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

Georgia

(2021): A person shall submit an official's asset declaration to the Civil Service Bureau within two months after his/her appointment. During his/her term of office, an official shall annually complete and submit an official's asset declaration within the respective month of completion of the previous declaration. An official shall, within two months after dismissal, if he/she failed to submit the declaration within the calendar year of his/her dismissal, and within the same, respective month of completing the previous declaration in the year following the dismissal, unless he/she is appointed to another position, complete and submit an official's asset declaration.

The options "at the beginning of the term of office" and "at the end of the term of office" also applies to judiciary of Georgia. According to Article 14 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, 1. A person is obliged to submit a declaration of property status of an official to the Civil Service Bureau within two months after being appointed to the position. The procedure for submitting a declaration of assets of an official shall be determined by the Government of Georgia.

2. The person of the position is obliged to fill in and submit the declaration of the property status of the official every year during the relevant month of the month of filling in the previous declaration.

A person is obliged to fill in and submit declaration within 2 months after dismissal, if he / she has not submitted a declaration during the calendar year of dismissal,

Ukraine

(2021): Notification of significant changes in the property status in accordance with part four of Article 52 of the Law of Ukraine "On Prevention of Corruption" is an additional measure of financial control aimed at clarifying the actual change in the property status of the declarant without waiting for the next declaration. The obligation to submit a notification of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or expenditure in an amount exceeding 50 subsistence minimum incomes.

Question 195

Armenia

(2021): Comments According to article 34 of the "Law on the Public Service" "7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

8. Adult members of the declarant official's family shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

9. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

Republic of Moldova

(2021): According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration;

Question 196

Armenia

(2021): According to article 34 of the law on the Public service: Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as

Ukraine

(2021): The declaration contains information about the assets of the declarant and family members. However, in sections 2.1 "Information about the declarant", 14. "Expenses and transactions of the declarant", 15. "Outside employment of the declaring entity" and "Membership of the declaring entity in organizations and their bodies" of the declaration reflect information only about the declaring entity. At the same time, if a family member is also a declarant, he/she shall submit a

Question 200

Armenia

(2021): Declarations are published in the official webpage of Corruption Prevention Commission. The link: <http://cpcarmenia.am/hy/declarations-registry/>

Question 201

Armenia

Judicial Code, the submission of declaration on the property, income, interests and expenses is considered as a rule of conduct of judges. According to the Article 67 of the Judicial Code, a judge shall be obliged to follow the rules of conduct prescribed by the Code. Failure to follow the rules of conduct in cases and as prescribed by the Code may result in a disciplinary sanction on a judge. According to the Article 149 (1), the Supreme Judicial Council may impose one of the following types of disciplinary penalties on the judge: (1)warning;(2)reprimand;(3)severe reprimand; (3.1)prohibition on being included in the list at the time of regular and extraordinary completion of the promotion list of judge candidates, for a period of one year;(3.2)Dismissal from the position of the chairperson of a court or chairperson of a chamber of the Court of Cassation;(4)Termination of powers on the ground of a essential disciplinary violation.

Criminal code

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia " On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand five hundred to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

Code on Administrative Violations

Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage.

(...)

Azerbaijan

(2021): According to the article 10 of the LAW OF THE REPUBLIC OF AZERBAIJAN "On approval of the "Rules on submission of financial information by officials"" violation of these Rules entails criminal, administrative or disciplinary liability in accordance with the legislation of the Republic of Azerbaijan. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for non-compliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

Georgia

(2021): Pursuant to Article 20 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, failure to submit an official declaration of assets of an official within the period specified in Article 14 of this Law shall result in a fine of 1000 GEL, in connection with which an individual administrative-legal act is issued - an ordinance on imposing a fine. Failure of an official to submit a declaration of assets of an official within 2 weeks from the date of entry into force of the decree or court decision (ruling) on imposing a fine will result in criminal liability.

Failure to submit a declaration of assets under Article 355 of the Criminal Code, after the imposition of an administrative penalty for such an act, or intentionally incomplete or incorrect entry of data in the declaration, is punishable by a fine or community service for a term of one hundred and twenty to two hundred hours, with deprivation of the right to hold office or engage in activities for a term of up to three years.

Violation of Declaration assets can also result disciplinary sanctions against Judge.

Question 202

Armenia

(2021): The cumulative data is presented in the table.

Administrative proceedings

Number of cases initiated-5

Number of cases completed-5

Number of sanctions pronounced-2

Disciplinary proceedings Number of cases initiated-2

Number of cases completed-2

Number of sanctions pronounced- cases had been terminated by the Supreme Judicial Council

The mentioned cases were initiated by the Corruption Prevention Commission, which has the power to initiate both disciplinary and administrative proceedings. If, as a result of the analysis of the declarations, the Commission comes to the conclusion that the declaration was not submitted within the time limit set by the law or was submitted in violation of the relevant requirements or order, or the declared data is incorrect or incomplete, it initiates administrative proceedings. If the declarant is a judge or a member of the Supreme Judicial Council, the Commission, in addition to initiating proceedings regarding an administrative offense, initiates disciplinary proceedings. The materials obtained during the proceedings are submitted to the Supreme Judicial Council along with the motion to impose the judge or

Georgia

(2021): Decisions of Civil Service Bureau are appealed at Court.

Republic of Moldova

(2021): The source of the data is the National Authority for Integrity. The reported cases initiated in 2021, are still under examination in courts, waiting for a final decision to be issued.

Ukraine

6 substantiated conclusions on the detection of signs of criminal offenses under Article 366-2 of the Criminal Code of Ukraine;

4 protocols on administrative offenses related to corruption under Part 4 of Article 172-6 of the Code of Administrative Offenses (violation of financial control requirements).

In 2021, the Department of Special Inspections and Lifestyle Monitoring drew up

6 protocols on administrative offenses related to corruption under Part 1 and 2 of Article 172-6 of the Code of Administrative Offenses

Question 203

Armenia

(2021): Prosecutors are required to submit declaration of assets by the "Law on Public Service". In particular the article 34 paragraph 1 describes the scope of the

Azerbaijan

(2021): Law "On Approval of Procedures for Submission of Financial Information by Public Officials", LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION, "Rules of work organization at the Prosecutor General's Office".

"On Approval of Procedures for Submission of Financial Information by Public Officials" require a declaration of assets by prosecutors. Pursuant to "Procedures on submission of financial information by public officials" financial declarations are submitted by public officials in written form. Submission and review of financial declarations submitted by public officials are carried out in accordance with the "Procedures on submission of financial information by public officials". Currently an operative system for online submission of financial declarations is under development. We expect the completion of this process in the near future. However, it was not implemented in 2021 due to the lack of approval of the financial information declaration form.

Republic of Moldova

(2021): Law no. 133/2016 on the declaration of assets and personal interests

Question 205

Armenia

(2021): The Government's decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:
<https://www.arlis.am/DocumentView.aspx?DocID=153169>

Azerbaijan

(2021): It should be noted that, necessary reforms are implemented in the asset and interest declaration area. There are several projects on establishment of electronic system, and it is expected a comprehensive system to be put into operation in the near future.

Georgia

(2021): Same for Judges

Ukraine

(2021): This information is entered directly into the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Government in electronic form and published on the official website of the National Agency for the Prevention of Corruption. We also provide a link to the declaration form on the official website of the National Agency on Corruption Prevention

Question 206

Azerbaijan

(2021): According to Article 5 of “On Approval of Procedures for Submission of Financial Information by Public Officials” Statement shall contain the information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption”. Thus, according to Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption” officials shall submit the following information within the procedure laid down by the legislation: yearly, on their income, indicating the source, type and amount thereof; on their property being a tax base; on their deposits in banks, securities and other financial means; on their participation in the activity of companies, funds and other economic entities as a shareholder or founder, on their property share in such enterprises; on their debt exceeding five thousand times the nominal financial unit; on their other obligations of financial and property character exceeding a thousand times the nominal financial unit. The information envisaged in Article 5.1 of this Law can be demanded in an order defined by the legislation.

Republic of Moldova

- a) the income obtained by the subject of the declaration together with family members, cohabitant/cohabitant in the previous tax year;
- b) movable and immovable property, including unfinished property, owned with the right of usufruct, use, habitation, surface area by the person subject to the declaration and his/her family members, cohabitant/cohabitee, including as beneficial owners, or in their possession on the basis of contracts of mandate, commission, fiduciary management, contracts transferring possession and use;
- c) assets transferred by the subject of the declaration, whether for consideration or free of charge, personally or by members of his family, his cohabitee/cohabitee to any natural or legal person during the declaration period, if the value of each asset exceeds the amount of 10 average wages per economy;
- d) financial assets held by the subject of the declaration and his family members, cohabitant/cohabitant, including as beneficial owners, i.e. cash in national or foreign currency exceeding the value of 15 average wages per economy and not deposited in financial institutions. Bank accounts, units in investment funds, equivalent forms of savings and investments, investments, bonds, cheques, bills of exchange, loan certificates, other documents incorporating the personal property rights of the subject of the declaration and of the members of his family or spouse, including as beneficial owners, direct investments in national currency or foreign currency made by the declarant and his family members, cohabitee/domestic partner, including as beneficial owners, as well as other financial assets, if the total value of all of them exceeds the value of 15 average wages per economy;
- e) personal debts of the declarant, family members or his/her cohabitee/concubine in the form of debt, pledge, mortgage, guarantee, issued for the benefit of third parties, loan and/or credit, if their value exceeds the value of 10 average wages per economy;
- f) goods in the form of precious metals and/or stones, objects of art and worship, objects forming part of the national or universal cultural heritage, the unit value of which exceeds the value of 15 average wages per economy, owned by the subject of the declaration personally or by the members of his family, his spouse, including as beneficial owners;
- g) collections of art, numismatics, philately, weapons or other goods whose value exceeds the value of 20 average wages per economy, owned by the subject of the declaration personally or by the members of his family, his cohabitant/cohabitant, including as beneficial owners;
- h) share/shares in the share capital of an economic agent held by the subject of the declaration personally or by his family members, cohabiting partner/cohabitant, including as beneficial owners;

Ukraine

Article 46. Information to be included in the declaration

1. The declaration shall contain information on:

- 1) surname, name, patronymic, date, month and year of birth, registration number of the taxpayer's account card, series and number of the passport of the citizen of Ukraine, the declarant and his/her family members, unique number of the entry in the Unified State Demographic Register of the declarant and his/her family members (in case of formation of such unique number), registered place of their residence, as well as the place of actual residence or postal address to which the National Agency may send correspondence to the declarant, place of work (service) or place of future work (service), position held or position to be applied for, and category of position (if any) of the declarant, including whether they belong to officials who hold responsible and especially responsible positions, declarants who hold positions associated with a high level of corruption risks, as well as belonging to national public figures in accordance with the Law of Ukraine "On Prevention and Counteraction to Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction".
- 2) real estate objects belonging to the declarant and his/her family members on the right of private ownership, including joint ownership, or are leased or on other right of use, regardless of the form of the transaction, as a result of which such right was acquired. 2-1) objects of unfinished construction, objects not put into operation or the ownership of which is not registered in accordance with the procedure established by law;
- 3) valuable movable property, the value of which exceeds 100 subsistence minimums established for able-bodied persons as of January 1 of the reporting year, which belongs to the declarant or members of his/her family on the right of private property, including joint ownership, or is in his/her possession or use regardless of the form of the transaction as a result of which such right was acquired;
- 4) securities, including shares, bonds, checks, certificates, bills of exchange belonging to the declarant or members of his family, with information on the type of security, its issuer, date of acquisition of securities in ownership, number and nominal value of securities;
- 5) other corporate rights belonging to the declarant or his family members, indicating the name of each business entity, its organizational and legal form, the code of the Unified State Register of Enterprises and Organizations of Ukraine, the share in the authorized (share) capital of the company, enterprise, organization in monetary and percentage terms;
- 5-1) legal entities, trusts or other similar legal entities, the ultimate beneficial owner (controller) of which is the declarant or his family members.
- 6) intangible assets belonging to the declarant or their family members, including intellectual property that can be valued in monetary terms, cryptocurrencies; 7) income received by the declarant or his/her family members, including income in the form of wages (salaries) received both at the main place of work and part-time, fees, dividends, interest, royalties, insurance payments, charitable assistance, pensions, income from the alienation of securities and corporate rights, gifts and other income.
- 8) monetary assets available to the declarant or his/her family members, including cash, funds placed on bank accounts or kept in a bank, contributions to credit unions and other non-bank financial institutions, funds lent to third parties, as well as assets in precious (bank) metals. 8-1) banking and other financial institutions, including abroad, where the declarant or his/her family members have accounts (regardless of the type of account, as well as accounts opened by third parties in the

Question 207

Armenia

(2021): Annual declarations are submitted by May 31 of each year.

Accordinging article 25 paragraph 5.1 of the "Law on Corruption Prevention Comission", in case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

Georgia

(2021): The Prosecutors, who are eligible to file the asset declaration, are obliged to do it in two months after the appointment, annually, during the term in office and depending on the date of submission of the last declaration, twice or once after leaving the office, until the end of the next year.

Republic of Moldova

(General Comment): According to Art.6 paragraph (1) of Law no.133/2016, the declaration shall be submitted annually, by 31 March, indicating the income obtained by the subject of the declaration together with his family members, cohabitant/cohabitant in the previous fiscal year, as well as the assets owned and personal interests referred to in Art. (1) (b) to (m) at the time of filing the declaration.

According to paragraph (5) of the mentioned Law, the subject of the declaration who, in accordance with the legislation in force, has their employment or service relationship suspended, shall submit the declaration within 30 days after their reinstatement, indicating in the declaration the income obtained together with their family members, their cohabitant/cohabitant during the entire undeclared period, as well as the assets owned and personal interests referred to in Art. 4 para. (1) (b) to (m) at the date of submission of the declaration.

The provisions of para. (5) shall not apply if the duration of the suspension of employment or service is less than one tax year.

Ukraine

Article 45 Submission of declarations of persons authorized to perform functions of the government or local self-government

1. Persons referred to in Clause 1, Sub-Clauses “a” and “c” of Clause 2, Part One,

Article 3 of this Law are required, on an annual basis, before 1 April, through the official website of the National Agency, to file a declaration of a person authorized to perform the functions of government or local self-government (hereinafter – the Declaration) for the previous year in the form, as determined by the National Agency.

2. Persons referred to in Clause 1, Sub-Clauses “a” and “c” of Clause 2, Part One,

Article 3 of this Law who terminate activity related to performance of the functions of

government or local self-government shall submit a declaration of a person authorized to perform the functions of government or local self-government for the period not covered by previously submitted declarations.

Persons who terminate activity related to the performance of functions of government or local self-government or other activity mentioned in Sub-Clauses “a” and “c” of Clause 2, Part One, Article 3 are required, for the year following the termination of activity, to submit part of a declaration of a person authorized to perform the functions of government or local self-government for the previous year, in accordance with the procedure stipulated in Part One of this Article.

3. A person who is running for a position specified in paragraph 1, subparagraph "a" of paragraph 2 of part one of Article 3 of this Law, and a person specified in paragraph 4 (except for persons running as candidates for deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils, for positions of village village, settlement, city mayors) of part one of Article 3 of this Law, prior to appointment or election to the respective position, shall submit a declaration of a person authorized to perform the functions of the state or local self-government for the previous year in accordance with the procedure established by this Law. A person elected as a deputy of the Verkhovna Rada of the Autonomous Republic of Crimea, a deputy of a local council, a village, settlement, city mayor shall submit such declaration within fifteen calendar days from the date of assumption of powers of a deputy, village, settlement, city mayor, respectively.

Article 52. Additional measures of financial control

1. When a declarant or his/her family member open a foreign currency account in a

non-resident bank, the respective declarant is obliged to notify the National Agency in writing within ten days, according to the established procedure, indicating the account number and location of the non-resident bank.

4. In case of significant changes in the property status of the declaring entity, namely the receipt of income, acquisition of property or expenditure in an amount exceeding 50 subsistence minimums established for able-bodied persons as of January 1 of the respective year, the said entity shall notify the National Agency within ten days from the date of receipt of income, acquisition of property or expenditure. This information shall be entered into the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions and published on the official website of the National Agency.

Question 208

Armenia

(2021): According to article 34 of the law on the Public service 7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data. 8. Adult members of the declarant official's family shall be deemed persons having obligation to submit a declaration and shall fill in data in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data. 9. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

Azerbaijan

(2021): The information specified in Article 5.1 of the Law of the Republic of Azerbaijan "On Combating Corruption" also includes information on the property, financial and property obligations of family members of officials (husband or wife and their parents and children living with them).

Georgia

(2021): PSG comment: In addition to spouse and children (under legal age), the declaration also concerns person permanently residing with the person obliged to file the asset declaration.

Republic of Moldova

(2021): According to art.2 of Law no.133/2016:

family member - spouse, minor child, including adopted child or dependent of the subject of the declaration;
public organisation - any public authority (judicial authority, authority of jurisdiction, authority of central or local public administration, as well as administrative authorities subordinated to them, autonomous public authority), public institution, state organisation, state body, collegiate body with the status of a legal person under public law, self-administration body, state or municipal enterprise, commercial company or financial institution with majority state capital;

dependent person - a person who meets all the following conditions:

(a) lives with or is maintained by the subject of the declaration, including on the basis of a lifetime maintenance contract;

close person - spouse, child, cohabiting partner of the subject of the declaration, dependant of the subject of the declaration, also the person related by blood or adoption to the subject of the declaration (parent, brother/sister, grandparent, grandchild, uncle/aunt) and the person related by affinity to the subject of the declaration (brother-in-law/ sister-in-law, father-in-law/ mother-in-law, son-in-law/ daughter-in-law).

b) has an annual income that does not exceed two average monthly salaries in the economy;

Question 209

Armenia

(2021): According to article 34 of the law on the Public service . Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as

Ukraine

(2021): The declaration is filed exclusively by the prosecutor, which contains information about family members. If a family member is the subject of the declaration, he/she must also submit a declaration.

Question 211

Ukraine

(2021): The National Agency for the Prevention of Corruption conducts the following types of control over declarations submitted by declaring entities

- 1) timeliness of submission;
- 2) accuracy and completeness in the declaration;
- 3) logical and arithmetic control.

(Article 51-1 of the Law of Ukraine "On Prevention of Corruption").

Question 213

Armenia

(2021): The link: <http://cpcarmenia.am/hy/declarations-registry/>

Azerbaijan

(2021): According to Article 9 of the Law of the Azerbaijan Republic "On Approval of Procedures for Submission of Financial Information by Public Officials", financial information provided by a public official is a secret of private life and the bodies receiving financial information must ensure the confidentiality of such information.

Question 214

Armenia

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia " On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand five hundred to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

Code on Administrative Violations

Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage.

(...)

Azerbaijan

(2021): According to Article 10 of the Law of the Azerbaijan Republic "On Approval of Procedures for Submission of Financial Information by Public Officials" Violation of these procedures shall result in criminal, administrative and disciplinary actions. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for noncompliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

Georgia

(2021): PSG comment: According to Article 355 of the Criminal Code of Georgia, failure to submit a property declaration after an administrative penalty has been imposed for such an act, or intentional entry of incomplete or incorrect information therein, shall be punished by fine or corrective labour from one hundred and twenty to two hundred hours, with deprivation of the right to carry out activities for up to three years.

Republic of Moldova

(2021): According to Article 330 2 (2) of the Contravention Code, failure to submit the declaration of assets and personal interests by the person obliged to submit it is punishable by a fine of 60 to 90 conventional units. According to Article 58(1)(m) of Law No 3/2016, failure to submit the declaration of assets and personal interests or refusal to submit it, under the terms of Article 27(1)(m) of Law No 3/2016, is punishable by a fine of (8) of the Law no. 132 of 17 June 2016 on the National Integrity Authority, shall constitute grounds for dismissal of the prosecutor from office.

Ukraine

control requirements, namely for:

1. Late submission without valid reasons of the declaration of a person authorized to perform the functions of the state or local self-government;
2. Failure to notify or untimely notification about opening a foreign currency account in a non-resident bank or about significant changes in property status;
3. Actions provided for in part one or two of this Article, committed by a person who was subjected to an administrative penalty for the same violations during the year;
4. Submission of knowingly false information in the declaration of a person authorized to perform the functions of the state or local self-government. The liability under this Article for submission of knowingly false information in the declaration of a person authorized to perform the functions of the state or local self-government, in relation to property or other object of declaration that has value, occurs if such information differs from the reliable information in the amount of 100 to 500 subsistence minimums for able-bodied persons.

Question 215

Republic of Moldova

(2021): The source for presented information is the National Authority for Integrity. The reported cases initiated in 2021, are still under examination in courts, final decision not being issued, yet.

Question 217

Georgia

interest; Declare incompatibility of interests before being appointed / elected to the relevant position or after appointment / election, as soon as he / she becomes aware of the fact of incompatibility of interests.

According to the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, a civil servant, who is obliged to make a decision on which he / she has property or other personal interests, is obliged to resign and notify his / her immediate superior (superior body) in writing. Makes the appropriate decision by itself, or imposes this duty on another official.

However, according to the Code of Criminal Procedure, a judge may not participate in criminal proceedings if: he / she was not appointed or elected to a position in accordance with the law; Participates or has participated in this case as an accused, a lawyer, a victim, an expert, an interpreter or a witness; An investigation is underway into the possible commission of a crime by him; Is a family member or close relative of the accused, lawyer, victim; They are family members or close relatives of each other; Was a mediator in the same case or in another case substantially related to that case; There is another circumstance that casts doubt on its objectivity and impartiality. If there is a circumstance precluding the judge's participation in the criminal proceedings, he or she should immediately resign.

According to the Code of Civil Procedure, a judge who participated in the first instance hearing of a case cannot participate in the hearing of this case in the Court of Appeal and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Appeal may not participate in the hearing of this case in the Court of First Instance and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Cassation may not participate in the hearing of this case in the Court of Appeal and / or the Court of First Instance. However, the court hearing the civil case may not include persons who are close relatives of each other, and if such relatives are still found among them, they should be excluded from the hearing of the case. A judge may not hear a case or take part in the hearing if he or she: a) is a party to the case or has common rights or obligations with that party; B) participated in the previous hearing of this case as a witness, expert, specialist, translator, representative or secretary of the court; C) is a relative of the party or its representative; D) is personally, directly or indirectly interested in the outcome of the case, or if there are other circumstances that cast doubt on its impartiality; E) was a mediator in the same case or in another case substantially related to that case. If there are grounds for avoidance, the judge is obliged to declare self-avoidance. The judge (court) issues a decision on self-avoidance, which must indicate the grounds for self-avoidance.

According to the Code of Administrative Procedure, a judge may not participate in the hearing of a case if he or she has previously participated in administrative proceedings in connection with the case.

"Gift" is property or services rendered to a public servant, his family member free of charge or on preferential terms, full or partial release from property liability, which is an exception to the general rule. The total value of gifts received by a public servant during the reporting year should not exceed 15% of his / her annual salary, and 5% of one-time gifts - if these gifts are not received from a single source. The total value of gifts received by each member of the civil servant family during the reporting year should not exceed GEL 1,000 per family member, and one-time gifts - GEL 500 if these gifts are not received from a single source.

If a public servant or his / her family member determines after receiving the gift that the value of the gift exceeds the amount allowed by law, and / or if for some reason (receiving the gift by mail, giving the gift publicly) it was impossible to refuse it, he / she is obliged to make it public within 3 working days. Submit information

Question 218

Armenia

(General Comment): A judge may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

(2021): There is an exception regarding consultation provided without remuneration. According to the Article 69 (part 1, point 10) of the Judicial Code, when engaging in any activity and in all circumstances, a judge shall be obliged not to act as a representative or provide counselling, including without compensation, except for cases when he or she acts as a legal representative or provides legal counselling to his or her close relatives or persons under his or her guardianship or

Ukraine

(2021): Article 25 of the Law of Ukraine "On Prevention of Corruption" allows the persons referred to in paragraph 1 of part one of Article 3 of the Law of Ukraine "On Prevention of Corruption", including judges, to engage in teaching, scientific and cultural activities, medical practice, instructing and refereeing in sports). According to Article 54 of the Law of Ukraine "On the Judiciary and the Status of Judges", a judge may not combine his/her activity with entrepreneurial, advocacy activities, hold any other paid positions, perform other paid work (except for teaching, scientific or cultural activities), as well as be a member of the governing body or supervisory board of an enterprise or organization aimed at making profit.

Question 221

Armenia

(2021): But there is a norm in Judicial Code:

Article 59. Right of a judge to participate in educational programmes

1. A judge shall have the right to participate in educational programmes, conferences and other professional gatherings of lawyers.
2. The consent to be absent for not more than up to five days per year for participating in educational programmes, conferences and other professional gatherings of lawyers during working hours shall be given by the chairperson of the court. To receive consent for a longer period, a judge shall, upon the consent of the chairperson of the court, apply to the Training Commission.
3. The consent to participate in other educational programmes, conferences and other professional gatherings of lawyers shall be granted to the judge so as not to impede the normal operation of the court.
4. Where a judge has received the consent of the chairperson of the court or that of the Training Commission, the absence of the judge in connection with participation in such events shall be considered to be with valid excuse, and the judge shall retain his or her salary.
5. Disputes related to failure to grant consent shall be settled by the Supreme Judicial Council.

Georgia

(2021): According the law there is not obligation.

Question 222

Georgia

(2021): Organic Common Courts of Georgia; Law on conflict of Interest and corruption

Question 223

Georgia

(2021): Organic Common Courts of Georgia; Law on conflict of Interest and corruption

Ukraine

(2021): Proceedings in cases of administrative offences related to corruption are carried out in accordance with the requirements of the Law of Ukraine "On Prevention of Corruption" and the Code of Ukraine on Administrative Offences.

At the same time, corruption-related offences under the Code of Ukraine on Administrative Offences include, in particular, violation of restrictions on the combination of employment and other accessory activities (Article 172-4), violation of statutory restrictions on receiving gifts (Article 172-5), violation of requirements for the prevention and settlement of conflicts of interest (Article 172-7), illegal use of information that became known to a person in connection with the performance of official duties (Article 172-8), failure to take measures to combat corruption.

According to Article 221 of the Code of Ukraine on Administrative Offences, cases of administrative offences related to corruption are considered by judges of the district court, district court in the city, city court or city district court.

Upon consideration of the case, one of the following decisions is made (Article 284 of the Code of Ukraine on Administrative Offences): to impose an administrative penalty or to close the case.

The sanction of Article 1727 of the Code of Ukraine on Administrative Offences provides for the imposition of a fine of 100 to 400 tax-free minimum incomes, repeated violation of the requirements for the prevention and settlement of conflicts of interest by a person who has been subjected to an administrative penalty for the same violations within a year - imposition of a fine of 400 to 800 tax-free minimum incomes with deprivation of the right to hold certain positions or engage in certain activities for a period of one year (the tax-free minimum income of citizens is 17 UAH). Article 247 of the Code of Ukraine on Administrative Offences stipulates that proceedings on an administrative offence may not be initiated, and the initiated proceedings shall be closed in the following circumstances:

- 1) absence of the action and elements of an administrative offence;
- 2) the person has not reached the age of sixteen at the time of committing an administrative offence;
- 3) insanity of the person who committed the unlawful act or omission;
- 4) commission of an action by a person in a state of emergency or necessary defence;
- 5) issuance of an act of amnesty, if it eliminates the application of an administrative penalty;
- 6) cancellation of an act that establishes administrative liability;
- 7) expiration at the time of consideration of a case on an administrative offence of the terms provided for in Article 38 of this Code;
- 8) on the same fact in respect of a person who is brought to administrative liability, there is either a resolution of the competent body (official) on imposing an administrative penalty, or an unrevoked resolution to close a case on an administrative offence, as well as a notice of suspicion to a person in criminal proceedings on this fact;

Question 224

Republic of Moldova

(2021): The reported cases initiated in 2021, are still under examination in courts, final decision not being issued, yet.

Question 226

Georgia

Georgia (OLPSG), the Law of Georgia on Conflict of Interests and Corruption in Public Service, the Criminal Procedure Code of Georgia (CPCG) and the Code of Ethics for the Employees of the Prosecution Service.

On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia. The document was developed by the General Inspectorate of the Prosecution Service in cooperation with competent PSG representatives and international experts. Chapter 5 of the Commentary is dedicated to conflicts of interest. It provides practical examples and methodological guidance.

Procedure for recusal/withdrawal from a case

The applicable CPCG rules and procedures with respect to prosecutors are as follows:

A prosecutor may not participate in criminal proceedings if:

☐ he/she participates or participated in this case as the accused, a defense lawyer, a victim, an expert, an interpreter or a witness;

☐ the investigation is in progress with respect to the alleged commission by him/her of a crime;

☐ he/she is a family member or close relative of the accused, defense lawyer, or of the victim;

☐ they are members of one family, or close relatives;

☐ there are other circumstances that question his/her objectivity and impartiality. ☐ If there are any circumstances that exclude the participation of a judge or a prosecutor, he/she shall immediately declare about self-recusal. A prosecutor shall declare about self-recusal to a superior prosecutor, and during the court hearing, to the court. A declaration of self-recusal shall be substantiated; ☐ If there are circumstances that exclude the participation of any of the participants in criminal proceedings specified in this Code and the participant has not declared about self-recusal, the parties may file a motion for recusal; ☐ A duly authorised person shall file a motion for recusal immediately, at the earliest available opportunity, after he/she has been informed about the grounds for recusal. Otherwise, a motion shall not be considered; ☐ A motion to recuse a judge or a prosecutor, during the court hearing shall be filed with the court by duly authorised persons; ☐ A motion for recusal of a prosecutor during the investigation shall be filed by duly authorised persons before a superior prosecutor; ☐ A person, who was requested to be recused may, before a motion to recuse is heard, provide explanations; ☐ A motion for recusal filed during the investigation shall be decided within 24 hours, and a motion filed during a court hearing shall be decided immediately, by deliberation in chambers or in the courtroom; ☐ A prosecutor shall issue a decree, and a court shall render a ruling on the filed motion for recusal; ☐ A decision on granting a motion for recusal may not be appealed; ☐ The refusal of a court to grant a motion for recusal may be appealed along with a final decision. Procedure on reporting a (potential) conflict of interest According to the Law of Georgia on Conflict of Interests and Corruption in Public Service, a public servant is obliged to declare any conflict of interest before being appointed or elected to the respective position or after being appointed or elected as soon as he/she becomes aware of that fact. The Code of Ethics for the Employees of the Prosecution Service also pays particular attention to this matter and prescribes that an employee of the PSG, who has property-related or other personal interest towards any issue falling within the competence of the PSG, is obliged to file for self-recusal in accordance with the procedure defined by law and not participate in discussions and decision-making process on that specific

Question 227

Armenia

(General Comment): A prosecutor may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

Republic of Moldova

(General Comment): According to the rules approved by the Superior Council of Prosecutors in 2018 the prosecutor who intends to carry out didactic and scientific activity shall submit to the SCP apparatus a request for the cumulation of the activity of prosecutor with the didactic / scientific activities which should contain specific information for the accomplishment of the targeted activities (institution, manner and conditions of exercise). A prosecutor may cumulate the activity for a determined period of time or part-time, which should not affect the exercise of the functional obligations and the principles of organization or activity of the Prosecutor's Office. The didactic and/or scientific activities can be carried out by the prosecutor in the universities, National Institute of Justice, different training activities organized for civil servants, projects aiming the implementation of the national or international policy of the state in criminal matters. Rules on the accumulation of the function of public prosecutor with teaching, scientific and collegiate activities in public authorities or institutions, approved by the Decision of the Superior Council of Prosecutors no.12-168/18 of 12.12.2018

Ukraine

(General Comment): Part 4 of Article 25 of the Law of Ukraine "On the Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, in particular prosecutors, are prohibited from:

- 1) engaging in other paid (except for teaching, scientific and creative activities, medical practice, instructor and referee practice in sports) or entrepreneurial activity, unless otherwise provided for by the Constitution or laws of Ukraine;
- 2) being a member of the board, other executive or control bodies, the supervisory board of an enterprise or organization that aims to make a profit (except for cases when persons perform functions of managing shares (portions, units) belonging to the state or territorial community, and represent the interests of the state or territorial community in the council (supervisory council), audit commission of an economic organization), unless otherwise provided for by the Constitution or laws of Ukraine, except for the case provided for in the first paragraph of the second part of this article.

(2021): Part 4 of Article 25 of the Law of Ukraine "On the Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, in particular prosecutors, are prohibited from:

- 1) engaging in other paid (except for teaching, scientific and creative activities, medical practice, instructor and referee practice in sports) or entrepreneurial activity, unless otherwise provided for by the Constitution or laws of Ukraine;
- 2) being a member of the board, other executive or control bodies, the supervisory board of an enterprise or organization that aims to make a profit (except for cases when persons perform functions of managing shares (portions, units) belonging to the state or territorial community, and represent the interests of the state or territorial community in the council (supervisory council), audit commission of an economic organization), unless otherwise provided for by the Constitution or laws of Ukraine, except for the case provided for in the first paragraph of the second part of this article.

Question 229

Azerbaijan

Chapter 68. Additional labor activity

1. Conditions for engaging in additional labor activity

1.1. It is the right of a prosecutor to engage in scientific, pedagogical and creative activities.

1.2. An employee of the Prosecutor's Office may work in educational and non-educational institutions, on a permanent and temporary basis, in paid and unpaid areas.

1.3. A prosecutor may not engage in scientific, pedagogical or creative activities in the following cases:

1.3.1. if the implementation of that activity has led to a violation of the executive discipline of the prosecutor at the workplace;

1.3.2. when the occupation of a prosecutor creates a threat to the disclosure of confidential information, the nature of which is defined by law.

1.4. Unreasonable restriction of the right of a prosecutor to engage in scientific, pedagogical and creative activities shall not be allowed.

1.5. A salary (reward) for the implementation of scientific, pedagogical and creative activities that may affect the impartial performance of official duties by a prosecutor or that may create the impression of such influence may not be accepted by a prosecutor.

1.6. The daily working hours of the substitute in connection with scientific, pedagogical and creative activities may not exceed 4 hours, and the weekly period may not exceed 20 hours.

1.7. Receipt of a previous refusal to engage in scientific, pedagogical or creative activities shall not restrict the right of a prosecutor to re-apply in connection with that matter.

2. Resolution of appeals related to additional employment

2.1. In order to engage in scientific and creative, pedagogical activities during working hours, the prosecutor's office employee shall apply to the Prosecutor General with the consent agreed with the head of the relevant structural unit.

2.2. Within 7 (seven) days, the Personnel Department submits the appeal to the Prosecutor General together with the reference containing its opinion. The Personnel Department shall respond to the author of the appeal by letter within 3 (three) working days on the results of consideration of the appeal by the Prosecutor General.

2.3. If the appeal is not granted, a reasoned response shall be given, stating the reasons for the refusal. A copy of the letter on the results of the appeal shall be attached to the personal file of the prosecutor.

2.4. In accordance with the requirements of Article 58 of the Labor Code, the second place of employment of a prosecutor is the second place of employment where a substitution employment contract is concluded in connection with scientific, pedagogical and creative activities.

2.5. The employment record book of a substitute prosecutor shall be kept in the Personnel Department at the main place of work.

2.6. In order to conclude an employment contract on a substitute basis, a prosecutor shall be issued a certificate of the main place of work.

2.7. A copy of the contract concluded between the prosecutor's office employee and the relevant department, enterprise or organization in connection with

Ukraine

(2021): Shall be agreed with the employer in accordance with the requirements of the Labor Code of Ukraine, only if such activity is carried out during the working hours of his main place of work

The employer for the prosecutor shall be represented by the head of the relevant prosecutor's office.

Question 231

Armenia

the RA “Law on the Prosecutor's Office” (hereinafter “The Law”). Thus, according to the Article 56, the Prosecutor General may institute disciplinary proceedings against a prosecutor on the grounds prescribed by the Law. In the case of receiving a communication or motion to institute disciplinary proceedings against a prosecutor on the ground prescribed by point 4 of part 1 of Article 53 of the Law, the Prosecutor General or, in the case provided for by part 4 of the Article 56, the Ethics Commission shall, within a period of three days, forward the communication or motion to the Commission for the Prevention of Corruption. Where the institution of disciplinary proceedings against a prosecutor is initiated by the Prosecutor General, the latter shall, within a period of three days, submit to the Commission for the Prevention of Corruption information on the fact of failure by the prosecutor to comply with the restrictions or incompatibility requirements prescribed by Article 49 of the Law. The Ethics Commission shall also have the right to institute disciplinary proceedings against a prosecutor by the majority vote of the members present at the sitting based on communications provided for by point 3 of part 1 of the Article 56 addressed to the Ethics Commission, except for the case provided for by part 2 of the Article. According to the Article 57 of the Law, the Prosecutor General shall, within a period of seven days following the completion of the disciplinary proceedings, submit the issue of imposing disciplinary action , which may also include a motion to impose a disciplinary penalty. The Ethics Commission shall render one of the following decisions:

- (1) On the absence of a disciplinary violation;
- (2) On finding a disciplinary violation and the prosecutor’s guilt in it;
- (3) On finding a disciplinary violation and the absence of the prosecutor’s guilt in it.

Georgia

(2021): In case of suspecting potential disciplinary misconduct of the PSG employee, the PSG General Inspectorate is competent to open an administrative investigation. This includes interviewing people, collecting information and reviewing materials. At the end, the PSG General Inspectorate draws report containing the findings about whether the person has committed the disciplinary misconduct or not. This report is then reviewed by the Career Management, Ethics and Incentives Council on the hearing. The subject person has a right to be represented by a lawyer, attend the hearing and give an explanation. The Council decides by the majority of votes whether person has committed the violation. If he/she was found guilty, the Council also selects the applicable sanction. The decision of the Council is recommendatory for the Prosecutor General, who is competent to formally find person guilty in the disciplinary violation and impose sanction. The Prosecutor General might disagree with the recommendation and make a different decision. However, in this case, he/she is required to provide reasons.

Ukraine

settlement of conflicts of interest.

In addition, the Law of Ukraine "On the Prosecutor's Office" provides for disciplinary liability for prosecutors' actions in conditions of real or potential conflict of interest.

Question 232

Azerbaijan

(2021): According to the provision of article 26.5 of Law on the passage of service in the prosecutor's office of Azerbaijan the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated by code of ethics unless they create administrative or criminal liability.

Republic of Moldova

(General Comment): The establishment, by a final act, a direct conclusion or by means of a third party legal act, that a prosecutor took or participated in a decision making without resolving the real conflict of interest in accordance with the provisions of the legislation on conflict of interest constitutes grounds for dismissal of the prosecutor. The dismissal of the prosecutor, the chief prosecutor or the deputy general prosecutor shall be made within 5 working days from the intervention or bringing the case to the attention of the Prosecutor General, by an order of the Prosecutor General, which is communicated to the prosecutor concerned within 5 working days from the issuance, but prior to the date of dismissal. The order of the Prosecutor General regarding the dismissal may be contested in court.

