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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 2023

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

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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 for the Dashboard.

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).

Contractually, 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. On the occasion of the 2021 Report, at the request of EC, 2018 data from the CEPEJ Evaluation cycle regarding the part on efficiency was also presented. The current report is based on data from reference year 2023 and 2018 data will be included where available/possible. CEPEJ will focus on up to 5 cycles (including the base year) in all the deliverables throughout the duration of the project. Thus, evolutions/trends and variations using previous data collections are presented where relevant.

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: 8.1. Confidence and satisfaction of the public with their justice system (Q156 -> Q160) and 12. Gender Equality 2/2 (Q283 -> Q287). Furthermore, the data presented for Ukraine excludes several territories, which have been under unlawful temporary occupation of Russian Federation: The Autonomous Republic of Crimea and the city of Sevastopol (since 20 February 2014), certain areas within Donetsk and Luhansk regions (since 7 April 2014) and territories occupied by Russia following the full-scale invasion (since 24 February 2022). It was also not possible for authorities to provide nor estimate the 2023 population, given the situation in connection with the military aggression of the Russian Federation against Ukraine. For enabling the use of the other data justice were filled, including: 3 current members of the High Council of Justice who have been assessed for compliance with the criteria of professional ethics and integrity (2 - under the quota of the Congress of Judges of Ukraine, 1 - under the quota of the President of Ukraine (in September 2023, the powers of this member of the High Council of Justice expired), 2 - from the Verkhovna Rada of Ukraine, 2 - from the Congress of Representatives of Law Schools and Scientific Institutions, 8 - from the Congress of Judges of Ukraine, 2 -

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.

ICT Indices: The three ICT indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included.

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.). This is especially true when a particular region like the Eastern Partnership is compared to the European Union. Since the Eastern Partnership region presents its own peculiarities (e.g., per capita GDP, budget distribution, litigiousness rate, number of tasks handled by the judges, number of judges etc.), the comparison with the European Union region might be misleading. 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 subjects”

Furthermore, it is crucial to notice that the data for calculating the 2023 EU median have not been collected yet. Hence, the 2022 EU median is included in this report. Yet, the reference year for the Dashboard Eastern Partnership is 2023. These statistics should be referred for orientation only since they are not for the same reference year and for that reason, they are not comparable and should not be jointly analysed.

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)

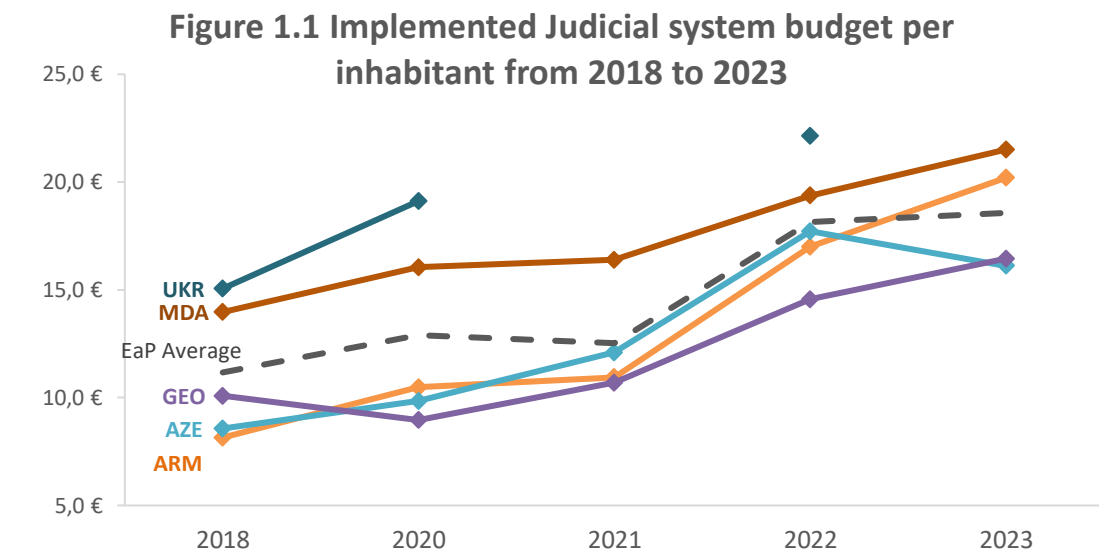
Beneficiaries	Population						GDP per capita						Exchange rate Local currency vs Euro					Average gross annual salary					
	2018	2020	2021	2022	2023	Variation 2018 - 2023 (%)	2018	2020	2021	2022	2023	Variation 2018 - 2023 (%)	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023	Variation 2018 - 2023 (%)
Armenia	2 962 000	2 963 300	2 961 367	2 977 130	2 977 130	0,5%	3 544 €	3 739 €	3 952 €	6 210 €	7 463 €	110,6%	554,80	641,11	542,61	420,06	447,90	3 840 €	4 080 €	4 104 €	6 732 €	7 631 €	98,7%
Azerbaijan	9 898 100	9 974 000	10 026 100	10 063 300	10 127 100	2,3%	4 174 €	3 477 €	4 812 €	7 338 €	6 456 €	54,7%	1,95	2,09	1,93	1,81	1,88	3 354 €	4 066 €	4 560 €	5 500 €	5 973 €	78,1%
Georgia	3 723 500	3 728 600	3 688 600	3 736 400	3 736 400	0,3%	3 587 €	3 812 €	4 237 €	6 335 €	7 440 €	107,4%	3,06	4,02	3,50	2,88	2,98	NA	3 552 €	4 467 €	6 622 €	7 482 €	-
Republic of Moldova	2 686 064	2 626 942	2 603 813	2 512 758	2 512 758	-6,5%	3 518 €	3 839 €	4 424 €	5 433 €	5 433 €	54,4%	19,52	19,74	20,93	19,90	19,65	3 898 €	4 928 €	5 150 €	6 349 €	7 547 €	93,6%
Ukraine	42 153 201	41 418 717	40 997 698	40 997 698	40 997 698	-2,7%	2 655 €	3 262 €	3 581 €	3 234 €	3 234 €	21,8%	31,71	30,79	32,31	39,00	42,00	3 355 €	4 520 €	6 540 €	4 572 €	5 293 €	57,8%
Average	12 284 573	12 142 312	12 055 516	12 057 457	12 070 217	-1,2%	3 496 €	3 626 €	4 201 €	5 710 €	6 005 €	69,8%	122,21	139,55	120,25	96,73	102,88	3 612 €	4 229 €	4 964 €	5 955 €	6 785 €	82,0%
Median	3 723 500	3 728 600	3 688 600	3 736 400	3 736 400	0,3%	3 544 €	3 739 €	4 237 €	6 210 €	6 456 €	54,7%	19,52	19,74	20,93	19,90	19,65	3 598 €	4 080 €	4 560 €	6 349 €	7 482 €	85,8%
Minimum	2 686 064	2 626 942	2 603 813	2 512 758	2 512 758	-6,5%	2 655 €	3 262 €	3 581 €	3 234 €	3 234 €	21,8%	1,95	2,09	1,93	1,81	1,88	3 354 €	3 552 €	4 104 €	4 572 €	5 293 €	57,8%
Maximum	42 153 201	41 418 717	40 997 698	40 997 698	40 997 698	2,3%	4 174 €	3 839 €	4 812 €	7 338 €	7 463 €	110,6%	554,80	641,11	542,61	420,06	447,90	3 898 €	4 928 €	6 540 €	6 732 €	7 631 €	98,7%
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	4
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	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	2018	2020	2021	2022	2023	% Variation 2018-2023	% Variation 2022-2023
Armenia	8,2 €	10,5 €	11,0 €	17,0 €	20,2 €	147,8%	18,8%
Azerbaijan	8,6 €	9,8 €	12,1 €	17,7 €	16,1 €	88,2%	-9,0%
Georgia	10,1 €	9,0 €	10,7 €	14,6 €	16,5 €	63,0%	12,9%
Republic of Moldova	14,0 €	16,1 €	16,4 €	19,4 €	21,5 €	54,0%	11,0%
Ukraine	15,1 €	19,1 €	NA	22,1 €	NA	NA	NA
EaP Average	11,2 €	12,9 €	12,5 €	18,2 €	18,6 €	88,2%	8,4%



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

Beneficiaries	2018	2020	2021	2022	2023	Variation in PPT 2018-2023	Variation in PPT 2022-2023
Armenia	0,23%	0,28%	0,28%	0,27%	0,27%	0,04	0,00
Azerbaijan	0,20%	0,28%	0,25%	0,24%	0,25%	0,04	0,01
Georgia	0,28%	0,23%	0,25%	0,23%	0,22%	-0,06	-0,01
Republic of Moldova	0,38%	0,41%	0,36%	0,35%	0,39%	0,02	0,04
Ukraine	0,56%	NA	NA	0,68%	NA	NA	NA
EaP Average	0,33%	0,30%	0,29%	0,35%	0,28%	0,01	0,01

PPT= Percentage points

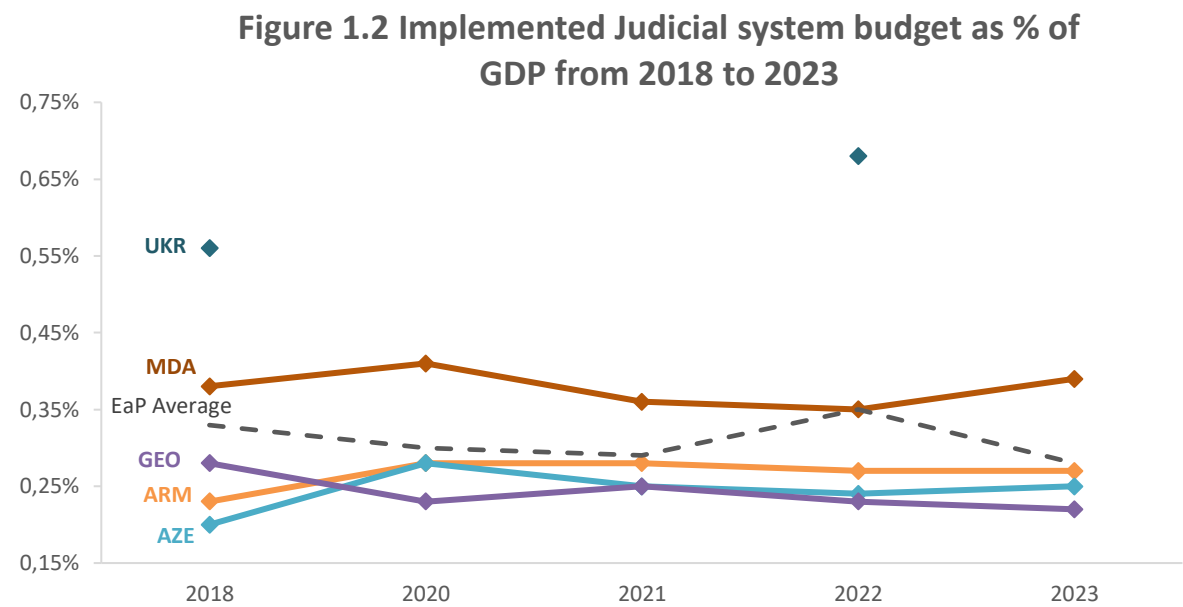


Figure 1.3 Implemented Judicial System Budget (JSB) per inhabitant in relation with the GDP per capita in 2022 and 2023



Distribution of Implemented Judicial System Budget

Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2023 and variation compared to 2022 (Table 1.1.4)

Beneficiaries	Implemented budget in 2023			% Variation 2022 - 2023 (standardised)		
	Courts	Legal aid	Prosecution services	Courts	Legal Aid	Prosecution Services
Armenia	38 320 716 €	1 358 970 €	20 407 736 €	11,5%	27,5%	34,5%
Azerbaijan	84 979 056 €	2 664 384 €	73 620 542 €	-20,7%	-20,6%	9,8%
Georgia	38 861 069 €	3 572 356 €	18 584 652 €	9,4%	54,8%	14,5%
Republic of Moldova	28 984 597 €	3 780 774 €	20 739 024 €	16,0%	-13,3%	10,0%
Ukraine	NA	NA	315 233 400 €	NA	NA	-15,5%
EaP Average	47 786 360 €	2 844 121 €	89 717 071 €	4,1%	12,1%	10,7%

Figure 1.4 Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2023

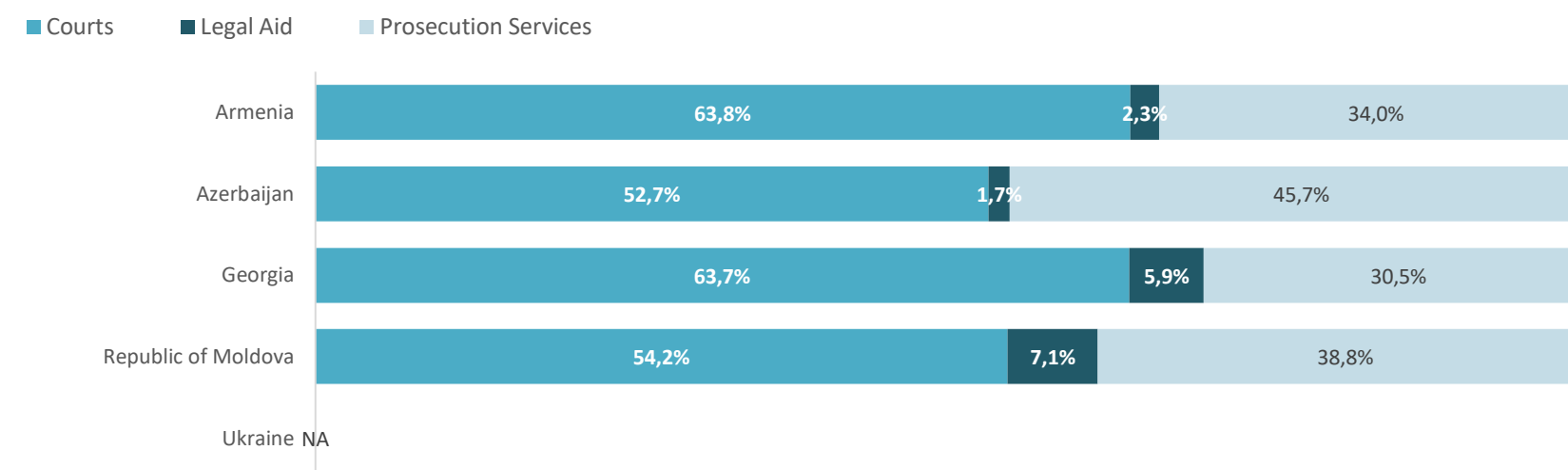
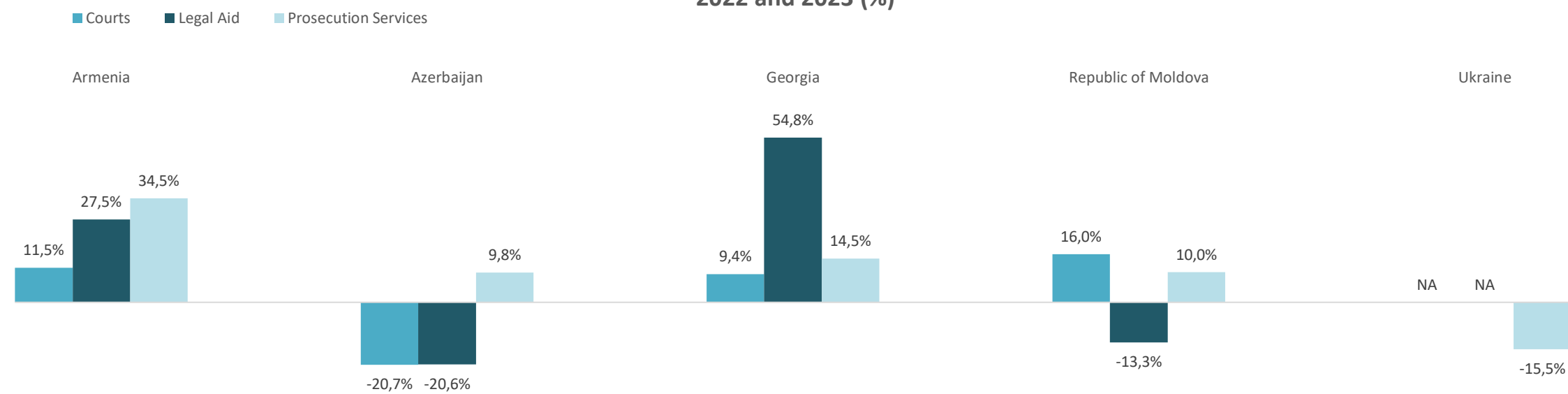


Figure 1.5 Variation of the implemented budget allocated to courts, Legal Aid and Prosecution Services between 2022 and 2023 (%)



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 2023 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per inhabitant from 2018 to 2023 (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) per inhabitant between 2018 and 2023 (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 2023 (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per inhabitant from 2018 to 2023 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.6 Variation in % of the implemented budget of the judicial system per inhabitant (budget allocated to courts, legal aid and public prosecution services) per capita between 2018 and 2023 (Q1, Q2, Q4, Q5, Q6, Q13)

1.2 Courts Budget - Categories

Table 1.2.1 Categories of the approved court budget in 2023 - Absolute values (Q4)

Table 1.2.2 Categories of the implemented court budget in 2023 - Absolute values (Q4)

Table 1.2.3 Distribution by categories of the implemented court budget in 2023 (Q4)

1.3 Donors' Contributions

Table 1.3.1 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 2023* (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 2023 (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 2023							
	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	60 257 812 €	38 444 441 €	1 360 875 €	20 452 496 €	20 €	0,27%	12,9 €	0,17%
Azerbaijan	170 611 768 €	92 284 182 €	2 685 664 €	75 641 922 €	16,8 €	0,26%	9,1 €	0,14%
Georgia	67 188 661 €	44 549 389 €	3 605 602 €	19 033 670 €	18,0 €	0,24%	11,9 €	0,16%
Republic of Moldova	55 022 662 €	29 945 245 €	3 781 619 €	21 295 798 €	21,9 €	0,40%	11,9 €	0,22%
Ukraine	839 831 916 €	474 737 614 €	20 246 602 €	344 847 700 €	20,5 €	0,63%	11,6 €	0,36%
Average	238 582 564 €	135 992 174 €	6 336 072 €	96 254 317 €	19,5 €	0,36%	11,5 €	0,21%
Median	67 188 661 €	44 549 389 €	3 605 602 €	21 295 798 €	20,2 €	0,27%	11,9 €	0,17%
Minimum	55 022 662 €	29 945 245 €	1 360 875 €	19 033 670 €	16,8 €	0,24%	9,1 €	0,14%
Maximum	839 831 916 €	474 737 614 €	20 246 602 €	344 847 700 €	21,9 €	0,63%	12,9 €	0,36%

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per inhabitant from 2018 to 2023 (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 inhabitant from 2018 to 2023 (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				
	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023
Armenia	8,4 €	10,6 €	11,0 €	17,4 €	20,2 €	5,5 €	7,8 €	7,8 €	11,9 €	12,9 €	0,23 €	0,22 €	0,22 €	0,36 €	0,46 €	2,7 €	2,6 €	3,0 €	5,1 €	6,9 €
Azerbaijan	8,8 €	10,4 €	12,6 €	18,0 €	16,8 €	5,3 €	6,6 €	6,9 €	10,9 €	9,1 €	0,07 €	0,27 €	0,24 €	0,33 €	0,27 €	3,4 €	3,5 €	5,5 €	6,8 €	7,5 €
Georgia	10,3 €	10,0 €	11,0 €	15,5 €	18,0 €	6,7 €	6,1 €	6,6 €	10,4 €	11,9 €	0,55 €	0,57 €	0,49 €	0,62 €	0,96 €	3,0 €	3,3 €	3,9 €	4,4 €	5,1 €
Republic of Moldova	14,3 €	16,7 €	16,3 €	19,6 €	21,9 €	7,3 €	8,5 €	8,0 €	10,2 €	11,9 €	0,47 €	1,16 €	1,30 €	1,74 €	1,50 €	6,5 €	7,0 €	7,0 €	7,7 €	8,5 €
Ukraine	16,1 €	19,5 €	NA	22,6 €	20,5 €	10,5 €	12,9 €	13,6 €	12,1 €	12,9 €	0,39 €	0,53 €	NA	0,48 €	0,49 €	5,3 €	6,1 €	7,2 €	10,0 €	8,4 €
Average	11,6 €	13,4 €	12,7 €	18,6 €	19,5 €	7,1 €	8,4 €	8,6 €	11,1 €	11,5 €	0,3 €	0,5 €	0,6 €	0,7 €	0,7 €	4,2 €	4,5 €	5,3 €	6,8 €	7,3 €
Median	10,3 €	10,6 €	11,8 €	18,0 €	20,2 €	6,7 €	7,8 €	7,8 €	10,9 €	11,9 €	0,4 €	0,5 €	0,4 €	0,5 €	0,5 €	3,4 €	3,5 €	5,5 €	6,8 €	7,5 €
Minimum	8,4 €	10,0 €	11,0 €	15,5 €	16,8 €	5,3 €	6,1 €	6,6 €	10,2 €	9,1 €	0,1 €	0,2 €	0,2 €	0,3 €	0,3 €	2,7 €	2,6 €	3,0 €	4,4 €	5,1 €
Maximum	16,1 €	19,5 €	16,3 €	22,6 €	21,9 €	10,5 €	12,9 €	13,6 €	12,1 €	12,9 €	0,6 €	1,2 €	1,3 €	1,7 €	1,5 €	6,5 €	7,0 €	7,2 €	10,0 €	8,5 €

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) per inhabitant between 2018 and 2023 (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) per inhabitant between 2018 and 2023							
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system	
	2018 - 2023	2022 - 2023	2018 - 2023	2022 - 2023	2018 - 2023	2022 - 2023	2018 - 2023	2022 - 2023
Armenia	141,1%	16,6%	136,3%	8,5%	99,2%	27,7%	154,6%	34,5%
Azerbaijan	91,4%	-6,4%	70,7%	-16,2%	270,2%	-19,9%	120,2%	9,8%
Georgia	74,5%	15,9%	77,7%	14,2%	74,8%	54,4%	67,4%	14,5%
Republic of Moldova	53,6%	11,6%	63,4%	17,0%	219,4%	-13,5%	30,6%	10,0%
Ukraine	27,3%	-9,3%	10,8%	-4,6%	26,7%	2,7%	60,2%	-15,5%
Average	77,6%	5,7%	5,7%	71,8%	71,8%	3,8%	3,8%	138,1%
Median	74,5%	11,6%	11,6%	70,7%	70,7%	8,5%	8,5%	99,2%
Minimum	27,3%	-9,3%	-9,3%	10,8%	10,8%	-16,2%	-16,2%	26,7%
Maximum	141,1%	16,6%	16,6%	136,3%	136,3%	17,0%	17,0%	270,2%

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2023 (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 2023							
	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	60 087 422 €	38 320 716 €	1 358 970 €	20 407 736 €	20,2 €	0,27%	12,9 €	0,17%
Azerbaijan	161 263 982 €	84 979 056 €	2 664 384 €	73 620 542 €	15,9 €	0,25%	8,4 €	0,13%
Georgia	61 018 077 €	38 861 069 €	3 572 356 €	18 584 652 €	16,3 €	0,22%	10,4 €	0,14%
Republic of Moldova	53 504 395 €	28 984 597 €	3 780 774 €	20 739 024 €	21,3 €	0,39%	11,5 €	0,21%
Ukraine	NA	NA	NA	315 233 400 €	NA	NA	NA	NA
Average	83 968 469 €	47 786 360 €	2 844 121 €	89 717 071 €	18,4 €	0,28%	10,8 €	0,16%
Median	60 552 750 €	38 590 893 €	3 118 370 €	20 739 024 €	18,3 €	0,26%	11,0 €	0,16%
Minimum	53 504 395 €	28 984 597 €	1 358 970 €	18 584 652 €	15,9 €	0,22%	8,4 €	0,13%
Maximum	161 263 982 €	84 979 056 €	3 780 774 €	315 233 400 €	21,3 €	0,39%	12,9 €	0,21%

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per inhabitant from 2018 to 2023 (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 inhabitant from 2018 to 2023 (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				
	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023
Armenia	8,2 €	10,5 €	11,0 €	17,0 €	20,2 €	5,2 €	7,7 €	7,8 €	11,5 €	12,9 €	0,23 €	0,22 €	0,22 €	0,36 €	0,46 €	2,7 €	2,6 €	3,0 €	5,1 €	6,9 €
Azerbaijan	8,6 €	9,8 €	12,1 €	17,7 €	16,1 €	5,1 €	6,1 €	6,4 €	10,6 €	8,4 €	0,07 €	0,19 €	0,24 €	0,33 €	0,26 €	3,4 €	3,5 €	5,5 €	6,8 €	7,5 €
Georgia	10,1 €	9,0 €	10,7 €	14,6 €	16,5 €	6,6 €	5,1 €	6,3 €	9,5 €	10,4 €	0,46 €	0,52 €	0,49 €	0,62 €	0,96 €	3,0 €	3,3 €	3,9 €	4,4 €	5,1 €
Republic of Moldova	14,0 €	16,1 €	16,4 €	19,4 €	21,5 €	7,0 €	8,1 €	8,0 €	9,9 €	11,5 €	0,47 €	0,96 €	1,38 €	1,74 €	1,50 €	6,5 €	7,0 €	7,0 €	7,7 €	8,5 €
Ukraine	15,1 €	19,1 €	NA	22,1 €	NA	9,4 €	12,5 €	13,7 €	11,7 €	NA	0,39 €	0,50 €	NA	0,47 €	NA	5,3 €	6,1 €	7,2 €	10,0 €	8,4 €
Average	11,2 €	12,9 €	12,5 €	18,2 €	18,6 €	6,7 €	7,9 €	8,4 €	10,7 €	10,8 €	0,3 €	0,5 €	0,6 €	0,7 €	0,8 €	4,2 €	4,5 €	5,3 €	6,8 €	7,3 €
Median	10,1 €	10,5 €	11,5 €	17,7 €	18,3 €	6,6 €	7,7 €	7,8 €	10,6 €	11,0 €	0,4 €	0,5 €	0,4 €	0,5 €	0,7 €	3,4 €	3,5 €	5,5 €	6,8 €	7,5 €
Minimum	8,2 €	9,0 €	10,7 €	14,6 €	16,1 €	5,1 €	5,1 €	6,3 €	9,5 €	8,4 €	0,1 €	0,2 €	0,2 €	0,3 €	0,3 €	2,7 €	2,6 €	3,0 €	4,4 €	5,1 €
Maximum	15,1 €	19,1 €	16,4 €	22,1 €	21,5 €	9,4 €	12,5 €	13,7 €	11,7 €	12,9 €	0,5 €	1,0 €	1,4 €	1,7 €	1,5 €	6,5 €	7,0 €	7,2 €	10,0 €	8,5 €

Table 1.1.6 Variation in % of the implemented budget of the judicial system per inhabitant (budget allocated to courts, legal aid and public prosecution services) per capita between 2018 and 2023 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Variation in % of the implemented budget of the judicial system per inhabitant (budget allocated to courts, legal aid and public prosecution services) per capita between 2018 and 2023							
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system	
	2018 - 2023	2022 - 2023	2018 - 2023	2022 - 2023	2018 - 2023	2022 - 2023	2018 - 2023	2022 - 2023
Armenia	147,8%	18,8%	146,4%	11,5%	98,9%	27,5%	154,6%	34,5%
Azerbaijan	88,2%	-9,0%	64,4%	-20,7%	267,2%	-20,6%	120,2%	9,8%
Georgia	63,0%	12,9%	57,7%	9,4%	109,7%	54,8%	67,4%	14,5%
Republic of Moldova	54,0%	11,0%	64,4%	16,0%	222,6%	-13,3%	30,6%	10,0%
Ukraine	NA	NA	NA	NA	NA	NA	60,2%	-15,5%
Average	88,2%	8,4%	83,2%	4,1%	174,6%	12,1%	86,6%	10,7%
Median	75,6%	11,9%	64,4%	10,5%	166,1%	7,1%	67,4%	10,0%
Minimum	54,0%	-9,0%	57,7%	-20,7%	98,9%	-20,6%	30,6%	-15,5%
Maximum	147,8%	18,8%	146,4%	16,0%	267,2%	54,8%	154,6%	34,5%

1.2 Courts Budget - Categories

Table 1.2.1 Categories of the approved court budget in 2023 - Absolute values (Q4)

Beneficiaries	Categories of the approved court budget in 2023 - 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	38 444 441 €	30 933 052 €	863 887 €	736 974 €	126 913 €	124 753 €	222 315 €	368 609 €	5 104 €	5 926 721 €
Azerbaijan	92 284 182 €	68 979 278 €	8 381 757 €	6 315 411 €	2 066 346 €	NAP	11 062 874 €	2 160 823 €	1 699 450 €	NAP
Georgia	44 549 389 €	30 631 688 €	765 965 €	450 117 €	315 848 €	1 142 353 €	4 223 995 €	4 789 592 €	0 €	2 995 796 €
Republic of Moldova	29 945 245 €	25 548 086 €	523 241 €	161 575 €	361 666 €	NAP	2 255 584 €	25 451 €	5 321 €	1 587 562 €
Ukraine	474 737 614 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	135 992 174 €	39 023 026 €	2 633 713 €	1 916 019 €	717 693 €	-	4 441 192 €	1 836 119 €	427 469 €	3 503 360 €
Median	44 549 389 €	30 782 370 €	814 926 €	593 546 €	338 757 €	-	3 239 790 €	1 264 716 €	5 213 €	2 995 796 €
Minimum	29 945 245 €	25 548 086 €	523 241 €	161 575 €	126 913 €	-	222 315 €	25 451 €	0 €	1 587 562 €
Maximum	474 737 614 €	68 979 278 €	8 381 757 €	6 315 411 €	2 066 346 €	-	11 062 874 €	4 789 592 €	1 699 450 €	5 926 721 €

Table 1.2.2 Categories of the implemented court budget in 2023 - Absolute values (Q4)

Beneficiaries	Categories of the implemented court budget in 2023 - 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	38 320 716 €	30 928 652 €	863 663 €	736 751 €	126 912 €	123 880 €	222 287 €	367 046 €	5 102 €	5 810 085 €
Azerbaijan	84 979 056 €	63 028 906 €	8 210 939 €	6 310 922 €	1 900 018 €	NAP	10 763 508 €	1 551 796 €	1 423 907 €	NAP
Georgia	38 861 069 €	30 399 815 €	645 325 €	340 527 €	304 798 €	1 026 628 €	3 900 920 €	120 996 €	0 €	2 767 385 €
Republic of Moldova	28 984 597 €	24 879 745 €	430 403 €	144 822 €	285 581 €	NAP	2 080 386 €	18 936 €	4 839 €	1 570 288 €
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	47 786 360 €	37 309 280 €	2 537 583 €	1 883 256 €	654 327 €	-	4 241 775 €	514 694 €	358 462 €	3 382 586 €
Median	38 590 893 €	30 664 234 €	754 494 €	538 639 €	295 190 €	-	2 990 653 €	244 021 €	4 971 €	2 767 385 €
Minimum	28 984 597 €	24 879 745 €	430 403 €	144 822 €	126 912 €	-	222 287 €	18 936 €	0 €	1 570 288 €
Maximum	84 979 056 €	63 028 906 €	8 210 939 €	6 310 922 €	1 900 018 €	-	10 763 508 €	1 551 796 €	1 423 907 €	5 810 085 €

Table 1.2.3 Distribution by categories of the implemented court budget in 2023 (Q4)

Beneficiaries	Distribution by categories of the implemented court budget in 2023								
	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	80,7%	2,3%	1,9%	0,3%	0,3%	0,6%	1,0%	0,0%	15,2%
Azerbaijan	74,2%	9,7%	7,4%	2,2%	NAP	12,7%	1,8%	1,7%	NAP
Georgia	78,2%	1,7%	0,9%	0,8%	2,6%	10,0%	0,3%	0,0%	7,1%
Republic of Moldova	85,8%	1,5%	0,5%	1,0%	NAP	7,2%	0,1%	0,0%	5,4%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	79,7%	3,8%	2,7%	1,1%	-	7,6%	0,8%	0,4%	9,2%
Median	79,5%	2,0%	1,4%	0,9%	-	8,6%	0,6%	0,0%	7,1%
Minimum	74,2%	1,5%	0,5%	0,3%	-	0,6%	0,1%	0,0%	5,4%
Maximum	85,8%	9,7%	7,4%	2,2%	-	12,7%	1,8%	1,7%	15,2%

1.3 Donors' Contributions

Table 1.3.1 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 2023* (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 2023*											
	2020				2021				2023			
	Courts	Legal aid	Public prosecution system	Whole Justice system**	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	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	1,0%	NAP	NAP	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	-	-	-	-	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

****Whole justice system:** it includes the budget of the judicial system (courts, legal aid and prosecution services' budgets) and other categories (such as the budget for the prison system, probation services, the High Judicial Council, the High Prosecutorial Council, the Constitutional Court, the enforcement services, the immigration services, etc.)

*This data was not collected in 2022 and before 2020.

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 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 (2023): 7.1 The reserve fund of courts 574809 EUR

7.2 Providing social packages of employees of state's institution and organization 384440 EUR

7.3 Annual public budget allocated to other equipment 227 746 EUR

7.4 Maintenance of courts of RA 4 624 294 EUR

Azerbaijan

Q004 (2023): The computerisation programme in courts has been largely completed by the beginning of 2023, which explains the decrease in both approved and implemented budgets in 2023. Linked to the advancement in computerisation, as trainings for users have been largely completed by first half of 2023, the budget for trainings has decreased compared to 2022. A new court has been built in 2023, which explains the increase in Investments in courts buildings in 2023.

Q010 (2023): 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 project "Fostering mediation in Azerbaijan" (funded by the European Union and the Council of Europe and implemented by the Council of Europe in their Partnership for Good Governance III),(2023-2026); 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); Judicial Services and Smart nfrastructure Project of the World Bank (2014-2024).

Q012 (2023): 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. Yet, it was not applied in 2023, hence NAP for sub-category 2.

Georgia

Q004 (General Comment): 6. According the law on „2023 Budget of Georgia" -2023 Budget of the Judiciary is divided in two parts - Budget for Functioning of Courts and Budget for trainings of Judges and Court staff. Budget allocated for trainings is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question regarding High School of Justice of Georgia.

Q004 (2023): The total approved budget increased in 2023 compared to 2022, in particular on the account of increased salaries; investments into the development of IT equipment; increased number of cases leading to an increase in the justice expenses (expertise, interpretation, etc.); increased fees and costs, reconstructions of court buildings; allocations for the construction of new court buildings. Main reasons of difference between allocated and implemented budget: savings received as a result of conducted tender; remained unused funds from signed service contracts during the year; the construction of the new building of the Tbilisi City Court and the reconstruction works of the new building of the Tbilisi Court of Appeal has not been started in 2023. Category 7. Other includes Business trips, goods and services necessary for office activities, uniforms, vehicle fuel, repair and insurance, judges' apartment rent.

Q006 (2023): 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). 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 - 92 794 Euros.

Q010 (2023): 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. 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 - 92 794 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. 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, heads of the secretariat and judges. Other staff categories benefit from continuous training courses based on financial resources allocated from the court budget.

Q004 (2023): The allocated and implemented amount for salaries increased in 2023 compared with 2021, but the variation of the exchange rate (20.9255 MDL for 1 Euro in 2021 and 19.6455 MDL for 1 Euro in 2023) is important to be considered, as well.

The amount implemented for investments in computerisation slightly decreased in 2023 due to the fact that more resources have been invested with success for this reason in several model-courts by donors (USAID and UE, CoE -CEPEJ) and at the level of judiciary (for refining the ICMS functionalities, extending the use of the e-file solution and videoconference in courts and launching the JUSTAT Information System).

The amount for investment in new court buildings in 2023 was allocated for implementation of court reorganization reform and necessity to build new court premises. The allocated amount decreased due to proposals to modify the court reorganization and as a result the plan for building new court premises that have been under consultation procedure. In the same context, the amounts allocated and implemented for court buildings increased due to the necessity for more maintenance (repairs) of several buildings.

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 2023 is due to the fact that many additional trainings for court staff have been organized by different cooperation projects with outsourced financial assistance. The category "other" includes expenses related to postal, medical, financial services, transportation, periodicals, equipment, protocol expenses and missions, etc. The amount allocated and implemented for other expenses slightly increased due to the necessities presented by courts (probably due to a slightly increase in prices).

NAP for justice expenses can be explained by missing of specific budget lines dedicated to such expenses. If the courts allocate and spend some financial resources on interpretation/ translation this will be included in the budget line "other services". So, the amounts are contained in the category 7 Other. For interpretation from Russian to Romanian and from Romanian to Russian language specific staff is employed by courts -on a permanent basis.

Q006 (2023): The budget allocated to the Prosecutor's Office system for 2023 does not include separate allocations for training.

Prosecutors' training has been carried out by the National Institute of Justice (NIJ), which benefited from such allowances.

The implemented amount by Prosecution services slightly increased in 2023 compared with 2021, but the variation of the exchange rate (20.9255 MDL for 1 Euro in 2021 and 19.6455 MDL for 1 Euro in 2023) is important to be considered, as well.

Q010 (2023): In 2023 external funds have been allocated by EU and CoE (CEPEJ) and USAID for implementing projects aimed at improving functioning of judiciary (launching the JUSTAT Information System, strengthening the institutional capacities in using court performance indicators and reporting on court performance, further implementation of videoconference and e-file solution in courts, trainings for court staff, automatized satisfaction surveys for court staff and for court visitors, refining ICMS functions, facilitating the access to courts for disabled persons, etc.). EU and CoE spent EUR 257000 and USAID spent EUR 2215560 and the projects are still ongoing. 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, National Legal Aid Council and other justice sector actors did not report any external donor funds.

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.

Q012 (2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, etc.) has increased in 2023. Also, the fixed monthly remuneration of the para-legals has increased with 150 %. Source: National Legal Aid Council activity report for 2023 https://cnaajgs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAJGS_2023_.pdf.

Q013 (2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, etc.) has increased in 2023. Also, the fixed monthly remuneration of the para-legals has increased with 150 %.

Source: National Legal Aid Council activity report for 2023 https://cnaajgs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAJGS_2023_.pdf.

Ukraine

Q005 (2023): The total approved budget for 2023 for legal aid is EUR 20,246,602, including under the CPEL 3603020 "Ensuring the formation and functioning of the free legal aid system" - EUR 11,702,686, under the CPEL 3603030 "Payment for services and reimbursement of expenses of lawyers for the provision of free secondary legal aid" - EUR 8,543,916.

Information on the implementation of the budget for 2023 will be provided after the annual consolidated financial and consolidated budget statements are submitted to the State Treasury Service of Ukraine.

Q006 (General Comment): Indicated amounts include deductions, approved in the estimate of costs sheet for Specialized Anti-Corruption Prosecutor's Office and are not cover assignments, foreseen for the functioning of the National Prosecution Academy of Ukraine as well as for the functioning of the Qualification and Disciplinary Commission of Prosecutors.

Q010 (2023): As part of the financial support to Ukraine from international partners in 2023, the free legal aid system received a grant to implement the projects "Protection of humanitarian rights and freedoms and security of internally displaced persons and conflict-affected communities at risk of explosive ordnance in Ukraine" and "Response to emergencies in the social and legal protection sector and humanitarian needs of internally displaced and conflict-affected persons in

Q012 (2023): The Accounting Service does not have information on the distribution of estimated allocations for criminal and non-criminal cases allocated for free legal aid. At the same time, we would like to inform you that the passport of the budget program for 2023 under CPEL 3603030 reflects in the product performance indicators only the number of cases of free legal aid provision to subjects entitled to such assistance in criminal, civil, administrative proceedings, as well as in connection with administrative offenses - 106,000 units.

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.

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 €.

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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:

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Question 004

Armenia

(2023): 7.1 The reserve fund of courts 574809 EUR

7.2 Providing social packages of employees of state's institution and organization 384440 EUR

7.3 Annual public budget allocated to other equipment 227 746 EUR

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Azerbaijan

(2023): The computerisation programme in courts has been largely completed by the beginning of 2023, which explains the decrease in both approved and implemented budgets in 2023. Linked to the advancement in computerisation, as trainings for users have been largely completed by first half of 2023, the budget for trainings has decreased compared to 2022. A new court has been built in 2023, which explains the increase in Investments in courts buildings in 2023.

Georgia

(General Comment): 6. According the law on „2023 Budget of Georgia" -2023 Budget of the Judiciary is divided in two parts - Budget for Functioning of Courts and Budget for trainings of Judges and Court staff. Budget allocated for trainings is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question regarding High School of Justice of Georgia.

(2023): The total approved budget increased in 2023 compared to 2022, in particular on the account of increased salaries; investments into the development of IT equipment; increased number of cases leading to an increase in the justice expenses (expertise, interpretation, etc.); increased fees and costs, reconstructions of court buildings; allocations for the construction of new court buildings. Main reasons of difference between allocated and implemented budget: savings received as a result of conducted tender; remained unused funds from signed service contracts during the year; the construction of the new building of the Tbilisi City Court and the reconstruction works of the new building of the Tbilisi Court of Appeal has not been started in 2023. Category 7. Other includes Business trips, goods and services necessary for office activities, uniforms, vehicle fuel, repair and insurance, judges' apartment rent.

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, heads of the secretariat and judges. Other staff categories benefit from continuous training courses based on financial resources allocated from the court budget.

(2023): The allocated and implemented amount for salaries increased in 2023 compared with 2021, but the variation of the exchange rate (20.9255 MDL for 1 Euro in 2021 and 19.6455 MDL for 1 Euro in 2023) is important to be considered, as well.

The amount implemented for investments in computerisation slightly decreased in 2023 due to the fact that more resources have been invested with success for this reason in several model-courts by donors (USAID and UE, CoE -CEPEJ) and at the level of judiciary (for refining the ICMS functionalities, extending the use of the e-file solution and videoconference in courts and launching the JUSTAT Information System).

The amount for investment in new court buildings in 2023 was allocated for implementation of court reorganization reform and necessity to build new court premises. The allocated amount decreased due to proposals to modify the court reorganization and as a result the plan for building new court premises that have been under consultation procedure. In the same context, the amounts allocated and implemented for court buildings increased due to the necessity for more maintenance (repairs) of several buildings.

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 2023 is due to the fact that many additional trainings for court staff have been organized by different cooperation projects with outsourced financial assistance. The category "other" includes expenses related to postal, medical, financial services, transportation, periodicals, equipment, protocol expenses and missions, etc. The amount allocated and implemented for other expenses slightly increased due to the necessities presented by courts (probably due to a slightly increase in prices).

NAP for justice expenses can be explained by missing of specific budget lines dedicated to such expenses. If the courts allocate and spend some financial resources on interpretation/ translation this will be included in the budget line "other services". So, the amounts are contained in the category 7 Other. For interpretation from Russian to Romanian and from Romanian to Russian language specific staff is employed by courts -on a permanent basis.

Question 005

Ukraine

(2023): The total approved budget for 2023 for legal aid is EUR 20,246,602, including under the CPCEL 3603020 "Ensuring the formation and functioning of the free legal aid system" - EUR 11,702,686, under the CPCEL 3603030 "Payment for services and reimbursement of expenses of lawyers for the provision of free secondary legal aid" - EUR 8,543,916.

Information on the implementation of the budget for 2023 will be provided after the annual consolidated financial and consolidated budget statements are submitted to the State Treasury Service of Ukraine.

Question 006

Georgia

(2023): The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it.

Republic of Moldova

(2023): The budget allocated to the Prosecutor's Office system for 2023 does not include separate allocations for training. Prosecutors' training has been carried out by the National Institute of Justice (NIJ), which benefited from such allowances. The implemented amount by Prosecution services slightly increased in 2023 compared with 2021, but the variation of the exchange rate (20.9255 MDL for 1 Euro in 2021 and 19.6455 MDL for 1 Euro in 2023) is important to be to be considered, as well.

Ukraine

(General Comment): Indicated amounts include deductions, approved in the estimate of costs sheet for Specialized Anti-Corruption Prosecutor's Office and are not cover assignments, foreseen for the functioning of the National Prosecution Academy of Ukraine as well as for the functioning of the Qualification and Disciplinary Commission of Prosecutors.

Question 010

Azerbaijan

(2023): 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 project "Fostering mediation in Azerbaijan" (funded by the European Union and the Council of Europe and implemented by the Council of Europe in their Partnership for Good Governance III),(2023-2026); 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); Judicial Services and Smart nrastructure Project of the World Bank (2014-2024).

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). 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 - 92 794 Euros.

(2023): 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. 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 - 92 794 Euros, according their contracts and memorandums with Donor international organizations.

Republic of Moldova

(2023): In 2023 external funds have been allocated by EU and CoE (CEPEJ) and USAID for implementing projects aimed at improving functioning of judiciary (launching the JUSTAT Information System, strengthening the institutional capacities in using court performance indicators and reporting on court performance, further implementation of videoconference and e-file solution in courts, trainings for court staff, automatized satisfaction surveys for court staff and for court visitors, refining ICMS functions, facilitating the access to courts for disable persons, etc.). EU and CoE spent EUR 257000 and USAID spent EUR 2215560 and the projects are still ongoing. 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, National Legal Aid Council and other justice sector actors did not report any external donor funds.

Ukraine

(2023): As part of the financial support to Ukraine from international partners in 2023, the free legal aid system received a grant to implement the projects "Protection of humanitarian rights and freedoms and security of internally displaced persons and conflict-affected communities at risk of explosive ordnance in Ukraine" and "Response to emergencies in the social and legal protection sector and humanitarian needs of internally displaced and conflict-affected persons in

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. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Question 012

Azerbaijan

(2023): 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. Yet, it was not applied in 2023, hence NAP for sub-category 2.

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.

(2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, etc.) has increased in 2023. Also, the fixed monthly remuneration of the para-legals has increased with 150 %. Source: National Legal Aid Council activity report for 2023 https://cnaajgs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAJGS_2023_.pdf.

Ukraine

(2023): The Accounting Service does not have information on the distribution of estimated allocations for criminal and non-criminal cases allocated for free legal aid. At the same time, we would like to inform you that the passport of the budget program for 2023 under CPCEL 3603030 reflects in the product performance indicators only the number of cases of free legal aid provision to subjects entitled to such assistance in criminal, civil, administrative proceedings, as well as in connection with administrative offenses - 106,000 units.

Question 013

Republic of Moldova

(2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, etc.) has increased in 2023. Also, the fixed monthly remuneration of the para-legals has increased with 150 %. Source: National Legal Aid Council activity report for 2023 https://cnaajgs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAJGS_2023_.pdf.

2. Profile of judiciary - Overview

2.1 Number of justice professional Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2023

Number of justice professionals per 100 000 inhabitants in 2023 and variation (%) between 2018 and 2023 (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	
	2023	% Variation 2018-2023	2023	% Variation 2018-2023	2023	% Variation 2018-2023	2023	% Variation 2018-2023	2023	% Variation 2018-2023	2023	% Variation 2018-2023	2023	% Variation 2018-2023
Armenia	10,5	33,1%	0,6	26,7%	53,0	104,7%	12,6	14,3%	0,9	0,0%	10,3	-2,7%	89,5	24,0%
Azerbaijan	5,9	5,7%	1,0	-9,0%	28,7	7,3%	12,3	5,0%	1,0	NA	NA	NA	24,0	52,9%
Georgia	8,9	8,9%	0,6	-4,0%	48,7	20,4%	11,7	4,3%	1,6	18,0%	9,7	-2,2%	141,2	14,8%
Republic of Moldova	13,8	-21,4%	0,8	0,0%	68,6	9,2%	23,7	-8,2%	1,6	-4,8%	20,9	21,2%	80,5	2,3%
Ukraine	11,8	-10,9%	1,4	1,0%	58,7	-6,4%	22,5	-12,8%	0,6	8,7%	11,4	29,9%	162,6	51,0%
EaP Average	10,2	3,1%	0,9	2,9%	51,5	27,1%	16,6	0,5%	1,1	5,5%	13,0	11,5%	99,6	29,0%

For reference only, the 2022 EU medians are as follows: 22,9 judges per 100 000 inhabitants; 59,4 non-judge staff per 100 000 inhabitants; 11,1 prosecutors per 100 000 inhabitants; 14,4 non-prosecutors staff per 100 000 inhabitants and 132,1 lawyers per 100 000 inhabitants.

Figure 2.1.1 Judges, non-judge staff, prosecutors and non-prosecutor staff per 100 000 inhabitants in 2023

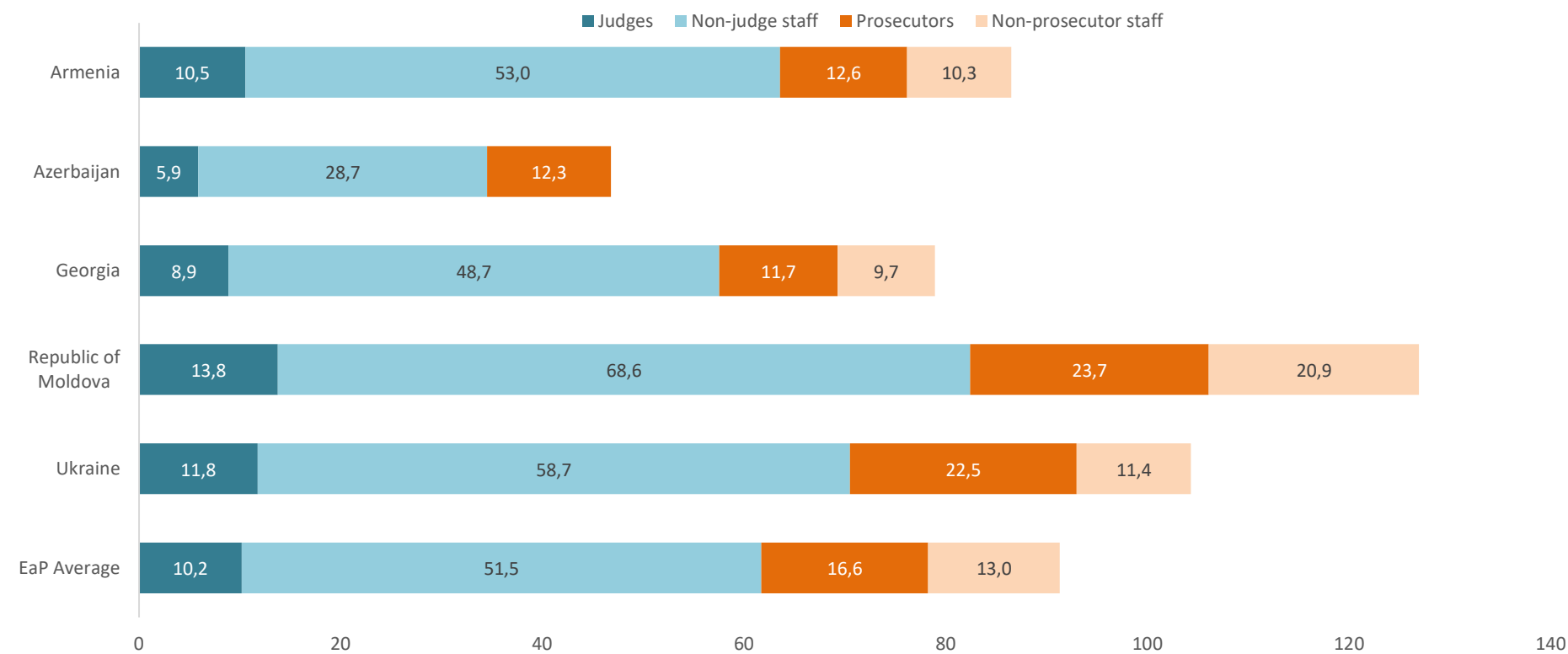
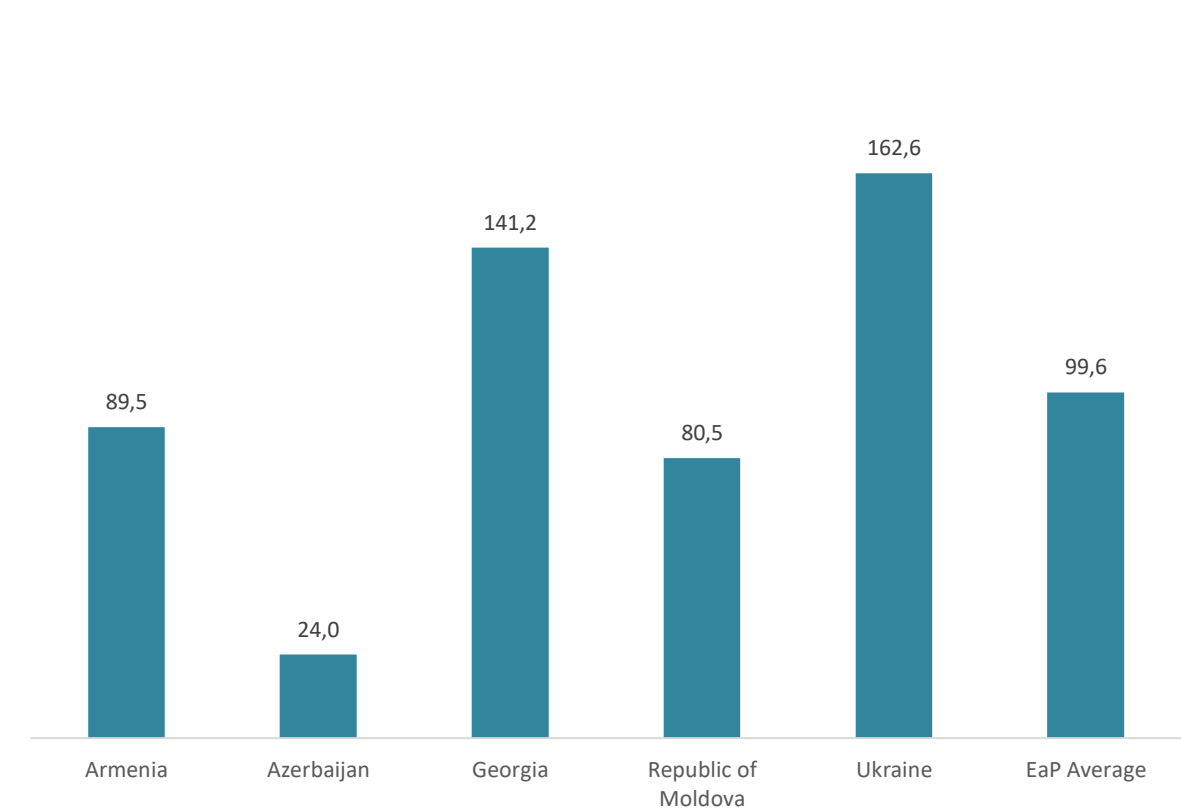


Figure 2.1.2 Lawyers per 100 000 inhabitants in 2023



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 2023 and variation (%) between 2018 and 2023 (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 2023		At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2023	
	2023	% Variation 2018-2023	2023	% Variation 2018-2023	At the beginning of the career	At the Supreme Court	2023	% Variation 2018-2023	2023	% Variation 2018-2023	At the beginning of the career	At the Supreme Court
Armenia	27 715 €	76,7%	66 340 €	188,4%	3,6	8,7	26 080 €	172,3%	NAP	NA	3,4	NAP
Azerbaijan	36 116 €	143,5%	49 033 €	104,4%	6,0	8,2	16 513 €	332,1%	43 284 €	288,2%	2,8	7,2
Georgia	34 712 €	130,2%	50 707 €	124,2%	4,6	6,8	15 893 €	92,7%	35 804 €	29,5%	2,1	4,8
Republic of Moldova	15 174 €	40,6%	23 315 €	35,0%	2,0	3,1	11 929 €	12,4%	18 801 €	7,5%	1,6	2,5
Ukraine	22 336 €	39,6%	122 623 €	16,0%	4,2	23,2	18 800 €	75,9%	44 300 €	154,7%	3,6	8,4
EaP Average	27 211 €	86,1%	62 404 €	93,6%	4,1	10,0	17 843 €	137,1%	35 547 €	120,0%	2,7	5,7

For reference only, the 2022 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 4,3

For reference only, the 2022 EU median for:

- the ratio of the prosecutors' salary at the beginning of the career with average gross annual national salary is 1,7
- the ratio of the prosecutors' salary at the Supreme Court with average gross annual national salary is 3,3

Figure 2.2.1 Judges' salary - Ratio with average gross annual national salary in 2023

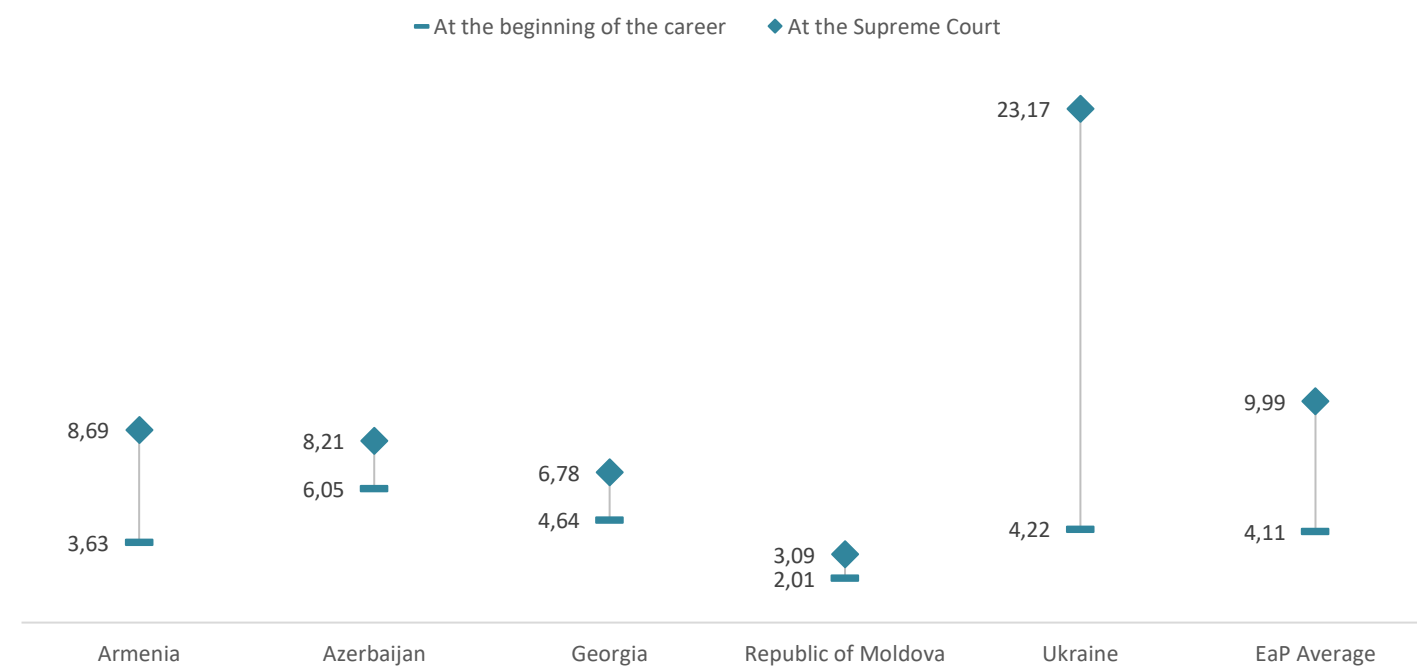
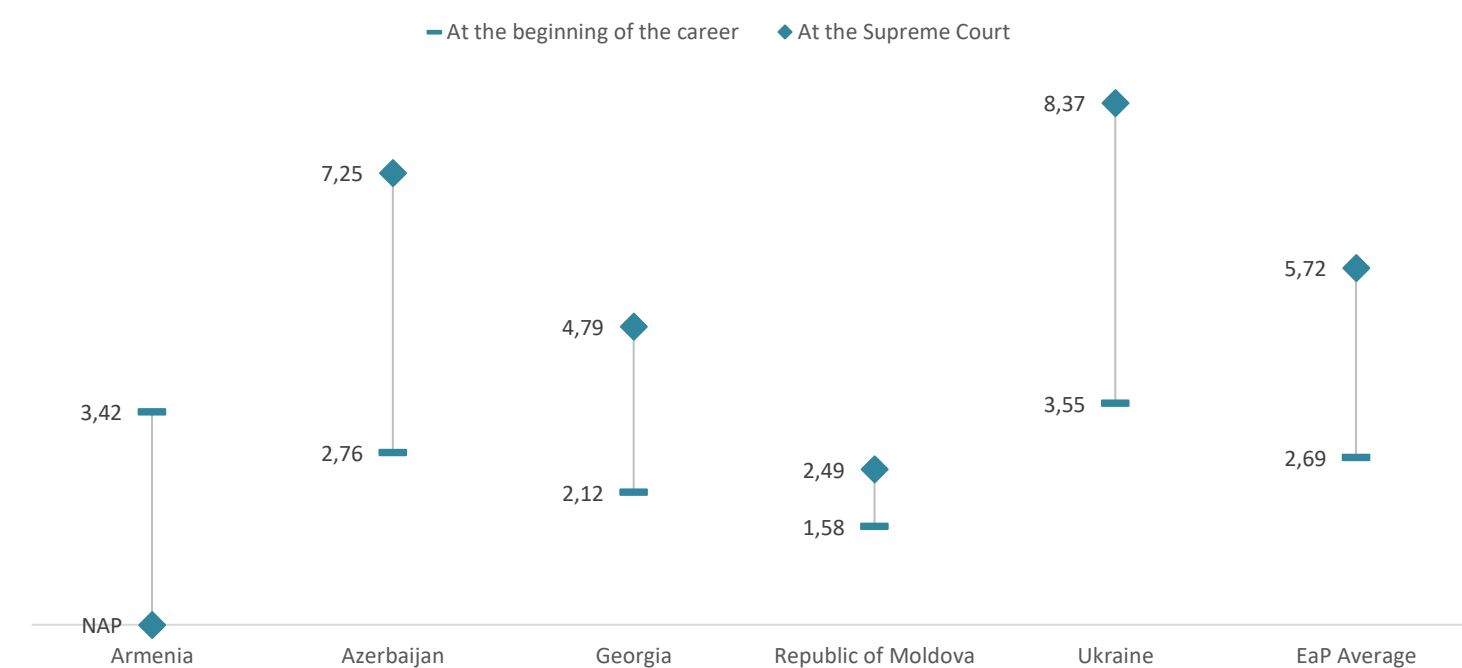


Figure 2.2.2 Prosecutors' salary - Ratio with average gross annual national salary in 2023



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

2.3 Organisation of the court system

Number of first instance general jurisdiction and specialised courts as legal entities and number first instance of courts as geographic location per 100 000 inhabitants in 2023 (Tables 2.3.2 and 2.3.6)

Beneficiaries	Number of first instance courts per 100 000 inhabitants			
	Legal entities			Geographic location
	Total	General jurisdiction	Specialised courts	First instance
Armenia	0,5	0,4	0,1	1,5
Azerbaijan	1,1	0,8	0,2	1,1
Georgia	0,7	0,7	NAP	0,7
Republic of Moldova	0,6	0,6	NAP	1,6
Ukraine	1,6	1,4	0,1	1,6
EaP Average	0,9	0,8	0,2	1,3

Figure 2.5 Participation of first instance specialised courts within the total number of first instance courts in 2023