Question 234

Armenia

(General Comment): Disciplinary body for judges is the Commission on Disciplinary and Ethics Issues under the General Assembly of judges which has not only judge members but also academics of law nominated by the civil society organisations. Corruption Prevention Commission is authorized to initiate disciplinary proceedings concerning asset declaration matters.

The Minister of Justice can also initiate disciplinary proceedings against judges.

These bodies initiate the disciplinary proceedings and apply to Supreme Judicial Council, which makes the decision.

Azerbaijan

(General Comment): The Judicial-Legal Council is entrusted to initiate disciplinary proceedings against judges. At the same time, the Ministry of Justice is also entrusted to send any information received about the violation of procedural rights of citizens in courts of first and second instances to the Judicial-Legal Council. According to the article 112 of the Law on Courts and judges only Judicial-Legal Council shall be entitled to institute disciplinary proceedings against judge. Chairmen of the Supreme Court, courts of appeal, and the relevant executive body shall be bound, within their competence, to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings, if there are elements on which the initiative of opening of a disciplinary procedure can be based or grounds for calling to

Georgia

(General Comment): The Independent Inspector of the High Council of Justice of Georgia has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

(2021): Independent Inspector

Republic of Moldova

(General Comment): The Superior Council of Magistracy is responsible for initiating disciplinary proceedings against judges but the court users, the members of the Superior Council of Magistracy, the Judicial Inspection and the Committee for the evaluation of judges can be at the origin of a disciplinary proceeding. The Judicial Inspection and the Committee for the evaluation of judges are entities subordinated to the Superior Council of Magistracy.

Ukraine

(2021): Until August 5, 2021 Member of the Disciplinary Chamber determined for the preliminary check of a relevant disciplinary complaint (rapporteur) shall: 1) study the disciplinary complaint, check its compliance with legal requirements 3) forward the complaint to the Disciplinary Chamber to adopt a decision to open a disciplinary proceeding; 4) prepare materials with proposal on opening or refusal in opening a disciplinary case.. (part one of Article 43 of the Law of Ukraine "On the High Council of Justice" (as amended before the amendment by Law No. 1635-IX dated 14.07.2021)). Since August 5, 2021 (amendments were made to the Law of Ukraine "On the High Council of Justice"). A disciplinary inspector of the High Council of Justice, determined by the automated case distribution system for a preliminary check of a relevant disciplinary complaint (disciplinary inspector of the High Council of Justice - rapporteur) shall: 1) study the disciplinary complaint, check its compliance with legal requirements. 3) forward the complaint to the Disciplinary Chamber to adopt a decision to open a disciplinary proceeding; 4)prepares materials with proposal on opening or refusal in opening a disciplinary case. (Part one of Article 43 of the Law of Ukraine "On the High Council of Justice" as amended by Law No. 1635-IX dated 14.07.2021)

In accordance with part five of Article 27 of the Law of Ukraine "On the High Council of Justice" (as amended by Law No. 1635-IX dated July 14, 2021), the Disciplinary Inspectorate Service acts within the Secretariat of the High Council of Justice as an independent structure unit, which shall be established for realization of powers of the High Council of Justice regarding carrying out disciplinary proceedings concerning judges and acts by the principle of functional independence from the High Council of Justice.

According to part three of Article 42 of the Law of Ukraine "On the High Council of Justice", a disciplinary proceeding shall comprise:

- 1) preliminary study of materials that have signs of committing by a judge a disciplinary offense, and making a decision on opening a disciplinary case or refusal in its opening;
- 2) consideration of a disciplinary complaint and making a decision on bringing or refusal in bringing a judge to disciplinary liability

Disciplinary inspector of the High Council of Justice shall hold a preliminary check of a disciplinary complaint, transferred to him/her by the results of the automated case distribution (paragraph 1 of part four of Article 28 of the Law of Ukraine "On the High Council of Justice").

A disciplinary inspector of the High Council of Justice, determined by the automated case distribution system for a preliminary check of a relevant disciplinary complaint (disciplinary inspector of the High Council of Justice – rapporteur) shall: 1) study the disciplinary complaint, check its compliance with legal requirements;

- 3) forward the complaint to the Disciplinary Chamber to adopt a decision ...to open a disciplinary proceeding;
- 4)prepares materials with proposal on opening or refusal in opening a disciplinary case. The conclusion of a disciplinary inspector of the High Council of Justice - rapporteur, along with the disciplinary complaint and the materials collected during the preliminary check, shall be submitted to the Disciplinary Chamber for consideration.

(Article 43 of the Law of Ukraine "On the High Council of Justice")

Question 235

Armenia

(General Comment): Only the Supreme Judicial Council has the power to make the final decision on disciplinary sanctions against judges.

Republic of Moldova

(General Comment): The Superior Council of Magistracy has disciplinary power on judges.

Ukraine

(General Comment): Disciplinary power over judges is entrusted with the High Qualification Commission of Judges of Ukraine (as regards judges of local and appellate courts) or the High Council of Justice (as regards judges of high specialized courts and the Supreme Court). In the case of dismissal of a judge such disciplinary power belongs to the President (for the judges elected for 5-years term) or the Parliament (for the judges elected for lifetime term). Disciplinary proceedings against judges involve checking on grounds for bringing judges to disciplinary liability, opening a disciplinary case, its review and making decision by the High Qualification Commission of Judges of Ukraine (HQCJU) or the High Council of Justice (HCJ). Checking the grounds for opening a disciplinary case and bringing judges of local or appellate courts to disciplinary liability shall be made by the HQCJU. No later than 3 days after the HQCJU decision on opening a disciplinary case was made its copy shall be sent to both judge against whom disciplinary case was opened and person that filed an appeal. The disciplinary case shall be considered at the meeting of the HQCJU. The appellant, the concerned judge and other interested persons can attend the meeting. If there are justifiable reasons because of which judge cannot take part in the meeting of the HQCJU, he/she may give a written explanation on merits of the case that will be attached to the case file. The consideration of the disciplinary case against a judge is adversarial. The HCJ carries out disciplinary proceedings as regards judges of the Supreme Court and high

(2021): To review cases on disciplinary responsibility of judges, the High Council of Justice shall set up Disciplinary Chambers consisting of members of the High Council of Justice. (Part two of Article 26 of the Law of Ukraine "On the High Council of Justice"). Three Disciplinary Chambers were set up in the High Council of Justice by the decision of the High Council of Justice dated February 2, 2017 No. 184/0/15-17.

Question 237

Armenia

(2021): "Other" option was selected as the ground was violation of the incompatibility requirements.

Georgia

(General Comment): According Georgian legislation Independent Inspector is obliged to start and initiate disciplinary proceedings against judges when Disciplinary claim or information is submitted. Thus this is the total number of submitted disciplinary claims or information and not the number of cases where misconduct had been approved. The LCC separates the initiation of disciplinary proceedings and initiation of disciplinary prosecution from each other: the Independent Inspector is able to initiate disciplinary proceedings against a judge, whereas the HCJ has an authority to initiate the disciplinary prosecution. More precisely, as a result of the examination of the opinion submitted by the Independent Inspector, made after the preliminary examination of an alleged disciplinary misconduct of a judge, the HCJ shall adopt a reasoned decision to terminate the disciplinary proceedings or to initiate disciplinary prosecution against the judge and to take explanations from the judge concerned. Whereas, following the initiation of disciplinary prosecution against the judge and having taken an explanation from the judge concerned, the HCJ shall adopt a reasoned decision to terminate disciplinary proceedings or to impose disciplinary liability on a judge.

a.a - Political or social influence or influence of personal interests when a judge exercises judiciary powers – 20;

b.d - Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist – 7;

e.a - Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties – 7;

e.b - Judge's failure to react if he or she witnesses a discriminatory verbal or other action towards a participant in a process by a court staffer or a participant in a process – 3;

d.a - Establishment of personal and intense (friendly, familial) relations with a participant in a process to be held for a case to be handled by him or her personally, which results in the judge's bias and/or placement of a participant in a process in a favorable position, if the judge had an information about the side – 2;

b.a - Public expression of an opinion by a judge on a case currently handled by court. Judge's commentary on organizational and technical matters pertaining to the case currently handled by court for the purpose of informing the public shall not constitute disciplinary misconduct – 1;

b.b - Disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the Georgian procedural law – 1.

Republic of Moldova

(2021): The data were counted according to the 2021 Report of the Disciplinary Board available at the following link:

https://www.csm.md/files/RAPOARTE/2021/RaportulCD_2021.pdf

Ukraine

(General Comment): according to the EaP Explanatory Note, criminal offence (offence committed in the private or professional framework) refers to cases in which disciplinary proceedings are conducted either before, during or after criminal proceedings for the same facts. Information for the category "4. Other criminal offense" is marked as "not available" since such cases may occur but those are not separately accounted for. Record/registration is carried out on the grounds for taking disciplinary action, defined in the first part of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges", and what was reflected in filling out the

(2021): Information for the category “4. Other criminal offense” is marked as “not available” since such cases may occur but those are not separately accounted for. Record/registration is carried out on the grounds for taking disciplinary action, defined in the first part of Article 106 of the Law of Ukraine “On the Judiciary and the Status of Judges”.

Question 238

Republic of Moldova

(2021): The data were counted according to the 2021 Report of the Disciplinary Board available at the following link:
https://www.csm.md/files/RAPOARTE/2021/RaportulCD_2021.pdf

Ukraine

(General Comment): Question 238 includes all decisions in disciplinary cases concerning judges: on bringing to disciplinary responsibility, on refusing to bring on disciplinary responsibility, on closing the disciplinary case.

(2021): Question 238 includes all decisions in disciplinary cases concerning judges: on bringing to disciplinary responsibility, on refusing to bring on disciplinary responsibility, on closing the disciplinary case.

Question 239

Azerbaijan

(2021): "Other": 2 judges were given "Remark". In 2 cases no sanction was applied, proceeding was terminated with mere discussion.

Georgia

(2021): According the organic law on Common Courts of Georgia, Sanctions against Judges are pronounced by Disciplinary Board (if the decision of Board is appealed by Disciplinary Chamber). Disciplinary case is sent to Disciplinary Board only after High Council of Justice takes two decisions - First decision about Initiation Disciplinary Prosecution against Judge (After the opinion of Independent Inspector is presented to the High Council of Justice of Georgia; Independent Inspector initiates disciplinary proceedings against Judge on the basis of disciplinary claim or other information) and second decision - The decision on imposing disciplinary liability on a judge. Disciplinary Board hasn't decided disciplinary case against Judge during reference year.

Republic of Moldova

(General Comment): The warning is the mildest sanction that can be applied consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour.

The circumstances in which the warning sanction is applied are determined by:

- 1) the primary commission of a disciplinary violation, usually minor, of an intentional nature or by negligence;
- 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the

(2021): Warnings

Ukraine

(General Comment): The difference between 2014 and the 2016 was caused by the suspension of the HQCJU work in 2014 for 8,5 month (for more details, please see comments to Q144). The HQCJU opened the disciplinary proceeding in the beginning of 2014, but had a chance to hold disciplinary liable only 13 judges during 2014.

in the comments to the sanction "Temporary reduction of salary", it was stated that disciplinary sanctions can be applied to judges in the form of: reprimand – with deprivation of the right to receive supplemental payments to the basic wage of a judge for one month; severe reprimand – with deprivation of the right to receive supplemental payments to the basic wage of a judge for three months; initiation of temporary (one month to six months) suspension from administration of justice – with deprivation of right to receive supplemental payments to the basic wage of a judge (paragraphs 2, 3, 4 of the first part of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges"). In the table for question 239, in particular, the types of sanctions were indicated "1. Reprimand" with a quantitative indicator

The following types of disciplinary sanctions may be imposed upon judges: reprimand with deprivation of the right to receive supplemental payments to the basic wage of a judge for one month; severe reprimand with deprivation of the right to receive supplemental payments to the basic wage of a judge for three months; initiation of temporary (one month to six months) suspension from administration of justice with deprivation of right to receive supplemental payments to the basic wage (paragraphs 2, 3, 4 of the first part of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges").

2. To the sanctions "Position downgrade", "Transfer to another geographical (court) location"

The disciplinary sanction may be imposed upon judges in the form of initiation of the judge's transfer to a lower-level court (paragraph 5 of part one of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges").

3. To the sanction "Other".

The disciplinary sanction may be imposed upon judges in the form of warning (paragraph 1 of the first part 109 of the Law of Ukraine "On the judiciary and the status of judges").

Question 240

Ukraine

Council of Justice in a disciplinary case to the High Council of Justice.

The complainant has the right to appeal the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice with the permission of the Disciplinary Chamber for such an appeal.

Members of the High Council of Justice who are members of the Disciplinary Chamber that made the decision appealed do not participate in the consideration of the complaint.

The decision of the High Council of Justice, adopted as a result of consideration of the appeal against the decision of the Disciplinary Chamber, may be appealed in a court (in particular, in the Supreme Court as the court of the first instance and in the Grand Chamber of the Supreme Court as the appellate instance).

In case the court annuls the decision of the High Council of Justice, adopted as a result of consideration of the appeal against the decision of the Disciplinary Chamber, the High Council of Justice shall reconsider the relevant disciplinary case.

Question 241

Armenia

(2021): It can be appealed to Supreme Judicial Council, which reviews its own decision or to the Constitutional Court (according to the Article 169 part 1 point 8 of the Constitution, everyone may apply to the Constitutional Court under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he or she challenges the constitutionality of the relevant provision of a regulatory legal act applied against him or her upon this act, which has led to the violation of his or her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice).

Article 156.1 of the Judicial Code.

Appealing against the decision of the Supreme Judicial Council on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability 1. The appeal brought by a judge against the decision on subjecting him or her to disciplinary liability or the appeal brought by the body having instituted disciplinary proceedings against the decision on rejecting the motion on subjecting a judge to disciplinary liability, respectively, shall be examined by the Supreme Judicial Council, where an essential evidence or circumstance has emerged which the person bringing the appeal did not previously introduce due to circumstances beyond his or her control and which could have reasonably affected the decision. 2. After having received the appeal, the Supreme Judicial Council shall immediately forward it to the other party, which may submit to the Supreme Judicial Council a response to the appeal within 10 days following the receipt thereof. 3. The Supreme Judicial Council shall examine the appeals against the decision on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability and shall render respective decisions thereon in writing except for the cases where it comes to a conclusion that it is necessary to examine the appeal at the session. A decision shall be rendered on examining the appeal at the court session. 4. In case a decision on examining the appeal at the court session is rendered, the parties shall be notified of the time and venue of the session. Failure to appear shall not preclude the examination of the appeal. The examination of the appeal at the court session shall start with reporting by the member reporting on the issue, who shall introduce the appeal and arguments in the response to the appeal. The members of the Supreme Judicial Council shall have the right to address questions to the rapporteur and the parties having appeared at the session, whereafter the examination of the appeal shall be declared as completed.

5. During the examination of the appeal, the Supreme Judicial Council shall revise the decision being appealed against only to the extent of the grounds and justifications of the appeal. 6. The appeal shall be examined and the decision shall be rendered within a period of two months following the receipt of the appeal.

Georgia

(2021): Disciplinary chamber of Supreme Court of Georgia

Question 242

Armenia

(General Comment): The regulation on consent is stated in Art 56 para 5 of the Judicial Code.

Azerbaijan

(2021): In general, for organizational reasons, it is not envisaged to have transfers without the consent of the judge. However, this situation may exist during reorganization or liquidation of courts. For example, as of 2020, administrative-economic courts were liquidated and administrative and commercial courts were

Georgia

(General Comment): In general, in accordance with the law a judge may be transferred to another court with his/her consent for no more than one year. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.

Republic of Moldova

(General Comment): The transfer of a judge to another jurisdiction for a limited period of time may be decided by the Superior Council of the Judiciary at the request of the president of the court in question, for organisational reasons. The judge's consent is necessary and must be given in writing (Article 20/1 of Law No. 544-XIII on the Status of Judges). Moreover, in all cases specified by Law No. 544-XIII of 20/07/1995 on the status of judges, a magistrate may be transferred to

Ukraine

(General Comment): A judge may not be transferred to another court without his/her consent, except a transfer:

1) in the event of reorganization, liquidation or termination of the court; 2) as a disciplinary measure. (Article 53 of the Law "On Judiciary and the Status of Judges")

Question 243

Armenia

(General Comment): According to the Law on Prosecutor's office, the Prosecutor General initiates disciplinary proceedings. In certain cases the ethics commission adjunct to General Prosecution can also initiate proceedings. The Disciplinary body for prosecutors is the Ethics commission under the Prosecutor General which consists of 7 members: the Deputy Prosecutor General, 3 academics of law and 3 prosecutors elected by senior prosecutors. The Prosecutor General within a one-week period from the end of the disciplinary proceedings presents the issue to the Ethics Committee for discussion. When discussing the issue related to the disciplinary offense, the Ethics Committee votes to decide whether a disciplinary offense has taken place, whether the prosecutor is guilty of the offense, and, if the Prosecutor General requests so, then also whether it is possible to apply the disciplinary sanction of "removal from office." Based on the appropriate opinion of the Ethics Committee, the Prosecutor General orders the disciplinary sanction within a three-

Republic of Moldova

(General Comment): According to the provisions of article 43 of the Law on Prosecutor Office, the disciplinary proceedings against prosecutors can be initiated by the Superior Council of Prosecutors, by the Disciplinary and Ethics Committee, by the Prosecutor's Inspection as a result of different controls, by Performance Evaluation Board and by interested persons. Also, disciplinary proceedings against prosecutors can be initiated by the Ministry of Justice upon notification by the Government Agent. The Prosecutor's Inspection is a department of the Prosecutor General Office which is checking the primary notifications. The Disciplinary and Ethics Committee and the Performance Evaluation Board are entities subordinated to the Superior Council of Prosecutors.

(2021): According to the provisions of Article 42 of the Law on Prosecution Office, the disciplinary procedure starts automatically at the moment of the referral, and according to Article 43 paragraph (1) of the mentioned law, the referral of the act that may constitute disciplinary misconduct committed by the prosecutor may be submitted by:

- (a) any interested person;
- b) members of the Superior Council of Prosecutors;
- c) the College for the evaluation of prosecutors performance, under the terms of Article 31(1)(a) and (b). (5);
- d) the Inspectorate of Public Prosecutors, following controls carried out.
- e) the Ministry of Justice, upon notification of the Government Agent, in the event of a request for a finding of disciplinary misconduct as referred to in Article 38(e1) with regard to the actions or inactions of the prosecutor which have led to one of the consequences referred to in Article 2007(e2). (1), point (1), of Art. c) of the Civil Code of the Republic of Moldova No 1107/2002.

Ukraine

(General Comment): According to Ukrainian legislation, everyone who is aware of such facts has the right to apply to the Qualification and Disciplinary Commission of Prosecutors with a disciplinary complaint about the prosecutor's commission of a disciplinary offence. The Qualification and Disciplinary Commission of Prosecutors shall publish on its website a recommended sample of a disciplinary complaint. (para.2 art. 45 of the Law of Ukraine On Prosecution Office).

submit the relevant document to the body authorized to make a decision in disciplinary proceedings, then according to part 2 of Art. 45 of the Law of Ukraine "On the Prosecutor's Office", the list of such persons shall include anyone who is aware of the fact that the prosecutor has committed a disciplinary offense. In return, the authorized member of the relevant body carrying out disciplinary proceedings (Part 3 of Article 46 of the Law of Ukraine "On the Prosecutor's Office") shall make a decision on opening disciplinary proceedings.

We note that in 2021, temporarily (until September 1, 2021), consideration of disciplinary complaints against a prosecutor committing a disciplinary offense, and conducting disciplinary proceedings against prosecutors was carried out by a staff commission formed by the Prosecutor General, and in the procedure approved by the Prosecutor General (para. 1, 7, 8, clause 22 of Chapter II of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for the Reform of Prosecutor's Offices" dated September 19, 2019 No. 113-IX). Accordingly, a member of the relevant staff commission was authorized to make a decision to open disciplinary proceedings.

Subsequently, from September 1, 2021, the provisions of the Law of Ukraine "On the Prosecutor's Office" regarding the status and powers of the relevant body conducting disciplinary proceedings, as well as the legally established procedure for considering disciplinary complaints and conducting disciplinary proceedings against prosecutors, were renewed.

A similar caveat regarding temporary orders and procedures also applies to the answer and comment to question 244.

Question 244

Armenia

(2021): It should be noted that according to the Article 55 of the "Law on Prosecutor's Office", the disciplinary sanction "lowering the rank by one degree" may be applied in relation to the Prosecutor General by the President of the Republic. Also the mentioned sanction may be applied in relation to the higher-ranking prosecutor by the President of the Republic upon a proposal from the Prosecutor General.

Republic of Moldova

(General Comment): The Superior Council of Prosecutors and the Committee of Discipline and Ethics have the disciplinary authority on prosecutors. The Committee of Discipline and Ethics examines the disciplinary case and issues a decision which can be contested to the Superior Council of Prosecutors.

(2021): The Disciplinary and Ethics Board of the Supreme Council of Prosecutors examines disciplinary cases brought against prosecutors and applies disciplinary sanctions where appropriate. It consists of 7 members, including:

- 5 elected by the General Assembly of Prosecutors from among the prosecutors;
- 2 elected by the High Council of Prosecutors, by public competition, from among representatives of civil society.

The High Council of Prosecutors has competence in disciplinary matters concerning prosecutors, examining appeals against decisions of the Disciplinary and Ethics Board.

Ukraine

(2021): According to parts 1, 2 of Art. 73 of the Law of Ukraine "On the Prosecutor's Office", the relevant body conducting disciplinary proceedings shall be a collegial body, which, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed the intention to take up the position of prosecutor, and resolves issues of disciplinary liability, transfer and dismissal of prosecutors. The relevant body conducting disciplinary proceedings is a legal entity, has a seal with the image of the State Coat of Arms of Ukraine and its name, an independent balance sheet and accounts in the bodies of the State Treasury of Ukraine.

The specified relevant body started its operation on 03.11.2021, as decided by it on 26.10.2021 No. 163п-21 "On the date of commencement of operation of the relevant body conducting disciplinary proceedings". According to paras 4 - 5 of Part 1 of Art. 77 of the Law of Ukraine "On the Prosecutor's Office" the powers of the relevant body conducting disciplinary proceedings include the consideration of disciplinary complaints on a prosecutor's disciplinary misconduct, carrying out disciplinary proceedings and the adoption of a decision to impose a disciplinary penalty on a prosecutor of the Office of the Prosecutor General, regional and district prosecutor's offices or a decision on the impossibility of a person's further tenure as a prosecutor based on the results of disciplinary proceedings and if there are grounds provided for by this Law.

As for the role of the High Council of Justice, according to Part 1 (3) of Art. 131 of the Constitution of Ukraine, Part 1 (5) of Art. 3, Art. 53 of the Law of Ukraine "On the Prosecutor's Office", Part 1 of Art. 50 of the Law of Ukraine "On the Prosecutor's Office", the High Council of Justice shall consider complaints against the decision

Question 246

Armenia

(2021): Non-performance or improper performance of duties was the basis for initiating disciplinary proceedings against 12 prosecutors in 8 cases in the reporting

Georgia

(2021): Violation of work discipline in included under the category of "other".

Republic of Moldova

(General Comment): (a) improper performance of official duties;
(b) failure to apply or incorrect application of the law, unless justified by a change in the practice of applying the rules laid down in the legal system;
c) unlawful interference in the work of another prosecutor or interference of any kind with authorities, institutions or officials for the resolution of any matter;
d) deliberately obstructing the work of the Inspectorate of Public Prosecutions by any means;
e) serious violation of the law;
e 1) committing, in the exercise of official duties, actions or inactions by which the fundamental rights and freedoms of natural or legal persons guaranteed by the Constitution of the Republic of Moldova and international treaties on fundamental human rights to which the Republic of Moldova is a party have been violated, either intentionally or through gross negligence;
f) undignified attitude, manifestations or way of life which are prejudicial to the honour, integrity, professional probity, prestige of the Prosecutors Office or which violate the Code of Ethics of Prosecutors.
(g) breach of the obligation laid down in Article 7(7) of the Code of Conduct. (2) letter a) of Law No. 325/2013 on the evaluation of institutional integrity.

(2021): There were initiated 52 procedures on 31 prosecutors.

Ukraine

(2021): Violation of work regulations, violation of the rules of filing declarations.

Violation of labour regulations does not belong to the category of "professional misconduct". Regarding the classification of certain misdemeanours in this category, see the comment to question 246-1.

In the table for question 246, the "Other" category, which includes violations of labour regulations, violations of the rules for submitting declarations, is not part of category 2 of this table.

In addition, violation of the rules for submitting a declaration may be a disciplinary, criminal or administrative offense depending on the amount of false information entered into the declaration.

For violations related to declaration, guilty persons bear various types of responsibility, including: criminal, administrative, and also disciplinary responsibility. Thus, criminal liability is established for the deliberate entry by the subject of the declaration of knowingly inaccurate information into the declaration of a person authorized to perform the functions of the state or local self-government, provided for by the Law of Ukraine "On the Prevention of Corruption", if such information differs from the reliable information by the amount of 500 to 2,000 subsistence minimums for employable persons (Part 1 of Article 366-2 of the Criminal Code of Ukraine).

Article 1726 of the Code of Ukraine on Administrative Offenses establishes administrative liability, in particular for untimely submission without valid reasons of the declaration of a person authorized to perform the functions of the state or local self-government, as well as the submission of knowingly inaccurate information in the declaration of a person authorized to perform the functions of the state or local self-government.

In addition, according to Part 1 (4) of Art. 43 of the Law of Ukraine "On the Prosecutor's Office" a violation of the procedure established by law for submitting a declaration of a person authorized to perform the functions of the state or local self-government shall be the grounds for bringing a prosecutor to disciplinary

Question 247

Armenia

(2021): More than one prosecutor may be involved in a case. There were 8 initiated cases (four of the eight cases were not presented to the commission) against 12 prosecutors in Armenia. So, the number of prosecutors is indicated for more accuracy.

Republic of Moldova

(2021): There were completed 46 procedures on 26 prosecutors.

Ukraine

(2021): The "Other" category includes violations of labour regulations and violations of declaration submission rules.

Question 248

Azerbaijan

(2021): "Other" means in this context "Remark".

Republic of Moldova

(2021): In 2021, the Disciplinary and Ethics Board issued 26 decisions concerning 26 prosecutors, as follows:

- With regard to 17 prosecutors, the College decided to terminate the disciplinary proceedings on the grounds that no disciplinary misconduct had been established.
- Disciplinary proceedings were discontinued against 1 prosecutor in connection with the termination of his service relationship
- 7 prosecutors were given a warning
- 1 prosecutor was sanctioned - dismissal

Ukraine

(2021): A ban on transfer to a higher body

Question 250

Ukraine

(General Comment): The prosecutor may appeal the decision made as a result of disciplinary proceedings to the administrative court or to the High Council of Justice within one month from the date of serving a copy of the decision or receiving it by mail.

Question 251

Armenia

(2021): According to part 16 of the Article 56 of the "Law on the Prosecutor's office": "A prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law". The competent court is the Administrative court.

Azerbaijan

(2021): The Prosecutor General of the Republic of Azerbaijan may, to a certain extent, instruct prosecutors to resolve the issue of imposing disciplinary sanctions on employees. The decision of Prosecutor General may be appealed to the court, decisions of above mentioned prosecutors to the Prosecutor General.

Georgia

(2021): The court is responsible for deciding an appeal on disciplinary decisions.

9. Alternative Dispute Resolution - Overview

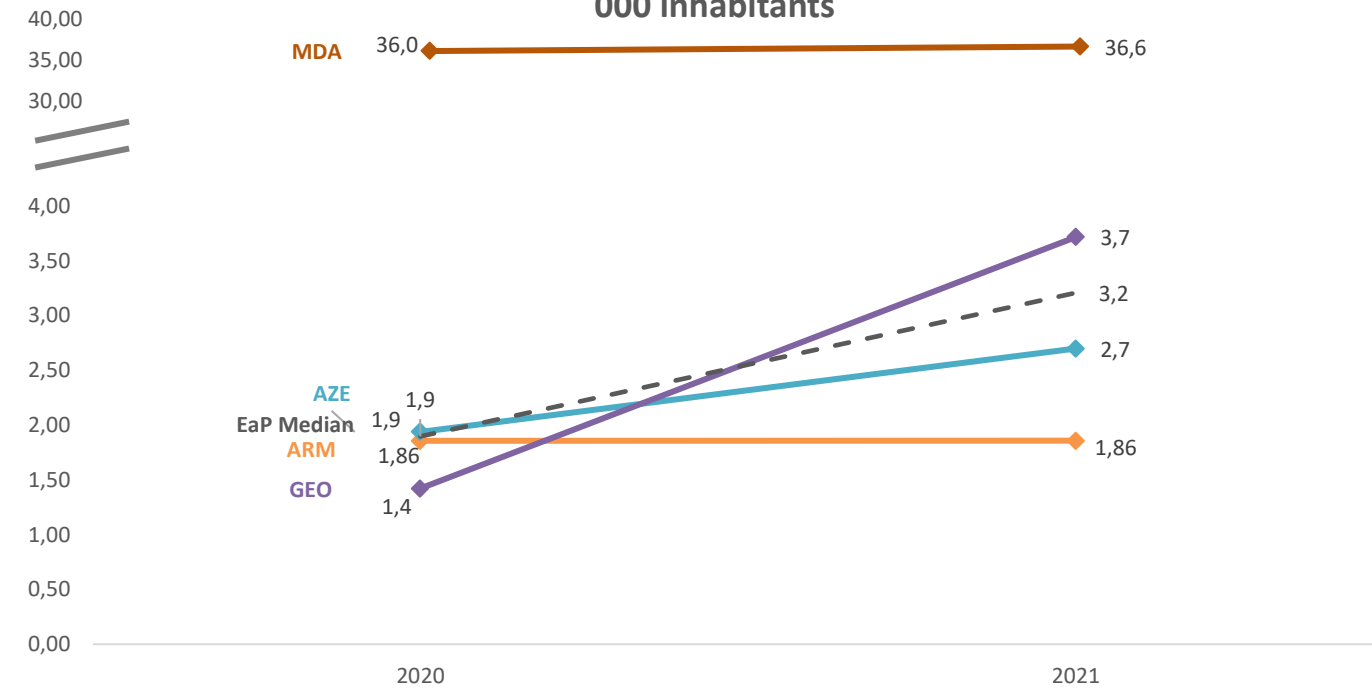
Number of accredited mediators and number of cases in court related mediation

Number of accredited mediators and its variation between 2020 and 2021 (Table 9.1.3 and 9.1.4)

Beneficiaries	Number of accredited mediators		
	2021		Variation 2020 - 2021 (%)
	Absolute number	Per 100 000 inhabitants	
Armenia	55	1,9	0,0%
Azerbaijan	273	2,7	40,0%
Georgia	137	3,7	158,5%
Republic of Moldova	953	36,6	0,6%
Ukraine	NA	NA	NA
EaP Median	205	3,2	20,3%

For reference only: the 2021 EU median is 16,2 number of mediators per 100 000 inhabitants.

Figure 9.1 Evolution of the number of accredited mediators per 100 000 inhabitants



Number of cases of court-related mediations and its variation between 2020 and 2021 (Table 9.1.6)

Beneficiaries	Number of court related mediation cases					
	Cases with agreement to start mediation		Finished court-related mediations		Cases with a settlement agreement	
	2021	Variation 2020 - 2021 (%)	2021	Variation 2020 - 2021 (%)	2021	Variation 2020 - 2021 (%)
Armenia	NA	NA	NA	NA	NA	NA
Azerbaijan	0	NA	0	NA	0	NA
Georgia	NA	NA	NA	NA	NA	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA
EaP Median	-	-	-	-	-	-

9. Alternative Dispute Resolution - List of tables

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and legal aid for court mediation in 2021 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Providers of court-related mediation services by case types in 2021 (Q255)

Table 9.1.3 Number of accredited mediators between 2020 and 2021 and their gender distribution in 2021 (Q257)

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2020 and 2021 (Q1 and Q257)

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2021 (Q257-1)

Table 9.1.6 Number of cases of court related mediation in 2021 (Q258)

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2020 to 2021 (Q1 and Q258)

Table 9.1.8 Existence of other alternative dispute resolution methods in 2021 (Q259)

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and legal aid for court mediation in 2021 (Q252, Q253, Q254 and Q256)

Beneficiaries	Existence of court-related mediation, types of mandatory mediation or informative sessions and legal aid for court mediation in 2021				
	Court related mediation	Mandatory mediation with a mediator		Mandatory informative sessions with a mediator	Possibility to receive legal aid for court related mediation
		Before/instead of going to court	Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding		
Armenia	Yes	No	No	No	Yes
Azerbaijan	Yes	No	No	Yes	Yes
Georgia	Yes	No	Yes	No	Yes
Republic of Moldova	Yes	No	Yes	No	Yes
Ukraine	NAP	NAP	NAP	NAP	NAP

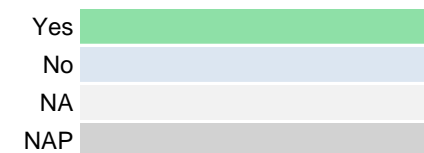


Table 9.1.2 Providers of court-related mediation services by case types in 2021 (Q255)

Beneficiaries	Providers of court-related mediation services by case types in 2021					
	Civil and commercial cases	Family cases	Administrative cases	Labour cases including employment dismissals	Criminal cases	Consumer cases
Armenia	Private mediator	Private mediator	None	Private mediator	None	Private mediator
Azerbaijan	Private mediator	Private mediator	Private mediator	Private mediator	None	Private mediator
Georgia	Private mediator Public authority	Private mediator Public authority	None	Private mediator Public authority	Prosecutor	Private mediator
Republic of Moldova	Judge	Judge	None	Judge	Private mediator	Judge
Ukraine	NA	NA	NA	NA	NA	NA

Table 9.1.3 Number of accredited mediators between 2020 and 2021 and their gender distribution in 2021 (Q257)

Beneficiaries	Number of accredited mediators between 2020 and 2021 and their gender distribution in 2021				
	Number of accredited mediators			Gender distribution of mediators in 2021	
	2020	2021	Variation 2020 - 2021 (%)	% Males	% Females
Armenia	55	55	0,0%	58,2%	41,8%
Azerbaijan	195	273	40,0%	72,5%	27,5%
Georgia	53	137	158,5%	37,2%	62,8%
Republic of Moldova	947	953	0,6%	46,7%	53,3%
Ukraine	NAP	NA	NA	NA	NA
Average	313	355	49,8%	53,7%	46,3%
Median	125	205	20,3%	52,4%	47,6%
Minimum	53	55	0,0%	37,2%	27,5%
Maximum	947	953	158,5%	72,5%	62,8%

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2020 and 2021 (Q1 and Q257)

Beneficiaries	Number of accredited mediators per 100 000 inhabitants between 2020 and 2021	
	2020	2021
Armenia	1,9	1,9
Azerbaijan	1,9	2,7
Georgia	1,4	3,7
Republic of Moldova	36,0	36,6
Ukraine	NAP	NA
Average	10,3	11,2
Median	1,9	3,2
Minimum	1,4	1,9
Maximum	36,0	36,6

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2021 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2021
Armenia	<p>Can receive qualification of licensed mediator:</p> <ol style="list-style-type: none"> 1) the person which reached 25-year age and having the higher education; 2) the former judge having at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its power; 3) a legal scholar with at least three years of professional work experience in the field of law. <p>According to the “Law on Mediation”, in order to qualify as a licensed mediator, a mediator candidate, with the exception of a former judge and legal scholar, passes a qualification course in accordance with the program approved by the Minister of Justice or submits a certificate of having completed a similar course (the recognition and equivalence of which is carried out by the mediation qualification commission) in a foreign country, and passes a qualifying examination conducted through testing and interview. A former judge or legal scholar candidate participates only in the interview phase. The qualification of a licensed mediator is awarded by the Minister of Justice based on the conclusion of the qualification committee. All licensed mediators are included in the register of mediators, which is maintained by the Ministry of Justice.</p>
Azerbaijan	<p>According to Article 10 (Requirements for Mediator) of the the Law on Mediation The person who wants to get the title of mediator must meet the following requirements: must have a higher education degree; must not be younger than 25 ; must have at least 3 years of work experience ; by completing training on mediators' initial preparation program and obtaining the certificate. In accordance with the Law on Mediation, the issuance of certificates is carried out by the Academy of Justice.</p>
Georgia	<p>LEPL Georgian Association of Mediators has approved the Professional Standard for Mediators and determined qualification requirements to become a mediator in accordance with the law. The prerequisite for obtaining the status of a mediator consists of three parts: 1. Mediation / mediator training (Mediation/mediator training is approved by the association) at least 60 hours of content-specific mediation / mediator training and which is carried out, including by any interested private a person, based on accreditation. In particular, the right to organize and conduct mediation/mediator training has the association and the institutions offered by them mediation/mediator training standard for mediator certification it is in full compliance with the standard established by the program);</p> <ol style="list-style-type: none"> 2. Checking the practical skills of the person who wants to be a mediator; 3. Development of the skills of leading a real mediation for a person who wants to become a mediator (observation of a real court-mediation); Comment: Participant of the mediator certification program can be any person, who is considered to be capable of legal action, who has not been convicted, and under this provision is registered as a participant in the Mediator Certification Program.
Republic of Moldova	<p>A mediator can be any person who cumulatively meets the conditions established in art. 12 (1), (3), (4) from Law no. 137/2015 on mediation.</p> <p>Educational requirements: university degree studies, initial training course for mediators based on a 80 academic hours program in accordance with Standards for initial training for mediators.</p> <p>Mediator accreditation is carried out by passing the mediator attestation exam in accordance with the Regulation on the attestation of mediators.</p>
Ukraine	NA

Table 9.1.6 Number of cases of court related mediation in 2021 (Q258)

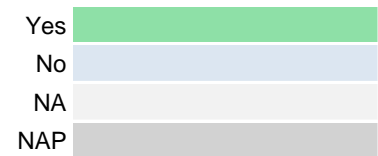
Beneficiaries	Number of cases of court related mediation in 2021																							
	Total 1+2+3+4+5+6+7			Civil and commercial cases (1)			Family cases (2)			Administrative cases (3)			Labour cases including employment dismissal cases (4)			Criminal cases (5)			Consumer cases (6)			Other cases (7)		
	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA	NA	NA	NA
Azerbaijan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NAP	NAP	NAP	0	0	0	NAP	NAP	NAP
Georgia	NA	NA	NA	12	80	29	3	19	9	NAP	NAP	NAP	3	28	11	NAP	NAP	NAP	NA	NA	NA	NA	36	10
Republic of Moldova	NA	NA	NA	5 562	5 132	92	2 575	2 145	34	NAP	NAP	NAP	171	186	7	NA	NA	NA	49	50	1	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	1 858	1 737	40	859	721	14	-	-	-	58	71	6	-	-	-	-	-	-	-	-	-
Median	-	-	-	12	80	29	3	19	9	-	-	-	3	28	7	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	0	0	0	0	0	0	-	-	-	0	0	0	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	5 562	5 132	92	2 575	2 145	34	-	-	-	171	186	11	-	-	-	-	-	-	-	-	-

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2020 to 2021 (Q1 and Q258)

Beneficiaries	Evolution of total number of cases of court related mediation per 100 inhabitants from 2020 to 2021					
	2020			2021		
	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement
Armenia	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	0	0	0
Georgia	NA	NA	NA	NA	NA	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-
Median	-	-	-	-	-	-
Minimum	-	-	-	-	-	-
Maximum	-	-	-	-	-	-

Table 9.1.8 Existence of other alternative dispute resolution methods in 2021 (Q259)

Beneficiaries	Existence of other alternative dispute resolution methods in 2021			
	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other alternative dispute resolution
Armenia	Yes	Yes	No	No
Azerbaijan	Yes	No	No	No
Georgia	Yes	Yes	No	No
Republic of Moldova	Yes	Yes	Yes	No
Ukraine	NA	NA	NA	NA



Indicator 9- Alternative Dispute Resolution

by country

Question 252. Does the judicial system provide for court-related mediation procedures?

Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Question 255. Please specify, by type of cases, who provides court-related mediation services:

Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Armenia

At any stage of the proceedings, the Court of First Instance or the Court of Appeal shall be entitled, with the consent of the parties or upon a motion filed by them, assign a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

Where there is a great possibility that the dispute may end in reconciliation, the court may, on its own initiative, assign a one-time free mediation process for up to four hours.

A mediation process may be assigned with respect to the whole judicial dispute, as well as a separate claim if separate disposition of that part is possible through a mediation process.

The court shall assign a mediation process by rendering a decision, indicating the persons participating in the case, the nature of the dispute between the parties, their claims, time limits for mediation, the name of the licensed mediator, other necessary data, the time and venue of the upcoming court session. The court shall appoint the licensed mediator as selected by the parties, and in case the parties fail to select a licensed mediator, or if the mediation is assigned on the initiative of the court, the mediator shall be appointed by the court.

The licensed mediator shall be appointed from the list of mediators with relevant specialization, in alphabetical order of surnames, pursuant to specialisation and the workload of the licensed mediator. The licensed mediator having the least workload, with specialisation in the relevant field of disputable legal relationship, shall be selected irrespective of the alphabetical order of surnames.

Q253 (General Comment): Nowadays, Armenia does not have a mandatory mediation.

Q253 (2021): Article 184 (2) of Civil Procedure Code prescribes that if the judge believes that there is a great possibility of amicable settlement between the parties he/she may refer parties to 4 hour free of charge mediation. In 2021 there was no mandatory mediation in Armenia. However, a draft was elaborated and submitted to the Government for having a pilot mechanism of mandatory mediation for family cases. The draft was adopted by the National Assembly on November 16, 2022.

Q255 (General Comment): Armenia does not have mediation for administrative and criminal cases.

As it is stipulated in Mediation Law of the RA, the mediator is the independent, impartial, not interested in the outcome of the case physical person performing mediation for the purpose of the dispute resolution between the parties conciliation. The mediator has the right to perform the activities as personally, and in permanent organization mediator.

The licensed mediator is the physical person who received qualification of licensed mediator and registered in the register of licensed mediators the procedure established by this Law.

Can receive qualification of licensed mediator:

- 1) the person which reached 25-year age and having the higher education;
- 2) the former judge having at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its powers stopped based on the introduction in legal force of the accusatory court resolution adopted concerning it or the termination of criminal prosecution not on the justifying basis;
- 3) the scientist-lawyer having at least three years of experience of professional work in the field of the right.

Q256 (General Comment): By the decision of the Court- the parties he/she may refer parties to 4 hour free of charge mediation.

Q259 (2021): From the Law on Mediation it is obvious that there are three types of mediation - 1. the mediation based on mutual agreement of parties which is regulated by the same law, 2. the mediation based on court decision, which is regulated by the Civil Procedure Code, and 3. Financial mediation which is regulated by the Law on Financial Mediation system. It is worth to note that both 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008.

Azerbaijan

Q252 (2021): Comments According to the Law "On Mediation" at any stage of the proceedings, the court may, on its own initiative or at the request of one of the parties, offer to settle the dispute through mediation, taking into account the circumstances of the case. If an "Agreement on the Application of the Mediation Process" is concluded between the parties, the proceedings shall be suspended until a conciliation agreement and a protocol on the results of the mediation process are submitted. When a dispute between the parties is resolved through mediation, a settlement agreement shall be submitted to the court. If the court approves the submitted conciliation agreement, the proceedings on the case shall be terminated. The legislation does not provide for a mandatory mediation procedure. However, the law provides for a mandatory preliminary session on family, labor, and commercial disputes. This provision came into force in 2021.

Q254 (2021): It should be noted that the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021.

Q256 (2021): According to Article 36.3 of the Law on Mediation, a mediator or mediation organization carries out mediation on a paid basis. According to this Law, a mediator or mediation organization may, with its consent, carry out mediation on a free basis. At the same time, according to the "Rules for payment of mediation expenses at the expense of the state budget" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 360 dated August 16, 2019, the procedure for payment of mediation services at the expense of the state is envisaged.

Q257 (2021): During the reference year, mediation trainers were prepared with the involvement of international experts at the Academy of Justice, and taking into account the needs, more mediation candidates obtained mediator status by taking preparatory courses.

Q259 (2021): The Law "On Mediation" was adopted on 29.03.2019. But the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021. The provisions on voluntary mediation were in force in 2020.

Georgia

Q253 (2021): Mandatory mediation applies to the following fields: family disputes, labor cases, inheritance cases, neighborhood cases, shared property cases, property cases, which are under 20000 Gel by its value, the disputes, which involves the micro financial, bank or non-bank organizations, electronic contractual issues, if the value of the subject matter is under 10000 gel, non-property issues (such as, copyright cases, respect and dignity cases).

Q254 (2021): There is no mandatory informative sessions, but, according to the recommendation of the judge and if all parties agree, there is the possibility to try online or face-to-face mediation sessions, which is called "informative sessions" with the mediator.

Q256 (2021): Legal Aid for court-related mediation.

Republic of Moldova

Q252 (General Comment): In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by LP 31 of 17.03.17 (MO144-148 / 05.05.17) by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued). Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as

Q253 (General Comment): In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by Law No. 31 of 2017 entered into force on May 5, 2017, by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued).

Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the private mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as

Q254 (General Comment): There are not specific provisions concerning the mandatory informative sessions but in accordance with the Law on mediation the informative sessions are free of charge. Also, parties can establish by their agreement to benefit from mandatory informative sessions.

Q256 (General Comment): In July 2015, a new Law on mediation was adopted in order to foster the resort to the mediation procedure. Different measures are devised: legal aid, state fees exemptions, enforcement of transaction of mediation. According to art. 22 par. (7) of the Law no. 137 of July 3, 2015 on mediation, the parties may be assisted by lawyers during the mediation process and in the mediation process, a party or both parties have the right to benefit from the state-guaranteed services of a mediator in the manner prescribed by law.

Q257 (2021): According to the Law no.137 of 03.07.2015 on mediation, mediators must carry out their activities in an office or associate office. Thus, the number of active mediators in 2021 represents 214 (126 males and 88 females), or approximately 22 % from the total number of accredited mediators. Also, the reflected number is not including all first instance judges, except investigative judges, who have the legal duty to conduct the mediation process for certain civil disputes.

Q258 (2021): Taking into account that court related mediation is mandatory in the first column is reflected the number of cases related to mediation procedure in court in 2021.

Indicator 9- Alternative Dispute Resolution

by question No.

Question 252. Does the judicial system provide for court-related mediation procedures?

Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Question 255. Please specify, by type of cases, who provides court-related mediation services:

Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Question 252

Armenia

At any stage of the proceedings, the Court of First Instance or the Court of Appeal shall be entitled, with the consent of the parties or upon a motion filed by them, assign a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

Where there is a great possibility that the dispute may end in reconciliation, the court may, on its own initiative, assign a one-time free mediation process for up to four hours.

A mediation process may be assigned with respect to the whole judicial dispute, as well as a separate claim if separate disposition of that part is possible through a mediation process.

The court shall assign a mediation process by rendering a decision, indicating the persons participating in the case, the nature of the dispute between the parties, their claims, time limits for mediation, the name of the licensed mediator, other necessary data, the time and venue of the upcoming court session. The court shall appoint the licensed mediator as selected by the parties, and in case the parties fail to select a licensed mediator, or if the mediation is assigned on the initiative of the court, the mediator shall be appointed by the court.

The licensed mediator shall be appointed from the list of mediators with relevant specialization, in alphabetical order of surnames, pursuant to specialisation and the workload of the licensed mediator. The licensed mediator having the least workload, with specialisation in the relevant field of disputable legal relationship, shall be selected irrespective of the alphabetical order of surnames.

Azerbaijan

(2021): Comments According to the Law “On Mediation” at any stage of the proceedings, the court may, on its own initiative or at the request of one of the parties, offer to settle the dispute through mediation, taking into account the circumstances of the case. If an "Agreement on the Application of the Mediation Process" is concluded between the parties, the proceedings shall be suspended until a conciliation agreement and a protocol on the results of the mediation process are submitted. When a dispute between the parties is resolved through mediation, a settlement agreement shall be submitted to the court. If the court approves the submitted conciliation agreement, the proceedings on the case shall be terminated. The legislation does not provide for a mandatory mediation procedure. However, the law provides for a mandatory preliminary session on family, labor, and commercial disputes. This provision came into force in 2021.

Republic of Moldova

(General Comment): In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by LP 31 of 17.03.17 (MO144-148 / 05.05.17) by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued).

Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as

Question 253

Armenia

(General Comment): Nowadays, Armenia does not have a mandatory mediation.

(2021): Article 184 (2) of Civil Procedure Code prescribes that if the judge believes that there is a great possibility of amicable settlement between the parties he/she may refer parties to 4 hour free of charge mediation. In 2021 there was no mandatory mediation in Armenia. However, a draft was elaborated and submitted to the Government for having a pilot mechanism of mandatory mediation for family cases. The draft was adopted by the National Assembly on November 16, 2022.

Georgia

(2021): Mandatory mediation applies to the following fields: family disputes, labor cases, inheritance cases, neighborhood cases, shared property cases, property cases, which are under 20000 Gel by its value, the disputes, which involves the micro financial, bank or non-bank organizations, electronic contractual issues, if the value of the subject matter is under 10000 gel, non-property issues (such as, copyright cases, respect and dignity cases).

Republic of Moldova

(General Comment): In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by Law No. 31 of 2017 entered into force on May 5, 2017, by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued). Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the private mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as well.

Question 254

Azerbaijan

(2021): It should be noted that the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021.

Georgia

(2021): There is no mandatory informative sessions, but, according to the recommendation of the judge and if all parties agree, there is the possibility to try online or face-to-face mediation sessions, which is called "informative sessions" with the mediator.

Republic of Moldova

(General Comment): There are not specific provisions concerning the mandatory informative sessions but in accordance with the Law on mediation the informative sessions are free of charge. Also, parties can establish by their agreement to benefit from mandatory informative sessions.

Question 255

Armenia

(General Comment): Armenia does not have mediation for administrative and criminal cases.

As it is stipulated in Mediation Law of the RA, the mediator is the independent, impartial, not interested in the outcome of the case physical person performing mediation for the purpose of the dispute resolution between the parties conciliation. The mediator has the right to perform the activities as personally, and in permanent organization mediator.

The licensed mediator is the physical person who received qualification of licensed mediator and registered in the register of licensed mediators the procedure established by this Law.

Can receive qualification of licensed mediator:

- 1) the person which reached 25-year age and having the higher education;
- 2) the former judge having at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its powers stopped based on the introduction in legal force of the accusatory court resolution adopted concerning it or the termination of criminal prosecution not on the justifying basis;
- 3) the scientist-lawyer having at least three years of experience of professional work in the field of the right.

Question 256

Armenia

(General Comment): By the decision of the Court- the parties he/she may refer parties to 4 hour free of charge mediation.

Azerbaijan

(2021): According to Article 36.3 of the Law on Mediation, a mediator or mediation organization carries out mediation on a paid basis. According to this Law, a mediator or mediation organization may, with its consent, carry out mediation on a free basis. At the same time, according to the "Rules for payment of mediation expenses at the expense of the state budget" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 360 dated August 16, 2019, the procedure for payment of mediation services at the expense of the state is envisaged.

Georgia

(2021): Legal Aid for court-related mediation.

Republic of Moldova

(General Comment): In July 2015, a new Law on mediation was adopted in order to foster the resort to the mediation procedure. Different measures are devised: legal aid, state fees exemptions, enforcement of transaction of mediation. According to art. 22 par. (7) of the Law no. 137 of July 3, 2015 on mediation, the parties may be assisted by lawyers during the mediation process and in the mediation process, a party or both parties have the right to benefit from the state-guaranteed services of a mediator in the manner prescribed by law.

Question 257

Azerbaijan

(2021): During the reference year, mediation trainers were prepared with the involvement of international experts at the Academy of Justice, and taking into account the needs, more mediation candidates obtained mediator status by taking preparatory courses.

Republic of Moldova

(2021): According to the Law no.137 of 03.07.2015 on mediation, mediators must carry out their activities in an office or associate office. Thus, the number of active mediators in 2021 represents 214 (126 males and 88 females), or approximately 22 % from the total number of accredited mediators. Also, the reflected number is not including all first instance judges, except investigative judges, who have the legal duty to conduct the mediation process for certain civil disputes.

Question 258

Republic of Moldova

(2021): Taking into account that court related mediation is mandatory in the first column is reflected the number of cases related to mediation procedure in court in 2021.

Question 259

Armenia

(2021): From the Law on Mediation it is obvious that there are three types of mediation - 1. the mediation based on mutual agreement of parties which is regulated by the same law, 2. the mediation based on court decision, which is regulated by the Civil Procedure Code, and 3. Financial mediation which is regulated by the Law on Financial Mediation system. It is worth to note that both 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008.

Azerbaijan

(2021): The Law "On Mediation" was adopted on 29.03.2019. But the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021. The provisions on voluntary mediation were in force in 2020.

10. European Convention of Human Rights (ECHR) - Overview

Number of applications, judgements and cases considered as closed at the European Court of Human Rights in 2021 (Tables 10.1.3 and 10.1.4)

Beneficiaries	Applications allocated to an ECHR judicial formation		Number of judgments finding at least one violation of the ECHR		Number of cases considered as closed	
	2021	% Variation 2020 - 2021	2021	% Variation 2020 - 2021	2021	% Variation 2020 - 2021
Armenia	134	-37,1%	16	14,3%	15	36,4%
Azerbaijan	425	-19,0%	35	-5,4%	12	100,0%
Georgia	120	-7,7%	12	0,0%	2	-71,4%
Republic of Moldova	630	20,5%	48	71,4%	40	-21,6%
Ukraine	210	-95,1%	194	136,6%	126	16,7%
EaP Average	304	-27,7%	61	43,4%	39	12,0%

Figure 10.1 Applications allocated to an ECHR judicial formation in 2021 and % variation between 2020 and 2021

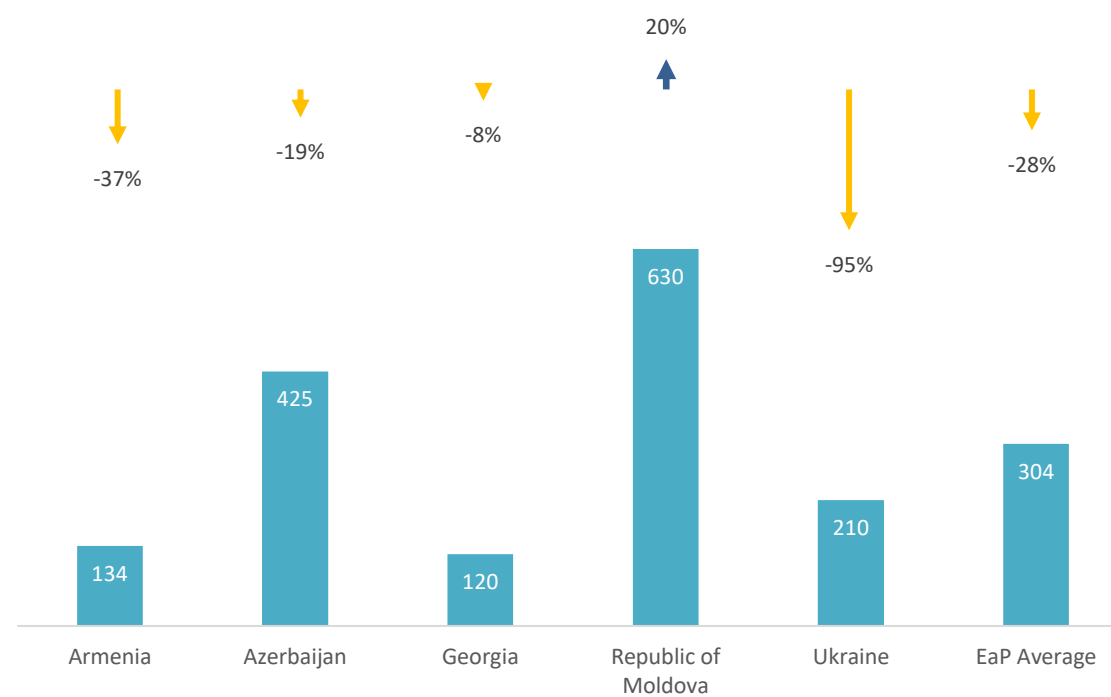
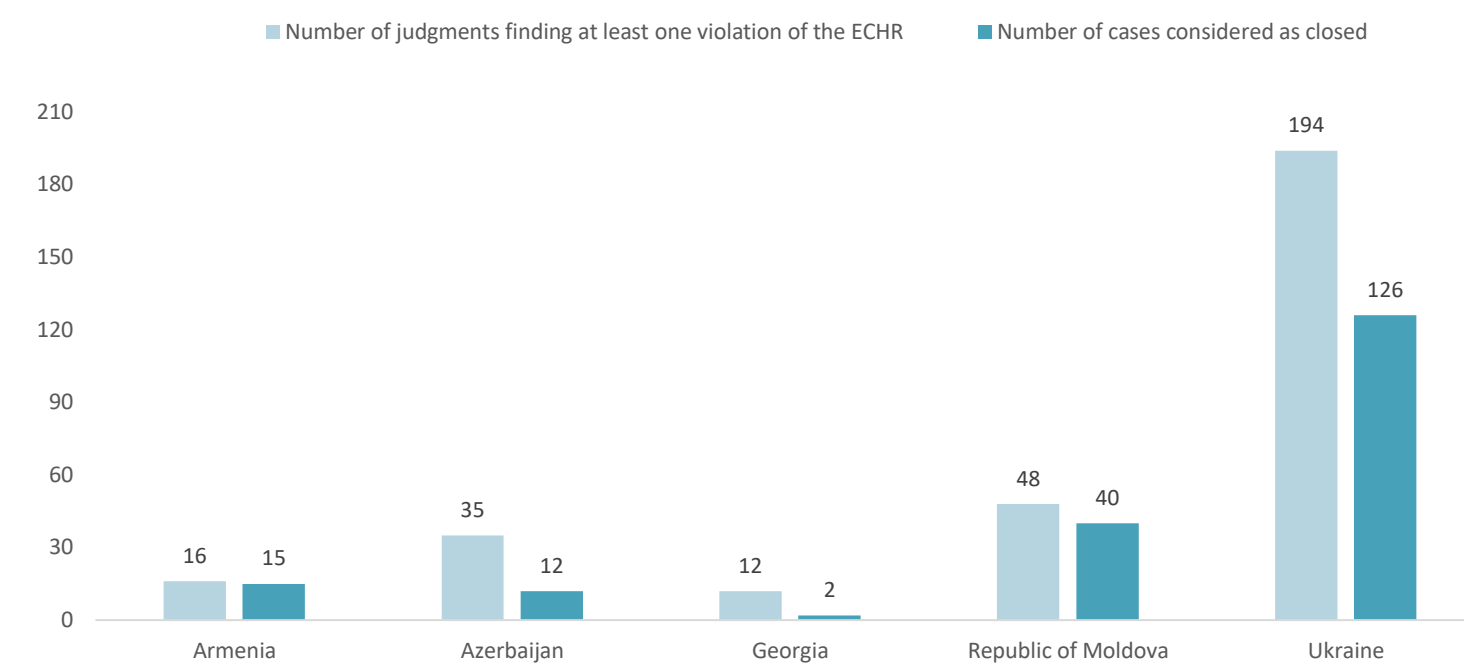


Figure 10.2 Number of judgements finding at least one violation of the ECHR and number of cases considered as closed in 2021



Source: European Court of Human Rights and Department of Execution of judgments of the Council of Europe

10. European Convention of Human Rights (ECHR) - List of tables

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case after a decision on violation of human rights by the ECHR in 2021 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2021 (Q262, Q263 and 236-1**)

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgements, in 2020 and 2021 (Q262 and Q263**)

Table 10.1.4 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process, in 2020 and 2021 (Q264***)

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case after a decision on violation of human rights by the ECHR in 2021 (Q260 and Q261)

Beneficiaries	Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case after a decision on violation of human rights by the ECHR in 2021			
	Monitoring system			Possibility to review a case at the national level
	Non-enforcement for civil procedures	Timeframe		
		For civil procedures	For criminal procedures	
Armenia	Yes	Yes	Yes	Yes
Azerbaijan	No	No	No	Yes
Georgia	Yes	Yes	Yes	Yes
Republic of Moldova	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes



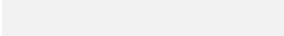
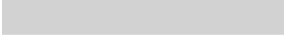
Yes	
No	
NA	
NAP	

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2021 (Q262, Q263 and 236-1)**

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgements in 2021					
	Number of applications allocated to a judicial formation of the European Court of Human Rights	Number of judgements		Judgements finding at least one violation of the Article 6 of the European Convention on Human Rights		
		Total	Judgements finding at least one violation	Right to a fair trial	Length of proceedings	Non-enforcement
Armenia	134	16	16	4	0	1
Azerbaijan	425	36	35	7	0	0
Georgia	120	13	12	7	1	0
Republic of Moldova	630	68	48	8	2	7
Ukraine	210	197	194	19	59	0
Average	304	66	61	9	12,4	1,6
Median	210	36	35	7	1	0
Minimum	120	13	12	4	0	0
Maximum	630	197	194	19	59	7

** Source ECHR

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgements, in 2020 and 2021 (Q262 and Q263)**

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgements, in 2020 and 2021					
	Number of applications allocated to a judicial formation of the European Court of Human Rights		Number of judgements			
			Total number		Judgements finding at least one violation	
	2020	2021	2020	2021	2020	2021
Armenia	213	134	14	16	14	16
Azerbaijan	525	425	37	36	37	35
Georgia	130	120	15	13	12	12
Republic of Moldova	523	630	32	68	28	48
Ukraine	4 271	210	86	197	82	194
Average	1132	304	37	66	35	61
Median	523	210	32	36	28	35
Minimum	130	120	14	13	12	12
Maximum	4271	630	86	197	82	194

** Source ECHR

Table 10.1.4 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process, in 2020 and 2021 (Q264^{*})**

Beneficiaries	Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process, in 2020 and 2021	
	2020	2021
Armenia	11	15
Azerbaijan	6	12
Georgia	7	2
Republic of Moldova	51	40
Ukraine	108	126
Average	36,6	39
Median	11	15
Minimum	6	2
Maximum	108	126
Nb of values	5	5
% of NA	0%	0%
% of NAP	0%	0%

^{***} Source Department of Execution of judgments of the Council of Europe

Indicator 10- ECtHR

by country

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?

Question 261. Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court

Armenia

Q260 (General Comment): The Office of the Representative on international legal matters monitors violations found in ECHR judgments within the execution of the judgments and decisions of the ECHR and case by case carries out general measures (dissemination, translation, drafting legislative amendments, etc.) depending on

Georgia

Q260 (2021): According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The para. p, Article 4 of the Statute the content and scope of the powers in this regard is set out the following: The powers of the Ministry of Justice among others include the development of proposals for the enforcement of judgments of the European Court of Human Rights against Georgia and the promotion of their implementation not only for the violation of the 6th article of the ECHR but also related to all the judgments regardless their matters. The Ministry of Justice of Georgia submits an annual report to the Parliament of Georgia on the enforcement of judgments by

Republic of Moldova

Q260 (General Comment): On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and decisions is also available on the Supreme Court of Justice's official website www.csj.md. Pursuant to the same Law no. 151 of 30 July 2015, the Government Agent notifies all the relevant authorities involved in a certain case about the issuance of a Court judgment in that case, by also proposing general measures aimed at preventing similar violations for the future. The evolution of cases at national level after the European Court of Human Rights found certain violations in those cases can be measured during the procedure of execution of those judgments at national level and within the supervision procedure of those judgments by the Committee of Ministers of the Council of Europe. The execution of both individual and general measures are subjected to

Q261 (General Comment): On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and decisions is also available on the Supreme Court of Justice's official website www.csj.md. Pursuant to the same Law no. 151 of 30 July 2015, the Government Agent notifies all the relevant authorities involved in a certain case about the issuance of a Court judgment in that case, by also proposing general measures aimed at preventing similar violations for the future. The evolution of cases at national level after the European Court of Human Rights found certain violations in those cases can be measured during the procedure of execution of those judgments at national level and within the supervision procedure of those judgments by the Committee of Ministers of the Council of Europe. The execution of both individual and general measures are subjected to

Ukraine

Q260 (General Comment): In this respect, it is the task of the Government Agent of Ukraine before the European Court of Human Rights, inter alia, to identify the reasons of violations of the European Convention on Human Rights (hereinafter the Convention), to develop proposals for taking measures aimed at eliminating the imperfection of a systemic nature, stated in the decisions of the ECtHR; to prepare and submit to the Committee of Ministers of the Council of Europe information and reports on the progress of Ukraine's enforcement of the ECtHR's decisions; to submit to the Ministry of Justice proposals on the methods of examination of draft laws and regulations, as well as legislative acts, for compliance with the Convention and the case-law of the ECtHR; to develop proposals to the curriculum for the study of the Convention and the case-law of the ECtHR; to submit proposals to the public authorities and local self-government bodies on possible ways of

Q261 (General Comment): According to Ukrainian legislation, one of the additional measures of individual character in respect of the enforcement of the ECHR decisions is restoration, as far as possible, of the previous legal status of the Claimant having place prior to the violation of the Convention (*restitutio in integrum*). The previous legal status of the Claimant shall be restored, in particular, by reviewing the case by a court, including through reopening proceedings on the case; via reconsideration of the case by administrative body.

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?

Question 261. Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court

Question 260

Armenia

(General Comment): The Office of the Representative on international legal matters monitors violations found in ECHR judgments within the execution of the judgments and decisions of the ECHR and case by case carries out general measures (dissemination, translation, drafting legislative amendments, etc.) depending on

Georgia

(2021): According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The para. p, Article 4 of the Statute the content and scope of the powers in this regard is set out the following: The powers of the Ministry of Justice among others include the development of proposals for the enforcement of judgments of the European Court of Human Rights against Georgia and the promotion of their implementation not only for the violation of the 6th article of the ECHR but also related to all the judgments regardless their matters. The Ministry of Justice of Georgia submits an annual report to the Parliament of Georgia on the enforcement of judgments by the European Court of

Republic of Moldova

(General Comment): On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and decisions is also available on the Supreme Court of Justice's official website www.csj.md. Pursuant to the same Law no. 151 of 30 July 2015, the Government Agent notifies all the relevant authorities involved in a certain case about the issuance of a Court judgment in that case, by also proposing general measures aimed at preventing similar violations for the future. The evolution of cases at national level after the European Court of Human Rights found certain violations in those cases can be measured during the procedure of execution of those judgments at national level and within the supervision procedure of those judgments by the Committee of Ministers of the Council of Europe. The execution of both individual and general measures are subjected to

Ukraine

(General Comment): In this respect, it is the task of the Government Agent of Ukraine before the European Court of Human Rights, inter alia, to identify the reasons of violations of the European Convention on Human Rights (hereinafter the Convention), to develop proposals for taking measures aimed at eliminating the imperfection of a systemic nature, stated in the decisions of the ECtHR; to prepare and submit to the Committee of Ministers of the Council of Europe information and reports on the progress of Ukraine's enforcement of the ECtHR's decisions; to submit to the Ministry of Justice proposals on the methods of examination of draft laws and regulations, as well as legislative acts, for compliance with the Convention and the case-law of the ECtHR; to develop proposals to the curriculum for the study of the Convention and the case-law of the ECtHR; to submit proposals to the public authorities and local self-government bodies on possible ways of

Question 261

Republic of Moldova

(General Comment): On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and decisions is also available on the Supreme Court of Justice's official website www.csj.md. Pursuant to the same Law no. 151 of 30 July 2015, the Government Agent notifies all the relevant authorities involved in a certain case about the issuance of a Court judgment in that case, by also proposing general measures aimed at preventing similar violations for the future. The evolution of cases at national level after the European Court of Human Rights found certain violations in those cases can be measured during the procedure of execution of those judgments at national level and within the supervision procedure of those judgments by the Committee of Ministers of the Council of Europe. The execution of both individual and general measures are subjected to

Ukraine

(General Comment): According to Ukrainian legislation, one of the additional measures of individual character in respect of the enforcement of the ECHR decisions is restoration, as far as possible, of the previous legal status of the Claimant having place prior to the violation of the Convention (*restitutio in integrum*). The previous legal status of the Claimant shall be restored, in particular, by reviewing the case by a court, including through reopening proceedings on the case; via reconsideration of the case by administrative body.

11. Council(s) for the judiciary - Overview

Number of members of the council(s) for the judiciary in 2021 (Table 11.1.2)

Beneficiaries	Single Council for the judiciary	Council only for judges	Council only for prosecutors
Armenia	NAP	10	18
Azerbaijan	NAP	15	NAP
Georgia	NAP	15	15
Republic of Moldova	NAP	15	15
Ukraine	21	32	13

Figure 11.1 Composition of the council for judges in 2021

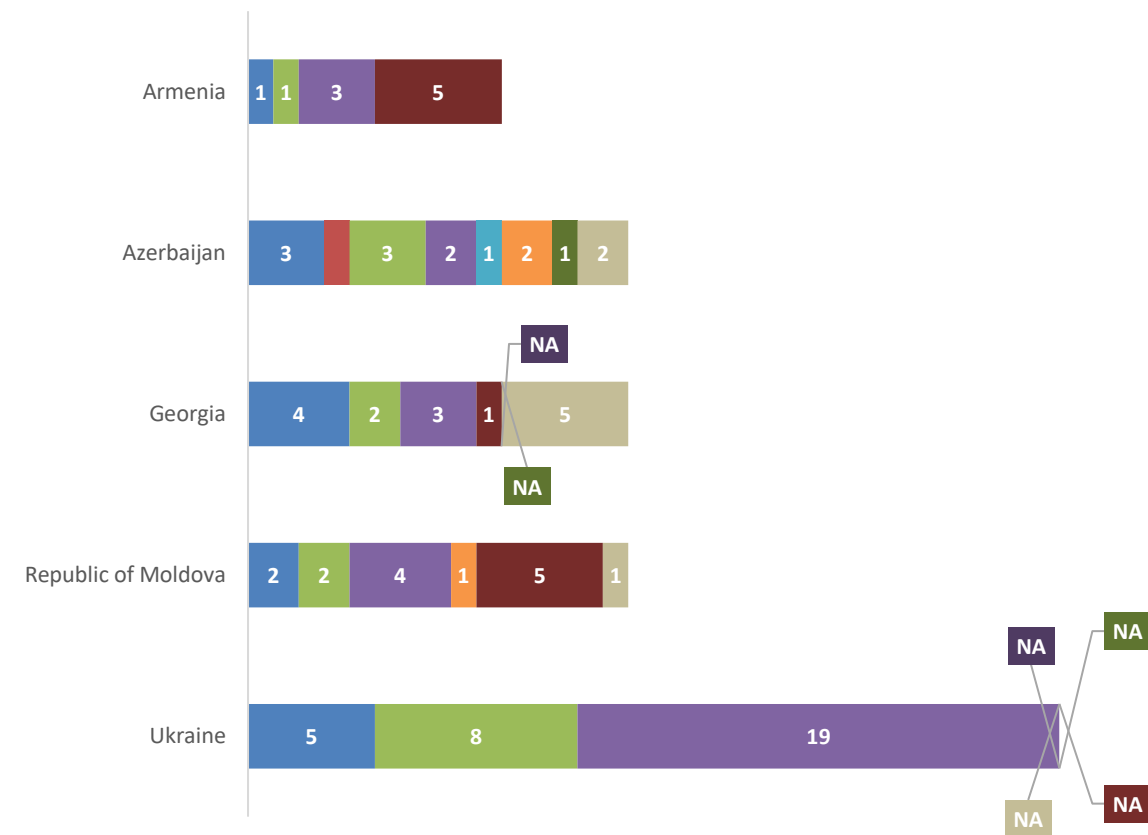
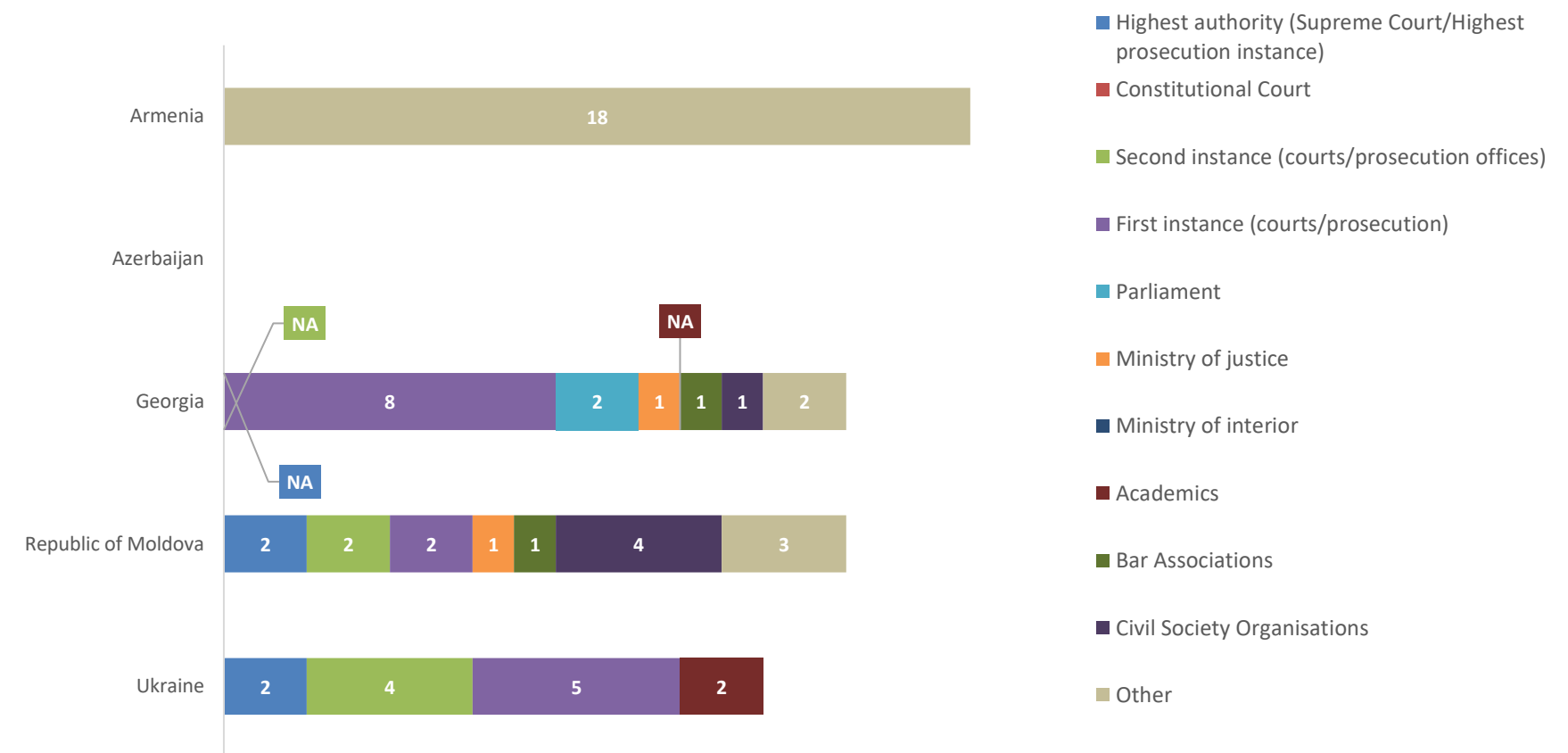


Figure 11.2 Composition of the council for prosecutors in 2021



11. Council for the judiciary - List of tables

Table 11.1.1 Competence of the council(s) for the judiciary and existence of selection criteria for non-judge/non-prosecutors members in 2021 (Q265 and Q268)

Table 11.1.2 Number of members and composition of the council(s) for judiciary in 2021 (Q266)

Table 11.1.3 Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2021 (Q269 and Q270)

Table 11.1.4 Accountability measures and competences of the council(s) for the judiciary in 2021 (Q273 and Q274)

Table 11.1.1 Competence of the council(s) for the judiciary and existence of selection criteria for non-judge/non-prosecutors members in 2021 (Q265 and Q268)

Beneficiaries	Competence of the council(s) for the judiciary and existence of selection criteria for non-judge/non-prosecutors members in 2021			
	Council(s) for the Judiciary			Existence of selection criteria for non-judge/non-prosecutor members in the council(s)
	Single council for the judiciary	Only for judges	Only for prosecutors	
Armenia				
Azerbaijan				
Georgia				
Republic of Moldova				
Ukraine				

Yes
No
NA
NAP

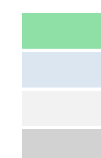


Table 11.1.2 Number of members and composition of the council(s) for judiciary in 2021 (Q266)

Beneficiaries	Number of members and composition of the council(s) for judiciary in 2021																																			
	Single council for the judiciary											Council only for judges										Council only for prosecutors														
	Total	Members proposed by:										Total	Members proposed by:									Total	Members proposed by:													
		Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations		Other	Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics		Bar Associations	Civil Society Organisations	Other	Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	10	1	NAP	1	3	NAP	NAP	NAP	5	NAP	NAP	NAP	18	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	18	
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	3	1	3	2	1	2	NAP	NAP	1	NAP	2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	4	NAP	2	3	NAP	NAP	NAP	1	NA	NA	5	15	NA	NAP	NA	8	2	1	NAP	NA	1	1	2	
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	2	NAP	2	4	NAP	1	NAP	5	NAP	NAP	1	15	2	NAP	2	2	NAP	1	NAP	NAP	1	4	3	
Ukraine	21	NAP	NAP	NAP	NAP	2	NAP	NAP	2	2	NAP	15	32	5	NAP	8	19	NAP	NAP	NAP	NA	NA	NA	13	2	NAP	4	5	NAP	NAP	NAP	2	NAP	NAP	NAP	

Table 11.1.3 Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2021 (Q269 and Q270)

Beneficiaries	Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2021											
	Term of office as member of the council (in years)			Conditions for the term of office of members of the council(s)								
				Single council for the judiciary			Council for judges only			Council for prosecutors only		
	Single council for the judiciary	Council for judges only	Council for prosecutors only	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure
Armenia	NAP	5	NAP									
Azerbaijan	NAP	5	NAP									
Georgia	NAP	4	4									
Republic of Moldova	NAP	4	4									
Ukraine	4	NAP	5									


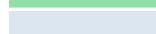
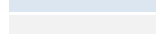


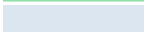
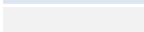
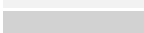
Yes 
 No 
 NA 
 NAP 

Table 11.1.4 Accountability measures and competences of the council(s) for the judiciary in 2021 (Q273 and Q274)

Beneficiaries	Accountability measures and competences of the council(s) for the judiciary in 2021																	
	Accountability measures in place regarding the activities of the council(s)												Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor					
	Single council for the judiciary				Council for judges only				Council for prosecutors only				Single council for the judiciary		Council for judges only		Council for prosecutors only	
	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	For judges	For prosecutors	For judges	For prosecutors	For judges	For prosecutors
Armenia																		
Azerbaijan																		
Georgia																		
Republic of Moldova																		
Ukraine																		

Yes 
 No 
 NA 
 NAP 

Indicator 11-Council for the judiciary/ Prosecutorial Council

by country

Question 265. Do you have a Council for the Judiciary?