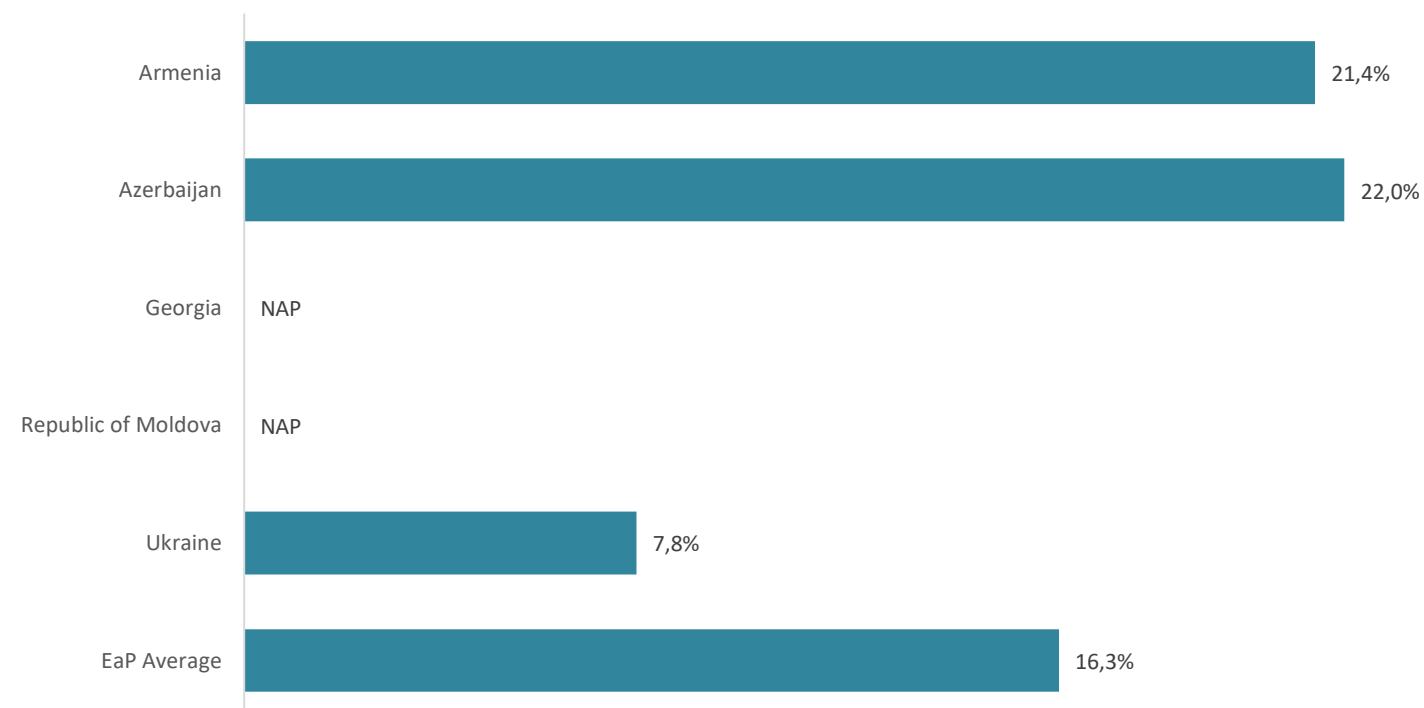
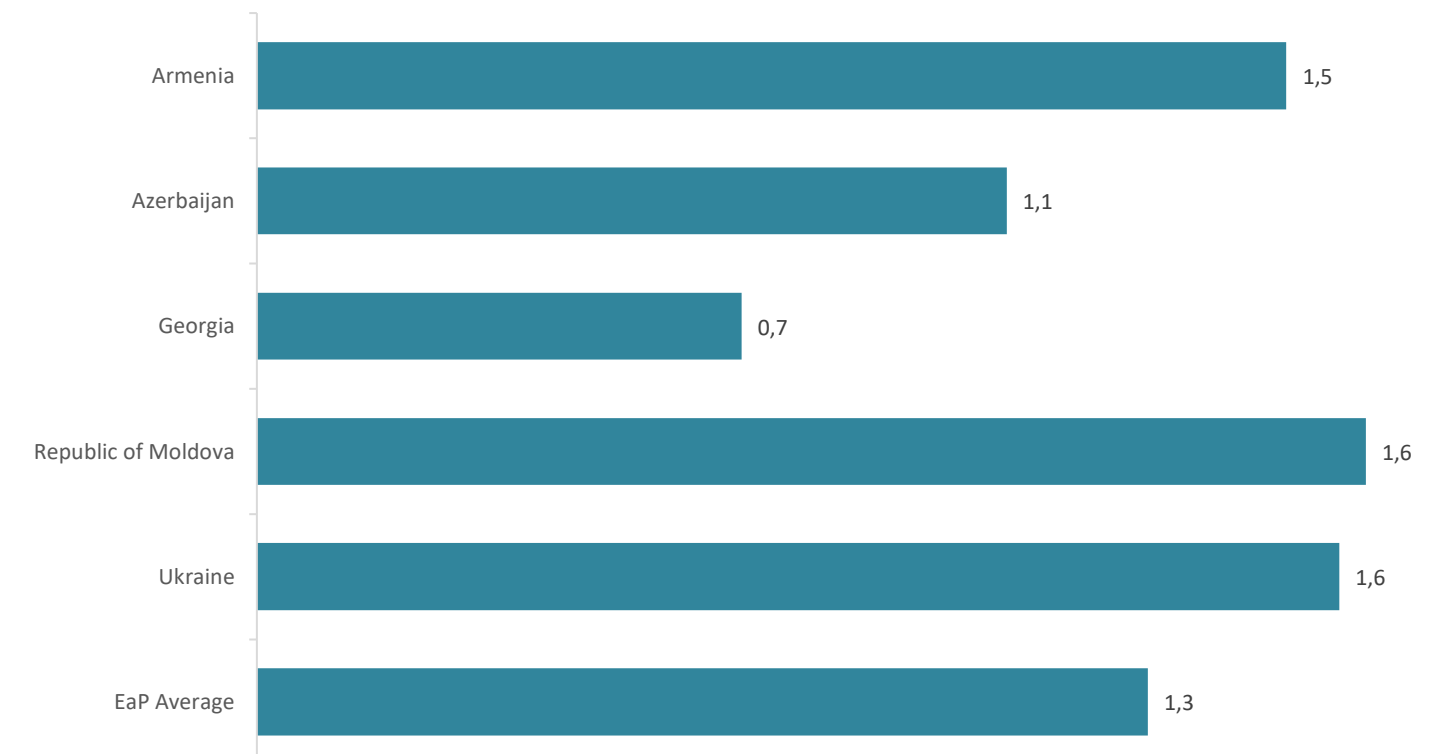


Figure 2.6 First instance courts (geographic locations) per 100 000 in 2023



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2.3 Lawyers

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2.5 Organisation of the court system

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Table 2.5.6 Number of courts (geographic locations) per 100 000 inhabitants in 2023 (Q1, Q14-0-3)

2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance and variations between 2018 and 2023 (Q19)

Beneficiaries	Number of professional judges by instance and variations between 2018 and 2023																					
	2018				2020				2021				2022				2023				% Variation of total number of professional judges	
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2023	2022-2023
Armenia	236	175	44	17	244	183	44	17	303	219	65	19	297	215	55	27	314	221	65	28	33,1%	5,7%
Azerbaijan	563	395	127	41	522	368	116	38	541	380	123	38	547	384	125	38	595	438	120	37	5,7%	8,8%
Georgia	305	225	69	11	329	219	90	20	343	230	86	27	339	222	89	28	332	218	87	27	8,9%	-2,1%
Republic of Moldova	440	322	91	27	461	347	92	22	435	329	81	25	374	276	77	21	346	269	66	11	-21,4%	-7,5%
Ukraine	5409	4224	1067	118	5420	4307	930	183	4360	3439	742	179	5142	4144	820	178	4821	3972	701	148	-10,9%	-6,2%
Average	1391	1068	280	43	1395	1085	254	56	1196	919	219	58	1340	1048	233	58	1282	1024	208	50	3,1%	-0,3%
Median	440	322	91	27	461	347	92	22	435	329	86	27	374	276	89	28	346	269	87	28	5,7%	-2,1%
Minimum	236	175	44	11	244	183	44	17	303	219	65	19	297	215	55	21	314	218	65	11	-21,4%	-7,5%
Maximum	5409	4224	1067	118	5420	4307	930	183	4360	3439	742	179	5142	4144	820	178	4821	3972	701	148	33,1%	8,8%

Table 2.1.2 Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2023 (Q1 and Q19)

Beneficiaries	Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2023																			
	2018				2020				2021				2022				2023			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	8,0	5,9	1,5	0,6	8,2	6,2	1,5	0,6	10,2	7,4	2,2	0,6	10,0	7,2	1,8	0,9	10,5	7,4	2,2	0,9
Azerbaijan	5,7	4,0	1,3	0,4	5,2	3,7	1,2	0,4	5,4	3,8	1,2	0,4	5,4	3,8	1,2	0,4	5,9	4,3	1,2	0,4
Georgia	8,2	6,0	1,9	0,3	8,8	5,9	2,4	0,5	9,3	6,2	2,3	0,7	9,1	5,9	2,4	0,7	8,9	5,8	2,3	0,7
Republic of Moldova	16,4	12,0	3,4	1,0	17,5	13,2	3,5	0,8	16,7	12,6	3,1	1,0	14,9	11,0	3,1	0,8	13,8	10,7	2,6	0,4
Ukraine	12,8	10,0	2,5	0,3	13,1	10,4	2,2	0,4	10,6	8,4	1,8	0,4	12,5	10,1	2,0	0,4	11,8	9,7	1,7	0,4
Average	10,2	7,6	2,1	0,5	10,6	7,9	2,2	0,6	10,5	7,7	2,1	0,6	10,4	7,6	2,1	0,7	10,2	7,6	2,0	0,6
Median	8,2	6,0	1,9	0,4	8,8	6,2	2,2	0,5	10,2	7,4	2,2	0,6	10,0	7,2	2,0	0,7	10,5	7,4	2,2	0,4
Minimum	5,7	4,0	1,3	0,3	5,2	3,7	1,2	0,4	5,4	3,8	1,2	0,4	5,4	3,8	1,2	0,4	5,9	4,3	1,2	0,4
Maximum	16,4	12,0	3,4	1,0	17,5	13,2	3,5	0,8	16,7	12,6	3,1	1,0	14,9	11,0	3,1	0,9	13,8	10,7	2,6	0,9

Table 2.1.3 Distribution of professional judges by instance between 2018 and 2023 (Q19)

Beneficiaries	Distribution of professional judges by instance between 2018 and 2023														
	2018			2020			2021			2022			2023		
	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court
Armenia	74,2%	18,6%	7,2%	75,0%	18,0%	7,0%	72,3%	21,5%	6,3%	72,4%	18,5%	9,1%	70,4%	20,7%	8,9%
Azerbaijan	70,2%	22,6%	7,3%	70,5%	22,2%	7,3%	70,2%	22,7%	7,0%	70,2%	22,9%	6,9%	73,6%	20,2%	6,2%
Georgia	73,8%	22,6%	3,6%	66,6%	27,4%	6,1%	67,1%	25,1%	7,9%	65,5%	26,3%	8,3%	65,7%	26,2%	8,1%
Republic of Moldova	73,2%	20,7%	6,1%	75,3%	20,0%	4,8%	75,6%	18,6%	5,7%	73,8%	20,6%	5,6%	77,7%	19,1%	3,2%
Ukraine	78,1%	19,7%	2,2%	79,5%	17,2%	3,4%	78,9%	17,0%	4,1%	80,6%	15,9%	3,5%	82,4%	14,5%	3,1%
Average	73,9%	20,8%	5,3%	73,4%	20,9%	5,7%	72,8%	21,0%	6,2%	72,5%	20,8%	6,7%	74,0%	20,1%	5,9%
Median	73,8%	20,7%	6,1%	75,0%	20,0%	6,1%	72,3%	21,5%	6,3%	72,4%	20,6%	6,9%	73,6%	20,2%	6,2%
Minimum	70,2%	18,6%	2,2%	66,6%	17,2%	3,4%	67,1%	17,0%	4,1%	65,5%	15,9%	3,5%	65,7%	14,5%	3,1%
Maximum	78,1%	22,6%	7,3%	79,5%	27,4%	7,3%	78,9%	25,1%	7,9%	80,6%	26,3%	9,1%	82,4%	26,2%	8,9%

Table 2.1.4 Non-professional judges, professional judges on occasional basis and trial by jury with the participation of citizens in 2023 (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 (misdemeanor 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	-	-	-	No	NAP	NAP
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	-	-	-	No	NAP	NAP
Georgia	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	-	-	-	No	NAP	NAP
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	-	-	-	Yes	Yes	Yes
Average	-	-														
Median	-	-														
Minimum	-	-									0	0	0			
Maximum	-	-									0	0	0			

Table 2.1.5 Number of court presidents by instance in 2018 and 2023 (Q19-1)

Beneficiaries	Number of court presidents by instance in 2018 and 2023								
	2018				2023				% Variation of total number of court presidents 2018-2023
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Armenia	15	11	3	1	19	14	4	1	26,7%
Azerbaijan	111	104	6	1	101	94	6	1	-9,0%
Georgia	25	22	2	1	24	21	2	1	-4,0%
Republic of Moldova	20	15	4	1	20	15	4	1	0,0%
Ukraine	585	547	37	1	591	556	34	1	1,0%
Average	151	140	10	1	151	140	10	1	2,9%
Median	25	22	4	1	24	21	4	1	0,0%
Minimum	15	11	2	1	19	14	2	1	-9,0%
Maximum	585	547	37	1	591	556	34	1	26,7%

Table 2.1.6 Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2023 (Q1 and Q19-1)

Beneficiaries	Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2023							
	2018				2023			
	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	0,5	0,1	0,0
Azerbaijan	1,1	1,1	0,1	0,0	1,0	0,9	0,1	0,0
Georgia	0,7	0,6	0,1	0,0	0,6	0,6	0,1	0,0
Republic of Moldova	0,7	0,6	0,1	0,0	0,8	0,6	0,2	0,0
Ukraine	1,4	1,3	0,1	0,0	1,4	1,4	0,1	0,0
Average	0,9	0,8	0,1	0,0	0,9	0,8	0,1	0,0
Median	0,7	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	0,5	0,1	0,0
Maximum	1,4	1,3	0,1	0,0	1,4	1,4	0,2	0,0

Table 2.1.7 Number of professional judges per court presidents by instance in 2023 (Q19 and Q19-1)

Beneficiaries	Number of professional judges per court presidents by instance in 2023			
	Total	First instance	Second instance	Supreme court
Armenia	16,5	15,8	16,3	28,0
Azerbaijan	5,9	4,7	20,0	37,0
Georgia	13,8	10,4	43,5	27,0
Republic of Moldova	17,3	17,9	16,5	11,0
Ukraine	8,2	7,1	20,6	148,0
Average	12,3	11,2	23,4	50,2
Median	13,8	10,4	20,0	28,0
Minimum	5,9	4,7	16,3	11,0
Maximum	17,3	17,9	43,5	148,0

Table 2.1.8 Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2023 (Q1 and Q27)

Beneficiaries	Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2023											
	2018		2020		2021		2022		2023		% Variation of number of non-judge staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2023	2022-2023
Armenia	767	25,9	1 438	48,5	1 525	51,5	1 582	53,1	1 578	53,0	104,7%	-0,3%
Azerbaijan	2 643	26,7	2 855	28,6	2 877	28,7	2 892	28,7	2 902	28,7	7,3%	-0,3%
Georgia	1 505	40,4	1 782	47,8	1 798	48,7	1 834	49,1	1 818	48,7	20,4%	-0,9%
Republic of Moldova	1 688	62,8	1 792	68,2	1 808	69,4	1 827	72,7	1 725	68,6	9,2%	-5,6%
Ukraine	26 445	62,7	26 777	64,6	24 047	58,7	23 732	57,9	24 084	58,7	-6,4%	1,5%
Average	6 610	43,7	6 929	51,6	6 411	51,4	6 373	52,3	6 421	51,5	27,1%	-1,1%
Median	1 688	40,4	1 792	48,5	1 808	51,5	1 834	53,1	1 818	53,0	9,2%	-0,3%
Minimum	767	25,9	1 438	28,6	1 525	28,7	1 582	28,7	1 578	28,7	-6,4%	-5,6%
Maximum	26 445	62,8	26 777	68,2	24 047	69,4	23 732	72,7	24 084	68,6	104,7%	1,5%

Table 2.1.9 Number of non-judge staff by categories between 2018 and 2023 (Q26)

Beneficiaries	Number of non-judge staff by categories between 2018 and 2023																													
	2018					2020					2021					2022					2023									
	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	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	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	1 976	NAP	767	139	409	641	1 438	NAP	262	692	484	NAP	1 525	NAP	292	753	480	NAP	1 582	NAP	312	773	497	NAP	1 578	NAP	333	796	449	NAP
Azerbaijan	2 643	NAP	1 156	1 133	354	NAP	2 855	NAP	1 235	1 244	376	NAP	2 877	NAP	1 243	1 257	377	NAP	2 892	NAP	1 244	1 251	397	NAP	2 902	NAP	1 246	1 246	410	NAP
Georgia	1 505	4	641	82	778	NAP	1 585	3	710	80	792	NAP	1 798	4	817	139	838	NAP	1 834	4	842	139	849	NAP	1 818	4	828	139	847	NAP
Republic of Moldova	1 688	NAP	835	528	325	NAP	1 792	NAP	900	573	319	NAP	1 808	NAP	874	614	320	NAP	1 827	NAP	834	614	379	NAP	1 725	NAP	817	631	277	NAP
Ukraine	26 445	NAP	6 586	15 708	3 640	511	26 777	NAP	6 910	15 534	NA	NA	24 047	NAP	11 387	2 313	1 763	8 584	23 732	NAP	5 799	2 357	1 762	13 814	24 084	NAP	11 302	2 463	1 681	8 638
Average	6 851	-	1 997	3 518	1 101	-	6 889	-	2 003	3 625	493	-	6 411	-	2 923	1 015	756	-	6 373	-	1 806	1 027	777	-	6 421	-	2 905	1 055	733	-
Median	1 976	-	835	528	409	-	1 792	-	900	692	430	-	1 808	-	874	753	480	-	1 834	-	842	773	497	-	1 818	-	828	796	449	-
Minimum	1 505	-	641	82	325	-	1 438	-	262	80	319	-	1 525	-	292	139	320	-	1 582	-	312	139	379	-	1 578	-	333	139	277	-
Maximum	26 445	-	6 586	15 708	3 640	-	26 777	-	6 910	15 534	792	-	24 047	-	11 387	2 313	1 763	-	23 732	-	5 799	2 357	1 762	-	24 084	-	11 302	2 463	1 681	-

Table 2.1.10 Number and distribution of non-judge staff by instance in 2018 and 2023 (Q27)

Beneficiaries	Number and distribution of non-judge staff by instance in 2018 and 2023																			
	2018				2020				2021				2022				2023			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	767	596	126	45	1 438	1 139	205	94	1 525	1 213	215	97	1 582	1 230	244	108	1 578	1 220	238	120
Azerbaijan	2 643	1 946	475	222	2 855	2 146	474	235	2 877	2 159	483	235	2 892	2 155	488	249	2 902	2 160	490	252
Georgia	1 505	1 123	254	128	1 782	1 293	292	197	1 798	1 299	295	204	1 834	1 319	303	212	1 818	1 303	301	214
Republic of Moldova	1 688	1 216	304	168	1 792	1 332	304	156	1 808	1 326	318	164	1 827	1 368	309	150	1 725	1 261	310	154
Ukraine	26 445	20 507	4 792	1 146	26 777	20 606	4 724	1 447	24 047	19 488	4 559	1 422	23 732	19 475	4 257	1 455	24 084	18 807	4 152	1 125
Average	6 610	5 078	1 190	342	6 929	5 303	1 200	426	6 411	5 097	1 174	424	6 373	5 109	1 120	435	6 421	4 950	1 098	373
Median	1 688	1 216	304	168	1 792	1 332	304	197	1 808	1 326	318	204	1 834	1 368	309	212	1 818	1 303	310	214
Minimum	767	596	126	45	1 438	1 139	205	94	1 525	1 213	215	97	1 582	1 230	244	108	1 578	1 220	238	120
Maximum	26 445	20 507	4 792	1 146	26 777	20 606	4 724	1 447	24 047	19 488	4 559	1 422	23 732	19 475	4 257	1 455	24 084	18 807	4 152	1 125

Table 2.1.11 Ratio of non-judge staff per professional judge between 2018 and 2023 (Q19, Q27)

Beneficiaries	Ratio of non-judge staff per professional judge between 2018 and 2023						
	2018	2020	2021	2022	2023	% Variation of the ratio	
						2018-2023	2022-2023
Armenia	3,3	5,9	5,0	5,3	5,0	54,6%	-5,7%
Azerbaijan	4,7	5,5	5,3	5,3	4,9	3,9%	-7,7%
Georgia	4,9	5,4	5,2	5,4	5,5	11,0%	1,2%
Republic of Moldova	3,8	3,9	4,2	4,9	5,0	30,0%	2,1%
Ukraine	4,9	4,9	5,5	4,6	5,0	2,2%	8,2%
Average	4,3	5,1	5,1	5,1	5,1	20,3%	-0,4%
Median	4,7	5,4	5,2	5,3	5,0	11,0%	1,2%
Minimum	3,3	3,9	4,2	4,6	4,9	2,2%	-7,7%
Maximum	4,9	5,9	5,5	5,4	5,5	54,6%	8,2%

2.2 Public prosecutors and non-prosecutor staff

Table 2.2.1 Number of prosecutors by instance and its variation between 2018 and 2023, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Beneficiaries	Number of prosecutors by instance and its variation between 2018 and 2023, and persons with similar duties as prosecutors																								
	Number of prosecutors																				Existence of persons with similar duties as prosecutors				
	2018				2020				2021				2022				2023				% 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	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2023	2022-2023			
Armenia	329	NAP	NAP	NAP	355	NAP	NAP	NAP	398	NAP	NAP	NAP	399	NAP	NAP	NAP	376	NAP	NAP	NAP	14,3%	-5,8%			
Azerbaijan	1183	NA	NA	NA	1303	NA	NA	NA	1200	NA	NA	NA	1229	NA	NA	NA	1242	NAP	NAP	NAP	5,0%	1,1%			
Georgia	420	NAP	NAP	NAP	414	NAP	NAP	NAP	432	NAP	NAP	NAP	415	NAP	NAP	NAP	438	NAP	NAP	NAP	4,3%	5,5%			
Republic of Moldova	648	448	21	179	638	449	22	167	615	NAP	NAP	NAP	592	NAP	NAP	NAP	595	NAP	NAP	NAP	-8,2%	0,5%			
Ukraine	10561	NAP	NAP	NAP	8800	NAP	NAP	NAP	9683	NAP	NAP	NAP	9445	NAP	NAP	NAP	9212	NAP	NAP	NAP	-12,8%	-2,5%			
Average	2628	-	-	-	2302	-	-	-	2466	-	-	-	2416	-	-	-	2373	-	-	-	0,5%	-0,2%	Yes		
Median	648	-	-	-	638	-	-	-	615	-	-	-	592	-	-	-	595	-	-	-	4,3%	0,5%	No		
Minimum	329	-	-	-	355	-	-	-	398	-	-	-	399	-	-	-	376	-	-	-	-12,8%	-5,8%	NA		
Maximum	10561	-	-	-	8800	-	-	-	9683	-	-	-	9445	-	-	-	9212	-	-	-	14,3%	5,5%	NAP		

Table 2.2.2 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2023 (Q1 and Q28)

Beneficiaries	Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2023																			
	2018				2020				2021				2022				2023			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
Armenia	11,11	NAP	NAP	NAP	11,98	NAP	NAP	NAP	13,44	NAP	NAP	NAP	13,40	NAP	NAP	NAP	12,63	NAP	NAP	NAP
Azerbaijan	11,95	NA	NA	NA	13,06	NA	NA	NA	11,97	NA	NA	NA	12,21	NA	NA	NA	12,26	NAP	NAP	NAP
Georgia	11,28	NAP	NAP	NAP	11,10	NAP	NAP	NAP	11,71	NAP	NAP	NAP	11,11	NAP	NAP	NAP	11,72	NAP	NAP	NAP
Republic of Moldova	24,12	16,68	0,78	6,66	24,29	17,09	0,84	6,36	23,62	NAP	NAP	NAP	23,56	NAP	NAP	NAP	23,68	NAP	NAP	NAP
Ukraine	25,05	NAP	NAP	NAP	21,25	NAP	NAP	NAP	23,62	NAP	NAP	NAP	23,04	NAP	NAP	NAP	22,47	NAP	NAP	NAP
Average	17	-	-	-	16	-	-	-	17	-	-	-	17	-	-	-	17	-	-	-
Median	12	-	-	-	13	-	-	-	13	-	-	-	13	-	-	-	13	-	-	-
Minimum	11	-	-	-	11	-	-	-	12	-	-	-	11	-	-	-	12	-	-	-
Maximum	25	-	-	-	24	-	-	-	24	-	-	-	24	-	-	-	24	-	-	-

Table 2.2.3 Number of heads of prosecution offices by instance in 2018 and 2023 (Q28-1)

Beneficiaries	Number of heads of prosecution offices by instance in 2018 and 2023								
	2018				2023				% Variation of total number of heads of prosecution offices 2018-2023
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Armenia	28	NAP	NAP	NAP	28	NAP	NAP	NAP	0,0%
Azerbaijan	NA	NA	NA	NA	100	NAP	NAP	NAP	NA
Georgia	50	NAP	NAP	NAP	59	NAP	NAP	NAP	18,0%
Republic of Moldova	42	36	3	3	40	34	3	3	-4,8%
Ukraine	219	NAP	NAP	NAP	238	NAP	NAP	NAP	8,7%
Average	85	-	-	-	93	-	-	-	5,5%
Median	46	-	-	-	59	-	-	-	4,3%
Minimum	28	-	-	-	28	-	-	-	-4,8%
Maximum	219	-	-	-	238	-	-	-	18,0%

Table 2.2.4 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2018 and 2023 (Q1 and Q28-1)

Beneficiaries	Number of heads of prosecution offices per 100 000 inhabitants by instance in 2018 and 2023							
	2018				2023			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	0,9	NAP	NAP	NAP	0,9	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA	1,0	NAP	NAP	NAP
Georgia	1,3	NAP	NAP	NAP	1,6	NAP	NAP	NAP
Republic of Moldova	1,6	1,3	0,1	0,1	1,6	1,4	0,1	0,1
Ukraine	0,5	NAP	NAP	NAP	0,6	NAP	NAP	NAP
Average	1,1	-	-	-	1,1	-	-	-
Median	1,1	-	-	-	1,0	-	-	-
Minimum	0,5	-	-	-	0,6	-	-	-
Maximum	1,6	-	-	-	1,6	-	-	-

Table 2.2.5 Number of prosecutors per head of prosecution offices in 2023 (Q28 and Q28-1)

Beneficiaries	Number of prosecutors per head of prosecution offices in 2023			
	2023			
	Total	First instance	Second instance	Supreme court
Armenia	13,4	NAP	NAP	NAP
Azerbaijan	12,4	NAP	NAP	NAP
Georgia	7,4	NAP	NAP	NAP
Republic of Moldova	14,9	NAP	NAP	NAP
Ukraine	38,7	NAP	NAP	NAP
Average	17	-	-	-
Median	13	-	-	-
Minimum	7	-	-	-
Maximum	39	-	-	-

Table 2.2.6 Number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2023 (Q1 and Q32)

Beneficiaries	Number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2023											
	2018		2020		2021		2022		2023		% Variation of number of non-prosecutor staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2023	2022-2023
Armenia	314	10,6	182	6,1	181	6,1	274	9,2	307	10,3	-2,7%	12,0%
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	368	9,9	363	9,7	355	9,6	360	9,6	361	9,7	-2,2%	0,3%
Republic of Moldova	462	17,2	360	13,7	532	20,4	518	20,6	524	20,9	21,2%	1,2%
Ukraine	3 684	8,7	3 864	9,3	5 114	12,5	4 693	11,4	4 655	11,4	29,9%	-0,8%
Average	1207	11,6	1192	9,7	1546	12,2	1461	12,7	1462	13,0	11,5%	3,2%
Median	415	10,2	362	9,5	444	11,0	439	10,5	443	10,8	9,5%	0,7%
Minimum	314	8,7	182	6,1	181	6,1	274	9,2	307	9,7	-2,7%	-0,8%
Maximum	3684	17,2	3864	13,7	5114	20,4	4693	20,6	4655	20,9	29,9%	12,0%

Table 2.2.7 Ratio of non-prosecutor staff per prosecutors between 2018 and 2023 (Q28, Q32)

Beneficiaries	Ratio of non-prosecutor staff per prosecutors between 2018 and 2023						
	2018	2020	2021	2022	2023	% Variation of the ratio	
						2018-2023	2022-2023
Armenia	0,95	0,51	0,45	0,69	0,82	-14,5%	18,9%
Azerbaijan	NA	NA	NA	NA	NA	NA	NA
Georgia	0,88	0,88	0,82	0,87	0,82	-5,9%	-5,0%
Republic of Moldova	0,71	0,56	0,87	0,88	0,88	23,5%	0,6%
Ukraine	0,35	0,44	0,53	0,50	0,51	44,9%	1,7%
Average	0,72	0,60	0,67	0,73	0,76	12,0%	4,1%
Median	0,79	0,54	0,67	0,78	0,82	8,8%	1,2%
Minimum	0,35	0,44	0,45	0,50	0,51	-14,5%	-5,0%
Maximum	0,95	0,88	0,87	0,88	0,88	44,9%	18,9%

2.3 Lawyers

Table 2.3.1 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2023 and its variations (Q33 and Q34)

Beneficiaries	Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2023 and its variations												Does these figures include legal advisors?
	2018		2020		2021		2022		2023		% Variation of number of lawyers		
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2023	2022-2023	
Armenia	2 138	72,2	2 240	75,6	2 482	83,8	2 520	84,6	2 664	89,5	24,0%	5,7%	
Azerbaijan	1 554	15,7	2 031	20,4	2 132	21,3	2 323	23,1	2 431	24,0	52,9%	4,0%	
Georgia	4 580	123,0	4 772	128,0	5 038	136,6	4 942	132,3	5 274	141,2	14,8%	6,7%	
Republic of Moldova	2 115	78,7	2 086	79,4	2 021	77,6	2 068	82,3	2 024	80,5	2,3%	-2,1%	
Ukraine	45 370	107,6	57 591	139,0	65 000	158,5	64 594	157,6	66 651	162,6	51,0%	3,2%	
Average	11 151	79,5	13 744	88,5	15 335	95,6	15 289	96,0	15 809	99,6	29,0%	3,5%	
Median	2 138	78,7	2 240	79,4	2 482	83,8	2 520	84,6	2 664	89,5	24,0%	4,0%	
Minimum	1 554	15,7	2 031	20,4	2 021	21,3	2 068	23,1	2 024	24,0	2,3%	-2,1%	
Maximum	45 370	123,0	57 591	139,0	65 000	158,5	64 594	157,6	66 651	162,6	52,9%	6,7%	

Yes
No
NA
NAP

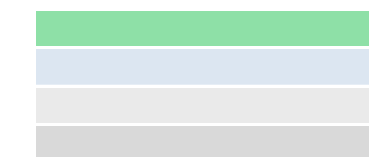


Table 2.3.2 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2023 (Q19 and Q33)

Beneficiaries	Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2023									
	2018		2020		2021		2022		2023	
	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants
Armenia	8,0	72,2	8,2	75,6	10,2	83,8	10,0	84,6	10,5	89,5
Azerbaijan	5,7	15,7	5,2	20,4	5,4	21,3	5,4	23,1	5,9	24,0
Georgia	8,2	123,0	8,8	128,0	9,3	136,6	9,1	132,3	8,9	141,2
Republic of Moldova	16,4	78,7	17,5	79,4	16,7	77,6	14,9	82,3	13,8	80,5
Ukraine	12,8	107,6	13,1	139,0	10,6	158,5	12,5	157,6	11,8	162,6
Average	10,2	79,5	10,6	88,5	10,5	95,6	10,4	96,0	10,2	99,6
Median	8,2	78,7	8,8	79,4	10,2	83,8	10,0	84,6	10,5	89,5
Minimum	5,7	15,7	5,2	20,4	5,4	21,3	5,4	23,1	5,9	24,0
Maximum	16,4	123,0	17,5	139,0	16,7	158,5	14,9	157,6	13,8	162,6

2.4 Salaries of judges and public prosecutors

Table 2.4.1 Salaries of judges in € and in local currency in 2023 (Q15)

Beneficiaries	Salaries of judges in € in 2023				Salaries of judges in local currency in 2023				
	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	27 715 €	66 340 €	22 172 €	53 072 €	AMD (Dram)	12 413 440	29 713 476	9 930 752	23 770 781
Azerbaijan	36 116 €	49 033 €	31 781 €	42 296 €	AZN (Manat)	67 776	92 016	59 640	79 372
Georgia	34 712 €	50 707 €	27 215 €	39 754 €	GEL (Lari)	103 280	150 870	80 972	118 282
Republic of Moldova	15 174 €	23 315 €	11 897 €	18 419 €	MDL (Leu)	298 092	458 040	235 493	361 852
Ukraine	22 336 €	122 623 €	17 980 €	98 712 €	UAH (Hryvnia)	942 747	5 150 198	758 911	4 145 909
Average	27 211 €	62 404 €	22 209 €	50 451 €					
Median	27 715 €	50 707 €	22 172 €	42 296 €					
Minimum	15 174 €	23 315 €	11 897 €	18 419 €					
Maximum	36 116 €	122 623 €	31 781 €	98 712 €					

Table 2.4.2 Gross annual salary of judges, in €, between 2018 and 2023 (Q15)

Beneficiaries	Gross annual salary of judges, in €, between 2018 and 2023													
	At the beginning of the career							At the Supreme Court						
	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023
Armenia	15 685 €	16 453 €	20 234 €	26 137 €	27 715 €	76,7%	6,0%	22 999 €	24 325 €	29 898 €	58 082 €	66 340 €	188,4%	14,2%
Azerbaijan	14 830 €	25 476 €	27 625 €	37 416 €	36 116 €	143,5%	-3,5%	23 984 €	39 004 €	42 294 €	50 798 €	49 033 €	104,4%	-3,5%
Georgia	15 081 €	11 928 €	20 634 €	30 024 €	34 712 €	130,2%	15,6%	22 621 €	22 404 €	39 413 €	47 812 €	50 707 €	124,2%	6,1%
Republic of Moldova	10 794 €	12 551 €	11 842 €	12 453 €	15 174 €	40,6%	21,9%	17 272 €	18 631 €	18 615 €	19 270 €	23 315 €	35,0%	21,0%
Ukraine	15 997 €	30 619 €	30 450 €	24 173 €	22 336 €	39,6%	-7,6%	105 667 €	97 838 €	135 275 €	107 230 €	122 623 €	16,0%	14,4%
Average	14 477 €	19 405 €	22 157 €	26 041 €	27 211 €	86,1%	6,5%	38 509 €	40 440 €	53 099 €	56 638 €	62 404 €	93,6%	10,4%
Median	15 081 €	16 453 €	20 634 €	26 137 €	27 715 €	76,7%	6,0%	22 999 €	24 325 €	39 413 €	50 798 €	50 707 €	104,4%	14,2%
Minimum	10 794 €	11 928 €	11 842 €	12 453 €	15 174 €	39,6%	-7,6%	17 272 €	18 631 €	18 615 €	19 270 €	23 315 €	16,0%	-3,5%
Maximum	15 997 €	30 619 €	30 450 €	37 416 €	36 116 €	143,5%	21,9%	105 667 €	97 838 €	135 275 €	107 230 €	122 623 €	188,4%	21,0%

Table 2.4.3 Net annual salary of judges, in €, between 2018 and 2023 (Q15)

Beneficiaries	Net annual salary of judges, in €, between 2018 and 2023													
	At the beginning of the career							At the Supreme Court						
	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023
Armenia	10 878 €	12 668 €	15 782 €	15 985 €	22 172 €	103,8%	38,7%	16 144 €	18 730 €	23 320 €	45 885 €	53 072 €	228,7%	15,7%
Azerbaijan	12 014 €	22 162 €	24 031 €	32 925 €	31 781 €	164,5%	-3,5%	19 429 €	34 667 €	37 591 €	43 818 €	42 296 €	117,7%	-3,5%
Georgia	12 065 €	9 540 €	16 177 €	23 538 €	27 215 €	125,6%	15,6%	17 909 €	17 928 €	30 900 €	37 485 €	39 754 €	122,0%	6,1%
Republic of Moldova	8 502 €	10 041 €	9 628 €	9 838 €	11 897 €	39,9%	20,9%	13 603 €	14 905 €	15 051 €	15 224 €	18 419 €	35,4%	21,0%
Ukraine	12 958 €	24 648 €	24 512 €	19 459 €	17 980 €	38,8%	-7,6%	85 058 €	78 760 €	108 896 €	86 320 €	98 712 €	16,1%	14,4%
Average	11 283 €	15 812 €	18 026 €	20 349 €	22 209 €	94,5%	12,8%	30 429 €	32 998 €	43 152 €	45 746 €	50 451 €	104,0%	10,7%
Median	12 014 €	12 668 €	16 177 €	19 459 €	22 172 €	103,8%	15,6%	17 909 €	18 730 €	30 900 €	43 818 €	42 296 €	117,7%	14,4%
Minimum	8 502 €	9 540 €	9 628 €	9 838 €	11 897 €	38,8%	-7,6%	13 603 €	14 905 €	15 051 €	15 224 €	18 419 €	16,1%	-3,5%
Maximum	12 958 €	24 648 €	24 512 €	32 925 €	31 781 €	164,5%	38,7%	85 058 €	78 760 €	108 896 €	86 320 €	98 712 €	228,7%	21,0%

Table 2.4.4 Ratio of the gross annual salaries of judges with average gross annual national salary in 2023 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of judges with average gross annual national salary in 2023	
	At the beginning of the career	At the Supreme Court
Armenia	3,63	8,69
Azerbaijan	6,05	8,21
Georgia	4,64	6,78
Republic of Moldova	2,01	3,09
Ukraine	4,22	23,17
Average	4,11	9,99
Median	4,22	8,21
Minimum	2,01	3,09
Maximum	6,05	23,17

Table 2.4.5 Salaries of public prosecutors in € and in local currency in 2023 (Q15)

Beneficiaries	Salaries of public prosecutors in € in 2023				Salaries of public prosecutors in local currency in 2023				
	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	26 080 €	NAP	18 698 €	NAP	AMD (Dram)	11 681 280	NAP	8 374 896	NAP
Azerbaijan	16 513 €	43 284 €	14 727 €	38 425 €	AZN (Manat)	30 989	81 226	27 637	72 109
Georgia	15 893 €	35 804 €	12 715 €	29 839 €	GEL (Lari)	47 203	106 339	37 765	88 624
Republic of Moldova	11 929 €	18 801 €	9 792 €	15 403 €	MDL (Leu)	234 360	369 360	192 362	302 600
Ukraine	18 800 €	44 300 €	15 200 €	35 700 €	UAH (Hryvnia)	790 800	1 861 500	636 600	1 498 500
Average	17 843 €	35 547 €	14 226 €	29 842 €					
Median	16 513 €	39 544 €	14 727 €	32 770 €					
Minimum	11 929 €	18 801 €	9 792 €	15 403 €					
Maximum	26 080 €	44 300 €	18 698 €	38 425 €					

Table 2.4.6 Gross annual salary of prosecutors, in €, between 2018 and 2023 (Q14, Q15)

Beneficiaries	Gross annual salary of prosecutors, in €, between 2018 and 2023													
	At the beginning of the career							At the Supreme Court						
	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023
Armenia	9 576 €	7 651 €	7 650 €	15 077 €	26 080 €	172,3%	73,0%	NAP	NA	NA	15 332 €	NAP	NA	-
Azerbaijan	3 822 €	6 893 €	16 086 €	16 086 €	16 513 €	332,1%	2,7%	11 151 €	18 014 €	42 163 €	42 163 €	43 284 €	288,2%	2,7%
Georgia	8 247 €	8 247 €	12 307 €	14 900 €	15 893 €	92,7%	6,7%	27 656 €	27 656 €	27 656 €	33 568 €	35 804 €	29,5%	6,7%
Republic of Moldova	10 612 €	11 080 €	10 454 €	10 991 €	11 929 €	12,4%	8,5%	17 493 €	16 489 €	16 217 €	17 052 €	18 801 €	7,5%	10,3%
Ukraine	10 689 €	12 118 €	13 900 €	19 225 €	18 800 €	75,9%	-2,2%	17 390 €	30 023 €	37 200 €	40 641 €	44 300 €	154,7%	9,0%
Average	8 589 €	9 198 €	12 079 €	15 256 €	17 843 €	137,1%	17,7%	18 423 €	23 046 €	30 809 €	29 751 €	35 547 €	120,0%	7,1%
Median	9 576 €	8 247 €	12 307 €	15 077 €	16 513 €	92,7%	6,7%	17 442 €	22 835 €	32 428 €	33 568 €	39 544 €	92,1%	7,8%
Minimum	3 822 €	6 893 €	7 650 €	10 991 €	11 929 €	12,4%	-2,2%	11 151 €	16 489 €	16 217 €	15 332 €	18 801 €	7,5%	2,7%
Maximum	10 689 €	12 118 €	16 086 €	19 225 €	26 080 €	332,1%	73,0%	27 656 €	30 023 €	42 163 €	42 163 €	44 300 €	288,2%	10,3%

Table 2.4.7 Net annual salary of prosecutors, in €, between 2018 and 2023 (Q15)

Beneficiaries	Net annual salary of prosecutors, in €, between 2018 and 2023													
	At the beginning of the career							At the Supreme Court						
	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023	2018	2020	2021	2022	2023	% Variation 2018 - 2023	% Variation 2022 - 2023
Armenia	6 629 €	5 597 €	5 558 €	10 946 €	18 698 €	182,1%	70,8%	NAP	NA	NA	12 037 €	NAP	NA	-
Azerbaijan	3 248 €	6 066 €	14 346 €	14 346 €	14 727 €	353,4%	2,7%	9 591 €	15 556 €	37 431 €	37 431 €	38 425 €	300,6%	2,7%
Georgia	6 872 €	6 872 €	9 846 €	11 921 €	12 715 €	85,0%	6,7%	23 049 €	23 049 €	23 049 €	27 976 €	29 839 €	29,5%	6,7%
Republic of Moldova	7 960 €	8 872 €	8 371 €	8 693 €	9 792 €	23,0%	12,6%	13 104 €	13 491 €	12 987 €	13 471 €	15 403 €	17,5%	14,3%
Ukraine	8 605 €	9 755 €	11 100 €	15 476 €	15 200 €	76,6%	-1,8%	14 006 €	24 168 €	30 000 €	32 717 €	35 700 €	154,9%	9,1%
Average	6 663 €	7 432 €	9 844 €	12 276 €	14 226 €	144,0%	18,2%	14 938 €	19 066 €	25 867 €	24 726 €	29 842 €	125,6%	8,2%
Median	6 872 €	6 872 €	9 846 €	11 921 €	14 727 €	85,0%	6,7%	13 555 €	19 303 €	26 525 €	27 976 €	32 770 €	92,2%	7,9%
Minimum	3 248 €	5 597 €	5 558 €	8 693 €	9 792 €	23,0%	-1,8%	9 591 €	13 491 €	12 987 €	12 037 €	15 403 €	17,5%	2,7%
Maximum	8 605 €	9 755 €	14 346 €	15 476 €	18 698 €	353,4%	70,8%	23 049 €	24 168 €	37 431 €	37 431 €	38 425 €	300,6%	14,3%

Table 2.4.8 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2023 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2023	
	At the beginning of the career	At the Supreme Court
Armenia	3,42	NAP
Azerbaijan	2,76	7,25
Georgia	2,12	4,79
Republic of Moldova	1,58	2,49
Ukraine	3,55	8,37
Average	2,69	5,72
Median	2,76	6,02
Minimum	1,58	2,49
Maximum	3,55	8,37

Table 2.4.9 Additional benefits and productivity bonuses for judges and prosecutors in 2023 (Q16 and Q18)

Beneficiaries	Additional benefits and productivity bonuses for judges and prosecutors in 2023								
	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									


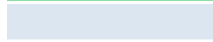


Yes 
 No 
 NA 
 NAP 

Table 2.4.10 Other financial benefits for judges and prosecutors in 2023 (Q17)

Beneficiaries	Other financial benefits for judges and prosecutors in 2023
Armenia	<p>The additional salary includes supplements and surcharges. Special fee for judges is 16% 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, except for cases when an equal reduction is made for all high court judges. A judge shall be entitled to health insurance and casualty insurance at state expenses, under the conditions and in the amount prescribed by the Government. In cases prescribed by the Judicial Council, a judge 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 cost 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 benefits prescribed for the public servant. 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. 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 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 prosecutors is fixed in the Article 66.</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. Other financial benefits of Prosecutors: Insurance; Fuel and call deposits; bonuses</p>
Republic of Moldova	<p>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: 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 salary fund at the level of each budgetary entity. So, the cumulative amount of the bonuses granted to a judge or prosecutor during a budget year can not exceed the official salary of the judge/prosecutor. In addition to the above, there is an annual performance bonus, including for managers. Also, both judges and prosecutors have the right to be remunerated with a special compensation in cases of dismissal at the end of their term of office.</p>
Ukraine	NAP

2.5 Organisation of the court system

Table 2.5.1 Number of courts (legal entities) in absolute number in 2023 (Q1, Q014-0-1 and Q014-0-2)

Beneficiaries	Number of courts (legal entities) in absolute number in 2023									
	Total number of all courts - legal entities (1 + 2)	General jurisdiction				Specialised courts				% of total specialised courts out of the total number of all courts (legal entities)
		Total (1)	1st instance	2nd instance	Highest instance	Total (2)	1st instance	Higher instance		
Armenia	19	14	11	2	1	5	3	2	26,3%	
Azerbaijan	116	92	85	6	1	24	24	NAP	20,7%	
Georgia	29	29	26	2	1	NAP	NAP	NAP	-	
Republic of Moldova	20	20	15	4	1	NAP	NAP	NAP	-	
Ukraine	677	612	587	24	1	65	50	15	9,6%	
Average	172	153	145	8	1	31	26	-	19%	
Median	29	29	26	4	1	24	24	-	21%	
Minimum	19	14	11	2	1	5	3	-	10%	
Maximum	677	612	587	24	1	65	50	-	26%	

Table 2.5.2 Number of courts (general jurisdiction and specialised courts as legal entities) per 100 000 inhabitants in 2023 (Q1, Q014-0-1 and Q014-0-2)

Beneficiaries	Number of courts (general jurisdiction and specialised courts as legal entities) per 100 000 inhabitants in 2023							
	Total number of all courts - legal entities (1 + 2)	General jurisdiction				Specialised courts		
		Total (1)	1st instance	2nd instance	Highest instance	Total (2)	1st instance	Higher instance
Armenia	0,64	0,47	0,37	0,07	0,03	0,17	0,10	0,07
Azerbaijan	1,15	0,91	0,84	0,06	0,01	0,24	0,24	NAP
Georgia	0,78	0,78	0,70	0,05	0,03	NAP	NAP	NAP
Republic of Moldova	0,80	0,80	0,60	0,16	0,04	NAP	NAP	NAP
Ukraine	1,65	1,49	1,43	0,06	0,00	0,16	0,12	0,04
Average	1,00	0,89	0,79	0,08	0,02	0,19	0,15	-
Median	0,80	0,80	0,70	0,06	0,03	0,17	0,12	-
Minimum	0,64	0,47	0,37	0,05	0,00	0,16	0,10	-
Maximum	1,65	1,49	1,43	0,16	0,04	0,24	0,24	-

Table 2.5.3 Number and distribution of first instance specialised courts (legal entities) in 2023 (Q1, Q14-0-2)

Beneficiaries	Number and distribution of first instance specialised courts (legal entities) in 2023														
	Total specialised courts of first instance		Commercial courts (excluded insolvency courts)	Insolvency courts	Labour courts	Family courts	Rent and tenancies courts	Enforcement of criminal sanctions courts	Fight against terrorism, organised crime and corruption	Internet related disputes	Administrative courts	Insurance and / or social welfare courts	Military courts	Juvenile courts	Other specialised courts
	Absolute number	per 100 000 inh													
Armenia	3	0	NAP	1	NAP	NAP	NAP	NAP	1	NAP	1	NAP	NAP	NAP	NAP
Azerbaijan	24	0	6	NAP	NAP	NAP	NAP	NAP	NAP	NAP	6	NAP	6	NAP	6
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	50	0	25	NAP	NAP	NAP	NAP	NAP	NAP	NAP	25	NAP	NAP	NAP	NAP
Average	26	0,2	-	-	-	-	-	-	-	-	11	-	-	-	-
Median	24	0,1	-	-	-	-	-	-	-	-	6	-	-	-	-
Minimum	3	0,1	-	-	-	-	-	-	-	-	1	-	-	-	-
Maximum	50	0,2	-	-	-	-	-	-	-	-	25	-	-	-	-

Table 2.5.4 Number and distribution of higher instances specialised courts (legal entities) in 2023 (Q1, Q14-0-2)

Beneficiaries	Number and distribution of higher instances specialised courts (legal entities) in 2023														
	Total specialised courts of higher instances		Commercial courts (excluded insolvency courts)	Insolvency courts	Labour courts	Family courts	Rent and tenancies courts	Enforcement of criminal sanctions courts	Fight against terrorism, organised crime and corruption	Internet related disputes	Administrative courts	Insurance and / or social welfare courts	Military courts	Juvenile courts	Other specialised courts
	Absolute number	per 100 000 inh													
Armenia	2	0	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	1	NAP	NAP	NAP	NAP
Azerbaijan	NAP	NAP	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	NAP	NAP	NAP	NAP
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	15	0	6	NAP	NAP	NAP	NAP	NAP	NAP	NAP	7	NAP	NAP	NAP	2
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 2.5.5 Number of courts (geographic locations) in absolute number in 2023 (Q1, Q14-0-3)

Beneficiaries	Number of courts (geographic locations) in absolute number in 2023		Participation of first instance courts (geographic locations) within the total number of courts (geographic locations)
	All courts	First instance	
Armenia	47	44	94%
Azerbaijan	116	109	94%
Georgia	29	26	90%
Republic of Moldova	46	40	87%
Ukraine	677	637	94%
Average	183	171	92%
Median	47	44	94%
Minimum	29	26	87%
Maximum	677	637	94%

Table 2.5.6 Number of courts (geographic locations) per 100 000 inhabitants in 2023 (Q1, Q14-0-3)

Beneficiaries	Number of courts (geographic locations) per 100 000 inhabitants in 2023	
	All courts	First instance
Armenia	1,6	1,5
Azerbaijan	1,1	1,1
Georgia	0,8	0,7
Republic of Moldova	1,8	1,6
Ukraine	1,7	1,6
Average	1,4	1,3
Median	1,6	1,5
Minimum	0,8	0,7
Maximum	1,8	1,6

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.

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).

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 014-0-2. Number of specialised courts – legal entities.

Question 014-0-3. Number of courts - geographic locations.

Armenia

Q016 (2023): 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.

Q032 (2023): The number includes 189 civil servants, 13 employees holding discretionary positions, 95 technical and economic workers and 10 persons performing civil works.

Q014-0-2 (2023): The court mentioned in "Fight against terrorism, organised crime and corruption" refers to the Anti-Corruption Court.

Azerbaijan

Q014 (2023): Annual gross salary growth correlates with the growth of economy, as well as indexation of salaries in accordance with inflation rate in 2023.

Q015 (2023): 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.

In accordance with the "National Action Plan for 2022-2026 to Strengthen the Fight Against Corruption," which was approved on April 4, 2022, measures have been defined to incrementally increase the salaries of judges with the aim of enhancing the social security of judges and strengthening efforts to prevent corrupt legal violations. Consequently, a law enacted on June 29, 2022, led to an increase in the salaries of judges.

Q019 (2023): In 2023, the number of judges increased compared to the previous years, 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 (General Comment): 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, the number of female judges has increased, consequently leading to their advancement into leadership positions.

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 one professional judge.

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.

Q014-0-2 (2023): Other specialised courts: Courts on grave crimes.

Georgia

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.

Q016 (2023): 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.

Other financial benefits of Prosecutors: Insurance; Fuel and call deposits; bonuses

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 for fulfilment of quantitative objectives.

Q019-1 (2023): In 4 District Court position of Court President is vacant, but according the legislation Judge with longest experience performs duty of Court President (1 male and 3 female). In 3 District Court position of Court President is vacant, since there is only one judge (in each court) and they perform duty of Court Presidents (Females).

Q025 (2023): 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 (2023): The Prosecution Service of Georgia 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 the 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 (2023): The provided data includes non-prosecutor staff such as investigators, advisers, specialists and witness and victim coordinators.

Republic of Moldova

Q014 (2023): The data include social and economic units with 4 or more employees and all budgetary institutions regardless the number of employees. Average gross annual salary increased due to the Government policy in this regard.

Source: National Bureau of Statistics

Link: https://statistica.gov.md/en/statistic_indicator_details/2

Q015 (2023): As an exception, for the year 2023, according to the provisions of art. 11 of the State Budget Law for the year 2023, a fixed monthly increase of 1300 MDL was introduced for all budget workers, which was included in the calculation of the salary for the year 2023.

The discrepancies mostly are due to the variation in the exchange rate in 2023 compared with 2021 and in 2023 the reference values to calculate the salary increased in favor of judges.

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 (2023): The data include the number of active judges on 31 December 2023. In 2023 the majority of the SCJ judges resigned from their positions. 8 from 11 SCJ judges were transferred temporarily by the SCM from first instance courts and appellate courts to SCJ.

The number of first instance judges (males) decreased in 2023 compared with 2021 due to the flow (resignation) of males judges in 2022 and 2023.

Q019-1 (2023): The discrepancies are not significant. The data include also deputy and ad interim presidents who were temporarily executing competencies as court presidents in 2023.

Q026 (2023): 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 work.

Despite an increase of the salaries for the court staff in the last trimester of 2023, the number of males non-judge staff decreased in 2023 in comparison with 2021 due to the need to get better remunerated for being able to handle the living costs for their families.

Q027 (2023): 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 work.

Despite an increase of the salaries for the court staff in the last trimester of 2023, the number of males non-judge staff decreased in 2023 in comparison with 2021 due to the need to get better remunerated for being able to handle the living costs for their families.

Q028 (2023): Taking into account the specifics of the Prosecutor's Office system in the Republic of Moldova, the recording of number of prosecutors takes place according to different criteria.

There are prosecutors from the territorial prosecutor's offices, prosecutors from the specialized prosecutor's offices and prosecutors from the General Prosecutor's Office, which do not necessarily correspond to the level of the courts.

For example, the representation of the prosecution at the level of the Supreme Court of Justice is carried out only by certain prosecutors appointed from the Criminal Judicial Section of the General Prosecutor's Office, and for the representation of the accusation in the first instance, prosecutors from the specialized prosecutor's offices and even from the General Prosecutor's Office also participate.

Q028-1 (2023): In row 1 is reflected the number of heads of territorial prosecutor's offices.

In row 2 is reflected the number of heads of district prosecutor's offices (Chisinau, Balti, Cahul).

In row 3 is reflected the head of the General Prosecutor's Office and number of heads of specialised prosecutor's offices.

Source: General Prosecutor's Office

Q032 (2023): The following categories of personnel are included in the statistical indices indicated above:

leading positions of public officials, investigation officers, prosecutor consultants, main specialists, specialists and technical staff.

Q014-0-3 (2023): The territorial office "Șoldănești" of the Orhei first instance court has been moved into the building of "Rezina" territorial office, located in the city of Rezina.

Ukraine

Q015 (2023): Pursuant to Article 135 of the Law of Ukraine "On the Judicial System and Status of Judges", judicial remuneration consists of a base salary and additional payments for:

- 1) length of service
- 2) holding an administrative position in a court
- 3) academic degree
- 4) work involving access to state secrets.

The base salary of a judge is as follows:

- 1) judges of local courts - 30 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year
- 2) a judge of an appellate court or a higher specialized court - 50 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year;

The following regional coefficients shall be additionally applied to the base salary determined by part three of this Article:

- 1) 1.1 - if the judge administers justice in a court located in a settlement with a population of at least one hundred thousand people;
- 2) 1.2 - if the judge administers justice in a court located in a settlement with a population of at least five hundred thousand people;
- 3) 1.25 - if the judge administers justice in a court located in a settlement with a population of at least one million people.

Judges are paid a monthly supplement for length of service in the amount of: if they have more than 3 years of service - 15 percent, more than 5 years - 20 percent, more than 10 years - 30 percent, more than 15 years - 40 percent, more than 20 years - 50 percent, more than 25 years - 60 percent, more than 30 years - 70 percent, more than 35 years - 80 percent of their official salary.

Judges are paid a monthly supplement for a PhD or Doctor of Science degree in the relevant specialty in the amount of 15 and 20 percent of the salary of a judge of the relevant court, respectively.

Judges are paid a monthly supplement for work involving access to state secrets in the amount depending on the degree of secrecy of the information: information and their media having the degree of secrecy "Top Secret" - 10 percent of the salary of a judge of the relevant court; information and their media having the degree of secrecy "Secret" - 5 percent of the salary of a judge of the relevant court.

Q016 (2023): Prosecutors Pursuant to Articles 83, 84, 86 of the Law of Ukraine "On the Prosecutor's Office", upon appointment to the position, a prosecutor in need of better housing conditions is provided with official housing at the location of the prosecutor's office. Prosecutors are subject to compulsory state social insurance. Prosecutors are entitled to a long service pension if they have at least 25 years of service, including at least 15 years of work experience as prosecutors.

Judges

Special pension

Pursuant to Article 142 of the Law of Ukraine "On the Judiciary and the Status of Judges", a retired judge is paid a pension or a monthly lifetime allowance. A retired judge, upon reaching the age of 62 for men and the retirement age for women set forth in Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance", is paid a pension under the terms and conditions set forth in the said Law or, at his/her option, a monthly lifetime allowance. The pension or monthly lifetime allowance of a judge is paid regardless of the earnings (profit) received by the judge after retirement. The monthly lifetime allowance is paid to judges by the Pension Fund of Ukraine at the expense of the State Budget of Ukraine.

Housing

Pursuant to Article 138 of the Law of Ukraine "On the Judiciary and the Status of Judges", upon appointment, a judge in need of improved housing conditions is provided with official housing at the location of the court by local self-government bodies in accordance with the procedure established by the Cabinet of Ministers of Ukraine, unless another procedure for providing official housing is provided for by law.

Q019 (2023): At the end of 2021, the Council of Ethics started its work, which was supposed to check all HCJ members for integrity. After that, the majority of HCJ members voluntarily resigned due to disagreement with the possibility of their verification, and on February 22, 2022, the HCJ lost its powers. The HCJ resumed its quorum only on January 12, 2023, after the vetting of candidates to the HCJ and approval of new HCJ members. All those judges who weren't able to resign throughout 2022 did it in 2023.

Q025 (2023): Pursuant to Article 34(2) of the Civil Procedure Code of Ukraine, in cases established by this Code, civil cases in courts of first instance are considered by a panel consisting of one judge and two jurors, who enjoy all the rights of a judge in the administration of justice.

The provisions of Article 293 of the said Code stipulate that such a panel shall consider cases concerning: restriction of civil capacity of an individual, recognition of an individual as incapacitated and restoration of civil capacity of an individual; recognition of an individual as missing or declaration of death; adoption; provision of compulsory psychiatric care to a person; compulsory hospitalization to an anti-tuberculosis institution.

Q027 (2023): At the end of 2022, the Supreme Court began to downsize its staff due to a lack of funds to pay salaries.

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.

Q028 (2023): The data are provided according to the consolidated report on the work with the personnel of prosecutors of the prosecutor's offices of Ukraine for 12 months of 2023, form No. КП (semi-annual, annual).

Q028-1 (2023): The data are provided according to the consolidated report on the work with the personnel of prosecutors of the prosecutor's offices of Ukraine for 12 months of 2023, form No. КП (semi-annual, annual).

Q029 (2023): Pursuant to Article 5 of the Law of Ukraine "On the Prosecutor's Office", the functions of the Prosecutor's Office of Ukraine are exercised exclusively by prosecutors. Delegation of prosecutorial functions, as well as appropriation of these functions by other bodies or officials is not allowed.

Q032 (2023): The data is provided in accordance with the report of the Office of the Prosecutor General on the quantitative and qualitative composition of civil servants in the fourth quarter of 2023, the form of which was approved by the order of the National Agency of Ukraine on Civil Service dated 21.03.2023 No. 40-23 and registered with the Ministry of Justice of Ukraine dated 28.03.2023 No. 533/39589.

Data on other categories of employees were obtained using the automated information and analytical system "Kadry WEB".

In accordance with Article 14(2) of the Law of Ukraine "On the Prosecutor's Office", the structure of the prosecutor's office shall include positions of civil servants and other employees whose activities are regulated by this Law and other legislative acts of Ukraine.

Thus, taking into account the said provision of the Law, the employees of the prosecutor's office who are not prosecutors include civil servants, employees of the patronage service, employees performing service functions and workers.

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.

Q033 (2023): At the same time, we note that the Register of advocates who provide free secondary legal aid and, accordingly, can be engaged by free legal aid centers to provide free secondary legal aid on the basis of contracts, includes 8632 advocates (5389 men and 3243 women).

Q014-0-2 (2023): Other courts - the High Anti-corruption Court and the High Court on Intellectual Property.

Higher instances Administrative courts:

First Administrative Court of Appeal (Kramatorsk) Second Administrative Court of Appeal (Kharkiv) Third Administrative Court of Appeal (Dnipro) Fourth Administrative Court of Appeal (Kherson) Fifth Administrative Court of Appeal (Odesa) Sixth Administrative Court of Appeal (Kyiv) Seventh Administrative Court of Appeal (Vinnytsia) Eighth Administrative Court of Appeal (Lviv). The Fourth Administrative Court of Appeal (Kherson) is not working as it is under occupation.

Q014-0-3 (2023): The number of courts in 2023 does not include appellate, specialized and local general courts located in the occupied territory: The Autonomous Republic of Crimea, Donetsk region, Luhansk region.

The decision of the High Council of Justice and the orders of the Supreme Court determined the list of courts whose territorial jurisdiction was changed due to the inability to administer justice during martial law.

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.

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).

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 014-0-2. Number of specialised courts – legal entities.

Question 014-0-3. Number of courts - geographic locations.

Question 014

Azerbaijan

(2023): Annual gross salary growth correlates with the growth of economy, as well as indexation of salaries in accordance with inflation rate in 2023.

Republic of Moldova

(2023): The data include social and economic units with 4 or more employees and all budgetary institutions regardless the number of employees. Average gross annual salary increased due to the Government policy in this regard.

Source: National Bureau of Statistics

Link: https://statistica.gov.md/en/statistic_indicator_details/2

Question 015

Azerbaijan

(2023): 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.

In accordance with the "National Action Plan for 2022-2026 to Strengthen the Fight Against Corruption," which was approved on April 4, 2022, measures have been defined to incrementally increase the salaries of judges with the aim of enhancing the social security of judges and strengthening efforts to prevent corrupt legal violations. Consequently, a law enacted on June 29, 2022, led to an increase in the salaries of judges.

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.

Republic of Moldova

(2023): As an exception, for the year 2023, according to the provisions of art. 11 of the State Budget Law for the year 2023, a fixed monthly increase of 1300 MDL was introduced for all budget workers, which was included in the calculation of the salary for the year 2023. The discrepancies mostly are due to the variation in the exchange rate in 2023 compared with 2021 and in 2023 the reference values to calculate the salary increased in favor of judges.

Ukraine

(2023): Pursuant to Article 135 of the Law of Ukraine "On the Judicial System and Status of Judges", judicial remuneration consists of a base salary and additional payments for:

- 1) length of service
- 2) holding an administrative position in a court
- 3) academic degree
- 4) work involving access to state secrets.

The base salary of a judge is as follows:

- 1) judges of local courts - 30 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year
- 2) a judge of an appellate court or a higher specialized court - 50 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year;

The following regional coefficients shall be additionally applied to the base salary determined by part three of this Article:

- 1) 1.1 - if the judge administers justice in a court located in a settlement with a population of at least one hundred thousand people;
- 2) 1.2 - if the judge administers justice in a court located in a settlement with a population of at least five hundred thousand people;
- 3) 1.25 - if the judge administers justice in a court located in a settlement with a population of at least one million people.

Judges are paid a monthly supplement for length of service in the amount of: if they have more than 3 years of service - 15 percent, more than 5 years - 20 percent, more than 10 years - 30 percent, more than 15 years - 40 percent, more than 20 years - 50 percent, more than 25 years - 60 percent, more than 30 years - 70 percent, more than 35 years - 80 percent of their official salary.

Judges are paid a monthly supplement for a PhD or Doctor of Science degree in the relevant specialty in the amount of 15 and 20 percent of the salary of a judge of the relevant court, respectively.