Question 266. What is the composition of the Council(s)? Please specify the number of members from relevant bodies/institutions?

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 274. Is(Are) the Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor?

Armenia

Q265 (2021): The Supreme Judicial Council shall be an independent state body guaranteeing the independence of courts and judges through exercising the powers prescribed by the Constitution and this Law.

The Supreme Judicial Council shall be composed of ten members- judge and non-judge members.

Prosecution in Armenia does not have a Council, it has a board. The board functions in order to discuss fundamental issues related to the organization of the activities of the Prosecutor's Office.

Q266 (2021): According to Articles 173 and 174 of the Constitution: “The Supreme Judicial Council shall be an independent state body that guarantees the independence of courts and judges. The Supreme Judicial Council shall be composed of ten members. Five members of the Supreme Judicial Council shall be elected by the General Assembly of Judges, from among judges having at least ten years of experience as a judge. Judges from all court instances must be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court or chairperson of a chamber of the Court of Cassation. Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. The Judicial Code may prescribe incompatibility requirements for the members of the Supreme Judicial Council elected by the National Assembly. The Judicial Code may prescribe a requirement on the suspension of powers of judge-members while holding office in the Supreme Judicial Council. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council, successively from among the members elected by the General Assembly of Judges and the National Assembly. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code”.

Prosecution in Armenia does not have a Council, it has a Board.

In order to discuss fundamental issues related to the organization of the activities of the Prosecutor's Office, according to the Article 22 of the Law on "The Prosecutor's Office" a board shall function in the Prosecutor's Office, chaired by the Prosecutor General.

The Board of the Prosecutor's Office consists of the Prosecutor General, the Deputy Prosecutors General, the heads of the structural subdivisions of the Prosecutor

Q268 (2021): Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge.

Q269 (2021): Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. Each member of the Board of the Prosecutor's Office must hold the office until the end of his/her term. For example, the Prosecutor is elected for a term of six years, but there is no term specified for other member prosecutors and they will continue to hold an office until reaching the age of 65, which is the maximum age for occupying the position of a prosecutor.

Q270 (2021): Prosecutors mentioned by law are ex-officio members of the Board of the Prosecutor's Office, so they are not elected as members of the Board for some specific term and there is no specific rule for re-election.

But it should be noted that the same person may not be elected as Prosecutor General for more than two consecutive terms. So, the same person may not chair the Board for more than two consecutive terms.

Q273 (2021): The option "published activity reports" was selected for more accuracy, as the Supreme Judicial Council publishes information about its activities.

Q274 (2021): The Board of the Prosecutor's Office discusses the fundamental issues related to the organization of the activities. There is no regulation directly mentioned in the law on this issue.

Azerbaijan

Q266 (2021): 1 person appointed by the General Prosecutor's Office of the Republic of Azerbaijan;

1 person appointed by the President of Republic of Azerbaijan. According to Article 6 of Law on Judicial-Legal Council, the Council is composed of 15 members. Judicial-Legal Council is mainly composed of judges, representatives of executive and legislative bodies, prosecutor's office, as well as, bar association in the following manner: • head of the relevant executive body* (Minister of Justice) of the Republic of Azerbaijan; • President of the Supreme Court of the Republic of Azerbaijan; • person appointed by the President of Republic of Azerbaijan; • person appointed by Milli Majlis (parliament) of the Republic of Azerbaijan; • a judge appointed by the Constitutional Court of the Republic of Azerbaijan; • two judges of cassation instance court selected by the Supreme Court from among the candidates by the associations of judges; • two judges of the Court of Appeal selected by the Judicial Council from among the candidates offered by the associations of judges; • judge of the Supreme Court of Nakhchivan Autonomous Republic (NAR) selected by the NAR Supreme Court from among the candidates by the associations of judges; • two judges of the first instance courts, selected by the Judicial Council from among the candidates offered by the associations of judges; • person appointed by the head of the relevant executive body* (Ministry of Justice) of the Republic of Azerbaijan; • lawyer appointed by the Collegial Board of Bar Association of the Republic of Azerbaijan; • person appointed by the General Prosecutor's Office of the Republic of Azerbaijan. Minister of Justice of the Republic of Azerbaijan and the President of the Supreme Court of the Republic of Azerbaijan are ex officio members of the

Q268 (2021): The election/appointment of members of the Council, including non-judge members is regulated by Article 6 of the Law "on the Judicial-Legal Council". According to this article, non-judge members of the Council are appointed directly by the body they represent. As a rule, these bodies determine their representative by discussing them at the meetings.

Q274 (2021): According to Article 100 of Law on Court and Judges, in case of outside influence on the activities of the judge, he must apply to the Judicial Council. Article 11 of Law on Judicial-Legal Council, the Council takes measures to ensure independence of judges and to prevent meddling in their activity. As the additional guarantee for judges, in 2019 special hotline was introduced at the Council in order to receive applications from judges in case of interference with their activities. At the same time, any form of interference in the judicial process in order to impede the administration of justice is a criminal offense (Article 286 of the Criminal Code).

Georgia

governing body of judges of the common courts of Georgia consisting of all judges of all three instances, concrete number of how many judges should be selected from each Instance isn't determined. Information is filled according to the data of December 2021. Five non-judge members shall be elected by the Parliament of Georgia and one non-judge member shall be appointed by the President of Georgia among the Academics, lawyers or other Civil Society representatives with high professional experience and reputation - concrete number of how many Academics, Lawyers or Civil Society representatives should be elected as non-judge members isn't determined. The chairperson of the Supreme Court shall be ex officio member of the HCJ. PSG Comment: The Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. As of 2021, the procedure for the latest selection of non-prosecutorial members of the Prosecutorial Council was as follows:

- Conference of Prosecutors elected 8 members; There are no first Instance/second instance prosecution offices in Georgia
- The Parliament elected 2 members (MPs), one from the parliamentary majority and another from the MPs not belonging to the parliamentary majority;
- The High Council of Justice elected 2 members (judges) (mentioned in other category)
- The Parliament elected one member (lawyer), nominated by the Minister of Justice;
- The Parliament elected one member (lawyer), nominated by the Georgian Bar Association; • The Parliament elected one member (representative of the civil society), nominated by the non-commercial legal entity Civil Development Society.

Q268 (2021): PSG Comment: • In the case of prosecutorial part of the Council, the Conference should elect 8 members out of at least ¼ shall be of different gender; • A candidate, who is nominated by the Minister of Justice and elected by the Parliament, should have a higher education in law with a master's or equal academic degree and at least five years' experience of working as a lawyer;

- Two members, proposed by the High Council of Justice of Georgia should have at least five years' experience of working as a judge.
- For two members of the Council selected from among the civil society, legislation prescribes the following requirements: (a) Higher legal education with a master's or equal academic degree/higher education diploma; (b) at least 5 years of working experience in the legal specialty; (c) excellent reputation; (d) recognition as a specialist in the field of law. For two members of the Council elected by the Parliament of Georgia, one of them should be elected from the Parliamentary majority, the second one from minority

Q274 (2021): High Council of Justice of Georgia has the obligation to protect Judge from any kind of pressure or violation of Judges Independence or impartiality. If it is obvious that Judge has breached its obligation of independence or impartiality, High Council of Justice of Georgia can start disciplinary prosecution against Judge (after the opinion of Independent Inspector is presented).

Republic of Moldova

Other for SCP - the President of the SCM, the Ombudsman, the Chief-Prosecutor of the Gagauz Yeri Prosecution Office

In the period 01.01.2021-17.09.2021 the Superior Council of Magistracy consisted of 15 members, including:

- 3 ex officio members: the Prosecutor General, the President of the Supreme Court of Justice, the Minister of Justice
- 7 members elected by the General Assembly of Judges from among the judges in office, by secret, direct and freely expressed vote
- 5 members elected by competition from academics by the Parliament

In the period 17.09.2021-31.12.2021 the Superior Council of Magistracy consisted of 12 members, including:

- 3 ex officio members: the Prosecutor General, the President of the Supreme Court of Justice, the Minister of Justice
- 6 members elected by the General Assembly of Judges from among the judges in office, by secret, direct and freely expressed vote
- 3 members elected by competition from academics by the Parliament

In the period 01.01.2021-03.09.2021 the Superior Council of Prosecutors consisted of 15 members, including:

- 6 ex officio members: the Prosecutor General, the Chief Prosecutor of the Prosecutors Office of the ATU Gagauzia, the President of the Superior Council of Magistracy, the Minister of Justice, the President of the Lawyers Union and the Ombudsman;
- 5 members elected by the General Assembly of Prosecutors from among the prosecutors in office, by secret, direct and freely expressed vote, as follows:
 - one member from among the prosecutors of the General Prosecutors Office;
 - four members from the ranks of prosecutors from the territorial and specialised prosecution offices.
- 4 members elected by competition from civil society, as follows: one by the President of the Republic, one by the Parliament, one by the Government and one by the Academy of Sciences of Moldova.

In the period 03.09.2021-31.12.2021 the Superior Council of Prosecutors consisted of 12 members, including:

- 3 ex officio members: the President of the Superior Council of Magistracy (including interim), the Minister of Justice (including interim) and the Ombudsman;
- 5 members elected by the General Assembly of Prosecutors from among the prosecutors in office, by secret, direct and free vote, as follows:
 - one member from among the prosecutors of the General Prosecutors Office;
 - four members from the ranks of prosecutors from the territorial and specialised prosecution offices.

Q268 (2021): Criteria for non-judge members

1. Studies (Doctor of Juridical Science)
2. Competence (Law professor experience)
3. Reputation
4. Work programme as a SCM member

5. Interview organized by Parliament (4 questions regarding the field of competence candidate applied for) Criteria for non-prosecutor members for first phase:

1. Studies (licence in Law)
2. Experience (minimum 3 years)
3. Reputation
4. Citizenship of the Republic of Moldova
5. Knowledge of the official language of the Republic of Moldova
6. Mental capacity
7. Have not been convicted for a criminal offence
8. Age not more than 65 years

Second phase of selection consists from an interview organized by Parliament, President of the Republic of Moldova, the Academy of Sciences of Moldova (questions regarding the field of competence candidate applied for).

Q270 (2021): It is a full time position for SCM members elected from judges and a part time position for Academics and ex officio members.

It is a full time position for SCP members elected from prosecutors and a part time position for civil society organizations and ex officio members.

Q273 (2021): SCP useful links

<https://www.csp.md/>

<https://www.csp.md/transparenta/rapoarte-de-activitate>

<https://www.csp.md/transparenta/transparenta-decizionala>

<https://www.csp.md/transparenta/declaratii>

<https://www.csp.md/sites/default/files/2022-10/Bugetul%20pentru%20anul%202021.pdf>

<https://www.csp.md/transparenta/achizitii>

<https://www.csp.md/consiliu/consiliul-superior-al-procurorilor/sedinte>

<https://www.csp.md/consiliu/consiliul-superior-al-procurorilor/hotarari>

<https://www.csp.md/colegiu/colegiul-pentru-selectia-si-cariera-procurorilor/hotarari>

<https://www.csp.md/sites/default/files/2022-10/HOT%C4%82R%C3%82REA%20nr%204-1-2021.pdf>

<https://www.csp.md/colegiu/colegiul-de-disciplina-si-etica/hotarari1>

SCM useful links

www.csm.md

<https://www.csm.md/ro/hotaririle.html>

<https://www.csm.md/ro/sedinte/sedinte.html>

<https://www.csm.md/ro/activitatea/rapoarte-anuale.html>

<https://www.csm.md/ro/organe-subordonate.html>

Q274 (General Comment): According to paragraph 4, section VI, letter f) of the Rules of the Institution, the High Council of Prosecutors shall react ex officio or upon referral if it considers that the independence, impartiality or professional reputation of the prosecutor is affected in any way. If it reacts ex officio, the Council shall first consult the prosecutor concerned. Paragraph 188 of the Commentary to the Code of Ethics for Prosecutors states that the mechanism provided for in paragraph 4.1.VI. of the Rules of the High Council of Prosecutors provides that the PSC shall react ex officio or on referral if it considers that the independence, impartiality or professional reputation of prosecutors is affected in any way. If the PSC reacts ex officio, which means that it can also react in the event of a breach of the internal independence of the prosecutor by the senior prosecutor, the PSC must first consult the prosecutor concerned. In the same time SCM is a guarantor of the independence of judges.

Q274 (2021): A suspicion of a breach of the independence or the impartiality of a judge or pressure on a prosecutor can be a reason to start a disciplinary procedure against the related judge/prosecutor. This competence is granted by disciplinary branches within the Councils. The disciplinary procedure has several phases: it starts with receiving and checking the note/information about the suspected breach by the Judicial/Prosecutor's Inspections. It may continue with examining the disciplinary case by Disciplinary Committees and ends with a decision issued by Councils.

Ukraine

Ukraine on a permanent basis to ensure the independence of the judiciary, its functioning on the basis of responsibility, accountability to society, formation of a virtuous and highly professional corps of judges, compliance with the Constitution and laws of Ukraine, as well as professional ethics in the activities of judges and prosecutors. The High Council of Justice is competent mostly for judges, however, it also decides issues of violation of incompatibility requirements by prosecutor, as well as considers appeals against decisions of relevant bodies on bringing a prosecutor to disciplinary responsibility.

In addition, there is the Council of Judges of Ukraine, which is the highest body of judicial self-government acting as the executive body of the Congress of Judges of Ukraine.

In the period between all-Ukrainian conferences of prosecutors, the highest body of prosecutorial self-government is the Council of Prosecutors of Ukraine.

There is also the High Qualification Commission of Judges of Ukraine mostly competent for the career procedures and qualification evaluation of judges.

Q265 (2021): In Ukraine there are:

- Council of Judges of Ukraine (competent only for judges, Article 133 of the Law of Ukraine "On the Judiciary and Status of Judges");
- Council of Prosecutors of Ukraine (competent only for prosecutors, Article 71 of the Law of Ukraine "On Prosecution");
- High Council of Justice (competent for judges and prosecutors, Article 1 of the Law of Ukraine "On the High Council of Justice").

According to Article 131 of the Constitution of Ukraine, the High Council of Justice shall operate in Ukraine with the following issues being under its authority:

- 1) filing submissions for the judicial appointment;
- 2) adopting decisions on violations of incompatibility requirements by judges or prosecutors;
- 3) considering complaints against decisions of the relevant body on bringing judges or prosecutors to disciplinary responsibility;
- 4) adopting decisions on dismissal of judges;
- 5) giving consent to detain judges or hold them in custody;
- 6) adopting decisions on suspension of judges from the administration of justice;
- 7) taking measures on ensuring judicial independence;
- 8) adopting decisions on transferring judges from one court to another;
- 9) exercising other powers determined by this Constitution and the laws of Ukraine\

There is the High Council of Justice, which is a judicial governance body for judges and prosecutors.

At the same time, there are the Council of Judges of Ukraine, the Council of Prosecutors of Ukraine, and the Ukrainian Bar Association.

These bodies are bodies of judicial, prosecutorial and bar self-government. They consist only of judges, prosecutors and lawyers. They are responsible for resolving issues of internal activities of courts, prosecutors and lawyers.

At the same time, the High Council of Justice does not carry out disciplinary procedures against prosecutors and lawyers.

The body that carries out disciplinary proceedings against prosecutors is the Qualification and Disciplinary Commission of Prosecutors, which is a collegial body that, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed their intention to take up the position of a prosecutor and decides on the disciplinary liability of prosecutors, transfer and dismissal of prosecutors.

The same is true for advocates. Disciplinary proceedings against them are conducted by the Qualification and Disciplinary Commission of the Bar.

Q266 (General Comment): Single council for the judiciary (High Council of Justice): High Council of Justice consists of twenty-one members, ten of whom are elected by the Congress of Judges of Ukraine from among judges or retired judges, two are appointed by the President of Ukraine, two are elected by the Verkhovna Rada of Ukraine, two are elected by the Congress of Advocates of Ukraine, two are elected by the All-Ukrainian Conference of Prosecutors, two are elected by the Congress of Representatives of Higher Legal Educational and Scientific Institutions.

The Chairman of the Supreme Court is an ex-officio member of the High Council of Justice.

Q266 (2021): If we talk about the Council of Judges of Ukraine as a body of judicial self-government, then:

The Council of Judges of Ukraine is elected by the Congress of Judges of Ukraine. The Council of Judges of Ukraine consists of:

- 1) eleven judges from local general courts;
- 2) four judges from local administrative courts
- 3) four judges from local commercial courts;
- 4) four judges from the courts of appeal for civil, criminal and administrative offenses;
- 5) two judges from administrative courts of appeal;
- 6) two judges from commercial courts of appeal;
- 7) one judge from each of the higher specialized courts;
- 8) four judges of the Supreme Court.

As for the Council of Prosecutors of Ukraine:

It is elected at an all-Ukrainian conference of prosecutors, except for members elected by a congress of representatives of law schools and research institutions.

The Council of Prosecutors of Ukraine consists of thirteen members, including:

- 1) two representatives (prosecutors) from the Office of the Prosecutor General;
- 2) four representatives (prosecutors) from regional prosecutor's offices
- 3) five representatives (prosecutors) from district prosecutor's offices;
- 4) two representatives (academics) appointed by the Congress of Representatives of Law Schools and Research Institutions.

If we talk about the High Council of Justice as the Unified Council of the Judiciary, which is a body of judicial governance, then:

The High Council of Justice consists of twenty-one members, of which

ten are elected by the Congress of Judges of Ukraine from among judges or retired judges, two are appointed by the President of Ukraine, two are elected by the Verkhovna Rada of Ukraine, two are elected by the Congress of Advocates of Ukraine, two are elected by the All-Ukrainian Conference of Prosecutors, two are elected by a congress of representatives of law schools and research institutions.

The Chief Justice of the Supreme Court is an ex officio member of the High Council of Justice

of the High Council of Justice:

1. To be eligible for the election (appointment) to the High Council of Justice, a candidate must be a citizen of Ukraine who has attained the age of thirty five, has command of the state language, has a university degree in law and not less than fifteen years of working experience in the area of law, belongs to the legal profession and meets the criteria of political neutrality.
 2. Members of the High Council of Justice, except the President of the Supreme Court, shall perform their functions on a permanent basis.
 3. Members of the High Council of Justice shall be subject to requirements and restrictions established by the anti-corruption legislation.
 4. Members of the High Council of Justice shall be obliged to comply with the ethical standards for judges, both in their professional activity and beyond it.
 5. Members of the High Council of Justice shall meet the criteria of political neutrality. In particular, a person may not be elected (appointed) a member of the High Council of Justice if on the date of election (appointment) this person:
 - 1) is a member of or holds any position in any political party or another organisation with political goals or participates in political activities;
 - 2) is elected for an elected position in any state body (except judicial) or in a local self-government body and holds a representative mandate;
 - 3) participates in management or financing of a political campaign or in other political activities.
 6. Members of the High Council of Justice shall not take their position alongside with: any other involvement in a state authority or local self-government body, bodies of judicial, attorneys' or prosecutorial self-governance, being members of the Parliament of Ukraine, members of the Parliament of the Autonomous Republic of Crimea, members of oblast, district, city, city district, village, or township councils, being involved in business activities or any other salaried position (except the office of the President of the Supreme Court), being involved in any other paid work or receiving other salary than that of the member of the High Council of Justice (with the exception of lecturing, research, or creative work and the remuneration linked to it) or being members of management or supervisory boards of legal entities that aim for profit. Members of the High Council of Justice shall not be members of political parties, trade unions and shall not participate in any political activities.
 7. Persons who hold shares or have other corporate rights, property rights or ownership interest in any for-profit legal entity shall be obliged to place such shares (corporate rights), or other relevant rights under the management of an independent third party for the duration of the term in the office as a member of the High Council of Justice (without the right of instructing that party on the management of the shares or corporate or other rights or the exercise of associated rights). Members of the High Council of Justice may receive interest, dividends or other passive income from their own property.
 8. A judge serving as member of the High Council of Justice shall not administer justice (except for the President of the Supreme Court).
 9. A defence counsel serving as member of the High Council of Justice shall, for the duration of the term in the office, suspend his/her practice of law as prescribed by the law.
- A judge, a prosecutor, a defence counsel, while serving as a member of the High Council of Justice, shall not participate in self-governance bodies of judges, advocates or prosecutors.

publicity, political neutrality. A citizen of Ukraine, not younger than thirty-five years of age, who is proficient in the state language, has a higher legal education and at least fifteen years of professional experience in the field of law, belongs to the legal profession and meets the criteria of political neutrality, as well as the criteria of professional competence, professional ethics and integrity, may be elected (appointed) to the position of a member of the High Council of Justice (Articles 6, 7 of the Law of Ukraine "On the High Council of Justice").

Selection of candidates for the positions of members of the High Council of Justice is based on the criteria of professional competence, professional ethics and integrity. In order to elect a member of the High Council of Justice by the Congress of Judges of Ukraine, the Congress of Advocates of Ukraine, the Congress of Representatives of Law Schools and Research Institutions or the All-Ukrainian Conference of Prosecutors, the body convening the respective Congress or Conference shall notify the Secretariat of the High Council of Justice of the date and place of their holding no later than forty-five calendar days in advance.

No later than the next working day after the receipt of the notice of the date and place of the congress or conference, respectively, the Secretariat of the High Council of Justice shall publish on its official website an announcement stating

- 1) date and place of the congress or conference
- 2) information on the start of accepting documents for participation in the competition for the positions of members of the High Council of Justice (Article 9 of the Law of Ukraine "On the High Council of Justice").

The Council of Prosecutors of Ukraine consists of 2 representatives appointed from among scientists by the congress of representatives of law universities and scientific institutions (Article 71 of the Law of Ukraine "On the Prosecutor's Office").\

Proposals for candidates to the Council of Judges of Ukraine may be submitted by judges participating in the Congress of Judges of Ukraine.

Judges who hold administrative positions in courts or are members of the High Council of Justice or the High Qualifications Commission of Judges of Ukraine may not be elected to the Council of Judges of Ukraine. In case of election of a member of the Council of Judges of Ukraine to an administrative position in a court, his/her powers in the Council of Judges of Ukraine are terminated.

A member of the High Council of Justice must meet the criterion of political neutrality. In particular, a person may not be elected (appointed) as a member of the High Council of Justice if, on the day of election (appointment):

- 1) is a member of or holds a position in a political party or other organization that has political goals or is involved in political activities
- 2) is elected to an elected position in a public authority (except for the judiciary) or local self-government body, has a representative mandate;
- 3) participates in the organization or financing of political campaigning or other political activities.

A member of the High Council of Justice shall not have the right to combine his/her position with any position in a state or local government body, judicial, bar or prosecutorial self-government body, with the status of a Member of Parliament of Ukraine, a Member of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city, district in a city, village, settlement council, with entrepreneurial activity, hold any other paid position (except for the position of the Chief Justice), perform any other paid work or receive any other remuneration A member of the High Council of Justice may not belong to political parties, trade

Q269 (2021): The term of office of a member of the Council of Prosecutors of Ukraine is five years without the right to be re-elected.

Members of the High Council of Justice are elected (appointed) for a term of four years. The same person cannot hold the position of a member of the High Council of Justice for two consecutive terms.

The terms of office of the Council of Judges of Ukraine are not defined, but the next congress of judges of Ukraine is held at least once every 2 years. The Congress of Judges of Ukraine has the right to raise the issue of re-election of members of the Council of Judges of Ukraine, but may not do so. The law does not set any restrictions on the number of terms of office in the Council of Judges of Ukraine.

Q270 (2021): According to part 2 of Article 5 of the Law, members of the High Council of Justice shall be elected (appointed) for a term of four years. The same person may not hold the office of a member of the High Council of Justice for two subsequent terms. 3. If the High Council of Justice becomes non-functional due to the expiration of the term in the office of its member, the corresponding member of the High Council of Justice shall continue to serve until his/her successor is elected (appointed) but in any case not longer than three months from the date of expiration of the term of office for which this member of the High Council of Justice was elected (appointed).

The provisions of the Law of Ukraine "On the Prosecutor's Office" dated 14.10.2014 No. 1697-VII introduce prosecutorial self-government (entered into force on 15.04.2017).

According to Art. 71 of the Law, the Council of Prosecutors of Ukraine, as a body of prosecutorial self-government:

- makes recommendations on the appointment and dismissal of prosecutors from administrative positions in the cases provided for by this Law;
- organizes the implementation of measures to ensure the independence of prosecutors, improving the state of organizational support for the activities of prosecutors' offices;
- considers issues of legal protection of prosecutors, social protection of prosecutors and their family members and makes appropriate decisions on these issues;
- considers appeals by prosecutors and other messages on threats to the independence of prosecutors, takes appropriate measures based on the consequences of the review;
- appeals to state authorities and local self-government bodies with proposals for solving the issues of the prosecutor's office operation;
- supervises the implementation of decisions of prosecutorial self-government bodies;
- provides an explanation regarding compliance with the requirements of the legislation regarding the settlement of conflicts of interest in the activities of prosecutors, the head or members of the relevant body conducting disciplinary proceedings;
- exercises other powers provided for by this Law.

The Council of Prosecutors of Ukraine is also empowered to provide recommendations for the appointment and dismissal of prosecutors from such administrative positions as First Deputy and Deputy Prosecutor General; the head of the regional prosecutor's office, his first deputy and deputy; head of the district prosecutor's

Q271 (General Comment): In respect of the powers of the High Council of Justice, the paragraph 13-1 of the part one of Article 3 of the Law was excluded on the basis of Law № 1629-IX of 13.07.2021.

Q273 (2021): Information on the activities of the High Council of Justice, including decisions taken, is published on its official website: <https://hcj.gov.ua/>

Information on the activities of the Council of Prosecutors of Ukraine, including decisions taken, is published on its official website:

<https://rpu.gp.gov.ua/ua/krada/normosnovu.html>

Article 124 of the Constitution).

According to Article 126 of the Constitution of Ukraine, the independence and immunity of judges shall be guaranteed by the Constitution and the laws of Ukraine. In accordance with the constitutional principles of separation of powers, the judicial authority in Ukraine shall be exercised by independent and impartial courts established by law.

According to Article 6 of the Law of Ukraine "On the Judiciary and the Status of Judges", in administering justice, courts shall be independent of any illegal influence. Courts shall administer justice on the basis of the Constitution and the laws of Ukraine and governed by the rule of law.

Any referring to the court regarding the consideration of specific cases which are made by citizens, organisations or officials who, in accordance with the law, are not participants of the respective trial, shall not be considered by the court unless otherwise provided by law.

Interference with the administration of justice, attempts to influence the court or judges in any way, contempt of court or judges, collection, storage, use and dissemination of information orally, in writing or otherwise in order to discredit the court or affect the impartiality of the court, calls for non-compliance with court decisions shall be prohibited and shall result in statutory sanctions.

Government and local authorities as well as their officials shall refrain from statements and actions that may undermine judicial independence.

Judicial independence shall be ensured by a special procedure for his/her appointment, prosecution, dismissal and termination of his/her powers; the legal immunity of the judge; the irremovability of the judge; the procedure for the administration of justice which is determined by the procedural law, the secrecy of judges' chambers; the prohibition of interference in the administration of justice; the sanctions for contempt of court or judge; a special procedure for financing and organisational support of the courts which is established by law; the proper compensation and social security of the judge; operation of judicial administration and self-government bodies; the means of ensuring the personal security of the judge, his/her family and assets, as well as other means of their legal protection as determined by law; the right of the judge to resign. (Part 5 of Article 48 of the Law of Ukraine "On the Judiciary and the Status of Judges").

Article 73 of the Law of Ukraine "On the High Council of Justice" defines measures to guarantee the independence of judges and the authority of justice, which are taken by the High Council of Justice in order to guarantee the independence of judges and the authority of justice.

According to Article 73 of the Law of Ukraine "On the High Council of Justice", in order to guarantee the independence of judges and the authority of justice, the High Council of Justice on its official website holds and publishes the register of statements of judges concerning the interference in the functioning of a judge regarding the administration of justice, checks such statements, publishes the findings and adopts the respective decisions.

According to the fourth part of Article 48 of the Law of Ukraine "On the Judiciary and the Status of Judges", the judge shall be obliged to notify the High Council of Justice and the Prosecutor General of any interference with his/her administration of justice as a judge.

As of December 31, 2021, the register of reports of statements of judges concerning the interference in the functioning of a judge regarding the administration of justice, which is published on the official website of the High Council of Justice, contained 1,846 reports of interference by judges, of which:

in 2016 - 23 statements;

Indicator 11-Council for the judiciary/ Prosecutorial Council

by question No.

Question 265. Do you have a Council for the Judiciary?

Question 266. What is the composition of the Council(s)? Please specify the number of members from relevant bodies/institutions?

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 274. Is(Are) the Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor?

Question 265

Armenia

(2021): The Supreme Judicial Council shall be an independent state body guaranteeing the independence of courts and judges through exercising the powers prescribed by the Constitution and this Law.

The Supreme Judicial Council shall be composed of ten members- judge and non-judge members.

Prosecution in Armenia does not have a Council, it has a board. The board functions in order to discuss fundamental issues related to the organization of the activities of the Prosecutor's Office.

Ukraine

a permanent basis to ensure the independence of the judiciary, its functioning on the basis of responsibility, accountability to society, formation of a virtuous and highly professional corps of judges, compliance with the Constitution and laws of Ukraine, as well as professional ethics in the activities of judges and prosecutors. The High Council of Justice is competent mostly for judges, however, it also decides issues of violation of incompatibility requirements by prosecutor, as well as considers appeals against decisions of relevant bodies on bringing a prosecutor to disciplinary responsibility.

In addition, there is the Council of Judges of Ukraine, which is the highest body of judicial self-government acting as the executive body of the Congress of Judges of Ukraine.

In the period between all-Ukrainian conferences of prosecutors, the highest body of prosecutorial self-government is the Council of Prosecutors of Ukraine.

There is also the High Qualification Commission of Judges of Ukraine mostly competent for the career procedures and qualification evaluation of judges.

(2021): In Ukraine there are:

- Council of Judges of Ukraine (competent only for judges, Article 133 of the Law of Ukraine "On the Judiciary and Status of Judges");
- Council of Prosecutors of Ukraine (competent only for prosecutors, Article 71 of the Law of Ukraine "On Prosecution");
- High Council of Justice (competent for judges and prosecutors, Article 1 of the Law of Ukraine "On the High Council of Justice").

According to Article 131 of the Constitution of Ukraine, the High Council of Justice shall operate in Ukraine with the following issues being under its authority:

- 1) filing submissions for the judicial appointment;
- 2) adopting decisions on violations of incompatibility requirements by judges or prosecutors;
- 3) considering complaints against decisions of the relevant body on bringing judges or prosecutors to disciplinary responsibility;
- 4) adopting decisions on dismissal of judges;
- 5) giving consent to detain judges or hold them in custody;
- 6) adopting decisions on suspension of judges from the administration of justice;
- 7) taking measures on ensuring judicial independence;
- 8) adopting decisions on transferring judges from one court to another;
- 9) exercising other powers determined by this Constitution and the laws of Ukraine\

There is the High Council of Justice, which is a judicial governance body for judges and prosecutors.

At the same time, there are the Council of Judges of Ukraine, the Council of Prosecutors of Ukraine, and the Ukrainian Bar Association.

These bodies are bodies of judicial, prosecutorial and bar self-government. They consist only of judges, prosecutors and lawyers. They are responsible for resolving issues of internal activities of courts, prosecutors and lawyers.

At the same time, the High Council of Justice does not carry out disciplinary procedures against prosecutors and lawyers.

The body that carries out disciplinary proceedings against prosecutors is the Qualification and Disciplinary Commission of Prosecutors, which is a collegial body that, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed their intention to take up the position of a prosecutor and decides on the disciplinary liability of prosecutors, transfer and dismissal of prosecutors.

The same is true for advocates. Disciplinary proceedings against them are conducted by the Qualification and Disciplinary Commission of the Bar.

Question 266

Armenia

(2021): According to Articles 173 and 174 of the Constitution: “The Supreme Judicial Council shall be an independent state body that guarantees the independence of courts and judges. The Supreme Judicial Council shall be composed of ten members. Five members of the Supreme Judicial Council shall be elected by the General Assembly of Judges, from among judges having at least ten years of experience as a judge. Judges from all court instances must be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court or chairperson of a chamber of the Court of Cassation. Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. The Judicial Code may prescribe incompatibility requirements for the members of the Supreme Judicial Council elected by the National Assembly. The Judicial Code may prescribe a requirement on the suspension of powers of judge-members while holding office in the Supreme Judicial Council. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council, successively from among the members elected by the General Assembly of Judges and the National Assembly. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code”.

Prosecution in Armenia does not have a Council, it has a Board.

In order to discuss fundamental issues related to the organization of the activities of the Prosecutor's Office, according to the Article 22 of the Law on "The Prosecutor's Office" a board shall function in the Prosecutor's Office, chaired by the Prosecutor General.

The Board of the Prosecutor's Office consists of the Prosecutor General, the Deputy Prosecutors General, the heads of the structural subdivisions of the Prosecutor

Azerbaijan

(2021): 1 person appointed by the General Prosecutor's Office of the Republic of Azerbaijan;

1 person appointed by the President of Republic of Azerbaijan. According to Article 6 of Law on Judicial-Legal Council, the Council is composed of 15 members. Judicial-Legal Council is mainly composed of judges, representatives of executive and legislative bodies, prosecutor's office, as well as, bar association in the following manner: • head of the relevant executive body* (Minister of Justice) of the Republic of Azerbaijan; • President of the Supreme Court of the Republic of Azerbaijan; • person appointed by the President of Republic of Azerbaijan; • person appointed by Milli Majlis (parliament) of the Republic of Azerbaijan; • a judge appointed by the Constitutional Court of the Republic of Azerbaijan; • two judges of cassation instance court selected by the Supreme Court from among the candidates by the associations of judges; • two judges of the Court of Appeal selected by the Judicial Council from among the candidates offered by the associations of judges; • judge of the Supreme Court of Nakhchivan Autonomous Republic (NAR) selected by the NAR Supreme Court from among the candidates by the associations of judges; • two judges of the first instance courts, selected by the Judicial Council from among the candidates offered by the associations of judges; • person appointed by the head of the relevant executive body* (Ministry of Justice) of the Republic of Azerbaijan; • lawyer appointed by the Collegial Board of Bar Association of the Republic of Azerbaijan; • person appointed by the General Prosecutor's Office of the Republic of Azerbaijan. Minister of Justice of the Republic of Azerbaijan and the President of the Supreme Court of the Republic of Azerbaijan are ex officio members of the

Georgia

(2021): High Council of Justice - HCJ shall consist of 15 members. Eight judge members of the HCJ, shall be elected by the Conference of Judges - a self-governing body of judges of the common courts of Georgia consisting of all judges of all three instances, concrete number of how many judges should be selected from each Instances isn't determined. Information is filled according the data of December 2021. Five non-judge members shall be elected by the Parliament of Georgia and one non-judge member shall be appointed by the President of Georgia among the Academics, lawyers or other Civil Society representatives with high professional experience and reputation - concrete number of how many Academics, Lawyers or Civil Society representatives should be elected as non-judge members isn't determined. The chairperson of the Supreme Court shall be ex officio member of the HCJ. PSG Comment: The Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. As of 2021, the procedure for the latest selection of non-prosecutorial members of the Prosecutorial Council was as follows:

- Conference of Prosecutors elected 8 members; There are no first Instance/second instance prosecution offices in Georgia
- The Parliament elected 2 members (MPs), one from the parliamentary majority and another from the MPs not belonging to the parliamentary majority;
- The High Council of Justice elected 2 members (judges) (mentioned in other category)
- The Parliament elected one member (lawyer), nominated by the Minister of Justice;
- The Parliament elected one member (lawyer), nominated by the Georgian Bar Association; • The Parliament elected one member (representative of the civil society), nominated by the non-commercial legal entity Civil Development Society.

Republic of Moldova

Other for SCP - the President of the SCM, the Ombudsman, the Chief-Prosecutor of the Gagauz Yeri Prosecution Office

In the period 01.01.2021-17.09.2021 the Superior Council of Magistracy consisted of 15 members, including:

- 3 ex officio members: the Prosecutor General, the President of the Supreme Court of Justice, the Minister of Justice
- 7 members elected by the General Assembly of Judges from among the judges in office, by secret, direct and freely expressed vote
- 5 members elected by competition from academics by the Parliament

In the period 17.09.2021-31.12.2021 the Superior Council of Magistracy consisted of 12 members, including:

- 3 ex officio members: the Prosecutor General, the President of the Supreme Court of Justice, the Minister of Justice
- 6 members elected by the General Assembly of Judges from among the judges in office, by secret, direct and freely expressed vote
- 3 members elected by competition from academics by the Parliament

In the period 01.01.2021-03.09.2021 the Superior Council of Prosecutors consisted of 15 members, including:

- 6 ex officio members: the Prosecutor General, the Chief Prosecutor of the Prosecutors Office of the ATU Gagauzia, the President of the Superior Council of Magistracy, the Minister of Justice, the President of the Lawyers Union and the Ombudsman;
- 5 members elected by the General Assembly of Prosecutors from among the prosecutors in office, by secret, direct and freely expressed vote, as follows:
 - one member from among the prosecutors of the General Prosecutors Office;
 - four members from the ranks of prosecutors from the territorial and specialised prosecution offices.
- 4 members elected by competition from civil society, as follows: one by the President of the Republic, one by the Parliament, one by the Government and one by the Academy of Sciences of Moldova.

In the period 03.09.2021-31.12.2021 the Superior Council of Prosecutors consisted of 12 members, including:

- 3 ex officio members: the President of the Superior Council of Magistracy (including interim), the Minister of Justice (including interim) and the Ombudsman;
- 5 members elected by the General Assembly of Prosecutors from among the prosecutors in office, by secret, direct and free vote, as follows:
 - one member from among the prosecutors of the General Prosecutors Office;
 - four members from the ranks of prosecutors from the territorial and specialised prosecution offices.

Ukraine

(General Comment): Single council for the judiciary (High Council of Justice): High Council of Justice consists of twenty-one members, ten of whom are elected by the Congress of Judges of Ukraine from among judges or retired judges, two are appointed by the President of Ukraine, two are elected by the Verkhovna Rada of Ukraine, two are elected by the Congress of Advocates of Ukraine, two are elected by the All-Ukrainian Conference of Prosecutors, two are elected by the Congress of Representatives of Higher Legal Educational and Scientific Institutions.

The Chairman of the Supreme Court is an ex-officio member of the High Council of Justice.

(2021): If we talk about the Council of Judges of Ukraine as a body of judicial self-government, then:

The Council of Judges of Ukraine is elected by the Congress of Judges of Ukraine. The Council of Judges of Ukraine consists of:

- 1) eleven judges from local general courts;
- 2) four judges from local administrative courts
- 3) four judges from local commercial courts;
- 4) four judges from the courts of appeal for civil, criminal and administrative offenses;
- 5) two judges from administrative courts of appeal;
- 6) two judges from commercial courts of appeal;
- 7) one judge from each of the higher specialized courts;
- 8) four judges of the Supreme Court.

As for the Council of Prosecutors of Ukraine:

It is elected at an all-Ukrainian conference of prosecutors, except for members elected by a congress of representatives of law schools and research institutions.

The Council of Prosecutors of Ukraine consists of thirteen members, including:

- 1) two representatives (prosecutors) from the Office of the Prosecutor General;
- 2) four representatives (prosecutors) from regional prosecutor's offices
- 3) five representatives (prosecutors) from district prosecutor's offices;
- 4) two representatives (academics) appointed by the Congress of Representatives of Law Schools and Research Institutions.

If we talk about the High Council of Justice as the Unified Council of the Judiciary, which is a body of judicial governance, then:

The High Council of Justice consists of twenty-one members, of which

ten are elected by the Congress of Judges of Ukraine from among judges or retired judges, two are appointed by the President of Ukraine, two are elected by the Verkhovna Rada of Ukraine, two are elected by the Congress of Advocates of Ukraine, two are elected by the All-Ukrainian Conference of Prosecutors, two are elected by a congress of representatives of law schools and research institutions.

The Chief Justice of the Supreme Court is an ex officio member of the High Council of Justice

Question 268

Armenia

(2021): Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge.

Azerbaijan

(2021): The election/appointment of members of the Council, including non-judge members is regulated by Article 6 of the Law "on the Judicial-Legal Council". According to this article, non-judge members of the Council are appointed directly by the body they represent. As a rule, these bodies determine their representative by discussing them at the meetings.

Georgia

(2021): PSG Comment: •~~In~~ the case of prosecutorial part of the Council, the Conference should elect 8 members out of at least ¼ shall be of different gender; •~~A~~ candidate, who is nominated by the Minister of Justice and elected by the Parliament, should have a higher education in law with a master's or equal academic degree and at least five years' experience of working as a lawyer;

- ~~T~~wo members, proposed by the High Council of Justice of Georgia should have at least five years' experience of working as a judge.
- ~~F~~or two members of the Council selected from among the civil society, legislation prescribes the following requirements: (a) Higher legal education with a master's or equal academic degree/higher education diploma; (b) at least 5 years of working experience in the legal specialty; (c) excellent reputation; (d) recognition as a specialist in the field of law. For two members of the Council elected by the Parliament of Georgia, one of them should be elected from the Parliamentary majority, the second one from minority

Republic of Moldova

(2021): Criteria for non-judge members

1. Studies (Doctor of Juridical Science)
 2. Competence (Law professor experience)
 3. Reputation
 4. Work programme as a SCM member
 5. Interview organized by Parliament (4 questions regarding the field of competence candidate applied for)
- Criteria for non-prosecutor members for first phase:

1. Studies (licence in Law)
2. Experience (minimum 3 years)
3. Reputation
4. Citizenship of the Republic of Moldova
5. Knowledge of the official language of the Republic of Moldova
6. Mental capacity
7. Have not been convicted for a criminal offence
8. Age not more than 65 years

Second phase of selection consists from an interview organized by Parliament, President of the Republic of Moldova, the Academy of Sciences of Moldova (questions regarding the field of competence candidate applied for).

Ukraine

the High Council of Justice:

1. To be eligible for the election (appointment) to the High Council of Justice, a candidate must be a citizen of Ukraine who has attained the age of thirty five, has command of the state language, has a university degree in law and not less than fifteen years of working experience in the area of law, belongs to the legal profession and meets the criteria of political neutrality.
 2. Members of the High Council of Justice, except the President of the Supreme Court, shall perform their functions on a permanent basis.
 3. Members of the High Council of Justice shall be subject to requirements and restrictions established by the anti-corruption legislation.
 4. Members of the High Council of Justice shall be obliged to comply with the ethical standards for judges, both in their professional activity and beyond it.
 5. Members of the High Council of Justice shall meet the criteria of political neutrality. In particular, a person may not be elected (appointed) a member of the High Council of Justice if on the date of election (appointment) this person:
 - 1) is a member of or holds any position in any political party or another organisation with political goals or participates in political activities;
 - 2) is elected for an elected position in any state body (except judicial) or in a local self-government body and holds a representative mandate;
 - 3) participates in management or financing of a political campaign or in other political activities.
 6. Members of the High Council of Justice shall not take their position alongside with: any other involvement in a state authority or local self-government body, bodies of judicial, attorneys' or prosecutorial self-governance, being members of the Parliament of Ukraine, members of the Parliament of the Autonomous Republic of Crimea, members of oblast, district, city, city district, village, or township councils, being involved in business activities or any other salaried position (except the office of the President of the Supreme Court), being involved in any other paid work or receiving other salary than that of the member of the High Council of Justice (with the exception of lecturing, research, or creative work and the remuneration linked to it) or being members of management or supervisory boards of legal entities that aim for profit. Members of the High Council of Justice shall not be members of political parties, trade unions and shall not participate in any political activities.
 7. Persons who hold shares or have other corporate rights, property rights or ownership interest in any for-profit legal entity shall be obliged to place such shares (corporate rights), or other relevant rights under the management of an independent third party for the duration of the term in the office as a member of the High Council of Justice (without the right of instructing that party on the management of the shares or corporate or other rights or the exercise of associated rights). Members of the High Council of Justice may receive interest, dividends or other passive income from their own property.
 8. A judge serving as member of the High Council of Justice shall not administer justice (except for the President of the Supreme Court).
 9. A defence counsel serving as member of the High Council of Justice shall, for the duration of the term in the office, suspend his/her practice of law as prescribed by the law.
- A judge, a prosecutor, a defence counsel, while serving as a member of the High Council of Justice, shall not participate in self-governance bodies of judges, advocates or prosecutors.

publicity, political neutrality. A citizen of Ukraine, not younger than thirty-five years of age, who is proficient in the state language, has a higher legal education and at least fifteen years of professional experience in the field of law, belongs to the legal profession and meets the criteria of political neutrality, as well as the criteria of professional competence, professional ethics and integrity, may be elected (appointed) to the position of a member of the High Council of Justice (Articles 6, 7 of the Law of Ukraine "On the High Council of Justice").

Selection of candidates for the positions of members of the High Council of Justice is based on the criteria of professional competence, professional ethics and integrity. In order to elect a member of the High Council of Justice by the Congress of Judges of Ukraine, the Congress of Advocates of Ukraine, the Congress of Representatives of Law Schools and Research Institutions or the All-Ukrainian Conference of Prosecutors, the body convening the respective Congress or Conference shall notify the Secretariat of the High Council of Justice of the date and place of their holding no later than forty-five calendar days in advance.

No later than the next working day after the receipt of the notice of the date and place of the congress or conference, respectively, the Secretariat of the High Council of Justice shall publish on its official website an announcement stating

- 1) date and place of the congress or conference
- 2) information on the start of accepting documents for participation in the competition for the positions of members of the High Council of Justice (Article 9 of the Law of Ukraine "On the High Council of Justice").

The Council of Prosecutors of Ukraine consists of 2 representatives appointed from among scientists by the congress of representatives of law universities and scientific institutions (Article 71 of the Law of Ukraine "On the Prosecutor's Office").\

Proposals for candidates to the Council of Judges of Ukraine may be submitted by judges participating in the Congress of Judges of Ukraine.

Judges who hold administrative positions in courts or are members of the High Council of Justice or the High Qualifications Commission of Judges of Ukraine may not be elected to the Council of Judges of Ukraine. In case of election of a member of the Council of Judges of Ukraine to an administrative position in a court, his/her powers in the Council of Judges of Ukraine are terminated.

A member of the High Council of Justice must meet the criterion of political neutrality. In particular, a person may not be elected (appointed) as a member of the High Council of Justice if, on the day of election (appointment):

- 1) is a member of or holds a position in a political party or other organization that has political goals or is involved in political activities
- 2) is elected to an elected position in a public authority (except for the judiciary) or local self-government body, has a representative mandate;
- 3) participates in the organization or financing of political campaigning or other political activities.

A member of the High Council of Justice shall not have the right to combine his/her position with any position in a state or local government body, judicial, bar or prosecutorial self-government body, with the status of a Member of Parliament of Ukraine, a Member of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city, district in a city, village, settlement council, with entrepreneurial activity, hold any other paid position (except for the position of the Chief Justice), perform any other paid work or receive any other remuneration A member of the High Council of Justice may not belong to political parties, trade

Question 269

Armenia

(2021): Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. Each member of the Board of the Prosecutor's Office must hold the office until the end of his/her term. For example, the Prosecutor is elected for a term of six years, but there is no term specified for other member prosecutors and they will continue to hold an office until reaching the age of 65, which is the maximum age for occupying the position of a prosecutor.

Ukraine

(2021): The term of office of a member of the Council of Prosecutors of Ukraine is five years without the right to be re-elected.

Members of the High Council of Justice are elected (appointed) for a term of four years. The same person cannot hold the position of a member of the High Council of Justice for two consecutive terms.

The terms of office of the Council of Judges of Ukraine are not defined, but the next congress of judges of Ukraine is held at least once every 2 years. The Congress of Judges of Ukraine has the right to raise the issue of re-election of members of the Council of Judges of Ukraine, but may not do so. The law does not set any restrictions on the number of terms of office in the Council of Judges of Ukraine.

Question 270

Armenia

(2021): Prosecutors mentioned by law are ex-officio members of the Board of the Prosecutor's Office, so they are not elected as members of the Board for some specific term and there is no specific rule for re-election.

But it should be noted that the same person may not be elected as Prosecutor General for more than two consecutive terms. So, the same person may not chair the Board for more than two consecutive terms.

Republic of Moldova

(2021): It is a full time position for SCM members elected from judges and a part time position for Academics and ex officio members.

It is a full time position for SCP members elected from prosecutors and a part time position for civil society organizations and ex officio members.

Ukraine

(2021): According to part 2 of Article 5 of the Law, members of the High Council of Justice shall be elected (appointed) for a term of four years. The same person may not hold the office of a member of the High Council of Justice for two subsequent terms. 3. If the High Council of Justice becomes non-functional due to the expiration of the term in the office of its member, the corresponding member of the High Council of Justice shall continue to serve until his/her successor is elected (appointed) but in any case not longer than three months from the date of expiration of the term of office for which this member of the High Council of Justice was elected (appointed).

The provisions of the Law of Ukraine "On the Prosecutor's Office" dated 14.10.2014 No. 1697-VII introduce prosecutorial self-government (entered into force on 15.04.2017).

According to Art. 71 of the Law, the Council of Prosecutors of Ukraine, as a body of prosecutorial self-government:

- makes recommendations on the appointment and dismissal of prosecutors from administrative positions in the cases provided for by this Law;
- organizes the implementation of measures to ensure the independence of prosecutors, improving the state of organizational support for the activities of prosecutors' offices;
- considers issues of legal protection of prosecutors, social protection of prosecutors and their family members and makes appropriate decisions on these issues;
- considers appeals by prosecutors and other messages on threats to the independence of prosecutors, takes appropriate measures based on the consequences of the review;
- appeals to state authorities and local self-government bodies with proposals for solving the issues of the prosecutor's office operation;
- supervises the implementation of decisions of prosecutorial self-government bodies;
- provides an explanation regarding compliance with the requirements of the legislation regarding the settlement of conflicts of interest in the activities of prosecutors, the head or members of the relevant body conducting disciplinary proceedings;
- exercises other powers provided for by this Law.

The Council of Prosecutors of Ukraine is also empowered to provide recommendations for the appointment and dismissal of prosecutors from such administrative positions as First Deputy and Deputy Prosecutor General; the head of the regional prosecutor's office, his first deputy and deputy; head of the district prosecutor's

Question 271

Ukraine

(General Comment): In respect of the powers of the High Council of Justice, the paragraph 13-1 of the part one of Article 3 of the Law was excluded on the basis of Law № 1629-IX of 13.07.2021.

Question 273

Armenia

(2021): The option "published activity reports" was selected for more accuracy, as the Supreme Judicial Council publishes information about its activities.

Republic of Moldova

(2021): SCP useful links

<https://www.csp.md/>

<https://www.csp.md/transparenta/rapoarte-de-activitate>

<https://www.csp.md/transparenta/transparenta-decizionala>

<https://www.csp.md/transparenta/declaratii>

<https://www.csp.md/sites/default/files/2022-10/Bugetul%20pentru%20anul%202021.pdf>

<https://www.csp.md/transparenta/achizitii>

<https://www.csp.md/consiliu/consiliul-superior-al-procurorilor/sedinte>

<https://www.csp.md/consiliu/consiliul-superior-al-procurorilor/hotarari>

<https://www.csp.md/colegiu/colegiul-pentru-selectia-si-cariera-procurorilor/hotarari>

<https://www.csp.md/sites/default/files/2022-10/HOT%C4%82R%C3%82REA%20nr%204-1-2021.pdf>

<https://www.csp.md/colegiu/colegiul-de-disciplina-si-etica/hotarari1>

SCM useful links

www.csm.md

<https://www.csm.md/ro/hotaririle.html>

<https://www.csm.md/ro/sedinte/sedinte.html>

<https://www.csm.md/ro/activitatea/rapoarte-anuale.html>

<https://www.csm.md/ro/organe-subordonate.html>

Ukraine

(2021): Information on the activities of the High Council of Justice, including decisions taken, is published on its official website: <https://hcj.gov.ua/>

Information on the activities of the Council of Prosecutors of Ukraine, including decisions taken, is published on its official website:

<https://rpu.gp.gov.ua/ua/krada/normosnovu.html>

Question 274

Armenia

(2021): The Board of the Prosecutor's Office discusses the fundamental issues related to the organization of the activities. There is no regulation directly mentioned in the law on this issue.

Azerbaijan

(2021): According to Article 100 of Law on Court and Judges, in case of outside influence on the activities of the judge, he must apply to the Judicial Council. Article 11 of Law on Judicial-Legal Council, the Council takes measures to ensure independence of judges and to prevent meddling in their activity. As the additional guarantee for judges, in 2019 special hotline was introduced at the Council in order to receive applications from judges in case of interference with their activities. At the same time, any form of interference in the judicial process in order to impede the administration of justice is a criminal offense (Article 286 of the Criminal Code).

Georgia

(2021): High Council of Justice of Georgia has the obligation to protect Judge from any kind of pressure or violation of Judges Independence or impartiality. If its obvious that Judge has breached its obligation of independence or impartiality, High council of Justice of Georgia can start disciplinary prosecution against Judge (after the opinion of Independent Inspector is presented).

Republic of Moldova

(General Comment): According to paragraph 4, section VI, letter f) of the Rules of the Institution, the High Council of Prosecutors shall react ex officio or upon referral if it considers that the independence, impartiality or professional reputation of the prosecutor is affected in any way. If it reacts ex officio, the Council shall first consult the prosecutor concerned. Paragraph 188 of the Commentary to the Code of Ethics for Prosecutors states that the mechanism provided for in paragraph 4.1.VI. of the Rules of the High Council of Prosecutors provides that the PSC shall react ex officio or on referral if it considers that the independence, impartiality or professional reputation of prosecutors is affected in any way. If the PSC reacts ex officio, which means that it can also react in the event of a breach of the internal independence of the prosecutor by the senior prosecutor, the PSC must first consult the prosecutor concerned. In the same time SCM is a guarantor of the independence of judges.

(2021): A suspicion of a breach of the independence or the impartiality of a judge or pressure on a prosecutor can be a reason to start a disciplinary procedure against the related judge/prosecutor. This competence is granted by disciplinary branches within the Councils. The disciplinary procedure has several phases: it starts with receiving and checking the note/information about the suspected breach by the Judicial/Prosecutor's Inspections. It may continue with examining the disciplinary case by Disciplinary Committees and ends with a decision issued by Councils.

Ukraine

124 of the Constitution).

According to Article 126 of the Constitution of Ukraine, the independence and immunity of judges shall be guaranteed by the Constitution and the laws of Ukraine. In accordance with the constitutional principles of separation of powers, the judicial authority in Ukraine shall be exercised by independent and impartial courts established by law.

According to Article 6 of the Law of Ukraine "On the Judiciary and the Status of Judges", in administering justice, courts shall be independent of any illegal influence. Courts shall administer justice on the basis of the Constitution and the laws of Ukraine and governed by the rule of law.

Any referring to the court regarding the consideration of specific cases which are made by citizens, organisations or officials who, in accordance with the law, are not participants of the respective trial, shall not be considered by the court unless otherwise provided by law.

Interference with the administration of justice, attempts to influence the court or judges in any way, contempt of court or judges, collection, storage, use and dissemination of information orally, in writing or otherwise in order to discredit the court or affect the impartiality of the court, calls for non-compliance with court decisions shall be prohibited and shall result in statutory sanctions.

Government and local authorities as well as their officials shall refrain from statements and actions that may undermine judicial independence.

Judicial independence shall be ensured by a special procedure for his/her appointment, prosecution, dismissal and termination of his/her powers; the legal immunity of the judge; the irremovability of the judge; the procedure for the administration of justice which is determined by the procedural law, the secrecy of judges' chambers; the prohibition of interference in the administration of justice; the sanctions for contempt of court or judge; a special procedure for financing and organisational support of the courts which is established by law; the proper compensation and social security of the judge; operation of judicial administration and self-government bodies; the means of ensuring the personal security of the judge, his/her family and assets, as well as other means of their legal protection as determined by law; the right of the judge to resign. (Part 5 of Article 48 of the Law of Ukraine "On the Judiciary and the Status of Judges").

Article 73 of the Law of Ukraine "On the High Council of Justice" defines measures to guarantee the independence of judges and the authority of justice, which are taken by the High Council of Justice in order to guarantee the independence of judges and the authority of justice.

According to Article 73 of the Law of Ukraine "On the High Council of Justice", in order to guarantee the independence of judges and the authority of justice, the High Council of Justice on its official website holds and publishes the register of statements of judges concerning the interference in the functioning of a judge regarding the administration of justice, checks such statements, publishes the findings and adopts the respective decisions.

According to the fourth part of Article 48 of the Law of Ukraine "On the Judiciary and the Status of Judges", the judge shall be obliged to notify the High Council of Justice and the Prosecutor General of any interference with his/her administration of justice as a judge.

As of December 31, 2021, the register of reports of statements of judges concerning the interference in the functioning of a judge regarding the administration of justice, which is published on the official website of the High Council of Justice, contained 1,846 reports of interference by judges, of which:
in 2016 - 23 statements;

12. Gender Equality - Overview

Distribution of court professionals by gender

Distribution of court professionals by gender and its variation between 2020 and 2021 (Tables 12.1.1, 12.1.3 and 12.1.5)

Beneficiaries	Court presidents				Professional judges				Non- judge staff			
	Male	Female	Variation 2020 - 2021		Male	Female	Variation 2020 - 2021		Male	Female	Variation 2020 - 2021	
			Male	Female			Male	Female			Male	Female
Armenia	76,5%	23,5%	-23,5	23,5	72,9%	27,1%	-0,4	0,4	27,6%	72,4%	-	-
Azerbaijan	98,9%	1,1%	0,9	-0,9	83,2%	16,8%	-2,5	2,5	51,7%	48,3%	-1,8	1,8
Georgia	85,7%	14,3%	0,7	-0,7	46,1%	53,9%	-0,1	0,1	34,7%	65,3%	-0,6	0,6
Republic of Moldova	70,0%	30,0%	-20,0	20,0	52,0%	48,0%	1,6	-1,6	18,5%	81,5%	-1,4	1,4
Ukraine	63,0%	37,0%	1,1	-1,1	40,0%	60,0%	-6,2	6,2	17,9%	82,1%	-2,9	2,9
EaP Average	78,8%	21,2%	-8,2	8,2	58,8%	41,2%	-1,5	1,5	30%	70%	-1,7	1,7

Figure 12.1 Distribution of the total male and female court presidents in 2021

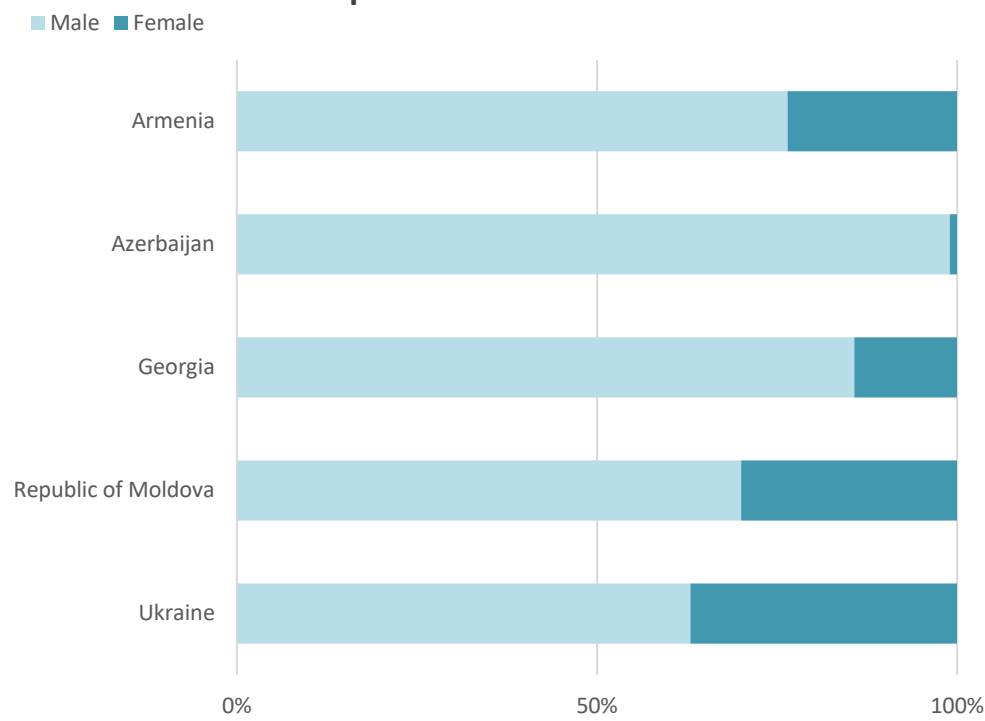


Figure 12.2 Distribution of the total male and female judges in 2021

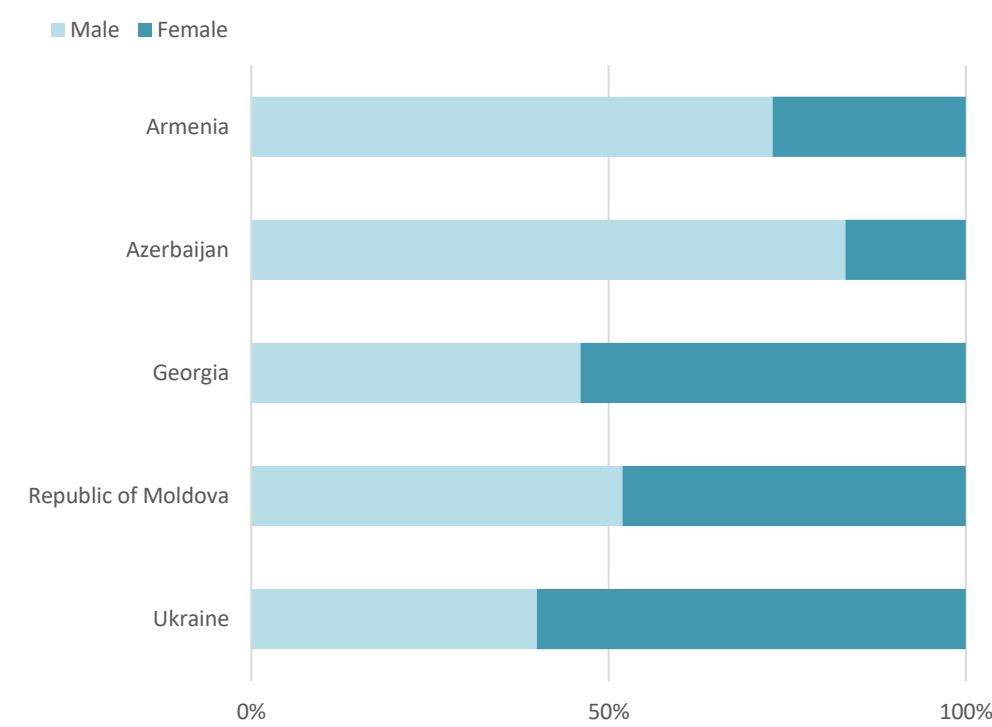
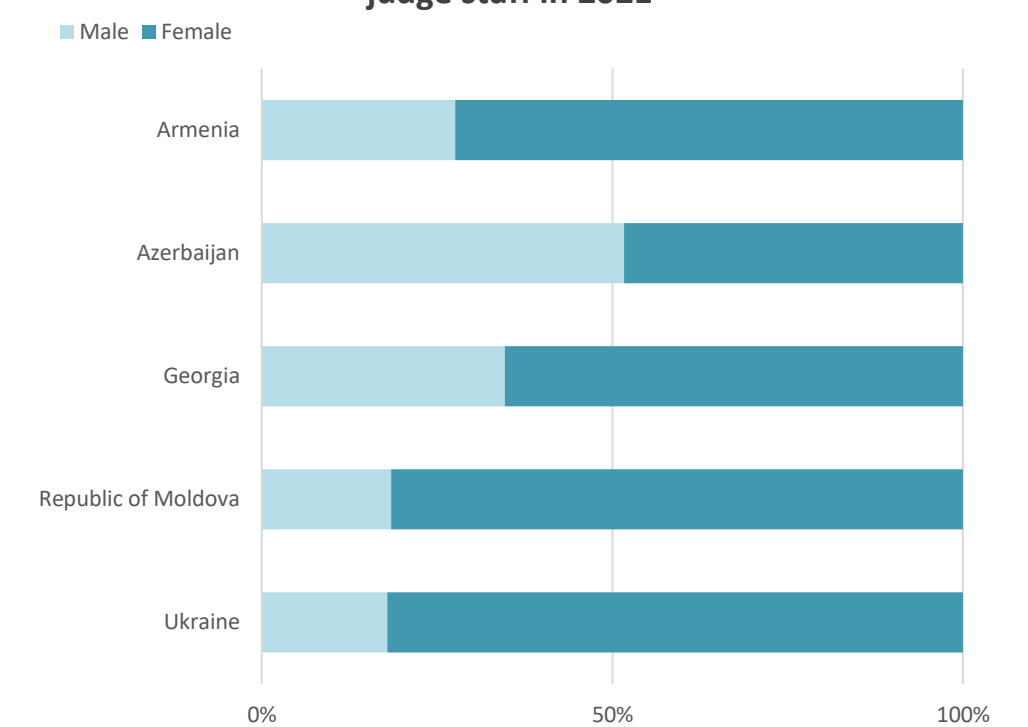


Figure 12.3 Distribution of the total male and female non-judge staff in 2021



Distribution of prosecution services professionals by gender

Distribution of prosecution services professionals by gender and its variation between 2020 and 2021 (Tables 12.2.1, 12.2.3 and 12.2.5)

Beneficiaries	Heads of prosecution services				Prosecutors				Non-prosecutor staff			
	Male	Female	Variation 2020 - 2021		Male	Female	Variation 2020 - 2021		Male	Female	Variation 2020 - 2021	
			Male	Female			Male	Female			Male	Female
Armenia	97,6%	2,4%	-0,1	0,1	83,4%	16,6%	-2,8	2,8	16,0%	84,0%	-0,5	0,5
Azerbaijan	NA	NA	NA	NA	92,8%	7,3%	-0,6	0,6	NA	NA	NA	NA
Georgia	86,2%	13,8%	-1,1	1,1	66,4%	33,6%	-1,7	1,7	53,0%	47,0%	0,3	-0,3
Republic of Moldova	88,4%	11,6%	-5,0	5,0	67,6%	32,4%	-1,0	1,0	29,6%	70,4%	7,7	-7,7
Ukraine	94,6%	5,4%	-1,0	1,0	63,1%	36,9%	3,5	-3,5	NA	NA	NA	NA
EaP Average	92%	8%	-1,8	1,8	75%	25%	-0,5	0,5	33%	67%	2,5	-2,5

Figure 12.4 Distribution of the total male and female heads of prosecution services in 2021

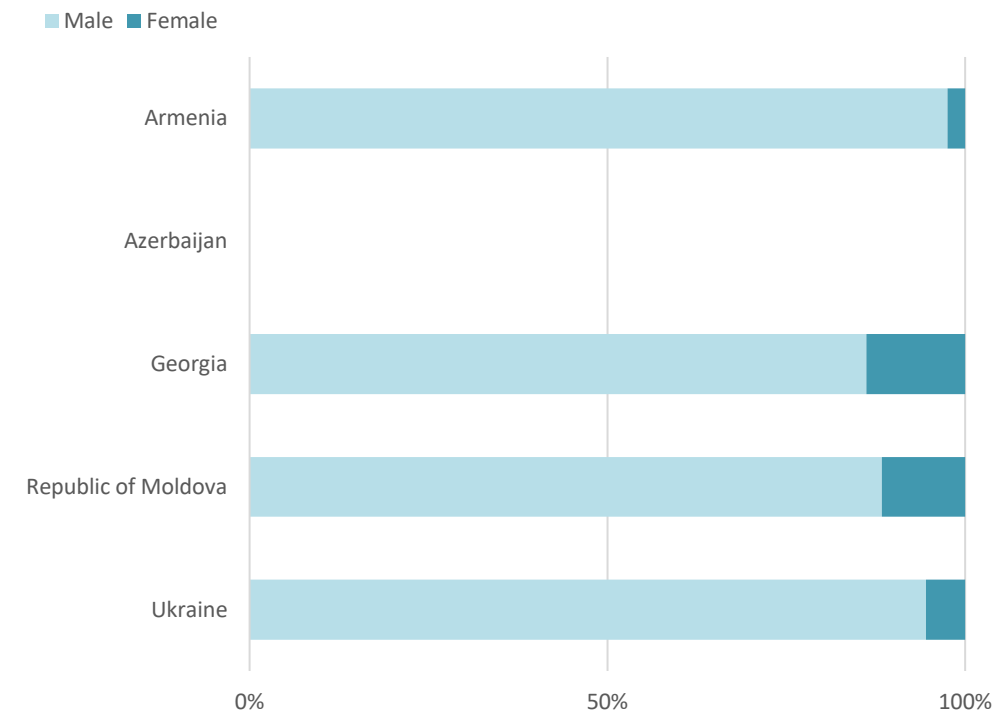


Figure 12.5 Distribution of the total male and female prosecutors in 2021

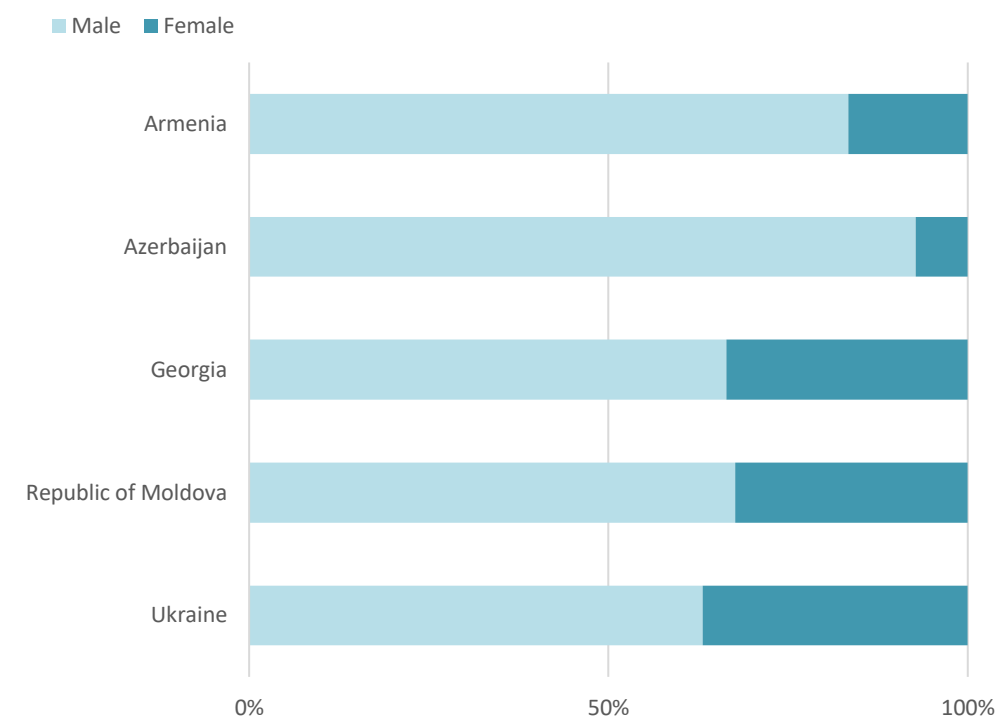
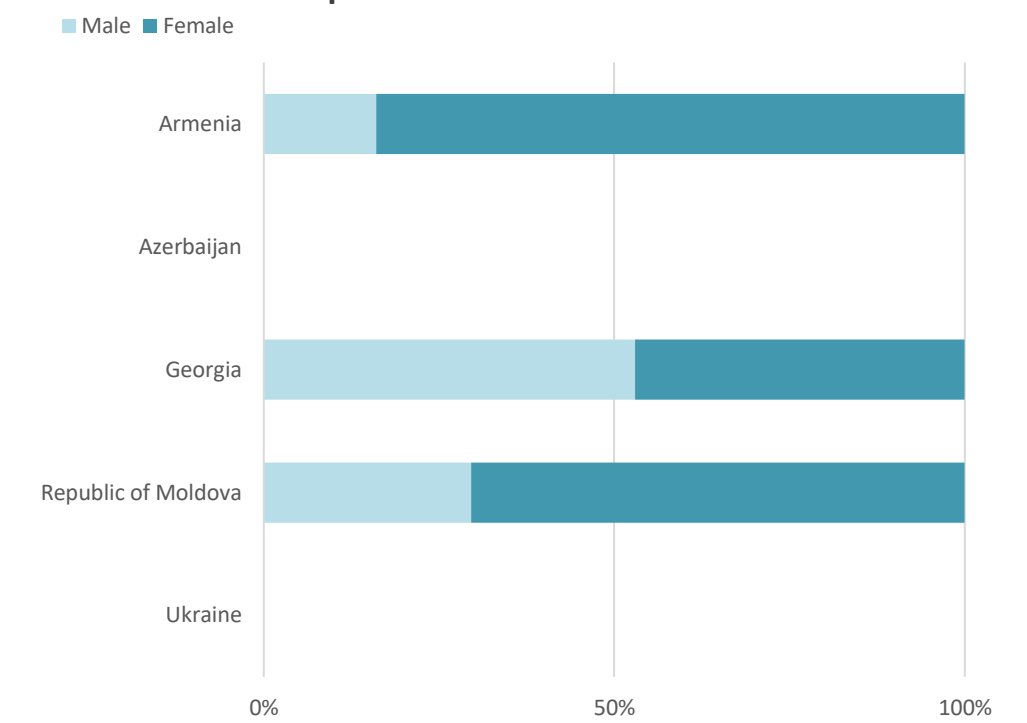


Figure 12.6 Distribution of the total male and female non-prosecutor staff in 2021



12. Gender Equality - List of tables

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Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2021 (Q278 and Q279)

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Table 12.4.6 Implemented and planned measures in order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2021 (Q285)

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of male and female professional judges between 2020 and 2021 (Q19)

Beneficiaries	Distribution of male and female professional judges between 2020 and 2021					
	2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	73,4%	26,6%	72,9%	27,1%	-0,4	0,4
Azerbaijan	85,6%	14,4%	83,2%	16,8%	-2,5	2,5
Georgia	46,2%	53,8%	46,1%	53,9%	-0,1	0,1
Republic of Moldova	50,3%	49,7%	52,0%	48,0%	1,6	-1,6
Ukraine	46,2%	53,8%	40,0%	60,0%	-6,2	6,2
Average	60,4%	39,6%	58,8%	41,2%	-1,5	1,5
Median	50,3%	49,7%	52,0%	48,0%	-0,4	0,4
Minimum	46,2%	14,4%	40,0%	16,8%	-6,2	-1,6
Maximum	85,6%	53,8%	83,2%	60,0%	1,6	6,2

Table 12.1.2 Distribution of male and female professional judges by instance between 2020 and 2021 (Q19)

Beneficiaries	Distribution of male and female professional judges by instance between 2020 and 2021																		
	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges						
	2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021		
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	
Armenia	72,7%	27,3%	70,3%	29,7%	-2,4	2,4	75,0%	25,0%	80,0%	20,0%	5,0	-5,0	76,5%	23,5%	78,9%	21,1%	2,5	-2,5	
Azerbaijan	85,1%	14,9%	81,6%	18,4%	-3,5	3,5	87,9%	12,1%	87,0%	13,0%	-0,9	0,9	84,2%	15,8%	86,8%	13,2%	2,6	-2,6	
Georgia	46,6%	53,4%	44,3%	55,7%	-2,2	2,2	43,3%	56,7%	46,5%	53,5%	3,2	-3,2	55,0%	45,0%	59,3%	40,7%	4,3	-4,3	
Republic of Moldova	49,0%	51,0%	51,1%	48,9%	2,1	-2,1	55,4%	44,6%	56,8%	43,2%	1,4	-1,4	50,0%	50,0%	48,0%	52,0%	-2,0	2,0	
Ukraine	45,5%	54,5%	38,3%	61,7%	-7,2	7,2	47,4%	52,6%	43,4%	56,6%	-4,0	4,0	57,9%	42,1%	58,7%	41,3%	0,7	-0,7	
Average	59,8%	40,2%	57,1%	42,9%	-2,6	2,6	61,8%	38,2%	62,7%	37,3%	0,9	-0,9	64,7%	35,3%	66,3%	33,7%	1,6	-1,6	
Median	49,0%	51,0%	51,1%	48,9%	-2,4	2,4	55,4%	44,6%	56,8%	43,2%	1,4	-1,4	57,9%	42,1%	59,3%	40,7%	2,5	-2,5	
Minimum	45,5%	14,9%	38,3%	18,4%	-7,2	-2,1	43,3%	12,1%	43,4%	13,0%	-4,0	-5,0	50,0%	15,8%	48,0%	13,2%	-2,0	-4,3	
Maximum	85,1%	54,5%	81,6%	61,7%	2,1	7,2	87,9%	56,7%	87,0%	56,6%	5,0	4,0	84,2%	50,0%	86,8%	52,0%	4,3	2,0	