Judges are paid a monthly supplement for work involving access to state secrets in the amount depending on the degree of secrecy of the information: information and their media having the degree of secrecy "Top Secret" - 10 percent of the salary of a judge of the relevant court; information and their media having the degree of secrecy "Secret" - 5 percent of the salary of a judge of the relevant court.

Question 016

Armenia

(2023): 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.

Georgia

(2023): 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.

Other financial benefits of Prosecutors: Insurance; Fuel and call deposits; bonuses

Ukraine

(2023): Prosecutors Pursuant to Articles 83, 84, 86 of the Law of Ukraine "On the Prosecutor's Office", upon appointment to the position, a prosecutor in need of better housing conditions is provided with official housing at the location of the prosecutor's office. Prosecutors are subject to compulsory state social insurance. Prosecutors are entitled to a long service pension if they have at least 25 years of service, including at least 15 years of work experience as prosecutors.

Judges

Special pension

Pursuant to Article 142 of the Law of Ukraine "On the Judiciary and the Status of Judges", a retired judge is paid a pension or a monthly lifetime allowance.

A retired judge, upon reaching the age of 62 for men and the retirement age for women set forth in Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance", is paid a pension under the terms and conditions set forth in the said Law or, at his/her option, a monthly lifetime allowance. The pension or monthly lifetime allowance of a judge is paid regardless of the earnings (profit) received by the judge after retirement. The monthly lifetime allowance is paid to judges by the Pension Fund of Ukraine at the expense of the State Budget of Ukraine.

Housing

Pursuant to Article 138 of the Law of Ukraine "On the Judiciary and the Status of Judges", upon appointment, a judge in need of improved housing conditions is provided with official housing at the location of the court by local self-government bodies in accordance with the procedure established by the Cabinet of Ministers of Ukraine, unless another procedure for providing official housing is provided for by law.

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 for fulfilment of quantitative objectives.

Question 019

Azerbaijan

(2023): In 2023, the number of judges increased compared to the previous years, 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.

Republic of Moldova

(2023): The data include the number of active judges on 31 December 2023. In 2023 the majority of the SCJ judges resigned from their positions. 8 from 11 SCJ judges were transferred temporarily by the SCM from first instance courts and appellate courts to SCJ.

The number of first instance judges (males) decreased in 2023 compared with 2021 due to the flow (resignation) of males judges in 2022 and 2023.

Ukraine

(2023): At the end of 2021, the Council of Ethics started its work, which was supposed to check all HCJ members for integrity. After that, the majority of HCJ members voluntarily resigned due to disagreement with the possibility of their verification, and on February 22, 2022, the HCJ lost its powers. The HCJ resumed its quorum only on January 12, 2023, after the vetting of candidates to the HCJ and approval of new HCJ members. All those judges who weren't able to resign

Question 019-1

Azerbaijan

(General Comment): 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, the number of female judges has increased, consequently leading to their advancement into leadership positions.

Georgia

(2023): In 4 District Court position of Court President is vacant, but according the legislation Judge with longest experience performs duty of Court President (1 male and 3 female). In 3 District Court position of Court President is vacant, since there is only one judge (in each court) and they perform duty of Court Presidents

Republic of Moldova

(2023): The discrepancies are not significant. The data include also deputy and ad interim presidents who were temporarily executing competencies as court presidents in 2023.

Question 025

Georgia

(2023): 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.

Ukraine

(2023): Pursuant to Article 34(2) of the Civil Procedure Code of Ukraine, in cases established by this Code, civil cases in courts of first instance are considered by a panel consisting of one judge and two jurors, who enjoy all the rights of a judge in the administration of justice. The provisions of Article 293 of the said Code stipulate that such a panel shall consider cases concerning: restriction of civil capacity of an individual, recognition of an individual as incapacitated and restoration of civil capacity of an individual; recognition of an individual as missing or declaration of death; adoption; provision of compulsory psychiatric care to a person; compulsory hospitalization to an anti-tuberculosis institution.

Question 026

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 professional judge.

Republic of Moldova

(2023): 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 work.

Despite an increase of the salaries for the court staff in the last trimester of 2023, the number of males non-judge staff decreased in 2023 in comparison with 2021 due to the need to get better remunerated for being able to handle the living costs for their families.

Question 027

Republic of Moldova

(2023): 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 work.

Despite an increase of the salaries for the court staff in the last trimester of 2023, the number of males non-judge staff decreased in 2023 in comparison with 2021 due to the need to get better remunerated for being able to handle the living costs for their families.

Ukraine

(2023): At the end of 2022, the Supreme Court began to downsize its staff due to a lack of funds to pay salaries.

Question 028

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.

(2023): The Prosecution Service of Georgia 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 the PSG has prosecutors and management subordinated to the Prosecutor General and other prosecutors in the hierarchy.

Republic of Moldova

(2023): Taking into account the specifics of the Prosecutor's Office system in the Republic of Moldova, the recording of number of prosecutors takes place according to different criteria.

There are prosecutors from the territorial prosecutor's offices, prosecutors from the specialized prosecutor's offices and prosecutors from the General Prosecutor's Office, which do not necessarily correspond to the level of the courts.

For example, the representation of the prosecution at the level of the Supreme Court of Justice is carried out only by certain prosecutors appointed from the Criminal Judicial Section of the General Prosecutor's Office, and for the representation of the accusation in the first instance, prosecutors from the specialized prosecutor's offices and even from the General Prosecutor's Office also participate.

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.

(2023): The data are provided according to the consolidated report on the work with the personnel of prosecutors of the prosecutor's offices of Ukraine for 12 months of 2023, form No. КП (semi-annual, annual).

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

(2023): In row 1 is reflected the number of heads of territorial prosecutor's offices.

In row 2 is reflected the number of heads of district prosecutor's offices (Chisinau, Balti, Cahul).

In row 3 is reflected the head of the General Prosecutor's Office and number of heads of specialised prosecutor's offices.

Source: General Prosecutor's Office

Ukraine

(2023): The data are provided according to the consolidated report on the work with the personnel of prosecutors of the prosecutor's offices of Ukraine for 12 months of 2023, form No. КП (semi-annual, annual).

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.

Ukraine

(2023): Pursuant to Article 5 of the Law of Ukraine "On the Prosecutor's Office", the functions of the Prosecutor's Office of Ukraine are exercised exclusively by prosecutors. Delegation of prosecutorial functions, as well as appropriation of these functions by other bodies or officials is not allowed.

Question 032

Armenia

(2023): The number includes 189 civil servants, 13 employees holding discretionary positions, 95 technical and economic workers and 10 persons performing civil

Georgia

(2023): The provided data includes non-prosecutor staff such as investigators, advisers, specialists and witness and victim coordinators.

Republic of Moldova

(2023): The following categories of personnel are included in the statistical indices indicated above:
leading positions of public officials, investigation officers, prosecutor consultants, main specialists, specialists and technical staff.

Ukraine

(2023): The data is provided in accordance with the report of the Office of the Prosecutor General on the quantitative and qualitative composition of civil servants in the fourth quarter of 2023, the form of which was approved by the order of the National Agency of Ukraine on Civil Service dated 21.03.2023 No. 40-23 and registered with the Ministry of Justice of Ukraine dated 28.03.2023 No. 533/39589.

Data on other categories of employees were obtained using the automated information and analytical system "Kadry WEB".

In accordance with Article 14(2) of the Law of Ukraine "On the Prosecutor's Office", the structure of the prosecutor's office shall include positions of civil servants and other employees whose activities are regulated by this Law and other legislative acts of Ukraine.

Thus, taking into account the said provision of the Law, the employees of the prosecutor's office who are not prosecutors include civil servants, employees of the patronage service, employees performing service functions and workers.

Question 033

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.

(2023): At the same time, we note that the Register of advocates who provide free secondary legal aid and, accordingly, can be engaged by free legal aid centers to provide free secondary legal aid on the basis of contracts, includes 8632 advocates (5389 men and 3243 women).

Question 014-0-2

Armenia

(2023): The court mentioned in "Fight against terrorism, organised crime and corruption" refers to the Anti-Corruption Court.

Azerbaijan

(2023): Other specialised courts: Courts on grave crimes.

Ukraine

(2023): Other courts - the High Anti-corruption Court and the High Court on Intellectual Property.

Higher instances Administrative courts:

First Administrative Court of Appeal (Kramatorsk) Second Administrative Court of Appeal (Kharkiv) Third Administrative Court of Appeal (Dnipro) Fourth Administrative Court of Appeal (Kherson) Fifth Administrative Court of Appeal (Odesa) Sixth Administrative Court of Appeal (Kyiv) Seventh Administrative Court of Appeal (Vinnytsia) Eighth Administrative Court of Appeal (Lviv). The Fourth Administrative Court of Appeal (Kherson) is not working as it is under occupation.

Question 014-0-3

Republic of Moldova

(2023): The territorial office "Șoldănești" of the Orhei first instance court has been moved into the building of "Rezina" territorial office, located in the city of Rezina.

Ukraine

(2023): The number of courts in 2023 does not include appellate, specialized and local general courts located in the occupied territory: The Autonomous Republic of Crimea, Donetsk region, Luhansk region.

The decision of the High Council of Justice and the orders of the Supreme Court determined the list of courts whose territorial jurisdiction was changed due to the inability to administer justice during martial law.

3. Efficiency - Overview

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

Civil (and commercial) litigious cases from 2018 to 2023 (Table 3.1.4)

Beneficiaries	Clearance Rate (1st instance)				
	2018	2020	2021	2022	2023
Armenia	101%	126%	87%	94%	111%
Azerbaijan	99%	96%	103%	99%	97%
Georgia	91%	87%	91%	102%	97%
Republic of Moldova	104%	97%	100%	95%	98%
Ukraine	97%	98%	93%	112%	89%
EaP Average	98%	101%	95%	100%	98%

For reference only: the 2022 EU median for the Clearance Rate for the first instance Civil (and commercial) litigious cases is 101%.

Beneficiaries	Disposition Time (1st instance)				
	2018	2020	2021	2022	2023
Armenia	194	126	185	187	135
Azerbaijan	51	88	52	58	65
Georgia	274	433	326	257	325
Republic of Moldova	143	171	144	171	165
Ukraine	129	122	165	168	169
EaP Average	158	188	174	168	172

For reference only: the 2022 EU median for the Disposition Time for the first instance Civil (and commercial) litigious cases is 239 days.

Figure 3.1 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases from 2018 to 2023

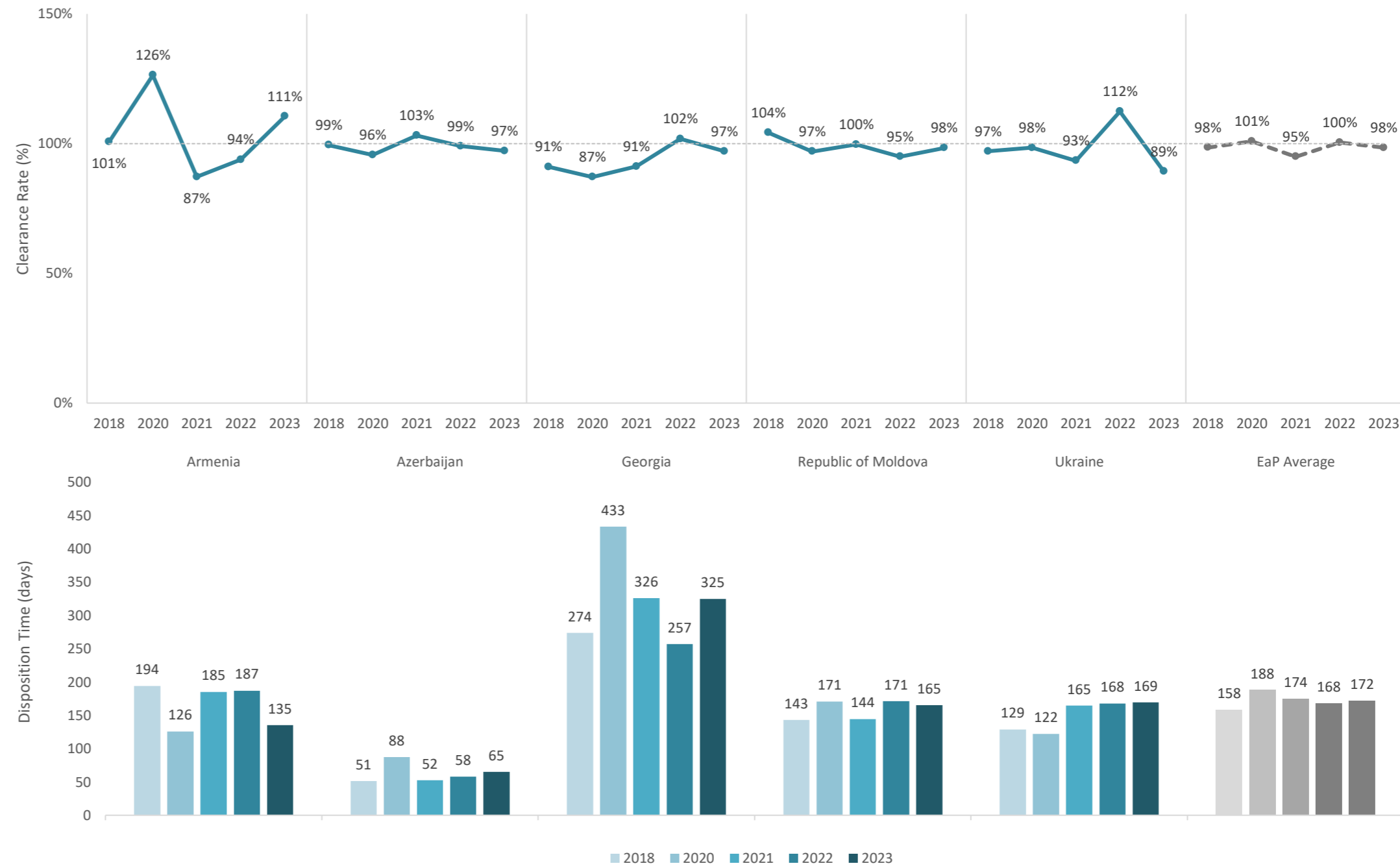
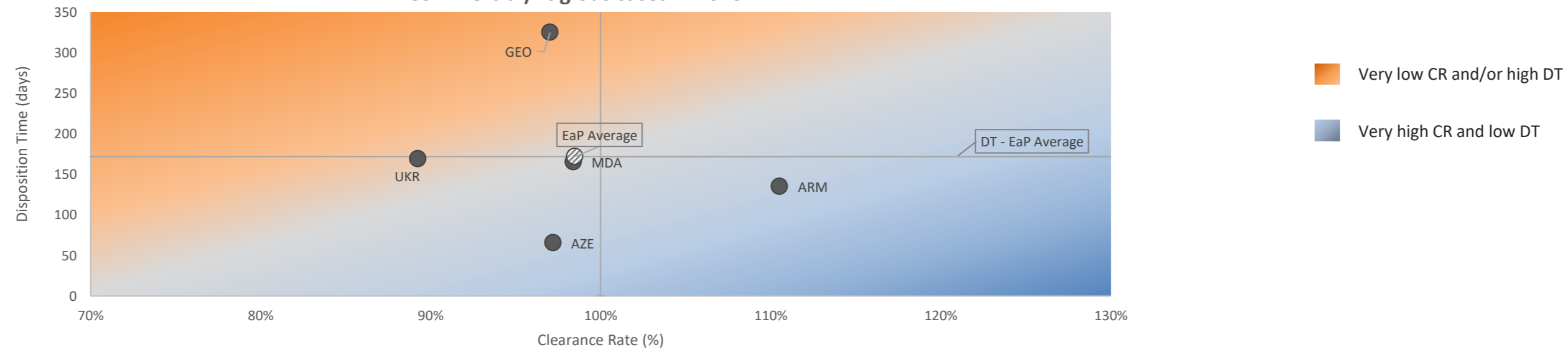


Figure 3.2 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases in 2023



Performance indicators for first instance Administrative cases

First instance Administrative cases from 2018 to 2023 (Table 3.1.4)

Beneficiaries	Clearance Rate (1st instance)				
	2018	2020	2021	2022	2023
Armenia	118%	87%	95%	100%	83%
Azerbaijan	98%	91%	87%	86%	91%
Georgia	94%	75%	83%	80%	76%
Republic of Moldova	106%	95%	98%	76%	76%
Ukraine	101%	81%	NA	115%	93%
EaP Average	103%	86%	91%	92%	84%

For reference only: the 2022 EU median for the Clearance Rate for the first instance Administrative cases is 99%.

Beneficiaries	Disposition Time (1st instance)				
	2018	2020	2021	2022	2023
Armenia	119	237	199	292	341
Azerbaijan	76	180	181	197	188
Georgia	185	440	463	529	633
Republic of Moldova	205	358	268	477	544
Ukraine	122	204	NA	108	87
EaP Average	142	283	278	321	359

For reference only: the 2022 EU median for the Disposition Time for the first instance Administrative cases is 288 days.

Figure 3.3 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases from 2018 to 2023

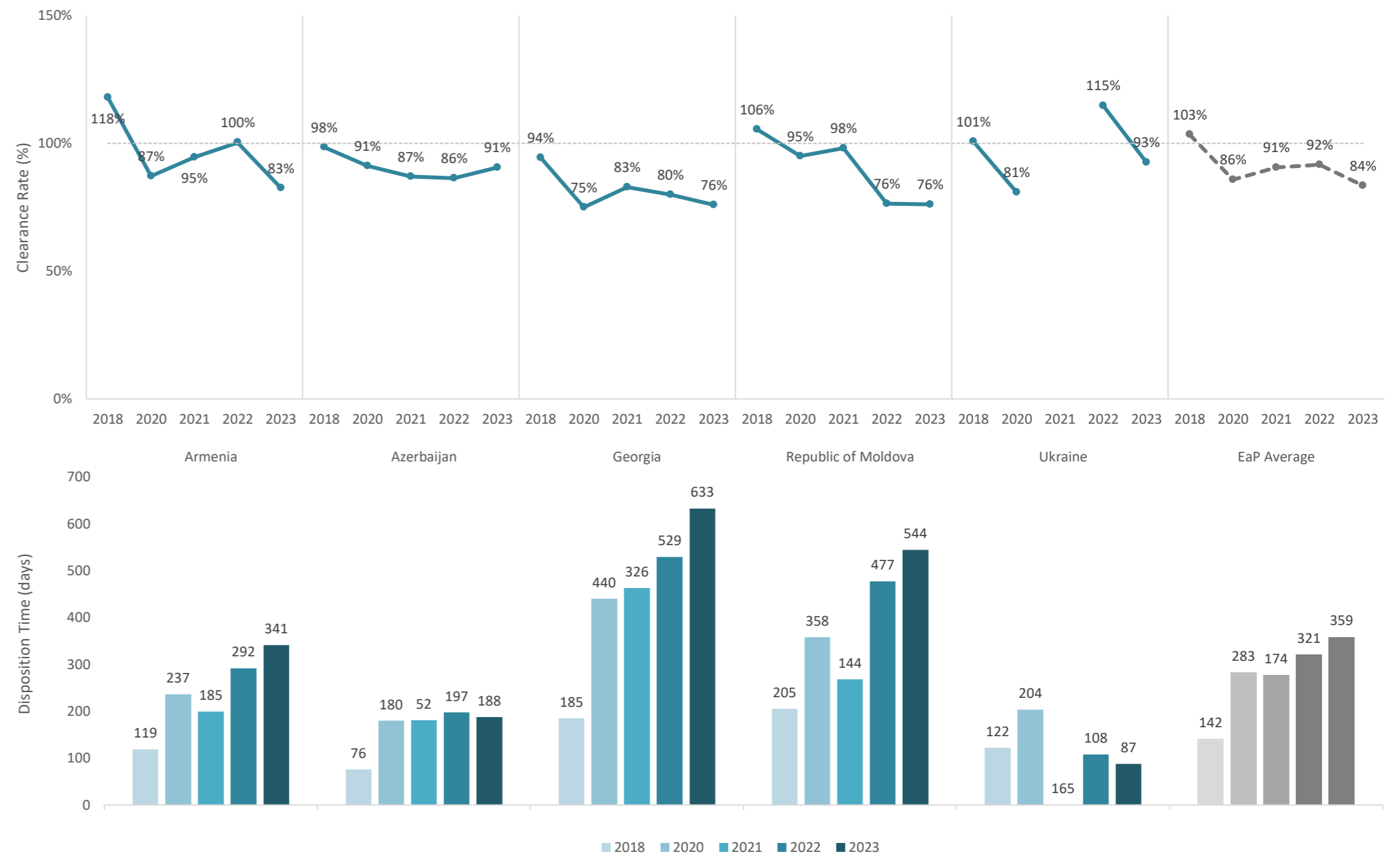
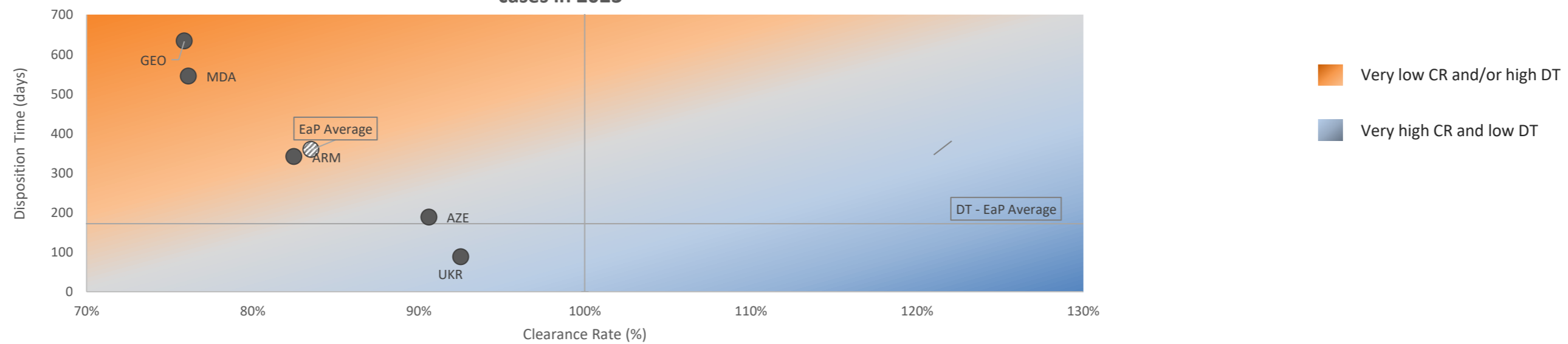


Figure 3.4 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases in 2023



Performance indicators for first instance Total Criminal cases

First instance Total Criminal cases between 2018 and 2023 (Table 3.2.4)

Beneficiaries	Clearance Rate (1st instance)				
	2018	2020	2021	2022	2023
Armenia	104%	73%	74%	107%	79%
Azerbaijan	101%	86%	102%	94%	92%
Georgia	101%	91%	92%	98%	99%
Republic of Moldova	98%	91%	96%	104%	102%
Ukraine	85%	93%	100%	99%	98%
EaP Average	98%	87%	93%	100%	94%

For reference only: the 2022 EU median for the Clearance Rate for the first instance Criminal cases is 100%.

Beneficiaries	Disposition Time (1st instance)				
	2018	2020	2021	2022	2023
Armenia	216	488	514	232	417
Azerbaijan	73	144	88	108	137
Georgia	64	126	138	55	59
Republic of Moldova	171	242	217	199	211
Ukraine	271	298	52	66	54
EaP Average	159	260	202	132	176

For reference only: the 2022 EU median for the Disposition Time for the first instance Criminal cases is 136 days.

Figure 3.5 Clearance Rate (%) and Disposition Time (days) for first instance Criminal cases from 2018 to 2023

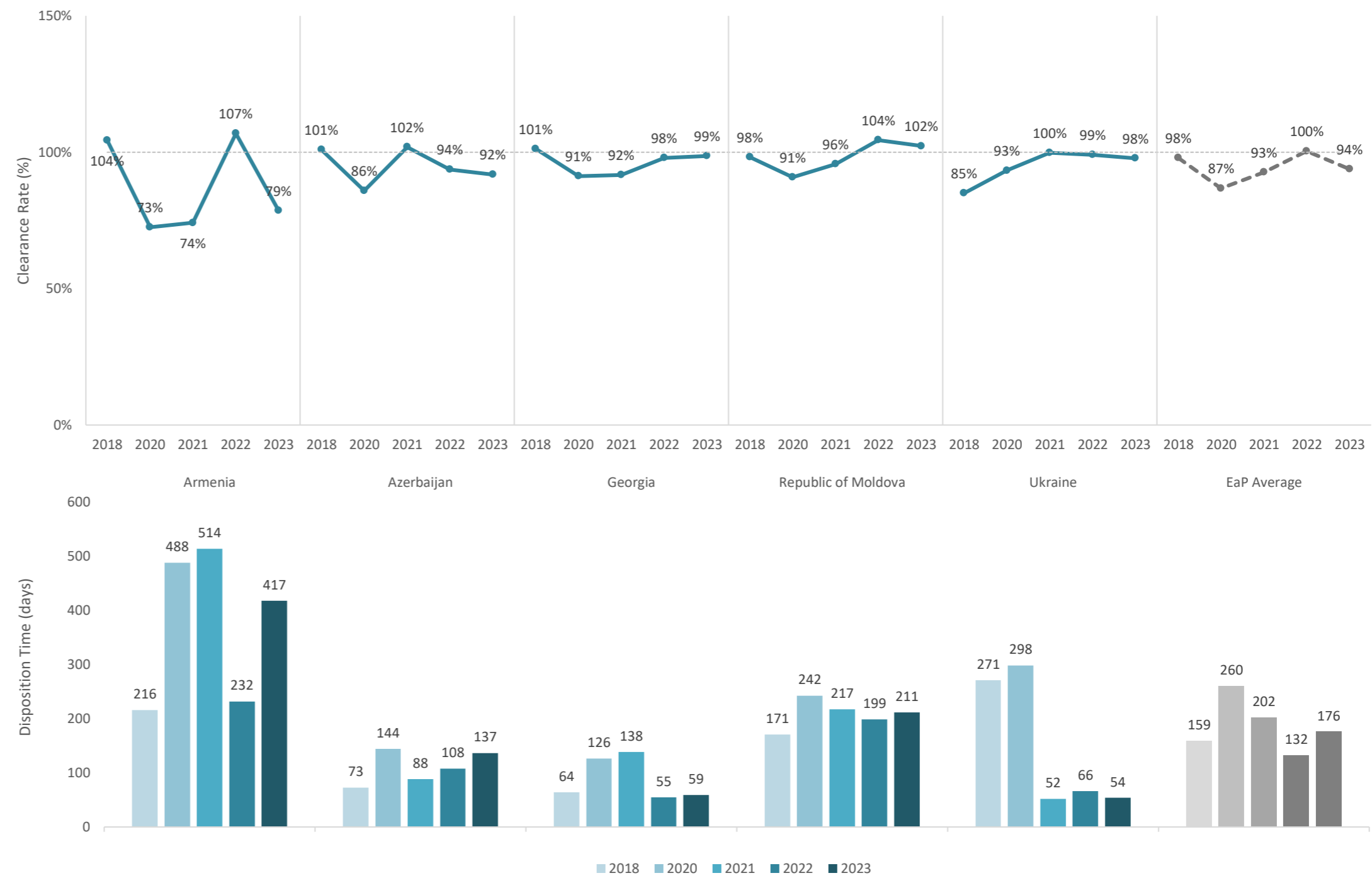
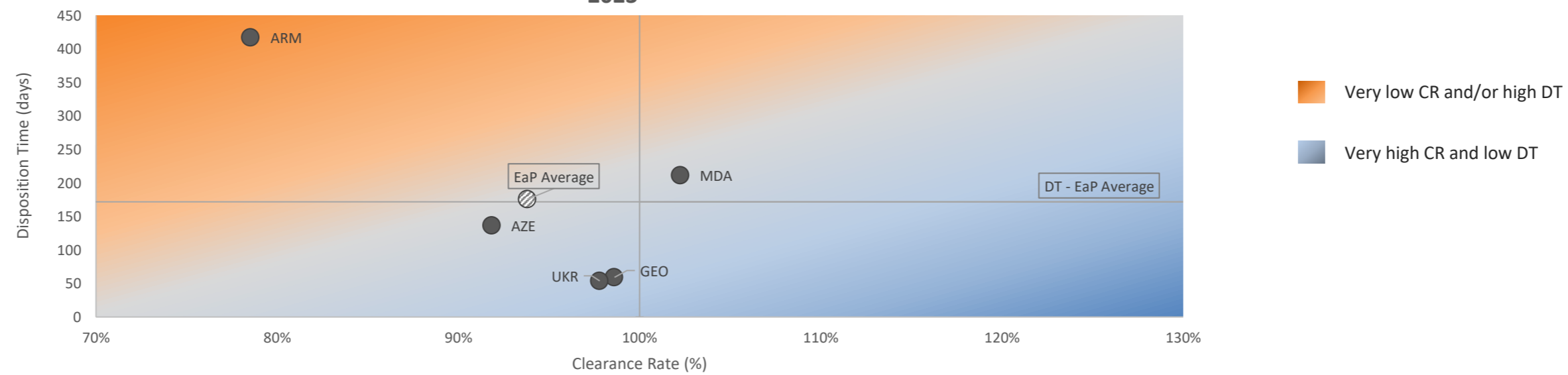


Figure 3.6 Clearance Rate (%) and Disposition Time (days) for first instance Criminal cases in 2023



Number of first instance cases per 100 inhabitants

Number of first instance per 100 inhabitants and variation between 2018 and 2023 (Tables 3.1.2 and 3.2.2)

	Civil and Commercial litigious cases per 100 inhabitants					
	2023			% variation 2022-2023		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	5,55	6,13	2,27	-6,5% ▼	10,1% ▲	-20,5% ▼
Azerbaijan	2,05	1,99	0,36	7,6% ▲	5,6% ▲	18,5% ▲
Georgia	2,05	1,99	1,77	-14,2% ▼	-18,2% ▼	3,3% ▲
Republic of Moldova	4,08	4,02	1,82	3,9% ▲	7,6% ▲	3,7% ▲
Ukraine	1,70	1,52	0,70	44,7% ▲	14,9% ▲	15,9% ▲
EaP Average	3,08	3,13	1,38	7,1%	4,0%	4,2%

For reference only: the 2022 EU median for the number of first instance Civil and Commercial litigious cases per 100 inhabitants is 1,91 for the incoming cases, 1,58 for the resolved cases and 1,03 for the

	Administrative cases per 100 inhabitants					
	2023			% variation 2022-2023		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,45	0,37	0,34	34,6% ▲	10,7% ▲	29,4% ▲
Azerbaijan	0,29	0,26	0,14	24,7% ▲	30,9% ▲	24,4% ▲
Georgia	0,39	0,30	0,52	7,5% ▲	2,0% ▲	21,9% ▲
Republic of Moldova	0,20	0,15	0,22	11,3% ▲	11,0% ▲	26,6% ▲
Ukraine	1,62	1,50	0,36	72,8% ▲	39,3% ▲	12,5% ▲
EaP Average	0,59	0,51	0,32	30,2%	18,8%	23,0%

For reference only: the 2022 EU median for the number of first instance Administrative cases per 100 inhabitants is 0,33 for the incoming cases, 0,34 for the resolved cases and 0,19 for the pending cases.

	Total Criminal cases per 100 inhabitants					
	2023			% variation 2022-2023		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,26	0,21	0,24	21,0% ▲	-11,1% ▼	60,1% ▲
Azerbaijan	0,19	0,18	0,07	5,1% ▲	3,0% ▲	30,3% ▲
Georgia	1,18	1,17	0,19	-0,2% ▼	0,5% ▲	8,3% ▲
Republic of Moldova	1,13	1,16	0,67	-7,4% ▼	-9,4% ▼	-3,7% ▼
Ukraine	2,17	2,12	0,31	39,2% ▲	37,3% ▲	12,1% ▲
EaP Average	0,99	0,97	0,29	11,5%	4,1%	21,4%

For reference only: the 2022 EU median for the number of first instance Total Criminal cases per 100 inhabitants is 1,71 for the incoming cases, 1,79 for the resolved cases and 0,50 for the pending cases.

Figure 3.7 Number of first instance Civil and Commercial litigious cases per 100 inhabitants and Clearance Rate (CR) in 2023

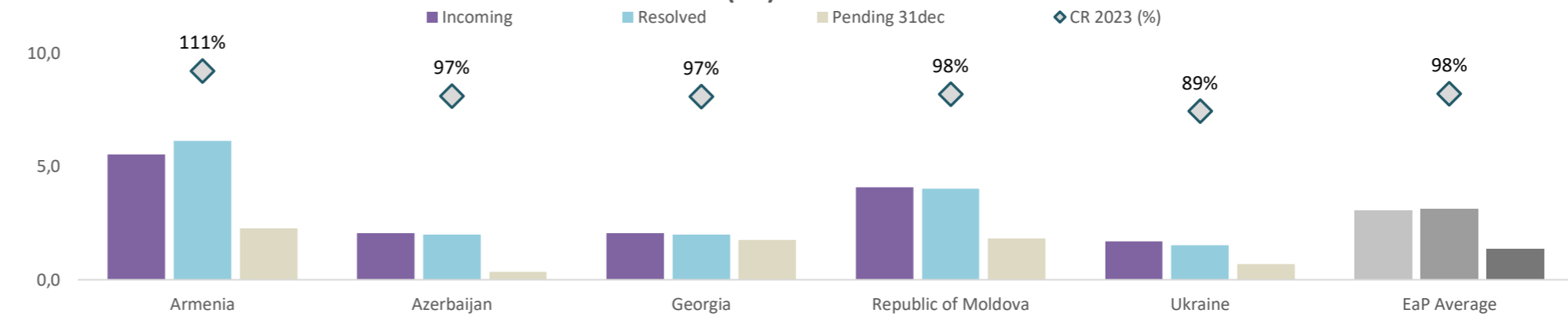


Figure 3.8 Number of first instance Administrative cases per 100 inhabitants and Clearance Rate (CR) in 2023

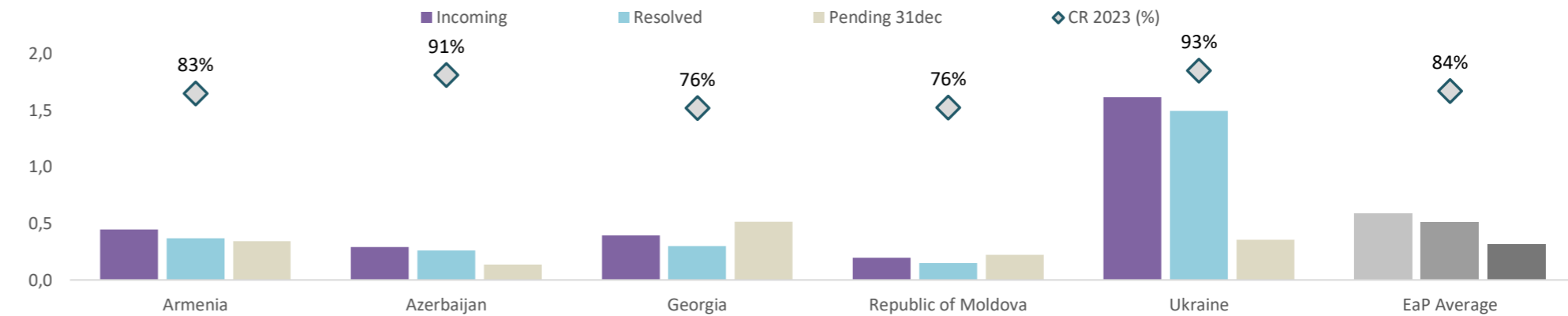
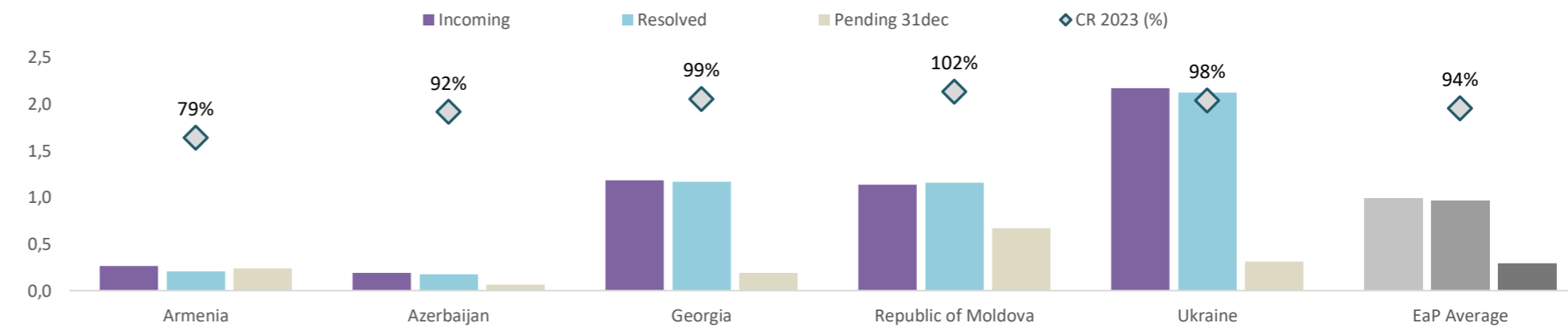


Figure 3.9 Number of first instance Total Criminal cases per 100 inhabitants and Clearance Rate (CR) in 2023



Number of second instance cases per 100 inhabitants

Number of second instance per 100 inhabitants and variation between 2018 and 2023 (Tables 3.3.2 and 3.4.2)

	Civil and Commercial litigious cases per 100 inhabitants					
	2023			% variation 2022-2023		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,27	0,26	0,05	6,5% ▲	0,9% ▲	NA
Azerbaijan	0,18	0,18	0,03	-4,3% ▼	-6,6% ▼	-2,2% ▼
Georgia	0,14	0,14	0,06	2,0% ▲	2,2% ▲	-1,6% ▼
Republic of Moldova	0,50	0,48	0,14	7,3% ▲	0,7% ▲	14,5% ▲
Ukraine	0,28	0,27	0,08	59,4% ▲	59,4% ▲	2,7% ▲
EaP Average	0,27	0,27	0,07	14,2%	11,3%	3,3%

For reference only: the 2022 EU median for the number of second instance Civil and Commercial litigious cases per 100 inhabitants is 0,18 for the incoming cases, 0,19 for the resolved cases and 0,1 for the pending cases.

	Administrative cases per 100 inhabitants					
	2023			% variation 2022-2023		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,15	0,17	0,14	-9,9% ▼	23,7% ▲	-8,9% ▼
Azerbaijan	0,07	0,06	0,02	22,7% ▲	22,6% ▲	28,3% ▲
Georgia	0,11	0,10	0,05	8,3% ▲	-8,4% ▼	35,4% ▲
Republic of Moldova	0,11	0,10	0,04	-5,8% ▼	-16,8% ▼	11,5% ▲
Ukraine	1,62	0,46	0,36	72,8% ▲	-57,0% ▼	12,5% ▲
EaP Average	0,41	0,18	0,12	17,6%	-7,2%	15,8%

For reference only: the 2022 EU median for the number of second instance Administrative cases per 100 inhabitants is 0,05 for the incoming cases, 0,06 for the resolved cases and 0,06 for the pending cases.

	Total Criminal cases per 100 inhabitants					
	2023			% variation 2022-2023		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,23	0,23	0,02	17,2% ▲	19,3% ▲	-13,4% ▼
Azerbaijan	0,05	0,05	0,01	-5,3% ▼	-5,7% ▼	-1,0% ▼
Georgia	0,16	0,16	0,02	-4,2% ▼	0,6% ▲	-9,9% ▼
Republic of Moldova	0,45	0,48	0,28	-16,0% ▼	6,8% ▲	-8,5% ▼
Ukraine	0,50	0,49	0,03	48,4% ▲	49,4% ▲	8,3% ▲
EaP Average	0,28	0,28	0,07	8,0%	14,1%	-4,9%

For reference only: the 2022 EU median for the number of second instance Total Criminal cases per 100 inhabitants is 0,14 for the incoming cases, 0,14 for the resolved cases and 0,05 for the pending cases.

Figure 3.10 Number of second instance Civil and Commercial litigious cases per 100 inhabitants and Clearance Rate (CR) in 2023

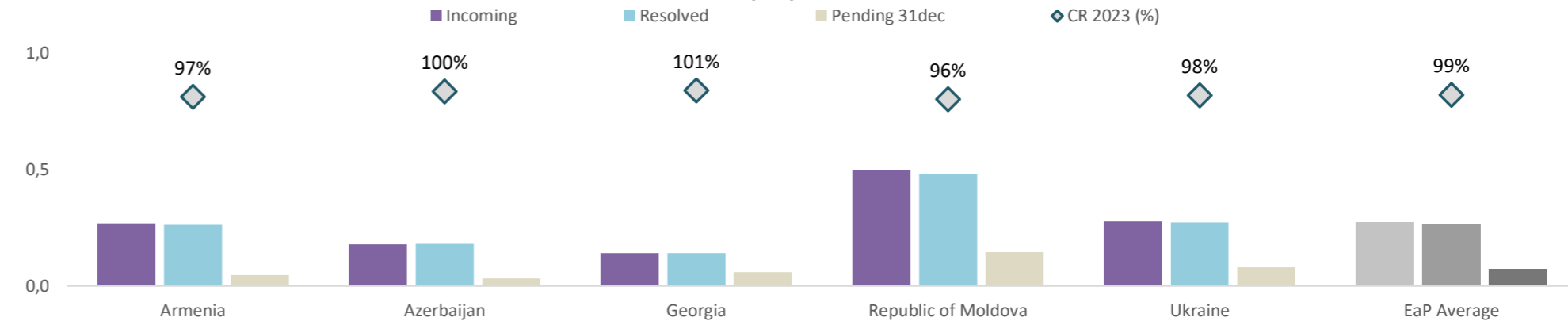


Figure 3.11 Number of second instance Administrative cases per 100 inhabitants and Clearance Rate (CR) in 2023

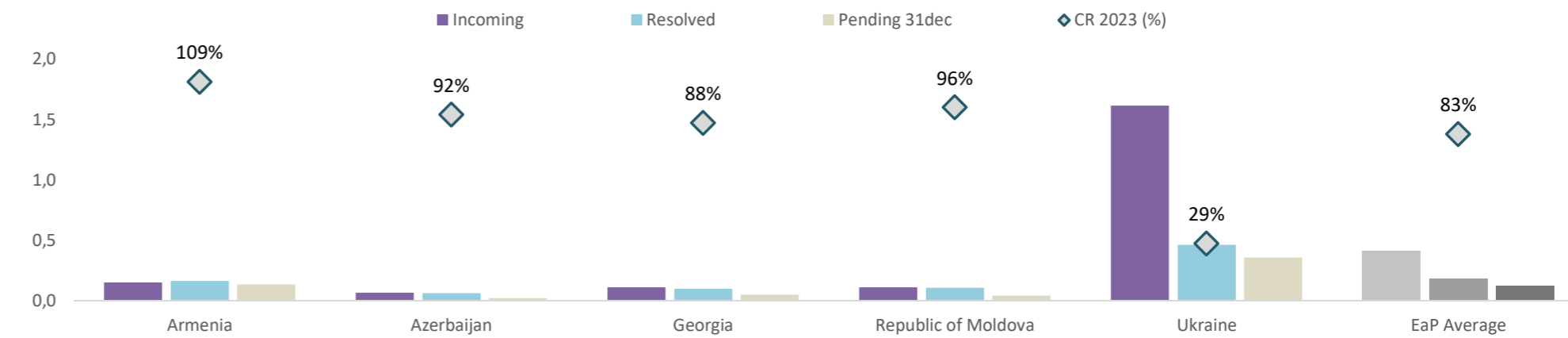
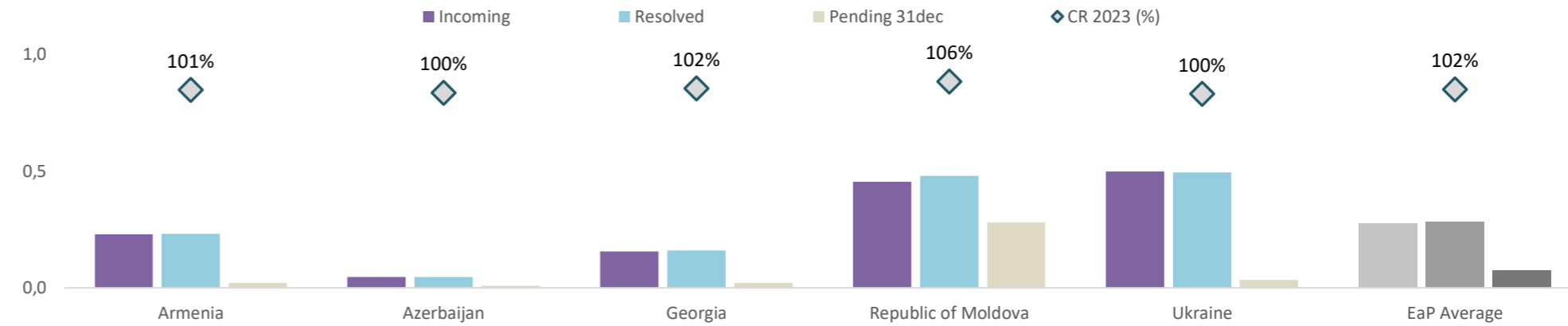


Figure 3.12 Number of second instance Total Criminal cases per 100 inhabitants and Clearance Rate (CR) in 2023



ICT indices

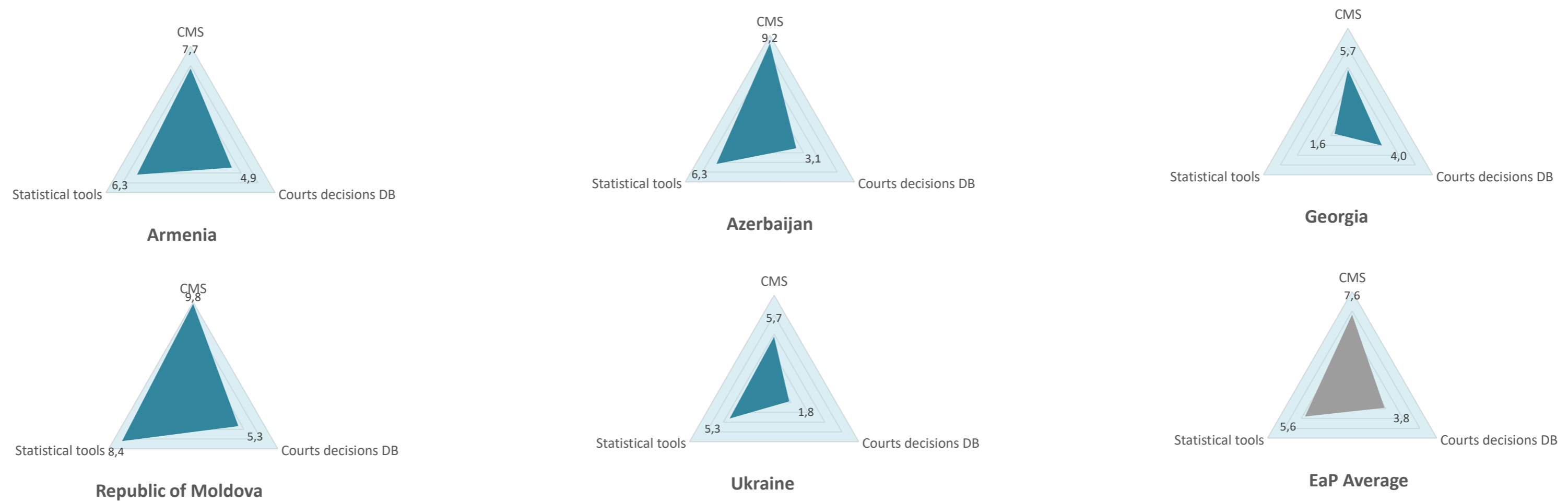
ICT Deployment indices (Table 3.8.2, 3.8.4 and 3.8.7)

	CMS (10 max)	Courts decisions DB (10 max)	Statistical tools (10 max)
Armenia	7,7	4,9	6,3
Azerbaijan	9,2	3,1	6,3
Georgia	5,7	4,0	1,6
Republic of Moldova	9,8	5,3	8,4
Ukraine	5,7	1,8	5,3

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.

Figure 3.13 ICT Deployment Index for each beneficiary in 2023

Beneficiary's CMS Index



3. Efficiency - List of tables

Table 3.0.0 Case categories included in specific categories of "Other than criminal cases" in 2023 (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 2023 (Q35)

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2023 (Q1 and Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2022 and 2023 (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 2023 (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 2022 and 2023 (Q35)

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2023 (Q38)

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2023 (Q1 and Q38)

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2022 and 2023 (Q38)

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2023 (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 2022 and 2023 (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 2023 (Q39)

Table 3.3.2 Second instance courts Number of other than criminal cases per 100 inhabitants in 2023 (Q1 and Q39)

Table 3.3.3 Second instance courts percentage variation of the number of other than criminal cases between 2022 and 2023 (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 2023 (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 2022 and 2023 (Q39)

3.4 Second instance criminal cases

Table 3.4.1 Second instance courts number of criminal cases in 2023 (Q40)

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Table 3.0.0 Case categories included in specific categories of "Other than criminal cases" in 2023 (Q36 and Q37)

Beneficiaries	Case categories included in specific categories of "Other than criminal cases"	
	Case categories included in "civil (and commercial) non-litigious cases"	Case categories included in "other cases"
Armenia	Regarding the case categories, which are included in civil (and commercial) non-litigious cases, it should be noted that 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 citizen as 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 ownerless, cases on on confirmation of the facts having legal value, cases on recovery of the rights on the lost bearer securities or order securities.	NAP
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 involvement 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); 	review in civil and commercial cases

<p>Ukraine</p>	<p>Civil proceedings:</p> <p>1. Cases of special proceedings on:</p> <ul style="list-style-type: none"> - restriction of civil capacity of an individual, recognition of an individual as incapacitated and restoration of civil capacity of an individual; - restricting 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; - restoration of rights to lost bearer securities and promissory notes; - transfer of ownerless real estate to municipal ownership; - recognition of inheritance from a deceased person; - providing a person with psychiatric care on a compulsory basis; - compulsory hospitalization to a tuberculosis institution; - disclosure by a bank of information containing banking secrecy regarding legal entities and individuals; - granting the right to marry; divorce at the request of spouses with children, at the request of either spouse if one of them is sentenced to imprisonment; establishing a separate residence regime at the request of spouses and other cases in cases established by 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 arrears 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 age for each child, unless this requirement is related to the establishment or contestation of paternity (maternity) and the need to involve other interested parties; - recovery of child support in a fixed amount of 50 percent of the minimum living wage for a child of the relevant 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 that has entered into force establishing the fact of the sale of goods of inadequate quality, made in favor of an indefinite number of consumers; - debt collection under an agreement (other than for the provision of housing and communal services, electronic communication services, television and radio) es the minimum subsistence level for able-bodied persons. <p>Commercial proceedings:</p> <p>Cases of writ proceedings on: - recovery of monetary debts under an agreement concluded in writing (including electronic), if the amount of the claim does not exceed one hundred minimum subsistence levels for able-bodied persons recovery of debt arises on the basis of a written agreement</p>	<p>Clause 4 "Other cases" includes cases of administrative offenses as a separate type of case in accordance with the procedural legislation of Ukraine. An administrative offense (misdemeanor) is an unlawful, culpable (intentional or negligent) act or omission that infringes on public order, property, rights and freedoms of citizens, the established order of governance and for which the law provides for administrative liability.</p> <p>Administrative liability for offenses under the Code of Ukraine on Administrative Offenses occurs if these violations do not entail criminal liability by their nature in accordance with the law.</p> <p>Examples of administrative offenses include: violations of labor laws and labor protection requirements; violations of driving rules, rules for the use of seat belts or helmets; violations of animal quarantine rules and other veterinary and sanitary requirements; violations of trade and service rules; violations of the procedure for termination of legal or business activities 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 2023 (Q35)

Beneficiaries	First instance courts: number of other than criminal cases in 2023																							
	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 - 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	95 961	210 851	227 243	79 569	NA	84 950	165 096	182 472	67 574	NA	3 084	32 450	33 794	1 740	7 927	13 305	10 977	10 255	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	41 213	237 028	228 441	49 800	1 154	30 288	207 659	201 828	36 119	819	NAP	NAP	NAP	NAP	10 925	29 369	26 613	13 681	335	NAP	NAP	NAP	NAP	NAP
Georgia	82 654	98 969	92 859	88 764	34 359	63 820	76 571	74 293	66 098	27 812	3 075	7 726	7 432	3 369	15 759	14 672	11 134	19 297	6 464	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	53 864	122 419	121 032	55 251	2 573	43 986	102 537	100 889	45 634	2 086	5 330	14 796	16 233	3 893	4 404	4 909	3 738	5 575	487	144	177	172	149	0
Ukraine	412 829	2 813 080	2 662 423	563 486	25 612	213 269	696 212	621 423	288 058	21 645	30 344	529 134	522 709	36 769	97 172	662 450	613 075	146 547	2 527	72 044	925 284	905 216	92 112	1 440
Average	137 304	696 469	666 400	167 374	15 925	87 263	249 615	236 181	100 697	13 091	10 458	146 027	145 042	11 443	27 237	144 941	133 107	39 071	2 453	-	-	-	-	-
Median	82 654	210 851	227 243	79 569	14 093	63 820	165 096	182 472	66 098	11 866	4 207	23 623	25 014	3 631	10 925	14 672	11 134	13 681	1 507	-	-	-	-	-
Minimum	41 213	98 969	92 859	49 800	1 154	30 288	76 571	74 293	36 119	819	3 075	7 726	7 432	1 740	4 404	4 909	3 738	5 575	335	-	-	-	-	-
Maximum	412 829	2 813 080	2 662 423	563 486	34 359	213 269	696 212	621 423	288 058	27 812	30 344	529 134	522 709	36 769	97 172	662 450	613 075	146 547	6 464	-	-	-	-	-

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2023 (Q1 and Q35)

Beneficiaries	First instance courts: number of other than criminal cases per 100 inhabitants in 2023																								
	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	3,22	7,08	7,63	2,67	NA	2,85	5,55	6,13	2,27	NA	0,10	1,09	1,14	0,06	NA	0,27	0,45	0,37	0,34	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	0,41	2,34	2,26	0,49	0,01	0,30	2,05	1,99	0,36	0,01	NAP	NAP	NAP	NAP	NAP	0,11	0,29	0,26	0,14	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	2,21	2,65	2,49	2,38	0,92	1,71	2,05	1,99	1,77	0,74	0,08	0,21	0,20	0,09	0,00	0,42	0,39	0,30	0,52	0,17	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	2,14	4,87	4,82	2,20	0,10	1,75	4,08	4,02	1,82	0,08	0,21	0,59	0,65	0,15	0,00	0,18	0,20	0,15	0,22	0,02	0,01	0,01	0,01	0,01	0,00
Ukraine	1,01	6,86	6,49	1,37	0,06	0,52	1,70	1,52	0,70	0,05	0,07	1,29	1,27	0,09	NA	0,24	1,62	1,50	0,36	0,01	0,18	2,26	2,21	0,22	0,00
Average	1,80	4,76	4,74	1,82	0,27	1,43	3,08	3,13	1,38	0,22	0,12	0,79	0,81	0,10	-	0,24	0,59	0,51	0,32	0,05	-	-	-	-	-
Median	2,14	4,87	4,82	2,20	0,08	1,71	2,05	1,99	1,77	0,07	0,09	0,84	0,89	0,09	-	0,24	0,39	0,30	0,34	0,01	-	-	-	-	-
Minimum	0,41	2,34	2,26	0,49	0,01	0,30	1,70	1,52	0,36	0,01	0,07	0,21	0,20	0,06	-	0,11	0,20	0,15	0,14	0,00	-	-	-	-	-
Maximum	3,22	7,08	7,63	2,67	0,92	2,85	5,55	6,13	2,27	0,74	0,21	1,29	1,27	0,15	-	0,42	1,62	1,50	0,52	0,17	-	-	-	-	-

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2022 and 2023 (Q35)

Beneficiaries	First instance courts: percentage variation of number of other than criminal cases between 2022 and 2023																							
	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 - 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	8%	-4%	7%	-17%	NA	15%	-6%	10%	-20%	NA	-54%	-1%	-7%	-43%	0%	35%	11%	29%	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	14%	10%	9%	21%	60%	6%	8%	6%	19%	46%	NAP	NAP	NAP	NAP	41%	26%	32%	25%	109%	NAP	NAP	NAP	NAP	NAP
Georgia	2%	-11%	-15%	7%	7%	-3%	-14%	-18%	3%	3%	23%	-5%	-1%	9%	20%	8%	2%	22%	30%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	15%	1%	7%	3%	19%	13%	4%	8%	4%	6%	30%	-15%	1%	-27%	31%	11%	11%	27%	144%	-12%	4%	-9%	3%	-
Ukraine	-32%	55%	38%	15%	28%	-31%	45%	15%	16%	NAP	-3%	110%	107%	18%	-48%	73%	39%	13%	-37%	-8%	32%	29%	13%	67%
Average	1%	10%	9%	6%	28%	0%	7%	4%	4%	18%	-1%	22%	25%	-11%	9%	30%	19%	23%	62%	-	-	-	-	-
Median	8%	1%	7%	7%	23%	6%	4%	8%	4%	6%	10%	-3%	0%	-9%	20%	26%	11%	25%	70%	-	-	-	-	-
Minimum	-32%	-11%	-15%	-17%	7%	-31%	-14%	-18%	-20%	3%	-54%	-15%	-7%	-43%	-48%	8%	2%	13%	-37%	-	-	-	-	-
Maximum	15%	55%	38%	21%	60%	15%	45%	15%	19%	46%	30%	110%	107%	18%	41%	73%	39%	29%	144%	-	-	-	-	-



Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2023 (Q35)

Beneficiaries	First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2023													
	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)	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	108%	128	NA	111%	135	NA	104%	19	83%	341	NA	NAP	NAP	NA
Azerbaijan	96%	80	2%	97%	65	2%	NAP	NAP	91%	188	2%	NAP	NAP	NAP
Georgia	94%	349	39%	97%	325	42%	96%	165	76%	633	33%	NAP	NAP	NAP
Republic of Moldova	99%	167	5%	98%	165	5%	110%	88	76%	544	9%	97%	316	0%
Ukraine	95%	77	5%	89%	169	8%	99%	26	93%	87	2%	98%	37	2%
Average	98%	160	13%	98%	172	14%	102%	74	84%	359	12%	-	-	-
Median	96%	128	5%	97%	165	6%	101%	57	83%	341	6%	-	-	-
Minimum	94%	77	2%	89%	65	2%	96%	19	76%	87	2%	-	-	-
Maximum	108%	349	39%	111%	325	42%	110%	165	93%	633	33%	-	-	-

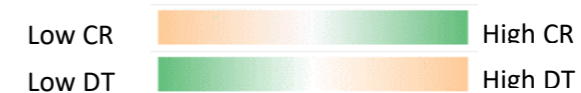


Table 3.1.5 First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2022 and 2023 (Q35)

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 2022 and 2023														
	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 (%)	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	11,0	-22,6%	NA	16,7	-27,8%	NA	-7,2	-38,3%	-17,8	16,9%	NA	NAP	NAP	NA	
Azerbaijan	-1,3	11,1%	0,6	-1,8	12,2%	0,4	NAP	NAP	4,3	-4,9%	1,0	NAP	NAP	NAP	
Georgia	-4,7	26,0%	-0,2	-4,8	26,4%	-0,2	3,5	10,0%	-4,1	19,5%	2,1	NAP	NAP	NAP	
Republic of Moldova	4,8	-3,8%	0,6	3,4	-3,6%	0,1	16,8	-27,4%	-0,2	14,1%	4,2	-14,0	13,7%	0,0	
Ukraine	-11,6	-16,7%	0,5	-23,1	0,8%	NAP	-1,3	-42,8%	-22,2	-19,2%	-1,3	-1,7	-12,3%	0,5	
Average	-0,3	-1,2%	0,4	-1,9	1,6%	0,1	2,9	-24,6%	-8,0	5,3%	1,5	-	-	-	
Median	-1,3	-3,8%	0,5	-1,8	0,8%	0,1	1,1	-32,8%	-4,1	14,1%	1,5	-	-	-	
Minimum	-11,6	-22,6%	-0,2	-23,1	-27,8%	-0,2	-7,2	-42,8%	-22,2	-19,2%	-1,3	-	-	-	
Maximum	11,0	26,0%	0,6	16,7	26,4%	0,4	16,8	10,0%	4,3	19,5%	4,2	-	-	-	

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2023 (Q38)

Beneficiaries	First instance courts: number of Criminal cases in 2023																			
	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	5 343	7 813	6 137	7 019	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	5 068	19 326	17 750	6 644	133	1 496	3 996	2 923	2 569	59	3 572	15 330	14 827	4 075	74	NAP	NAP	NAP	NAP	NAP
Georgia	6 467	44 238	43 626	7 079	1 265	2 783	8 234	7 816	3 201	459	3 684	36 004	35 810	3 878	806	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	17 489	28 471	29 112	16 848	1 185	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	108 767	888 794	869 234	128 327	10 087	51 317	55 790	43 067	64 040	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	28 627	197 728	193 172	33 183	3 168	18 532	22 673	17 935	23 270	-	-	-	-	-	-	-	-	-	-	-
Median	6 467	28 471	29 112	7 079	1 225	2 783	8 234	7 816	3 201	-	-	-	-	-	-	-	-	-	-	-
Minimum	5 068	7 813	6 137	6 644	133	1 496	3 996	2 923	2 569	-	-	-	-	-	-	-	-	-	-	-
Maximum	108 767	888 794	869 234	128 327	10 087	51 317	55 790	43 067	64 040	-	-	-	-	-	-	-	-	-	-	-

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2023 (Q1 and Q38)

Beneficiaries	First instance courts: number of Criminal cases per 100 inhabitants in 2023																			
	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	0,18	0,26	0,21	0,24	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0,05	0,19	0,18	0,07	0,00	0,01	0,04	0,03	0,03	0,00	0,04	0,15	0,15	0,04	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,17	1,18	1,17	0,19	0,03	0,07	0,22	0,21	0,09	0,01	0,10	0,96	0,96	0,10	0,02	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,70	1,13	1,16	0,67	0,05	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,27	2,17	2,12	0,31	0,02	0,13	0,14	0,11	0,16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	0,27	0,99	0,97	0,29	0,03	0,07	0,13	0,11	0,09	-	-	-	-	-	-	-	-	-	-	-
Median	0,18	1,13	1,16	0,24	0,03	0,07	0,14	0,11	0,09	-	-	-	-	-	-	-	-	-	-	-
Minimum	0,05	0,19	0,18	0,07	0,00	0,01	0,04	0,03	0,03	-	-	-	-	-	-	-	-	-	-	-
Maximum	0,70	2,17	2,12	0,67	0,05	0,13	0,22	0,21	0,16	-	-	-	-	-	-	-	-	-	-	-

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2022 and 2023 (Q38)

Beneficiaries	First instance courts: percentage variation of the number of criminal cases between 2022 and 2023																			
	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	11%	21%	-11%	60%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	30%	6%	4%	31%	-10%	27%	18%	-5%	72%	-5%	31%	3%	6%	14%	-13%	NAP	NAP	NAP	NAP	NAP
Georgia	15%	0%	0%	8%	56%	18%	4%	5%	14%	45%	13%	-1%	0%	4%	64%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	-7%	-7%	-9%	-4%	-4%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0%	39%	37%	12%	16%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	10%	12%	4%	22%	15%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	11%	6%	0%	12%	6%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-7%	-7%	-11%	-4%	-10%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	30%	39%	37%	60%	56%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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 2023 (Q38)

Beneficiaries	First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2023											
	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	79%	417	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	92%	137	2%	73%	321	2%	97%	100	2%	NAP	NAP	NAP
Georgia	99%	59	18%	95%	149	14%	99%	40	21%	NAP	NAP	NAP
Republic of Moldova	102%	211	7%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	98%	54	8%	77%	543	NA	NA	NA	NA	NA	NA	NA
Average	94%	176	9%	82%	338	-	-	-	-	-	-	-
Median	98%	137	7%	77%	321	-	-	-	-	-	-	-
Minimum	79%	54	2%	73%	149	-	-	-	-	-	-	-
Maximum	102%	417	18%	95%	543	-	-	-	-	-	-	-

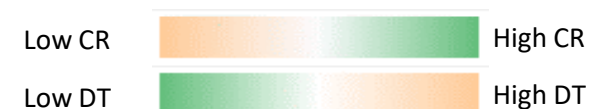


Table 3.2.5 First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2022 and 2023 (Q38)

Beneficiaries	First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2022 and 2023											
	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	-28,3	80,1%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	-1,8	26,4%	-0,9	-17,6	80,8%	-1,8	2,4	8,0%	-0,6	NAP	NAP	NAP
Georgia	0,6	7,8%	5,5	0,6	8,4%	3,1	0,7	4,5%	7,6	NAP	NAP	NAP
Republic of Moldova	-2,2	6,3%	0,0	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	-1,3	-18,4%	0,3	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-6,6	20,4%	1,2	-	-	-	-	-	-	-	-	-
Median	-1,8	7,8%	0,1	-	-	-	-	-	-	-	-	-
Minimum	0,6	80,1%	5,5	-	-	-	-	-	-	-	-	-
Maximum	-28,3	-18,4%	-0,9	-	-	-	-	-	-	-	-	-

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts Number of other than criminal cases in 2023 (Q39)

Beneficiaries	Second instance courts Number of other than criminal cases in 2023																							
	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 - 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	1 183	8 044	7 837	1 390	NA	NA	NA	NA	NA	4 468	4 517	4 914	4 071	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	5 032	24 894	24 438	5 488	89	3 288	18 241	18 293	3 236	74	NAP	NAP	NAP	NAP	1 744	6 653	6 145	2 252	15	NAP	NAP	NAP	NAP	NAP
Georgia	3 651	9 414	8 968	4 097	220	2 288	5 252	5 289	2 251	103	0	15	15	0	1 363	4 147	3 664	1 846	117	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	4 181	15 492	14 924	4 749	14	3 179	12 547	12 086	3 640	0	NAP	NAP	NAP	NAP	954	2 744	2 634	1 064	14	48	201	204	45	0
Ukraine	NA	NA	NA	NA	1 854	31 471	114 286	112 296	33 461	1 502	NA	NA	NA	NA	97 172	662 450	189 073	146 547	2 527	3 529	33 373	32 864	4 038	80
Average	4 288	16 600	16 110	4 778	544	8 282	31 674	31 160	8 796	420	-	-	-	-	21 140	136 102	41 286	31 156	668	-	-	-	-	-
Median	4 181	15 492	14 924	4 749	155	3 179	12 547	12 086	3 236	89	-	-	-	-	1 744	4 517	4 914	2 252	66	-	-	-	-	-
Minimum	3 651	9 414	8 968	4 097	14	1 183	5 252	5 289	1 390	0	-	-	-	-	954	2 744	2 634	1 064	14	-	-	-	-	-
Maximum	5 032	24 894	24 438	5 488	1 854	31 471	114 286	112 296	33 461	1 502	-	-	-	-	97 172	662 450	189 073	146 547	2 527	-	-	-	-	-

Table 3.3.2 Second instance courts Number of other than criminal cases per 100 inhabitants in 2023 (Q1 and Q3)

Beneficiaries	Second instance courts Number of other than criminal cases per 100 inhabitants in 2023																								
	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	0,04	0,27	0,26	0,05	NA	NA	NA	NA	NA	0,15	0,15	0,17	0,14	NA	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	0,05	0,25	0,24	0,05	0,00	0,03	0,18	0,18	0,03	0,00	NAP	NAP	NAP	NAP	NAP	0,02	0,07	0,06	0,02	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,10	0,25	0,24	0,11	0,01	0,06	0,14	0,14	0,06	0,00	0,00	0,00	0,00	0,00	0,04	0,11	0,10	0,05	0,00	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,17	0,62	0,59	0,19	0,00	0,13	0,50	0,48	0,14	0,00	NAP	NAP	NAP	NAP	NAP	0,04	0,11	0,10	0,04	0,00	0,00	0,01	0,01	0,00	0,00
Ukraine	NA	NA	NA	NA	0,00	0,08	0,28	0,27	0,08	0,00	NA	NA	NA	NA	NA	0,24	1,62	0,46	0,36	0,01	0,01	0,08	0,08	0,01	0,00
Average	0,10	0,37	0,36	0,12	0,00	0,07	0,27	0,27	0,07	0,00	-	-	-	-	-	0,10	0,41	0,18	0,12	0,00	-	-	-	-	-
Median	0,10	0,25	0,24	0,11	0,00	0,06	0,27	0,26	0,06	0,00	-	-	-	-	-	0,04	0,11	0,10	0,05	0,00	-	-	-	-	-
Minimum	0,05	0,25	0,24	0,05	0,00	0,03	0,14	0,14	0,03	0,00	-	-	-	-	-	0,02	0,07	0,06	0,02	0,00	-	-	-	-	-
Maximum	0,17	0,62	0,59	0,19	0,01	0,13	0,50	0,48	0,14	0,00	-	-	-	-	-	0,24	1,62	0,46	0,36	0,01	-	-	-	-	-

Table 3.3.3 Second instance courts percentage variation of the number of other than criminal cases between 2022 and 2023 (Q39)

Beneficiaries	Second instance courts percentage variation of the number of other than criminal cases between 2022 and 2023																								
	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 - 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	NA	7%	1%	NA	NA	NA	NA	NA	NA	30%	-10%	24%	-9%	NA	NAP	NAP	NAP	NAP	NAP	
Azerbaijan	-2%	2%	0%	9%	-44%	-14%	-4%	-6%	-2%	-45%	NAP	NAP	NAP	NAP	30%	24%	23%	29%	-35%	NAP	NAP	NAP	NAP	NAP	
Georgia	-5%	4%	-3%	12%	-32%	-1%	2%	2%	-2%	-31%	-	-56%	-56%	-	-11%	8%	-8%	35%	-33%	NAP	NAP	NAP	NAP	NAP	
Republic of Moldova	-12%	5%	-3%	14%	8%	-9%	7%	1%	15%	-	NAP	NAP	NAP	NAP	-21%	-6%	-17%	12%	8%	-2%	-9%	-8%	-6%	-	
Ukraine	NA	NA	NA	NA	NA	0%	59%	59%	3%	109%	NA	NA	NA	NA	-48%	73%	-57%	13%	-37%	10%	43%	43%	16%	344%	
Average	-6%	4%	-2%	12%	-23%	-6%	14%	11%	3%	11%	-	-	-	-	-4%	18%	-7%	16%	-24%	-	-	-	-	-	
Median	-5%	4%	-3%	12%	-32%	-5%	7%	1%	1%	-31%	-	-	-	-	-11%	8%	-8%	13%	-34%	-	-	-	-	-	
Minimum	-12%	2%	-3%	9%	-44%	-14%	-4%	-6%	-2%	-45%	-	-	-	-	-48%	-10%	-57%	-9%	-37%	-	-	-	-	-	
Maximum	-2%	5%	0%	14%	8%	0%	59%	59%	15%	109%	-	-	-	-	30%	73%	24%	35%	8%	-	-	-	-	-	

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 2023 (Q39)

Beneficiaries	Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2023														
	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)	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	97%	65	NA	NA	NA	109%	302	NA	NAP	NAP	NAP	
Azerbaijan	98%	82	2%	100%	65	2%	NAP	NAP	92%	134	1%	NAP	NAP	NAP	
Georgia	95%	167	5%	101%	155	5%	100%	0	88%	184	6%	NAP	NAP	NAP	
Republic of Moldova	96%	116	0%	96%	110	0%	NAP	NAP	96%	147	1%	101%	81	0%	
Ukraine	NA	NA	NA	98%	109	4%	NA	NA	29%	283	2%	98%	45	2%	
Average	97%	122	2%	99%	101	3%	-	-	83%	210	3%	-	-	-	
Median	96%	116	2%	98%	109	3%	-	-	92%	184	2%	-	-	-	
Minimum	95%	82	0%	96%	65	0%	-	-	29%	134	1%	-	-	-	
Maximum	98%	167	5%	101%	155	5%	-	-	109%	302	6%	-	-	-	

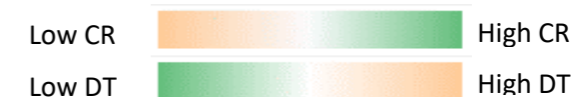


Table 3.3.5 Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2022 and 2023

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 2022 and 2023														
	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 (%)	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	-5,4	NA	NA	NA	NA	29,6	-26,3%	NA	NAP	NAP	NAP	
Azerbaijan	-2,3	9,1%	-1,5	-2,4	4,7%	-1,8	NAP	NAP	-0,1	4,7%	-0,7	NAP	NAP	NAP	
Georgia	-6,9	15,2%	-3,5	0,2	-3,8%	-1,9	0,0	-	-16,1	47,9%	-6,4	NAP	NAP	NAP	
Republic of Moldova	-7,5	17,2%	0,0	-6,4	13,8%	0,0	NAP	NAP	-12,7	34,0%	0,0	1,0	2,0%	0,0	
Ukraine	NA	NA	NA	0,0	-35,6%	2,3	NA	NA	-86,3	161,9%	-1,3	-0,3	-19,1%	1,5	
Average	-5,6	13,8%	-1,7	-2,8	-5,2%	-0,4	-	-	-17,1	44,4%	-2,1	-	-	-	
Median	-6,9	15,2%	-1,5	-2,4	0,5%	-0,9	-	-	-12,7	34,0%	-1,0	-	-	-	
Minimum	-7,5	9,1%	-3,5	-6,4	-35,6%	-1,9	-	-	-86,3	-26,3%	-6,4	-	-	-	
Maximum	-2,3	17,2%	0,0	0,2	13,8%	2,3	-	-	29,6	161,9%	0,0	-	-	-	

Table 3.4.1 Second instance courts number of criminal cases in 2023 (Q40)

Beneficiaries	Second instance courts number of criminal cases in 2023																			
	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	723	6 806	6 903	626	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	833	4 758	4 761	830	16	399	1 889	1 916	372	12	434	2 869	2 845	458	4	NAP	NAP	NAP	NAP	NAP
Georgia	963	5 856	5 996	823	38	524	1 014	1 007	531	37	439	4 842	4 989	292	1	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	7 685	11 392	12 048	7 029	834	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	12 540	203 723	202 742	13 521	658	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	4 549	46 507	46 490	4 566	387	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	963	6 806	6 903	830	348	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	723	4 758	4 761	626	16	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	12 540	203 723	202 742	13 521	834	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.4.2 Second instance courts Number of Criminal cases per 100 inhabitants in 2023 (Q1 and Q40)

Beneficiaries	Second instance courts Number of Criminal cases per 100 inhabitants in 2023																			
	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	0,23	0,23	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	0,00	0,03	0,03	0,00	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,03	0,16	0,16	0,02	0,00	0,01	0,03	0,03	0,01	0,00	0,01	0,13	0,13	0,01	0,00	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,31	0,45	0,48	0,28	0,03	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,03	0,50	0,49	0,03	0,00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	0,08	0,28	0,28	0,07	0,01	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	0,03	0,23	0,23	0,02	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	0,01	0,05	0,05	0,01	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	0,31	0,50	0,49	0,28	0,03	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.4.3 Second instance courts percentage variation in number of criminal cases between 2022 and 2023 (Q40)

Beneficiaries	Second instance courts percentage variation in number of criminal cases between 2022 and 2023																			
	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%	17%	19%	-13%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	-3%	-5%	-5%	0%	-41%	-4%	-9%	-8%	-7%	-14%	-1%	-2%	-3%	6%	-69%	NAP	NAP	NAP	NAP	NAP
Georgia	27%	-4%	1%	-10%	-70%	5%	0%	2%	1%	-69%	71%	-5%	0%	-25%	-89%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	42%	-16%	7%	-9%	52%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	15%	48%	49%	8%	38%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	17%	8%	14%	-5%	-5%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	15%	-4%	7%	-9%	-1%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-3%	-16%	-5%	-13%	-70%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	42%	48%	49%	8%	52%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



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 2023 (Q40)

Beneficiaries	Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2023											
	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	101%	33	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	100%	64	2%	101%	71	3%	99%	59	1%	NAP	NAP	NAP
Georgia	102%	50	5%	99%	192	7%	103%	21	0%	NAP	NAP	NAP
Republic of Moldova	106%	213	12%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	100%	24	5%	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	102%	77	6%	-	-	-	-	-	-	-	-	-
Median	101%	50	5%	-	-	-	-	-	-	-	-	-
Minimum	100%	24	2%	-	-	-	-	-	-	-	-	-
Maximum	106%	213	12%	-	-	-	-	-	-	-	-	-

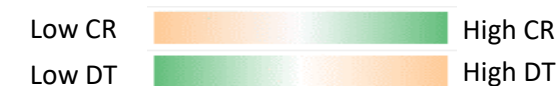


Table 3.4.5 Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2022 and 2023 (Q40)

Beneficiaries	Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2022 and 2023											
	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	1,8	-27,4%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	-0,4	5,0%	-1,3	0,6	1,8%	-0,3	-1,0	8,5%	-2,1	NAP	NAP	NAP
Georgia	4,9	-10,4%	-9,3	1,7	-0,5%	-15,5	5,6	-25,1%	-2,0	NAP	NAP	NAP
Republic of Moldova	22,6	-14,3%	4,7	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	0,6	-27,5%	1,1	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	5,9	-15%	-1,2	-	-	-	-	-	-	-	-	-
Median	1,8	-14%	-0,1	-	-	-	-	-	-	-	-	-
Minimum	-0,4	-27%	-9,3	-	-	-	-	-	-	-	-	-
Maximum	22,6	5%	4,7	-	-	-	-	-	-	-	-	-

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2023 (Q41)

Beneficiaries	Civil and commercial litigious cases and Litigious divorce cases in 2023											
	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	0%	247	159	226	1038	56%	0%	165	106	132	807	50%
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	97	109	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 2023 (Q41)

Beneficiaries	Specific category cases: Employment dismissal cases and Insolvency cases in 2023											
	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	5%	148	129	187	945	51%	33%	819	15	NAP	739	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	173	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2023 (Q41)

Beneficiaries	Specific category cases: Robbery cases and Intentional homicide cases in 2023											
	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	4%	144	291	101	490	18%	4%	340	343	111	733	20,0%
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	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2023 (Q41)

Beneficiaries	Specific category cases: Bribery cases and Trading in influence cases in 2023											
	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	12%	133	237	0	704	0%	0%	39	0	0	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	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.5 Variation between 2022 and 2023 of: (Q41)

Beneficiaries	Variation between 2022 and 2023 of:											
	Civil and commercial litigious cases						Litigious divorce cases					
	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	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	-0,6	38,0%	-5,9%	-20,1%	-5,8%	-2,10	-0,2	8%	-5%	42%	48%	0,00
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	-8,5%	-2,7%	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.6 Variation between 2022 and 2023 of: (Q41)

Beneficiaries	Variation between 2022 and 2023 of:											
	Employment dismissal cases						Insolvency cases					
	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	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	-13,9	-16,9%	-25,9%	-29,4%	0,1%	10,6	-0,7	-8,0%	-11,8%	NA	-18,6%	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	-17,2%	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.7 Variation between 2022 and 2023 of: (Q41)

Beneficiaries	Variation between 2022 and 2023 of:											
	Robbery case						Intentional homicide					
	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	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	-19,0	8,3%	64,4%	5,2%	5,4%	18,2	-23,7	85,8%	190,7%	-2,6%	17,8%	20,0
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 2023 (Q41-1)

Beneficiaries	Role and powers of the public prosecutor in the criminal procedure in 2023									
	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	Yes	Yes	Yes	No/NAP
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes
Nb of Yes	5	3	5	5	5	5	3	5	2	2

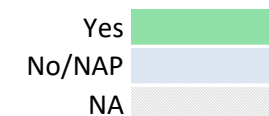


Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2023 (Q41-2)

Beneficiaries	Role of the public prosecutor in civil, administrative and insolvency cases in 2023		
	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

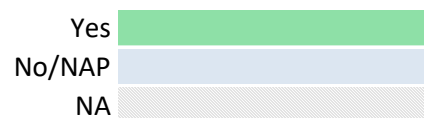


Table 3.6.3 Public prosecution services: Case flow in 2023 (Q41-3, Q41-5)

Beneficiaries	Public prosecution: Total number of first instance criminal cases in 2023											
	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	28 389	158 917	46 778	24 948	NA	NA	NAP	24 948	NAP	8 448	140 528	
Azerbaijan	7 112	33 777	34 004	17 858	7 560	3 530	1 387	5 381	NAP	16 146	6 885	
Georgia	NA	NA	49 170	26 648	6 654	14 614	4 696	684	3 985	18 537	NA	
Republic of Moldova	9 998	28 408	24 091	13 217	5 872	3 042	847	3 356	19	10 855	11 256	
Ukraine	1 014 646	768 869	491 023	363 337	NAP	294 045	NAP	69 292	NAP	127 686	1 093 564	
Average	265 036	247 493	129 013	89 202	6 695	78 808	2 310	20 732	-	36 334	313 058	
Median	19 194	96 347	46 778	24 948	6 654	9 072	1 387	5 381	-	16 146	75 892	
Minimum	7 112	28 408	24 091	13 217	5 872	3 042	847	684	-	8 448	6 885	
Maximum	1 014 646	768 869	491 023	363 337	7 560	294 045	4 696	69 292	-	127 686	1 093 564	

Table 3.6.4 Public prosecution services: Case flow (per 100 inhabitants) in 2023 (Q41-3)

Beneficiaries	Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2023										
	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	0,95	5,34	1,57	0,84	NA	NA	NAP	0,84	NAP	0,28	4,72
Azerbaijan	0,07	0,33	0,34	0,18	0,07	0,03	0,01	0,05	NAP	0,16	0,07
Georgia	NA	NA	1,32	0,71	0,18	0,39	0,13	0,02	0,107	0,50	NA
Republic of Moldova	0,40	1,13	0,96	0,53	0,23	0,12	0,03	0,13	0,001	0,43	0,45
Ukraine	2,47	1,88	1,20	0,89	NAP	0,72	NAP	0,17	NAP	0,31	2,67
Average	0,97	2,17	1,08	0,63	0,16	0,32	0,06	0,24	-	0,34	1,98
Median	0,68	1,50	1,20	0,71	0,18	0,26	0,03	0,13	-	0,31	1,56
Minimum	0,07	0,33	0,34	0,18	0,07	0,03	0,01	0,02	-	0,16	0,07
Maximum	2,47	5,34	1,57	0,89	0,23	0,72	0,13	0,84	-	0,50	4,72

Table 3.6.5 Public prosecution: Distribution of different categories of processed cases within all processed cases in 2023 (see table 3.6.3) (Q41-3)

Beneficiaries	Public prosecution: Distribution of different categories of processed cases within all processed cases in 2023 (see table 3.6.3)						
	% 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	53%	NA	NA	NAP	100%	NAP	18%
Azerbaijan	53%	42%	20%	8%	30%	NAP	47%
Georgia	54%	25%	55%	18%	3%	8%	38%
Republic of Moldova	55%	44%	23%	6%	25%	0%	45%
Ukraine	74%	NAP	81%	NAP	19%	NAP	26%
Average	58%	37%	45%	11%	35%	-	35%
Median	54%	42%	39%	8%	25%	-	38%
Minimum	53%	25%	20%	6%	3%	-	18%
Maximum	74%	44%	81%	18%	100%	-	47%

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 2023 (Q41-4)

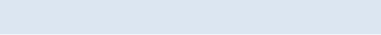
Beneficiaries	Number of cases concluded with the guilty plea procedure in 2023								
	Total			Before the main trial			During the main trial		
	Total	Severe criminal cases	Misdemeanour and/or minor criminal cases	Total	Severe criminal cases	Misdemeanour and/or minor criminal cases	Total	Severe criminal cases	Misdemeanour and/or minor criminal cases
Armenia	1 079	NA	NA	NAP	NAP	NAP	1 079	NA	NA
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	12 407	6 229	6 178	8 280	3 608	4 672	4 127	2 621	784
Republic of Moldova	81	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	11 413	NA	NA	NA	NA	NA	NA	NA	NA
Average	6 245	-	-	-	-	-	-	-	-
Median	6 246	-	-	-	-	-	-	-	-
Minimum	81	-	-	-	-	-	-	-	-
Maximum	12 407	-	-	-	-	-	-	-	-

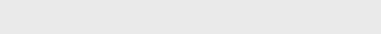
3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

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 2023 (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 2023		
	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 

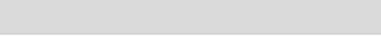
NAP 

Table 3.7.2 Regular monitoring of courts' activities (performance and quality at court's level) in 2023 (Q58)

Beneficiaries	Regular monitoring of courts' activities (performance and quality at court's level) in 2023													
	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														


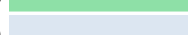
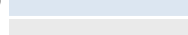

Yes 
 No 
 NA 
 NAP 

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality at the prosecution service's level) in 2023 (Q59)

Beneficiaries	Regular monitoring of public prosecution activities (performance and quality at the prosecution service's level) in 2023												
	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													


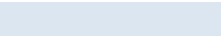
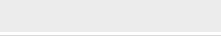

Yes 
 No 
 NA 
 NAP 

Table 3.7.4 Evaluation of the performance at court level in 2023 (Q48, Q49, Q50,Q51 and Q56)

Beneficiaries	Evaluation of the performance at court level in 2023														
	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															


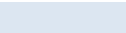
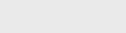

Yes 
 No 
 NA 
 NAP 

Table 3.7.5 Evaluation of performance at public prosecution services level in 2023 (Q52, Q53, Q54, Q55 and Q57)

Beneficiaries	Evaluation of performance at public prosecution services level in 2023														
	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 public prosecution services' activity 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															


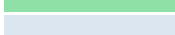
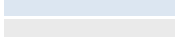


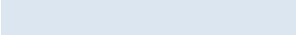
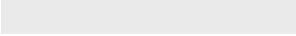
Yes 
 No 
 NA 
 NAP 

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 2023 (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 2023				
	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					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes 

No 

NA 

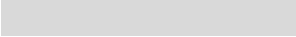
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Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings) in 2023 (Q61-1)

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 2023
Armenia	
Azerbaijan	
Georgia	
Republic of Moldova	
Ukraine	

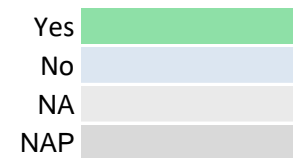


Table 3.7.8 Information regarding courts' activity in 2023 (Q62, Q63, Q66, Q67 and Q68)

Beneficiaries	Information regarding courts' activity in 2023											
	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		Judicial Department of RA (www.court.am); Armenia, 0010, Yerevan, Koryun 15/1										
Azerbaijan		Ministry of Justice										
Georgia		Statistical Sector of Supreme court of Georgia										
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., Ştefan cel Mare and Sfint str., 124 B, et. 2, http://aaii.justice.md										
Ukraine		State Judicial Administration of Ukraine, 18/5 Lypska St., Kyiv, Kyiv region, 01601										



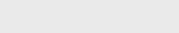

Yes 
 No 
 NA 
 NAP 

Table 3.7.9 Information regarding public prosecution services' activity in 2023 (Q64, Q65, Q69, Q70 and Q71)

Beneficiaries	Information regarding public prosecution services' activity in 2023											
	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 Department of Statistics and Analysis within the Prosecutor General's Office (Address: 5 Vazgen Sargsyan, Yerevan, 0010, Armenia)	No	No	No	Yes	No	Yes	Yes	No	No	
Azerbaijan	Yes	General Prosecutor Office	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	Office of the Prosecutor General, Kyiv, 13/15 Riznytska str., Kyiv, Ukraine	Yes	No	No	Yes	Yes	No	No	No	Yes	

Yes ■
 No ■
 NA ■
 NAP ■

Table 3.7.10 Quantitative performance targets defined for each judge in 2023 (Q74, Q75 and Q75-1)

Beneficiaries	Quantitative performance targets defined for each judge in 2023																
	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										
		Executive power	Legislative power	Judicial power	President of the court	Other	Without disciplinary procedure					With disciplinary procedure					No consequences
							Warning by court's president	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	Warning by court's president	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	
Armenia																	
Azerbaijan																	
Georgia																	
Republic of Moldova																	
Ukraine																	

Table 3.7.11 System of individual evaluation of judge's work in 2023 (Q76, Q76-1 and Q77)

Beneficiaries	System of individual evaluation of judge's work in 2023										
	Existence of a system of qualitative individual assessment of the judges' work		Body responsible for setting the criteria for qualitative assessment of the public prosecutors' work					Frequency of this assessment			
	Quantitative	Qualitative	Executive power	Legislative power	Judicial power	President of the court	Other	Annual	Less frequent	More frequent	Different frequencies used
Armenia	Yes	Yes	No	Yes	Yes	No	No	No	Yes	No	No
Azerbaijan	Yes	Yes	No	No	Yes	No	No	No	No	No	No
Georgia	No	No	No	No	No	No	No	NA	NA	NA	No
Republic of Moldova	Yes	Yes	No	No	Yes	No	No	No	No	No	No
Ukraine	Yes	No	No	No	No	No	Yes	No	Yes	No	No


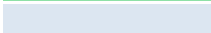
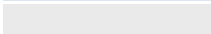
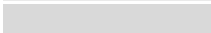

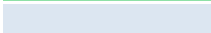
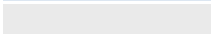
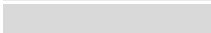
Yes 
 No 
 NA 
 NAP 

Table 3.7.12 Quantitative performance defined for each public prosecutor in 2023 (Q78, Q79 and Q79-1)

Beneficiaries	Quantitative performance defined for each public prosecutor in 2023																
	Existence of quantitative performance targets defined for each judge	Body responsible for setting the individual targets for each public prosecutor					Consequences for a prosecutor if quantitative targets are not met										
		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Without disciplinary procedure					With disciplinary procedure					No consequences
							Warning by head of prosecution	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	Warning by head of prosecution	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	
Armenia																	
Azerbaijan																	
Georgia																	
Republic of Moldova																	
Ukraine																	

Table 3.7.13 System of Individual evaluation of public prosecutors in 2023 (Q80, Q80-1 and Q81)

Beneficiaries	System of Individual evaluation of public prosecutors in 2023										
	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			
	Quantitative	Qualitative	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	Different frequencies used
Armenia	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Azerbaijan	Yes	Yes	No	Yes	No	No	No	No	Yes	No	No
Georgia	Yes	Yes	No	No	No	Yes	No	No	Yes	No	No
Republic of Moldova	Yes	Yes	No	No	Yes	No	No	No	No	No	No
Ukraine	No	Yes	No	Yes	No	No	No	Yes	No	No	No

Yes 
 No 
 NA 
 NAP 

3.8 Information and Communication Technology Tools

Table 3.8.1 IT Strategy and Case management system in 2023 (Q82-0, Q82, Q82-1 and Q82-2)

Beneficiaries	IT Strategy and Case management system in 2023							
	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	Yes	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	Yes	Yes	No	Yes	No	No	No	No
Ukraine	Yes	Yes	No	No	No	Yes	No	Yes
Nb of Yes	3	5	0	1	1	3	0	4

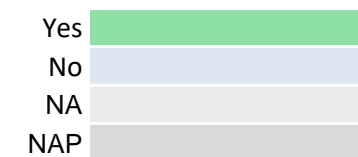


Table 3.8.2 Case management system - Deployment and usage rates in 2023 (Q83)

States	Case management system - Deployment and usage rates in 2023					
	Civil and commercial		Administrative		Criminal	
	Deployment rate	Usage rate	Deployment rate	Usage rate	Deployment rate	Usage rate
Armenia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Azerbaijan	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Georgia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Republic of Moldova	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Ukraine	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %

95-100 %	5	5	5	5	5	5
75-95 %	0	0	0	0	0	0
50-75 %	0	0	0	0	0	0
25-50 %	0	0	0	0	0	0
1-25 %	0	0	0	0	0	0
0%	0	0	0	0	0	0
NAP	0	0	0	0	0	0
NA	0	0	0	0	0	0

Table 3.8.3 Case management system - Functionalities in 2023 (Q83-1 and Q83-2)

States	Case management system - Functionalities in 2023																																													
	Civil and commercial												Administrative												Criminal																					
	Centralised and/or interoperable CMS	Active case management	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another	Anonymisation of decisions to be	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other special functionality	Centralised and/or interoperable CMS	Active case management	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another	instance/court	Anonymisation of decisions to be published	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other special functionality	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances (unique or linked id)	Electronic transfer of a case to another	instance/court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems (civil register, tax register,	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other				
Armenia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Nb of Yes	4	3	5	3	5	5	4	4	4	4	3	3	1	4	3	5	3	5	5	4	3	4	4	3	3	1	4	3	5	3	5	5	4	1	3	4	4	3	3	1						


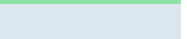
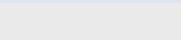
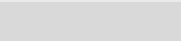
Yes 
 No 
 NA 
 NAP 

Table 3.8.4 Database of court decisions - Deployment rates in 2023 (Q84)

States	Database of court decisions - Deployment rates in 2023								
	Civil and commercial			Administrative			Criminal		
	1st instance	2nd instance	Supreme court	1st instance	2nd instance	Supreme court	1st instance	2nd instance	Supreme court
Armenia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Azerbaijan	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Georgia	NA	NA	95-100 %	NA	NA	95-100 %	NA	NA	95-100 %
Republic of Moldova	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Ukraine	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %

95-100 %	4	4	5	4	4	5	4	4	5
75-95 %	0	0	0	0	0	0	0	0	0
50-75 %	0	0	0	0	0	0	0	0	0
25-50 %	0	0	0	0	0	0	0	0	0
1-25 %	0	0	0	0	0	0	0	0	0
0%	0	0	0	0	0	0	0	0	0
NAP	0	0	0	0	0	0	0	0	0
NA	1	1	0	1	1	0	1	1	0

Table 3.8.5 Database of court decisions - Modalities of publication in 2023 (Q84-1)

States	Database of court decisions - Modalities of publication in 2023																										
	Civil and commercial									Administrative									Criminal								
	1st instance			2nd instance			Supreme court			1st instance			2nd instance			Supreme court			1st instance			2nd instance			Supreme court		
	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other
Armenia	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Azerbaijan	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Georgia	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No
Republic of Moldova	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Ukraine	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	No	No
Nb of Yes	4	3	0	4	3	0	4	3	3	4	3	0	4	3	0	4	3	0	4	3	0	4	3	0	4	3	0


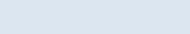
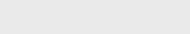

Yes 
 No 
 NA 
 NAP 

Table 3.8.6 Database of court decisions - Functionalities in 2023 (Q84-2)

States	Database of court decisions - Functionalities in 2023																																		
	Civil and commercial											Administrative										Criminal													
	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other		
Armenia																																			
Azerbaijan																																			
Georgia																																			
Republic of Moldova																																			
Ukraine																																			
Nb of Yes	3	2	5	0	2	4	1	2	1	0	0	3	2	5	0	2	4	1	2	1	0	0	3	2	5	0	2	4	1	2	1	0	0		



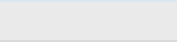

Yes 
 No 
 NA 
 NAP 


Table 3.8.7 Statistical tools - Deployment rates in 2023 (Q85)

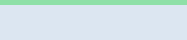
Statistical tools - Deployment rates in 2023			
States	Deployment rate		
	Civil and commercial	Administrative	Criminal
Armenia	95-100 %	95-100 %	95-100 %
Azerbaijan	95-100 %	95-100 %	95-100 %
Georgia	NA	NA	NA
Republic of Moldova	95-100 %	95-100 %	95-100 %
Ukraine	95-100 %	95-100 %	95-100 %

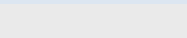
95-100 %	4	4	4
75-95 %	0	0	0
50-75 %	0	0	0
25-50 %	0	0	0
1-25 %	0	0	0
0%	0	0	0
NAP	0	0	0
NA	1	1	1

Table 3.8.8 Statistical tools - Functionalities in 2023 (Q85-1)

States	Statistical tools - Functionalities in 2023																										
	Civil and commercial									Administrative									Criminal								
	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality
Armenia	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Azerbaijan	Yes	No	Yes	No	Yes	Yes	Yes	No	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No
Georgia	No	No	Yes	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Ukraine	Yes	No	Yes	No	No	Yes	No	No	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No
Nb of Yes	4	2	4	1	3	3	3	2	0	4	2	4	1	3	3	3	2	0	4	2	4	1	3	3	3	2	0

Yes 

No 

NA 

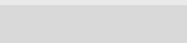

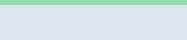
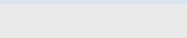
NAP 

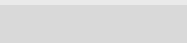
Table 3.8.9 Statistical tools - Data available for statistical analysis in 2023 (Q85-1)

States	Statistical tools - Data available for statistical analysis in 2023																										
	Civil and commercial									Administrative									Criminal								
	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Armenia	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes
Azerbaijan	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Georgia	Yes	No	No	No	Yes	No	No	No	Yes	No	No	No	Yes	No	No	No	No	Yes	No	No	No	No	Yes	No	No	No	
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Ukraine	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	
Nb of Yes	5	4	3	3	5	2	3	4	4	5	4	3	3	5	2	3	4	4	5	4	3	3	5	2	3	4	4

Yes 

No 

NA 

NAP 

Indicator 3 - Efficiency and productivity

by country

Question 36. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

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 etc.)?

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 these targets are not met?

Question 76. Is there a system of individual evaluation of the judges' work?

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

Question 77. Please specify the frequency of this evaluation:

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 these targets are not met?

Question 80. Is there a system of individual evaluation of the public prosecutors' work?

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

Question 81. Please specify the frequency of this evaluation:

Question 82-0. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

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 82-1-0. In case there is more than one CMS, how many are they? Please specify and explain.

Question 83. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

Question 083-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

Question 083-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 84. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

Question 084-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

Question 084-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 85. If there are statistical tools for analysing court case data, what is their deployment rate?

Question 085-1. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

Armenia

Q038 (General Comment): Crimes are divided into four groups: minor gravity, medium gravity, grave and particularly grave.

The acts for which the maximum penalty provided for does not exceed imprisonment for a period of 2 years, or for which a non- custodial penalty is provided, are considered crimes of minor gravity.

The acts for which the maximum penalty provided for does not exceed imprisonment for a period of 5 years, are considered to be crimes of medium gravity.

Grave crimes are considered those, for which the maximum penalty does not exceed imprisonment for a term of 10 years.

Acts for which imprisonment for a term of more than 10 years or life imprisonment is provided, are considered particularly grave crimes.

Q039 (2023): It should be noted that according to the CEPEJ methodology 1214 cases which are reported as "pending" cases above are considered as "incoming" cases under the official statistics of the Judicial Department. The reason is that some judges transferred to different courts by the end of the year and their cases were transferred to new judges and were considered as incoming cases.

Q041-1 (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, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law.

Q041-1 (2023): In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority.

However, if saying "police investigation" we should understand police operative-investigative activities, than 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, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary investigation.

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.

Q041-3 (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 for the grounds mentioned in the Article 35, part 1, points 4-13, they are considered as “non justifying grounds”.

Q041-3 (2023): Of the 46,778 criminal proceedings concluded, 24,948 were terminated, 8,448 were sent to court, 7,956 were merged into other criminal proceedings, 5,426 were sent under jurisdiction.

A large number of current cases being considered in the proceedings is due to the fact that the Criminal Procedure Code, adopted on June 30, 2021, significantly lowered the threshold for initiating a criminal case. Under the previous RA Code of Criminal Procedure adopted on July 1, 1998, during the initiation stage of a criminal case (preparation of materials), the body conducting the proceedings would review the legality and sufficiency of grounds for initiating a criminal case within a period of 10 days before making a decision. However, in the new Code of Criminal Procedure, there is no longer a ten-day period for reviewing and resolving communications. Instead, the issue of initiating criminal proceedings is resolved upon receipt of a proper message in each case.

Additionally, according to the provisions of the new Code of Criminal Procedure, criminal proceedings that were suspended until July 1, 2022, are resumed within six months by decision of the investigator or the court. This provision has also contributed to the significant increase in the number of ongoing proceedings.

Q057 (2023): The

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 (2023): 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.

Q060 (2023): Control of reasonable terms of consideration of cases and the number of cases that have not received progress is not carried out.

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

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.

Q067 (2023): It should be noted that the Judicial Department maintains judicial statistics on the activities of the courts of the Republic of Armenia, categorized by courts and judges, in accordance with the requirements established by Article 19 of the Constitutional Law of the Republic of Armenia, known as the 'Judicial Code of the Republic of Armenia,' and Decree of the Government of the Republic of Armenia No. 1542-N dated December 27, 2018. These statistics are reported semi-annually and annually and are published by the official judiciary body, as well as on www.court.am. The report provided by the courts includes information on the number of cases received, resolved, and pending. However, it is important to note that this report does not include data on the number of judges and administrative staff, their objectives, or evaluations.

Q068 (2023): The report is published semi-annually and annually by an official judicial body, and it is available on the judicial register website www.court.am.

Q070 (2023): Every year each public prosecution service prepares an activity report regarding all aspects of prosecutorial activities which is presented to the Prosecutor General.

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 relevant legislation.

Q076 (2023): The evaluation of a judge's activity is conducted by the Commission for the Evaluation of the Activity of Judges during the general meeting of judges. Chapter 8 of the Constitutional Law "Judicial Code of the Republic of Armenia" defines the purpose, criteria, types, and procedures for evaluating judges' activities, as well as the generalization of results and consequences of evaluation.

According to Article 136 of the Constitutional Law "Judicial Code of the Republic of Armenia," the objectives of evaluating judges' activities are as follows:

- Facilitating the selection of the best candidates for promotion to judgeship.
- Assisting in the identification of areas for judicial retraining.
- Identifying ways to enhance the efficiency of a judge's work.
- Contributing to a judge's self-improvement.
- Enhancing the efficiency of court activities.

As per Article 138 of the Constitutional Law "Judicial Code of the Republic of Armenia," the criteria for evaluating judges' activities include:

The judge's activity is evaluated based on specific criteria outlined in this article, which characterize the quality and effectiveness of the judge's work, as well as their professionalism and behavior.

Criteria for evaluating the quality and professionalism of a judge's work include:

The ability to substantiate a judicial act.

Proficiency in leading and conducting court sessions in accordance with established legal procedures.

Criteria for evaluating the effectiveness of a judge's work include:

Efficient workload management and scheduling.

Timely consideration of cases and issuance of judicial acts.

Compliance with legal deadlines for procedural actions.

The ability to maintain an efficient working environment.

Criteria for evaluating the ethics and conduct of a judge include:

Adherence to rules of conduct and ethics.

Promotion of public perception and trust in the court, as well as the attitude towards other judges and court staff.

Q077 (2023): Every 4 years.

Q080 (2023): According to Article 50, Part 10 and 11 of the Law "On Prosecutor's Office":

The immediate superior prosecutor shall submit the appraisal of the prosecutor at least two weeks before the competency evaluation. The appraisal must contain data on the prosecutor, on his or her practical and personal features and a justified evaluation of the results of his or her official activities. This evaluation must be based on the conclusions of the immediate superior prosecutor with respect to the reports submitted to him or her by the prosecutor once a year, which relate to the activities carried out by the latter during the period following the previous competency evaluation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of restraint, the number of satisfied and rejected motions must be attached to the assessment. A process is currently underway to introduce quantitative and qualitative criteria for evaluating the individual performance of prosecutors.

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 (2023): ICT strategy is integrated as part of the 2022-2026 Strategy of Legal and Judicial Reforms.

Q082-2 (2023): Beginning on February 1, 2024, new civil cases entering the courts of Armenia will be exclusively processed in electronic form through an electronic system launched at the website address: <https://cabinet.armlex.am>.

Azerbaijan

Q038 (2023): There is an increase of incoming cases as in 2023, 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 preventive measures.”

The increase in the number of pending criminal cases can be attributed to a rise in the total number of cases in comparison to the previous years .

The decrease in the number of cases pending for more than 2 years can be attributed to the fact that the Supreme Court and the Council for Judicial Law regularly conduct monitoring of criminal cases that have been under consideration for an extended period of time, and the reasons for this are investigated and addressed.

Q039 (2023): In 2023, there was a very slight increase (+2%) compared to 2022 and a decrease by 18% compared to 2021 of incoming in total, which also reflects correspondingly in the resolved. There has been an increase in the number of administrative incoming, resolved and pending cases in the courts of appeal, which is explained by the increase in the number of cases in the lower courts.

the reference years. The incoming severe criminal cases decreased by 11% compared to 2022 and increased by 15% compared to 2021. The incoming minor criminal cases are decreasing since 2021. The nr of pending cases for both severe and minor criminal cases at the end of the year show a decrease due to monitoring and investigation efforts conducted by the Judicial-Legal Council and the Supreme Court, aimed at addressing stagnant cases and identifying their root causes for resolution.

Q041 (2023): 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 3 months from the date of its receipt.

Q041-3 (2023): There is an increase of pending, incoming and processed cases as in 2023, 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 preventive

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

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

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

Q077 (2023): The activity of judges appointed for a period of 3 years for the first time is evaluated by the Judicial-Legal Council at the end of that period, and the activity of other judges not less than once in five years.

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 (2023): A new version based on modern technologies is being formed and these works are planned to be completed at the end of June 2024.

Georgia

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). 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. In 2023, 25 701 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

Q038 (2023): 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. In 2023, 25 701 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

Q040 (General Comment): In Data of Misdemeanour/Minor cases are also included Administrative offences (Pending - 180 (on 1st January 2023) cases; Incoming - 2543 cases; Resolved/rative offences (Pending - 180 (on 1st January 2023) cases; Incoming - 2543 cases; Resolved - 2621 cases; pending on 31st December 2023 - 102 cases. - 2621 cases; pending on 31st December 2023 - 102 cases.

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Q041 (2023): Bribery cases have not been appealed in Supreme Court during Reference year.

Trading in influence cases have not been resolved during reference year. 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.

Q041-1 (2023): 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 **Q041-2 (2023):** 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 (2023): A considerable decrease in the number in comparison to previous reporting was caused by the massive review of old criminal cases by prosecutors in 2021 and 2022, 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.

Q042 (2023): 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. It should be mentioned that since 2023, Georgian courts are actively involved in CEPEJ projects and activity programmes related with improvement of judicial quality standards.

Q043 (2023): 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.

Q053 (2023): The performance appraisal of prosecutors is conducted once in 2 years.

Q059 (2023): Overall quality of prosecutorial activities.

Q062 (2023): 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

Q068 (2023): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Secretary and Chair person 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.

Q070 (2023): The Report of the Prosecutor General of Georgia about the activities of the PSG during 12 months is released annually, and published on the website. The report includes statistical and analytical overview of the activities of the PSG, implemented criminal policy, challenges and plans.

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

Q076 (2023): Individual evaluation of Judge's work exists only during the probation period for Judges, annually, during 3 years.

Q076-1 (2023): Criteria for evaluation of Judges work during probation period is already provided in Organic Law of Common Courts

Q080 (2023): The performance appraisal of prosecutors is conducted based on the Organic Law on the Prosecution Service of Georgia (Chapter XIV) and Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators, which are available online. The assessment is conducted once in 2 years. There is an exam in case of failure to meet the lowest level of competence followed by the re-evaluation. The results of the evaluation can be appealed. The performance appraisal is taken into account when deciding on grading, incentivizing and promoting prosecutors. The evaluation is carried out by the specialised PSG department through the extensive use of the electronic criminal case management system. There are three main areas for evaluation: Quality of work Workload Assessment of supervisor

The below factors have no direct impact on the performance appraisal, but they are taken into account during the decision-making on grading, incentivizing, promotion, disciplining, demotion and dismissal of prosecutors and investigators:

Participation in the Mentorship Program

Participation in trainings and training results Participation in preventive and other activities

The appraisal system is based on clear and objective criteria and transparent procedures. The PSG first introduced it in 2017. Since then, it had been gradually improved and upgraded.

Q082-0 (2023): 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 (2023): At the moment Information Technology Service of High Council of Justice of Georgia is working on development of new Case Management program.

Q084-1 (2023): 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 anonymized data) on this website.
2. www.supremecourt.ge - All decisions taken by Supreme Court of Georgia are published (with anonymized 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. Georgian Parliament adopted the new regulation regarding the publication of court decisions. This legal changes will come into force from January 2024. In 2022 Decisions of Supreme Court of Georgia were being uploaded.

In 2022-2023 there was gap in legislation regarding publication of 1st and 2nd instance court decisions, this is the reason why during this period the publication of 1st and 2nd instance court decisions were suspended.

Q084 (General Comment): Georgian Court system has two main websites for publication of Court Decisions:

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Q085 (General Comment): Since the current case management program was created in 2011, it does not fully take into account the requirements of contemporary statistical reports. Therefore, only the implementation of the statistical module without the use of artificial intelligence will not give us results. We are working on the development of a new case management program, where the functionality will be adjusted to the process of conducting court cases and collecting statistical information.

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Republic of Moldova

Q038 (General Comment): In 2023 as well as in 2022, 2021 2020, 2018, 2016 and 2014 but in contrast with 2010 and 2012, the total includes also administrative offences (contraventions) handled by judicial authorities in compliance with the Code of Misdemeanors/Contraventions. The 2023 data includes criminal cases concerning natural and legal persons accused of committing an offence under the Criminal Code, without being classified by their prejudicial nature and degree. Since 2012, according to the provisions of the Criminal Code, offences have been classified as follows: minor crimes - acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 2 years inclusively; less serious crimes - acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 5 years inclusively; serious crimes - acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 12 years inclusively; extremely serious crimes - crimes committed with intent for which criminal law provides for a maximum punishment by imprisonment for a term of more than 12 years; exceptionally serious crimes - crimes committed with intent for which criminal law provides for life imprisonment.

Q038 (2023): The pending cases older than 2 years decreased in 2023 compared with 2021, due to an increased number of resolved cases in 2023.

Q039 (2023): Other cases - review proceedings for civil and commercial cases.

The inconsistencies are not significant.

Q040 (2023): An increased pending cases on 1 Jan. and 31 Dec. 2023 is due to an increased number of incoming cases in 2023 compared with 2021. The resolved cases also increased compared with 2021. As a result the number of pending cases older than 2 years decreased in 2023 compared with 2021.

Q041 (2023): There is available data concerning the percent of decisions subject to appeal and percent of cases pending for more than 3 years for first instance

Q041-1 (2023): 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 (2023): 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 (2023): Pending cases (31.12.2023) according to Info GPO Information System. The formula: 1+2-3=4 for data included in this table is not applicable due to the fact that a part of cases that had been initially registered into the system, at a later stage were aggregated. The joint cases are not counted in Pending, as there is no record kept in the system to be able to identify them as processed or pending.

For cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor it is not a significant variation in comparison with 2022 data. For 3.1.2 downward trend there is no specific reason/explanation. The decrease in the number of cases brought to court can be explained by a decrease of the incoming and processed cases in 2023 in comparison with 2021 and 2022.

Q041-4 (2023): The 81 guilty plea procedures have been initiated by prosecutors and validated by courts in 2023. The reason for guilty plea procedures decrease in comparison with 2021, 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 - 6071 criminal cases involving 6450 persons were examined in this procedure in 2023).

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.

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.

Q042 (2023): The Superior Council of Magistracy approved by its Decision nb. 457/2023 the Regulation on the minimum quality standards concerning the organizational activity and administration for first instance courts and courts of appeal. The standards cover the following areas:

(1) court performance, (2) online services, (3) court infrastructure, (4) quality management and (5) communication with the media and the general public.

Q043 (2023): For different quality standards established by SCM for first instance courts and courts of appeal there is specialised personnel entrusted with implementation. For example, a Working Group composed of judges, staff, head of secretariat and chaired by the president of the court monitors and analyse every 6 months the court performance; the head of the secretariat has the duty to collect statistics every 3 months and to present the data to the president of the court; a communication specialist is contracted/employed to improve the communication of the court with the media and the general public, etc.

Q049 (2023): The SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of courts activity for first instance courts and courts of appeal recommends to the heads of secretariat to collect data and to present them to the court presidents every 3 months. A Working Group created by each court based on the afore-mentioned SCM decision has the competence to evaluate the court performance every 6 months.

With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been

Q053 (2023): The data is collected monthly and it is analyzed once per year.

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 facilities, improving other internal court processes.

Q057 (2023): The prosecutor general has the duty to present an annual activity report of the prosecution to the Parliament.

The general assembly of prosecutors has the mission to receive/hear an activity report of prosecution institutions during their meetings.

Q058 (General Comment): The Moldovan Court Information System reflects regularly the number of pending civil cases older than 200 days, criminal cases older than 100 days and misdemeanour cases older than 30 days.

The Moldovan Court Information System reflects also regularly for all case types the pending cases older than 12, 24 and 36 months.

According to the SCM Decision no.854 / 37 of 19.12.2017 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislation). Two more indicators (satisfaction of court staff and satisfaction of users) were built in the Court information System in 2022 and can be used by courts by a regular monitoring of their activity performance. This set of court performance indicators (qualitative and quantitative) is being monitored regularly by the judiciary.

Q058 (2023): Based on aforementioned indicators, through SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of court's activity for first instance courts and courts of appeal, 13 quality standards have been approved for Moldovan courts. The standard 1 "Measuring courts' efficiency" has the following progress indicators:

1. Clearance rate - at least 100%
2. Rate of postponed court hearings - less than 20%
3. Age of cases resolved in less than 2 years - 90% of cases
4. Age of pending cases more than 3 years - 4% of cases
5. Disposition time in first instance courts - less than European median in 2020 (civil cases-293 days, administrative cases-397 days, criminal cases - 199 days).
6. Disposition time in courts of appeal - less than European median in 2020 (civil cases-282 days, administrative cases-500 days, criminal cases - 186 days).

Q059 (2023): The prosecutors ensure the examination of cases within a reasonable time, monitoring this aspect in general, but there are no established certain special terms for the examination of certain types of criminal cases, to be monitored. The prosecutors monitor some aspects related to the recovery of legal expenses in the criminal process.

Pending cases are also monitored.

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 Sfânt str., 124 B, et. 2, <http://aaij.justice.md> .

Q062 (2023): 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 Sfânt str., 124 B, et. 2, <http://aaij.justice.md>

Q063 (2023): SCM publishes annual activity reports with aggregated data per system. ACA publishes aggregated data per system every 3 months. Each court publishes individual activity reports on its webpage in "statistics" menu on National Court's web Portal (E.g. Chisinau first instance court - <https://jc.instante.justice.md/ro/content/statistica>).

Q064 (2023): General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

Q065 (2023): GPO publishes an annual activity report with aggregated data per system and for each specialised prosecutor's office. Each individual public prosecution service is filling every month statistics in Info PG Information System (internally).

Q067 (2023): According to legal provisions individual courts are required to analyze regularly their activity and present statistical data to the Superior Council of Magistracy and Agency for Courts Administration. The courts publish on their webpages their reports.

According to the SCM recommendations in 2023, the head of the secretariat presents every 3 months data to the court president and a Working Group analyses every 6 months the court performance (first evaluation using the SCM recommendations is proposed not earlier than in 2 years from the date the SCM recommendations have been issued).

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, quashed, modified decisions, etc.

Q068 (2023): The courts in 2023 have a different practice, some of them release on their webpages an activity report every 3 months, other-every 6 months, other-once per year. With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 at the national level to uniformise the methodology of annual reporting on court performance.

Q070 (2023): The General Prosecutor submits to the Parliament annually, by March 31 of the current year, a report on the activity of the Prosecutor's Office in the previous year, which is published on the website of the Prosecutor's Office. Each public prosecution service is filling every month statistics in Info PG Information System (internally).

Q071 (2023): Monthly

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. If the workload of a judge is high, the president of the court will set less case types to be distributed in order to balance the workload.

Q076 (2023): According to the provisions of the Law 147/2023 on the selection and individual evaluation of the judges the ordinary evaluation of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

1) the ordinary evaluation of judges' performance is carried out once in 5 years.

2) the extraordinary evaluation of judges' performance is carried out: a) in case of participation in the competition for the position of court president or vice-president;

b) in case of request to be promoted in a higher court;

c) in case of request to be transferred in another court;

d) in case of obtaining the qualification "insufficient" not more often than 1 year after obtaining such qualification.

e) in the case of an existing disciplinary case requesting the extraordinary assessment a the performance of the judge concerned in a disciplinary procedure;

f) in case there are doubts that the judge is not realizing his/her managerial competencies as a court president or vice-president.

In situations listed from a) to c) the extraordinary evaluation will be carried out just if the judge has not been evaluated in the last 2 years.

Q080 (2023): As part of the performance evaluation, the following are evaluated:

- a) the quality of the prosecutor's activity in general;
- b) the activity of the prosecutor during the criminal investigation phase;
- c) the activity of the prosecutor during the trial phase of criminal cases;
- d) promptness of the prosecutor in the professional activity;
- e) compliance with the institutional regulations within the Prosecutor's Office;
- f) integration and communication skills;
- g) reputation and integrity.

forms:

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

The prosecutor is subject to periodic performance evaluation once every 5 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 in 2 years;
- (b) in case of participation in the competition for the post of Chief Prosecutor;
- (c) in case of obtaining the qualification "insufficient".

Q081 (2023): 1) periodic (ordinary) - once every 5 years;

2) extraordinary:

- a) at his/her request, but not more often than once a year;
- b) in case of participation in the competition for the position of chief prosecutor;
- c) in case of obtaining the qualification "insufficient";
- d) in the case of the request by the SCP of an extraordinary assessment of the performance of the prosecutor concerned by a disciplinary procedure.

Q082-0 (2023): In order to develop and implement judicial information systems, specific activities on ICT are planned in the actual 2022-2025 Strategy for Ensuring the Independence and Integrity in the Justice Sector and its Action Plan.

This is including the information systems owned by the Legal Aid Council, Prosecution authorities, Judiciary and Enforcement system.

Please see the attached document (unofficial translation in English).

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

Q084-2 (General Comment): All courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

Q084-2 (General Comment): All courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

Ukraine

Q038 (2023): Total criminal cases: the data shows an increase in incoming and in resolved compared to 2022. The data needs to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics) and the SJA decision not to report in 2022 the data of courts the jurisdiction of which was changed (see above under Q 035). The increase in the nr of incoming and resolved in Category 1. Severe criminal cases is to be read in the context of new (mostly war) crimes. Categories 2 and 3 are NA, as it is not possible to distinguish between some minor and other criminal cases.

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.

Q039 (2023): The increase in the incoming and resolved numbers of Civil (and commercial) litigious cases, the increase in incoming and decrease in resolved administrative law cases need to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics), the SJA decision not to report in 2022 the data of courts whose jurisdiction was changed, as well as the potential change in the behaviour of users (see comment to Q 035). Clause 4 "Other cases" includes cases of administrative offenses as a separate type of case in accordance with the procedural legislation of Ukraine. An administrative offense (misdemeanor) is an unlawful, culpable (intentional or negligent) act or omission that infringes on public order, property, rights and freedoms of citizens, the established order of governance and for which the law provides for administrative liability.

Administrative liability for offenses under the Code of Ukraine on Administrative Offenses occurs if these violations do not entail criminal liability by their nature under the law.

Examples of administrative offenses include: violations of labor laws and labor protection requirements; violations of driving rules, rules for the use of seat belts or helmets; violations of animal quarantine rules and other veterinary and sanitary requirements; violations of trade and service rules; violations of the procedure for termination of legal or business activities by an individual entrepreneur, etc.

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

Q040 (2023): Total criminal cases: the data shows an increase in incoming and in resolved compared to 2022. The data needs to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics) and the SJA decision not to report in 2022 the data of courts whose jurisdiction was changed (see comment to 2022 data). In addition, it is not possible to break down the data on the administration of justice by appellate courts in criminal proceedings from the generalized category "Total number of criminal cases (1+2+3)" into categories 1 "Serious criminal cases", 2 "Misdemeanors and/or minor criminal cases", 3 "Other criminal offenses" since the accounting by categories (by severity) is carried out exclusively for appeals against verdicts (by number of persons), and appellate review of rulings and resolutions is accounted for by other criteria (not by categories by severity).

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. The power to conduct investigations was removed from the Prosecutor's office.

Thus, pursuant to Article 131-1 of the Constitution of Ukraine, the prosecutor's office maintains public prosecution in court, organizes and supervises pre-trial investigations, resolves other issues in criminal proceedings in accordance with the law, and supervises covert and other investigative and detective activities of law enforcement agencies. In addition, pursuant to clause 9 of the Transitional Provisions of the Constitution of Ukraine, the prosecutor's office continues to perform, in accordance with applicable laws, the function of supervising the observance of laws in the execution of court decisions in criminal cases, and in the application of other coercive measures related to the restriction of personal freedom of citizens - until the law on the establishment of a dual system of regular penitentiary inspections comes into force. The prosecutor, while supervising the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, is authorized to - initiate a pre-trial investigation if there are grounds provided for by the Criminal Procedure Code; - instruct the pre-trial investigation body to conduct pre-trial investigation; - instruct the investigator, pre-trial investigation body to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions or give instructions on their conduct or participate in them within the time limit set by the prosecutor, and, where necessary, personally conduct investigative (detective) and procedural actions in the manner prescribed by this Code; - cancel illegal and unreasonable decisions of investigators; - to initiate before the head of the pre-trial investigation body the issue of removing the investigator from the pre-trial investigation and appointing another investigator if there are grounds for his/her removal provided for by this Code or in case of ineffective pre-trial investigation; - to make procedural decisions in cases stipulated by this Code, including closure of criminal proceedings and extension of the pre-trial investigation if there are grounds stipulated by this Code; - to approve or refuse to approve investigator's motions to the investigating judge to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions in cases stipulated by this Code, or to submit such motions to the investigating judge independently; - notify a person of suspicion; - file a civil action in the interests of the state; - to approve or refuse to approve an indictment, motions for the application of compulsory medical or educational measures, to draw up an indictment or the said motions independently; to apply to the court with an indictment or the said motions - support the state prosecution in court, refuse to support the state prosecution, change it or bring additional charges in accordance with the procedure established by this Code - appeal against court decisions in accordance with the procedure established by this Code; - exercise other powers provided for by this

the functions of the prosecutor's office, among others, include representation of the state's interests in court in exceptional cases and in accordance with the procedure established by law.

The grounds and procedure for the realization of this function, which consists in the prosecutor's procedural and other activities aimed at protecting the state in court, are regulated by Article 23 of the Law of Ukraine "On the Prosecutor's Office". Thus, part 3 of Article 23 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the prosecutor may represent the interests of the state in court in case of their violation or threat of violation and in case if the protection of these interests is not carried out or is improperly carried out by a public authority, local self-government body or other subject of power, whose competence includes the relevant powers, as well as in the absence of such a body.

The existence of grounds for representation of the state's interests in court in accordance with the provisions of part 4 of the same provision must be substantiated by the prosecutor in court, and the right to exercise them in a particular case is acquired by him after the court confirms the grounds for representation. These provisions of the Law correspond to the provisions of the procedural codes of Ukraine - Article 56 of the Code of Civil Procedure of Ukraine, Article 53 of the Code of Commercial Procedure of Ukraine, Article 53 of the Code of Administrative Court Procedure of Ukraine.

Thus, according to the national legislation, the prosecutor's powers to represent the interests of the state and the possibility of their exercise in court do not depend on the type of proceedings and the category of case, but are conditioned by the presence of violated interests of the state/threat of their violation in the disputed legal relations, as well as the above and legally defined grounds for their exercise.

When representing the interests of the state in court, the prosecutor is entitled, in accordance with the procedure provided for by the procedural law and the law governing enforcement proceedings (part 6 of Article 23 of the Law of Ukraine "On the Prosecutor's Office")

- 1) to file a lawsuit (application, petition) with the court
- 2) intervene in a case initiated by a claim (application, petition) of another person at any stage of court proceedings;
- 3) initiate review of court decisions, including in a case initiated by a claim (application, petition) of another person;
- 4) participate in the proceedings;
- 5) to file a civil action in criminal proceedings in cases and in accordance with the procedure established by the criminal procedural law;
- 6) participate in enforcement proceedings in the course of execution of decisions in a case in which the prosecutor represented the interests of the state in court;
- 7) with the permission of the court, to familiarize themselves with the case file in court and the materials of the enforcement proceedings, to make extracts from them, to receive free copies of documents contained in the case file or enforcement proceedings.

We also note that the prosecutor may represent the interests of the state in court within and outside of criminal proceedings.

In particular, pursuant to the provisions of part 2 of Article 24 of the Law of Ukraine "On the Prosecutor's Office", the right to file a civil action in criminal proceedings is granted to the prosecutor who participates in it.

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 investigation bodies", the indicators of which are generated automatically on the basis of information entered by registrars into the Unified Register of Pre-trial

Q041-3 (2023): 3.1.4 contains cases recorded as 'suspended' by the Prosecution Service (11 498 cases in 2023).

4. Pending at the end of the year: Pending cases at the end of the year are provided according to data of the Prosecution Service. It is not possible to apply the formula: 1+2-3=4 for data included in this table as part of cases that had been initially registered into the system, at a later stage were joined/merged (106 458 cases

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.

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:

1) effectiveness of litigation;

Q042 (2023): The Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023, approved by the Decree of the President of Ukraine 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 functions and powers of employees are set forth in the relevant regulations approved by the order of the Prosecutor General

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.

Q053 (2023): According to clause 2 of the Order of the Prosecutor General dated 30.09.2021 No. 309, organizational support for the exercise of powers by the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies in criminal proceedings is carried out in accordance with the competence of independent structural units of prosecutor's offices of the relevant level, which provide

- daily monitoring of the URPTI, systematic monitoring of the Unified State Register of Court Decisions and the Information and Analytical System "Accounting and Statistics of Prosecutor's Offices";
- requesting and studying information on the course and results of pre-trial investigation and court consideration of criminal proceedings, criminal proceedings materials and certified copies of court decisions;
- drafting procedural and other documents on the activities of prosecutors in criminal proceedings, which are submitted for signature to the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies;
- studying, if necessary, the state of compliance with the requirements of the criminal procedural legislation;
- providing information, analytical and methodological support to prosecutors, studying and summarizing the practice of application of legislation;
- preparing and holding meetings on the activities of prosecutors, involving relevant employees of lower-level prosecutor's offices in such meetings;
- fulfill other instructions of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies.

As a rule, prosecutors within the assigned areas of work within their competence carry out a monthly review of all available statistical information in general, including information on the activities of lower-level prosecutor's offices, as well as information from the Unified Register of Pre-trial Investigations.

On a quarterly and annual basis, the said data is studied in more depth, in particular, when planning the work of the respective prosecutor's offices, preparing materials for meetings, including final ones, with the heads of prosecutor's offices, preparing for visits to conduct inspections and provide practical assistance to heads of lower-level prosecutor's offices, during methodological work, as well as for timely optimization of the structure and staffing of each prosecutor's office within the maximum number of prosecutors.

Q055 (2023): In particular, according to subpara. 9.3, clause 9 of the Order of the Prosecutor General of Ukraine No. 309 dated 30.09.2021, heads of prosecutor's offices of all levels, their first deputies and deputies, in accordance with the distribution of responsibilities and within the powers provided for by the CPC of Ukraine, when determining the prosecutor who will exercise the powers of the prosecutor in a particular criminal proceeding, take into account

- the number of investigators conducting pre-trial investigation in a particular criminal proceeding, their experience and specialization;
- the number of criminal proceedings in which the relevant prosecutor exercises the powers of the prosecutor independently and as part of a group of prosecutors, their work experience, specialization;
- number of prosecutors in a particular criminal proceeding;
- workload (complexity of criminal proceedings in which the prosecutor exercises procedural control, in particular, multi-episodic nature, publicity, gravity of the criminal offense, place of commission, need for priority, urgent investigative (detective) and covert investigative (detective) and other procedural actions, their scope and participation of the prosecutor in consideration of motions and complaints by investigating judges during pre-trial investigation, term of pre-trial investigation and preventive measure against the suspect, need for preparation of the prosecutor's report).

In addition, based on the performance assessment, issues of optimizing the structure and staffing of each prosecutor's office within the maximum number of prosecutors are resolved.