Table 12.1.3 Distribution of male and female court presidents between 2020 and 2021 (Q19-1)

Beneficiaries	Distribution of male and female court presidents between 2020 and 2021					
	2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	0,0%	76,5%	23,5%	-23,5	23,5
Azerbaijan	98,0%	2,0%	98,9%	1,1%	0,9	-0,9
Georgia	85,0%	15,0%	85,7%	14,3%	0,7	-0,7
Republic of Moldova	90,0%	10,0%	70,0%	30,0%	-20,0	20,0
Ukraine	61,8%	38,2%	63,0%	37,0%	1,1	-1,1
Average	87,0%	13,0%	78,8%	21,2%	-8,2	8,2
Median	90,0%	10,0%	76,5%	23,5%	0,7	-0,7
Minimum	61,8%	0,0%	63,0%	1,1%	-23,5	-1,1
Maximum	100,0%	38,2%	98,9%	37,0%	1,1	23,5

Table 12.1.4 Distribution of male and female court presidents by instance between 2020 and 2021 (Q19-1)

Beneficiaries	Distribution of male and female court presidents by instance between 2020 and 2021																		
	First instance court presidents						Second instance (court of appeal) court presidents						Supreme Court court presidents						
	2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021		
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	
Armenia	100%	0%	76,9%	23,1%	-23,1	23,1	100%	0%	100%	0%	0	0	100%	0%	0%	100%	-100	100	
Azerbaijan	98,9%	1,1%	98,9%	1,1%	-0,1	0,1	83,3%	16,7%	100%	0%	16,7	-16,7	100%	0%	100%	0%	0	0	
Georgia	88,2%	11,8%	88,9%	11,1%	0,7	-0,7	100%	0%	100%	0%	0	0	0%	100%	0%	100%	0	0	
Republic of Moldova	93,3%	6,7%	60,0%	40,0%	-33,3	33,3	100%	0%	100%	0%	0	0	0%	100%	100%	0%	100	-100	
Ukraine	60,3%	39,7%	61,7%	38,3%	1,3	-1,3	86,5%	13,5%	82,9%	17,1%	-3,6	3,6	0%	100%	100%	0%	100	-100	
Average	88,2%	11,8%	77,3%	22,7%	-10,9	10,9	94,0%	6,0%	96,6%	3,4%	2,6	-2,6	40%	60%	60%	40%	20	-20	
Median	93,3%	6,7%	76,9%	23,1%	-0,1	0,1	100%	0%	100%	0%	0	0	0%	100%	100%	0%	0	0	
Minimum	60,3%	0%	60%	1,1%	-33,3	-1,3	83,3%	0%	82,9%	0%	-3,6	-16,7	0%	0%	0%	0%	-100	-100	
Maximum	100%	39,7%	98,9%	40%	1,3	33,3	100%	16,7%	100%	17,1%	16,7	3,6	100%	100%	100%	100%	100	100	

Table 12.1.5 Distribution of male and female non-judge staff between 2020 and 2021 (Q26)

Beneficiaries	Distribution of male and female non-judge staff between 2020 and 2021					
	2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	-	-	27,6%	72,4%	-	-
Azerbaijan	53,5%	46,5%	51,7%	48,3%	-1,8	1,8
Georgia	35,3%	64,7%	34,7%	65,3%	-0,6	0,6
Republic of Moldova	19,9%	80,1%	18,5%	81,5%	-1,4	1,4
Ukraine	20,9%	79,1%	17,9%	82,1%	-2,9	2,9
Average	32,4%	67,6%	30,1%	69,9%	-1,7	1,7
Median	28,1%	71,9%	27,6%	72,4%	-1,6	1,6
Minimum	19,9%	46,5%	17,9%	48,3%	-2,9	0,6
Maximum	53,5%	80,1%	51,7%	82,1%	-0,6	2,9

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female prosecutors between 2020 and 2021 (Q28)

Beneficiaries	Distribution of male and female prosecutors between 2020 and 2021					
	2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	86,2%	13,8%	83,4%	16,6%	-2,8	2,8
Azerbaijan	93,3%	6,7%	92,8%	7,3%	-0,6	0,6
Georgia	68,1%	31,9%	66,4%	33,6%	-1,7	1,7
Republic of Moldova	68,7%	31,3%	67,6%	32,4%	-1,0	1,0
Ukraine	59,6%	40,4%	63,1%	36,9%	3,5	-3,5
Average	75,2%	24,8%	74,7%	25,3%	-0,5	0,5
Median	68,7%	31,3%	67,6%	32,4%	-1,0	1,0
Minimum	59,6%	6,7%	63,1%	7,3%	-2,8	-3,5
Maximum	93,3%	40,4%	92,8%	36,9%	3,5	2,8

Table 12.2.2 Distribution of male and female prosecutors by instance between 2020 and 2021 (Q28)

Beneficiaries	Distribution of male and female prosecutors by instance between 2020 and 2021																	
	First instance prosecutors						Second instance (court of appeal) prosecutors						Supreme Court prosecutors					
	2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	70,2%	29,8%	NA	NA	NA	NA	59,1%	40,9%	NA	NA	NA	NA	65,9%	34,1%	NA	NA	NA	NA
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 12.2.3 Distribution of male and female heads of prosecution offices between 2020 and 2021 (Q28-1)

Beneficiaries	Distribution of male and female heads of prosecution offices between 2020 and 2021					
	2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	97,6%	2,4%	97,6%	2,4%	-0,1	0,1
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	87,3%	12,7%	86,2%	13,8%	-1,1	1,1
Republic of Moldova	93,3%	6,7%	88,4%	11,6%	-5,0	5,0
Ukraine	95,5%	4,5%	94,6%	5,4%	-1,0	1,0
Average	93,4%	6,6%	91,7%	8,3%	-1,8	1,8
Median	94,4%	5,6%	91,5%	8,5%	-1,0	1,0
Minimum	87,3%	2,4%	86,2%	2,4%	-5,0	0,1
Maximum	97,6%	12,7%	97,6%	13,8%	-0,1	5,0

Table 12.2.4 Distribution of male and female heads of prosecution offices by instance between 2020 and 2021 (Q28-1)

Beneficiaries	Distribution of male and female heads of prosecution offices by instance between 2020 and 2021																	
	First instance heads of prosecution offices						Second instance (court of appeal) heads of prosecution offices						Supreme Court heads of prosecution offices					
	2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021		2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	94,9%	5,1%	90%	10%	-4,9	4,9	66,7%	33,3%	50%	50%	-16,7	16,7	100%	0%	100%	0%	0%	0%
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 12.2.5 Distribution of male and female non-prosecutor staff between 2020 and 2021 (Q32)

Beneficiaries	Distribution of male and female non-prosecutor staff between 2020 and 2021					
	2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	16,5%	83,5%	16,0%	84,0%	-0,5	0,5
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	52,6%	47,4%	53,0%	47,0%	0,3	-0,3
Republic of Moldova	21,9%	78,1%	29,6%	70,4%	7,7	-7,7
Ukraine	NA	NA	NA	NA	NA	NA
Average	30,3%	69,7%	32,9%	67,1%	2,5	-2,5
Median	21,9%	78,1%	29,6%	70,4%	0,3	-0,3
Minimum	16,5%	47,4%	16,0%	47,0%	-0,5	-7,7
Maximum	52,6%	83,5%	53,0%	84,0%	7,7	0,5

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers between 2020 and 2021 (Q33)

Beneficiaries	Distribution of male and female lawyers between 2020 and 2021					
	2020		2021		Variation (in percentage points) 2020 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	55,1%	44,9%	55,0%	45,0%	-0,1	0,1
Azerbaijan	83,1%	16,9%	82,2%	17,8%	-0,9	0,9
Georgia	51,9%	48,1%	51,4%	48,6%	-0,5	0,5
Republic of Moldova	70,3%	29,7%	70,8%	29,2%	0,4	-0,4
Ukraine	75,3%	24,7%	NA	NA	NA	NA
Average	67,1%	32,9%	64,8%	35,2%	-0,3	0,3
Median	70,3%	29,7%	62,9%	37,1%	-0,3	0,3
Minimum	51,9%	16,9%	51,4%	17,8%	-0,9	-0,4
Maximum	83,1%	48,1%	82,2%	48,6%	0,4	0,9

12.4 Policies on gender equality

Table 12.4.1 Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2021 (Q275 and Q276)

Beneficiaries	Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2021											
	Specific provisions for facilitating gender equality within the framework of the procedure of recruiting						Specific provisions for facilitating gender equality within the framework of the procedures for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Armenia	Yes	No	No	No	No	No	No	No	No	No	No	No
Azerbaijan	No	No	No	No	No	No	No	No	No	No	No	No
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Republic of Moldova	No	No	Yes	No	No	No	No	Yes	No	No	No	No
Ukraine	No	No	No	No	No	No	No	No	No	No	No	No


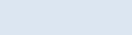
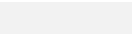
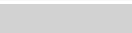
Yes 
 No 
 NA 
 NAP 

Table 12.4.2 Specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2021 (Q277)

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2021	
	Court presidents	Heads of prosecution services
Armenia		
Azerbaijan		
Georgia		
Republic of Moldova		
Ukraine		

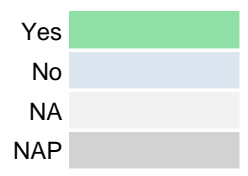


Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2021 (Q278 and Q279)

Beneficiaries	Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2021						
	Existence of an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary	Existence of specific person/institution dealing with gender issues in the justice system concerning:					
		Recruitment of judges	Promotion of judges	Recruitment of prosecutors	Promotion of prosecutors	Recruitment of non-judge staff	Promotion of non-judge staff
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							


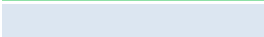


Yes 
 No 
 NA 
 NAP 

Table 12.4.4 Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work at the court or public prosecution services level in 2021 (Q283)

Beneficiaries	Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work at the court or public prosecution services level in 2021		
	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-prosecutor staff
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

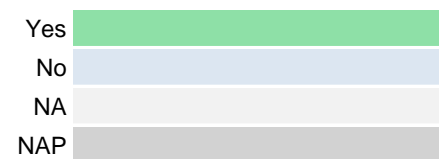


Table 12.4.5 Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons, and evaluation studies or official reports regarding the main causes of possible inequalities in 2021 (Q286 and Q287)

Beneficiaries	Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons, and evaluation studies or official reports regarding the main causes of possible inequalities in 2021					
	Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons	Evaluation studies or official reports regarding the main causes of possible inequalities with regard to:				
		Recruitment procedures	Appointment to the position of court president	Appointment to the position of head of prosecution services	Promotion procedures and access to the functions of responsibility	Other studies
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						


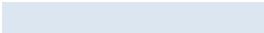
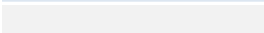
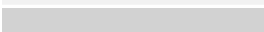
Yes 
 No 
 NA 
 NAP 

Table 12.4.6 Implemented and planned measures in order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2021 (Q285)

Beneficiaries	Implemented and planned measures in order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2021		
	Implemented	Planned	In case the situation has changed since the reference year
Armenia	<p>Judicial Code adopted in 2018 has provisions for improving gender balance in judiciary. For example, Article 76, part 3: For the purpose of gender representation of judge members within the Supreme Judicial Council, the number of representatives of the same gender must be as restricted as possible to maximum three members.</p> <p>Article 109, part 5: Where the number of judges of either sex is less than twenty-five percent of the total number of judges, up to fifty percent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received the maximum number of "for" votes, but not less than at least more than half of those of all the members of the Supreme Judicial Council.</p> <p>In 2015, Armenia adopted the Action Plan On Promoting Gender Balance among Candidates for Judges for 2015-2017. The Action Plan defines, inter alia, the action of (i) analysing existing opinions and approaches in different social groups on gender equality in the judiciary; (ii) developing educational materials and the maticcurricula based on the analysis of the international experience; (iii) providing capacity building on gender equality; (iv) ensuring cooperation with different educational institutions, NGOs and INGOs; (v) promoting access to legal professions among girls and young women; (vi) organising discussions, roundtables, seminars for raising awareness on the issue of gender equality in the judiciary. CEDAW Committee, in its concluding observations on the combined fifth and sixth periodic reports of Armenia, notes that this Action Plan is a positive development for the country.</p>	<p>In 2019, the Government adopted the Gender Policy Implementation Strategy and Action Plan for 2019–2023. Among the priority areas, there are objectives related to the improvement of national machinery on women's advancement and equal participation of women and men in the leadership and decision-making positions; elimination of gender discrimination in the socio-economic sphere and expand economic opportunities for women, including addressing work-family balance, prevention of gender-based discrimination, including promoting increased political representation of women and addressing genders stereotypes.</p>	-
Azerbaijan	<p>Ensuring gender equality to protect gender equality, protect women's rights, leadership, gender audit, existing gender policy and national and international legislation in this are a cooperation with organizations, methods of combating sexual discrimination and other appropriate measures are being taken. As a result of this measures in all judicial areas the number of women have increased and this tendency continues. Gender equality in the judiciary is ensuring as well. The number of female judges in the judicial system has been constantly increasing, including in 2013, women made up 13% of the judicial body, and now this number has increased year by year and made up 20%.</p> <p>Also, 50% of the candidates who successfully passed the exams held for judges in the last 3 years and were appointed to the respective positions of judges, including 60% of the candidates who were appointed to the positions of judges last time as a result of such competitions, are women.</p> <p>All this is a manifestation of the observance of the principles of gender equality in our country, and the activity of women in various spheres of public life.</p> <p>Analysis done on the basis of statistical data, a positive trend in this direction is observed in all judicial areas.</p> <p>The comprehensive information is provided in the reports as per following links: AZ-https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224EN-https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224</p>	<p>Above mentioned and other measures are planned to continue. The comprehensive information is provided in the reports as per following links: AZ-https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224EN https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_322</p>	<p>The comprehensive information is provided in the reports as per following links: AZ-https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224EN https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224</p>

Georgia	<p>PSG comment: Within the framework of the project of the UN Women - Good Governance for Gender Equality in Georgia and with the support of the Ministry of Foreign Affairs of Norway, in 2021 a participatory gender audit was conducted in the PSG. During the audit, the experts assessed the extent to which the activities of the PSG meet the commitments made by the country at the international and local levels on the promotion of gender equality and gender mainstreaming. Additionally, based on an analysis of gender policy of the Prosecution Service, essential recommendations were drafted for its improvement. Based on the recommendation of the same audit, upon the order of the Prosecutor General of Georgia, the PSG has adopted a mechanism for the prevention and response to sexual harassment, which defines the measures to be taken to prevent sexual harassment and the issues of disciplinary proceedings in cases of sexual harassment. For effective administration of the mechanism for sexual harassment, upon the order of the Prosecutor General of Georgia, a support group was established within the PSG. Moreover, a Working Group on Gender Issues was established upon the order of the Prosecutor General of Georgia. The tasks of the Working Group are as follows: (a) Developing and updating (when necessary but at least once per year) Gender Equality Strategy and respective Action Plan; (b) Developing legal acts necessary for defining those responsible for working on gender issues and adding relevant functions to job descriptions; (c) Preparing an annual complex report on gender mainstreaming issues and submitting it to the Prosecutor General of Georgia; informing the employees of the PSG on these issues; (d) Effectively enforcing the mechanism for the prevention and response to sexual harassment. Additionally in 2021 - The Gender Equality Strategy 2022-2025 for the Ministry of Foreign Affairs was adopted.</p>	<p>The State Concept on Gender Equality; The National Action Plan on Ending Violence against Women; The fourth National Action Plan (NAP) on Women, Peace and Security ; The Gender Equality Strategy.</p>	<p>In 2022 State adopted and established following documents: a) The State Concept on Gender Equality; (b)The National Action Plan against Trafficking in Human Beings for 2022-2024; (c)The National Action Plan on Ending Violence against Women; (d)The fourth National Action Plan (NAP) on Women, Peace and Security 2022-2024; (e)The Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service</p>
Republic of Moldova	<p>On December 22,2016 ,the article 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented with a new paragraph regulating that civil servants are entitled to equal opportunities and treatment of men and women in terms of access to a public office,continuous professional development and promotion. According to the Law no.5 of 09.02.2006 on ensuring equal opportunities for women and men as well as the Strategy for ensuring equality between women and men in the Republic of Moldova for the years 2017-2021, equal opportunities in the Republic of Moldova between men and women are granted. Both normative acts contain general provisions on gender balance without specifying the judicial system.</p>	<p>With reference to the improvement of the institutional mechanisms aimed at ensuring equality and combating discrimination, the Ministry of Justice developed a draft law which proposed, in particular, the amendment of Law no. 121/2012 regarding ensuring equality and Law no. 298/2012 regarding the activity of the Council for the prevention and elimination of discrimination and ensuring equality. The changes are aimed at expanding the non-discrimination criteria, improving the collection of equality data, monitoring, evaluating and reporting the results annually, as well as strengthening the institutional framework (the competences, activity and structure of the Equality Council). The draft law was adopted by the Parliament in the final reading on December 15, 2022.</p>	<p>The planned measures were adopted in the reference year+1.</p>
Ukraine	NAP	NAP	NAP

Indicator 12-Gender Equality

by country

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting

Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the

Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

Question 286. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

Question 287. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Armenia

Q275 (General Comment): According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received the maximum number of “for” votes, but not less than at least more than half of those of all the members of the Supreme Judicial Council.

Q278 (2021): Specifically for judiciary no. But the Gender Policy Strategy adopted in 2019 aims at promoting women's representation in decision-making positions and eliminate the gender bias regarding certain professions, which may include also judiciary.

Q279 (2021): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts.

Q283 (2021): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts.

Q286 (2021): A report has been drafted in 2020 within the project of “Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia”. The report is titled "Gender equality in the judiciary of Armenia:Challenges and Opportunities".

Azerbaijan

Q275 (General Comment): it should be noted that on October 10, 2006 the Law of the Republic of Azerbaijan “On Ensuring Gender (Men and Female) Equality” was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life. In accordance with Article 6 of the Law, the state takes measures for eliminating all forms of gender discrimination, creating equal opportunities for males and females, not allowing superiority of persons belonging to any gender in state governing and decision-making. The text of the said Article is available at the following link: <http://e->

Q278 (2021): The Government of Azerbaijan conducts regularly women's awareness operations. SCFWCA has organized awareness missions to promote among women the General Recommendations of the CEDAW Committee, including the CEDAW itself (the Convention on Elimination of All Forms of Discrimination against Women) and its Additional Protocols. The special project on Strengthening the Role of Civil Society in Promotion of Gender Equality and Women's Rights is being elaborated to increase the role of non-governmental organizations in monitoring and reporting to ensure the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Capacity building activities has been fulfilled to accomplish this target: i) increasing of overall legal literacy of NGOs on various international mechanisms on women's rights, and particularly, the CEDAW and its Additional Protocol; ii) increasing the knowledge of NGO sector to act as an effective advocate of women's rights; iii) providing NGOs with resources and practical skills to conduct a monitoring and elaborate alternative reports on women's rights. Capacity building measures have included the preparation of educational resources and tools coupled with awareness sessions and training courses. 20 NGO representatives have taken part in training sessions. Legal guidelines on CEDAW Convention are developed and printed for NGOs. At the same time, the set of core principles is formed and printed to be used in drawing the alternative CEDAW reports. A training module comprising resources related to the increasing economic and social rights of women on the

Q279 (2021): State committee for family, women, and children affairs is an institution dealing with gender issues in all areas. According to the article 8.12 of the Statute of this body one of the duties of this body is supervising the insurance of gender equality in all areas.

Q283 (General Comment): There is no specific person responsible for the respect gender equality, because of absence of the problem of gender discrimination. The selection and employment at courts and public prosecution services are based on principles of their qualification level, knowledge and experience and all candidates despite of their gender are provided with equal opportunities. If there is visible inequality in gender balance in a certain occupation it is mostly correlated with the popularity of the profession among men or women. According to the recommendations reflected in Final Draft Justice Gender Strategy and Action Plan during the selection of candidates to judges or court staff admission the quota is considered.

Georgia

Q275 (2021): Judiciary - Article 35(7) of the Organic Law of Georgia "on Common Courts", states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, equality of candidates for judge must be guaranteed regardless of their gender. Same principles are stipulated in all other relevant laws. It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. PSG - Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender.

Meanwhile, protection of gender equality is the policy priority for the Prosecution Service of Georgia (PSG), which is also indicated in the HR policy section of the

Q276 (2021): Similar with the question 275

Q277 (2021): Similar to the question 275

Q279 (2021): Generally Public Defender deals with discrimination issues and in this respect with gender issues too.

Republic of Moldova

Q275 (General Comment): According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

There are not specific provisions for facilitating gender equality within the framework of the procedures for recruiting for judges, prosecutors, lawyers, notaries and enforcement agents but the conditions for joining a position of a judge, prosecutor, notary, lawyer, enforcement agent do not contain any restrictions that would

Q276 (General Comment): According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

There are not specific provisions for facilitating gender equality within the framework of the procedures for recruiting for judges, prosecutors, lawyers, notaries and enforcement agents but the conditions for joining a position of a judge, prosecutor, notary, lawyer, enforcement agent do not contain any restrictions that would

Q278 (General Comment): Equal opportunities in the Republic of Moldova between men and women are regulated by Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as through the Strategy for ensuring equality between women and men

in the Republic of Moldova for the years 2017-2021. Both normative acts contain general provisions on gender equality without specifying males/females equality within the judicial system.

<http://lex.justice.md/viewdoc.php?id=315674&lang=1> <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=370442&lang=1>

Q279 (General Comment): According to Law no. 5 of 09.02.2006 regarding the ensuring of gender equality between women and men among the authorities with attributions in the field of equality between men and women are: the Parliament, the Government, the Governmental Commission for Gender Equality, the Ministry of Labor, Social Protection and Family (specialized body), State Labor Inspectorate, ministries and other central administrative authorities (gender steering groups), local public administration authorities (gender units), National Bureau of Statistics, Council for Prevention and Elimination of Discrimination and Equality.

These are general regulations without delimiting any institution responsible for gender equality in the judicial system.

Q287 (General Comment): There are statistical data available concerning victims and accused persons. The data are initially recorded by courts in the ICMS and standardized electronic reports are generated by the system both at the local and central level. Data are collected quarterly and aggregated at the central level by the Agency for Courts Administration and Superior Council of Magistracy. Data are disaggregated by age and sex. Also, specific data on the accused persons are presented periodically by courts to the Ministry of Internal Affairs paper based and are introduced in its Information system. Different specific analyzes on this area using related data are realized periodically by the Ministry of Internal Affairs, by Prosecutor's General Office, National Anticorruption Center.

Ukraine

Q275 (2021): The procedure for appointment of judges is defined by the Law of Ukraine "On the Judiciary and Status of Judges". The criteria for appointment do not depend on the gender of the candidate for the position of judge.

The procedure for appointment to the positions of court staff is defined by the Law of Ukraine "On Civil Service" taking into account the peculiarities of legal regulation of civil service in the justice system defined by the Law of Ukraine "On the Judiciary and Status of Judges" and other normative legal acts. The appointment criteria do not depend on the gender of the candidate for the position of a court staff member.

Q276 (2021): The criteria for promotion do not depend on the gender of the judge or court staff member. There are no known specific provisions to promote gender equality in the promotion procedures for judges and court staff.

Q277 (2021): Such provisions are that the Law of Ukraine "On the Prosecutor's Office" does not provide for any privileges or restrictions based on gender.

Q278 (2021): By the Order of the SJA of Ukraine dated 12.10.2020 No. 457: the persons responsible for consideration of cases of sexism, sexual harassment in the SJA of Ukraine were determined; the heads of the territorial departments of the SJA of Ukraine were instructed to appoint persons responsible for consideration of cases of sexism, sexual harassment in the territorial departments of the SJA of Ukraine.

Order of the SJA of Ukraine dated 30.10.2020 No. 488 approved the Regulation on the use of gender-sensitive language in the SJA of Ukraine and territorial departments of the SJA of Ukraine. Order of the SJA of Ukraine dated 30.10.2020 No. 489 approved the Regulation on Preventing and Combating Sexual Harassment in the Workplace and Other Forms of Gender-Based Violence in the SJA of Ukraine and territorial departments of the SJA of Ukraine.

The Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025 was approved by the Order of the SJA of Ukraine No. 194 dated June 04, 2021. All documents are available on the SJA website at the link: <https://dsa.court.gov.ua/dsa/inshe/gender/>

Offences", and information about persons who have committed criminal offences is summarized in the reporting under Form No. 2 "Report on Persons Who Have Committed Criminal Offences", which are formed monthly cumulatively from the beginning of the reporting period (year), in the context of sections and individual articles of the Criminal Code of Ukraine on the basis of data entered into the Unified Register of Pre-trial Investigations by users of the information system. According to the report in Form No. 1 "Unified Report on Criminal Offences", during 2021, 197,274 people were victims of criminal offences, of which 60,476 were women. According to the report under Form No. 2, during January-December 2021, there were registered 98,804 persons who committed criminal offences, of whom 12,269 were women.

The annual forms of reports on the administration of justice by local and appellate courts, approved by the order of the SJA of Ukraine dated 23.06.2018 No. 325, contain statistical data, including on the subjects of the trial (appeal), in particular by gender and age.

This subsection contains the following indicators with relevant data:

Report on form No. 1-к "Report of the courts of first instance on the consideration of criminal proceedings" contains information on proceedings against minors and proceedings against women; information on victims by type of crime (gender and age of victims - under 13, 14-17, 18 and older).

Report on form No. 2-к "Report of the courts of appeal on the consideration of appeals in criminal proceedings" contains information on proceedings against minors and proceedings against women.

The report on form No. 7 "Report on the composition of convicts" contains information on proceedings against minors and proceedings against women; by type of crime (gender and age of convicts - from 14 to 16 years; from 16 to 18 years; from 18 to 25 years; from 25 to 30 years; from 30 to 50 years; from 50 to 65 years; from 65 years and older).

The report on form No. 8 "Report on juvenile convicts" contains information on proceedings by type of crime by gender and age (from 14 to 16 years; from 16 to 18 years).

The report on form No. 1-п "Report of the courts of first instance on the consideration of cases of administrative offences" contains information on women brought to administrative responsibility.

The report on the form No. 1-ц "Report of the courts of first instance on the consideration of cases in civil proceedings" contains information on the subjects of the appeal (women) and on the number of adopted children (including girls).

The report on form No. 2-ц "Report of the courts of appeal on the consideration of appeals in civil proceedings" contains information on the subjects of the appeal (women).

The report on the form No. 1-а "Report of the courts of first instance on the consideration of cases in administrative proceedings" contains information on the subjects of the appeal (women).

The report on form No. 2-а "Report of the courts of appeal on the consideration of appeals in administrative proceedings" contains information on the subjects of the appeal (women).

Indicator 12-Gender Equality

by question No.

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting

Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

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Question 286. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

Question 287. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Question 275

Armenia

(General Comment): According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received the maximum number of “for” votes, but not less than at least more than half of those of all the members of the Supreme Judicial Council.

Azerbaijan

(General Comment): it should be noted that on October 10, 2006 the Law of the Republic of Azerbaijan “On Ensuring Gender (Men and Female) Equality” was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life. In accordance with Article 6 of the Law, the state takes measures for eliminating all forms of gender discrimination, creating equal opportunities for males and females, not allowing superiority of persons belonging to any gender in state governing and decision-making. The text of the said Article is available at the following link: <http://e->

Georgia

(2021): Judiciary - Article 35(7) of the Organic Law of Georgia “on Common Courts”, states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, equality of candidates for judge must be guaranteed regardless of their gender. Same principles are stipulated in all other relevant laws. It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. PSG - Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender.

Meanwhile, protection of gender equality is the policy priority for the Prosecution Service of Georgia (PSG), which is also indicated in the HR policy section of the

Republic of Moldova

(General Comment): According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

There are not specific provisions for facilitating gender equality within the framework of the procedures for recruiting for judges, prosecutors, lawyers, notaries and enforcement agents but the conditions for joining a position of a judge, prosecutor, notary, lawyer, enforcement agent do not contain any restrictions that would

Ukraine

(2021): The procedure for appointment of judges is defined by the Law of Ukraine "On the Judiciary and Status of Judges". The criteria for appointment do not depend on the gender of the candidate for the position of judge.

The procedure for appointment to the positions of court staff is defined by the Law of Ukraine "On Civil Service" taking into account the peculiarities of legal regulation of civil service in the justice system defined by the Law of Ukraine "On the Judiciary and Status of Judges" and other normative legal acts. The appointment criteria do not depend on the gender of the candidate for the position of a court staff member.

Question 276

Georgia

(2021): Similar with the question 275

Republic of Moldova

(General Comment): According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

There are not specific provisions for facilitating gender equality within the framework of the procedures for recruiting for judges, prosecutors, lawyers, notaries and enforcement agents but the conditions for joining a position of a judge, prosecutor, notary, lawyer, enforcement agent do not contain any restrictions that would

Ukraine

(2021): The criteria for promotion do not depend on the gender of the judge or court staff member. There are no known specific provisions to promote gender equality in the promotion procedures for judges and court staff.

Question 277

Georgia

(2021): Similar to the question 275

Ukraine

(2021): Such provisions are that the Law of Ukraine "On the Prosecutor's Office" does not provide for any privileges or restrictions based on gender.

Question 278

Armenia

(2021): Specifically for judiciary no. But the Gender Policy Strategy adopted in 2019 aims at promoting women's representation in decision-making positions and eliminate the gender bias regarding certain professions, which may include also judiciary.

Azerbaijan

(2021): The Government of Azerbaijan conducts regularly women's awareness operations. SCFWCA has organized awareness missions to promote among women the General Recommendations of the CEDAW Committee, including the CEDAW itself (the Convention on Elimination of All Forms of Discrimination against Women) and its Additional Protocols. The special project on Strengthening the Role of Civil Society in Promotion of Gender Equality and Women's Rights is being elaborated to increase the role of non-governmental organizations in monitoring and reporting to ensure the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Capacity building activities has been fulfilled to accomplish this target: i) increasing of overall legal literacy of NGOs on various international mechanisms on women's rights, and particularly, the CEDAW and its Additional Protocol; ii) increasing the knowledge of NGO sector to act as an effective advocate of women's rights; iii) providing NGOs with resources and practical skills to conduct a monitoring and elaborate alternative reports on women's rights. Capacity building measures have included the preparation of educational resources and tools coupled with awareness sessions and training courses. 20 NGO representatives have taken part in training sessions. Legal guidelines on CEDAW Convention are developed and printed for NGOs. At the same time, the set of core principles is formed and printed to be used in drawing the alternative CEDAW reports. A training module comprising resources related to the increasing economic and social rights of women on the

Republic of Moldova

(General Comment): Equal opportunities in the Republic of Moldova between men and women are regulated by Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as through the Strategy for ensuring equality between women and men in the Republic of Moldova for the years 2017-2021. Both normative acts contain general provisions on gender equality without specifying males/females equality within the judicial system.

<http://lex.justice.md/viewdoc.php?id=315674&lang=1> <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=370442&lang=1>

Ukraine

(2021): By the Order of the SJA of Ukraine dated 12.10.2020 No. 457: the persons responsible for consideration of cases of sexism, sexual harassment in the SJA of Ukraine were determined; the heads of the territorial departments of the SJA of Ukraine were instructed to appoint persons responsible for consideration of cases of sexism, sexual harassment in the territorial departments of the SJA of Ukraine.

Order of the SJA of Ukraine dated 30.10.2020 No. 488 approved the Regulation on the use of gender-sensitive language in the SJA of Ukraine and territorial departments of the SJA of Ukraine. Order of the SJA of Ukraine dated 30.10.2020 No. 489 approved the Regulation on Preventing and Combating Sexual Harassment in the Workplace and Other Forms of Gender-Based Violence in the SJA of Ukraine and territorial departments of the SJA of Ukraine.

The Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025 was approved by the Order of the SJA of Ukraine No. 194 dated June 04, 2021. All documents are available on the SJA website at the link: <https://dsa.court.gov.ua/dsa/inshe/gender/>

Question 279

Armenia

(2021): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts.

Azerbaijan

(2021): State committee for family, women, and children affairs is an institution dealing with gender issues in all areas. According to the article 8.12 of the Statute of this body one of the duties of this body is supervising the insurance of gender equality in all areas.

Georgia

(2021): Generally Public Defender deals with discrimination issues and in this respect with gender issues too.

Republic of Moldova

(General Comment): According to Law no. 5 of 09.02.2006 regarding the ensuring of gender equality between women and men among the authorities with attributions in the field of equality between men and women are: the Parliament, the Government, the Governmental Commission for Gender Equality, the Ministry of Labor, Social Protection and Family (specialized body), State Labor Inspectorate, ministries and other central administrative authorities (gender steering groups), local public administration authorities (gender units), National Bureau of Statistics, Council for Prevention and Elimination of Discrimination and Equality. These are general regulations without delimiting any institution responsible for gender equality in the judicial system.

Question 283

Armenia

(2021): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts.

Azerbaijan

(General Comment): There is no specific person responsible for the respect gender equality, because of absence of the problem of gender discrimination. The selection and employment at courts and public prosecution services are based on principles of their qualification level, knowledge and experience and all candidates despite of their gender are provided with equal opportunities. If there is visible inequality in gender balance in a certain occupation it is mostly correlated with the popularity of the profession among men or women. According to the recommendations reflected in Final Draft Justice Gender Strategy and Action Plan during the selection of candidates to judges or court staff admission the quota is considered.

Question 286

Armenia

(2021): A report has been drafted in 2020 within the project of “Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia”. The report is titled "Gender equality in the judiciary of Armenia:Challenges and Opportunities".

Question 287

Republic of Moldova

(General Comment): There are statistical data available concerning victims and accused persons. The data are initially recorded by courts in the ICMS and standardized electronic reports are generated by the system both at the local and central level. Data are collected quarterly and aggregated at the central level by the Agency for Courts Administration and Superior Council of Magistracy. Data are disaggregated by age and sex. Also, specific data on the accused persons are presented periodically by courts to the Ministry of Internal Affairs paper based and are introduced in its Information system. Different specific analyzes on this area using related data are realized periodically by the Ministry of Internal Affairs, by Prosecutor's General Office, National Anticorruption Center.

Ukraine

and information about persons who have committed criminal offences is summarized in the reporting under Form No. 2 "Report on Persons Who Have Committed Criminal Offences", which are formed monthly cumulatively from the beginning of the reporting period (year), in the context of sections and individual articles of the Criminal Code of Ukraine on the basis of data entered into the Unified Register of Pre-trial Investigations by users of the information system. According to the report in Form No. 1 "Unified Report on Criminal Offences", during 2021, 197,274 people were victims of criminal offences, of which 60,476 were women.

According to the report under Form No. 2, during January-December 2021, there were registered 98,804 persons who committed criminal offences, of whom 12,269 were women.

The annual forms of reports on the administration of justice by local and appellate courts, approved by the order of the SJA of Ukraine dated 23.06.2018 No. 325, contain statistical data, including on the subjects of the trial (appeal), in particular by gender and age.

This subsection contains the following indicators with relevant data:

Report on form No. 1-к "Report of the courts of first instance on the consideration of criminal proceedings" contains information on proceedings against minors and proceedings against women; information on victims by type of crime (gender and age of victims - under 13, 14-17, 18 and older).

Report on form No. 2-к "Report of the courts of appeal on the consideration of appeals in criminal proceedings" contains information on proceedings against minors and proceedings against women.

The report on form No. 7 "Report on the composition of convicts" contains information on proceedings against minors and proceedings against women; by type of crime (gender and age of convicts - from 14 to 16 years; from 16 to 18 years; from 18 to 25 years; from 25 to 30 years; from 30 to 50 years; from 50 to 65 years; from 65 years and older).

The report on form No. 8 "Report on juvenile convicts" contains information on proceedings by type of crime by gender and age (from 14 to 16 years; from 16 to 18 years).

The report on form No. 1-п "Report of the courts of first instance on the consideration of cases of administrative offences" contains information on women brought to administrative responsibility.

The report on the form No. 1-ц "Report of the courts of first instance on the consideration of cases in civil proceedings" contains information on the subjects of the appeal (women) and on the number of adopted children (including girls).

The report on form No. 2-ц "Report of the courts of appeal on the consideration of appeals in civil proceedings" contains information on the subjects of the appeal (women).

The report on the form No. 1-а "Report of the courts of first instance on the consideration of cases in administrative proceedings" contains information on the subjects of the appeal (women).

The report on form No. 2-а "Report of the courts of appeal on the consideration of appeals in administrative proceedings" contains information on the subjects of the appeal (women).

Reforms


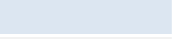
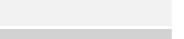

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Reforms (part 2 of 2) Undergoing or foreseen reforms in 2021 (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)


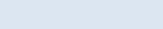
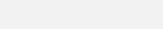

Reforms (part 1 of 2) Undergoing or foreseen reforms in 2021 (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Beneficiaries	Undergoing or foreseen reforms in 2021																	
	(Comprehensive) reform plans			Budget			Courts and public prosecution services			Access to justice and legal aid			High Judicial Council and High Prosecutorial Council			Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects		
	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022
Armenia																		
Azerbaijan																		
Georgia																		
Republic of Moldova																		
Ukraine																		

Yes 
 No 
 NA 
 NAP 

Reforms (part 2 of 2) Undergoing or foreseen reforms in 2021 (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Beneficiaries	Undergoing or foreseen reforms in 2021																	
	Gender equality			Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities			Mediation and other ADR			Fight against corruption and accountability mechanisms			Domestic violence			New information and communication technologies		
	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022	Planned	Adopted	Implemented in 2022
Armenia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Yes 
 No 
 NA 
 NAP 

Question 288-1. (Comprehensive) reform plans

Question 288-2. Budget

Question 288-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and

Question 288-4. Access to justice and legal aid

Question 288-5. High Judicial and High Prosecutorial Council

Question 288-6. Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects

Question 288-7. Gender equality

Question 288-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Question 288-9. Mediation and other Alternative Dispute Resolution

Question 288-10. Fight against corruption and accountability mechanisms

Question 288-11. Domestic violence

Question 288-12. New information and communication technologies

Armenia

Q288-1 (2021): The Strategy for Judicial and Legal Reforms of the Republic of Armenia for 2019-2023 was developed and then adopted on October 10, 2019. The Strategy pointed out 18 strategic goals of the reforms in the respective directions. Within this context, as of February 2022, out of 94 activities approved by the Appendix to the Strategy of the Judicial and Legal reforms of the Republic of Armenia for 2019-2023 (hereinafter- the strategy), total of 70 activities have been partially or fully implemented. As a result of the implemented actions, the new Criminal and Criminal Procedure Codes were adopted, the standards necessary for assessing the integrity of the judges and the members of Supreme Judicial Council were defined, the grounds for disciplinary action against judges were aligned with the goals of fighting corruption, new administrative and anti-corruption chambers were established in the Court of Cassation, an institute for examining cases of pre-trial criminal proceedings by separate specialized judges were introduced, the electoral legislation was revised, as well as wide-scale works started towards the implementation of reforms in the field of bankruptcy, enforcement, etc.