At the same time, it should be noted that according to Article 90 of the Law of Ukraine "On the Prosecutor's Office", the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period. At the same time, the "assessment of the performance of the prosecution bodies" does not directly affect the distribution of financial resources within the prosecution body.

According to Article 90 of the Law, the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period.

The "Performance Assessment of the Prosecutor's Office" does not directly affect the allocation of resources within the prosecutor's office.

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.

Q056 (2023): Article 151 of the Law of Ukraine "On the Judiciary and the Status of Judges" stipulates that the SJA of Ukraine is a state body in the justice system that provides organizational and financial support for the judiciary within the powers established by law, and is accountable to the High Council of Justice within the limits established by law.

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.

summarize information on the number of documents processed and the workload of each employee, prosecutor's offices at all levels keep monthly records of incoming, outgoing and internal documents.

This information is accumulated and summarized by the prosecutor's office and used to study trends in the state of workflow, make appropriate forecasts, prepare for inspections and provide practical assistance, methodological work, and timely resolve issues of staffing for workflow processes.

The results of document circulation accounting are summarized annually by the document management service and used to take measures to improve the organization of work with documents.

Accounting of the volume of electronic document circulation is carried out in the automated mode of the IS "EDMS".

The issues of organizing the activities of the prosecutor's office in maintaining the Unified Register of Pre-trial Investigations, statistics and its analysis are regulated by the Order of the Prosecutor General dated 17.03.2021 No. 69, which determines the reliability and objectivity of reporting on the work of the prosecutor's office and the state of criminal unlawfulness, preparation of information and analytical materials on these issues.

Pursuant to the Order of the Prosecutor General No. 11 dated January 20, 2021 "On Approval of Reporting in Form No. P "Report on the Work of the Prosecutor's Office" and the Instructions for its Compilation", prosecutors prepare administrative quarterly reporting in the form No. P "On the Work of the Prosecutor's Office".

In order to ensure a unified record of data on criminal offenses, their perpetrators, and the movement of criminal proceedings, according to the Order of the Prosecutor General No. 299 "On Approval of Forms of Unified Reporting on the Status of Criminal Unlawfulness" dated 30.06.2020, monthly administrative reporting was introduced in the following forms: No. 1 "Unified Report on Criminal Offenses"; No. 2 "Unified Report on Persons Who Committed Criminal Offenses"; No. 5 "Report on Criminal Offenses Committed at Enterprises, Institutions, Organizations, by Type of Economic Activity"; No. 1-O3 "Report on the Results of Combating Organized Groups and Criminal Organizations". The reporting form No. 1-LFT "Report on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction", approved by Order of the Prosecutor General No. 110 dated 29.06.2022, records information on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction (from

This reporting is generated automatically on the basis of information entered into the URPTI regarding registered criminal offenses, persons served with notices of suspicion, and proceedings sent to court (with an indictment, a motion for release from criminal liability, or closure under clause 3-1, part 1, Article 284 of the CPC of Ukraine, etc.)

In order to identify trends in the state and structure of crime, the results of the work of prosecutors and pre-trial investigation bodies, statistical data are periodically analyzed (clause 2.7 of the Order of the Prosecutor General of Ukraine No. 69 of 03/17/2021).

Surveys are also conducted on internal communication and the level of satisfaction with the work of prosecutors. The results of the survey reflected information on general practices of internal communication and the level of satisfaction and motivation of prosecutors, data on the problems of the prosecutor's office that need to

Q062 (General Comment): The State Judicial Administration of Ukraine is responsible for organization of the statistic work.

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 (2023): In addition, the Office of the Prosecutor General submits reports in the forms No. 1, 2, 5 and 1-03, as defined by the Order of the Prosecutor General dated 30.06.2020 No. 299, to the State Statistics Service of Ukraine no later than every 6th day of the month following the reporting period and in the form No. P "Report on the work of the prosecution authorities" for the six months and a year, sent to the State Statistics Service of Ukraine on the 35th day following the reporting period. Form No. 1-LFT "Report on the Results of Investigation of Criminal Proceedings on Criminal Offenses on Legalization (Laundering) of the Proceeds of Crime, Terrorist Financing, and Proliferation of Weapons of Mass Destruction" is submitted to the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, the Bureau of Economic Security of Ukraine, the State Bureau of Investigation, the National Anti-Corruption Bureau of Ukraine no later than January 6 of the year following the reporting year, and the State Financial Monitoring Service of Ukraine.

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 are made public by posting on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by this order (within five days after their signature).

No. P (quarterly), No. 1-ЛФТ (annually), which are prepared 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 generated 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://khmel.gp.gov.ua/ua/documents.html?dir_id=111937&libid=;
<https://chk.gp.gov.ua/ua/documents.html>;
<https://chrn.gp.gov.ua/ua/statich>;
https://chrg.gp.gov.ua/ua/stat_infoc.html;

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 (2023): reporting on the administration of justice in local and appellate courts

Q067 (2023): official websites of courts, web portal of the judiciary

Q069 (General Comment): The processing of the working results of the prosecutor (prosecution office) is carried out in accordance with the order of the Prosecutor 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.

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).

Q070 (2023): Comments - if yes, please describe the content of the report and its audience (i.e. who the report is primarily intended for):

Pursuant to Article 6 of the Law of Ukraine "On the Prosecution Service", the prosecution authorities shall inform the public about their activities at least twice a year through media reports.

The Prosecutor General annually submits to the Verkhovna Rada of Ukraine a report on the activities of the prosecution, which should contain information on

- statistical and analytical data on the performance of the functions entrusted to the prosecutor's office
- the actual number of prosecution bodies in terms of the number of prosecutors, civil servants, other employees, their professional development, special training, and the activities of the Training Center of Prosecutors of Ukraine;
- ensuring the independence of prosecutors, in particular, the number of reports on threats to the independence of prosecutors received by the Council of Prosecutors of Ukraine and information on decisions taken on such reports;
- ensuring the legality and integrity of the prosecution, in particular, the number of integrity checks of prosecutors, internal investigations, disciplinary complaints against prosecutors and information on the decisions taken, etc;
- other information related to the performance of the prosecutor's office.

The Prosecutor General personally reports on the activities of the prosecution bodies to the Verkhovna Rada of Ukraine at its plenary session.

The heads of regional and district prosecutor's offices at the plenary session of the respective council at least twice a year inform the population of the respective administrative-territorial unit about the results of their activities by providing generalized statistical and analytical data.

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;
- e) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the

Q077 (2023): Regulations on the procedure and methodology of qualification assessment, indicators of compliance with the qualification assessment criteria and means of their establishment:

1. The qualification assessment is carried out on the basis of the application of a judge (candidate for the position of a judge) submitted for participation in the competition for a vacant position of a judge or the decision of the Commission.
2. The qualification assessment of a judge in connection with the imposition of a disciplinary sanction is conducted in case of disciplinary sanction imposed on a judge under paragraph 4 of part one of Article 109 of the Law.
3. The organization and conduct of the qualification assessment of a judge to confirm the judge's compliance with the position held shall be carried out in accordance with the rules established by this Regulation, taking into account the peculiarities provided for in this section.

Q078 (2023): The organizational and administrative documents of the Office of the Prosecutor General do not provide for the establishment of minimum quantitative goals for each prosecutor.

At the same time, according to part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the procedure for measuring and regulating the workload of prosecutors.

The Prosecutor General's Development Strategy for 2021-2023 (clause 2.3), approved by the Order of the Prosecutor General No. 489 of October 16, 2020, provides for the development and implementation of a system for measuring and regulating the workload of prosecutors as one of the main criteria for evaluating their

Q079-1 (2023): see Q78

Q080 (2023): According to clauses 7-2 of part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the regulations on the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors.

There is no quantitative system of individual performance evaluation of prosecutors. At the same time, the quality of prosecutors' work for the calendar year is assessed annually. Such evaluation is carried out in accordance with the Temporary Regulation on the System of Performance Evaluation of Prosecutors and Bonuses for Prosecutors, approved by the Order of the Prosecutor General No. 503 dated October 30, 2020 (hereinafter - the Temporary Regulation).

In addition, the Prosecutor General's Order No. 407 of 29.12.2021 approved the Regulation on the Performance Evaluation System for Prosecutors, which comes into force on January 1, 2024, and is currently being implemented in a test mode in certain prosecution authorities.

This Regulation defines the procedure for evaluating the performance of prosecutors of the Prosecutor General's Office, the Specialized Anti-Corruption Prosecutor's Office, regional, specialized (with the rights of regional), district, and specialized (with the rights of district) prosecutor's offices, as well as the procedure and conditions for annual bonuses for prosecutors based on the results of such evaluation. The performance appraisal of prosecutors is carried out in order to determine the effectiveness of the performance of their official duties; to motivate prosecutors to improve their professional development; to ensure the effective achievement of goals in the implementation of the prosecution development strategy; and to improve the quality of personnel management in the prosecution bodies.

The performance evaluation system for prosecutors consists of assessing the quality of work and identifying areas for professional development. Currently, annual performance appraisals are conducted in a test mode in certain structural units of the Prosecutor General's Office and some regional and district prosecutor's offices. By the Order of the Prosecutor General No. 295 dated 29.12.2022, the said evaluation was extended in a test mode for 2023. The reason for conducting the evaluation in a test mode is the need to automate the process, namely the development of an electronic human resources management system for prosecutors (e-HR), which includes the performance evaluation system for prosecutors. In addition, the working group on the development and implementation of the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors, which includes, inter alia, international experts/partners and representatives of the Specialized Anti-Corruption Prosecutor's Office, developed and approved the concept of the system of individual performance evaluation of prosecutors and the criteria for such evaluation for procedural supervisors. The assessment will cover the prosecutor's professional ethics and behavior, functional and managerial competencies, work results (workload), and business activity.

Q082-0 (2023): In order to ensure compliance with the requirements of the Laws of Ukraine "On the Judiciary and Status of Judges", "On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" and "On the National Informatization Program", the SJA of Ukraine approved 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.

In addition, in accordance with the Law of Ukraine "On the Principles of State Anti-Corruption Policy for 2021-2025", the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated 04.03.2023, which designated the SJA of Ukraine to implement measures for the development and comprehensive implementation of the implemented UJITS subsystems and existing automated systems.

The SJA of Ukraine continues to develop and implement a modern IT system for the judiciary. Thus, based on the results of the technical audit of the Unified Judicial Information and Telecommunication System in 2023, with the help of international technical assistance, the SJA is analyzing and preparing an act to implement the findings of the EU Pravo Justice Project in Ukraine. In addition, by October 2024, it is planned to complete a functional audit of the judiciary's IT system, develop the Concept and Terms of Reference for the electronic case management of the judiciary.

Also, measures to support the already implemented UJITS subsystems will be continued: Electronic Cabinet, Electronic Court, and Videoconferencing.

Q082-1-0 (2023): According to clause 1.4. of the Regulation on the Automated Court Document Management System - "Peculiarities of the Automated System Functioning in Courts of General Jurisdiction" provides that
in local and appellate administrative courts, the High Administrative Court of Ukraine, the computer program "Record Keeping of a Specialized Court" developed by the administrator of the automated system for courts of administrative jurisdiction is used;
local and appellate commercial courts, the High Commercial Court of Ukraine use the computer program "Specialized Court Proceedings" developed by the administrator of the automated system for commercial courts;
local and appellate general courts (except for the Kyiv City Court of Appeal) use the D-3 computer program developed by the administrator of the automated system for general courts.
The Kyiv City Court of Appeal uses the automated electronic document management system "Appeal" developed by the Kyiv City Court of Appeal.

Indicator 3 - Efficiency and productivity

by question No.

Question 36. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

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 etc.)?

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 these targets are not met?*

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

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

Question 77. *Please specify the frequency of this evaluation:*

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 these targets are not met?*

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

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

Question 81. *Please specify the frequency of this evaluation:*

Question 82-0. *Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?*

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 82-1-0. *In case there is more than one CMS, how many are they? Please specify and explain.*

Question 83. *If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?*

Question 083-1. *If there is a national database of court decisions, please specify the modalities in publishing these decisions:*

Question 083-2. *If there is a database of court decisions at national level, what are the functionalities of this database?*

Question 84. *If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.*

Question 084-1. *If there is a national database of court decisions, please specify the modalities in publishing these decisions:*

Question 084-2. *If there is a database of court decisions at national level, what are the functionalities of this database?*

Question 85. *If there are statistical tools for analysing court case data, what is their deployment rate?*

Question 085-1. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

Question 038

Armenia

(General Comment): Crimes are divided into four groups: minor gravity, medium gravity, grave and particularly grave.

The acts for which the maximum penalty provided for does not exceed imprisonment for a period of 2 years, or for which a non- custodial penalty is provided, are considered crimes of minor gravity.

The acts for which the maximum penalty provided for does not exceed imprisonment for a period of 5 years, are considered to be crimes of medium gravity.

Grave crimes are considered those, for which the maximum penalty does not exceed imprisonment for a term of 10 years.

Acts for which imprisonment for a term of more than 10 years or life imprisonment is provided, are considered particularly grave crimes.

Azerbaijan

(2023): There is an increase of incoming cases as in 2023, 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 preventive measures.”

The increase in the number of pending criminal cases can be attributed to a rise in the total number of cases in comparison to the previous years .

The decrease in the number of cases pending for more than 2 years can be attributed to the fact that the Supreme Court and the Council for Judicial Law regularly conduct monitoring of criminal cases that have been under consideration for an extended period of time, and the reasons for this are investigated and addressed.

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). 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. In 2023, 25 701 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

(2023): 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. In 2023, 25 701 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

Republic of Moldova

(General Comment): In 2023 as well as in 2022, 2021 2020, 2018, 2016 and 2014 but in contrast with 2010 and 2012, the total includes also administrative offences (contraventions) handled by judicial authorities in compliance with the Code of Misdemeanors/Contraventions. The 2023 data includes criminal cases concerning natural and legal persons accused of committing an offence under the Criminal Code, without being classified by their prejudicial nature and degree. Since 2012, according to the provisions of the Criminal Code, offences have been classified as follows: minor crimes - acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 2 years inclusively; less serious crimes - acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 5 years inclusively; serious crimes - acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 12 years inclusively; extremely serious crimes - crimes committed with intent for which criminal law provides for a maximum punishment by imprisonment for a term of more than 12 years; exceptionally serious crimes - crimes committed with intent for which criminal law provides for life imprisonment.

(2023): The pending cases older than 2 years decreased in 2023 compared with 2021, due to an increased number of resolved cases in 2023.

Ukraine

(2023): Total criminal cases: the data shows an increase in incoming and in resolved compared to 2022. The data needs to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics) and the SJA decision not to report in 2022 the data of courts the jurisdiction of which was changed (see above under Q 035). The increase in the nr of incoming and resolved in Category 1. Severe criminal cases is to be read in the context of new (mostly war) crimes. Categories 2 and 3 are NA, as it is not possible to distinguish between some minor and other criminal cases.

Question 039

Armenia

(2023): It should be noted that according to the CEPEJ methodology 1214 cases which are reported as "pending" cases above are considered as "incoming" cases under the official statistics of the Judicial Department. The reason is that some judges transferred to different courts by the end of the year and their cases were transferred to new judges and were considered as incoming cases.

Azerbaijan

(2023): In 2023, there was a very slight increase (+2%) compared to 2022 and a decrease by 18% compared to 2021 of incoming in total, which also reflects correspondingly in the resolved. There has been an increase in the number of administrative incoming, resolved and pending cases in the courts of appeal, which is explained by the increase in the number of cases in the lower courts.

Republic of Moldova

(2023): Other cases - review proceedings for civil and commercial cases.

The inconsistencies are not significant.

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.

(2023): The increase in the incoming and resolved numbers of Civil (and commercial) litigious cases, the increase in incoming and decrease in resolved administrative law cases need to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics), the SJA decision not to report in 2022 the data of courts whose jurisdiction was changed, as well as the potential change in the behaviour of users (see comment to Q 035). Clause 4 "Other cases" includes cases of administrative offenses as a separate type of case in accordance with the procedural legislation of Ukraine. An administrative offense (misdemeanor) is an unlawful, culpable (intentional or negligent) act or omission that infringes on public order, property, rights and freedoms of citizens, the established order of governance and for which the law provides for administrative liability.

Administrative liability for offenses under the Code of Ukraine on Administrative Offenses occurs if these violations do not entail criminal liability by their nature under the law.

Examples of administrative offenses include: violations of labor laws and labor protection requirements; violations of driving rules, rules for the use of seat belts or helmets; violations of animal quarantine rules and other veterinary and sanitary requirements; violations of trade and service rules; violations of the procedure for termination of legal or business activities by an individual entrepreneur, etc.

Question 040

Azerbaijan

reference years. The incoming severe criminal cases decreased by 11% compared to 2022 and increased by 15% compared to 2021. The incoming minor criminal cases are decreasing since 2021. The nr of pending cases for both severe and minor criminal cases at the end of the year show a decrease due to monitoring and investigation efforts conducted by the Judicial-Legal Council and the Supreme Court, aimed at addressing stagnant cases and identifying their root causes for resolution.

Georgia

(General Comment): In Data of Misdemeanour/Minor cases are also included Administrative offences (Pending - 180 (on 1st January 2023) cases; Incoming - 2543 cases; Resolved/rative offences (Pending - 180 (on 1st January 2023) cases; Incoming - 2543 cases; Resolved - 2621 cases; pending on 31st December 2023 - 102 cases. - 2621 cases; pending on 31st December 2023 - 102 cases.

(2023): In Data of Misdemeanour/Minor cases are also included Administrative offences (Pending - 180 (on 1st January 2023) cases; Incoming - 2543 cases; Resolved/rative offences (Pending - 180 (on 1st January 2023) cases; Incoming - 2543 cases; Resolved - 2621 cases; pending on 31st December 2023 - 102 cases. - 2621 cases; pending on 31st December 2023 - 102 cases.

Republic of Moldova

(2023): An increased pending cases on 1 Jan. and 31 Dec. 2023 is due to an increased number of incoming cases in 2023 compared with 2021. The resolved cases also increased compared with 2021. As a result the number of pending cases older than 2 years decreased in 2023 compared with 2021.

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.

(2023): Total criminal cases: the data shows an increase in incoming and in resolved compared to 2022. The data needs to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics) and the SJA decision not to report in 2022 the data of courts whose jurisdiction was changed (see comment to 2022 data). In addition, it is not possible to break down the data on the administration of justice by appellate courts in criminal proceedings from the generalized category "Total number of criminal cases (1+2+3)" into categories 1 "Serious criminal cases", 2 "Misdemeanors and/or minor criminal cases", 3 "Other criminal offenses" since the accounting by categories (by severity) is carried out exclusively for appeals against verdicts (by number of persons), and appellate review of rulings and resolutions is accounted for by other criteria (not by categories by severity).

Question 041

Azerbaijan

(2023): 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 3 months from the date of its receipt.

Georgia

(2023): Bribery cases have not been appealed in Supreme Court during Reference year. Trading in influence cases have not been resolved during reference year. 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.

Republic of Moldova

(2023): There is available data concerning the percent of decisions subject to appeal and percent of cases pending for more than 3 years for first instance courts.

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, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law.

(2023): In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority.

However, if saying "police investigation" we should understand police operative-investigative activities, than 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, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary investigation.

Georgia

(2023): 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

(2023): 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. The power to conduct investigations was removed from the Prosecutor's office.

Thus, pursuant to Article 131-1 of the Constitution of Ukraine, the prosecutor's office maintains public prosecution in court, organizes and supervises pre-trial investigations, resolves other issues in criminal proceedings in accordance with the law, and supervises covert and other investigative and detective activities of law enforcement agencies. In addition, pursuant to clause 9 of the Transitional Provisions of the Constitution of Ukraine, the prosecutor's office continues to perform, in accordance with applicable laws, the function of supervising the observance of laws in the execution of court decisions in criminal cases, and in the application of other coercive measures related to the restriction of personal freedom of citizens - until the law on the establishment of a dual system of regular penitentiary inspections comes into force. The prosecutor, while supervising the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, is authorized to - initiate a pre-trial investigation if there are grounds provided for by the Criminal Procedure Code; - instruct the pre-trial investigation body to conduct pre-trial investigation; - instruct the investigator, pre-trial investigation body to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions or give instructions on their conduct or participate in them within the time limit set by the prosecutor, and, where necessary, personally conduct investigative (detective) and procedural actions in the manner prescribed by this Code; - cancel illegal and unreasonable decisions of investigators; - to initiate before the head of the pre-trial investigation body the issue of removing the investigator from the pre-trial investigation and appointing another investigator if there are grounds for his/her removal provided for by this Code or in case of ineffective pre-trial investigation; - to make procedural decisions in cases stipulated by this Code, including closure of criminal proceedings and extension of the pre-trial investigation if there are grounds stipulated by this Code; - to approve or refuse to approve investigator's motions to the investigating judge to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions in cases stipulated by this Code, or to submit such motions to the investigating judge independently; - notify a person of suspicion; - file a civil action in the interests of the state; - to approve or refuse to approve an indictment, motions for the application of compulsory medical or educational measures, to draw up an indictment or the said motions independently; to apply to the court with an indictment or the said motions - support the state prosecution in court, refuse to support the state prosecution, change it or bring additional charges in accordance with the procedure established by this Code - appeal against court decisions in accordance with the procedure established by this Code; - exercise other powers provided for by this

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.

Georgia

(2023): 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

(2023): 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

functions of the prosecutor's office, among others, include representation of the state's interests in court in exceptional cases and in accordance with the procedure established by law.

The grounds and procedure for the realization of this function, which consists in the prosecutor's procedural and other activities aimed at protecting the state in court, are regulated by Article 23 of the Law of Ukraine "On the Prosecutor's Office". Thus, part 3 of Article 23 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the prosecutor may represent the interests of the state in court in case of their violation or threat of violation and in case if the protection of these interests is not carried out or is improperly carried out by a public authority, local self-government body or other subject of power, whose competence includes the relevant powers, as well as in the absence of such a body.

The existence of grounds for representation of the state's interests in court in accordance with the provisions of part 4 of the same provision must be substantiated by the prosecutor in court, and the right to exercise them in a particular case is acquired by him after the court confirms the grounds for representation. These provisions of the Law correspond to the provisions of the procedural codes of Ukraine - Article 56 of the Code of Civil Procedure of Ukraine, Article 53 of the Code of Commercial Procedure of Ukraine, Article 53 of the Code of Administrative Court Procedure of Ukraine.

Thus, according to the national legislation, the prosecutor's powers to represent the interests of the state and the possibility of their exercise in court do not depend on the type of proceedings and the category of case, but are conditioned by the presence of violated interests of the state/threat of their violation in the disputed legal relations, as well as the above and legally defined grounds for their exercise.

When representing the interests of the state in court, the prosecutor is entitled, in accordance with the procedure provided for by the procedural law and the law governing enforcement proceedings (part 6 of Article 23 of the Law of Ukraine "On the Prosecutor's Office")

- 1) to file a lawsuit (application, petition) with the court
- 2) intervene in a case initiated by a claim (application, petition) of another person at any stage of court proceedings;
- 3) initiate review of court decisions, including in a case initiated by a claim (application, petition) of another person;
- 4) participate in the proceedings;
- 5) to file a civil action in criminal proceedings in cases and in accordance with the procedure established by the criminal procedural law;
- 6) participate in enforcement proceedings in the course of execution of decisions in a case in which the prosecutor represented the interests of the state in court;
- 7) with the permission of the court, to familiarize themselves with the case file in court and the materials of the enforcement proceedings, to make extracts from them, to receive free copies of documents contained in the case file or enforcement proceedings.

We also note that the prosecutor may represent the interests of the state in court within and outside of criminal proceedings.

In particular, pursuant to the provisions of part 2 of Article 24 of the Law of Ukraine "On the Prosecutor's Office", the right to file a civil action in criminal proceedings is granted to the prosecutor who participates in it.

Question 041-3

Armenia

(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 for the grounds mentioned in the Article 35, part 1, points 4-13, they are considered as "non justifying grounds".

(2023): Of the 46,778 criminal proceedings concluded, 24,948 were terminated, 8,448 were sent to court, 7,956 were merged into other criminal proceedings, 5,426 were sent under jurisdiction.

A large number of current cases being considered in the proceedings is due to the fact that the Criminal Procedure Code, adopted on June 30, 2021, significantly lowered the threshold for initiating a criminal case. Under the previous RA Code of Criminal Procedure adopted on July 1, 1998, during the initiation stage of a criminal case (preparation of materials), the body conducting the proceedings would review the legality and sufficiency of grounds for initiating a criminal case within a period of 10 days before making a decision. However, in the new Code of Criminal Procedure, there is no longer a ten-day period for reviewing and resolving communications. Instead, the issue of initiating criminal proceedings is resolved upon receipt of a proper message in each case.

Additionally, according to the provisions of the new Code of Criminal Procedure, criminal proceedings that were suspended until July 1, 2022, are resumed within six months by decision of the investigator or the court. This provision has also contributed to the significant increase in the number of ongoing proceedings.

Azerbaijan

(2023): There is an increase of pending, incoming and processed cases as in 2023, 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 preventive measures.”

Georgia

(2023): A considerable decrease in the number in comparison to previous reporting was caused by the massive review of old criminal cases by prosecutors in 2021 and 2022, 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.

Republic of Moldova

(2023): Pending cases (31.12.2023) according to Info GPO Information System. The formula: 1+2-3=4 for data included in this table is not applicable due to the fact that a part of cases that had been initially registered into the system, at a later stage were aggregated. The joint cases are not counted in Pending, as there is no record kept in the system to be able to identify them as processed or pending.

For cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor it is not a significant variation in comparison with 2022 data. For 3.1.2 downward trend there is no specific reason/explanation. The decrease in the number of cases brought to court can be explained by a decrease of the incoming and processed cases in 2023 in comparison with 2021 and 2022.

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 investigation bodies", the indicators of which are generated automatically on the basis of information entered by registrars into the Unified Register of Pre-trial

(2023): 3.1.4 contains cases recorded as 'suspended' by the Prosecution Service (11 498 cases in 2023).

4. Pending at the end of the year: Pending cases at the end of the year are provided according to data of the Prosecution Service. It is not possible to apply the formula: 1+2-3=4 for data included in this table as part of cases that had been initially registered into the system, at a later stage were joined/merged (106 458 cases

Question 041-4

Republic of Moldova

(2023): The 81 guilty plea procedures have been initiated by prosecutors and validated by courts in 2023. The reason for guilty plea procedures decrease in comparison with 2021, 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 - 6071 criminal cases involving 6450 persons were examined in this procedure in 2023).

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.

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.

Question 042

Georgia

(2023): 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. It should be mentioned that since 2023, Georgian courts are actively involved in CEPEJ projects and activity programmes related with improvement of judicial quality standards.

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.

(2023): The Superior Council of Magistracy approved by its Decision nb. 457/2023 the Regulation on the minimum quality standards concerning the organizational activity and administration for first instance courts and courts of appeal. The standards cover the following areas: (1) court performance, (2) online services, (3) court infrastructure, (4) quality management and (5) communication with the media and the general public.

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;
- 2) efficient use of resources.

(2023): The Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023, approved by the Decree of the President of Ukraine 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

Question 043

Georgia

(2023): 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.

Republic of Moldova

(2023): For different quality standards established by SCM for first instance courts and courts of appeal there is specialised personnel entrusted with implementation. For example, a Working Group composed of judges, staff, head of secretariat and chaired by the president of the court monitors and analyse every 6 months the court performance; the head of the secretariat has the duty to collect statistics every 3 months and to present the data to the president of the court; a communication specialist is contracted/employed to improve the communication of the court with the media and the general public, etc.

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 functions and powers of employees are set forth in the relevant regulations approved by the order of the Prosecutor General

Question 049

Republic of Moldova

(2023): The SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of courts activity for first instance courts and courts of appeal recommends to the heads of secretariat to collect data and to present them to the court presidents every 3 months. A Working Group created by each court based on the afore-mentioned SCM decision has the competence to evaluate the court performance every 6 months. With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 at the national level to uniformise the methodology of annual reporting on court performance.

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

Georgia

(2023): The performance appraisal of prosecutors is conducted once in 2 years.

Republic of Moldova

(2023): The data is collected monthly and it is analyzed once per year.

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.

(2023): According to clause 2 of the Order of the Prosecutor General dated 30.09.2021 No. 309, organizational support for the exercise of powers by the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies in criminal proceedings is carried out in accordance with the competence of independent structural units of prosecutor's offices of the relevant level, which provide

- daily monitoring of the URPTI, systematic monitoring of the Unified State Register of Court Decisions and the Information and Analytical System "Accounting and Statistics of Prosecutor's Offices";
- requesting and studying information on the course and results of pre-trial investigation and court consideration of criminal proceedings, criminal proceedings materials and certified copies of court decisions;
- drafting procedural and other documents on the activities of prosecutors in criminal proceedings, which are submitted for signature to the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies;
- studying, if necessary, the state of compliance with the requirements of the criminal procedural legislation;
- providing information, analytical and methodological support to prosecutors, studying and summarizing the practice of application of legislation;
- preparing and holding meetings on the activities of prosecutors, involving relevant employees of lower-level prosecutor's offices in such meetings;
- fulfill other instructions of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies.

As a rule, prosecutors within the assigned areas of work within their competence carry out a monthly review of all available statistical information in general, including information on the activities of lower-level prosecutor's offices, as well as information from the Unified Register of Pre-trial Investigations.

On a quarterly and annual basis, the said data is studied in more depth, in particular, when planning the work of the respective prosecutor's offices, preparing materials for meetings, including final ones, with the heads of prosecutor's offices, preparing for visits to conduct inspections and provide practical assistance to heads of lower-level prosecutor's offices, during methodological work, as well as for timely optimization of the structure and staffing of each prosecutor's office within the maximum number of prosecutors.

Question 055

Ukraine

(2023): In particular, according to subpara. 9.3, clause 9 of the Order of the Prosecutor General of Ukraine No. 309 dated 30.09.2021, heads of prosecutor's offices of all levels, their first deputies and deputies, in accordance with the distribution of responsibilities and within the powers provided for by the CPC of Ukraine, when determining the prosecutor who will exercise the powers of the prosecutor in a particular criminal proceeding, take into account

- the number of investigators conducting pre-trial investigation in a particular criminal proceeding, their experience and specialization;
- the number of criminal proceedings in which the relevant prosecutor exercises the powers of the prosecutor independently and as part of a group of prosecutors, their work experience, specialization;
- number of prosecutors in a particular criminal proceeding;
- workload (complexity of criminal proceedings in which the prosecutor exercises procedural control, in particular, multi-episodic nature, publicity, gravity of the criminal offense, place of commission, need for priority, urgent investigative (detective) and covert investigative (detective) and other procedural actions, their scope and participation of the prosecutor in consideration of motions and complaints by investigating judges during pre-trial investigation, term of pre-trial investigation and preventive measure against the suspect, need for preparation of the prosecutor's report).

In addition, based on the performance assessment, issues of optimizing the structure and staffing of each prosecutor's office within the maximum number of prosecutors are resolved.

At the same time, it should be noted that according to Article 90 of the Law of Ukraine "On the Prosecutor's Office", the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period. At the same time, the "assessment of the performance of the prosecution bodies" does not directly affect the distribution of financial resources within the prosecution body.

According to Article 90 of the Law, the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period.

The "Performance Assessment of the Prosecutor's Office" does not directly affect the allocation of resources within the prosecutor's office.

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, improving other internal court processes.

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.

(2023): Article 151 of the Law of Ukraine "On the Judiciary and the Status of Judges" stipulates that the SJA of Ukraine is a state body in the justice system that provides organizational and financial support for the judiciary within the powers established by law, and is accountable to the High Council of Justice within the limits established by law.

Question 057

Armenia

(2023): The

Republic of Moldova

(2023): The prosecutor general has the duty to present an annual activity report of the prosecution to the Parliament. The general assembly of prosecutors has the mission to receive/hear an activity report of prosecution institutions during their meetings.

Question 058

Republic of Moldova

(General Comment): The Moldovan Court Information System reflects regularly the number of pending civil cases older than 200 days, criminal cases older than 100 days and misdemeanour cases older than 30 days.

The Moldovan Court Information System reflects also regularly for all case types the pending cases older than 12, 24 and 36 months.

According to the SCM Decision no.854 / 37 of 19.12.2017 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislation). Two more indicators (satisfaction of court staff and satisfaction of users) were built in the Court information System in 2022 and can be used by courts by a regular monitoring of their activity performance. This set of court performance indicators (qualitative and quantitative) is being monitored regularly by the judiciary.

(2023): Based on aforementioned indicators, through SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of court's activity for first instance courts and courts of appeal, 13 quality standards have been approved for Moldovan courts. The standard 1 "Measuring courts' efficiency" has the following progress indicators:

1. Clearance rate - at least 100%
2. Rate of postponed court hearings - less than 20%
3. Age of cases resolved in less than 2 years - 90% of cases
4. Age of pending cases more than 3 years - 4% of cases
5. Disposition time in first instance courts - less than European median in 2020 (civil cases-293 days, administrative cases-397 days, criminal cases - 199 days).
6. Disposition time in courts of appeal - less than European median in 2020 (civil cases-282 days, administrative cases-500 days, criminal cases - 186 days).

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.

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

(2023): 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.

Georgia

(2023): Overall quality of prosecutorial activities.

Republic of Moldova

(2023): The prosecutors ensure the examination of cases within a reasonable time, monitoring this aspect in general, but there are no established certain special terms for the examination of certain types of criminal cases, to be monitored. The prosecutors monitor some aspects related to the recovery of legal expenses in the criminal process.

Pending cases are also monitored.

Ukraine

summarize information on the number of documents processed and the workload of each employee, prosecutor's offices at all levels keep monthly records of incoming, outgoing and internal documents.

This information is accumulated and summarized by the prosecutor's office and used to study trends in the state of workflow, make appropriate forecasts, prepare for inspections and provide practical assistance, methodological work, and timely resolve issues of staffing for workflow processes.

The results of document circulation accounting are summarized annually by the document management service and used to take measures to improve the organization of work with documents.

Accounting of the volume of electronic document circulation is carried out in the automated mode of the IS "EDMS".

The issues of organizing the activities of the prosecutor's office in maintaining the Unified Register of Pre-trial Investigations, statistics and its analysis are regulated by the Order of the Prosecutor General dated 17.03.2021 No. 69, which determines the reliability and objectivity of reporting on the work of the prosecutor's office and the state of criminal unlawfulness, preparation of information and analytical materials on these issues.

Pursuant to the Order of the Prosecutor General No. 11 dated January 20, 2021 "On Approval of Reporting in Form No. P "Report on the Work of the Prosecutor's Office" and the Instructions for its Compilation", prosecutors prepare administrative quarterly reporting in the form No. P "On the Work of the Prosecutor's Office".

In order to ensure a unified record of data on criminal offenses, their perpetrators, and the movement of criminal proceedings, according to the Order of the Prosecutor General No. 299 "On Approval of Forms of Unified Reporting on the Status of Criminal Unlawfulness" dated 30.06.2020, monthly administrative reporting was introduced in the following forms: No. 1 "Unified Report on Criminal Offenses"; No. 2 "Unified Report on Persons Who Committed Criminal Offenses"; No. 5 "Report on Criminal Offenses Committed at Enterprises, Institutions, Organizations, by Type of Economic Activity"; No. 1-03 "Report on the Results of Combating Organized Groups and Criminal Organizations". The reporting form No. 1-LFT "Report on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction", approved by Order of the Prosecutor General No. 110 dated 29.06.2022, records information on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction (from

This reporting is generated automatically on the basis of information entered into the URPTI regarding registered criminal offenses, persons served with notices of suspicion, and proceedings sent to court (with an indictment, a motion for release from criminal liability, or closure under clause 3-1, part 1, Article 284 of the CPC of Ukraine, etc.)

In order to identify trends in the state and structure of crime, the results of the work of prosecutors and pre-trial investigation bodies, statistical data are periodically analyzed (clause 2.7 of the Order of the Prosecutor General of Ukraine No. 69 of 03/17/2021).

Surveys are also conducted on internal communication and the level of satisfaction with the work of prosecutors. The results of the survey reflected information on general practices of internal communication and the level of satisfaction and motivation of prosecutors, data on the problems of the prosecutor's office that need to

Question 060

Armenia

(2023): Control of reasonable terms of consideration of cases and the number of cases that have not received progress is not carried out.

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 of delays

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

(2023): 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> .

(2023): 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

Republic of Moldova

(2023): SCM publishes annual activity reports with aggregated data per system. ACA publishes aggregated data per system every 3 months. Each court publishes individual activity reports on its webpage in "statistics" menu on National Court's web Portal (E.g. Chisinau first instance court - <https://jc.instante.justice.md/ro/content/statistica>).

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

(2023): 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.

(2023): In addition, the Office of the Prosecutor General submits reports in the forms No. 1, 2, 5 and 1-03, as defined by the Order of the Prosecutor General dated 30.06.2020 No. 299, to the State Statistics Service of Ukraine no later than every 6th day of the month following the reporting period and in the form No. P "Report on the work of the prosecution authorities" for the six months and a year, sent to the State Statistics Service of Ukraine on the 35th day following the reporting period. Form No. 1-LFT "Report on the Results of Investigation of Criminal Proceedings on Criminal Offenses on Legalization (Laundering) of the Proceeds of Crime, Terrorist Financing, and Proliferation of Weapons of Mass Destruction" is submitted to the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, the Bureau of Economic Security of Ukraine, the State Bureau of Investigation, the National Anti-Corruption Bureau of Ukraine no later than January 6 of the year following the reporting year, and the State Financial Monitoring Service of Ukraine.

Question 065

Republic of Moldova

(2023): GPO publishes an annual activity report with aggregated data per system and for each specialised prosecutor's office. Each individual public prosecution service is filling every month statistics in Info PG Information System (internally).

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 are made public by posting on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by this order (within five days after their signature).

P (quarterly), No. 1-ЛФТ (annually), which are prepared 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 generated 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://khmel.gp.gov.ua/ua/documents.html?dir_id=111937&libid=;
<https://chk.gp.gov.ua/ua/documents.html>;
<https://chrn.gp.gov.ua/ua/statich>;
https://chrg.gp.gov.ua/ua/stat_infoc.html;

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.

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.

(2023): reporting on the administration of justice in local and appellate courts

Question 067

Armenia

(2023): It should be noted that the Judicial Department maintains judicial statistics on the activities of the courts of the Republic of Armenia, categorized by courts and judges, in accordance with the requirements established by Article 19 of the Constitutional Law of the Republic of Armenia, known as the 'Judicial Code of the Republic of Armenia,' and Decree of the Government of the Republic of Armenia No. 1542-N dated December 27, 2018. These statistics are reported semi-annually and annually and are published by the official judiciary body, as well as on www.court.am. The report provided by the courts includes information on the number of cases received, resolved, and pending. However, it is important to note that this report does not include data on the number of judges and administrative staff, their objectives, or evaluations.

Republic of Moldova

(2023): According to legal provisions individual courts are required to analyze regularly their activity and present statistical data to the Superior Council of Magistracy and Agency for Courts Administration. The courts publish on their webpages their reports. According to the SCM recommendations in 2023, the head of the secretariat presents every 3 months data to the court president and a Working Group analyses every 6 months the court performance (first evaluation using the SCM recommendations is proposed not earlier than in 2 years from the date the SCM recommendations have been issued).

Ukraine

(2023): official websites of courts, web portal of the judiciary

Question 068

Armenia

(2023): The report is published semi-annually and annually by an official judicial body, and it is available on the judicial register website www.court.am.

Georgia

(2023): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Secretary and Chair person 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.

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, modified decisions, etc.

(2023): The courts in 2023 have a different practice, some of them release on their webpages an activity report every 3 months, other-every 6 months, other-once per year. With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 at the national level to uniformise the methodology of annual reporting on court performance.

Question 069

Ukraine

(General Comment): The processing of the working results of the prosecutor (prosecution office) is carried out in accordance with the order of the Prosecutor 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.

Question 070

Armenia

(2023): Every year each public prosecution service prepares an activity report regarding all aspects of prosecutorial activities which is presented to the Prosecutor General.

Georgia

(2023): The Report of the Prosecutor General of Georgia about the activities of the PSG during 12 months is released annually, and published on the website. The report includes statistical and analytical overview of the activities of the PSG, implemented criminal policy, challenges and plans.

Republic of Moldova

(2023): The General Prosecutor submits to the Parliament annually, by March 31 of the current year, a report on the activity of the Prosecutor's Office in the previous year, which is published on the website of the Prosecutor's Office. Each public prosecution service is filling every month statistics in Info PG Information System (internally).

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).

(2023): Comments - if yes, please describe the content of the report and its audience (i.e. who the report is primarily intended for):

Pursuant to Article 6 of the Law of Ukraine "On the Prosecution Service", the prosecution authorities shall inform the public about their activities at least twice a year through media reports.

The Prosecutor General annually submits to the Verkhovna Rada of Ukraine a report on the activities of the prosecution, which should contain information on

- statistical and analytical data on the performance of the functions entrusted to the prosecutor's office
- the actual number of prosecution bodies in terms of the number of prosecutors, civil servants, other employees, their professional development, special training, and the activities of the Training Center of Prosecutors of Ukraine;
- ensuring the independence of prosecutors, in particular, the number of reports on threats to the independence of prosecutors received by the Council of Prosecutors of Ukraine and information on decisions taken on such reports;
- ensuring the legality and integrity of the prosecution, in particular, the number of integrity checks of prosecutors, internal investigations, disciplinary complaints against prosecutors and information on the decisions taken, etc;
- other information related to the performance of the prosecutor's office.

The Prosecutor General personally reports on the activities of the prosecution bodies to the Verkhovna Rada of Ukraine at its plenary session.

The heads of regional and district prosecutor's offices at the plenary session of the respective council at least twice a year inform the population of the respective administrative-territorial unit about the results of their activities by providing generalized statistical and analytical data.

Question 071

Republic of Moldova

(2023): Monthly

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 legislation.

Georgia

(General Comment): According to the law there aren'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;
- e) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the

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. If the workload of a judge is high, the president of the court will set less case types to be distributed in order to balance the workload.

Question 076

Armenia

(2023): The evaluation of a judge's activity is conducted by the Commission for the Evaluation of the Activity of Judges during the general meeting of judges. Chapter 8 of the Constitutional Law "Judicial Code of the Republic of Armenia" defines the purpose, criteria, types, and procedures for evaluating judges' activities, as well as the generalization of results and consequences of evaluation.

According to Article 136 of the Constitutional Law "Judicial Code of the Republic of Armenia," the objectives of evaluating judges' activities are as follows:

- Facilitating the selection of the best candidates for promotion to judgeship.
- Assisting in the identification of areas for judicial retraining.
- Identifying ways to enhance the efficiency of a judge's work.
- Contributing to a judge's self-improvement.
- Enhancing the efficiency of court activities.

As per Article 138 of the Constitutional Law "Judicial Code of the Republic of Armenia," the criteria for evaluating judges' activities include:

The judge's activity is evaluated based on specific criteria outlined in this article, which characterize the quality and effectiveness of the judge's work, as well as their professionalism and behavior.

Criteria for evaluating the quality and professionalism of a judge's work include:

The ability to substantiate a judicial act.

Proficiency in leading and conducting court sessions in accordance with established legal procedures.

Criteria for evaluating the effectiveness of a judge's work include:

Efficient workload management and scheduling.

Timely consideration of cases and issuance of judicial acts.

Compliance with legal deadlines for procedural actions.

The ability to maintain an efficient working environment.

Criteria for evaluating the ethics and conduct of a judge include:

Adherence to rules of conduct and ethics.

Promotion of public perception and trust in the court, as well as the attitude towards other judges and court staff.

Georgia

(2023): Individual evaluation of Judge's work exists only during the probation period for Judges, annually, during 3 years.

Republic of Moldova

(2023): According to the provisions of the Law 147/2023 on the selection and individual evaluation of the judges the ordinary evaluation of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

Question 076-1

Georgia

(2023): Criteria for evaluation of Judges work during probation period is already provided in Organic Law of Common Courts

Question 077

Armenia

(2023): Every 4 years.

Azerbaijan

(2023): The activity of judges appointed for a period of 3 years for the first time is evaluated by the Judicial-Legal Council at the end of that period, and the activity of other judges not less than once in five years.

Republic of Moldova

- 1) the ordinary evaluation of judges' performance is carried out once in 5 years.
 - 2) the extraordinary evaluation of judges' performance is carried out: a) in case of participation in the competition for the position of court president or vice-president;
 - b) in case of request to be promoted in a higher court;
 - c) in case of request to be transferred in another court;
 - d) in case of obtaining the qualification "insufficient" not more often than 1 year after obtaining such qualification.
 - e) in the case of an existing disciplinary case requesting the extraordinary assessment a the performance of the judge concerned in a disciplinary procedure;
 - f) in case there are doubts that the judge is not realizing his/her managerial competencies as a court president or vice-president.
- In situations listed from a) to c) the extraordinary evaluation will be carried out just if the judge has not been evaluated in the last 2 years.

Ukraine

(2023): Regulations on the procedure and methodology of qualification assessment, indicators of compliance with the qualification assessment criteria and means of their establishment:

1. The qualification assessment is carried out on the basis of the application of a judge (candidate for the position of a judge) submitted for participation in the competition for a vacant position of a judge or the decision of the Commission.
2. The qualification assessment of a judge in connection with the imposition of a disciplinary sanction is conducted in case of disciplinary sanction imposed on a judge under paragraph 4 of part one of Article 109 of the Law.
3. The organization and conduct of the qualification assessment of a judge to confirm the judge's compliance with the position held shall be carried out in accordance with the rules established by this Regulation, taking into account the peculiarities provided for in this section.

Question 078

Ukraine

(2023): The organizational and administrative documents of the Office of the Prosecutor General do not provide for the establishment of minimum quantitative goals for each prosecutor.

At the same time, according to part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the procedure for measuring and regulating the workload of prosecutors.

The Prosecutor General's Development Strategy for 2021-2023 (clause 2.3), approved by the Order of the Prosecutor General No. 489 of October 16, 2020, provides for the development and implementation of a system for measuring and regulating the workload of prosecutors as one of the main criteria for evaluating their

Question 079-1

Ukraine

(2023): see Q78

Question 080

Armenia

(2023): According to Article 50, Part 10 and 11 of the Law "On Prosecutor's Office":

The immediate superior prosecutor shall submit the appraisal of the prosecutor at least two weeks before the competency evaluation. The appraisal must contain data on the prosecutor, on his or her practical and personal features and a justified evaluation of the results of his or her official activities. This evaluation must be based on the conclusions of the immediate superior prosecutor with respect to the reports submitted to him or her by the prosecutor once a year, which relate to the activities carried out by the latter during the period following the previous competency evaluation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of restraint, the number of satisfied and rejected motions must be attached to the assessment. A process is currently underway to introduce quantitative and qualitative criteria for evaluating the individual performance of prosecutors.

Georgia

(2023): The performance appraisal of prosecutors is conducted based on the Organic Law on the Prosecution Service of Georgia (Chapter XIV) and Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators, which are available online.

The assessment is conducted once in 2 years. There is an exam in case of failure to meet the lowest level of competence followed by the re-evaluation. The results of the evaluation can be appealed. The performance appraisal is taken into account when deciding on grading, incentivizing and promoting prosecutors. The evaluation is carried out by the specialised PSG department through the extensive use of the electronic criminal case management system. There are three main areas for evaluation: ☑Quality of work ☑Workload ☑Assessment of supervisor

The below factors have no direct impact on the performance appraisal, but they are taken into account during the decision-making on grading, incentivizing, promotion, disciplining, demotion and dismissal of prosecutors and investigators:

☑Participation in the Mentorship Program

☑Participation in trainings and training results ☑Participation in preventive and other activities

The appraisal system is based on clear and objective criteria and transparent procedures. The PSG first introduced it in 2017. Since then, it had been gradually improved and upgraded.

Republic of Moldova

(2023): As part of the performance evaluation, the following are evaluated:

- a) the quality of the prosecutor's activity in general;
- b) the activity of the prosecutor during the criminal investigation phase;
- c) the activity of the prosecutor during the trial phase of criminal cases;
- d) promptness of the prosecutor in the professional activity;
- e) compliance with the institutional regulations within the Prosecutor's Office;
- f) integration and communication skills;
- g) reputation and integrity.

Ukraine

(2023): According to clauses 7-2 of part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the regulations on the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors.

There is no quantitative system of individual performance evaluation of prosecutors. At the same time, the quality of prosecutors' work for the calendar year is assessed annually. Such evaluation is carried out in accordance with the Temporary Regulation on the System of Performance Evaluation of Prosecutors and Bonuses for Prosecutors, approved by the Order of the Prosecutor General No. 503 dated October 30, 2020 (hereinafter - the Temporary Regulation).

In addition, the Prosecutor General's Order No. 407 of 29.12.2021 approved the Regulation on the Performance Evaluation System for Prosecutors, which comes into force on January 1, 2024, and is currently being implemented in a test mode in certain prosecution authorities.

This Regulation defines the procedure for evaluating the performance of prosecutors of the Prosecutor General's Office, the Specialized Anti-Corruption Prosecutor's Office, regional, specialized (with the rights of regional), district, and specialized (with the rights of district) prosecutor's offices, as well as the procedure and conditions for annual bonuses for prosecutors based on the results of such evaluation. The performance appraisal of prosecutors is carried out in order to determine the effectiveness of the performance of their official duties; to motivate prosecutors to improve their professional development; to ensure the effective achievement of goals in the implementation of the prosecution development strategy; and to improve the quality of personnel management in the prosecution bodies.

The performance evaluation system for prosecutors consists of assessing the quality of work and identifying areas for professional development. Currently, annual performance appraisals are conducted in a test mode in certain structural units of the Prosecutor General's Office and some regional and district prosecutor's offices. By the Order of the Prosecutor General No. 295 dated 29.12.2022, the said evaluation was extended in a test mode for 2023. The reason for conducting the evaluation in a test mode is the need to automate the process, namely the development of an electronic human resources management system for prosecutors (e-HR), which includes the performance evaluation system for prosecutors. In addition, the working group on the development and implementation of the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors, which includes, inter alia, international experts/partners and representatives of the Specialized Anti-Corruption Prosecutor's Office, developed and approved the concept of the system of individual performance evaluation of prosecutors and the criteria for such evaluation for procedural supervisors. The assessment will cover the prosecutor's professional ethics and behavior, functional and managerial competencies, work results (workload), and business activity.

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.

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 5 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 in 2 years;
- (b) in case of participation in the competition for the post of Chief Prosecutor;
- (c) in case of obtaining the qualification "insufficient".

(2023): 1) periodic (ordinary) - once every 5 years;

2) extraordinary:

- a) at his/her request, but not more often than once a year;
- b) in case of participation in the competition for the position of chief prosecutor;
- c) in case of obtaining the qualification "insufficient";
- d) in the case of the request by the SCP of an extraordinary assessment of the performance of the prosecutor concerned by a disciplinary procedure.

Question 082-0

Armenia

(2023): ICT strategy is integrated as part of the 2022-2026 Strategy of Legal and Judicial Reforms.

Georgia

(2023): 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.

Republic of Moldova

(2023): In order to develop and implement judicial information systems, specific activities on ICT are planned in the actual 2022-2025 Strategy for Ensuring the Independence and Integrity in the Justice Sector and its Action Plan.

This is including the information systems owned by the Legal Aid Council, Prosecution authorities, Judiciary and Enforcement system.

Please see the attached document (unofficial translation in English).

Ukraine

(2023): In order to ensure compliance with the requirements of the Laws of Ukraine "On the Judiciary and Status of Judges", "On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" and "On the National Informatization Program", the SJA of Ukraine approved 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.

In addition, in accordance with the Law of Ukraine "On the Principles of State Anti-Corruption Policy for 2021-2025", the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated 04.03.2023, which designated the SJA of Ukraine to implement measures for the development and comprehensive implementation of the implemented UJITS subsystems and existing automated systems.

The SJA of Ukraine continues to develop and implement a modern IT system for the judiciary. Thus, based on the results of the technical audit of the Unified Judicial Information and Telecommunication System in 2023, with the help of international technical assistance, the SJA is analyzing and preparing an act to implement the findings of the EU Pravo Justice Project in Ukraine. In addition, by October 2024, it is planned to complete a functional audit of the judiciary's IT system, develop the Concept and Terms of Reference for the electronic case management of the judiciary.

Also, measures to support the already implemented UJITS subsystems will be continued: Electronic Cabinet, Electronic Court, and Videoconferencing.

Question 082

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 2019-2021.

Question 082-2

Armenia

(2023): Beginning on February 1, 2024, new civil cases entering the courts of Armenia will be exclusively processed in electronic form through an electronic system launched at the website address: <https://cabinet.armlex.am>.

Azerbaijan

(2023): A new version based on modern technologies is being formed and these works are planned to be completed at the end of June 2024.

Georgia

(2023): At the moment Information Technology Service of High Council of Justice of Georgia is working on development of new Case Management program.

Question 082-1-0

Ukraine

(2023): According to clause 1.4. of the Regulation on the Automated Court Document Management System - "Peculiarities of the Automated System Functioning in Courts of General Jurisdiction" provides that

in local and appellate administrative courts, the High Administrative Court of Ukraine, the computer program "Record Keeping of a Specialized Court" developed by the administrator of the automated system for courts of administrative jurisdiction is used;

local and appellate commercial courts, the High Commercial Court of Ukraine use the computer program "Specialized Court Proceedings" developed by the administrator of the automated system for commercial courts;

local and appellate general courts (except for the Kyiv City Court of Appeal) use the D-3 computer program developed by the administrator of the automated system for general courts.

The Kyiv City Court of Appeal uses the automated electronic document management system "Appeal" developed by the Kyiv City Court of Appeal.

Question 084-1

Georgia

(2023): 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 anonymized data) on this website.
2. www.supremecourt.ge - All decisions taken by Supreme Court of Georgia are published (with anonymized 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. Georgian Parliament adopted the new regulation regarding the publication of court decisions. This legal changes will come into force from January 2024. In 2022 Decisions of Supreme Court of Georgia were being uploaded.

In 2022-2023 there was gap in legislation regarding publication of 1st and 2nd instance court decisions, this is the reason why during this period the publication of 1st and 2nd instance court decisions were suspended.

Question 084-2

Republic of Moldova

(General Comment): All courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

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Question 085

Georgia

(General Comment): Since the current case management program was created in 2011, it does not fully take into account the requirements of contemporary statistical reports. Therefore, only the implementation of the statistical module without the use of artificial intelligence will not give us results. We are working on the development of a new case management program, where the functionality will be adjusted to the process of conducting court cases and collecting statistical information.

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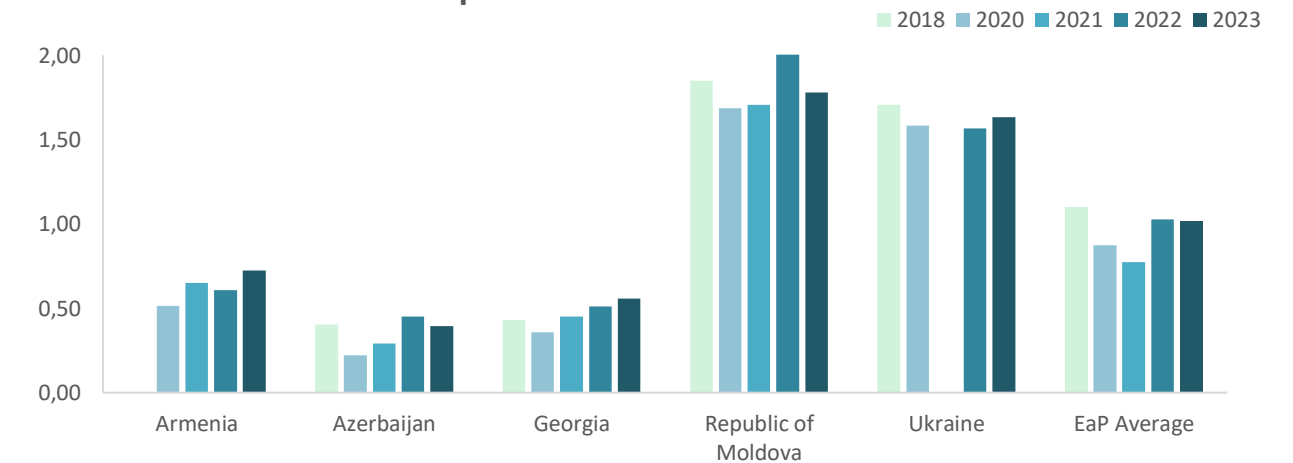
4. Access to justice - Overview

Legal Aid

Total number of cases per 100 inhabitants in which legal aid was granted from 2018 to 2023 (Table 4.3.2)

Beneficiaries	Number of cases for which legal aid has been granted per 100 inhabitants				
	2018	2020	2021	2022	2023
Armenia	NA	0,52	0,65	0,61	0,72
Azerbaijan	0,41	0,22	0,29	0,45	0,39
Georgia	0,43	0,36	0,45	0,51	0,56
Republic of Moldova	1,85	1,69	1,71	2,00	1,78
Ukraine	1,71	1,58	-	1,57	1,63
EaP Average	1,10	0,87	0,78	1,03	1,02

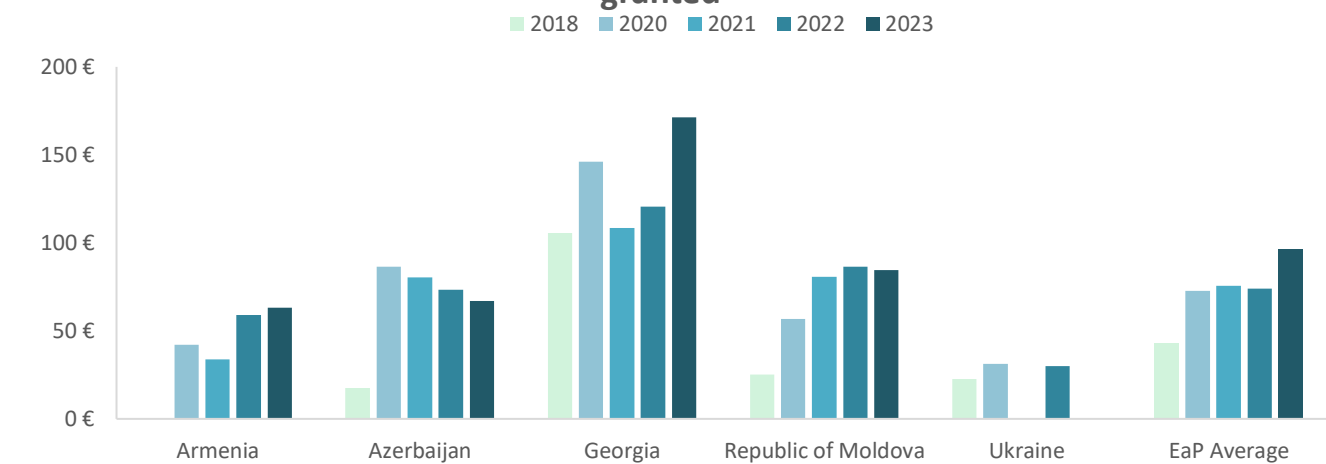
Figure 4.1 Number of cases for which legal aid has been granted per 100 inhabitants



Average amount per case for which legal aid has been granted from 2018 to 2023 (Table 4.3.3)

Beneficiaries	Average amount per case for which legal aid has been granted				
	2018	2020	2021	2022	2023
Armenia	NA	42,2 €	33,8 €	59,0 €	63,1 €
Azerbaijan	17,6 €	86,5 €	80,3 €	73,4 €	66,9 €
Georgia	105,6 €	146,1 €	108,4 €	120,7 €	171,2 €
Republic of Moldova	25,2 €	56,7 €	80,6 €	86,6 €	84,6 €
Ukraine	22,7 €	31,4 €	NA	30,1 €	NA
EaP Average	42,8 €	72,6 €	75,8 €	74,0 €	96,4 €

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 2023 (Q12 and Q13-2)

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2023 (Q13 and Q13-2)

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2023 and its evolution between 2018 and 2023 (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 2023 (Q1 and Q13)

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2023 (Q86-0-0)

Table 4.2.2 Organisation of the legal aid system in 2023 (Q86-0)

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2023 (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 2023 (Q88-1)

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2023 (Q86)

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2023 (Q1, Q86)

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2023 (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 2023 (Q163)

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2023 (Q163)

Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2023 (Q163)

4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2023 (Q12 and Q13-2)

Beneficiaries	Access to justice - Approved budget for legal aid and coverage of court fees in 2023										
	Approved budget for legal aid									Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases			Coverage of court fees	Exemption from court fees
	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	1 360 875 €	NA	NA	NA	NA	NA	NA	NA	NA		
Azerbaijan	2 685 664 €	2 685 664 €	NAP	2 677 159 €	2 677 159 €	NAP	8 505 €	8 505 €	NAP		
Georgia	3 605 602 €	NA	NA	NA	NA	NA	NA	NA	NA		
Republic of Moldova	3 781 619 €	3 577 410 €	204 209 €	NA	NA	NA	NA	NA	NA		
Ukraine	20 246 602 €	NA	NA	NA	NA	NA	NA	NA	NA		
Average	6 336 072 €	-	-	-	-	-	-	-	-		
Median	3 605 602 €	-	-	-	-	-	-	-	-		
Minimum	1 360 875 €	-	-	-	-	-	-	-	-		
Maximum	20 246 602 €	-	-	-	-	-	-	-	-		


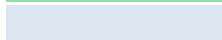
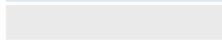
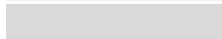
Yes	
No	
NA	
NAP	

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2023 (Q13 and Q13-2)

Beneficiaries	Access to justice - Implemented budget for legal aid and coverage of court fees in 2023										
	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	1 358 970 €	NA	NA	NA	NA	NA	NA	NA	NA		
Azerbaijan	2 664 384 €	2 664 384 €	NAP	2 655 879 €	2 655 879 €	NAP	8 505 €	8 505 €	NAP		
Georgia	3 572 356 €	NA	NA	NA	NA	NA	NA	NA	NA		
Republic of Moldova	3 780 774 €	3 576 580 €	204 194 €	NA	NA	NA	NA	NA	NA		
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Average	2 844 121 €	-	-	-	-	-	-	-	-		
Median	3 118 370 €	-	-	-	-	-	-	-	-		
Minimum	1 358 970 €	-	-	-	-	-	-	-	-		
Maximum	3 780 774 €	-	-	-	-	-	-	-	-		


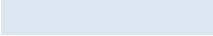
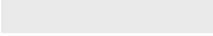

Yes 
 No 
 NA 
 NAP 

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2023 and its evolution between 2018 and 2023 (Q1 and Q13)

Beneficiaries	Access to justice - Total implemented budget for legal aid per inhabitant in 2023 and its evolution between 2018 and 2023								
	Total implemented budget for legal aid per inhabitant			Evolution					
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	2018	2020	2021	2022	2023	Trend 2018 - 2023
Armenia	0,46 €	NA	NA	0,23 €	0,22 €	0,22 €	0,36 €	0,46 €	
Azerbaijan	0,26 €	0,26 €	NAP	0,07 €	0,19 €	0,24 €	0,33 €	0,26 €	
Georgia	0,96 €	NA	NA	0,46 €	0,52 €	0,49 €	0,62 €	0,96 €	
Republic of Moldova	1,50 €	1,42 €	0,1 €	0,47 €	0,96 €	1,38 €	1,74 €	1,50 €	
Ukraine	NA	NA	NA	0,39 €	0,50 €	NA	0,47 €	NA	
Average	0,80 €	-	-	0,32 €	0,48 €	0,58 €	0,70 €	0,80 €	
Median	0,71 €	-	-	0,39 €	0,50 €	0,36 €	0,47 €	0,71 €	
Minimum	0,26 €	-	-	0,07 €	0,19 €	0,22 €	0,33 €	0,26 €	
Maximum	1,50 €	-	-	0,47 €	0,96 €	1,38 €	1,74 €	1,50 €	

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 2023 (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 2023			
	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	99,7%	0,3%
Georgia	NA	NA	NA	NA
Republic of Moldova	94,6%	5,4%	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 2023 (Q86-0-0)

Beneficiaries	Types of legal aid in 2023			
	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	Yes
Georgia	Yes	Yes	Yes	Yes
Republic of Moldova	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes

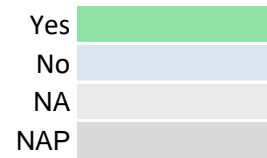


Table 4.2.2 Organisation of the legal aid system in 2023 (Q86-0)

Beneficiaries	Organisation of the legal aid system in 2023
Armenia	<p>Free (state funded) legal aid is provided through the Public Defender’s Office which is a structural unit of the Chamber of Advocates of RA. Free (state funded) legal aid includes:</p> <ol style="list-style-type: none"> 1) Consultation – writing of claims, applications, complaints and other procedural documents of legal nature, including provision of legal information; 2) Representation or defense on criminal, civil, administrative and constitutional cases. <p>Free (state funded) legal aid is provided to the following people under the following procedure:</p> <ol style="list-style-type: none"> 1. People subjected to criminal prosecution (suspect or defendant) in cases envisioned by the RA Criminal Procedure Code based on the decision or application of the body (investigator, court) performing the proceedings; 2. 20 groups of people defined by the RA Law on Advocacy, based on their applications. <p>In case of applying to the Public Defender’s Office free legal aid is provided to the following 20 groups of people:</p> <ol style="list-style-type: none"> 1. Members of families of soldiers who died during the defense of RA borders/ 2. People with 1st and 2nd category disability 3. Convicts 4. Members of families registered in the family insecurity evaluation system 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. Refugees 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. Persons 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 RA "On Confiscation of Property of Illegal Origin".