As a result of the elections, the Government presented its new action plan for 2021-2026, on the basis of which the action plan for 2021-2026 was adopted on November 18, 2021. The program of the Government and the action plan deriving thereof set the priorities of the new Government in the area of justice as well, including the judicial and legal sphere, which means the revision of judicial and legal reform strategy in the light of the new government program. Taking into account the above, as well as taking as a basis the 4th part of Article 146 of the Constitution, part 8 of Article 11 of the Law "On the Structure and Operation of the Government", the Strategy of the judicial and legal reforms for 2022-2026 has been developed as a revision of the strategy for 2019-2023. The Strategy envisaged 12 strategic goals and 41 strategic directions - e-justice, the directions of democratic institutions (in particular, the constitutional and electoral) and judicial system reforms, criminal, civil and civil proceedings, administrative and administrative proceedings, bankruptcy, alternative dispute resolution methods, advocacy,

Q288-2 (2021): Additional financial resources will be allocated for the implementation of measures planned by the strategy.

Courts, as well as ensuring the continuous development of integrity structures, improving the efficiency of the First Instance Court of General Jurisdiction of Yerevan, continuous increase of the salaries of the Judges, starting from the Courts of Higher Instances, ensuring the building and logistics of the Anti-Corruption Court, improving the process of selecting the candidates for judges, provision of a legal opportunity to appeal against decisions of the Supreme Judicial Council in regards of disciplinary cases, the revision of the ratio of number of members of Ethics and Disciplinary Committee of the General Assembly of Judges.

Regarding implemented reforms it should be mentioned that the establishment of Anti-corruption court started from October 2021. Currently the Anti-corruption court functions as specialized court. Judicial acts subject to appeal in cases of corruption crimes in the Appellate Criminal Court are reviewed by individual judges of the Appellate Criminal Court. The same regulation is for the Appellate Civil Court. The Anti-corruption Appellate court will start operating on January 1, 2024. As a result of amendments on Judicial Code the Anti-corruption chamber of the Court of Cassation was established. Also as a result of amendments on Judicial Code adopted in 2022 the First Instance Court of General Jurisdiction of the city of Yerevan was reorganized as a First Instance Court of General Civil Jurisdiction of Yerevan and as a First Instance Court of General Criminal Jurisdiction of Yerevan.

Q288-4 (2021): The need for reforms of the legal aid sector is prescribed by the the strategy of judicial and legal reforms of the Republic of Armenia for 2022-2026. Strategic Directions are: development of internal procedures of the Chamber of Advocates, extension of the scope of the beneficiaries of free legal aid, increasing the number of public defenders, development of regulations for providing pro bono legal aid, revising professional training procedures for advocates. These actions were implemented in 2022, as a result of adopting amendments to the Law on Advocacy.

Q288-5 (2021): During 2020 the draft amendments of Judicial code were adopted, which introduced new procedures for the appointment of judges in line with international standards. Reforms are continuous and expressed through legislative amendmens. It should be mentioned that recent amendments to the Judicial Code were adopted on December, 2022.

Q288-6 (2021): According to the strategy, a special emphasis is placed on the continuous development of the capacity of the judges, which is aimed at ensuring effective justice, the proper guarantee of the right to judicial protection, improving professional qualities of the judges, as well ensuring the sustainable development of the professionalism of judges (sub-specializations). In this regard, according to the strategy, it is necessary to organize trainings for judges, especially in newly introduced specializations, such as judges in anti-corruption courts. Revising professional training procedures for advocates is envisaged as a strategic direction of the goal of reforms of the legal aid sector. According to the strategy, it is necessary to provide flexible and differentiated mechanisms for participation in the qualification examinations and training in the School of Advocates.

Q288-7 (2021): In 2019, the Government adopted the Gender Policy Implementation Strategy and Action Plan for 2019–2023.

It should be noted that the Ministry of Justice was the beneficiary of the GEPAA project, since it was implemented in partnership with the Deputy Prime Minister office and the MTAI. The new law launched “Women in politics, public administration and civil society project” is the logical continuation of GEPAA efforts and will build on its achievements. In particular, the Action Plan for further engenderment of the MoJ will soon be ready for implementation. It is expected that more gender responsive practices and approaches will be put in place upon the implementation of the Action Plan.

Q288-8 (2021): The new Criminal and Criminal Procedure Codes were adopted in 2021. Also the need of reforms of the civil code and civil procedure legislation is envisaged in the strategy. The reforms of administrative code and administrative procedure legislation are also envisaged as strategic goal.

Q288-9 (2021): According to the strategy, one of the strategic goals is the development of alternative dispute resolution methods. The strategic directions of this goal are: creation of a new arbitration centre in Armenia, improvement of the arbitration legislation, improvement of the mediation legislation, ensuring the implementation of reforms in the field of mediation. The amendments to the Law on Mediation were adopted by the National Assembly in 2022.

Q288-10 (2021): The decision of the Government of the Republic of Armenia on defining the anticorruption strategy of the Republic of Armenia for 2019-2022.

Back in 2019 Corruption Prevention Commission was established as a preventive body which has quite large scope of powers, including the regulation of the declaration process and verification thereof, integrity check of nominees of candidates of judges, prosecutors and investigators, to name just few.

A specialized law enforcement body, an Anti-Corruption Committee was established in October 2021, and is functional now. The main competence of the Committee is the organization and implementation of pre-trial criminal proceedings on alleged corruption crimes, which meanwhile will carry out operative intelligence activities.

The system of whistle-blowing, including respective unified whistleblowing online platform have been established back in 2019, the guarantees and unanimity for whistle blowers have been envisaged by law. The law meanwhile envisages the possibilities to submit unanimous whistle-blower through the electronic system. Declarations system was refined. Specifically, the scope of the declaration was largely expended: the officials are now obliged to submit not only asset and income, but also interest and expenditure declarations. At the same time the scope of the declarant officials (respectively their family members) was tripled. Integrity check requirements are envisaged for the candidates/nominees of candidates of judges, judges, members of Supreme Judicial Council, prosecutors and investigators in cases prescribe by law.

At the same time, the competences of financial supervision and verification of political parties are provided to the independent anti-corruption body-Corruption Prevention Commission. Legislative acts aimed at creating an open and publicly accessible register of real beneficiaries of legal entities were adopted. At the same time, mandatory requirement to disclose real beneficiaries is established for all legal entities in Armenia.

For raising public awareness on fight against corruption, the 2022 Anti-corruption Communication Action Plan was adopted and is being implemented. Conflict of

to the List of Issues, based on the recommendations enshrined in the "Gap analysis of Armenian criminal law in light of the standards established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" relevant provisions to prevent and combat violence against women and domestic violence are included in the New Criminal Code. In particular the New CC envisages committing of a criminal offense by a close relative as an aggravating circumstance. Within the New Code the close relative include, regardless of the circumstances of cohabitation, spouse (including a person who is in an actual marital relationship), parent, including foster parent, adoptive parent, foster parent, child (also adopted, stepfather, foster child), spouse of the adoptive parent, parents, brothers, sisters (also stepmother), grandfather, grandmother, grandchildren, as well as for parents, sister and brother of the husband-the bride or groom, sister of the spouse, brother of the spouse. The New Criminal Code also introduces criminal liability in line with the Istanbul Convention for the following offences: Abortion or Artificial Termination of Pregnancy and Sterilization and Forced Abortion or Artificial Termination of Pregnancy and Sterilization (Articles 175-176), Mental Influence (Article 194), Physical Influence (Article 195) and Forced Marriage, Divorce or Pregnancy (Article 197). • Awareness raising activities. It should also be mentioned that "Violence in silence" campaign was conducted under the auspices of Armenia's Ministry of Justice. It raised awareness about the prevention of domestic violence and support available to victims and survivors. The campaign was titled "Violence in silence" because silence from neighbours, colleagues, friends or family allows domestic violence to continue. Thus, the campaign encouraged victims, survivors and witnesses of domestic violence not to remain silent but call for help to stop the violence.

The campaign was launched on March 8, 2021 the International Women's Day, a global day to celebrate women's rights and a call for action to achieve gender equality and to end violence against women. The campaign included two PSA videos shown on TV. The first video showcased domestic violence as a global shadow pandemic, drawing parallels between domestic violence and COVID-19 . The second PSA was a silent video which urged the viewers to detach from the everyday noise, pay attention to their surroundings and call for help when witnessing domestic violence . Two social experiments were conducted in Yerevan. The first one showed people's reactions to witnessing domestic violence at a cafe. While most clients were visibly upset about the situation, they hesitated to get involved. Within two hours, only one witness intervened to help the victim .

The second experiment included a door installed on one of the busiest streets of Yerevan. The door played sounds of domestic violence. These sounds paused when someone rang the doorbell. Every 10th witness stopped to ring it. The door informed passers-by to call for help when witnessing domestic violence . Next, an interactive video was played on social media where the viewer could select how to react to the sounds of domestic violence coming from a neighbour's home. They could choose to intervene and call the police or keep silent and allow the violence to continue. The video closed with an encouragement to call to the police when witnessing domestic violence. 20 eye-catching digital and out-of-home posters took over streets and bus stops in Yerevan. They showcased wrong beliefs that people use to justify domestic violence. The posters called for people not to remain silent because nothing can justify domestic violence .

The campaign included a Facebook page and website www.violenceinsilence.org with detailed information about domestic violence and its manifestations, the obligations of the authorities to protect and prevent domestic violence, and support services available to victims and survivors, such as helplines, support centers, shelters, etc. The campaign was very successful on social media as well, cumulating a reach of over 4.2 million.

Q288-12 (2021): According to the strategy, one of the strategic goals is setting up a unified "e-justice" management system and ensuring accessibility of electronic databases and updating thereof. The strategic directions of this goal are: the establishment of the unified "e-court" and "e-justice" management systems, further development of electronic systems of justice sector bodies, the digitization and modernization of public functions and databases assigned to the Ministry of Justice.

Azerbaijan

activity to a qualitatively new stage. As part of the implementation of the decree, access to courts has been improved, the application of the "Electronic court" information system has been expanded, and important changes have been made to the legislation on ensuring flexibility and transparency in court proceedings. The establishment of new institutions such as private expertise and mediation, as well as the creation of additional mechanisms for detection of systemic defects, and ensuring of a uniform judicial practice has significant impact on functioning of judiciary.

As part of the implementation of the decree, new, more advanced Rules for evaluating the performance of judges were also adopted. In the past period, the activity of more than 300 judges was evaluated based on those transparent rules. The judicial selection process has been improved as well.

At the same time serious efforts are being made in Azerbaijan to ensure transparency in the activities of the courts, access to justice and the right to a fair trial, consideration of cases within reasonable time, and to combat conditions for red-tape and corruption. Consistent comprehensive legislative and institutional measures are being taken to increase the prestige of the judiciary, strengthen public confidence in the courts, and address existing problems.

In accordance with the tasks arising from the 13 February 2014 Presidential Order "On Establishing the "Electronic Court" information system", the 3 April 2019 Presidential Decree "On Deepening Reforms in the Judicial and Legal System", as well as the "2019-2023 State Program for the Development of Azerbaijan Justice", substantial measures were taken in the country to ensure the principle of transparency in the activities of courts, to facilitate people's access to justice, and to modernize the court infrastructure, the "Electronic Court" information system was created, and the courts were provided with modern equipment.

In the courts connected to the "Electronic Court" system, the admission of e-claims through personal accounts and electronic court proceedings have been carried out, electronic circulation of documents and electronic signatures have been applied in court activities. At present, commercial litigation is being conducted only electronically, and such an option has been granted for the consideration of other civil disputes. In order to facilitate access to justice, the "Mobile Electronic Court" software was developed; in 2019, extensive public presentations were held thereof and it was made available to citizens.

In addition, a number of works have been carried out in the framework of the implementation of the 3 April 2019 Presidential Decree dated, being of particular importance in improving the judiciary and strengthening measures in the fight against corruption, including a Hotline set up in the Council to receive relevant information aimed at ensuring the independence of judges, eliminating interference in the work of courts and other negative aspects, and an anti-corruption body established therein, in accordance with the requirements of the criminal and civil procedural legislation, appropriate equipment was installed in the courts for the organization of audio and video recording of the proceedings and its conduction, and anonymous publication of court decisions was arranged.

By the Decree of the President of Azerbaijan dated July 19, 2019, new commercial and separate administrative courts were established in Nakhchivan Autonomous Republic, Baku, Ganja, Sumgayit, Shirvan and Sheki by abolishing existing administrative-economic courts.

Measures have been taken to determine the jurisdiction of those courts, which began operating on January 1, 2020, to provide them with appropriate buildings, equipment, and other organizational and technical means, to form judicial apparatuses, and the courts have been staffed with judges who have deeper legal knowledge and experience in the relevant field. Also, electronic acceptance of claims and electronic document circulation have been established for flexible processing of commercial cases, and the number of commercial cases has increased by 50% as a result of effective determination of accessibility.

In order to determine the territorial jurisdiction of the Sumgayit Serious Crimes Court, to provide necessary conditions for the operation of the court, to take measures to provide it with buildings, equipment, communication, transport and other organizational and technical means, as well as to increase the total number of employees of judicial staff in courts.

In addition, by Presidential Decree No. 3226 dated April 25, 2022, the Kepaz District Court of Ganja and the Nizami District Court of Ganja were abolished and the Ganja City Court was established in Ganja.

In connection with the organization of the Ganja City Court, it is envisaged to make appropriate changes in the territorial jurisdiction of the courts, to determine the number of judges and to provide the court with building, equipment, communication, transport and other organizational and technical means in order to create the necessary conditions for the operation of the court.

The role of information technologies in court administration is no less important. The system we have developed in this regard allows us to prepare various analytical reports based on electronic statistics, evaluate the activity of courts and judges, and determine the productivity of their work. Our experience in this field has attracted international interest and has been awarded a special award.

Q288-4 (2021): During the investigation, a low-income person (LIP) is provided with a lawyer at the expense of the State based on the decision of the institution conducting the investigation.

In criminal cases, a lawyer is appointed for a LIP in court on the basis of a court decision. In civil cases, to this day, a lawyer can be appointed at the expense of the state on the basis of Court (Appellate or Supreme) decision for LIP in connection with a cassation appeal only to the Supreme Court.

According to the proposed new draft law, by the decision of the Court, in civil cases, a judge will be appointed for a LIP in all court instances.

Q288-7 (2021): Ensuring gender equality to protect gender equality, protect women's rights, leadership, gender audit, existing gender policy and national and international legislation in this area are a cooperation with organizations, methods of combating sexual discrimination and other appropriate measures are being taken. As a result of these measures in all judicial areas the number of women has increased and this tendency continues. Gender equality in the judiciary is ensuring as well. The number of female judges in the judicial system has been constantly increasing, including in 2013, women made up 13% of the judicial body, and now this number has increased year by year and made up 20%.

Also, 50% of the candidates who successfully passed the exams held for judges in the last 3 years and were appointed to the respective positions of judges, including 60% of the candidates who were appointed to the positions of judges last time as a result of such competitions, are women.

All this is a manifestation of the observance of the principles of gender equality in our country, and the activity of women in various spheres of public life.

Q288-9 (2021): The Law of the Republic of Azerbaijan "On Mediation" was adopted March 29, 2019. The purposes and principles of mediation, the scope of the mediation process, including the initial mediation session, the rules of implementation, the grounds for applying the mediation process, the procedure for the implementation of the reconciliation agreement concluded as a result of mediation, and other issues are regulated in that Law. Pursuant to the above-mentioned Law, with the relevant decisions of the Cabinet of Ministers "Regulation on maintaining the mediation register", "Regulation on training for training and improving the qualifications of mediators", "Regulation on professional ethical behavior of mediators", "Regulation on the implementation of the mediation process" Approved.

In addition, a new draft law "On Arbitration" is being prepared in order to promote the institution of arbitration in our country.

On June 30, 2021, the Board of the Mediation Council was established.

On September 13, 2021, the Disciplinary Commission of the Mediation Council was established.

In order to accept state-registered mediation organizations as members of the Mediation Council, a Special Commission was established to determine their compliance with the requirements established by the Law of the Republic of Azerbaijan "On Mediation" and to carry out the necessary monitoring of their future activities. – (2021, December 12)

procedure for paying mediation costs from the state budget has been changed.

According to Article 36.7 of the Law of the Republic of Azerbaijan "On Mediation", the payment of the mediation costs of any party that does not have sufficient funds to cover the costs of mediation is carried out at the expense of the state budget.

At the same time, by Resolution No. 360 of the Cabinet of Ministers of the Republic of Azerbaijan dated August 16, 2019, the "Rule of payment of mediation costs from the state budget funds" was approved, and by the Resolution of the Cabinet of Ministers dated February 26, 2022, the said Rules were amended and sufficient to cover mediation costs. members of families receiving targeted state social assistance and persons registered as unemployed in the relevant local institutions of the State Employment Agency and "DOST" centers under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan have been defined as natural persons without funds. Clause 1.3 of the Rule states that the Rule does not apply if one of the parties does not attend the initial mediation session without an excuse. In such a case, the circle of subjects defined in the Rules is obliged to pay the cost of mediation due to the non-participation of the other party when applying for mediation and cannot use the mentioned privilege of the Law. Clause 1.3 of the Regulation has been repealed in order to eliminate the existing inconsistency. (<https://nk.gov.az/az/article/2538/>) (2022, Avg 19)

A Consultative Commission was established under the Mediation Council in order to develop mediation activities in our country and to ensure the coordinated cooperation of all parties who may participate in the mediation process. (6 April 2022)

An Internal Audit and Ethics Committee was established for the purpose of checking the activities of mediation organizations and mediators. (25 Avg 2022)

For the development of the mediation institute and the flexible solution of the problems, working groups have been created for different tasks.

the means of ensuring the rights to access information, support civil society institutions and strengthen public control, and ensure the continuity of measures taken to promote open government "National Action Plan for the Promotion of Open Government for 2020-2022" was approved by Decree No. 1859 dated February 27, 2020.

Measures related to preventing corruption and strengthening transparency in the activities of state bodies, ensuring financial transparency, improving public services, expanding the activities of civil society members, increasing public control and public participation, as well as other areas are defined in the document. In addition, further increasing transparency in the activities of state institutions, prevention of situations that create conditions for corruption, further strengthening of accountability of state bodies to the public, further improvement and electronicization of services provided by state institutions to the population, as well as ensuring the continuity of measures taken in the fight against corruption "National Action Plan for strengthening the fight against corruption for 2022-2026" was approved by Decree No. 3199 of the President of the country dated April 4, 2022.

In the National Action Plan, measures related to the improvement of the legislative framework for the fight against corruption, strengthening the prevention of corruption and transparency, ensuring financial transparency, combating the legalization of money or other property obtained through crime and the financing of terrorism, and the improvement of public services and management mechanisms envisaged.

Q288-11 (2021): In 2010, the Law of the Republic of Azerbaijan "On Prevention of Domestic Violence" was adopted. The law defines the main principles in the field of prevention of domestic violence, the circle of persons to whom the law applies, the procedure for reviewing complaints about domestic violence, and the types of measures in the field of prevention of domestic violence.

At the same time, we note that in order to adapt the measures for the prevention of domestic violence in the country to international standards, to provide them with timely and comprehensive assistance for the sake of strengthening families, to implement and increase the efficiency of the measures provided for in the normative legal acts in the field of combating domestic violence, the President of the Republic of Azerbaijan 2020- "The National Action Plan for the fight against domestic violence in the Republic of Azerbaijan for the years 2020-2023" was approved by Decree No. 2307 dated November 27.

The National Action Plan envisages prevention of domestic violence and promotion of non-violence, detection and early identification of persons subjected to domestic violence, provision of assistance centers and shelters to those persons, as well as formation of their effective protection system and other issues.

Q288-12 (2021): It is planned to develop a new version of the "Electronic management system of court cases". The new version of this system envisages increasing the level of automation of court decisions and procedural measures, developing accountability and many other elements using the most modern technologies. The Ministry of Justice, which is an active participant in the "Electronic Government" system, provides more than 30 different electronic services to citizens. As for the innovative services created by the Ministry, it is currently possible to provide notary services online 24 hours a day through the electronic justice kiosk. The next step in the digitization of the notary is the creation of electronic notary offices for the on-the-spot formalization of notarial actions directly in banks and social services.

The new system was developed in this regard allows us to prepare various analytical reports based on electronic statistics, evaluate the activity of courts and judges,

Georgia

Q288-1 (2021): See Comments below

Q288-3 (2021): PSG- In order to improve the work environment and introduce the concept of green office, important infrastructure projects were implemented in the Office of the Prosecutor General of Georgia (OPG). In 2022, as a result of the renovation and reconstruction of several floors in the OPG, renewed, technically equipped, and modern working spaces were created. Moreover, to promote a healthy lifestyle among the employees, a gym and sports hall were renovated. To implement the concept of Green Office and optimize the consumption of natural resources, solar energy panels were installed on the building of the OPG. In future, the PSG plans to equip other administrative buildings with similar solar energy panels, which will significantly reduce electricity consumption. The infrastructure projects will continue in the future. Judiciary - High Council of Justice of Georgia is working on new IT Strategy of Judiciary.

Q288-4 (2021): New Regulations regarding the publication of Court decisions (According Constitutional Court decision) should be adopted. Legal Amendments on this issue is sent to Venice Commission for further Opinion.

Q288-5 (2021): According to the new procedure, the selection/appointment of first instance/appellate court judges will be conducted in the same way as it is for Supreme Court judges - by an open vote, the identity of HCJ members will be disclosed and all the scores and evaluations made, be substantiated by each member which will finally ensure the highest quality reasoning for all appointments. Legal Amendments on this issue is sent to Venice Commission for further Opinion.

Improving the rules for recruitment and promotion of prosecutors On 26 August 2020, the Prosecutor General of Georgia adopted the Rule on Recruitment, Vetting, Competition, Internal Competition, Promotion, Demotion and Rotation of Employees at the Prosecution Service of Georgia and the Rule on Internship at the Prosecution Service of Georgia, which entered into force next day. These rules regulated the recruitment and promotion of prosecutors in more detail and provided additional guarantees for the transparency of the process and reasoning of decisions. In view of the carried out reforms, in March 2021, GRECO concluded that Georgia had implemented its recommendation xi satisfactorily. The recommendation stipulated, “(i) regulating, in more detail, the recruitment and promotion of prosecutors so as to ensure that decisions are based on precise and objective criteria, notably merit; (ii) providing for transparent procedures – including by making the above-mentioned criteria public – and ensuring that any decisions in those procedures are reasoned.”

Updating the Code of Ethics for prosecutors, issuing written explanations and providing trainings On 26 August 2020, the Prosecutor General adopted the Ethics Code for the Employees of the Prosecution Service (Order #038), entering into force on 27 August 2020. It replaced the previously existing 2017 Ethics Code. The aim of adopting the new Code was streamlining it with the provisions of the PSG Organic Law, including removing certain provisions on disciplinary violations, which duplicated or contradicted the Organic Law provisions. On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia, which was circulated among all PSG staff electronically on the same day. In view of the carried out reforms, in March 2021, GRECO concluded that Georgia had implemented its recommendation xiii satisfactorily. The recommendation stipulated that the “Code of Ethics for Employees of the Prosecution Service of Georgia” continues to be updated, is communicated to all prosecutors and made easily accessible to the public; (ii) that it be complemented by practical measures for the implementation of the rules, such as further written guidance and explanations, further training and confidential counselling”.

Defining disciplinary offences more precisely and ensuring proportionality of sanctions

For defining disciplinary offences more precisely and ensuring proportionality of sanctions, in 2021, the special working group at the Prosecution Service of Georgia (PSG) composed of the representatives of the PSG General Inspectorate, the International Relations and Legal Department and the Career Management, Ethics and Incentives Council, started the review of the 7 years PSG disciplinary practice. Based on the carried out review and analysis, the working group elaborated the clarification of the grounds for disciplinary liability and categories of disciplinary misconducts of the employees of the Prosecution Service of Georgia. On 13 May 2022, it was submitted to the members of the Career Management, Ethics and Incentives Council . After collecting the feedback and amending the draft accordingly, on 16 May 2022, the Prosecutor General of Georgia adopted Rule #014 on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia. On the same day, it was published on the website of the Legislative Herald of Georgia. On 17 May 2022, the Rule entered into force.

In view of the PSG 7 year’s practice of handling the disciplinary cases, the Rule on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia provides for the detailed specification of individual disciplinary violations and applicable sanctions. It further defines that the conduct which formally contains the elements of disciplinary violation shall not be considered as disciplinary misconduct, if it did not cause damage

- Q288-7 (2021):** 1. Amendments to the Organic Law on Normative Acts, introducing gender impact assessments related to draft laws, in 2022;
2. The State Concept on Gender Equality, in 2022;
3. The fourth National Action Plan (NAP) on Women, Peace and Security 2022-2024, in 2022;
4. The Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service, in 2022;
5. The Gender Equality Strategy 2022-2025 for the Ministry of Foreign Affairs, in 2021;

Q288-8 (2021): Minor legal changes has been adopted, but not the Reforms.

Q288-9 (2021): Minor legal changes has been adopted in law of Mediation, but not the new Reforms.

Q288-10 (2021): Please see the information provided by the Prosecution Service of Georgia in the comments section of question 288-6.

- Q288-11 (2021):** 1. Government Decree No. 523 of 9 November 2022, establishing the rule that victims of gender-based violence against women, including domestic violence, can obtain State-funded compensation from the State Care Agency, as determined by a court decision;
2. Legislative amendments removing the requirement of an official status as victim of gender-based violence against women for accessing State-funded support services, in 2022, which will enter into force on 1 July 2023;
3. The National Action Plan on Ending Violence against Women, in 2022

Q288-12 (2021): Isn't initiated at the moment, but It's planned to improve legal framework regarding the New Information and Communication Technologies in different fields and aspects.

Republic of Moldova

Q288-1 (2021): The main reform planned in 2021 was the amendment of Constitution on the judiciary section. The constitutional law entered into force on April 1, 2022. The constitutional amendments aimed to strengthen the guarantees of independence of judges, to exclude the political factors that influence their careers but also to change the structural composition of the Superior Council of Magistracy (SCM) with the exclusion of ex officio members, the Minister of Justice, the Prosecutor General and the President of the Supreme Court.

The main amendments aim to reflect functional immunity of judges, unifying the way judges are appointed (all judges will be appointed by the decree of the President of the Republic of Moldova, or until this phase SCJ judges were appointed by Parliament), removing the initial term of appointment of judges (probationary period) for 5 years. Additionally, the composition of the SCM was changed (6 members from among the judges will be elected by the General Assembly of Judges, representing all levels of courts and 6 members will be appointed by the Parliament from civil society) and a 6-year term without the possibility of having two successive terms was established. According to the new provisions the SCM must be consulted in the process of drafting, examining, approving and amending the budget of the judiciary. Therefore, the SCM may submit proposals to the Parliament on the financial means needed for the proper functioning of the courts.

Also, one of the major reforms applicable for next few years includes activities planned in the new Strategy on Ensuring the Independence and Integrity of the Justice Sector for 2022-2025, approved by Parliament on December 6, 2021. The strategy aims to respond to the challenges related to the improvement of the justice sector and shows the state's commitment to ensure an independent, impartial, accountable and efficient justice sector.

The strategy is oriented towards three strategic directions that aim at: 1) Independence, responsibility and integrity of justice sector actors. 2) Access to justice and quality of the justice act. 3) Efficient and modern administration of the justice sector

Q288-2 (2021): In respect of the on-going reorganization of the national courts the unification of the Court's offices will be carried out gradually, until 31 December 2027, as the conditions for this are created, according to an action plan approved by the Parliament. In this regard for next phases of planning, building, equipping and functioning of new court premises the judicial system will be in need for more approved financial resources.

Q288-3 (2021): 1. According to the Law no. 76 on the reorganization of the courts, approved by the Parliament on 21.04.2016, since January 1, 2017, the judiciary has been reorganized into 15 first instance courts. The unification of the court's offices will be carried out gradually, until 31 December 2027, as the conditions for this are created, according to an action plan approved by the Parliament.

Until the creation of the conditions of operation in a single court house, the newly created courts will have several territorial offices.

An Working Group was established by judiciary in 2020 in order to propose amendments to the existing legislation regarding court map optimization.

2. Strategic Development Program of the Prosecution Office of the Republic of Moldova for the period 2021-2025 aims to promote in the Prosecution Office a higher level of independence, integrity, accountability, transparency, professionalism and efficiency in line with European standards and practices, thus ensuring the rule of law and respect for fundamental human rights.

3. Law 211/2021 approved the Strategy on Ensuring the Independence and Integrity of the Justice Sector for 2022-2025 and the Action Plan for its implementation.

The High Council of Prosecutors by Decision No. 1-83/2022 of 26.04.2022 adopted the Institutional Action Plan for the implementation of the Action Plan for the implementation of the Strategy on ensuring the independence and integrity of the justice sector for the years 2022-2025.

In the context of the reform of the justice system, the Ministry of Justice launched a concept of reformation of the Supreme Court of Justice (SCJ). The reform involves adjusting the role of the SCJ and focusing on unifying the judicial practice and pronouncing decisions in areas of major importance to society in the Republic of Moldova. The reform will also provide for a reduction in the number of SCJ judges, internal operational restructuring and streamlining the work of the SCJ.

Q288-4 (2021): According to the Strategy for the legal aid activities in 2021-2023 it is planned the diversification and automatization of legal aid services:

- a) Elaboration and institutionalization of the mechanism for providing partial legal assistance free of charge.
- b) Elaboration and institutionalization of the mechanism for granting legal aid by public associations.
- c) The continuous expansion and development of the network of paralegals in rural and urban localities across the country, taking into account legal empowerment needs.
- d) Updating the role and place of public lawyers in the legal aid system.
- e) Piloting new models of qualified and primary legal assistance, oriented to the needs of the beneficiaries from the socially vulnerable categories.
- f) Facilitating the development and implementation of related programs, such as holistic assistance; prevention and harm; mediation; strategic litigation; advocacy; etc.
- g) Increasing the amount of remuneration of public lawyers and paralegals, for legal aid services for their motivation.
- h) Providing highly specialized legal services within penitentiaries, centers for the protection of people with disabilities, placement centers, etc.
- i) Facilitating the access of the population to qualified legal aid services through providing legal services remotely (by telephone or videoconference) by lawyers granting legal aid or by specialized entities.
- j) Technologizing the process of granting primary legal aid by developing online platforms for providing primary legal assistance, which would allow beneficiaries to navigate in resolving legal issues at distance; providing primary legal advice by telephone or online.
- k) Digitization of the process of granting primary legal aid by elaborating specialized WEB pages; interactive guides; terminals with

Q288-5 (2021): According to the constitutional amendments, the composition of the SCM was changed. It has 12 members (6 members from among the judges will be elected by the General Assembly of Judges, representing all levels of courts and 6 members will be appointed by the Parliament from civil society). A 6-year term without the possibility of having two successive terms was established. According to the new provisions the SCM must be consulted in the process of drafting, examining, approving and amending the budget of the judiciary.

The ex officio members, the Minister of Justice, the Prosecutor General and the President of the Supreme Court were excluded from the composition of SCM. The constitutional amendments entered into force in April 2022.

Q288-6 (2021): Strengthening the capacities of justice related, legal professions and the affirmation of their representatives (lawyer, notary, mediator, bailiff, judicial expert, licensed administrator and translator/interpreter) as a body of professionals capable of delivering quality legal services that are essentially public services delegated by the state is an essential task also. In this respect, it is planned to improve the mechanisms on organization, activity and accountability of justice related legal professions and develop and enforce improved policies for service delivery by justice related legal professions. The reforms are part of the new Justice Sector

Q288-7 (2021): With reference to the improvement of the institutional mechanisms aimed at ensuring equality and combating discrimination, the Ministry of Justice developed a draft law which proposed, in particular, the amendment of Law no. 121/2012 regarding ensuring equality and Law no. 298/2012 regarding the activity of the Council for the prevention and elimination of discrimination and ensuring equality. The changes are aimed at expanding the non-discrimination criteria, improving the collection of equality data, monitoring, evaluating and reporting the results annually, as well as strengthening the institutional framework (the competences, activity and structure of the Equality Council).

Q288-8 (2021): To ensure a stable regulatory framework and to avoid the promotion of conflicting concepts by various authorities, it is planned to centralize the task of amending the codified laws (Civil Code, Criminal Code, Contraventions Code, Administrative Code, Civil Procedure Code, Criminal Procedure Code, Enforcement Code), by formally authorizing the Ministry of Justice in this respect;
The planned reform is part of the new Justice Sector Strategy.

Q288-9 (2021): According to the statistical data, neither the establishment through the Law no 31/2017 of compulsory judicial mediation for certain categories of cases, has led to tangible results (approximately 5% of the cases filed in courts have been settled).

In this respect, revising the institution of compulsory judicial mediation, has been widely planned. The exclusion of the institution of compulsory judicial mediation is included in the Government Action Plan for the years 2021-2022.

The exclusion of compulsory judicial mediation for civil cases entered into force in 2022.

Although the original aim was to reduce the workload of judges and to resolve cases more quickly. Over time, it has been found that this alternative method of resolving disputes is inefficient and has not generated positive results. Moreover, it has had negative consequences for civil proceedings and the workload of judges and has delayed pending cases, affecting the free access to justice of litigants. For example, in the last four years, out of the total number of judicial mediation proceedings - about 43,500 cases, only 1,165 were completed with the conclusion of a transaction. In the rest of the disputes, the mediation processes ended by the refusal of the parties to settle the dispute amicably, the expiration of the term or the waiver of the plaintiff's action.

It has also been found that judicial mediation proceedings take too long - between three and nine months, which is contrary to the provisions of the Code of Civil Procedure, which provide that the term of judicial mediation may not exceed 45 days.

The amendment also provides for the transitional provision, according to which the judicial mediation processes not completed at the time of the entry into force of the law will be continued and completed according to the old provisions.

The amendment aims to promote compulsory extrajudicial mediation, to reduce the workload of judges and expand the area of intervention and provision of services by mediators.

Other priorities are to promote the benefits of alternative dispute resolution mechanisms within the business environment, legal community, academia and the judiciary and to conduct awareness and information dissemination campaigns on these mechanisms. The planned reforms are also part of the new Justice Sector

all judges and prosecutors, in terms of their professionalism, integrity and interests. At the same time, following the analysis of the new legal framework and practices, measures are required to improve the mechanism of disciplinary liability of judges and prosecutors. The planned reforms are part of the new Justice Sector Strategy.

In order to improve the legislative framework on the functioning of the National Integrity Authority, to prevent situations of conflicts of interest and incompatibilities, as well as to declare correctly / properly the wealth and personal interests of subjects subject to such obligations, in 2022 amendments were made in several legislative acts, especially in Law no. 133/2016 on the National Integrity Authority and Law no. 133/2016 on the declaration of wealth and personal interests. The amendments aim to strengthen the role of the integrity inspector and to give the power to request the evaluation of goods in asset control procedures, in order to identify their real / market value and to exclude the practice of acquiring goods at not real prices, from persons who cannot justify their origin.

In the part related to the strengthening of the integrity mechanisms of judges and prosecutors, the Ministry of Justice has elaborated a draft law which proposes, in particular to establish a mechanism for declaring assets at the stage of admission at the National Institute of Justice, so that the integrity regime is applicable to all stages of the career of judges and prosecutors (admission to NIJ, appointment, promotion / transfer). The Ministry of Justice has initiated the process of creating the mechanism for extraordinary (external) evaluation of all judges and prosecutors (vetting), similar to the practices of other European countries.

The Ministry of Justice initiated the process of creating a normative framework that will allow the confiscation in the civil procedure of the illegally obtained goods with the establishment of a difference between the persons exercising public functions from the other persons, from the perspective of the presumption of the lawfulness of the acquisition of their goods.

Additionally, measures are taken on the component of improving the mechanisms for recovery / confiscation of criminal assets.

Q288-11 (2021): Among the main provisions of the National Strategy on prevention and combating violence against women and domestic violence for 2018-2023 are:

- Prevent violence against women and domestic violence by cultivating zero tolerance for violence. Combat stereotypes and prejudices leading to violence against women and domestic violence. Inform, raise awareness and encourage the reporting of cases of violence;
- Pre-service and in-service training of the professionals engaged in the prevention and combating of domestic violence based on a common vision at the state level;
- Strengthen the education system to ensure the education of new generations from the perspective of gender equality values and a non-violent communication culture;
- Strengthen the mechanisms of protection and assistance for victims of violence against women and domestic violence; - Develop specialized services for victims of violence, including sexual violence, in line with the international standards;
- Promote women's economic empowerment and socio-economic independence;

Q288-12 (2021): Within the framework of the institutional reform of the judiciary, digitalization has been a priority. An essential support to the modernization of justice delivery is ensured by the development of the judicial information system. Nevertheless, the implementation of IT solutions is an ongoing process, which should be adapted to new requirements for process development. Increasing the level of digitalization of the judiciary is a tool for streamlining the activities carried out in the justice system.

As a result of the approach, in September 2021, the concept of JUSTAT was approved, the future platform with dashboards according to the model of the CEPEJ-STAT platform. The Agency for Courts Administration, with the support of the EU and CoE, has evaluated the latest developments in the field of judicial statistics in the Republic of Moldova, having appreciated the content of the statistical file of the courts, available on the web page of the Superior Council of Magistracy, which automatically takes data from the Integrated Case Management Program. During the meetings held, the content of dashboards, performance indicators and other

Question 288-1. (Comprehensive) reform plans

Question 288-2. Budget

Question 288-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and

Question 288-4. Access to justice and legal aid

Question 288-5. High Judicial and High Prosecutorial Council

Question 288-6. Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects

Question 288-7. Gender equality

Question 288-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Question 288-9. Mediation and other Alternative Dispute Resolution

Question 288-10. Fight against corruption and accountability mechanisms

Question 288-11. Domestic violence

Question 288-12. New information and communication technologies

Question 288-1

Armenia

(2021): The Strategy for Judicial and Legal Reforms of the Republic of Armenia for 2019-2023 was developed and then adopted on October 10, 2019. The Strategy pointed out 18 strategic goals of the reforms in the respective directions. Within this context, as of February 2022, out of 94 activities approved by the Appendix to the Strategy of the Judicial and Legal reforms of the Republic of Armenia for 2019-2023 (hereinafter- the strategy), total of 70 activities have been partially or fully implemented. As a result of the implemented actions, the new Criminal and Criminal Procedure Codes were adopted, the standards necessary for assessing the integrity of the judges and the members of Supreme Judicial Council were defined, the grounds for disciplinary action against judges were aligned with the goals of fighting corruption, new administrative and anti-corruption chambers were established in the Court of Cassation, an institute for examining cases of pre-trial criminal proceedings by separate specialized judges were introduced, the electoral legislation was revised, as well as wide-scale works started towards the implementation of reforms in the field of bankruptcy, enforcement, etc.