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 a 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 lawyer will be appointed for a LIP in all court instances.</p> <p>" The appointment of a lawyer for a LIP in court has commenced in accordance with decree of the President of the Republic of Azerbaijan dated July 26, concerning the recent amendments to the Civil Procedural Code.</p> <p>Legal aid is applied only in the context of alternative dispute resolution (ADR).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.</p>
Georgia	<p>The Legal Aid Service is an independent state organization that is accountable to the Parliament of Georgia.</p> <p>Free Legal aid includes: legal advice, drafting legal documents, representation in court and administrative body. The legal aid is guaranteed to all socially vulnerable beneficiaries (i.e. persons who are registered in socially vulnerable household database and whose score is below 70,000). Besides, the Legal Aid Service has a special mandate for the following categories of persons: Asylum seekers and persons with international protection, minors, victims of violence against women and domestic violence/alleged victims, persons receiving support, persons with disabilities. These individuals enjoy legal aid regardless of their solvency and the importance and complexity of the case. Cases of mandatory protection are provided for criminal cases, according to the Criminal Procedure Code of Georgia.</p>
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. The Legal aid provides two types of legal aid: qualified legal aid – legal consultation and representation in criminal investigation offices, courts and public authorities, which is provided by lawyers, irrespective of their type and primary legal aid – basic information about law and assistance for drafting different acts, provided by paralegals.</p> <p>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 warrants. 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>The state legal aid system includes the following 2 types of such aid:</p> <p>1.Primary legal aid is the type of state guarantee, which is to inform a person of his or her rights and freedoms, the order of its realization, restoration in case of their violation and procedure for appealing against decisions, actions or inactions of the state bodies, local self-government bodies, officials and servants. Primary legal aid includes the following types of legal services: - providing legal information; - providing consultations and clarifications on legal issues; - assistance in making appeals, claims and other documents of legal nature (except court procedural documents); - providing assistance in ensuring access of a person to secondary legal aid and mediation; The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine "On the Legal Aid" have all individuals, who are under the jurisdiction of Ukraine.</p> <p>2.Secondary legal aid is the type of state guarantee which is to create equal opportunities for access to justice by persons. Secondary legal aid includes the following types of legal services: -protection; -representation of interests of persons in courts, other state governmental bodies, self-government bodies, before other persons; -drafting of court procedural documents.</p> <p>Legal aid is provided within the framework of the Ukrainian Bar Association's (UBA) Hotline project to provide legal assistance to citizens and businesses affected by the war and its consequences</p>

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2023 (Q87, Q88)

Beneficiaries	Income and assets evaluation for granting full or partial legal aid in 2023								
	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		1 638 €	NAP	1 638 €	NAP	1 638 €	NAP	1 638 €	NAP
Ukraine		1 631 €	NA	1 631 €	NA	NAP	NAP	NAP	NAP
Average		-	-	-	-	-	-	-	-
Median		-	-	-	-	-	-	-	-
Minimum		-	-	-	-	-	-	-	-
Maximum		-	-	-	-	-	-	-	-


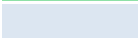

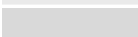
Yes 
 No 
 NA 
 NAP 

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 2023 (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 2023	
	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	10	NA
Average	4	1
Median	3	1
Minimum	2	1
Maximum	10	1

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2023 (Q86)

Beneficiaries	Access to justice - Number of cases for which legal aid was granted in 2023								
	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	21 551	NA	NA	15 518	NA	NA	6 033	NA	NA
Azerbaijan	39 830	26 563	13 267	39 696	26 429	13 267	134	134	0
Georgia	20 866	10 852	10 014	14 431	4 718	9 713	6 435	6 134	301
Republic of Moldova	44 695	NA	NA	32 884	NA	NA	11 811	NA	NA
Ukraine	669 045	160 918	508 127	105 391	105 391	NAP	563 654	55 527	508 127
Average	159 197	66 111	177 136	41 584	45 513	-	117 613	20 598	169 476
Median	39 830	26 563	13 267	32 884	26 429	-	6 435	6 134	301
Minimum	20 866	10 852	10 014	14 431	4 718	-	134	134	0
Maximum	669 045	160 918	508 127	105 391	105 391	-	563 654	55 527	508 127

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2023 (Q1, Q86)

Beneficiaries	Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2023								
	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	0,72	NA	NA	0,52	NA	NA	0,20	NA	NA
Azerbaijan	0,39	0,26	0,13	0,39	0,26	0,13	0,00	0,00	0,00
Georgia	0,56	0,29	0,27	0,39	0,13	0,26	0,17	0,16	0,01
Republic of Moldova	1,78	NA	NA	1,31	NA	NA	0,47	NA	NA
Ukraine	1,63	0,39	1,24	0,26	0,26	NAP	1,37	0,14	1,24
Average	1,02	0,32	0,55	0,57	0,21	-	0,44	0,10	0,42
Median	0,72	0,29	0,27	0,39	0,26	-	0,20	0,14	0,01
Minimum	0,39	0,26	0,13	0,26	0,13	-	0,00	0,00	0,00
Maximum	1,78	0,39	1,24	1,31	0,26	-	1,37	0,16	1,24

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2023 (Q13 and Q86)

Beneficiaries	Access to justice - Average amount per case for which legal aid was granted in 2023								
	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	63,1 €	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	66,9 €	100,3 €	NAP	66,9 €	100,5 €	NAP	63,5 €	63,5 €	NAP
Georgia	171,2 €	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	84,6 €	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	96,4 €	-	-	-	-	-	-	-	-
Median	75,7 €	-	-	-	-	-	-	-	-
Minimum	63,1 €	-	-	-	-	-	-	-	-
Maximum	171,2 €	-	-	-	-	-	-	-	-

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 2023 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2023								
	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									


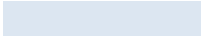
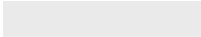


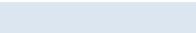
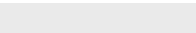
Yes 
 No 
 NA 
 NAP 

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2023 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2023					
	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	No	Yes	Yes	Yes
Republic of Moldova	No	Yes	Yes	No	Yes	Yes
Ukraine	No	Yes	No	No	Yes	No

Yes 

No 

NA 



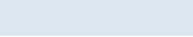
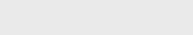
NAP 


Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2023 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2023								
	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	No	No	No	No	No	No

Yes 

No 

NA 

NAP 

Indicator 4. Access to justice-legal aid

by country

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

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

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 86-1. Please indicate the number of recipients of legal aid:

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 decision on 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

Q086-1 (2023): Statistics are collected based on the number of cases. Therefore, no statistics on the number of recipients can be provided, as the same person may seek assistance for several different cases.

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 to the new regulation, in case of applying to the public defender's office for free legal aid, the person shall submit a written declaration. The declaration form and filling procedure shall be approved by the Council of the Chamber of Advocates.

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:

According to the paragraph 5 of the Article 41 of the Law on Advocacy, in addition to providing legal aid to the suspect or accused in criminal cases, the Public Defender Office also provides free legal aid to the following persons: 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 defense 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 the ones searching shelter in the Republic of Armenia. 15) persons who have suffered from torture in order to receive compensation in accordance with the procedure established by Article 1087.3 of the Civil Code of the Republic of Armenia. 16) persons who have been subjected to domestic violence in accordance with the Law of the Republic of Armenia "On Prevention of Domestic Violence, Protection of persons who have been subjected to Domestic Violence and restoration of solidarity in the family". 17) defendants in civil cases initiated on the basis of the Law of the Republic of Armenia on confiscation of property of illegal origin". 18) foreigners - for protesting the decision on deportation. 19) persons in respect of whom proceedings are being carried out on cases of recognition as incapacitated or with limited legal capacity, on recognition as incapacitated of a citizen recognized as incapacitated, or on the abolition of restrictions on the legal capacity of a citizen. 20) victims, if they are conscripts or a child under 16 years of age. Paragraph 6 of Article 41 stipulates that free legal aid can't be provided to individuals mentioned in paragraph 5 of this Article: 1) on cases of entrepreneurial character (including corporate quarrels). 2) on cases of property (sum) claims that exceed the minimal salary by one thousand, 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. 4) if the applicant's claims are clearly unreasonable. 5) if a person receives legal assistance from another lawyer on the same issue on which he applied to the office of the public defender.

Q088-1 (2023): 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 council of the Chamber of Advocates ("The regulations on procedure for providing free legal assistance" N 2/10-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.

Q163 (2023): On the official website of the judicial authority, personal life data, biometric data and personal data of a special category, judicial acts containing personal data of a child are published anonymously.

A person with disabilities due to auditory or oral limitations has the opportunity to exercise procedural rights through a sign language interpreter in the manner provided for by this article for an interpreter.

In an administrative case, a participant in the trial, and in a civil case, a person participating in the case has the right to an assistant at the expense of public funds if he proves that he does not have enough funds to receive a paid assistant.

If it is necessary to provide the services of an interpreter, sign language interpreter or an assistant to a disabled person due to visual restrictions at the expense of public funds, this person is appointed by a court decision.

A witness may be questioned by a court of first instance at his place of residence by way of a court order if:

- 1) the presence of a witness at the trial is impractical due to the long distance;
- 2) the witness cannot leave his/her location due to illness or other reason.

In cases provided for by law, minors, citizens recognized as legally incompetent or with limited legal capacity, may independently represent their interests in court.

In order to protect the privacy of the participants in the trial, including commercial secrets, the interests of minors or justice, as well as State security, public order or morality, the court may conduct the trial or part of it behind closed doors at the request or on its own initiative of the person involved in the case.

If necessary, copies of the judicial act are provided to the police and the authorized body provided for by the law "On the Prevention of Domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in the family", as well as the enforcement service to monitor the execution of the decision. If a judicial act affects the interests of a minor or an incapacitated person, it is also sent to the guardianship and guardianship authority.

The applicant is exempt from court costs related to the consideration of a case on the recognition of a citizen as legally incompetent or with limited legal capacity.

The adoption proceedings are conducted behind closed doors, which is decided upon when accepting the application for production.

Minors between the ages of fourteen and eighteen, as well as persons recognized as having limited legal capacity, have the right to be heard during the consideration of the case. The court may grant a minor who has not turned fourteen years old, or a person recognized as legally incompetent, the right to be heard during the consideration of the case.

Azerbaijan

Q012 (2023): 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. Yet, it was not applied in 2023, hence NAP for sub-category 2.

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 (2023): In 2023 there has been an increase in criminal cases in comparison with 2021. This in turn, determined a higher demand for legal aid services for criminal cases. In civil cases, legal aid is available only in cassation and additional cassation proceedings at the Supreme Court. According to the amendments to the Civil Procedure Code dated July 9, 2021, Article 402 of the Civil Procedure Code (Right to file a cassation appeal), "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 version, these amounts were indicated as two thousand and five thousand manats, respectively. These amendments led to the return of many complaints in the period (due to change of threshold). This determined a decrease in the number of civil cassation cases for which there is mandatory legal aid.

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 truly low-income people.

Q088-1 (2023): There is no time limit in 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): A person is considered insolvent and entitled to free legal aid, if he/she 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 score (Scores are determined by Law). Also, person is considered insolvent and is entitled to free legal aid if he/she 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 defence 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.

In case of domestic violence: during the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days and the turnover does not exceed 1500 GEL.

Q088 (2023): A person is considered insolvent and entitled to free legal aid, if he/she 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 score (Scores are determined by Law). Also, person is considered insolvent and is entitled to free legal aid if he/she 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 defence 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.

In case of domestic violence: during the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days and the turnover does not exceed 1500 GEL.

Q088-1 (2023): As a general rule, the lawyer is appointed in a reasonable time after the initial request, considering the nature, complexity and relevance of the case. In criminal cases, the lawyers are appointed immediately or during 24-hours after the request, depending the nature of the case. After the lawyer is appointed, according the internal regulations (bylaw), the lawyer must meet the beneficiary immediately or within the 48 hours.

Q163 (2023): According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called juvenile offenders.

Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priori be represented by a qualified lawyer.

Other Specific arrangement is Institution of Diversion. If there is a probable cause that a minor has committed a minor or a serious crime, the possibility of applying diversion shall be considered in the first place and it shall be evaluated whether diversion can ensure the re-socialization and rehabilitation of the minor and the prevention of a new crime.

Fixed-term imprisonment may be imposed on a minor if he/she has committed a serious or a particularly serious crime, if he/she has avoided serving a non-custodial sentence, and/or a judgment of conviction has been delivered against him/her in the past.

Other vulnerable persons are - victims of human trafficking, victims of forced marriage, victims of sexual mutilation, also victims of other types of violence or domestic violence.

Republic of Moldova

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.

Q012 (2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, etc.) has increased in 2023. Also, the fixed monthly remuneration of the para-legals has increased with 150 %. Source: National Legal Aid Council activity report for 2023 https://cnaigs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAIGS_2023_.pdf.

Q013 (2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, etc.) has increased in 2023. Also, the fixed monthly remuneration of the para-legals has increased with 150 %.

Source: National Legal Aid Council activity report for 2023 https://cnaigs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAIGS_2023_.pdf.

Q086 (2023): The upward trend in the number of other than criminal cases for which legal aid has been granted in 2023 is due to a specific policy promoted in this regard diversifying the number of cases where legal aid can be granted.

Q088 (2023): Qualified legal aid is granted to applicants whose monthly average income is lower than the subsistence level per inhabitant in the country. In assessing the income of the applicant for legal aid, the monthly average income and the gains achieved in the six months preceding the month of application is taken into account. When the applicant needs urgent legal aid in the case of custody during a criminal trial, or a misdemeanor procedure or when the participation of the defendant turns out to be mandatory in a criminal or civil trial, qualified legal aid is granted regardless of the income of the person.

Qualified legal aid cannot be granted to applicants who have the possibility to cover the costs of legal assistance with the value of their assets, excepting the assets which cannot be seized.

Partial legal aid is granted to applicants whose annual income is over the value indicated and who can pay a part of the legal assistance services.

The discrepancy between the 2023 annual income value and 2021 annual income value is due to a different exchange rate and due to a moderate upward trend from year to year.

Q088-1 (2023): According to the provisions of art. 18 and 26 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. The decision on the qualified legal aid is issued within 3 working days from the date the request has been received by the legal aid territorial office.

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) -f), the close relatives and their family members may also be protected.

Ukraine

Q012 (2023): The Accounting Service does not have information on the distribution of estimated allocations for criminal and non-criminal cases allocated for free legal aid. At the same time, we would like to inform you that the passport of the budget program for 2023 under CPCEL 3603030 reflects in the product performance indicators only the number of cases of free legal aid provision to subjects entitled to such assistance in criminal, civil, administrative proceedings, as well as in connection with administrative offenses - 106,000 units.

Q013-2 (2023): The Law of Ukraine "On Court Fees" defines the legal basis for the collection of court fees, payers, objects and rates of court fees, the procedure for payment, exemption from payment and refund of court fees.

Pursuant to Article 2 of the said Law, the payers of the court fee are citizens of Ukraine, foreigners, stateless persons, enterprises, institutions, organizations, other legal entities (including foreign ones) and individual entrepreneurs who apply to court or in respect of whom a court decision has been made as provided for by this Law.

Articles 5 and 8 of the Law set forth the grounds for exemption of a party to a case from paying court fees or, taking into account the person's financial situation, for deferral or installment of court fees for a certain period of time.

According to the Quality Standards for the Provision of Free Secondary Legal Aid in Civil and Administrative Proceedings and Representation in Criminal Proceedings, approved by the Order of the Ministry of Justice of Ukraine No. 4125/5 dated 21.12.2017, when providing a person with free secondary legal aid, if there are legal grounds for filing a lawsuit, a lawyer prepares a substantiated request for deferral and installment of court costs, reduction of their amount or exemption of the

Q086 (General Comment): Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at the territorial community level.

The column "Cases brought to court" provides statistical information on the number of issued instructions for secondary legal aid in criminal cases and information on the number of issued orders for secondary legal aid in non-criminal cases. The column "Cases not brought to court" provides statistical information on the provision of free primary legal aid.

Q086-1 (General Comment): The column "Cases brought to court" provides statistical information on the number of persons in criminal cases for whom an order for free secondary legal aid was issued, and in civil cases on the number of persons whose applications were approved for free secondary legal aid.

The column "Cases not brought to court" provides statistical information on the number of persons who were provided with free primary legal aid.

Q088 (General Comment): According to Ukrainian legislation, there is no any system of assets evaluation in case of primary legal aid. The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine "On the legal aid" have all individuals, who are under the jurisdiction of Ukraine.

However, in case of secondary legal aid the system of assets evaluation applies in some cases. According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine "On free legal aid" the following persons refer to subjects of law for receiving secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsistence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsistence minimum for disabled persons. Subjects for receiving secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine "On legal aid", during submitting an application for receiving secondary legal aid should provide documents confirming their respective level of income; At the same time, financial unsecured people is not the only group of people entitled to secondary legal aid. The legislation of Ukraine provides other groups (persons protected by the law of Ukraine "On refugees and persons in need of additional or temporarily protection", veterans of war and persons covered by the law of Ukraine "On the status of war veterans, guarantees of their social protection" etc). Such other categories of persons, who have the right to secondary legal aid, shall not provide any confirmation of their level of income.

Mechanisms of partial payment for primary and secondary legal aid by the state are not foreseen by Ukrainian legislation.

income or property is required for the purpose of providing such legal aid.

According to Article 14 of the Law, certain categories of individuals have the right to free secondary legal aid. Among the categories are those to whom legal aid is provided without regard to the amount of income or property of an individual, including

- persons subject to administrative detention;
 - persons subject to administrative arrest; - persons who are considered detained in accordance with the provisions of the Criminal Procedure Code of Ukraine, as well as if such persons are applicants, recognized as victims or witnesses in other criminal proceedings, in connection with the illegality of such detention, in case of violation of the rights of the detained person, use of violence, torture, other cruel, inhuman or degrading treatment during detention;
 - persons in respect of whom a preventive measure in the form of detention has been chosen, as well as in case of violence, torture, other cruel, inhuman or degrading treatment during detention;
 - persons in criminal proceedings in respect of whom, in accordance with the provisions of the Criminal Procedure Code of Ukraine, a defense counsel is engaged to provide defense as assigned, as well as in case of violence, torture, other cruel, inhuman or degrading treatment;
 - Persons in criminal proceedings in respect of whom a defense counsel is engaged for a separate procedural action in accordance with the provisions of the Criminal Procedure Code of Ukraine;
 - Children; - Persons covered by the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" (from the moment a person submits an application for recognition as a refugee or a person in need of additional or temporary protection in Ukraine until the final decision on the application is made);
 - foreigners and stateless persons detained for the purpose of identification and enforcement of forced expulsion (from the moment of detention);
 - persons who have applied for recognition as a stateless person (from the date of submission of the application for recognition as a stateless person until the final decision on the application is made, as well as during the appeal of a refusal to recognize a stateless person, obtaining an immigration permit, or obtaining a temporary or permanent residence permit);
 - persons who do not have identity documents confirming their citizenship of Ukraine (on the issues of establishing facts of legal significance related to the execution and issuance of such documents in court);
 - internally displaced persons;
 - persons who have applied for registration as internally displaced persons (on issues related to appealing against a decision to refuse to obtain a certificate of registration of an internally displaced person, until the receipt of the said certificate or on issues related to the establishment of facts of legal significance in relation to such persons);
 - Citizens of Ukraine residing in the temporarily occupied territory or on the territory of territorial communities located in the area of military (combat) operations or under temporary occupation, encirclement (blockade) (on issues related to the protection of violated, unrecognized or disputed rights, freedoms or interests of
- 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.

Q163 (2023): Part two of Article 27 of the Criminal Procedure Code of Ukraine stipulates that criminal proceedings in courts of all instances shall be conducted in public.

An investigating judge or court may decide to restrict access to court proceedings for persons who are not parties to the trial during the quarantine established by the Cabinet of Ministers of Ukraine in accordance with the Law of Ukraine "On Protection of the Population from Infectious Diseases" if participation in the court hearing would pose a threat to the life or health of a person. The investigating judge or court may decide to conduct criminal proceedings in a closed court session during the entire trial or a separate part thereof only in the following cases:

- 1) if the accused is a minor
- 2) consideration of a case on a criminal offense against sexual freedom and sexual inviolability of a person;
- 3) the need to prevent the disclosure of information about personal and family life or circumstances that degrade the dignity of a person;
- 4) if the proceedings in open court may lead to disclosure of secrets protected by law;

Indicator 4. Access to justice-legal aid

by question No.

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

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

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 86-1. Please indicate the number of recipients of legal aid:

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 decision or

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Question 012

Azerbaijan

(2023): 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 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

(2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, e

Ukraine

(2023): The Accounting Service does not have information on the distribution of estimated allocations for criminal and non-criminal cases allocated for free legal aid. /

Question 013

Republic of Moldova

(2023): The demand for legal aid for actions in respect of legal situations/disputes that are undertaken outside the court proceedings (legal advice, legal counselling, etc.) has increased in 2023. Also, the fixed monthly remuneration of the para-legals has increased with 150 %.

Source: National Legal Aid Council activity report for 2023 https://cnaigs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAJGS_2023_.pdf.

Question 013-2

Ukraine

(2023): The Law of Ukraine "On Court Fees" defines the legal basis for the collection of court fees, payers, objects and rates of court fees, the procedure for payment, exemption from payment and refund of court fees.

Pursuant to Article 2 of the said Law, the payers of the court fee are citizens of Ukraine, foreigners, stateless persons, enterprises, institutions, organizations, other legal entities (including foreign ones) and individual entrepreneurs who apply to court or in respect of whom a court decision has been made as provided for by this Law.

Articles 5 and 8 of the Law set forth the grounds for exemption of a party to a case from paying court fees or, taking into account the person's financial situation, for deferral or installment of court fees for a certain period of time.

According to the Quality Standards for the Provision of Free Secondary Legal Aid in Civil and Administrative Proceedings and Representation in Criminal Proceedings, approved by the Order of the Ministry of Justice of Ukraine No. 4125/5 dated 21.12.2017, when providing a person with free secondary legal aid, if there are legal grounds for filing a lawsuit, a lawyer prepares a substantiated request for deferral and installment of court costs, reduction of their amount or exemption of the

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.

(2023): In 2023 there has been an increase in criminal cases in comparison with 2021. This in turn, determined a higher demand for legal aid services for criminal case

Republic of Moldova

(2023): The upward trend in the number of other than criminal cases for which legal aid has been granted in 2023 is due to a specific policy promoted in this regard di

Ukraine

(General Comment): Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at the territorial community level.

The column "Cases brought to court" provides statistical information on the number of issued instructions for secondary legal aid in criminal cases and information on the number of issued orders for secondary legal aid in non-criminal cases. The column "Cases not brought to court" provides statistical information on the provision of free primary legal aid.

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 086-1

Armenia

(2023): Statistics are collected based on the number of cases. Therefore, no statistics on the number of recipients can be provided, as the same person may seek assis

Ukraine

(General Comment): The column "Cases brought to court" provides statistical information on the number of persons in criminal cases for whom an order for free secondary legal aid was issued, and in civil cases on the number of persons whose applications were approved for free secondary legal aid.

The column "Cases not brought to court" provides statistical information on the number of persons who were provided with free primary legal aid.

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 to the new regulation, in case of applying to the public defender's office for free legal aid, the person shall submit a written declaration. The declaration form and filling procedure shall be approved by the Council of the Chamber of Advocates.

Georgia

(General Comment): A person is considered insolvent and entitled to free legal aid, if he/she 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 score (Scores are determined by Law).

Also, person is considered insolvent and is entitled to free legal aid if he/she 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 defence 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.

In case of domestic violence: during the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days and the turnover does not exceed 1500 GEL.

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:

According to the paragraph 5 of the Article 41 of the Law on Advocacy, in addition to providing legal aid to the suspect or accused in criminal cases, the Public Defender Office also provides free legal aid to the following persons: 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 defense 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 the ones searching shelter in the Republic of Armenia. 15) persons who have suffered from torture in order to receive compensation in accordance with the procedure established by Article 1087.3 of the Civil Code of the Republic of Armenia. 16) persons who have been subjected to domestic violence in accordance with the Law of the Republic of Armenia "On Prevention of Domestic Violence, Protection of persons who have been subjected to Domestic Violence and restoration of solidarity in the family". 17) defendants in civil cases initiated on the basis of the Law of the Republic of Armenia on confiscation of property of illegal origin". 18) foreigners - for protesting the decision on deportation. 19) persons in respect of whom proceedings are being carried out on cases of recognition as incapacitated or with limited legal capacity, on recognition as incapacitated of a citizen recognized as incapacitated, or on the abolition of restrictions on the legal capacity of a citizen. 20) victims, if they are conscripts or a child under 16 years of age. Paragraph 6 of Article 41 stipulates that free legal aid can't be provided to individuals mentioned in paragraph 5 of this Article: 1) on cases of entrepreneurial character (including corporate quarrels). 2) on cases of property (sum) claims that exceed the minimal salary by one thousand, 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. 4) if the applicant's claims are clearly unreasonable. 5) if a person receives legal assistance from another lawyer on the same issue on which he applied to the office of the public defender.

Georgia

(2023): A person is considered insolvent and entitled to free legal aid, if he/she 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 score (Scores are determined by Law).

Also, person is considered insolvent and is entitled to free legal aid if he/she 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 defence 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.

In case of domestic violence: during the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days and the turnover does not exceed 1500 GEL.

Republic of Moldova

(2023): Qualified legal aid is granted to applicants whose monthly average income is lower than the subsistence level per inhabitant in the country. In assessing the income of the applicant for legal aid, the monthly average income and the gains achieved in the six months preceding the month of application is taken into account. When the applicant needs urgent legal aid in the case of custody during a criminal trial, or a misdemeanor procedure or when the participation of the defendant turns out to be mandatory in a criminal or civil trial, qualified legal aid is granted regardless of the income of the person.

Qualified legal aid cannot be granted to applicants who have the possibility to cover the costs of legal assistance with the value of their assets, excepting the assets which cannot be seized.

Partial legal aid is granted to applicants whose annual income is over the value indicated and who can pay a part of the legal assistance services.

The discrepancy between the 2023 annual income value and 2021 annual income value is due to a different exchange rate and due to a moderate upward trend from year to year.

Ukraine

(General Comment): According to Ukrainian legislation, there is no any system of assets evaluation in case of primary legal aid. The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine “On the legal aid” have all individuals, who are under the jurisdiction of Ukraine. However, in case of secondary legal aid the system of assets evaluation applies in some cases. According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On free legal aid” the following persons refer to subjects of law for receiving secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsidence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsidence minimum for disabled persons. Subjects for receiving secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On legal aid”, during submitting an application for receiving secondary legal aid should provide documents confirming their respective level of income; At the same time, financial unsecured people is not the only group of people entitled to secondary legal aid. The legislation of Ukraine provides other groups (persons protected by the law of Ukraine “On refugees and persons in need of additional or temporarily protection”, veterans of war and persons covered by the law of Ukraine “On the status of war veterans, guarantees of their social protection” etc). Such other categories of persons, who have the right to secondary legal aid, shall not provide any confirmation of their level of income.

Mechanisms of partial payment for primary and secondary legal aid by the state are not foreseen by Ukrainian legislation.

property is required for the purpose of providing such legal aid.

According to Article 14 of the Law, certain categories of individuals have the right to free secondary legal aid. Among the categories are those to whom legal aid is provided without regard to the amount of income or property of an individual, including

- persons subject to administrative detention;
- persons subject to administrative arrest; - persons who are considered detained in accordance with the provisions of the Criminal Procedure Code of Ukraine, as well as if such persons are applicants, recognized as victims or witnesses in other criminal proceedings, in connection with the illegality of such detention, in case of violation of the rights of the detained person, use of violence, torture, other cruel, inhuman or degrading treatment during detention;
- persons in respect of whom a preventive measure in the form of detention has been chosen, as well as in case of violence, torture, other cruel, inhuman or degrading treatment during detention;
- persons in criminal proceedings in respect of whom, in accordance with the provisions of the Criminal Procedure Code of Ukraine, a defense counsel is engaged to provide defense as assigned, as well as in case of violence, torture, other cruel, inhuman or degrading treatment;
- Persons in criminal proceedings in respect of whom a defense counsel is engaged for a separate procedural action in accordance with the provisions of the Criminal Procedure Code of Ukraine;
- Children; - Persons covered by the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" (from the moment a person submits an application for recognition as a refugee or a person in need of additional or temporary protection in Ukraine until the final decision on the application is made);
- foreigners and stateless persons detained for the purpose of identification and enforcement of forced expulsion (from the moment of detention);
- persons who have applied for recognition as a stateless person (from the date of submission of the application for recognition as a stateless person until the final decision on the application is made, as well as during the appeal of a refusal to recognize a stateless person, obtaining an immigration permit, or obtaining a temporary or permanent residence permit);
- persons who do not have identity documents confirming their citizenship of Ukraine (on the issues of establishing facts of legal significance related to the execution and issuance of such documents in court);
- internally displaced persons;
- persons who have applied for registration as internally displaced persons (on issues related to appealing against a decision to refuse to obtain a certificate of registration of an internally displaced person, until the receipt of the said certificate or on issues related to the establishment of facts of legal significance in relation to such persons);
- Citizens of Ukraine residing in the temporarily occupied territory or on the territory of territorial communities located in the area of military (combat) operations or under temporary occupation, encirclement (blockade) (on issues related to the protection of violated, unrecognized or disputed rights, freedoms or interests of

Question 088-1

Armenia

(2023): 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

(2023): There is no time limit in legislation.

Georgia

(2023): As a general rule, the lawyer is appointed in a reasonable time after the initial request, considering the nature, complexity and relevance of the case. In crimin

Republic of Moldova

(2023): According to the provisions of art. 18 and 26 of the Law no. 198 on legal aid, the primary legal assistance is granted immediately, after the moment the reques

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.

(2023): On the official website of the judicial authority, personal life data, biometric data and personal data of a special category, judicial acts containing personal data of a child are published anonymously.

A person with disabilities due to auditory or oral limitations has the opportunity to exercise procedural rights through a sign language interpreter in the manner provided for by this article for an interpreter.

In an administrative case, a participant in the trial, and in a civil case, a person participating in the case has the right to an assistant at the expense of public funds if he proves that he does not have enough funds to receive a paid assistant.

If it is necessary to provide the services of an interpreter, sign language interpreter or an assistant to a disabled person due to visual restrictions at the expense of public funds, this person is appointed by a court decision.

A witness may be questioned by a court of first instance at his place of residence by way of a court order if:

- 1) the presence of a witness at the trial is impractical due to the long distance;
- 2) the witness cannot leave his/her location due to illness or other reason.

In cases provided for by law, minors, citizens recognized as legally incompetent or with limited legal capacity, may independently represent their interests in court.

In order to protect the privacy of the participants in the trial, including commercial secrets, the interests of minors or justice, as well as State security, public order or morality, the court may conduct the trial or part of it behind closed doors at the request or on its own initiative of the person involved in the case.

If necessary, copies of the judicial act are provided to the police and the authorized body provided for by the law "On the Prevention of Domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in the family", as well as the enforcement service to monitor the execution of the decision. If a judicial act affects the interests of a minor or an incapacitated person, it is also sent to the guardianship and guardianship authority.

The applicant is exempt from court costs related to the consideration of a case on the recognition of a citizen as legally incompetent or with limited legal capacity.

The adoption proceedings are conducted behind closed doors, which is decided upon when accepting the application for production.

Minors between the ages of fourteen and eighteen, as well as persons recognized as having limited legal capacity, have the right to be heard during the consideration of the case. The court may grant a minor who has not turned fourteen years old, or a person recognized as legally incompetent, the right to be heard during the consideration of the case.

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.

Georgia

(2023): According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called juvenile offenders.

Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priory be represented by a qualified lawyer.

Other Specific arrangement is Institution of Diversion. If there is a probable cause that a minor has committed a minor or a serious crime, the possibility of applying diversion shall be considered in the first place and it shall be evaluated whether diversion can ensure the re-socialization and rehabilitation of the minor and the prevention of a new crime.

Fixed-term imprisonment may be imposed on a minor if he/she has committed a serious or a particularly serious crime, if he/she has avoided serving a non-custodial sentence, and/or a judgment of conviction has been delivered against him/her in the past.

Other vulnerable persons are - victims of human trafficking, victims of forced marriage, victims of sexual mutilation, also victims of other types of violence or domestic violence.

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) -f), the close relatives and their family members may also be protected.

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

(2023): Part two of Article 27 of the Criminal Procedure Code of Ukraine stipulates that criminal proceedings in courts of all instances shall be conducted in public. An investigating judge or court may decide to restrict access to court proceedings for persons who are not parties to the trial during the quarantine established by the Cabinet of Ministers of Ukraine in accordance with the Law of Ukraine "On Protection of the Population from Infectious Diseases" if participation in the court hearing would pose a threat to the life or health of a person. The investigating judge or court may decide to conduct criminal proceedings in a closed court session during the entire trial or a separate part thereof only in the following cases:

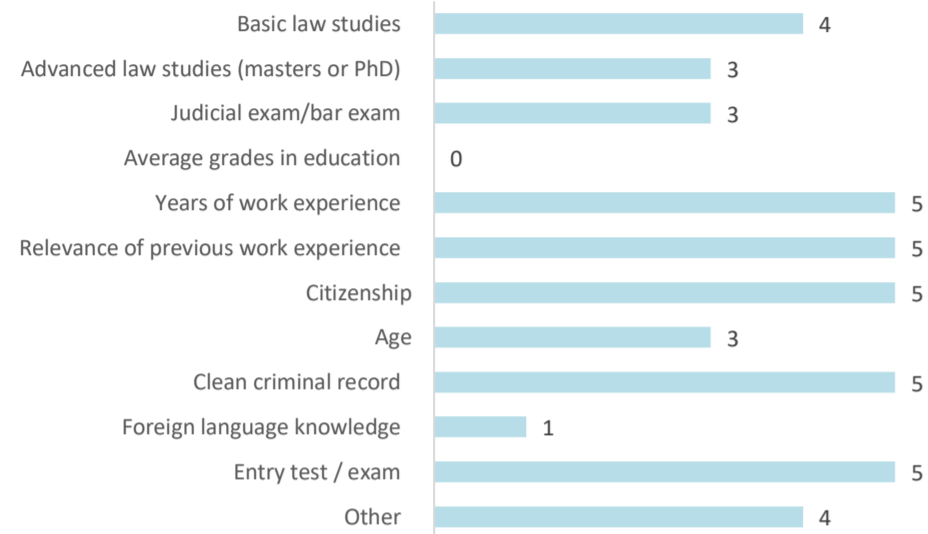
- 1) if the accused is a minor
- 2) consideration of a case on a criminal offense against sexual freedom and sexual inviolability of a person;
- 3) the need to prevent the disclosure of information about personal and family life or circumstances that degrade the dignity of a person;
- 4) if the proceedings in open court may lead to disclosure of secrets protected by law;
- 5) the need to ensure the safety of persons involved in criminal proceedings.

5. and 6. Appointment, recruitment and promotion of judges and prosecutors - Overview

Appointment, recruitment and promotion of judges

Tables no. 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
(No. of beneficiaries by criteria)

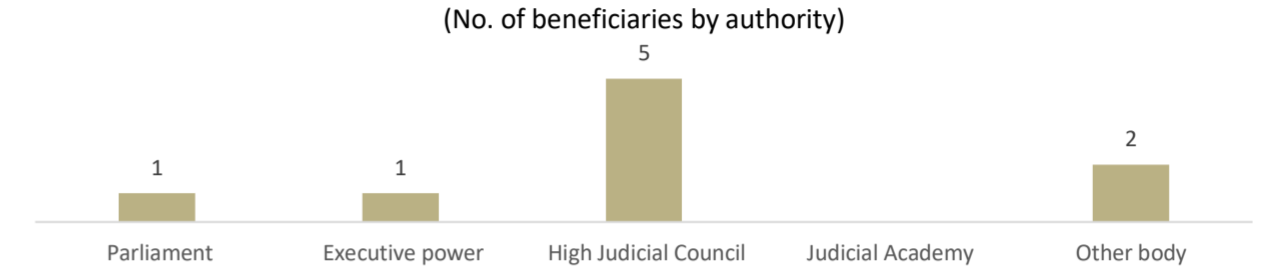


Possibility for non pre-selected judge candidates to appeal in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

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
(Table 6.1.1)



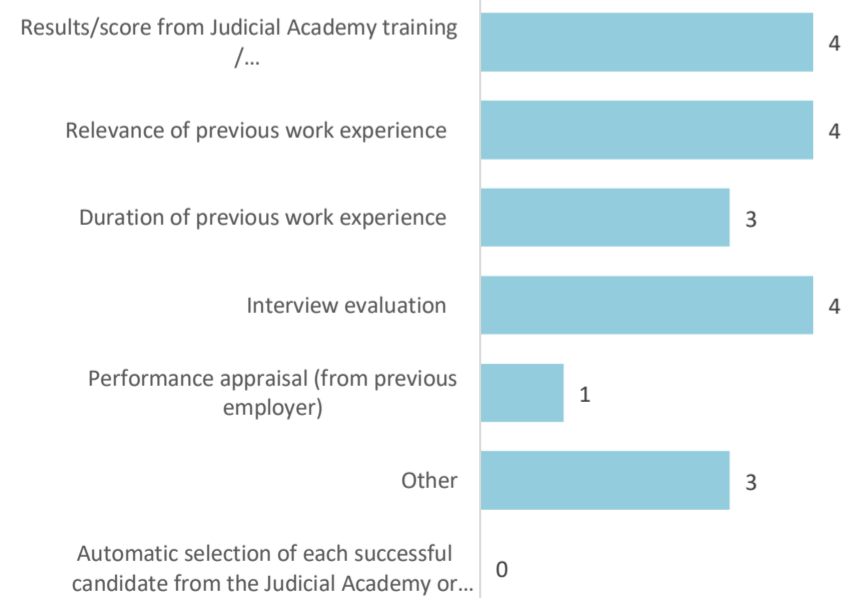
Possibility to appeal the decision on the promotion of judges in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

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)



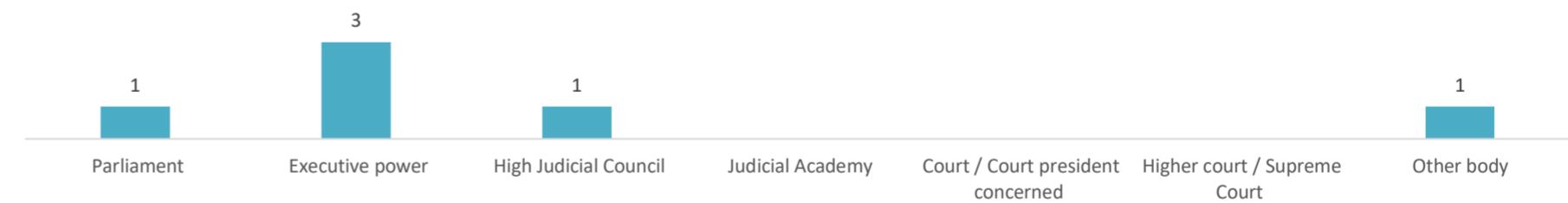
Figure 5.2 Criteria in the selection procedure for judges



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



Possibility for non-selected candidates to appeal against the decision of appointment 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

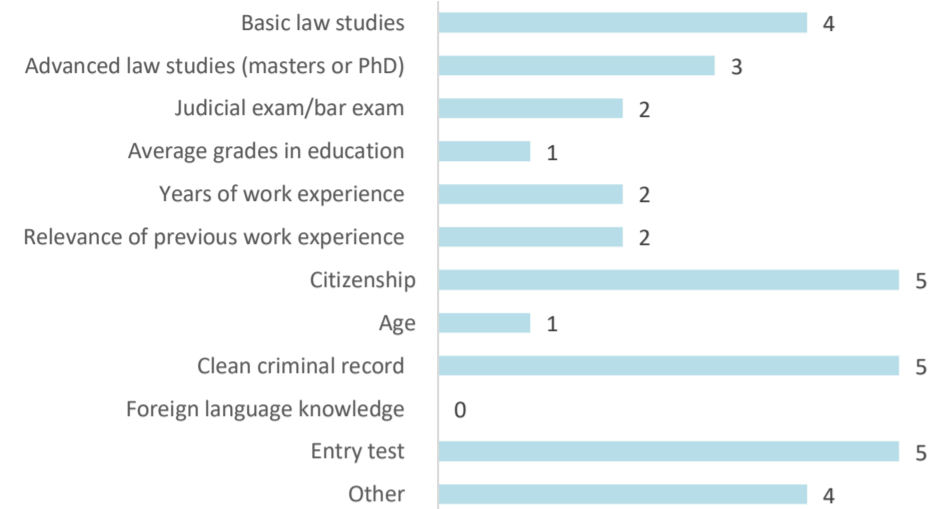
Body competent for the appeal (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (1) (AZE)
- Court (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (1) (GEO)

Appointment, recruitment and promotion of prosecutors

Tables no. 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)

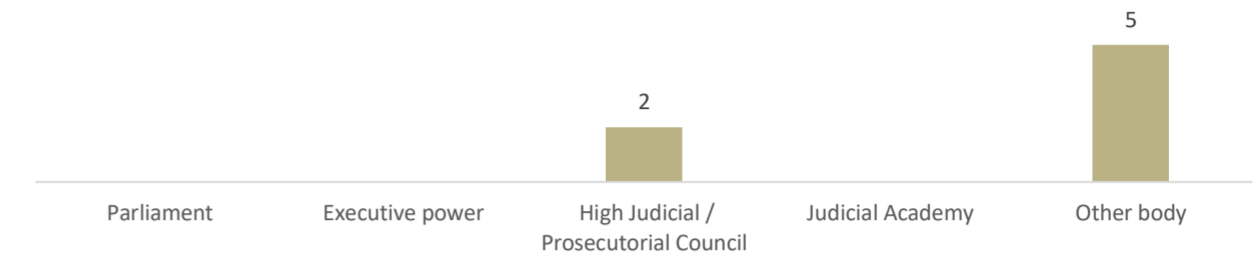


Possibility for non pre-selected prosecutor candidates to appeal in 5 beneficiaries (ARM - GEO - MDA - UKR)

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 (1) (UKR)

Figure 6.2 Authority competent for the promotion of prosecutor (Table 6.1.4)
(No. of beneficiaries by authority)



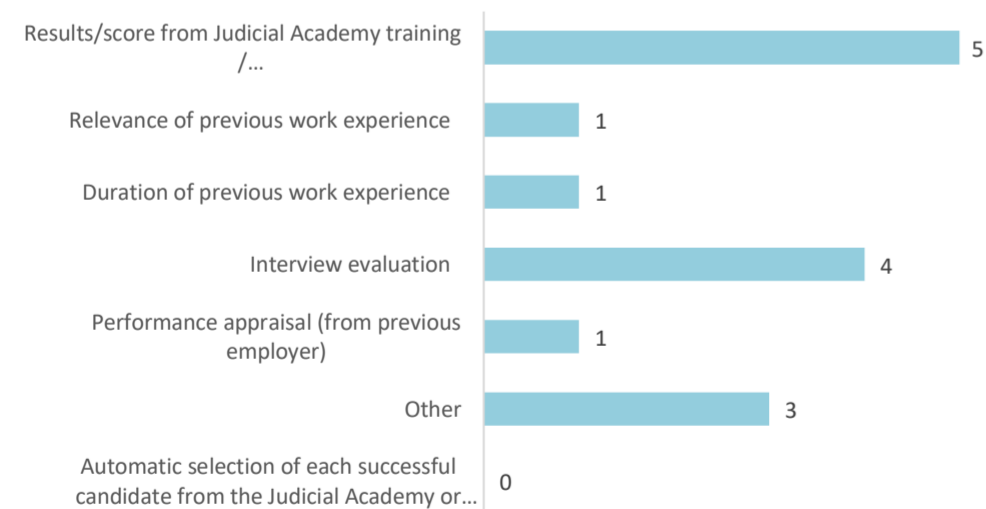
Possibility to appeal the decision on the promotion of prosecutors in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR -)

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)



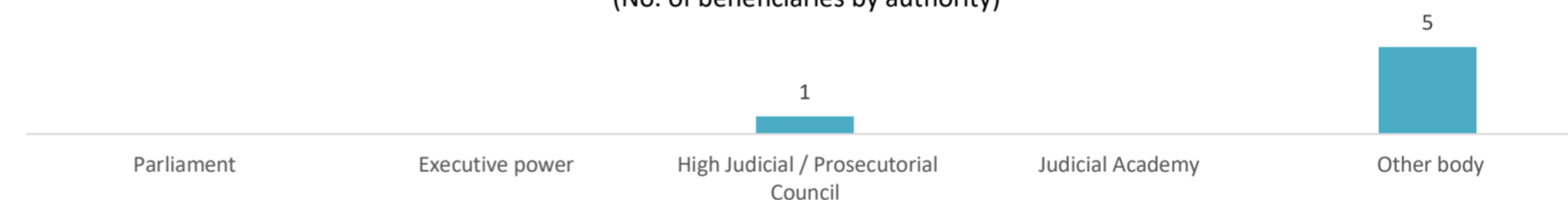
Figure 5.5 Criteria in the selection procedure for prosecutors
(No. of beneficiaries by criteria)



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 (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (0)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.1 Recruitment of judges

Table 5.1.1 Recruitment of Judges - Procedure in 2023 (Q89)

Table 5.1.2 Entry criteria into the process to become a judge in 2023 (Q90)

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2023 (Q91)

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2023 (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 2023 (Q95 and Q96)

Table 5.1.6 Criteria in the selection procedure for judges in 2023 (Q97)

Table 5.1.7 Measures in place to ensure transparency in case of an interview evaluation to select a judge in 2023 (Q97-1)

Table 5.1.8 Authority competent for selection of judges in 2023 (Q98)

Table 5.1.9 Authority competent for the final appointment of judges in 2023 (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 2023 (Q101 and Q102)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment process for prosecutors in 2023 (Q111)

Table 5.2.2 Entry criteria to become a prosecutor in 2023 (Q112)

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2023 (Q113)

Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2023 (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 2023 (Q117 and Q118)

Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2023 (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 2023 (Q119-1)

Table 5.2.8 Authority competent for selection of prosecutors in 2023 (Q120)

Table 5.2.9 Authority competent for the final appointment of prosecutors and its competences in 2023 (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 2023 (Q122 and Q123)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check integrity of candidates for judges in 2023 (Q103)

Table 5.3.2 Mandate of judges and compulsory retirement age in 2023 (Q104, Q108 and Q109)

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2023 (Q105, Q106 and Q107)

Table 5.3.4 Methods to check integrity of candidates for prosecutors in 2023 (Q124)

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2023 (Q125, Q129 and Q130)

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2023 (Q126, Q127 and Q128)

5.1 Recruitment of judges

Table 5.1.1 Recruitment of Judges - Procedure in 2023 (Q89)

Beneficiaries	Recruitment of Judges - Procedure in 2023		
	Competitive exam	Recruitment procedure for experienced legal professionals	Other
Armenia	Yes	No	No
Azerbaijan	Yes	Yes	No
Georgia	Yes	Yes	No
Republic of Moldova	Yes	No	No
Ukraine	Yes	No	No

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 5.1.2 Entry criteria into the process to become a judge in 2023 (Q90)

Beneficiaries	Entry criteria into the process to become a judge in 2023											
	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	NA	NA	NA	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	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy
Azerbaijan	Both - Via & without Judicial Academy	NA	Via Judicial Academy	NA	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	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy
Georgia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Via Judicial Academy	NA	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	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy
Republic of Moldova	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	NA	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	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy
Ukraine	Both - Via & without Judicial Academy	Without Judicial Academy	NA	NA	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	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy

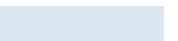
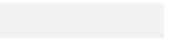



No	
NA	
Via Judicial Academy	
Without Judicial Academy	
Both - Via & without Judicial Academy	

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2023 (Q91)

Beneficiaries	Authority competent for evaluation and decision during the entry selection of judges in 2023				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia			Both - Via & without Judicial Academy		
Azerbaijan			Both - Via & without Judicial Academy		
Georgia			Both - Via & without Judicial Academy		
Republic of Moldova			Both - Via & without Judicial Academy	Without Judicial Academy	
Ukraine					Without Judicial Academy

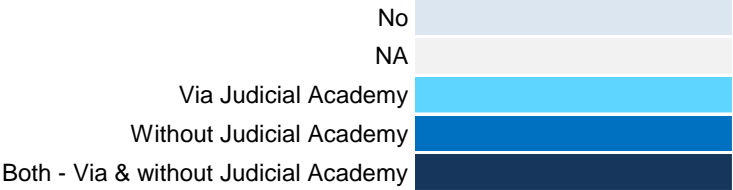


Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2023 (Q92, Q93 and Q94)

Beneficiaries	Public availability of call, entry criteria and list of pre-selected candidates for judges in 2023								
	Public availability of call 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	Not published	Other	Published on the internet	Not published	Not published	Other	
Azerbaijan	Both - Via & without Judicial Academy	Not published	Not published	Other	Via Judicial Academy	Not published	Without Judicial Academy	Other	
Georgia	Both - Via & without Judicial Academy	Not published	Not published	Other	Published on the internet	Not published	Not published	Other	
Republic of Moldova	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Not published	Other	Published on the internet	Not published	Not published	Other	
Ukraine	Without Judicial Academy	Not published	Not published	Other	Not published	Not published	Not published	Other	

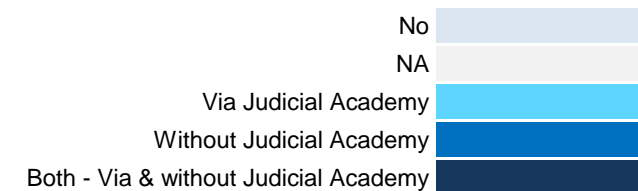


Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2023 (Q95 and Q96)

Beneficiaries	Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2023						
	Possibility for non pre-selected candidates to appeal	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Armenia	Both - Via & without Judicial Academy	No	No	No	No	Without Judicial Academy	Via Judicial Academy
Azerbaijan	Both - Via & without Judicial Academy	No	No	Without Judicial Academy	No	Without Judicial Academy	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	Without Judicial Academy	Without Judicial Academy	No	No
Ukraine	Both - Via & without Judicial Academy	No	No	No	No	Without Judicial Academy	No

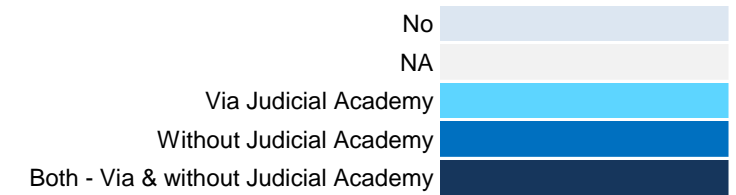


Table 5.1.6 Criteria in the selection procedure for judges in 2023 (Q97)

Beneficiaries	Criteria in the selection procedure for judges in 2023						
	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 or every pre-selected candidate outside of Judicial Academy
Armenia	Light Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue
Azerbaijan	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Georgia	Light Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue
Republic of Moldova	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Dark Blue	Light Blue
Ukraine	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue

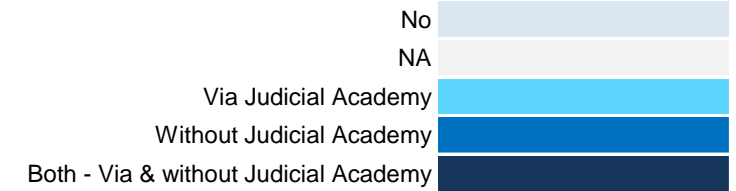


Table 5.1.7 Measures in place to ensure transparency in case of an interview evaluation to select a judge in 2023 (Q97-1)

Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a judge in 2023				
	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					

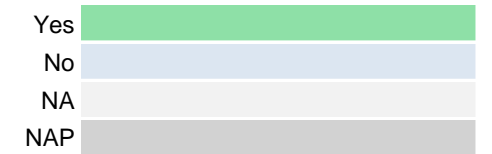


Table 5.1.8 Authority competent for selection of judges in 2023 (Q98)

Beneficiaries	Authority competent for selection of judges in 2023				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

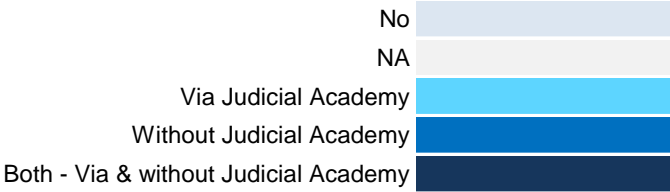


Table 5.1.9 Authority competent for the final appointment of judges in 2023 (Q99 and Q100)

Beneficiaries	Authority competent for the final appointment of judges in 2023										
	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		
Ukraine		Yes						Yes			


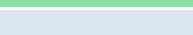
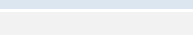
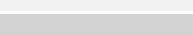

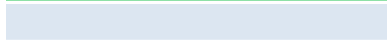
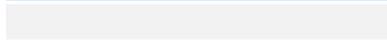

Yes 
 No 
 NA 
 NAP 

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 2023 (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 2023							
	Possibility to appeal against the decision of appointment	Competent body to decide on the appeal						
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	Comment on 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	Qualification Chamber
Republic of Moldova	Yes	No	No	No	Yes	No	No	
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 2023 (Q111)

Beneficiaries	Recruitment process for prosecutors in 2023		
	Competitive exam	Recruitment procedure for experienced legal professionals	Other
Armenia	Yes	Yes	No
Azerbaijan	Yes	No	No
Georgia	Yes	Yes	No
Republic of Moldova	Yes	No	No
Ukraine	Yes	No	No

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 5.2.2 Entry criteria to become a prosecutor in 2023 (Q112)

Beneficiaries	Entry criteria to become a prosecutor in 2023											
	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	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	Light 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	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Dark Blue

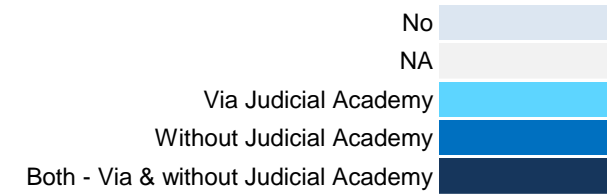


Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2023 (Q113)

Beneficiaries	Authority competent for evaluation and decision during the entry selection of prosecutors in 2023					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Armenia						Both - Via & without Judicial Academy
Azerbaijan				Without Judicial Academy		
Georgia				Without Judicial Academy		
Republic of Moldova			Both - Via & without Judicial Academy		Both - Via & without Judicial Academy	
Ukraine						Without Judicial Academy

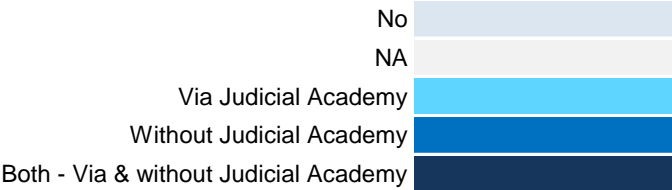


Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2023 (Q114, Q115 and Q116)

Beneficiaries	Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2023								
	Public availability of 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									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

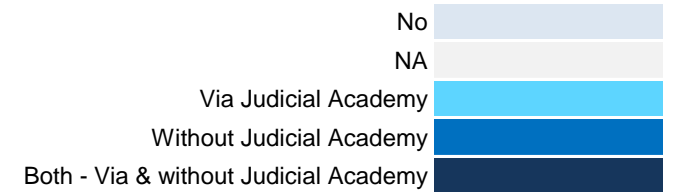


Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2023 (Q117 and Q118)

Beneficiaries	Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2023							
	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						Without Judicial Academy	
Azerbaijan								
Georgia	Without Judicial Academy						Without Judicial Academy	
Republic of Moldova	Both - Via & without Judicial Academy					Without Judicial Academy	Without Judicial Academy	
Ukraine	Without Judicial Academy						Without Judicial Academy	Without Judicial Academy

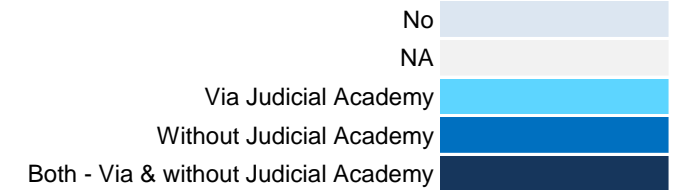


Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2023 (Q119)

Beneficiaries	Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2023						
	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 or every pre-selected experienced candidate
Armenia	Via Judicial Academy	No	No	Without Judicial Academy	No	No	No
Azerbaijan	Without Judicial Academy	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	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	No
Ukraine	Via Judicial Academy	No	No	No	No	Without Judicial Academy	No

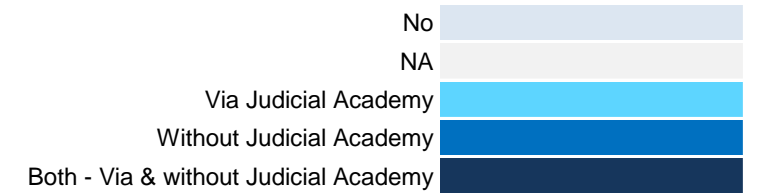


Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2023 (Q119-1)

Beneficiaries	Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2023				
	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	No	Yes	No	No	No
Azerbaijan	Yes	No	Yes	No	No
Georgia	Yes	No	Yes	Yes	No
Republic of Moldova	No	Yes	Yes	Yes	No
Ukraine	NAP	NAP	NAP	NAP	NAP

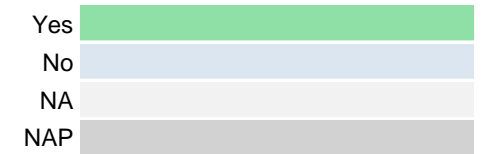


Table 5.2.8 Authority competent for selection of prosecutors in 2023 (Q120)

Beneficiaries	Authority competent for selection of prosecutors in 2023					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecutorial services	Judicial Academy	Other body
Armenia						Both - Via & without Judicial Academy
Azerbaijan				Without Judicial Academy		
Georgia				Without Judicial Academy		
Republic of Moldova			Both - Via & without Judicial Academy			
Ukraine						Without Judicial Academy

No

NA


Via Judicial Academy

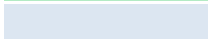
Without Judicial Academy

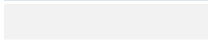
Both - Via & without Judicial Academy

Table 5.2.9 Authority competent for the final appointment of prosecutors and its competences in 2023 (Q121 and Q121-1)

Beneficiaries	Authority competent for the final appointment of prosecutors and its competences in 2023								
	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 



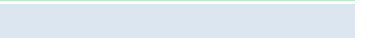
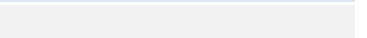

NAP 

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 2023 (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 2023							
	Possibility for non-selected candidates (for a prosecutor position) to appeal against the decision of appointment	Competent body to decide on the appeal						Comment on Other body
		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	

5.3 Integrity and mandate of judges and prosecutors


Table 5.3.1 Methods to check integrity of candidates for judges in 2023 (Q103)

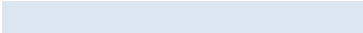
	Methods to check integrity of candidates for judges in 2023					
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment	Other
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

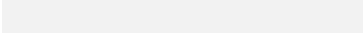
Yes	
No	
NA	
NAP	

Table 5.3.2 Mandate of judges and compulsory retirement age in 2023 (Q104, Q108 and Q109)

Beneficiaries	Mandate of judges and compulsory retirement age in 2023			
	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	Yes	NA	NA	65
Azerbaijan	Yes	NA	NA	66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.
Georgia	Yes	NA	NA	65
Republic of Moldova	Yes	NA	NA	65
Ukraine	Yes	NA	NA	65 years

Yes 

No 

NA 


NAP 

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2023 (Q105, Q106 and Q107)

Beneficiaries	Probation period for judges and institution responsible to decide if the probation period is successful in 2023									
	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 integrity of candidates for prosecutors in 2023 (Q124)

	Methods to check integrity of candidates for prosecutors in 2023					
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment	Other
Armenia	Yes	Yes	No	Yes	No	No
Azerbaijan	No	No	No	No	No	Yes
Georgia	Yes	Yes	No	No	No	Yes
Republic of Moldova	Yes	Yes	Yes	Yes	No	Yes
Ukraine	Yes	Yes	Yes	Yes	No	No

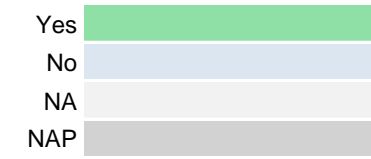


Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2023 (Q125, Q129 and Q130)

Beneficiaries	Mandate of prosecutors and compulsory retirement age in 2023			
	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	65


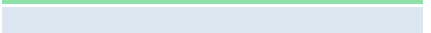
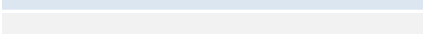
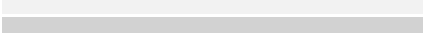

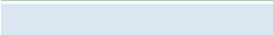
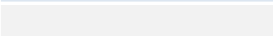
Yes	
No	
NA	
NAP	


Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2023 (Q126, Q127 and Q128)

Beneficiaries	Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2023									
	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) into the process 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 process:

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 of 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) into the process 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 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 of 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 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

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

Q090 (2023): A person applying for inclusion in the list of candidates for judges, within one month from the date of publication of the decision on the qualification check, submits an application to the Supreme Judicial Council in the form established by the Supreme Judicial Council (Part 1 of Article 98 of the Constitutional Law "Judicial Code of the Republic of Armenia"). Persons between the ages of 25 and 60, who have the right to vote, may participate in the qualification check for inclusion in the list of candidates for judges if:

1. They possess only the citizenship of the Republic of Armenia.
2. They have obtained a Bachelor of Law qualification degree in the Republic of Armenia or the qualification of a certified specialist with higher legal education, or have received the corresponding degree in a foreign country.
3. They are proficient in Armenian.
4. They have the appropriate level of language knowledge established by the Supreme Judicial Council in at least one of the English, Russian, and French languages tested using standardized test systems.
5. Only in the case of a Bachelor of Law degree or obtaining an appropriate degree in a foreign country, they have professional work experience of at least five years. In the case of a Bachelor of Law and Master of Law degree or a qualified degree of a certified specialist with higher legal education or obtaining an appropriate degree in a foreign country, they should have professional work experience of at least three years.
6. There are no restrictions provided for by Judicial Code for the appointment of a judge.

Candidates with extensive experience in the field of law (experienced legal professionals) are eligible to apply for inclusion in the list of judicial candidates if they meet the requirements set out in paragraphs 1-4 and 6 above, and:

1. Have at least eight years of professional work experience in the last 10 years.
2. Have an academic degree in law and have taught law for at least five years in a higher educational institution or the state non-profit organization "Academy of Justice," the foundation "Academy of Advocates of the Republic of Armenia" or have performed scientific work in a scientific institution over the past 10 years.

In this case, the candidate undergoes the interview stage to assess their qualifications in accordance with the established procedure.

In accordance with article 112 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", a person cannot be appointed a judge:

- 1) who has been convicted of a crime and whose criminal record has not been removed or has not been removed;
- 2) who has been convicted of an intentional crime or has served a sentence related to deprivation of liberty, regardless of whether the criminal record has been withdrawn or withdrawn;
- 6) in respect of whom criminal prosecution has been initiated.

Q092 (2023): Through Judicial Department

Q096 (2023): 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 not excluded the possibility to appeal to the Administrative court.

Q098 (2023): 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 the Supreme Judicial Council.

Q099 (2023): 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.

Q103 (2023): 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.

Q104 (2023): Following the examination of a matter regarding the disciplinary accountability of a judge in accordance with Article 149 of the Constitutional Law "Judicial Code of the Republic of Armenia", the Supreme Judicial Council may impose disciplinary sanctions on a judge, including the termination of their powers, for a significant disciplinary violation.

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 exemption from training at the Academy of Justice do not apply to persons included in the list of candidates for prosecutors with the function of confiscating property of illegal origin.

Q111 (2023): According to Article 33 of the Law on the Prosecutor's Office, a citizen of the Republic of Armenia aged from 22 to 65 years, who

1) has received a bachelor's degree or a certified specialist of higher legal education in the Republic of Armenia, or has acquired a similar degree in a foreign country, the recognition and establishment of equivalence of which in the Republic of Armenia are carried

out in accordance with the procedure established by law;

2) speaks Armenian;

3) which is not subject to the restrictions established by part 1 of Article 34 of this Law;

4) has completed the relevant training at the Academy of Justice, if, in the cases established by part 10 of Article 38 of this Law, is not exempt from training at the Academy of Justice.

2. A person with at least two years of professional experience as a lawyer may be appointed as a prosecutor of a subdivision performing functions for the recovery of property of illegal origin.

To make additions to the list of candidates for prosecutors, a closed competition of applicants may be held on behalf of the Prosecutor General during the year.

The Qualification Commission checks the applicant's professional training, practical skills, awareness of the requirements of the fundamental legal acts concerning his/her status, his/her personal qualities and merits (self-control, behavior, listening skills, communication skills, analytical abilities, etc.), as well as compliance of the documents submitted by him/her with the requirements

stipulated by law, when the applicant is a candidate of legal sciences or a doctor of law and has at least four years of scientific experience, the qualification commission checks only the compliance of the documents submitted by the applicant with the

requirements provided by law, his/her personal qualities and merits to assess the qualities necessary to occupy this position (self-control, behavior, listening skills, communication skills, analytical abilities, presentation of a position on one brief legal issue in the field of relevant specialization).

Candidates of applicants, on which the qualification commission gives a positive conclusion, are submitted to the Prosecutor General.

The Prosecutor General makes a reasoned decision not to include the applicant in the List, which the applicant can appeal in court.

A person included in the list of candidates for prosecutors undergoes a training program at the Academy of Justice, with the exception of persons established by part 10 of this Article and legal scholars established by part 7 of this Article.

Q112 (2023): Please note that "years of work experience" is a criterion only for the prosecutor of a unit performing functions aimed at the confiscation of property of illegal origin, where at least two years of professional experience as a lawyer is required for the appointment.

According to Article 34 of the Law of the Republic of Armenia "On the Prosecutor's Office", an individual convicted of an intentional crime cannot be appointed as a prosecutor, regardless of whether the criminal record has been expunged or removed. In the case of a crime of negligence, appointment is prohibited until the criminal record has been expunged or removed.

Furthermore, a law enacted on April 14, 2021, introduced a relevant addition to Article 38 of the fundamental law on the Prosecutor's Office, stipulating that individuals applying for the position of prosecutor must undergo an integrity check.

Q113 (2023): The Qualification Commission is responsible for the recruitment and nomination of public prosecutors. According to article 23 of 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 Commission shall have 11 members. The Qualification Commission 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 2-nd case the Commission 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 (2023): 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.

Q118 (2023): The appeal can be submitted to the Administrative court.

Q119 (2023): 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 (2023): Qualification Commission

Q122 (2023): 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 (2023): 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.

Q124 (2023): In accordance with Article 26.1 of the RA Law "On the Commission for the Prevention of Corruption":

The Commission shall conduct an investigation into integrity within the time limits established by law. The integrity questionnaire shall include the following information:

Brief information about the candidate and the property status of their family members within the meaning of the law "On Public Service" - property and income.

Information about the candidate's education and employment history, including the name(s) of educational institutions attended and past and present positions held.

Information on any criminal, administrative, or disciplinary liabilities.

Information regarding relationships as defined by the Law "On Public Service" between persons holding a public position and other such persons.

Information about affiliation with a criminal subculture.

The study of integrity, as defined by law, includes:

Verification of the accuracy of the information provided in the integrity questionnaire.

Investigation into any previous criminal, administrative, or disciplinary liabilities, including involvement in corrupt activities, violations of conduct rules, conflicts of interest, non-compliance with requirements, and other restrictions.

Review of information about the individual published in the media and on social networks.

Examination of the consistency between the individual's property status and their actual income, as well as previously submitted declarations.

Investigation into the individual's employment history.

Examination of the potential affiliation with a criminal subculture.

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;

(2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

Q132 (2023): 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 position within three years following the expiry of his or her term of office.

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 evaluation thereof.

Q134 (2023): Absence of disciplinary sanctions is also a criteria.

Q136 (2023): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

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.

Q138 (2023): The procedure is described by Article 39 of the Law on the Prosecutor's Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

Q139 (General Comment): Absence of disciplinary sanctions is also a criteria.

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 4 stages: 1. Test exam 2. Written exam 3. Oral exam After the one year training in the Justice Academy and practice in courts 4. 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 Apparatus of the Milli Majlis (Parliament), 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 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 in is very rarely used procedure.

Q090 (2023): 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.

Q091 (2023): 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, more than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power (Ministry of Justice), the Judicial-Legal Council administrative body, the Apparatus of the Milli Majlis (Parliament), the advocacy and the legal scholar. 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 training center (Justice Academy). The working places and salaries of the applicants admitted to perform a long-term training will be kept.

Q096 (2023): 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 (2023): 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. According to the changes made to the rules on 31.08.2023, preference is given to those who have obtained equal results, to those who have completed a higher level of higher education, and if the level of education is the same, to those who have graduated from an educational institution with honors and who know a foreign language.

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 (2023): "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 (2023): 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. According to the changes made to the rules on 31.08.2023, preference is given to those who have obtained equal results, to those who have completed a higher level of higher education, and if the level of education is the same, to those who have graduated from an educational institution with honors and who know a foreign language.

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 (2023): 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. The Parliament appoints higher court judges.

Q100 (2023): 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.

Q102 (2023): 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.

Q103 (2023): Other: 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).

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

Q111 (2023): In accordance with Article 4 of the Law of the Republic of Azerbaijan "On Service in the Prosecutor's Office," candidates who have submitted an application for service in the prosecutor's office and whose documents have been accepted undergo a competitive selection process that is open and transparent. This competition consists of qualifying examinations and interviews.

Candidates who successfully pass the competition for admission to the prosecutor's office for the first time are required to undergo mandatory training at the Scientific and Educational Center of the General Prosecutor's Office of the Republic of Azerbaijan.

Candidates who successfully complete this training are then admitted to the prosecutor's office.

The appointment to service in the prosecutor's office is formalized by an official order, and a copy of this order is signed and handed to the employee on the same day.

Q112 (2023): 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 are present, the commission is 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 casts 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 (2023): Candidates who successfully pass the competition for admission to the prosecutor's office for the first time are required to undergo mandatory training at the Scientific and Educational Center of the General Prosecutor's Office of the Republic of Azerbaijan. Candidates who successfully complete this training are then admitted to the prosecutor's office.

Other criteria include efficiency, the level of professionalism, the results of his/her 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 (2023): 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.

Q124 (2023): 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.

Q125 (General Comment): This term can be prolonged till the age of 65 by the General Prosecutor.

Q127 (2023): 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.

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 based on the results of the evaluation of their performance.

Q133 (General Comment): The judges' promotion procedure is based on assessment of judges performance.

Q133 (2023): 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 qualitative indicators, in order to assess the professional activity, ethical conduct and communication skills of judges and court chairmen.

Q134 (General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

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 opinion, the opinion shall be attached to the decision.

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 and former members of the Constitutional Court and the Supreme Court of Georgia.

Q089 (2023): Judges are recruited according a combination of both (competitive exam and working experience) ways. Apart from passing the qualification exam, candidates are expected to have masters’ degree in law and 5 years’ experience. Candidates should complete special training course of 16-months duration conducted by the High School of Justice. Candidates participate in a competition announced by High School of Justice. The later requirement does not extend to candidates who are former Supreme Court judges, or former judges with 18 months experience of judgeship. Decision on appointment of the first and second instance judges is made by the High Council of Justice. Supreme Court judges are nominated by High Council of Justice and appointed by the Parliament of Georgia.

Q090 (2023): 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 as 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. After open competition, interviews and assessment the 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 are nominated by the High Council of Justice and elected by the Parliament of Georgia.

A person with previous conviction, or a person who has been discharged from the position of a judge on the ground of committing disciplinary misconduct or committing a corruption offence as determined in the Law of Georgia on Conflicts of Interest and Corruption at Public Institutions may not be appointed/elected to the position of a judge.

Q091 (2023): 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.

Q095 (2023): A candidate may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Q096 (2023): A candidate may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Q097 (2023): 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 (2023): 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 (2023): 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 (2023): A candidate may appeal the decision of the High Council of Justice of Georgia on refusing to appoint or nominate him/her for the position of a judge to the Chamber of Qualification of the Supreme Court. The decision of the Parliament can be appealed in court.

Q103 (2023): During checking the integrity of candidate consideration shall be given to his/her, as a citizen's honesty, good faith, consciousness corresponding to duties and responsibility, transparency, accuracy and precision when performing official or other duties, financial or other obligations - for example, when paying a bank or other debts, paying utility or other fees, paying a fine for violating traffic regulation and etc. Consideration shall be given also to his/her ethics in interacting with colleagues and other people, self-possession, ability to manage own emotions, disputes in a court to which he/she has been a party, whether there is a criminal charge against him/her, etc.

Q104 (General Comment): 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 at first Instance court, the judge may be appointed for three-year term until 31 December 2024.

As of 2023 there are number of judges (3 judges) at the Supreme Court who are still appointed for 10-years term.

Q104 (2023): 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 at First instance Court, the judge may be appointed for three-year term until 31 December 2024.

As of 2023 there are number of judges (3 judges) at the Supreme Court who are still appointed for 10-years term.

Q107 (2023): Qualification chamber of Supreme Court of Georgia

Q111 (General Comment): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience

Q111 (2023): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience

Q112 (2023): 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.

Q120 (2023): The Selection Board of the PSG is responsible for selection and nomination of prosecutors. The General Prosecutor appoints the candidates nominated by the Selection Board as prosecutors. The HR Department of PSG is responsible for organization of selection and appointment process.

Q121 (2023): After the assesment of a candidate is finished, the PSG Human Resources Management and Development Department and the General Inspectorate submit the report to Prosecutor General of Georgia on appointing a candidate as a prosecutor. Therefore, the Prosecutor General is the competent authority for the final appointment of a prosecutor.

Q124 (2023): Chapter X of the Organic Law of Georgia on Prosecution Service of Georgia 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:

☐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.

Q125 (General Comment): All prosecutors, except for the Prosecutor General, are appointed for an undetermined period. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

The legislation of Georgia does not stipulate compulsory retirement age. According to the Organic Law on Prosecution Service of Georgia 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.

Q125 (2023): All prosecutors, except for the Prosecutor General, are appointed for an undetermined period. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

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Q132 (2023): 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.

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 process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the 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 according 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 open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

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 process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

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3. 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

Q134 (2023): 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 ethical and professional standards, tendencies of his/her professional growth and etc.

Q137 (General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the Head of the General Inspectorate; 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

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Q138 (2023): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. The Prosecutor General may disagree with the recommendation of this Council, but he/she is required to substantiate the dissenting opinion.

A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. 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”.

Q139 (2023): 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

Q089 (General Comment): Judges are recruited through a competitive exam. The open competition refers to all candidates (applicants which passed via National Institute of Justice and experienced applicants-legal professionals).

Q090 (2023): 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.

As an exception, the Constitutional Court judges and international court's judges who have 5 years of experience in such positions are not required to take a judicial exam/bar exam as a pre-condition to become a judge in Moldova.

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.

Q097 (2023): Other criteria according to the provisions of the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023):

1. participation in non-formal education activities, projects or initiatives;
2. knowledge of one of the official languages of the Council of Europe;
3. possession of personal qualities such as verticality, fairness, the ability to manage stressful situations, analytical ability, the ability to make decisions, attested by the result of psychological testing;
4. possession of the ability to understand and solve complex legal situations;
5. other criteria established by the regulation approved by the Superior Council of Magistracy.

Q097-1 (2023): According to the provisions of the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023), the measures shall be established in a regulation approved by the Superior Council of Magistracy. The nominated Regulation has not been approved, yet.

The SCM applied its old regulation concerning the interview process, in 2023.

Q099 (2023): Due to 2022 amendments to the Constitution the President of the Republic of Moldova is competent for the final appointment of a judge at the proposal of the Superior Council of Magistracy.

Q100 (2023): Has a right to reject some among the selected (proposed) candidates only once.

Q102 (2023): The non-selected candidates may appeal against the final decision of appointment in court. The matter is examined by the court, according to the provisions of the Administrative Code.

Q103 (2023): At the moment of submitting the set of documents, the candidate to the position of judge is informed about the obligation to pass a 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. On 5 December 2017, the Constitutional Court declared unconstitutional the provisions of the 2008 Law on the background check of candidates to public functions in respect of candidates to the position of judges and judges. In 2023 the following provisions of art. 6 the Law 544/1995 were in force: “4. It shall be deemed not to be of irreproachable reputation within the meaning of paragraph 4. (1), and a person may not run for the position of judge who:

- a) has a criminal record, including extinguished, or has been absolved of criminal responsibility by an act of amnesty or pardon;
- b) was dismissed from law enforcement bodies for compromising reasons or was dismissed, for the same reasons, from the functions specified in para. (2);
- c) behaves in a manner incompatible with the norms of the Code of Ethics for Judges or carries out activity incompatible with the norms of this Code.
- d) has been disciplined for non-compliance with the provisions of Article 7 para. (2) of Law nr. 325 of 23 December 2013 on institutional integrity assessment;
- e) is prohibited from holding a public office or public dignity, deriving from a finding act of the National Integrity Authority.”

According to the provisions of the article 9 of the Law of the status of the judge, 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. As a follow-up to the above-mentioned CC decision, the SCM modified its Regulation on the criteria for the selection, promotion and transfer of judges in 2018

<https://www.csm.md/files/Hotaririle/2018/28/613-29.pdf>. Thus, according to this Regulation, the College for the Selection of the SCM requests from the National Anti-corruption Center and/or the Information and Security Service a criminal record certificate regarding the professional integrity of the candidate to the position of judge, vice-president and president of court. This criminal record certificate is not to be understood as a background check applied before the Constitutional Court decision mentioned above.

Q104 (2023): Exceptions:

1. at judge's request to resign from position;
2. dismissal as a result of qualifying as "insufficient" in two consecutive performance evaluations;
3. in case of transfer to another position;
4. dismissal as a disciplinary sanction;
5. dismissal as a result of a final conviction;
6. dismissal as a result of acting in a conflict of interest;
7. dismissal as a result of failure or refusal to submit the declaration on assets and conflicts of interest;
8. dismissal as a result of an order issued by a court on confiscation of unjustified assets;
9. dismissal as a result of a negative result of the integrity test required by the disciplinary body;
10. loss of citizenship of the Republic of Moldova;
11. non-compliance with different interdictions established by the special law on the status of judges;
12. ascertaining the inability to work, proven by a medical certificate;
13. dismissal as a result of establishing a judicial protection measure referring to the judge;
14. in case of death.

Q109 (General Comment): In cases of dismissals, it will be possible to be reappointed as a judge, if the reasons for dismissal are not proved.

Q111 (General Comment): Candidates for the position of prosecutor - graduates of the National Institute of Justice and candidates on the basis of 5 years of service in the positions of prosecutor or judge in national or international courts, as a criminal investigation officer, as a lawyer, as a Ombudsman, as a prosecutor consultant, as a judicial assistant in the court, also candidates who held specialized legal positions in the apparatus of the Constitutional Court, of the Superior Council of Prosecutors, of the Superior Council of Magistrates, of the Ministry of Justice, of the Ministry of Internal Affairs, of the National Anticorruption Center, of the Customs Service or candidates who are professors of law in accredited higher education institutions - take the graduation exam before the Graduation Commission at the National Institute of Justice, register in the Register of candidates for the position of prosecutor, kept by the Council's Secretariat and participate in the selection procedures organized by the College for the selection and career of prosecutors.

Candidates on the basis of 10 years of service as a prosecutor, judge or lawyer register in the Register of candidates for the position of prosecutor without taking any exams, but participating in the selection procedures organized 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 Romanian 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.

Concerning the possession of a bachelor's degree, 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

Q118 (General Comment): According to Article 191(3) of the Administrative Code, Article 79 of the Law 3/2016 on Prosecutor's Office, the decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was communicated to him/her. Appeals against decisions of the Superior Council of Prosecutors shall be examined by the court panel which examines appeals against 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;

Q121 (General Comment): The SCP proposes candidates for appointment to the Prosecutor General. If candidates are rejected by the Prosecutor General a reasoned refusal will be issued. The SCP can propose the same candidate/candidates to be appointed second time. The Prosecutor General can not refuse the second proposal. Both, the refusal of the Prosecutor General and the SCP decision can be contested when the procedure ends.

Q121 (2023): For Prosecutor General appointment, the President of The Republic of Moldova is the competent authority.

Q123 (2023): The candidate has the right to challenge the decision of the Superior Council of Prosecutors at the Supreme Court of Justice and also has the right to challenge the order of the Prosecutor General in the competent administrative court.

Q124 (2023): 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:

- 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 Prosecutor's Office.

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 17 June 2016 on the National Integrity Authority; (n) issuing by the court of an irrevocable judgement regarding the seizure of unjustified wealth.

Q132 (2023): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

Q133 (General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the rules of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. The competition average of the candidates who are to be appointed to the position of judge is calculated according the aforementioned Law. Candidates choose their competitive positions in descending order of the competition average. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision.

Q133 (2023): The results of the competition are published on the official web page of the Superior Council of Magistracy within 2 working days of its completion.

Q134 (General Comment): According to the amendments in 2023 of the Law on status of judges, a person with a working experience as a judge of at least 4 years and 10 years, respectively, can apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

Q137 (2023): The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

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 two 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) the quality and efficiency of work as a prosecutor;
- d) compliance with the rules of professional ethics.

Q139 (2023): In the promotion competition, the prosecutors were evaluated, including on the basis of the criteria of teaching and scientific activity and seniority in the position of prosecutor or in other positions, which since August 2023 have been excluded by legislative amendments to the Law No. 3/2016 on the Prosecutor's Office.

Ukraine

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 appointing a judge to the office.

Q090 (General Comment): According to parts two-five 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.

No person may apply for a judicial office who has previously been dismissed from the office of a judge based on the results of a qualification assessment.

Q090 (2023): In order to participate in the selection process, candidates for the position of judge, in accordance with the requirements of Article 71 of the Law of Ukraine "On the Judicial System and Status of Judges", shall submit a copy of the declaration of a person authorized to perform the functions of the state or local self-government, covering the period of the year preceding the year of submission of documents, and a link to the relevant page of the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government.

Q091 (General Comment): According to item 2 of part one 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.

Q097 (2023): Article 70 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides the procedure for selection for and appointment to judicial office: the High Qualification Commission of Judges of Ukraine conducts the examination 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 allows 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;

passing a selection exam by a person allowed to participate in the selection;

the High Qualification Commission of Judges of Ukraine establishes the results of the selection examination and publishes them on the official website of the High Qualification Commission of Judges of Ukraine;

persons who have successfully passed the selection examination undergo 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, receive special training; obtaining certificates of special training by candidates;

the candidates who have received special training taking the qualification examination and the Commission establishing its results.

The selection of candidates for judicial office who have at least three years of experience as judicial assistants shall be carried out with the special provisions determined by a decision of the High Qualification Commission of Judges of Ukraine.

Q098 (2023): According to item 2 of part one 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 (2023): According to part one of Article 128 of the Constitution of Ukraine the President of Ukraine shall appoint judges upon the submission of the High Council of Justice in the manner prescribed by law

Q100 (General Comment): Article 80 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that the appointment to judicial office shall be made by the President 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.

Q102 (2023): According to 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.

Article 75. Conducting a special inspection

1. The High Qualifications Commission of Judges of Ukraine shall decide on admission to the special vetting of all candidates for the position of judge who have obtained a passing score in the qualification examination.

In case two or more candidates have received the same number of points, all such candidates shall be admitted to the special examination.

2. After making a decision on admission of candidates for the position of judge to the special vetting, the High Qualification Commission of Judges of Ukraine shall send requests to the authorized state bodies to verify the information on the candidates regarding their compliance with the requirements set forth in this Law and the authenticity of the submitted documents.

The list of authorized state bodies, terms and requirements for information to be provided or received shall be determined by the High Qualification Commission of Judges of Ukraine taking into account the information contained in the dossier of candidates for the position of judge.

3. In case the Commission verifies information through electronic interaction with automated information and reference systems, registers and databases, which are owned (administered) by public authorities, other state bodies or local self-government bodies, no requests shall be sent to the relevant authorities.

4. For the purpose of compiling the dossier of a candidate for the position of a judge and conducting a special inspection, the High Qualification Commission of Judges of Ukraine shall also have the right to receive free of charge information about the candidate and his/her family members or close relatives in accordance with the procedure provided for in Article 86 of this Law.

5. The High Qualification Commission of Judges of Ukraine shall determine the results of the special inspection at the meetings of the colleges.

6. From the date of publication by the High Qualification Commission of Judges of Ukraine of the decision to admit candidates for the position of judge to special verification, any persons shall have the right to provide the Commission with information and materials regarding the non-compliance of a particular candidate with the requirements established by this Law.

The High Qualification Commission of Judges of Ukraine may take such information and materials into account when conducting the selection of judges. The information and materials received from anonymous sources, as well as information and materials whose origin cannot be established, shall not be considered by the High Qualification Commission of Judges of Ukraine.

7. If the High Qualification Commission of Judges of Ukraine has received information that may indicate that a candidate for the position of a judge does not meet the requirements established by this Law, the panel of the Commission shall verify the said information and consider it at a meeting with the invitation of such candidate. The candidate has the right to familiarize himself/herself with this information, provide explanations and evidence to refute it.

If the verification results show that such information is substantiated, the panel of the High Qualifications Commission of Judges of Ukraine shall make a reasoned decision on the candidate's failure to meet the requirements established by this Law and terminate his/her further participation in the selection for the position of judge.

Article 76. Examination of Personal Moral and Psychological Qualities of Candidates for Judicial Office

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 (2023): According to Article 126 of the Constitution of Ukraine 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 (2023): In 2023, the selection of candidates for the position of prosecutor was carried out from among persons who met the requirements established by Article 27 of the Law of Ukraine "On the Prosecutor's Office" (as amended by the Law No. 2203-IX of April 14, 2022). Pursuant to part one of Article 27 of the Law of Ukraine "On Prosecution", a citizen of Ukraine with a higher legal education and proficiency in the state language in accordance with the level determined by the National Commission for State Language Standards could be appointed as a prosecutor of the district prosecutor's office (including a prosecutor - trainee of the district prosecutor's office in cases specified by this Law), and before the entry into force of amendments to this Law on March 15, 2023, a citizen of Ukraine with a higher legal education and work experience in the field of law not exceeding one year could be appointed as a prosecutor.

According to Art. 29 of the Law, the selection of candidates and their appointment to the position of a district prosecutor is carried out in accordance with the procedure established by the Law and includes, in particular

- adoption by the Qualification and Disciplinary Commission of Prosecutors (QDCP) of a decision on the selection, which shall be posted on the official website of the QDCP and shall contain a statement of the requirements for the candidate provided for by the Law, as well as a list of documents to be submitted and the deadline for their submission.
- passing the qualification exam by persons who meet the established requirements for a candidate;
- publication by the QDCP on its official website of the list of candidates who have successfully passed the qualification exam;
- determination by the QDCP of the ranking of candidates for the position of prosecutor among the persons who have successfully passed the qualification exam and in respect of whom a special check was conducted;
- announcement and holding by the QDCP of a competition for appointment as a prosecutor-in-training of the district prosecutor's office based on the rating of candidates;
- appointment of a person as a trainee prosecutor of the district prosecutor's office;
- the prosecutor-in-training undergoes special training;
- appointment of a prosecutor-trainee who has successfully completed the special training to the position of a prosecutor of the district prosecutor's office.

Q112 (General Comment): According to the Law of Ukraine on the Prosecutor's Office, the selection of candidates for the position of prosecutor is carried out by 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 (2023): Pursuant to Article 27(6) of the Law of Ukraine "On Prosecutors' Office", a person who has an unexpunged or outstanding criminal record or who has been subject to an administrative penalty for committing a corruption-related offense cannot be appointed as a prosecutor.

A candidate for the position of a prosecutor is also required to be fluent in the state language in accordance with the level determined by the National Commission on State Language Standards.

Anyone who meets the established requirements for a candidate for the position of a prosecutor has the right to apply to the QDCP with an application for participation in the selection of candidates for the position of a prosecutor (Article 28 of the Law).

Candidates for the position of a prosecutor, in accordance with the requirements of clause 10, part 1, Article 30 of the Law of Ukraine "On the Prosecutor's Office", shall submit a copy of the declaration of a person authorized to perform the functions of the state or local self-government for the previous year, submitted in accordance with the Law.

Q113 (2023): The relevant body that carries out disciplinary proceedings, and after the name of this body is clarified (from March 15, 2023) - the Qualification and Disciplinary Commission of Prosecutors.

Q115 (2023): According to Art. 29 of the Law, the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by the Law and includes the adoption by the QDCP of a decision on the selection of candidates for the position of a prosecutor, which is posted on the official website of the QDCP and must 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 and the deadline for their submission

Q116 (2023): According to Art. 29 of the Law, the selection of candidates and their appointment to the position of prosecutor is carried out in accordance with the procedure established by the Law and includes the publication by the QDCP on its official website of the list of candidates who have successfully passed the qualification exam

Q117 (2023): In accordance with clause 6.3 of the Regulation on the Procedure for Passing the Qualification Exam, the Minimum Passing Score for Admission to the Next Stage of the Qualification Exam and the Assessment Methodology (approved by the decision of the QDCP dated 26.10.2021 No. 12zp-21, as amended), the decision of the QDCP on the conduct of the qualification exam and its results may be appealed to the court or to the QDCP.

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. 11zn-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 prosecutor, shall be made by the relevant disciplinary authority within five days from the date of the decision.

Q118 (2023): Pursuant to the second paragraph of part five of Article 32 of the Law of Ukraine "On the Prosecutor's Office", the decision of the disciplinary body to refuse to enroll a candidate for a vacant position of a district prosecutor in the reserve for filling vacant positions may be appealed to the court. Pursuant to the provisions of part five of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor in respect of whom a decision is made to terminate special training or to fail to complete it, shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law.

Also, the procedure for appealing against the Commission's decisions on selection is regulated by Section XI 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 dated October 26, 2021, No. 11zp-21 (as amended).

Thus, clause 11.1 of this Regulation stipulates that decisions to refuse to allow a person to take the qualification exam, to terminate participation in the selection, to prevent the candidate from undergoing special training, to exclude the candidate from the reserve for filling vacant prosecutor positions, as well as other decisions on the selection process may be appealed to the Commission or to the court. A person who has expressed a desire to become a prosecutor or a candidate shall file a complaint against the decision in electronic form by sending it to the Commission's e-mail address within three calendar days from the date of publication of the relevant decision on the official website of the Commission. The complaint shall be signed by the person who has expressed a desire to become a prosecutor, a candidate (clause 11.2 of the Regulation). The complaint against the decision is considered at a meeting of the Commission. The candidate is notified of the decision by sending a letter to the e-mail address specified in the complaint, with a copy of the relevant decision attached (clause 11.3 of the Regulation). Repeated complaints and complaints from other persons, as well as those filed in violation of the established time limit and procedure, are not accepted for consideration (clause 11.4 of the Regulations). In addition, pursuant to Article 5 of the Code of Administrative Procedure of Ukraine, every person has the right to apply to an administrative court in accordance with the procedure established by this Code if he or she believes that his or her rights, freedoms or legitimate interests have been violated by a decision, action or inaction of a public authority.

29 of the Law of Ukraine "On the Prosecutor's Office" and included the following steps 1) adoption of a decision by the relevant body conducting disciplinary proceedings to select candidates for the position of a prosecutor; 2) submission of the relevant application and documents specified by the Law of Ukraine "On the Public Prosecutor's Office" to the relevant body conducting disciplinary proceedings by persons who expressed their desire to become a prosecutor; 3) the relevant body conducting disciplinary proceedings shall verify the compliance of 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 exam; 7) determination by the relevant disciplinary body of the rating 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 and district prosecutors' offices; 8) announcement by the body conducting disciplinary proceedings of a competition for appointment as a trainee prosecutor of the district prosecutor's office among candidates who are in the reserve for filling vacant positions of prosecutors of district prosecutor's offices;

9) the body conducting the disciplinary proceedings shall hold a competition for appointment as a trainee prosecutor of the district prosecutor's office based on the rating of candidates;

10) the body conducting the disciplinary proceedings submits to the head of the regional prosecutor's office a proposal to appoint the candidate as a trainee prosecutor of the district prosecutor's office;

11) appointment of a person as a prosecutor-in-training of the district prosecutor's office;

12) taking the oath of office of a prosecutor;

13) completion of special training by the prosecutor-intern of the district prosecutor's office;

14) appointment of a prosecutor-trainee of the district prosecutor's office who has successfully completed the special training to the position of a prosecutor of the district prosecutor's office.

Pursuant to Article 27 of the Law of Ukraine "On Prosecution", a citizen of Ukraine with a higher legal education and proficiency in the state language in accordance with the level determined by the National Commission on State Language Standards may be appointed as a prosecutor of the district prosecutor's office (including a prosecutor-intern of the district prosecutor's office in cases specified by this Law) based on the results of the selection.

A citizen of Ukraine with a higher legal education, at least three years of work experience in the field of law and proficiency in the state language may be appointed as a prosecutor of a regional prosecutor's office.

A prosecutor of the Prosecutor General's Office may be a citizen of Ukraine who has a higher legal education, at least five years of work experience in the field of law and is proficient in the state language. These requirements do not apply to prosecutors of the Specialized Anti-Corruption Prosecutor's Office.

ensure the selection of judges and prosecutors, their professional training, evaluation, consideration of cases of their disciplinary liability, financial and organizational support of courts.

According to parts one and two of Article 73 of the Law of Ukraine "On the Public Prosecutor's Office", the body that carries out disciplinary proceedings 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 hold the position of a prosecutor and decides on the disciplinary liability of prosecutors, transfer and dismissal of prosecutors. The Commission is a legal entity, has a seal with the image of the State Emblem of Ukraine and its name, an independent balance sheet and accounts with the State Treasury of Ukraine. It is worth noting that the relevant body conducting disciplinary proceedings was renamed the Qualification and Disciplinary Commission of Prosecutors after the Law No. 2203-IX of April 14, 2022 came into force on March 15, 2023.

In accordance with part three of the same article, the procedure of the Commission's work is determined by the regulation adopted by the All-Ukrainian Conference of Prosecutors on April 27, 2017 (as amended). Part one of Article 74 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the Commission consists of eleven members who are citizens of Ukraine, have a higher legal education and at least ten years of experience in the field of law, of whom:

- 1) five prosecutors appointed by the All-Ukrainian Conference of Prosecutors;
- 2) two persons (scholars) are appointed by the congress of representatives of law schools and research institutions;
- 3) one person (lawyer) is appointed by the Congress of Advocates of Ukraine;
- 4) three persons are appointed by the Ukrainian Parliament Commissioner for Human Rights in agreement with the committee of the Verkhovna Rada of Ukraine responsible for the organization and operation of the prosecution authorities.

According to part one of Article 76 of the Law of Ukraine "On the Prosecutor's Office", the powers of a member of the Commission are terminated in the event of:

- 1) expiration of the term for which he/she was appointed
- 2) submission of a voluntary resignation
- 3) committing actions incompatible with the position of a member of the Commission;
- 4) holding a position provided for in part two of Article 74 of this Law;
- 5) inability to fulfill their powers for health reasons;
- 6) entry into force of a guilty verdict against him/her;
- 7) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 8) being declared missing or declared dead
- 9) death.

According to part one of Article 77 of the Law of Ukraine "On the Prosecutor's Office", the Commission:

Q121-1 (2023): Pursuant to Article 35 of the Law "On Prosecutors' Office", the head of the regional prosecutor's office shall appoint a prosecutor-in-training of the district prosecutor's office to the position of a prosecutor of the district prosecutor's office by his/her order not later than three working days from the date of receipt of the submission of the body conducting disciplinary proceedings.

At the same time, with regard to the appointment of a prosecutor, it should be noted that the head of the prosecutor's office only approves all selected prosecutors for the position, and if the results of a special check reveal that the information about the candidate for the position does not meet the requirements for holding the position established by law, he or she refuses to appoint the candidate to the position (part 2 of Article 58 of the Law of Ukraine "On Prevention of Corruption").

Q123 (2023): According to part 5 of Article 33 of the Law of Ukraine "On Prosecutors' Office", a person in respect of whom a decision is made to terminate special training or to fail to complete it shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law.

Q124 (General Comment): Pursuant to Article 32 of the Law, the QDCP organizes a special vetting of candidates for the position of prosecutor who have successfully passed the qualification exam in accordance with the procedure established by the legislation on corruption prevention. In order to conduct a special vetting, the QDCP sends requests to the authorized bodies to verify information about the candidates. Individuals, legal entities, and public organizations may submit information to the QDCP on the integrity of candidates. In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the QDCP shall consider it at its meeting with the participation of such candidate. The candidate for the position of a prosecutor has the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the QDCP may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. Such a decision may be appealed to the court.

Pursuant to parts three and five of the Law of Ukraine "On the Prosecutor's Office", individuals, legal entities and public organizations may submit information on the integrity of candidates for the position of prosecutor to the body conducting disciplinary proceedings within one month from the date of official publication of the list of candidates who have successfully passed the qualification exam. In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the relevant body conducting disciplinary proceedings shall consider it at its meeting with the participation of such candidate. The candidate for the position of a prosecutor shall have the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the relevant disciplinary body may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. The decision of the body conducting disciplinary proceedings to refuse to enroll a candidate to the reserve for filling vacant positions of district prosecutors may be appealed to the court.

Q125 (2023): The prosecutor shall be dismissed from office in case of:

- 1) inability to perform his/her duties for health reasons
- 2) violation of the requirements for incompatibility provided for in Article 18 of this Law;
- 3) entry into force of a court decision on bringing the prosecutor to administrative liability for an offense related to corruption;
- 3-1) entry into force of a court decision recognizing the prosecutor's assets or assets acquired on his/her behalf by other persons or in other cases provided for in Article 290 of the Civil Procedure Code of Ukraine as unjustified and their recovery as state revenue;
- 4) impossibility of transfer to another position due to direct subordination to a close person;
- 5) entry into force of a court verdict of guilty against him/her;
- 6) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 7) submission of a resignation letter at his/her own request;
- 8) impossibility of further holding a temporarily vacant position;
- 9) liquidation or reorganization of the prosecutor's office where the prosecutor holds the position, or in case of reduction of the number of prosecutors in the prosecutor's office;

In addition to the grounds provided for in paragraphs 1-9 of this part, the Deputy Prosecutor General is dismissed from office 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 (part 3 of Article 16, Article 51 of the Law of Ukraine "On the Prosecutor's Office")

The prosecutor may be subject to disciplinary sanctions in the form of dismissal from the position in the prosecution authorities (clause 3, part 1, Article 49 of the Law of Ukraine "On the Prosecutor's Office").

If a prosecutor refuses to be appointed to a vacant position in the relevant prosecution body or to be transferred to another prosecution body, after dismissal from an administrative position, the prosecutor is dismissed from the position of a prosecutor within the specified period (Article 41(5) of the Law of Ukraine "On the Prosecution Service"). The powers of a prosecutor are terminated upon reaching the age of sixty-five (Article 51(3) of the Law of Ukraine "On the Prosecutor's Office").

Prosecutors and investigators of the prosecution bodies are dismissed by the Prosecutor General, the head of the regional (oblast) prosecutor's office from the position of a prosecutor in case of unsuccessful certification (clause 19 of Section II of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of the Prosecution Bodies").

Q126 (2023): The Law of Ukraine "On the Prosecutor's Office" does not provide for a probationary period for prosecutors.

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.

be carried out based on and within the terms of a recommendation of the High Qualification Commission of Judges of Ukraine which shall be submitted based on the results of a competition to fill a vacant judicial office held following Section 3 of this chapter.

According to Article 79-2 of the Law of Ukraine “On the Judiciary and the Status of Judges”, the High Qualification Commission of Judges of Ukraine shall hold a competition to fill vacant judicial offices in:

- 1) local courts – based on a ranking of candidates for judicial office and judges who have expressed their intention to be transferred to another local court following Article 82 of this Law;
- 2) appellate courts, High Specialized Court or Supreme Court – based on a ranking of participants based on the results of a qualification assessment and taking into account specifics, provided by Article 79-3 of this Law.

A competition to fill a vacant judicial office in the Supreme Court shall be held in respect of a vacant office in the relevant cassation court.

A competition to fill a vacant judicial office in the High Anti-Corruption Court shall be held following specifics, provided by the Law of Ukraine “On the High Anti-Corruption Court”. Article 79-3 of this Law provides peculiarities of conducting a competition for a vacant position of a judge of an appellate court, a High Specialized Court or a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification evaluation and meets one of the requirements outlined in part one of Article 38 of this Law may participate in the competition for a vacant position of a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, who has confirmed his/her ability to administer justice in the relevant court and with the relevant specialisation, and who meets one of the requirements outlined in part one of Article 28 (for a court of appeal), part one or two of Article 33 (for a High Specialised Court) of this Law may participate in the competition for a vacant position of a judge of an appellate court or a High Specialised Court.

The procedure of determining of a winner of a competition for a vacant position is determined in Article 79-4 of the Law of Ukraine “On the Judiciary and the Status of Judges”, in particular, the competition for the vacant position of a judge is to determine the winner – the participant who has the highest position in the rating.

The High Qualification Commission of Judges of Ukraine shall decide on the winner of the competition. The decision shall indicate the participant of the competition who has the highest rating position or the participant of the competition who, in case of the same rating position as another candidate, has an advantage.

According to parts one, two of Article 79-5 of the Law of Ukraine “On the Judiciary and the Status of Judges” after determining the winner of the competition, the High Qualification Commission of Judges of Ukraine conducts an interview with him/her at its meeting.

Based on the results of the interview, the High Qualification Commission of Judges of Ukraine makes:

- 1) a decision to recommend or refuse to recommend the appointment of a candidate for the position of a judge;
- 2) a decision to recommend the transfer of a judge (if the winner of the competition for the position of a local court judge is a judge).

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.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

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 the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

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) into the process 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 process:

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 of 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) into the process 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 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 of 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 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 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 4 stages: 1. Test exam 2. Written exam 3. Oral exam After the one year training in the Justice Academy and practice in courts 4. 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 Apparatus of the Milli Majlis (Parliament), 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 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

(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 and former members of the Constitutional Court and the Supreme Court of Georgia.

(2023): Judges are recruited according a combination of both (competitive exam and working experience) ways. Apart from passing the qualification exam, candidates are expected to have masters’ degree in law and 5 years’ experience. Candidates should complete special training course of 16-months duration conducted by the High School of Justice. Candidates participate in a competition announced by High School of Justice. The later requirement does not extend to candidates who are former Supreme Court judges, or former judges with 18 months experience of judgeship. Decision on appointment of the first and second instance judges is made by the High Council of Justice. Supreme Court judges are nominated by High Council of Justice and appointed by the Parliament of Georgia.

Republic of Moldova

(General Comment): Judges are recruited through a competitive exam. The open competition refers to all candidates (applicants which passed via National Institute of Justice and experienced applicants-legal professionals).

Ukraine

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 appointing a judge to the office.

Question 090

Armenia

(2023): A person applying for inclusion in the list of candidates for judges, within one month from the date of publication of the decision on the qualification check, submits an application to the Supreme Judicial Council in the form established by the Supreme Judicial Council (Part 1 of Article 98 of the Constitutional Law "Judicial Code of the Republic of Armenia"). Persons between the ages of 25 and 60, who have the right to vote, may participate in the qualification check for inclusion in the list of candidates for judges if:

1. They possess only the citizenship of the Republic of Armenia.
2. They have obtained a Bachelor of Law qualification degree in the Republic of Armenia or the qualification of a certified specialist with higher legal education, or have received the corresponding degree in a foreign country.
3. They are proficient in Armenian.
4. They have the appropriate level of language knowledge established by the Supreme Judicial Council in at least one of the English, Russian, and French languages tested using standardized test systems.
5. Only in the case of a Bachelor of Law degree or obtaining an appropriate degree in a foreign country, they have professional work experience of at least five years. In the case of a Bachelor of Law and Master of Law degree or a qualified degree of a certified specialist with higher legal education or obtaining an appropriate degree in a foreign country, they should have professional work experience of at least three years.
6. There are no restrictions provided for by Judicial Code for the appointment of a judge.

Candidates with extensive experience in the field of law (experienced legal professionals) are eligible to apply for inclusion in the list of judicial candidates if they meet the requirements set out in paragraphs 1-4 and 6 above, and:

1. Have at least eight years of professional work experience in the last 10 years.
2. Have an academic degree in law and have taught law for at least five years in a higher educational institution or the state non-profit organization "Academy of Justice," the foundation "Academy of Advocates of the Republic of Armenia" or have performed scientific work in a scientific institution over the past 10 years.

In this case, the candidate undergoes the interview stage to assess their qualifications in accordance with the established procedure.

In accordance with article 112 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", a person cannot be appointed a judge:

- 1) who has been convicted of a crime and whose criminal record has not been removed or has not been removed;
- 2) who has been convicted of an intentional crime or has served a sentence related to deprivation of liberty, regardless of whether the criminal record has been withdrawn or withdrawn;
- 6) in respect of whom criminal prosecution has been initiated.

Azerbaijan

(2023): 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 in is very rarely used procedure.

Georgia

(2023): 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 as 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. After open competition, interviews and assessment the 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 are nominated by the High Council of Justice and elected by the Parliament of Georgia.

A person with previous conviction, or a person who has been discharged from the position of a judge on the ground of committing disciplinary misconduct or committing a corruption offence as determined in the Law of Georgia on Conflicts of Interest and Corruption at Public Institutions may not be appointed/elected to the position of a judge.

Republic of Moldova

(2023): 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.

As an exception, the Constitutional Court judges and international court's judges who have 5 years of experience in such positions are not required to take a judicial exam/bar exam as a pre-condition to become a judge in Moldova.

Ukraine

(General Comment): According to parts two-five 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.

No person may apply for a judicial office who has previously been dismissed from the office of a judge based on the results of a qualification assessment.

(2023): In order to participate in the selection process, candidates for the position of judge, in accordance with the requirements of Article 71 of the Law of Ukraine "On the Judicial System and Status of Judges", shall submit a copy of the declaration of a person authorized to perform the functions of the state or local self-government, covering the period of the year preceding the year of submission of documents, and a link to the relevant page of the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government.

Question 091

Azerbaijan

(2023): 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, more than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power (Ministry of Justice), the Judicial-Legal Council administrative body, the Apparatus of the Milli Majlis (Parliament), the advocacy and the legal scholar. 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 training center (Justice Academy). The working places and salaries of the applicants admitted to perform a long-term training will be kept.

Georgia

(2023): 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): According to item 2 of part one 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 092

Armenia

(2023): Through Judicial Department

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 095

Georgia

(2023): A candidate may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Question 096

Armenia

(2023): 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 not excluded the possibility to appeal to the Administrative court.

Azerbaijan

(2023): 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

(2023): A candidate 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

(2023): 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. According to the changes made to the rules on 31.08.2023, preference is given to those who have obtained equal results, to those who have completed a higher level of higher education, and if the level of education is the same, to those who have graduated from an educational institution with honors and who know a foreign language.

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

(2023): 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.

Republic of Moldova

(2023): Other criteria according to the provisions of the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023):

1. participation in non-formal education activities, projects or initiatives;
2. knowledge of one of the official languages of the Council of Europe;
3. possession of personal qualities such as verticality, fairness, the ability to manage stressful situations, analytical ability, the ability to make decisions, attested by the result of psychological testing;
4. possession of the ability to understand and solve complex legal situations;
5. other criteria established by the regulation approved by the Superior Council of Magistracy.

Ukraine

(2023): Article 70 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides the procedure for selection for and appointment to judicial office: the High Qualification Commission of Judges of Ukraine conducts the examination 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 allows 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;

passing a selection exam by a person allowed to participate in the selection;

the High Qualification Commission of Judges of Ukraine establishes the results of the selection examination and publishes them on the official website of the High Qualification Commission of Judges of Ukraine;

persons who have successfully passed the selection examination undergo 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, receive special training; obtaining certificates of special training by candidates;

the candidates who have received special training taking the qualification examination and the Commission establishing its results.

The selection of candidates for judicial office who have at least three years of experience as judicial assistants shall be carried out with the special provisions determined by a decision of the High Qualification Commission of Judges of Ukraine.

Question 097-1

Azerbaijan

(2023): "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.

Republic of Moldova

(2023): According to the provisions of the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023), the measures shall be established in a regulation approved by the Superior Council of Magistracy. The nominated Regulation has not been approved, yet.

The SCM applied its old regulation concerning the interview process, in 2023.

Question 098

Armenia

(2023): 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 the Supreme Judicial Council.

Azerbaijan

(2023): 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. According to the changes made to the rules on 31.08.2023, preference is given to those who have obtained equal results, to those who have completed a higher level of higher education, and if the level of education is the same, to those who have graduated from an educational institution with honors and who know a foreign language.

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

(2023): 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

(2023): According to item 2 of part one 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

(2023): 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

(2023): 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. The Parliament appoints higher court judges.

Georgia

(2023): 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.

Republic of Moldova

(2023): Due to 2022 amendments to the Constitution the President of the Republic of Moldova is competent for the final appointment of a judge at the proposal of the Superior Council of Magistracy.

Ukraine

(2023): According to part one of Article 128 of the Constitution of Ukraine the President of Ukraine shall appoint judges upon the submission of the High Council of Justice in the manner prescribed by law

Question 100

Azerbaijan

(2023): 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.

Republic of Moldova

(2023): Has a right to reject some among the selected (proposed) candidates only once.

Ukraine

(General Comment): Article 80 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that the appointment to judicial office shall be made by the President 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.

Question 102

Azerbaijan

(2023): 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

(2023): A candidate may appeal the decision of the High Council of Justice of Georgia on refusing to appoint or nominate him/her for the position of a judge to the Chamber of Qualification of the Supreme Court. The decision of the Parliament can be appealed in court.

Republic of Moldova

(2023): The non-selected candidates may appeal against the final decision of appointment in court. The matter is examined by the court, according to the provisions of the Administrative Code.

Ukraine

(2023): According to 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.

Question 103

Armenia

(2023): 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.

Azerbaijan

(2023): Other: 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).

Georgia

(2023): During checking the integrity of candidate consideration shall be given to his/her, as a citizen’s honesty, good faith, consciousness corresponding to duties and responsibility, transparency, accuracy and precision when performing official or other duties, financial or other obligations - for example, when paying a bank or other debts, paying utility or other fees, paying a fine for violating traffic regulation and etc. Consideration shall be given also to his/her ethics in interacting with colleagues and other people, self-possession, ability to manage own emotions, disputes in a court to which he/she has been a party, whether there is a criminal charge against him/her, etc.

Republic of Moldova

(2023): At the moment of submitting the set of documents, the candidate to the position of judge is informed about the obligation to pass a 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. On 5 December 2017, the Constitutional Court declared unconstitutional the provisions of the 2008 Law on the background check of candidates to public functions in respect of candidates to the position of judges and judges. In 2023 the following provisions of art. 6 the Law 544/1995 were in force: “4. It shall be deemed not to be of irreproachable reputation within the meaning of paragraph 4. (1), and a person may not run for the position of judge who:

- a) has a criminal record, including extinguished, or has been absolved of criminal responsibility by an act of amnesty or pardon;
- b) was dismissed from law enforcement bodies for compromising reasons or was dismissed, for the same reasons, from the functions specified in para. (2);
- c) behaves in a manner incompatible with the norms of the Code of Ethics for Judges or carries out activity incompatible with the norms of this Code.
- d) has been disciplined for non-compliance with the provisions of Article 7 para. (2) of Law nr. 325 of 23 December 2013 on institutional integrity assessment;
- e) is prohibited from holding a public office or public dignity, deriving from a finding act of the National Integrity Authority.”

According to the provisions of the article 9 of the Law of the status of the judge, 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. As a follow-up to the above-mentioned CC decision, the SCM modified its Regulation on the criteria for the selection, promotion and transfer of judges in 2018 <https://www.csm.md/files/Hotaririle/2018/28/613-29.pdf>. Thus, according to this Regulation, the College for the Selection of the SCM requests from the National Anti-corruption Center and/or the Information and Security Service a criminal record certificate regarding the professional integrity of the candidate to the position of judge, vice-president and president of court. This criminal record certificate is not to be understood as a background check applied before the Constitutional Court decision mentioned above.

Ukraine

Article 75. Conducting a special inspection

1. The High Qualifications Commission of Judges of Ukraine shall decide on admission to the special vetting of all candidates for the position of judge who have obtained a passing score in the qualification examination.

In case two or more candidates have received the same number of points, all such candidates shall be admitted to the special examination.

2. After making a decision on admission of candidates for the position of judge to the special vetting, the High Qualification Commission of Judges of Ukraine shall send requests to the authorized state bodies to verify the information on the candidates regarding their compliance with the requirements set forth in this Law and the authenticity of the submitted documents.

The list of authorized state bodies, terms and requirements for information to be provided or received shall be determined by the High Qualification Commission of Judges of Ukraine taking into account the information contained in the dossier of candidates for the position of judge.

3. In case the Commission verifies information through electronic interaction with automated information and reference systems, registers and databases, which are owned (administered) by public authorities, other state bodies or local self-government bodies, no requests shall be sent to the relevant authorities.

4. For the purpose of compiling the dossier of a candidate for the position of a judge and conducting a special inspection, the High Qualification Commission of Judges of Ukraine shall also have the right to receive free of charge information about the candidate and his/her family members or close relatives in accordance with the procedure provided for in Article 86 of this Law.

5. The High Qualification Commission of Judges of Ukraine shall determine the results of the special inspection at the meetings of the colleges.

6. From the date of publication by the High Qualification Commission of Judges of Ukraine of the decision to admit candidates for the position of judge to special verification, any persons shall have the right to provide the Commission with information and materials regarding the non-compliance of a particular candidate with the requirements established by this Law.

The High Qualification Commission of Judges of Ukraine may take such information and materials into account when conducting the selection of judges. The information and materials received from anonymous sources, as well as information and materials whose origin cannot be established, shall not be considered by the High Qualification Commission of Judges of Ukraine.

7. If the High Qualification Commission of Judges of Ukraine has received information that may indicate that a candidate for the position of a judge does not meet the requirements established by this Law, the panel of the Commission shall verify the said information and consider it at a meeting with the invitation of such candidate. The candidate has the right to familiarize himself/herself with this information, provide explanations and evidence to refute it.

If the verification results show that such information is substantiated, the panel of the High Qualifications Commission of Judges of Ukraine shall make a reasoned decision on the candidate's failure to meet the requirements established by this Law and terminate his/her further participation in the selection for the position of judge.

Article 76. Examination of Personal Moral and Psychological Qualities of Candidates for Judicial Office

Question 104

Armenia

(2023): Following the examination of a matter regarding the disciplinary accountability of a judge in accordance with Article 149 of the Constitutional Law "Judicial Code of the Republic of Armenia", the Supreme Judicial Council may impose disciplinary sanctions on a judge, including the termination of their powers, for a significant disciplinary violation.

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): 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 at first Instance court, the judge may be appointed for three-year term until 31 December 2024.

As of 2023 there are number of judges (3 judges) at the Supreme Court who are still appointed for 10-years term.

(2023): 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 at First instance Court, the judge may be appointed for three-year term until 31 December 2024.

As of 2023 there are number of judges (3 judges) at the Supreme Court who are still appointed for 10-years term.

Republic of Moldova

(2023): Exceptions:

1. at judge's request to resign from position;
2. dismissal as a result of qualifying as "insufficient" in two consecutive performance evaluations;
3. in case of transfer to another position;
4. dismissal as a disciplinary sanction;
5. dismissal as a result of a final conviction;
6. dismissal as a result of acting in a conflict of interest;
7. dismissal as a result of failure or refusal to submit the declaration on assets and conflicts of interest;
8. dismissal as a result of an order issued by a court on confiscation of unjustified assets;
9. dismissal as a result of a negative result of the integrity test required by the disciplinary body;
10. loss of citizenship of the Republic of Moldova;
11. non-compliance with different interdictions established by the special law on the status of judges;
12. ascertaining the inability to work, proven by a medical certificate;
13. dismissal as a result of establishing a judicial protection measure referring to the judge;
14. in case of death.

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.

(2023): According to Article 126 of the Constitution of Ukraine 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

(2023): Qualification chamber of Supreme Court of Georgia

Question 109

Republic of Moldova

(General Comment): In cases of dismissals, it will be possible to be reappointed as a judge, if the reasons for dismissal are not proved.

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 exemption from training at the Academy of Justice do not apply to persons included in the list of candidates for prosecutors with the function of confiscating property of illegal origin.

(2023): According to Article 33 of the Law on the Prosecutor's Office, a citizen of the Republic of Armenia aged from 22 to 65 years, who

1) has received a bachelor's degree or a certified specialist of higher legal education in the Republic of Armenia, or has acquired a similar degree in a foreign country, the recognition and establishment of equivalence of which in the Republic of Armenia are carried out in accordance with the procedure established by law;

2) speaks Armenian;

3) which is not subject to the restrictions established by part 1 of Article 34 of this Law;

4) has completed the relevant training at the Academy of Justice, if, in the cases established by part 10 of Article 38 of this Law, is not exempt from training at the Academy of Justice.

2. A person with at least two years of professional experience as a lawyer may be appointed as a prosecutor of a subdivision performing functions for the recovery of property of illegal origin.

To make additions to the list of candidates for prosecutors, a closed competition of applicants may be held on behalf of the Prosecutor General during the year.

The Qualification Commission checks the applicant's professional training, practical skills, awareness of the requirements of the fundamental legal acts concerning his/her status, his/her personal qualities and merits (self-control, behavior, listening skills, communication skills, analytical abilities, etc.), as well as compliance of the documents submitted by him/her with the requirements

stipulated by law, when the applicant is a candidate of legal sciences or a doctor of law and has at least four years of scientific experience, the qualification commission checks only the compliance of the documents submitted by the applicant with the

requirements provided by law, his/her personal qualities and merits to assess the qualities necessary to occupy this position (self-control, behavior, listening skills, communication skills, analytical abilities, presentation of a position on one brief legal issue in the field of relevant specialization).

Candidates of applicants, on which the qualification commission gives a positive conclusion, are submitted to the Prosecutor General.

The Prosecutor General makes a reasoned decision not to include the applicant in the List, which the applicant can appeal in court.

A person included in the list of candidates for prosecutors undergoes a training program at the Academy of Justice, with the exception of persons established by part 10 of this Article and legal scholars established by part 7 of this Article.

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

(2023): In accordance with Article 4 of the Law of the Republic of Azerbaijan "On Service in the Prosecutor's Office," candidates who have submitted an application for service in the prosecutor's office and whose documents have been accepted undergo a competitive selection process that is open and transparent. This competition consists of qualifying examinations and interviews.

Candidates who successfully pass the competition for admission to the prosecutor's office for the first time are required to undergo mandatory training at the Scientific and Educational Center of the General Prosecutor's Office of the Republic of Azerbaijan.

Candidates who successfully complete this training are then admitted to the prosecutor's office.

The appointment to service in the prosecutor's office is formalized by an official order, and a copy of this order is signed and handed to the employee on the same day.

Georgia

(General Comment): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience

(2023): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience

Republic of Moldova

(General Comment): Candidates for the position of prosecutor - graduates of the National Institute of Justice and candidates on the basis of 5 years of service in the positions of prosecutor or judge in national or international courts, as a criminal investigation officer, as a lawyer, as a Ombudsman, as a prosecutor consultant, as a judicial assistant in the court, also candidates who held specialized legal positions in

the apparatus of the Constitutional Court, of the Superior Council of Prosecutors, of the Superior Council of Magistrates, of the Ministry of Justice, of the Ministry of Internal Affairs, of the National Anticorruption Center, of the Customs Service

or candidates who are professors of law in accredited higher education institutions - take the graduation exam before the Graduation Commission at the National Institute of Justice, register in the Register of candidates for the position of prosecutor, kept by the Council's Secretariat and participate in the selection procedures organized by the College for the selection and career of prosecutors.

Candidates on the basis of 10 years of service as a prosecutor, judge or lawyer register in the Register of candidates for the position of prosecutor without taking any exams, but participating in the selection procedures organized by the College for the selection and career of prosecutors.

Ukraine

(2023): In 2023, the selection of candidates for the position of prosecutor was carried out from among persons who met the requirements established by Article 27 of the Law of Ukraine "On the Prosecutor's Office" (as amended by the Law No. 2203-IX of April 14, 2022). Pursuant to part one of Article 27 of the Law of Ukraine "On Prosecution", a citizen of Ukraine with a higher legal education and proficiency in the state language in accordance with the level determined by the National Commission for State Language Standards could be appointed as a prosecutor of the district prosecutor's office (including a prosecutor - trainee of the district prosecutor's office in cases specified by this Law), and before the entry into force of amendments to this Law on March 15, 2023, a citizen of Ukraine with a higher legal education and work experience in the field of law not exceeding one year could be appointed as a prosecutor.

According to Art. 29 of the Law, the selection of candidates and their appointment to the position of a district prosecutor is carried out in accordance with the procedure established by the Law and includes, in particular

- adoption by the Qualification and Disciplinary Commission of Prosecutors (QDCP) of a decision on the selection, which shall be posted on the official website of the QDCP and shall contain a statement of the requirements for the candidate provided for by the Law, as well as a list of documents to be submitted and the deadline for their submission.
- passing the qualification exam by persons who meet the established requirements for a candidate;
- publication by the QDCP on its official website of the list of candidates who have successfully passed the qualification exam;
- determination by the QDCP of the ranking of candidates for the position of prosecutor among the persons who have successfully passed the qualification exam and in respect of whom a special check was conducted;
- announcement and holding by the QDCP of a competition for appointment as a prosecutor-in-training of the district prosecutor's office based on the rating of candidates;
- appointment of a person as a trainee prosecutor of the district prosecutor's office;
- the prosecutor-in-training undergoes special training;
- appointment of a prosecutor-trainee who has successfully completed the special training to the position of a prosecutor of the district prosecutor's office.

Question 112

Armenia

(2023): Please note that "years of work experience" is a criterion only for the prosecutor of a unit performing functions aimed at the confiscation of property of illegal origin, where at least two years of professional experience as a lawyer is required for the appointment.

According to Article 34 of the Law of the Republic of Armenia "On the Prosecutor's Office", an individual convicted of an intentional crime cannot be appointed as a prosecutor, regardless of whether the criminal record has been expunged or removed. In the case of a crime of negligence, appointment is prohibited until the criminal record has been expunged or removed.

Furthermore, a law enacted on April 14, 2021, introduced a relevant addition to Article 38 of the fundamental law on the Prosecutor's Office, stipulating that individuals applying for the position of prosecutor must undergo an integrity check.

Azerbaijan

(2023): 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 are present, the commission is 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 casts 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).

Georgia

(2023): 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

(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 Romanian 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.

Concerning the possession of a bachelor's degree, 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

Ukraine

(General Comment): According to the Law of Ukraine on the Prosecutor's Office, the selection of candidates for the position of prosecutor is carried out by 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.

(2023): Pursuant to Article 27(6) of the Law of Ukraine "On Prosecutors' Office", a person who has an unexpunged or outstanding criminal record or who has been subject to an administrative penalty for committing a corruption-related offense cannot be appointed as a prosecutor.

A candidate for the position of a prosecutor is also required to be fluent in the state language in accordance with the level determined by the National Commission on State Language Standards.

Anyone who meets the established requirements for a candidate for the position of a prosecutor has the right to apply to the QDCP with an application for participation in the selection of candidates for the position of a prosecutor (Article 28 of the Law).

Candidates for the position of a prosecutor, in accordance with the requirements of clause 10, part 1, Article 30 of the Law of Ukraine "On the Prosecutor's Office", shall submit a copy of the declaration of a person authorized to perform the functions of the state or local self-government for the previous year, submitted in accordance with the Law.

Question 113

Armenia

(2023): The Qualification Commission is responsible for the recruitment and nomination of public prosecutors. According to article 23 of 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 Commission shall have 11 members. The Qualification Commission 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 2-nd case the Commission 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

(2023): The relevant body that carries out disciplinary proceedings, and after the name of this body is clarified (from March 15, 2023) - the Qualification and Disciplinary Commission of Prosecutors.

Question 114

Armenia

(2023): 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

Ukraine

(2023): According to Art. 29 of the Law, the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by the Law and includes the adoption by the QDCP of a decision on the selection of candidates for the position of a prosecutor, which is posted on the official website of the QDCP and must 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 and the deadline for their submission

Question 116

Ukraine

(2023): According to Art. 29 of the Law, the selection of candidates and their appointment to the position of prosecutor is carried out in accordance with the procedure established by the Law and includes the publication by the QDCP on its official website of the list of candidates who have successfully passed the qualification exam

Question 117

Ukraine

(2023): In accordance with clause 6.3 of the Regulation on the Procedure for Passing the Qualification Exam, the Minimum Passing Score for Admission to the Next Stage of the Qualification Exam and the Assessment Methodology (approved by the decision of the QDCP dated 26.10.2021 No. 12zp-21, as amended), the decision of the QDCP on the conduct of the qualification exam and its results may be appealed to the court or to the QDCP.

Question 118

Armenia

(2023): The appeal can be submitted to the Administrative court.

Republic of Moldova

(General Comment): According to Article 191(3) of the Administrative Code, Article 79 of the Law 3/2016 on Prosecutor's Office, the decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was communicated to him/her. Appeals against decisions of the Superior Council of Prosecutors shall be examined by the court panel which examines appeals against 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. 11зп-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 prosecutor, shall be made by the relevant disciplinary authority within five days from the date of the decision.

(2023): Pursuant to the second paragraph of part five of Article 32 of the Law of Ukraine "On the Prosecutor's Office", the decision of the disciplinary body to refuse to enroll a candidate for a vacant position of a district prosecutor in the reserve for filling vacant positions may be appealed to the court.

Pursuant to the provisions of part five of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor in respect of whom a decision is made to terminate special training or to fail to complete it, shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law.

Also, the procedure for appealing against the Commission's decisions on selection is regulated by Section XI 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 dated October 26, 2021, No. 11zp-21 (as amended).

Thus, clause 11.1 of this Regulation stipulates that decisions to refuse to allow a person to take the qualification exam, to terminate participation in the selection, to prevent the candidate from undergoing special training, to exclude the candidate from the reserve for filling vacant prosecutor positions, as well as other decisions on the selection process may be appealed to the Commission or to the court. A person who has expressed a desire to become a prosecutor or a candidate shall file a complaint against the decision in electronic form by sending it to the Commission's e-mail address within three calendar days from the date of publication of the relevant decision on the official website of the Commission. The complaint shall be signed by the person who has expressed a desire to become a prosecutor, a candidate (clause 11.2 of the Regulation). The complaint against the decision is considered at a meeting of the Commission. The candidate is notified of the decision by sending a letter to the e-mail address specified in the complaint, with a copy of the relevant decision attached (clause 11.3 of the Regulation). Repeated complaints and complaints from other persons, as well as those filed in violation of the established time limit and procedure, are not accepted for consideration (clause 11.4 of the Regulations). In addition, pursuant to Article 5 of the Code of Administrative Procedure of Ukraine, every person has the right to apply to an administrative court in accordance with the procedure established by this Code if he or she believes that his or her rights, freedoms or legitimate interests have been violated by a decision, action or inaction of a public authority.