As a result of the elections, the Government presented its new action plan for 2021-2026, on the basis of which the action plan for 2021-2026 was adopted on November 18, 2021. The program of the Government and the action plan deriving thereof set the priorities of the new Government in the area of justice as well, including the judicial and legal sphere, which means the revision of judicial and legal reform strategy in the light of the new government program. Taking into account the above, as well as taking as a basis the 4th part of Article 146 of the Constitution, part 8 of Article 11 of the Law "On the Structure and Operation of the Government", the Strategy of the judicial and legal reforms for 2022-2026 has been developed as a revision of the strategy for 2019-2023. The Strategy envisaged 12 strategic goals and 41 strategic directions - e-justice, the directions of democratic institutions (in particular, the constitutional and electoral) and judicial system reforms, criminal, civil and civil proceedings, administrative and administrative proceedings, bankruptcy, alternative dispute resolution methods, advocacy,

Azerbaijan

qualitatively new stage. As part of the implementation of the decree, access to courts has been improved, the application of the "Electronic court" information system has been expanded, and important changes have been made to the legislation on ensuring flexibility and transparency in court proceedings. The establishment of new institutions such as private expertise and mediation, as well as the creation of additional mechanisms for detection of systemic defects, and ensuring of a uniform judicial practice has significant impact on functioning of judiciary.

As part of the implementation of the decree, new, more advanced Rules for evaluating the performance of judges were also adopted. In the past period, the activity of more than 300 judges was evaluated based on those transparent rules. The judicial selection process has been improved as well.

At the same time serious efforts are being made in Azerbaijan to ensure transparency in the activities of the courts, access to justice and the right to a fair trial, consideration of cases within reasonable time, and to combat conditions for red-tape and corruption. Consistent comprehensive legislative and institutional measures are being taken to increase the prestige of the judiciary, strengthen public confidence in the courts, and address existing problems.

In accordance with the tasks arising from the 13 February 2014 Presidential Order "On Establishing the "Electronic Court" information system", the 3 April 2019 Presidential Decree "On Deepening Reforms in the Judicial and Legal System", as well as the "2019-2023 State Program for the Development of Azerbaijan Justice", substantial measures were taken in the country to ensure the principle of transparency in the activities of courts, to facilitate people's access to justice, and to modernize the court infrastructure, the "Electronic Court" information system was created, and the courts were provided with modern equipment.

In the courts connected to the "Electronic Court" system, the admission of e-claims through personal accounts and electronic court proceedings have been carried out, electronic circulation of documents and electronic signatures have been applied in court activities. At present, commercial litigation is being conducted only electronically, and such an option has been granted for the consideration of other civil disputes. In order to facilitate access to justice, the "Mobile Electronic Court" software was developed; in 2019, extensive public presentations were held thereof and it was made available to citizens.

In addition, a number of works have been carried out in the framework of the implementation of the 3 April 2019 Presidential Decree dated, being of particular importance in improving the judiciary and strengthening measures in the fight against corruption, including a Hotline set up in the Council to receive relevant information aimed at ensuring the independence of judges, eliminating interference in the work of courts and other negative aspects, and an anti-corruption body established therein, in accordance with the requirements of the criminal and civil procedural legislation, appropriate equipment was installed in the courts for the organization of audio and video recording of the proceedings and its conduction, and anonymous publication of court decisions was arranged.

By the Decree of the President of Azerbaijan dated July 19, 2019, new commercial and separate administrative courts were established in Nakhchivan Autonomous Republic, Baku, Ganja, Sumgayit, Shirvan and Sheki by abolishing existing administrative-economic courts.

Measures have been taken to determine the jurisdiction of those courts, which began operating on January 1, 2020, to provide them with appropriate buildings, equipment, and other organizational and technical means, to form judicial apparatuses, and the courts have been staffed with judges who have deeper legal knowledge and experience in the relevant field. Also, electronic acceptance of claims and electronic document circulation have been established for flexible processing of commercial cases, and the number of commercial cases has increased by 50% as a result of effective determination of accessibility.

Georgia

(2021): See Comments below

Republic of Moldova

constitutional amendments aimed to strengthen the guarantees of independence of judges, to exclude the political factors that influence their careers but also to change the structural composition of the Superior Council of Magistracy (SCM) with the exclusion of ex officio members, the Minister of Justice, the Prosecutor General and the President of the Supreme Court.

The main amendments aim to reflect functional immunity of judges, unifying the way judges are appointed (all judges will be appointed by the decree of the President of the Republic of Moldova, or until this phase SCJ judges were appointed by Parliament), removing the initial term of appointment of judges (probationary period) for 5 years. Additionally, the composition of the SCM was changed (6 members from among the judges will be elected by the General Assembly of Judges, representing all levels of courts and 6 members will be appointed by the Parliament from civil society) and a 6-year term without the possibility of having two successive terms was established. According to the new provisions the SCM must be consulted in the process of drafting, examining, approving and amending the budget of the judiciary. Therefore, the SCM may submit proposals to the Parliament on the financial means needed for the proper functioning of the courts.

Also, one of the major reforms applicable for next few years includes activities planned in the new Strategy on Ensuring the Independence and Integrity of the Justice Sector for 2022-2025, approved by Parliament on December 6, 2021. The strategy aims to respond to the challenges related to the improvement of the justice sector and shows the state's commitment to ensure an independent, impartial, accountable and efficient justice sector.

The strategy is oriented towards three strategic directions that aim at: 1) Independence, responsibility and integrity of justice sector actors. 2) Access to justice and quality of the justice act. 3) Efficient and modern administration of the justice sector

Question 288-2

Armenia

(2021): Additional financial resources will be allocated for the implementation of measures planned by the strategy.

Republic of Moldova

(2021): In respect of the on-going reorganization of the national courts the unification of the Court's offices will be carried out gradually, until 31 December 2027, as the conditions for this are created, according to an action plan approved by the Parliament. In this regard for next phases of planning, building, equipping and functioning of new court premises the judicial system will be in need for more approved financial resources.

Question 288-3

Armenia

as well as ensuring the continuous development of integrity structures, improving the efficiency of the First Instance Court of General Jurisdiction of Yerevan, continuous increase of the salaries of the Judges, starting from the Courts of Higher Instances, ensuring the building and logistics of the Anti-Corruption Court, improving the process of selecting the candidates for judges, provision of a legal opportunity to appeal against decisions of the Supreme Judicial Council in regards of disciplinary cases, the revision of the ratio of number of members of Ethics and Disciplinary Committee of the General Assembly of Judges.

Regarding implemented reforms it should be mentioned that the establishment of Anti-corruption court started from October 2021. Currently the Anti-corruption court functions as specialized court. Judicial acts subject to appeal in cases of corruption crimes in the Appellate Criminal Court are reviewed by individual judges of the Appellate Criminal Court. The same regulation is for the Appellate Civil Court. The Anti-corruption Appellate court will start operating on January 1, 2024. As a result of amendments on Judicial Code the Anti-corruption chamber of the Court of Cassation was established. Also as a result of amendments on Judicial Code adopted in 2022 the First Instance Court of General Jurisdiction of the city of Yerevan was reorganized as a First Instance Court of General Civil Jurisdiction of Yerevan and as a First Instance Court of General Criminal Jurisdiction of Yerevan.

Azerbaijan

In order to determine the territorial jurisdiction of the Sumgayit Serious Crimes Court, to provide necessary conditions for the operation of the court, to take measures to provide it with buildings, equipment, communication, transport and other organizational and technical means, as well as to increase the total number of employees of judicial staff in courts.

In addition, by Presidential Decree No. 3226 dated April 25, 2022, the Kepaz District Court of Ganja and the Nizami District Court of Ganja were abolished and the Ganja City Court was established in Ganja.

In connection with the organization of the Ganja City Court, it is envisaged to make appropriate changes in the territorial jurisdiction of the courts, to determine the number of judges and to provide the court with building, equipment, communication, transport and other organizational and technical means in order to create the necessary conditions for the operation of the court.

The role of information technologies in court administration is no less important. The system we have developed in this regard allows us to prepare various analytical reports based on electronic statistics, evaluate the activity of courts and judges, and determine the productivity of their work. Our experience in this field has attracted international interest and has been awarded a special award.

Georgia

(2021): PSG- In order to improve the work environment and introduce the concept of green office, important infrastructure projects were implemented in the Office of the Prosecutor General of Georgia (OPG). In 2022, as a result of the renovation and reconstruction of several floors in the OPG, renewed, technically equipped, and modern working spaces were created. Moreover, to promote a healthy lifestyle among the employees, a gym and sports hall were renovated. To implement the concept of Green Office and optimize the consumption of natural resources, solar energy panels were installed on the building of the OPG. In future, the PSG plans to equip other administrative buildings with similar solar energy panels, which will significantly reduce electricity consumption. The infrastructure projects will continue in the future. Judiciary - High Council of Justice of Georgia is working on new IT Strategy of Judiciary.

Republic of Moldova

(2021): 1. According to the Law no. 76 on the reorganization of the courts, approved by the Parliament on 21.04.2016, since January 1, 2017, the judiciary has been reorganized into 15 first instance courts. The unification of the court's offices will be carried out gradually, until 31 December 2027, as the conditions for this are created, according to an action plan approved by the Parliament.

Until the creation of the conditions of operation in a single court house, the newly created courts will have several territorial offices.

An Working Group was established by judiciary in 2020 in order to propose amendments to the existing legislation regarding court map optimization.

2. Strategic Development Program of the Prosecution Office of the Republic of Moldova for the period 2021-2025 aims to promote in the Prosecution Office a higher level of independence, integrity, accountability, transparency, professionalism and efficiency in line with European standards and practices, thus ensuring the rule of law and respect for fundamental human rights.

3. Law 211/2021 approved the Strategy on Ensuring the Independence and Integrity of the Justice Sector for 2022-2025 and the Action Plan for its implementation.

The High Council of Prosecutors by Decision No. 1-83/2022 of 26.04.2022 adopted the Institutional Action Plan for the implementation of the Action Plan for the implementation of the Strategy on ensuring the independence and integrity of the justice sector for the years 2022-2025.

In the context of the reform of the justice system, the Ministry of Justice launched a concept of reformation of the Supreme Court of Justice (SCJ). The reform involves adjusting the role of the SCJ and focusing on unifying the judicial practice and pronouncing decisions in areas of major importance to society in the Republic of Moldova. The reform will also provide for a reduction in the number of SCJ judges, internal operational restructuring and streamlining the work of the SCJ.

Question 288-4

Armenia

(2021): The need for reforms of the legal aid sector is prescribed by the the strategy of judicial and legal reforms of the Republic of Armenia for 2022-2026. Strategic Directions are: development of internal procedures of the Chamber of Advocates, extension of the scope of the beneficiaries of free legal aid, increasing the number of public defenders, development of regulations for providing pro bono legal aid, revising professional training procedures for advocates. These actions were implemented in 2022, as a result of adopting amendments to the Law on Advocacy.

Azerbaijan

(2021): During the investigation, a low-income person (LIP) is provided with a lawyer at the expense of the State based on the decision of the institution conducting the investigation.

In criminal cases, a lawyer is appointed for a LIP in court on the basis of a court decision. In civil cases, to this day, a lawyer can be appointed at the expense of the state on the basis of Court (Appellate or Supreme) decision for LIP in connection with a cassation appeal only to the Supreme Court.

Georgia

(2021): New Regulations regarding the publication of Court decisions (According Constitutional Court decision) should be adopted. Legal Amendments on this issue is sent to Venice Commission for further Opinion.

Republic of Moldova

(2021): According to the Strategy for the legal aid activities in 2021-2023 it is planned the diversification and automatization of legal aid services:

- a) Elaboration and institutionalization of the mechanism for providing partial legal assistance free of charge.
- b) Elaboration and institutionalization of the mechanism for granting legal aid by public associations.
- c) The continuous expansion and development of the network of paralegals in rural and urban localities across the country, taking into account legal empowerment needs.
- d) Updating the role and place of public lawyers in the legal aid system.
- e) Piloting new models of qualified and primary legal assistance, oriented to the needs of the beneficiaries from the socially vulnerable categories.
- f) Facilitating the development and implementation of related programs, such as holistic assistance; prevention and harm; mediation; strategic litigation; advocacy; etc.
- g) Increasing the amount of remuneration of public lawyers and paralegals, for legal aid services for their motivation.
- h) Providing highly specialized legal services within penitentiaries, centers for the protection of people with disabilities, placement centers, etc.
- i) Facilitating the access of the population to qualified legal aid services through providing legal services remotely (by telephone or videoconference) by lawyers granting legal aid or by specialized entities.
- j) Technologizing the process of granting primary legal aid by developing online platforms for providing primary legal assistance, which would allow beneficiaries to navigate in resolving legal issues at distance; providing primary legal advice by telephone or online.
- k) Digitization of the process of granting primary legal aid by elaborating specialized WEB pages; interactive guides; terminals with

Question 288-5

Armenia

(2021): During 2020 the draft amendments of Judicial code were adopted, which introduced new procedures for the appointment of judges in line with international standards. Reforms are continuous and expressed through legislative amendmens. It should be mentioned that recent amendments to the Judicial Code were

Georgia

(2021): According to the new procedure, the selection/appointment of first instance/appellate court judges will be conducted in the same way as it is for Supreme Court judges - by an open vote, the identity of HCJ members will be disclosed and all the scores and evaluations made, be substantiated by each member which will finally ensure the highest quality reasoning for all appointments. Legal Amendments on this issue is sent to Venice Commission for further Opinion.

Republic of Moldova

(2021): According to the constitutional amendments, the composition of the SCM was changed. It has 12 members (6 members from among the judges will be elected by the General Assembly of Judges, representing all levels of courts and 6 members will be appointed by the Parliament from civil society). A 6-year term without the possibility of having two successive terms was established. According to the new provisions the SCM must be consulted in the process of drafting, examining, approving and amending the budget of the judiciary.

The ex officio members, the Minister of Justice, the Prosecutor General and the President of the Supreme Court were excluded from the composition of SCM. The constitutional amendments entered into force in April 2022.

Question 288-6

Armenia

(2021): According to the strategy, a special emphasis is placed on the continuous development of the capacity of the judges, which is aimed at ensuring effective justice, the proper guarantee of the right to judicial protection, improving professional qualities of the judges, as well ensuring the sustainable development of the professionalism of judges (sub-specializations). In this regard, according to the strategy, it is necessary to organize trainings for judges, especially in newly introduced specializations, such as judges in anti-corruption courts.

Revising professional training procedures for advocates is envisaged as a strategic direction of the goal of reforms of the legal aid sector. According to the stratgey, it is necessary to provide flexible and differentiated mechanisms for participation in the qualification examinations and training in the School of Advocates.

Georgia

Improving the rules for recruitment and promotion of prosecutors On 26 August 2020, the Prosecutor General of Georgia adopted the Rule on Recruitment, Vetting, Competition, Internal Competition, Promotion, Demotion and Rotation of Employees at the Prosecution Service of Georgia and the Rule on Internship at the Prosecution Service of Georgia, which entered into force next day. These rules regulated the recruitment and promotion of prosecutors in more detail and provided additional guarantees for the transparency of the process and reasoning of decisions. In view of the carried out reforms, in March 2021, GRECO concluded that Georgia had implemented its recommendation xi satisfactorily. The recommendation stipulated, “(i) regulating, in more detail, the recruitment and promotion of prosecutors so as to ensure that decisions are based on precise and objective criteria, notably merit; (ii) providing for transparent procedures – including by making the above-mentioned criteria public – and ensuring that any decisions in those procedures are reasoned.”

Updating the Code of Ethics for prosecutors, issuing written explanations and providing trainings On 26 August 2020, the Prosecutor General adopted the Ethics Code for the Employees of the Prosecution Service (Order #038), entering into force on 27 August 2020. It replaced the previously existing 2017 Ethics Code. The aim of adopting the new Code was streamlining it with the provisions of the PSG Organic Law, including removing certain provisions on disciplinary violations, which duplicated or contradicted the Organic Law provisions. On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia, which was circulated among all PSG staff electronically on the same day. In view of the carried out reforms, in March 2021, GRECO concluded that Georgia had implemented its recommendation xiii satisfactorily. The recommendation stipulated that the “Code of Ethics for Employees of the Prosecution Service of Georgia” continues to be updated, is communicated to all prosecutors and made easily accessible to the public; (ii) that it be complemented by practical measures for the implementation of the rules, such as further written guidance and explanations, further training and confidential counselling”.

Defining disciplinary offences more precisely and ensuring proportionality of sanctions

For defining disciplinary offences more precisely and ensuring proportionality of sanctions, in 2021, the special working group at the Prosecution Service of Georgia (PSG) composed of the representatives of the PSG General Inspectorate, the International Relations and Legal Department and the Career Management, Ethics and Incentives Council, started the review of the 7 years PSG disciplinary practice. Based on the carried out review and analysis, the working group elaborated the clarification of the grounds for disciplinary liability and categories of disciplinary misconducts of the employees of the Prosecution Service of Georgia. On 13 May 2022, it was submitted to the members of the Career Management, Ethics and Incentives Council . After collecting the feedback and amending the draft accordingly, on 16 May 2022, the Prosecutor General of Georgia adopted Rule #014 on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia. On the same day, it was published on the website of the Legislative Herald of Georgia. On 17 May 2022, the Rule entered into force.

In view of the PSG 7 year’s practice of handling the disciplinary cases, the Rule on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia provides for the detailed specification of individual disciplinary violations and applicable sanctions. It further defines that the conduct which formally contains the elements of disciplinary violation shall not be considered as disciplinary misconduct, if it did not cause damage

Republic of Moldova

(2021): Strengthening the capacities of justice related, legal professions and the affirmation of their representatives (lawyer, notary, mediator, bailiff, judicial expert, licensed administrator and translator/interpreter) as a body of professionals capable of delivering quality legal services that are essentially public services delegated by the state is an essential task also. In this respect, it is planned to improve the mechanisms on organization, activity and accountability of justice related legal professions and develop and enforce improved policies for service delivery by justice related legal professions. The reforms are part of the new Justice Sector

Question 288-7

Armenia

(2021): In 2019, the Government adopted the Gender Policy Implementation Strategy and Action Plan for 2019–2023.

It should be noted that the Ministry of Justice was the beneficiary of the GEPAA project, since it was implemented in partnership with the Deputy Prime Minister office and the MTAI. The new lay launched “Women in politics, public administration and civil society project” is the logical continuation of GEPAA efforts and will build on its achievements. In particular, the Action Plan for further engenderment of the MoJ will soon be ready for implementation. It is expected that more gender responsive practices and approaches will be put in place upon the implementation of the Action Plan.

Azerbaijan

(2021): Ensuring gender equality to protect gender equality, protect women's rights, leadership, gender audit, existing gender policy and national and international legislation in this area a cooperation with organizations, methods of combating sexual discrimination and other appropriate measures are being taken. As a result of these measures in all judicial areas the number of women has increased and this tendency continues. Gender equality in the judiciary is ensuring as well. The number of female judges in the judicial system has been constantly increasing, including in 2013, women made up 13% of the judicial body, and now this number has increased year by year and made up 20%.

Also, 50% of the candidates who successfully passed the exams held for judges in the last 3 years and were appointed to the respective positions of judges, including 60% of the candidates who were appointed to the positions of judges last time as a result of such competitions, are women.

All this is a manifestation of the observance of the principles of gender equality in our country, and the activity of women in various spheres of public life.

Georgia

(2021): 1. Amendments to the Organic Law on Normative Acts, introducing gender impact assessments related to draft laws, in 2022;

2. The State Concept on Gender Equality, in 2022;

3. The fourth National Action Plan (NAP) on Women, Peace and Security 2022-2024, in 2022;

4. The Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service, in 2022;

5. The Gender Equality Strategy 2022-2025 for the Ministry of Foreign Affairs, in 2021;

Republic of Moldova

(2021): With reference to the improvement of the institutional mechanisms aimed at ensuring equality and combating discrimination, the Ministry of Justice developed a draft law which proposed, in particular, the amendment of Law no. 121/2012 regarding ensuring equality and Law no. 298/2012 regarding the activity of the Council for the prevention and elimination of discrimination and ensuring equality. The changes are aimed at expanding the non-discrimination criteria, improving the collection of equality data, monitoring, evaluating and reporting the results annually, as well as strengthening the institutional framework (the competences, activity and structure of the Equality Council).

Question 288-8

Armenia

(2021): The new Criminal and Criminal Procedure Codes were adopted in 2021. Also the need of reforms of the civil code and civil procedure legislation is envisaged in the strategy. The reforms of administrative code and administrative procedure legislation are also envisaged as strategic goal.

Georgia

(2021): Minor legal changes has been adopted, but not the Reforms.

Republic of Moldova

(2021): To ensure a stable regulatory framework and to avoid the promotion of conflicting concepts by various authorities, it is planned to centralize the task of amending the codified laws (Civil Code, Criminal Code, Contraventions Code, Administrative Code, Civil Procedure Code, Criminal Procedure Code, Enforcement Code), by formally authorizing the Ministry of Justice in this respect; The planned reform is part of the new Justice Sector Strategy.

Question 288-9

Armenia

(2021): According to the strategy, one of the strategic goals is the development of alternative dispute resolution methods. The strategic directions of this goal are: creation of a new arbitration centre in Armenia, improvement of the arbitration legislation, improvement of the mediation legislation, ensuring the implementation of reforms in the field of mediation. The amendments to the Law on Mediation were adopted by the National Assembly in 2022.

Azerbaijan

(2021): The Law of the Republic of Azerbaijan "On Mediation" was adopted March 29, 2019. The purposes and principles of mediation, the scope of the mediation process, including the initial mediation session, the rules of implementation, the grounds for applying the mediation process, the procedure for the implementation of the reconciliation agreement concluded as a result of mediation, and other issues are regulated in that Law.

Pursuant to the above-mentioned Law, with the relevant decisions of the Cabinet of Ministers "Regulation on maintaining the mediation register", "Regulation on training for training and improving the qualifications of mediators", "Regulation on professional ethical behavior of mediators", "Regulation on the implementation of the mediation process" Approved.

In addition, a new draft law "On Arbitration" is being prepared in order to promote the institution of arbitration in our country.

On June 30, 2021, the Board of the Mediation Council was established.

On September 13, 2021, the Disciplinary Commission of the Mediation Council was established.

In order to accept state-registered mediation organizations as members of the Mediation Council, a Special Commission was established to determine their compliance with the requirements established by the Law of the Republic of Azerbaijan "On Mediation" and to carry out the necessary monitoring of their future activities. – (2021, December 12)

procedure for paying mediation costs from the state budget has been changed.

According to Article 36.7 of the Law of the Republic of Azerbaijan "On Mediation", the payment of the mediation costs of any party that does not have sufficient funds to cover the costs of mediation is carried out at the expense of the state budget.

At the same time, by Resolution No. 360 of the Cabinet of Ministers of the Republic of Azerbaijan dated August 16, 2019, the "Rule of payment of mediation costs from the state budget funds" was approved, and by the Resolution of the Cabinet of Ministers dated February 26, 2022, the said Rules were amended and sufficient to cover mediation costs. members of families receiving targeted state social assistance and persons registered as unemployed in the relevant local institutions of the State Employment Agency and "DOST" centers under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan have been defined as natural persons without funds. Clause 1.3 of the Rule states that the Rule does not apply if one of the parties does not attend the initial mediation session without an excuse. In such a case, the circle of subjects defined in the Rules is obliged to pay the cost of mediation due to the non-participation of the other party when applying for mediation and cannot use the mentioned privilege of the Law. Clause 1.3 of the Regulation has been repealed in order to eliminate the existing inconsistency.

(<https://nk.gov.az/az/article/2538/>) (2022, Avg 19)

A Consultative Commission was established under the Mediation Council in order to develop mediation activities in our country and to ensure the coordinated cooperation of all parties who may participate in the mediation process. (6 April 2022)

An Internal Audit and Ethics Committee was established for the purpose of checking the activities of mediation organizations and mediators. (25 Avg 2022)

For the development of the mediation institute and the flexible solution of the problems, working groups have been created for different tasks.

Georgia

(2021): Minor legal changes has been adopted in law of Mediation, but not the new Reforms.

Republic of Moldova

(2021): According to the statistical data, neither the establishment through the Law no 31/2017 of compulsory judicial mediation for certain categories of cases, has led to tangible results (approximately 5% of the cases filed in courts have been settled).

In this respect, revising the institution of compulsory judicial mediation, has been widely planned. The exclusion of the institution of compulsory judicial mediation is included in the Government Action Plan for the years 2021-2022.

The exclusion of compulsory judicial mediation for civil cases entered into force in 2022.

Although the original aim was to reduce the workload of judges and to resolve cases more quickly. Over time, it has been found that this alternative method of resolving disputes is inefficient and has not generated positive results. Moreover, it has had negative consequences for civil proceedings and the workload of judges and has delayed pending cases, affecting the free access to justice of litigants. For example, in the last four years, out of the total number of judicial mediation proceedings - about 43,500 cases, only 1,165 were completed with the conclusion of a transaction. In the rest of the disputes, the mediation processes ended by the refusal of the parties to settle the dispute amicably, the expiration of the term or the waiver of the plaintiff's action.

It has also been found that judicial mediation proceedings take too long - between three and nine months, which is contrary to the provisions of the Code of Civil Procedure, which provide that the term of judicial mediation may not exceed 45 days.

The amendment also provides for the transitional provision, according to which the judicial mediation processes not completed at the time of the entry into force of the law will be continued and completed according to the old provisions.

The amendment aims to promote compulsory extrajudicial mediation, to reduce the workload of judges and expand the area of intervention and provision of services by mediators.

Other priorities are to promote the benefits of alternative dispute resolution mechanisms within the business environment, legal community, academia and the judiciary and to conduct awareness and information dissemination campaigns on these mechanisms. The planned reforms are also part of the new Justice Sector

Question 288-10

Armenia

(2021): The decision of the Government of the Republic of Armenia on defining the anticorruption strategy of the Republic of Armenia for 2019-2022.

Back in 2019 Corruption Prevention Commission was established as a preventive body which has quite large scope of powers, including the regulation of the declaration process and verification thereof, integrity check of nominees of candidates of judges, prosecutors and investigators, to name just few.

A specialized law enforcement body, an Anti-Corruption Committee was established in October 2021, and is functional now. The main competence of the Committee is the organization and implementation of pre-trial criminal proceedings on alleged corruption crimes, which meanwhile will carry out operative intelligence activities.

The system of whistle-blowing, including respective unified whistleblowing online platform have been established back in 2019, the guarantees and unanimity for whistle blowers have been envisaged by law. The law meanwhile envisages the possibilities to submit unanimous whistle-blower through the electronic system. Declarations system was refined. Specifically, the scope of the declaration was largely expanded: the officials are now obliged to submit not only asset and income, but also interest and expenditure declarations. At the same time the scope of the declarant officials (respectively their family members) was tripled. Integrity check requirements are envisaged for the candidates/nominees of candidates of judges, judges, members of Supreme Judicial Council, prosecutors and investigators in cases prescribe by law.

At the same time, the competences of financial supervision and verification of political parties are provided to the independent anti-corruption body-Corruption Prevention Commission. Legislative acts aimed at creating an open and publicly accessible register of real beneficiaries of legal entities were adopted. At the same time, mandatory requirement to disclose real beneficiaries is established for all legal entities in Armenia.

For raising public awareness on fight against corruption, the 2022 Anti-corruption Communication Action Plan was adopted and is being implemented. Conflict of

Azerbaijan

(2021): In order to further expand the application of the principles of openness, transparency and accountability, increase financial transparency, increase the means of ensuring the rights to access information, support civil society institutions and strengthen public control, and ensure the continuity of measures taken to promote open government "National Action Plan for the Promotion of Open Government for 2020-2022" was approved by Decree No. 1859 dated February 27, 2020.

Measures related to preventing corruption and strengthening transparency in the activities of state bodies, ensuring financial transparency, improving public services, expanding the activities of civil society members, increasing public control and public participation, as well as other areas are defined in the document. In addition, further increasing transparency in the activities of state institutions, prevention of situations that create conditions for corruption, further strengthening of accountability of state bodies to the public, further improvement and electronicization of services provided by state institutions to the population, as well as ensuring the continuity of measures taken in the fight against corruption "National Action Plan for strengthening the fight against corruption for 2022-2026" was approved by Decree No. 3199 of the President of the country dated April 4, 2022.

In the National Action Plan, measures related to the improvement of the legislative framework for the fight against corruption, strengthening the prevention of corruption and transparency, ensuring financial transparency, combating the legalization of money or other property obtained through crime and the financing of terrorism, and the improvement of public services and management mechanisms envisaged.

Georgia

(2021): Please see the information provided by the Prosecution Service of Georgia in the comments section of question 288-6.

Republic of Moldova

(2021): Establishing new mechanisms for preventing corruption and guaranteeing integrity within the justice sector by ensuring an effective verification of all judges and prosecutors, in terms of their professionalism, integrity and interests. At the same time, following the analysis of the new legal framework and practices, measures are required to improve the mechanism of disciplinary liability of judges and prosecutors. The planned reforms are part of the new Justice Sector Strategy. In order to improve the legislative framework on the functioning of the National Integrity Authority, to prevent situations of conflicts of interest and incompatibilities, as well as to declare correctly / properly the wealth and personal interests of subjects subject to such obligations, in 2022 amendments were made in several legislative acts, especially in Law no. 133/2016 on the National Integrity Authority and Law no. 133/2016 on the declaration of wealth and personal interests. The amendments aim to strengthen the role of the integrity inspector and to give the power to request the evaluation of goods in asset control procedures, in order to identify their real / market value and to exclude the practice of acquiring goods at not real prices, from persons who cannot justify their origin.

In the part related to the strengthening of the integrity mechanisms of judges and prosecutors, the Ministry of Justice has elaborated a draft law which proposes, in particular to establish a mechanism for declaring assets at the stage of admission at the National Institute of Justice, so that the integrity regime is applicable to all stages of the career of judges and prosecutors (admission to NIJ, appointment, promotion / transfer). The Ministry of Justice has initiated the process of creating the mechanism for extraordinary (external) evaluation of all judges and prosecutors (vetting), similar to the practices of other European countries.

The Ministry of Justice initiated the process of creating a normative framework that will allow the confiscation in the civil procedure of the illegally obtained goods with the establishment of a difference between the persons exercising public functions from the other persons, from the perspective of the presumption of the lawfulness of the acquisition of their goods.

Additionally, measures are taken on the component of improving the mechanisms for recovery / confiscation of criminal assets.

Question 288-11

Armenia

List of Issues, based on the recommendations enshrined in the "Gap analysis of Armenian criminal law in light of the standards established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" relevant provisions to prevent and combat violence against women and domestic violence are included in the New Criminal Code. In particular the New CC envisages committing of a criminal offense by a close relative as an aggravating circumstance. Within the New Code the close relative include, regardless of the circumstances of cohabitation, spouse (including a person who is in an actual marital relationship), parent, including foster parent, adoptive parent, foster parent, child (also adopted, stepfather, foster child), spouse of the adoptive parent, parents, brothers, sisters (also stepmother), grandfather, grandmother, grandchildren, as well as for parents, sister and brother of the husband-the bride or groom, sister of the spouse, brother of the spouse. The New Criminal Code also introduces criminal liability in line with the Istanbul Convention for the following offences: Abortion or Artificial Termination of Pregnancy and Sterilization and Forced Abortion or Artificial Termination of Pregnancy and Sterilization (Articles 175-176), Mental Influence (Article 194), Physical Influence (Article 195) and Forced Marriage, Divorce or Pregnancy (Article 197). • Awareness raising activities.

It should also be mentioned that "Violence in silence" campaign was conducted under the auspices of Armenia's Ministry of Justice. It raised awareness about the prevention of domestic violence and support available to victims and survivors. The campaign was titled "Violence in silence" because silence from neighbours, colleagues, friends or family allows domestic violence to continue. Thus, the campaign encouraged victims, survivors and witnesses of domestic violence not to remain silent but call for help to stop the violence.

The campaign was launched on March 8, 2021 the International Women's Day, a global day to celebrate women's rights and a call for action to achieve gender equality and to end violence against women. The campaign included two PSA videos shown on TV. The first video showcased domestic violence as a global shadow pandemic, drawing parallels between domestic violence and COVID-19 . The second PSA was a silent video which urged the viewers to detach from the everyday noise, pay attention to their surroundings and call for help when witnessing domestic violence . Two social experiments were conducted in Yerevan. The first one showed people's reactions to witnessing domestic violence at a cafe. While most clients were visibly upset about the situation, they hesitated to get involved. Within two hours, only one witness intervened to help the victim .

The second experiment included a door installed on one of the busiest streets of Yerevan. The door played sounds of domestic violence. These sounds paused when someone rang the doorbell. Every 10th witness stopped to ring it. The door informed passers-by to call for help when witnessing domestic violence . Next, an interactive video was played on social media where the viewer could select how to react to the sounds of domestic violence coming from a neighbour's home. They could choose to intervene and call the police or keep silent and allow the violence to continue. The video closed with an encouragement to call to the police when witnessing domestic violence. 20 eye-catching digital and out-of-home posters took over streets and bus stops in Yerevan. They showcased wrong beliefs that people use to justify domestic violence. The posters called for people not to remain silent because nothing can justify domestic violence .

The campaign included a Facebook page and website www.violenceinsilence.org with detailed information about domestic violence and its manifestations, the obligations of the authorities to protect and prevent domestic violence, and support services available to victims and survivors, such as helplines, support centers, shelters, etc. The campaign was very successful on social media as well, cumulating a reach of over 4.2 million.

Azerbaijan

(2021): In 2010, the Law of the Republic of Azerbaijan "On Prevention of Domestic Violence" was adopted. The law defines the main principles in the field of prevention of domestic violence, the circle of persons to whom the law applies, the procedure for reviewing complaints about domestic violence, and the types of measures in the field of prevention of domestic violence.

At the same time, we note that in order to adapt the measures for the prevention of domestic violence in the country to international standards, to provide them with timely and comprehensive assistance for the sake of strengthening families, to implement and increase the efficiency of the measures provided for in the normative legal acts in the field of combating domestic violence, the President of the Republic of Azerbaijan 2020- "The National Action Plan for the fight against domestic violence in the Republic of Azerbaijan for the years 2020-2023" was approved by Decree No. 2307 dated November 27.

The National Action Plan envisages prevention of domestic violence and promotion of non-violence, detection and early identification of persons subjected to domestic violence, provision of assistance centers and shelters to those persons, as well as formation of their effective protection system and other issues.

Georgia

(2021): 1. Government Decree No. 523 of 9 November 2022, establishing the rule that victims of gender-based violence against women, including domestic violence, can obtain State-funded compensation from the State Care Agency, as determined by a court decision;

2. Legislative amendments removing the requirement of an official status as victim of gender-based violence against women for accessing State-funded support services, in 2022, which will enter into force on 1 July 2023;

3. The National Action Plan on Ending Violence against Women, in 2022

Republic of Moldova

(2021): Among the main provisions of the National Strategy on prevention and combating violence against women and domestic violence for 2018-2023 are:

- Prevent violence against women and domestic violence by cultivating zero tolerance for violence. Combat stereotypes and prejudices leading to violence against women and domestic violence. Inform, raise awareness and encourage the reporting of cases of violence;
- Pre-service and in-service training of the professionals engaged in the prevention and combating of domestic violence based on a common vision at the state level;
- Strengthen the education system to ensure the education of new generations from the perspective of gender equality values and a non-violent communication culture;
- Strengthen the mechanisms of protection and assistance for victims of violence against women and domestic violence; - Develop specialized services for victims of violence, including sexual violence, in line with the international standards;
- Promote women's economic empowerment and socio-economic independence;
- Provide integrated policies in cases of violence against women and domestic violence, based on multi-sectorial cooperation and data collection, and other specific

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Armenia

(2021): According to the strategy, one of the strategic goals is setting up a unified “e-justice” management system and ensuring accessibility of electronic databases and updating thereof. The strategic directions of this goal are: the establishment of the unified “e-court” and “e-justice” management systems, further development of electronic systems of justice sector bodies, the digitization and modernization of public functions and databases assigned to the Ministry of Justice.

Azerbaijan

(2021): It is planned to develop a new version of the "Electronic management system of court cases". The new version of this system envisages increasing the level of automation of court decisions and procedural measures, developing accountability and many other elements using the most modern technologies. The Ministry of Justice, which is an active participant in the "Electronic Government" system, provides more than 30 different electronic services to citizens. As for the innovative services created by the Ministry, it is currently possible to provide notary services online 24 hours a day through the electronic justice kiosk. The next step in the digitization of the notary is the creation of electronic notary offices for the on-the-spot formalization of notarial actions directly in banks and social services. The new system was developed in this regard allows us to prepare various analytical reports based on electronic statistics, evaluate the activity of courts and judges,

Georgia

(2021): Isn't initiated at the moment, but It's planned to improve legal framework regarding the New Information and Communication Technologies in different

Republic of Moldova

(2021): Within the framework of the institutional reform of the judiciary, digitalization has been a priority. An essential support to the modernization of justice delivery is ensured by the development of the judicial information system. Nevertheless, the implementation of IT solutions is an ongoing process, which should be adapted to new requirements for process development. Increasing the level of digitalization of the judiciary is a tool for streamlining the activities carried out in the justice system. As a result of the approach, in September 2021, the concept of JUSTAT was approved, the future platform with dashboards according to the model of the CEPEJ-STAT platform. The Agency for Courts Administration, with the support of the EU and CoE, has evaluated the latest developments in the field of judicial statistics in the Republic of Moldova, having appreciated the content of the statistical file of the courts, available on the web page of the Superior Council of Magistracy, which automatically takes data from the Integrated Case Management Program. During the meetings held, the content of dashboards, performance indicators and other

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Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2021 (Q278 and Q279)

Table 12.4.4 Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work at the court or public prosecution services level in 2021 (Q283)

Table 12.4.5 Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons, and evaluation studies or official reports regarding the main causes of possible inequalities in 2021 (Q286 and Q287)

Table 12.4.6 Implemented and planned measures in order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2021 (Q285)

Indicator 12-Gender Equality

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Reforms

Reforms - List of tables

Reforms (part 1 of 2) Undergoing or foreseen reforms in 2021 (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Reforms (part 2 of 2) Undergoing or foreseen reforms in 2021 (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Reforms

Reforms