Question 119

Armenia

(2023): 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

(2023): Candidates who successfully pass the competition for admission to the prosecutor's office for the first time are required to undergo mandatory training at the Scientific and Educational Center of the General Prosecutor's Office of the Republic of Azerbaijan. Candidates who successfully complete this training are then admitted to the prosecutor's office. Other criteria include efficiency, the level of professionalism, the results of his/her 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.

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;

Ukraine

the Law of Ukraine "On the Prosecutor's Office" and included the following steps 1) adoption of a decision by the relevant body conducting disciplinary proceedings to select candidates for the position of a prosecutor; 2) submission of the relevant application and documents specified by the Law of Ukraine "On the Public Prosecutor's Office" to the relevant body conducting disciplinary proceedings by persons who expressed their desire to become a prosecutor; 3) the relevant body conducting disciplinary proceedings shall verify the compliance of 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 exam; 7) determination by the relevant disciplinary body of the rating 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 and district prosecutors' offices; 8) announcement by the body conducting disciplinary proceedings of a competition for appointment as a trainee prosecutor of the district prosecutor's office among candidates who are in the reserve for filling vacant positions of prosecutors of district prosecutor's offices;

9) the body conducting the disciplinary proceedings shall hold a competition for appointment as a trainee prosecutor of the district prosecutor's office based on the rating of candidates;

10) the body conducting the disciplinary proceedings submits to the head of the regional prosecutor's office a proposal to appoint the candidate as a trainee prosecutor of the district prosecutor's office;

11) appointment of a person as a prosecutor-in-training of the district prosecutor's office;

12) taking the oath of office of a prosecutor;

13) completion of special training by the prosecutor-intern of the district prosecutor's office;

14) appointment of a prosecutor-trainee of the district prosecutor's office who has successfully completed the special training to the position of a prosecutor of the district prosecutor's office.

Pursuant to Article 27 of the Law of Ukraine "On Prosecution", a citizen of Ukraine with a higher legal education and proficiency in the state language in accordance with the level determined by the National Commission on State Language Standards may be appointed as a prosecutor of the district prosecutor's office (including a prosecutor-intern of the district prosecutor's office in cases specified by this Law) based on the results of the selection.

A citizen of Ukraine with a higher legal education, at least three years of work experience in the field of law and proficiency in the state language may be appointed as a prosecutor of a regional prosecutor's office.

A prosecutor of the Prosecutor General's Office may be a citizen of Ukraine who has a higher legal education, at least five years of work experience in the field of law and is proficient in the state language. These requirements do not apply to prosecutors of the Specialized Anti-Corruption Prosecutor's Office.

Question 120

Armenia

(2023): Qualification Commission

Georgia

(2023): The Selection Board of the PSG is responsible for selection and nomination of prosecutors. The General Prosecutor appoints the candidates nominated by the Selection Board as prosecutors. The HR Department of PSG is responsible for organization of selection and appointment process.

Ukraine

the selection of judges and prosecutors, their professional training, evaluation, consideration of cases of their disciplinary liability, financial and organizational support of courts. According to parts one and two of Article 73 of the Law of Ukraine "On the Public Prosecutor's Office", the body that carries out disciplinary proceedings 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 hold the position of a prosecutor and decides on the disciplinary liability of prosecutors, transfer and dismissal of prosecutors. The Commission is a legal entity, has a seal with the image of the State Emblem of Ukraine and its name, an independent balance sheet and accounts with the State Treasury of Ukraine. It is worth noting that the relevant body conducting disciplinary proceedings was renamed the Qualification and Disciplinary Commission of Prosecutors after the Law No. 2203-IX of April 14, 2022 came into force on March 15, 2023.

In accordance with part three of the same article, the procedure of the Commission's work is determined by the regulation adopted by the All-Ukrainian Conference of Prosecutors on April 27, 2017 (as amended). Part one of Article 74 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the Commission consists of eleven members who are citizens of Ukraine, have a higher legal education and at least ten years of experience in the field of law, of whom:

- 1) five prosecutors appointed by the All-Ukrainian Conference of Prosecutors;
- 2) two persons (scholars) are appointed by the congress of representatives of law schools and research institutions;
- 3) one person (lawyer) is appointed by the Congress of Advocates of Ukraine;
- 4) three persons are appointed by the Ukrainian Parliament Commissioner for Human Rights in agreement with the committee of the Verkhovna Rada of Ukraine responsible for the organization and operation of the prosecution authorities.

According to part one of Article 76 of the Law of Ukraine "On the Prosecutor's Office", the powers of a member of the Commission are terminated in the event of:

- 1) expiration of the term for which he/she was appointed
- 2) submission of a voluntary resignation
- 3) committing actions incompatible with the position of a member of the Commission;
- 4) holding a position provided for in part two of Article 74 of this Law;
- 5) inability to fulfill their powers for health reasons;
- 6) entry into force of a guilty verdict against him/her;
- 7) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 8) being declared missing or declared dead
- 9) death.

According to part one of Article 77 of the Law of Ukraine "On the Prosecutor's Office", the Commission:

- 1) keeps records of the number of prosecutors' positions, including vacant and temporarily vacant ones

Question 121

Georgia

(2023): After the assessment of a candidate is finished, the PSG Human Resources Management and Development Department and the General Inspectorate submit the report to Prosecutor General of Georgia on appointing a candidate as a prosecutor. Therefore, the Prosecutor General is the competent authority for the final appointment of a prosecutor.

Republic of Moldova

(General Comment): The SCP proposes candidates for appointment to the Prosecutor General. If candidates are rejected by the Prosecutor General a reasoned refusal will be issued. The SCP can propose the same candidate/candidates to be appointed second time. The Prosecutor General can not refuse the second proposal. Both, the refusal of the Prosecutor General and the SCP decision can be contested when the procedure ends.

(2023): For Prosecutor General appointment, the President of The Republic of Moldova is the competent authority.

Question 121-1

Ukraine

(2023): Pursuant to Article 35 of the Law "On Prosecutors' Office", the head of the regional prosecutor's office shall appoint a prosecutor-in-training of the district prosecutor's office to the position of a prosecutor of the district prosecutor's office by his/her order not later than three working days from the date of receipt of the submission of the body conducting disciplinary proceedings.

At the same time, with regard to the appointment of a prosecutor, it should be noted that the head of the prosecutor's office only approves all selected prosecutors for the position, and if the results of a special check reveal that the information about the candidate for the position does not meet the requirements for holding the position established by law, he or she refuses to appoint the candidate to the position (part 2 of Article 58 of the Law of Ukraine "On Prevention of Corruption").

Question 122

Armenia

(2023): 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

(2023): 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

(2023): 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

(2023): The candidate has the right to challenge the decision of the Superior Council of Prosecutors at the Supreme Court of Justice and also has the right to challenge the order of the Prosecutor General in the competent administrative court.

Ukraine

(2023): According to part 5 of Article 33 of the Law of Ukraine "On Prosecutors' Office", a person in respect of whom a decision is made to terminate special training or to fail to complete it shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law.

Question 124

Armenia

(2023): In accordance with Article 26.1 of the RA Law "On the Commission for the Prevention of Corruption":

The Commission shall conduct an investigation into integrity within the time limits established by law. The integrity questionnaire shall include the following information:

Brief information about the candidate and the property status of their family members within the meaning of the law "On Public Service" - property and income.

Information about the candidate's education and employment history, including the name(s) of educational institutions attended and past and present positions held.

Information on any criminal, administrative, or disciplinary liabilities.

Information regarding relationships as defined by the Law "On Public Service" between persons holding a public position and other such persons.

Information about affiliation with a criminal subculture.

The study of integrity, as defined by law, includes:

Verification of the accuracy of the information provided in the integrity questionnaire.

Investigation into any previous criminal, administrative, or disciplinary liabilities, including involvement in corrupt activities, violations of conduct rules, conflicts of interest, non-compliance with requirements, and other restrictions.

Review of information about the individual published in the media and on social networks.

Examination of the consistency between the individual's property status and their actual income, as well as previously submitted declarations.

Investigation into the individual's employment history.

Examination of the potential affiliation with a criminal subculture.

Azerbaijan

(2023): 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

(2023): Chapter X of the Organic Law of Georgia on Prosecution Service of Georgia 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:

☒ 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

(2023): 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:

- 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 Prosecutor's Office.

Ukraine

(General Comment): Pursuant to Article 32 of the Law, the QDCP organizes a special vetting of candidates for the position of prosecutor who have successfully passed the qualification exam in accordance with the procedure established by the legislation on corruption prevention. In order to conduct a special vetting, the QDCP sends requests to the authorized bodies to verify information about the candidates. Individuals, legal entities, and public organizations may submit information to the QDCP on the integrity of candidates. In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the QDCP shall consider it at its meeting with the participation of such candidate. The candidate for the position of a prosecutor has the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the QDCP may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. Such a decision may be appealed to the court.

Pursuant to parts three and five of the Law of Ukraine "On the Prosecutor's Office", individuals, legal entities and public organizations may submit information on the integrity of candidates for the position of prosecutor to the body conducting disciplinary proceedings within one month from the date of official publication of the list of candidates who have successfully passed the qualification exam. In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the relevant body conducting disciplinary proceedings shall consider it at its meeting with the participation of such candidate. The candidate for the position of a prosecutor shall have the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the relevant disciplinary body may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. The decision of the body conducting disciplinary proceedings to refuse to enroll a candidate to the reserve for filling vacant positions of district prosecutors may be appealed to the court.

Question 125

Azerbaijan

(General Comment): This term can be prolonged till the age of 65 by the General Prosecutor.

Georgia

(General Comment): All prosecutors, except for the Prosecutor General, are appointed for an undetermined period. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

The legislation of Georgia does not stipulate compulsory retirement age. According to the Organic Law on Prosecution Service of Georgia 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.

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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 17 June 2016 on the National Integrity Authority; (n) issuing by the court of an irrevocable judgement regarding the seizure of unjustified wealth.

Ukraine

(2023): The prosecutor shall be dismissed from office in case of:

- 1) inability to perform his/her duties for health reasons
- 2) violation of the requirements for incompatibility provided for in Article 18 of this Law;
- 3) entry into force of a court decision on bringing the prosecutor to administrative liability for an offense related to corruption;
- 3-1) entry into force of a court decision recognizing the prosecutor's assets or assets acquired on his/her behalf by other persons or in other cases provided for in Article 290 of the Civil Procedure Code of Ukraine as unjustified and their recovery as state revenue;
- 4) impossibility of transfer to another position due to direct subordination to a close person;
- 5) entry into force of a court verdict of guilty against him/her;
- 6) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 7) submission of a resignation letter at his/her own request;
- 8) impossibility of further holding a temporarily vacant position;
- 9) liquidation or reorganization of the prosecutor's office where the prosecutor holds the position, or in case of reduction of the number of prosecutors in the prosecutor's office;

In addition to the grounds provided for in paragraphs 1-9 of this part, the Deputy Prosecutor General is dismissed from office 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 (part 3 of Article 16, Article 51 of the Law of Ukraine "On the Prosecutor's Office")

The prosecutor may be subject to disciplinary sanctions in the form of dismissal from the position in the prosecution authorities (clause 3, part 1, Article 49 of the Law of Ukraine "On the Prosecutor's Office").

If a prosecutor refuses to be appointed to a vacant position in the relevant prosecution body or to be transferred to another prosecution body, after dismissal from an administrative position, the prosecutor is dismissed from the position of a prosecutor within the specified period (Article 41(5) of the Law of Ukraine "On the Prosecution Service").

The powers of a prosecutor are terminated upon reaching the age of sixty-five (Article 51(3) of the Law of Ukraine "On the Prosecutor's Office").

Prosecutors and investigators of the prosecution bodies are dismissed by the Prosecutor General, the head of the regional (oblast) prosecutor's office from the position of a prosecutor in case of unsuccessful certification (clause 19 of Section II of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of the Prosecution Bodies").

Question 126

Ukraine

(2023): The Law of Ukraine "On the Prosecutor's Office" does not provide for a probationary period for prosecutors.

Question 127

Azerbaijan

(2023): 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.

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;
- (2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

(2023): 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 position within three years following the expiry of his or her term of office.

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 results of the evaluation of their performance.

Georgia

(2023): 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

(2023): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

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.

(2023): 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 qualitative indicators, in order to assess the professional activity, ethical conduct and communication skills of judges and court chairmen.

Georgia

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 process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the 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 according 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 open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

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- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
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3. 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

Republic of Moldova

(General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the rules of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. The competition average of the candidates who are to be appointed to the position of judge is calculated according the aforementioned Law. Candidates choose their competitive positions in descending order of the competition average. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision.

(2023): The results of the competition are published on the official web page of the Superior Council of Magistracy within 2 working days of its completion.

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.

carried out based on and within the terms of a recommendation of the High Qualification Commission of Judges of Ukraine which shall be submitted based on the results of a competition to fill a vacant judicial office held following Section 3 of this chapter.

According to Article 79-2 of the Law of Ukraine “On the Judiciary and the Status of Judges”, the High Qualification Commission of Judges of Ukraine shall hold a competition to fill vacant judicial offices in:

- 1) local courts – based on a ranking of candidates for judicial office and judges who have expressed their intention to be transferred to another local court following Article 82 of this Law;
- 2) appellate courts, High Specialized Court or Supreme Court – based on a ranking of participants based on the results of a qualification assessment and taking into account specifics, provided by Article 79-3 of this Law.

A competition to fill a vacant judicial office in the Supreme Court shall be held in respect of a vacant office in the relevant cassation court.

A competition to fill a vacant judicial office in the High Anti-Corruption Court shall be held following specifics, provided by the Law of Ukraine “On the High Anti-Corruption Court”. Article 79-3 of this Law provides peculiarities of conducting a competition for a vacant position of a judge of an appellate court, a High Specialized Court or a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification evaluation and meets one of the requirements outlined in part one of Article 38 of this Law may participate in the competition for a vacant position of a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, who has confirmed his/her ability to administer justice in the relevant court and with the relevant specialisation, and who meets one of the requirements outlined in part one of Article 28 (for a court of appeal), part one or two of Article 33 (for a High Specialised Court) of this Law may participate in the competition for a vacant position of a judge of an appellate court or a High Specialised Court.

The procedure of determining of a winner of a competition for a vacant position is determined in Article 79-4 of the Law of Ukraine “On the Judiciary and the Status of Judges”, in particular, the competition for the vacant position of a judge is to determine the winner – the participant who has the highest position in the rating.

The High Qualification Commission of Judges of Ukraine shall decide on the winner of the competition. The decision shall indicate the participant of the competition who has the highest rating position or the participant of the competition who, in case of the same rating position as another candidate, has an advantage.

According to parts one, two of Article 79-5 of the Law of Ukraine “On the Judiciary and the Status of Judges” after determining the winner of the competition, the High Qualification Commission of Judges of Ukraine conducts an interview with him/her at its meeting.

Based on the results of the interview, the High Qualification Commission of Judges of Ukraine makes:

- 1) a decision to recommend or refuse to recommend the appointment of a candidate for the position of a judge;
- 2) a decision to recommend the transfer of a judge (if the winner of the competition for the position of a local court judge is a judge).

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 thereof.

(2023): Absence of disciplinary sanctions is also a criteria.

Azerbaijan

(General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Georgia

(2023): 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 ethical and professional standards, tendencies of his/her professional growth and etc.

Republic of Moldova

(General Comment): According to the amendments in 2023 of the Law on status of judges, a person with a working experience as a judge of at least 4 years and 10 years, respectively, can apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

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. At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

Question 136

Armenia

(2023): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

Question 137

Georgia

(General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the Head of the General Inspectorate; 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

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Republic of Moldova

(2023): The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

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 the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

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.

(2023): The procedure is described by Article 39 of the Law on the Prosecutor's Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

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, the opinion shall be attached to the decision.

Georgia

(2023): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. The Prosecutor General may disagree with the recommendation of this Council, but he/she is required to substantiate the dissenting opinion.

A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. 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”.

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 two 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

(2023): 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) the quality and efficiency of work as a prosecutor;
- d) compliance with the rules of professional ethics.

(2023): In the promotion competition, the prosecutors were evaluated, including on the basis of the criteria of teaching and scientific activity and seniority in the position of prosecutor or in other positions, which since August 2023 have been excluded by legislative amendments to the Law No. 3/2016 on the Prosecutor's Office.

6.Promotion - List of tables

Table 6.1.1 Authority competent for the promotion of judges in 2023 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2023 (Q135 and Q136)

Table 6.1.3 Procedure and criteria for the promotion of judges in 2023 (Q133 and Q134)

Table 6.1.4 Authority competent for the promotion of prosecutors in 2023 (Q137)

Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2023 (Q140 and Q141)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2023 (Q138 and Q139)

Table 6.1.1 Authority competent for the promotion of judges in 2023 (Q132)

Beneficiaries	Authority competent for the promotion of judges in 2023				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia	Yes	No	Yes	No	Yes
Azerbaijan	No	No	Yes	No	No
Georgia	No	No	Yes	No	No
Republic of Moldova	No	Yes	Yes	No	No
Ukraine	No	No	Yes	No	Yes


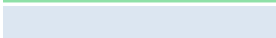


Yes	
No	
NA	
NAP	

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2023 (Q135 and Q136)

Beneficiaries	Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2023						
	Possibility to appeal the decision on the promotion of judges	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


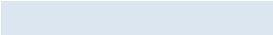
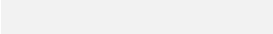

Yes	
No	
NA	
NAP	

Table 6.1.3 Procedure and criteria for the promotion of judges in 2023 (Q133 and Q134)

Beneficiaries	Procedure and criteria for the promotion of judges in 2023									
	Procedure for the promotion of judges				Criteria used for the promotion of a judge					
	Competitive test / Exam	Previous individual evaluations	Other procedure(s) (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										


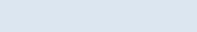
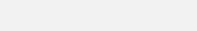

Yes 
 No 
 NA 
 NAP 

Table 6.1.4 Authority competent for the promotion of prosecutors in 2023 (Q137)

Beneficiaries	Authority competent for the promotion of prosecutors in 2023				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Armenia					Yes
Azerbaijan					Yes
Georgia					Yes
Republic of Moldova			Yes		Yes
Ukraine			Yes		Yes





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 2023 (Q140 and Q141)

Beneficiaries	Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2023						
	Possibility to appeal the decision on the promotion of prosecutors	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


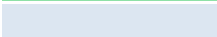
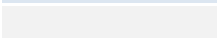
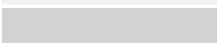

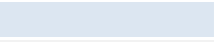
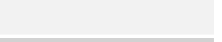

Yes 
 No 
 NA 
 NAP 

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2023 (Q138 and Q139)

Beneficiaries	Procedure and criteria for the promotion of prosecutors in 2023									
	Procedure for the promotion of prosecutors				Criteria used for the promotion of a prosecutor					
	Competitive test / Exam	Previous individual evaluations	Other procedure(s) (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	

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?

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Question 137. Which authority is competent for the promotion of prosecutors?

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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;

(2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

Q132 (2023): 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 position within three years following the expiry of his or her term of office.

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 evaluation thereof.

Q134 (2023): Absence of disciplinary sanctions is also a criteria.

Q136 (2023): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

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.

Q138 (2023): The procedure is described by Article 39 of the Law on the Prosecutor's Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

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 based on the results of the evaluation of their performance.

Q133 (General Comment): The judges' promotion procedure is based on assessment of judges performance.

Q133 (2023): 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 qualitative indicators, in order to assess the professional activity, ethical conduct and communication skills of judges and court chairmen.

Q134 (General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

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 opinion, the opinion shall be attached to the decision.

Georgia

Q132 (2023): 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.

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 process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the 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 according 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 open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

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3. 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

Q134 (2023): 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 ethical and professional standards, tendencies of his/her professional growth and etc.

Q137 (General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the Head of the General Inspectorate; 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

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The Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

Q138 (2023): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. The Prosecutor General may disagree with the recommendation of this Council, but he/she is required to substantiate the dissenting opinion.

A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. 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”.

Q139 (2023): 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 (2023): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

Q133 (General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the rules of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. The competition average of the candidates who are to be appointed to the position of judge is calculated according to the aforementioned Law. Candidates choose their competitive positions in descending order of the competition average. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision.

Q133 (2023): The results of the competition are published on the official web page of the Superior Council of Magistracy within 2 working days of its completion.

Q134 (General Comment): According to the amendments in 2023 of the Law on status of judges, a person with a working experience as a judge of at least 4 years and 10 years, respectively, can apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

Q137 (2023): The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

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 two 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) the quality and efficiency of work as a prosecutor;
- d) compliance with the rules of professional ethics.

Q139 (2023): In the promotion competition, the prosecutors were evaluated, including on the basis of the criteria of teaching and scientific activity and seniority in the position of prosecutor or in other positions, which since August 2023 have been excluded by legislative amendments to the Law No. 3/2016 on the Prosecutor's Office.

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.

be carried out based on and within the terms of a recommendation of the High Qualification Commission of Judges of Ukraine which shall be submitted based on the results of a competition to fill a vacant judicial office held following Section 3 of this chapter.

According to Article 79-2 of the Law of Ukraine “On the Judiciary and the Status of Judges”, the High Qualification Commission of Judges of Ukraine shall hold a competition to fill vacant judicial offices in:

- 1) local courts – based on a ranking of candidates for judicial office and judges who have expressed their intention to be transferred to another local court following Article 82 of this Law;
- 2) appellate courts, High Specialized Court or Supreme Court – based on a ranking of participants based on the results of a qualification assessment and taking into account specifics, provided by Article 79-3 of this Law.

A competition to fill a vacant judicial office in the Supreme Court shall be held in respect of a vacant office in the relevant cassation court.

A competition to fill a vacant judicial office in the High Anti-Corruption Court shall be held following specifics, provided by the Law of Ukraine “On the High Anti-Corruption Court”. Article 79-3 of this Law provides peculiarities of conducting a competition for a vacant position of a judge of an appellate court, a High Specialized Court or a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification evaluation and meets one of the requirements outlined in part one of Article 38 of this Law may participate in the competition for a vacant position of a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, who has confirmed his/her ability to administer justice in the relevant court and with the relevant specialisation, and who meets one of the requirements outlined in part one of Article 28 (for a court of appeal), part one or two of Article 33 (for a High Specialised Court) of this Law may participate in the competition for a vacant position of a judge of an appellate court or a High Specialised Court.

The procedure of determining of a winner of a competition for a vacant position is determined in Article 79-4 of the Law of Ukraine “On the Judiciary and the Status of Judges”, in particular, the competition for the vacant position of a judge is to determine the winner – the participant who has the highest position in the rating.

The High Qualification Commission of Judges of Ukraine shall decide on the winner of the competition. The decision shall indicate the participant of the competition who has the highest rating position or the participant of the competition who, in case of the same rating position as another candidate, has an advantage.

According to parts one, two of Article 79-5 of the Law of Ukraine “On the Judiciary and the Status of Judges” after determining the winner of the competition, the High Qualification Commission of Judges of Ukraine conducts an interview with him/her at its meeting.

Based on the results of the interview, the High Qualification Commission of Judges of Ukraine makes:

- 1) a decision to recommend or refuse to recommend the appointment of a candidate for the position of a judge;
- 2) a decision to recommend the transfer of a judge (if the winner of the competition for the position of a local court judge is a judge).

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.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

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 the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

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Question 132

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(2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

(2023): 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 position within three years following the expiry of his or her term of office.

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 results of the evaluation of their performance.

Georgia

(2023): 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

(2023): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

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.

(2023): 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 qualitative indicators, in order to assess the professional activity, ethical conduct and communication skills of judges and court chairmen.

Georgia

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 process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the 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 according 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 open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

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3. 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

Republic of Moldova

(General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the rules of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. The competition average of the candidates who are to be appointed to the position of judge is calculated according the aforementioned Law. Candidates choose their competitive positions in descending order of the competition average. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision.

(2023): The results of the competition are published on the official web page of the Superior Council of Magistracy within 2 working days of its completion.

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.

carried out based on and within the terms of a recommendation of the High Qualification Commission of Judges of Ukraine which shall be submitted based on the results of a competition to fill a vacant judicial office held following Section 3 of this chapter.

According to Article 79-2 of the Law of Ukraine “On the Judiciary and the Status of Judges”, the High Qualification Commission of Judges of Ukraine shall hold a competition to fill vacant judicial offices in:

- 1) local courts – based on a ranking of candidates for judicial office and judges who have expressed their intention to be transferred to another local court following Article 82 of this Law;
- 2) appellate courts, High Specialized Court or Supreme Court – based on a ranking of participants based on the results of a qualification assessment and taking into account specifics, provided by Article 79-3 of this Law.

A competition to fill a vacant judicial office in the Supreme Court shall be held in respect of a vacant office in the relevant cassation court.

A competition to fill a vacant judicial office in the High Anti-Corruption Court shall be held following specifics, provided by the Law of Ukraine “On the High Anti-Corruption Court”. Article 79-3 of this Law provides peculiarities of conducting a competition for a vacant position of a judge of an appellate court, a High Specialized Court or a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification evaluation and meets one of the requirements outlined in part one of Article 38 of this Law may participate in the competition for a vacant position of a judge of the Supreme Court.

An individual who meets the requirements for a candidate for the position of a judge, who has confirmed his/her ability to administer justice in the relevant court and with the relevant specialisation, and who meets one of the requirements outlined in part one of Article 28 (for a court of appeal), part one or two of Article 33 (for a High Specialised Court) of this Law may participate in the competition for a vacant position of a judge of an appellate court or a High Specialised Court.

The procedure of determining of a winner of a competition for a vacant position is determined in Article 79-4 of the Law of Ukraine “On the Judiciary and the Status of Judges”, in particular, the competition for the vacant position of a judge is to determine the winner – the participant who has the highest position in the rating.

The High Qualification Commission of Judges of Ukraine shall decide on the winner of the competition. The decision shall indicate the participant of the competition who has the highest rating position or the participant of the competition who, in case of the same rating position as another candidate, has an advantage.

According to parts one, two of Article 79-5 of the Law of Ukraine “On the Judiciary and the Status of Judges” after determining the winner of the competition, the High Qualification Commission of Judges of Ukraine conducts an interview with him/her at its meeting.

Based on the results of the interview, the High Qualification Commission of Judges of Ukraine makes:

- 1) a decision to recommend or refuse to recommend the appointment of a candidate for the position of a judge;
- 2) a decision to recommend the transfer of a judge (if the winner of the competition for the position of a local court judge is a judge).

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 thereof.

(2023): Absence of disciplinary sanctions is also a criteria.

Azerbaijan

(General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Georgia

(2023): 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 ethical and professional standards, tendencies of his/her professional growth and etc.

Republic of Moldova

(General Comment): According to the amendments in 2023 of the Law on status of judges, a person with a working experience as a judge of at least 4 years and 10 years, respectively, can apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

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. At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

Question 136

Armenia

(2023): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

Question 137

Georgia

(General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the Head of the General Inspectorate; 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

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Republic of Moldova

(2023): The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

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 the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

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.

(2023): The procedure is described by Article 39 of the Law on the Prosecutor's Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

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, the opinion shall be attached to the decision.

Georgia

(2023): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. The Prosecutor General may disagree with the recommendation of this Council, but he/she is required to substantiate the dissenting opinion.

A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. 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”.

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 two 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

(2023): 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) the quality and efficiency of work as a prosecutor;
- d) compliance with the rules of professional ethics.

(2023): In the promotion competition, the prosecutors were evaluated, including on the basis of the criteria of teaching and scientific activity and seniority in the position of prosecutor or in other positions, which since August 2023 have been excluded by legislative amendments to the Law No. 3/2016 on the Prosecutor's Office.

7. Training - Overview

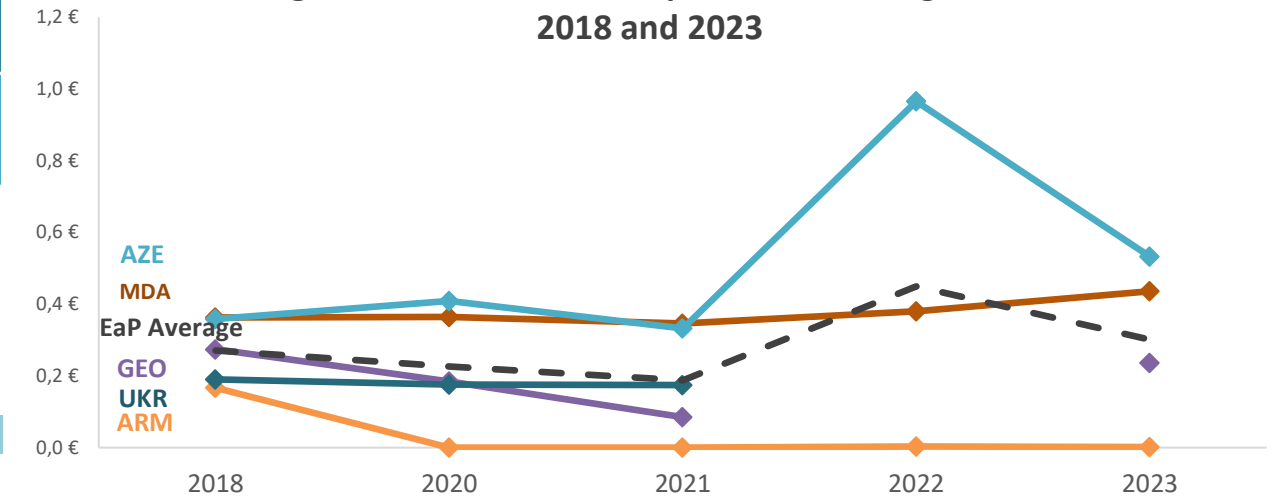
Training budget

Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2018 and 2023 (Table 7.1.3)

Beneficiaries	Total budget for training per inhabitant covered by training institutions, court and prosecution budget						
	2018	2020	2021	2022	2023	Variation 2018-2023 (%)	Variation 2022-2023 (%)
Armenia	0,17 €	0,00 €	0,00 €	0,00 €	0,00 €	-99,0%	-38,9%
Azerbaijan	0,36 €	0,41 €	0,33 €	0,97 €	0,53 €	48,6%	-44,7%
Georgia	0,27 €	0,18 €	0,08 €	NA	0,24 €	-14,1%	NA
Republic of Moldova	0,36 €	0,36 €	0,35 €	0,38 €	0,44 €	20,0%	14,6%
Ukraine	0,19 €	0,18 €	0,17 €	NA	NA	NA	NA
EaP Average	0,27 €	0,23 €	0,19 €	0,45 €	0,30 €	-11,1%	-23,0%

N.B.: In 2022, the total budget for training also includes donors' budget

Figure 7.1 Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2018 and 2023



Number of trainings

Number of trainings in 2023 (Tables 7.2.4, 7.2.5 and 7.2.6)

Beneficiaries	Number of live (in person, hybrid, video conference) trainings						Number of 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	104	62	37	102	60	37	20	2
Azerbaijan	293	239	27	348	285	25	NA	16
Georgia	163	20	88	207	25	102	NAP	30
Republic of Moldova	149	95	75	308	187	162	14	11
Ukraine	586	110	127	749	186	163	82	NA
EaP Average	259	105	71	343	149	98	39	15

Figure 7.2 Average number of days per delivered live training in 2023

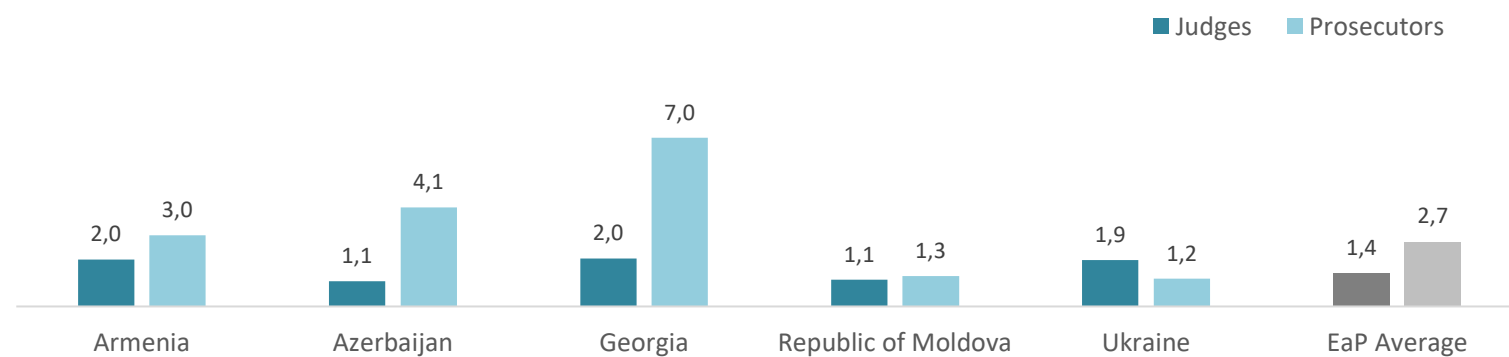
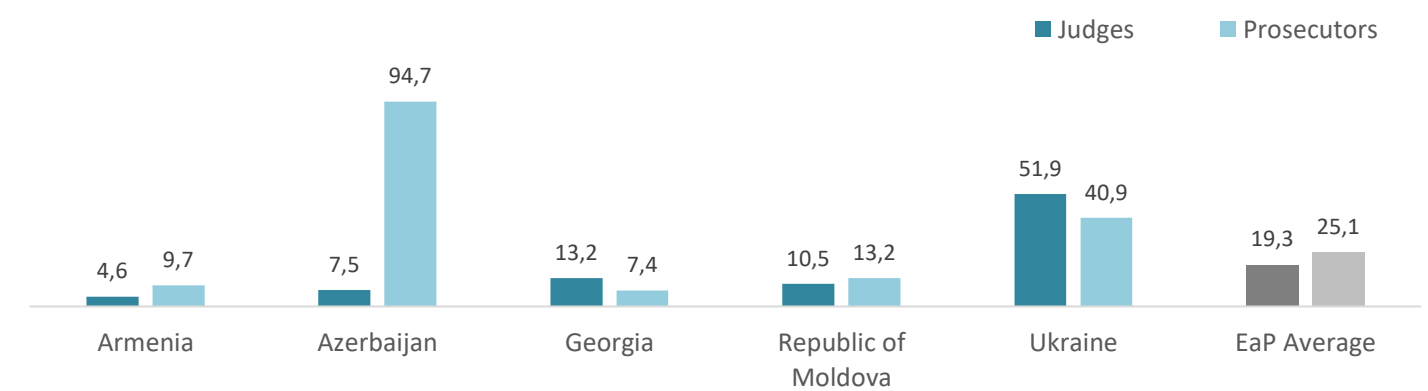


Figure 7.3 Average number of training participants per live training in 2023



Training participants in live trainings

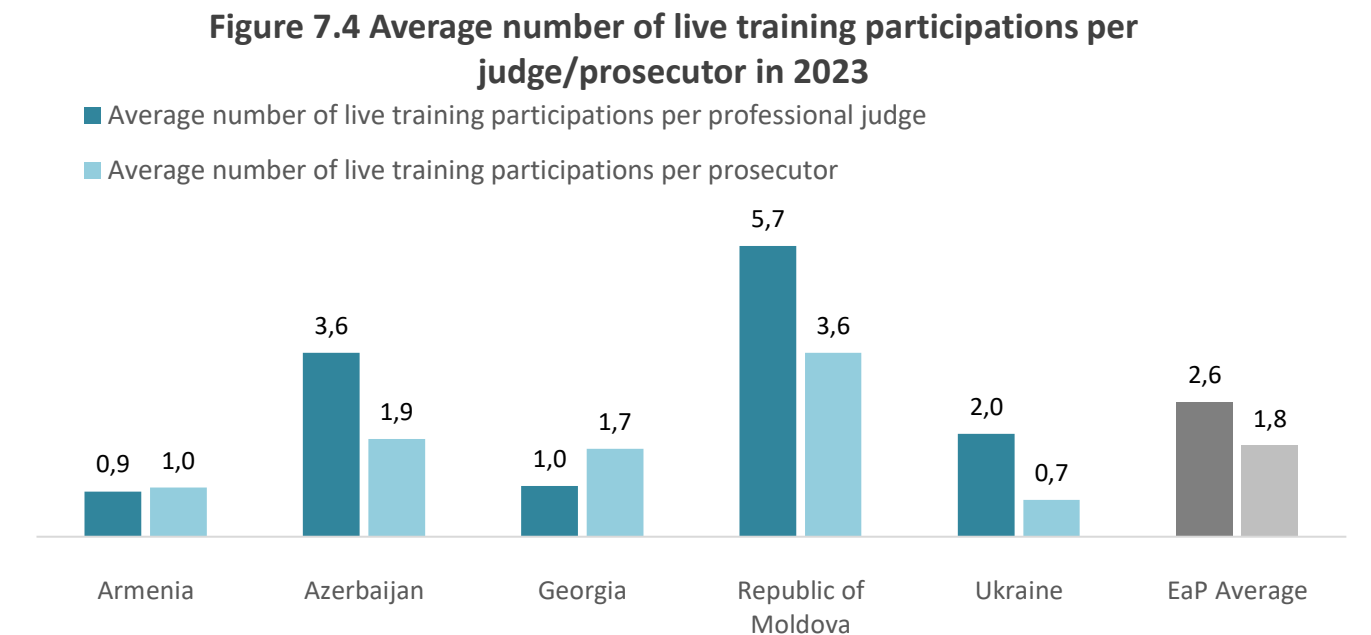
CEPEJ distinguish these types of trainings:

“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-based trainings, and average number of training participants per professional judge/prosecutor in 2023 (Tables 7.2.5 and 7.2.8)

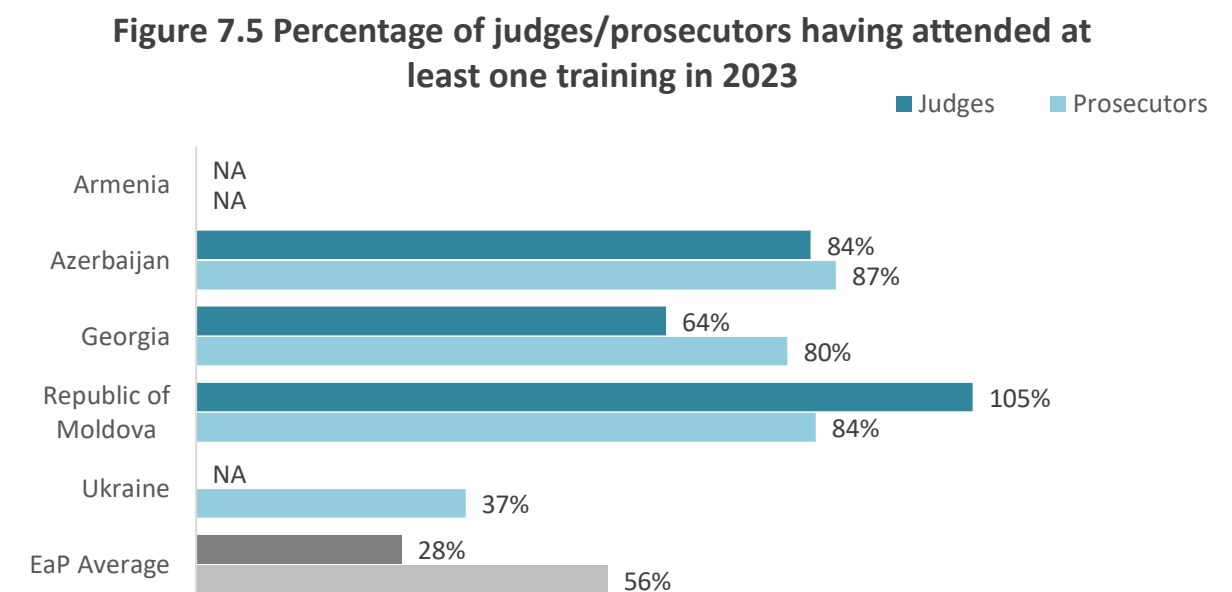
Beneficiaries	Live trainings					
	Participating judges	Total number of professional judges (all instances)	Average number of live training participations per professional judge	Participating prosecutors	Total number of public prosecutors (all instances)	Average number of live training participations per prosecutor
Armenia	277	314	0,9	360	376	1,0
Azerbaijan	2 136	595	3,6	2 367	1 242	1,9
Georgia	329	332	1,0	750	438	1,7
Republic of Moldova	1 962	346	5,7	2 135	595	3,6
Ukraine	9 659	4 821	2,0	6 659	9 212	0,7
EaP Average	2 873	1 282	2,6	2 454	2 373	1,8



The average number of live training participations per professional is calculated by dividing the number of participants in live trainings by the number of professionals (for each professional category). For example, the EaP Average for judges is 2,6. This means that, on average, each judge in the region participated to 2,6 live trainings.

Number of unique participants** on trainings and percentage of judges or prosecutors attending at least one training in 2023 (Table 7.2.8)

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	497	1 080	84%	87%
Georgia	212	352	64%	80%
Republic of Moldova	365	501	105%	84%
Ukraine	NA	3 372	NA	37%
EaP Average	358	1 326	28%	56%



**“Unique participants” shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

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 2023
(Tables no. 7.3.1 and 7.3.2)

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	
	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	7	NAP	1
Azerbaijan	36	13	0	0
Georgia	2	21	NAP	NAP
Republic of Moldova	NA	26	NA	NA
Ukraine	1	12	1	8
EaP Average	13	16	0,5	3

Figure 7.6 Number of days of delivered live trainings in 2023

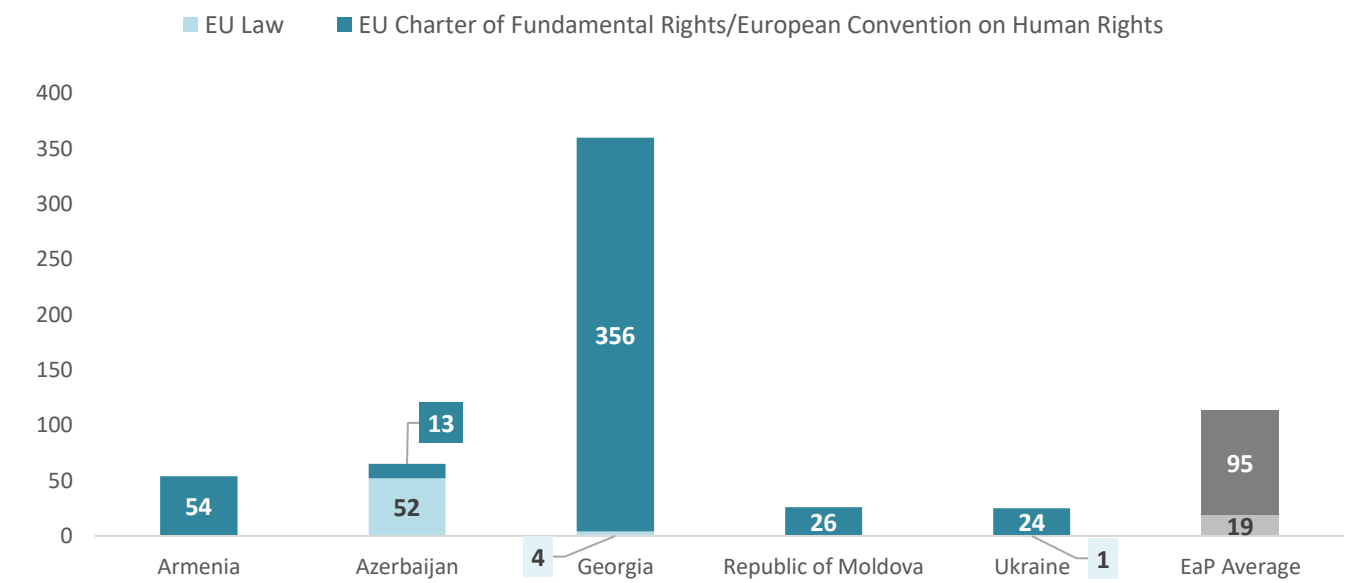


Figure 7.7 Training on EU Law in 2023

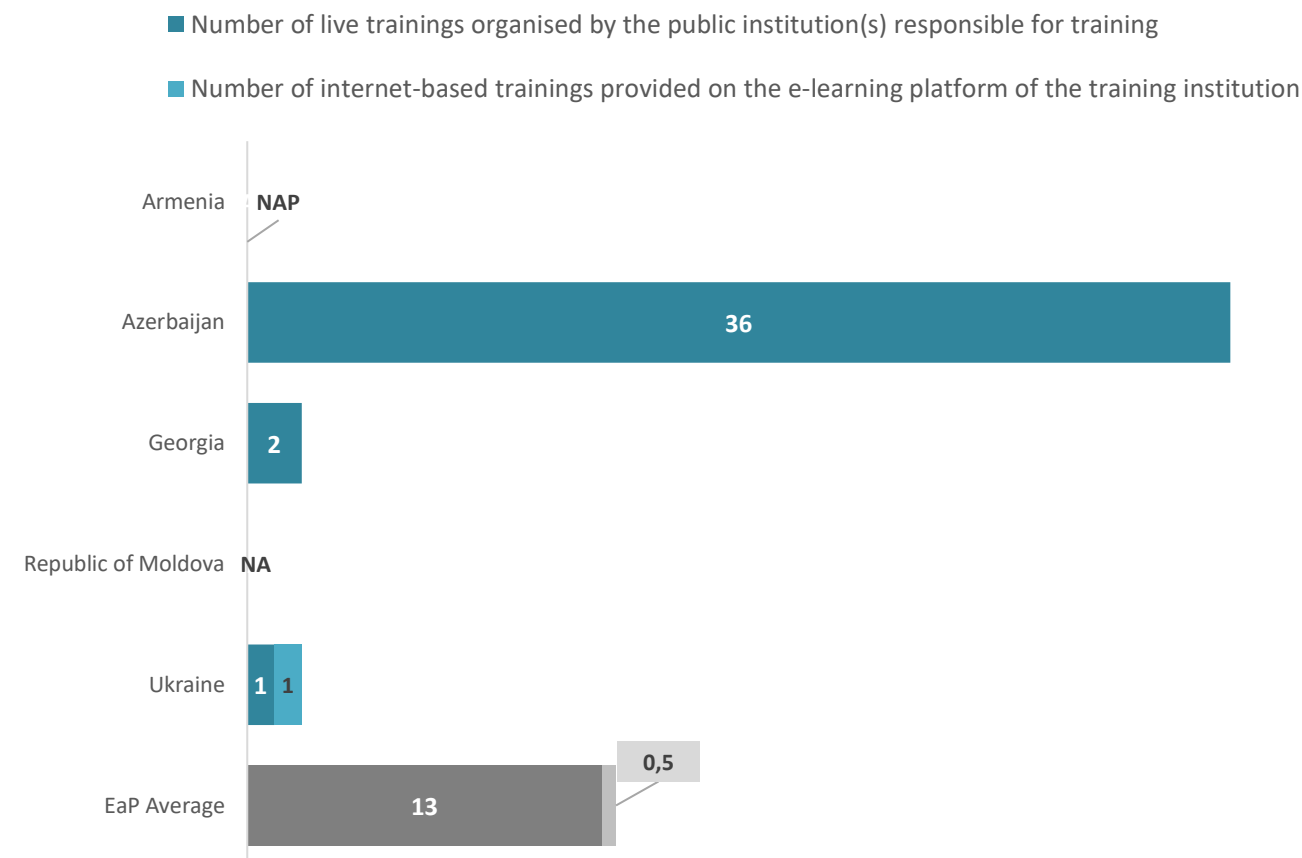
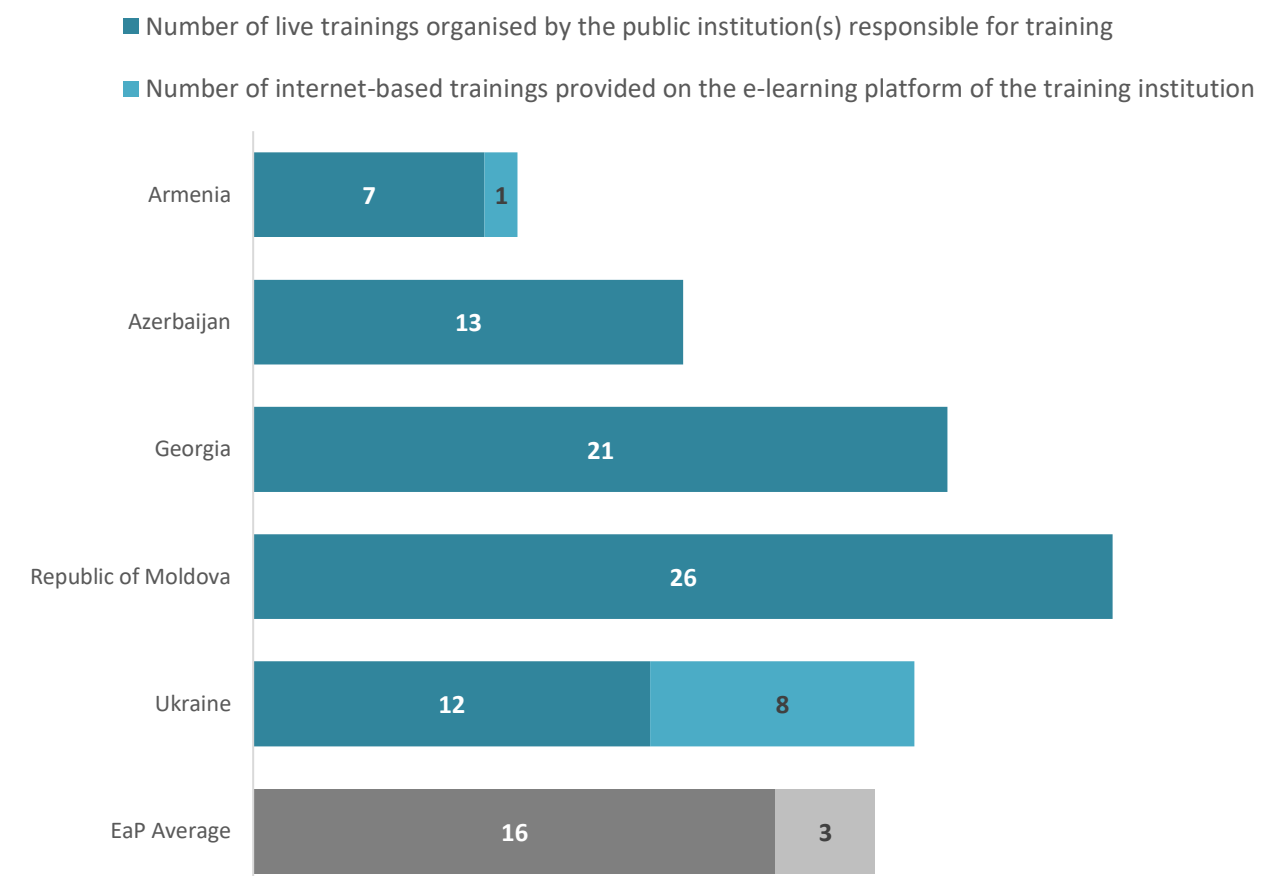


Figure 7.8 EU Charter of Fundamental Rights/European Convention on Human Rights in 2023



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

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 2023 (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		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	Judges	Prosecutors	Judges	Prosecutors
Armenia	256	29	8	2	NAP	NAP
Azerbaijan	419	13	NA	0	28	35
Georgia	22	211	NAP	NAP	0	79
Republic of Moldova	144	198	192	NA	73	55
Ukraine	NA	308	351	0	160	NA
EaP Average	210	152	200	1	65	56

Figure 7.9 Number of participants to live trainings in 2023 (judges and prosecutors)

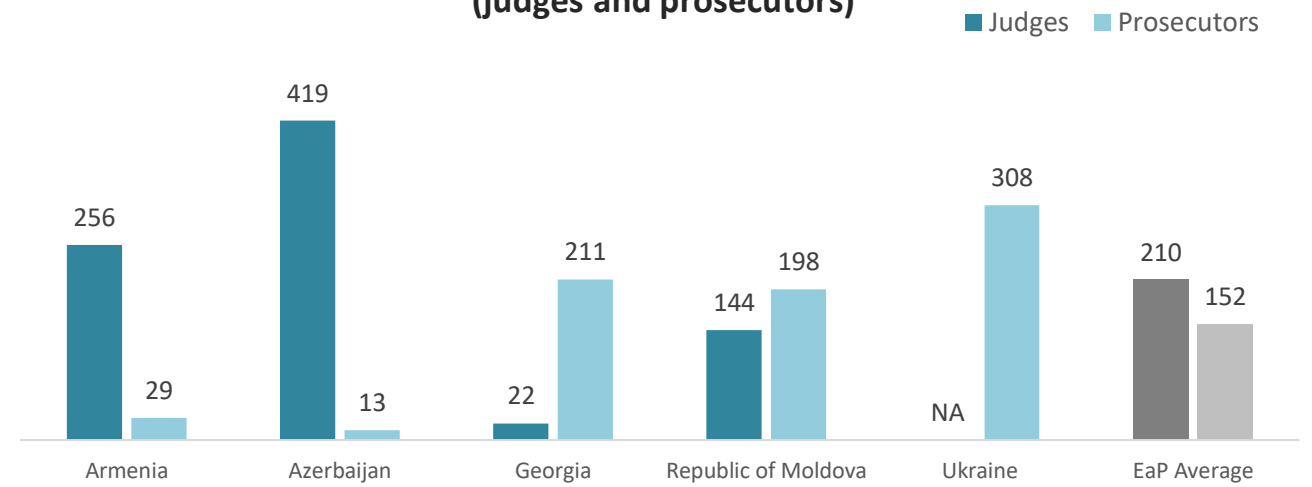


Figure 7.10 Number of participations to internet-based trainings provided on the e-learning platform of the training institution in 2023 (judges and prosecutors)

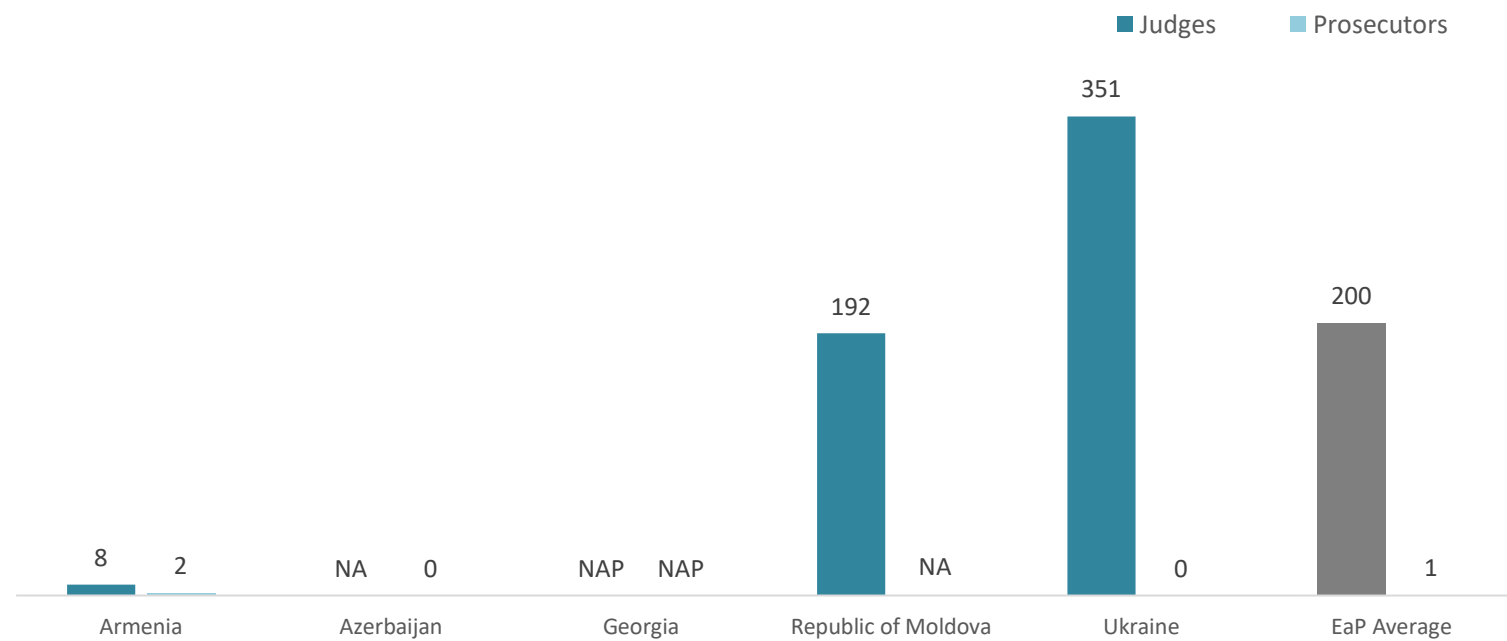
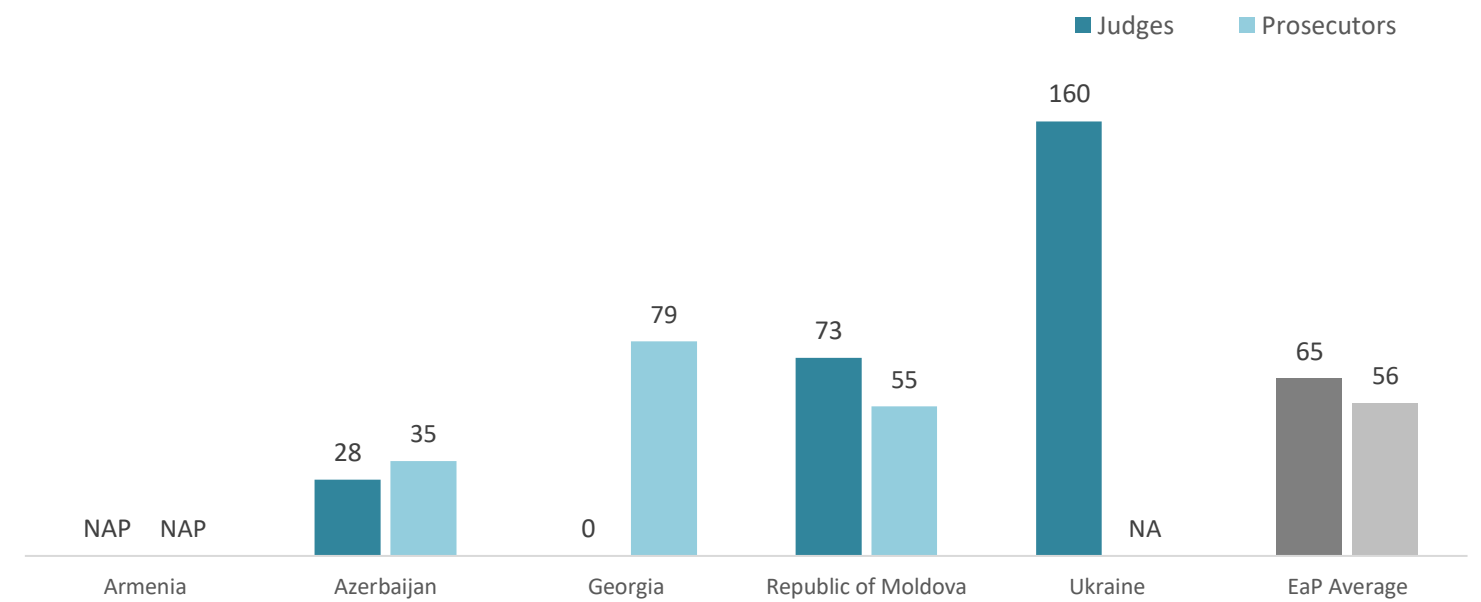


Figure 7.11 Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2023 (judges and prosecutors)



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7.1 Training - Budget

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7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights

Table 7.3.1 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 in 2023 (Q154 and Q154-1)

Table 7.3.2 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2023 (Q154 and Q154-1)

Table 7.3.3 Number of participations in 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 2023 (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 and number of participating judges and prosecutors in 2023 (Q155 and Q155-1)

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7.1 Training - Budget

Table 7.1.1 Total implemented budget of training: implemented budget of the training institution(s) and implemented courts and public prosecution services budget allocated to training in 2023 (Q4, Q6, Q142)

Beneficiaries	Total implemented budget for training: budget of training institutions and courts and public prosecution services budget allocated to training in 2023					
	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	5 102 €	NAP	NAP	NAP	5 102 €	NAP
Azerbaijan	5 400 022 €	1 369 213 €	1 303 451 €	NAP	1 423 907 €	1 303 451 €
Georgia	880 208 €	880 208 €	NAP	NAP	0 €	NAP
Republic of Moldova	1 095 172 €	NAP	NAP	1 090 333 €	4 839 €	0 €
Ukraine	NA	2 032 233 €	1 821 026 €	NAP	NA	1 692 900 €
Average	1 845 126 €	1 427 218 €	-	-	358 462 €	998 784 €
Median	987 690 €	1 369 213 €	-	-	4 971 €	1 303 451 €
Minimum	5 102 €	880 208 €	-	-	0 €	0 €
Maximum	5 400 022 €	2 032 233 €	-	-	1 423 907 €	1 692 900 €

Table 7.1.2 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2018 and 2023 (Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget					Variations	
	2018	2020	2021	2022	2023	2018 - 2023 (%)	2022 - 2023 (%)
Armenia	496 236 €	- €	- €	8 348 €	5 102 €	-99,0%	-38,9%
Azerbaijan	3 634 083 €	4 138 176 €	3 363 270 €	9 773 712 €	5 400 022 €	48,6%	-44,7%
Georgia	1 024 569 €	688 113 €	317 233 €	NA	880 208 €	-14,1%	NA
Republic of Moldova	912 273 €	913 891 €	869 745 €	955 458 €	1 095 172 €	20,0%	14,6%
Ukraine	7 793 609 €	7 212 699 €	7 147 308 €	NA	NA	NA	NA
Average	2 772 154 €	2 590 576 €	2 339 511 €	3 579 173 €	1 845 126 €	-11,1%	-23,0%
Median	1 024 569 €	913 891 €	869 745 €	955 458 €	987 690 €	3,0%	-38,9%
Minimum	496 236 €	0 €	0 €	8 348 €	5 102 €	-99,0%	-44,7%
Maximum	7 793 609 €	7 212 699 €	7 147 308 €	9 773 712 €	5 400 022 €	48,6%	14,6%

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2018 and 2023 (Q1, Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget per inhabitant					Variations	
	2018	2020	2021	2022	2023	2018 - 2023 (%)	2022 - 2023 (%)
Armenia	€0,17	€0	€0	€0,0028	€0,0017	-99,0%	-38,9%
Azerbaijan	€0,36	€0,41	€0,33	€0,97	€0,53	48,6%	-44,7%
Georgia	€0,27	€0,18	€0,08	NA	€0,24	-14,1%	NA
Republic of Moldova	€0,36	€0,36	€0,35	€0,38	€0,44	20,0%	14,6%
Ukraine	€0,19	€0,18	€0,17	NA	NA	NA	NA
Average	€0,27	€0,23	€0,19	€0,45	€0,30	-11,1%	-23,0%
Median	€0,27	€0,18	€0,17	€0,38	€0,34	3,0%	-38,9%
Minimum	€0,17	€0,00	€0,00	€0,00	€0,00	-99,0%	-44,7%
Maximum	€0,36	€0,41	€0,35	€0,97	€0,53	48,6%	14,6%

Table 7.1.4 Amount of the implemented budget of the training institutions funded by external donors in 2023 (Q142 and Q142-1)

Beneficiaries	Amount of the implemented budget of the training institutions funded by external donors
Armenia	NAP
Azerbaijan	NAP
Georgia	NAP
Republic of Moldova	NA
Ukraine	NAP
Average	-
Median	-
Minimum	-
Maximum	-

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2023 (Q143, Q143-1, Q145 and Q145-1)

Beneficiaries	Types and frequency of training courses for judges in 2023																				
	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		On gender equality		On prevention of corruption		On conflicts of interest		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	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Armenia																					
Azerbaijan																					
Georgia																					
Republic of Moldova																					
Ukraine																					

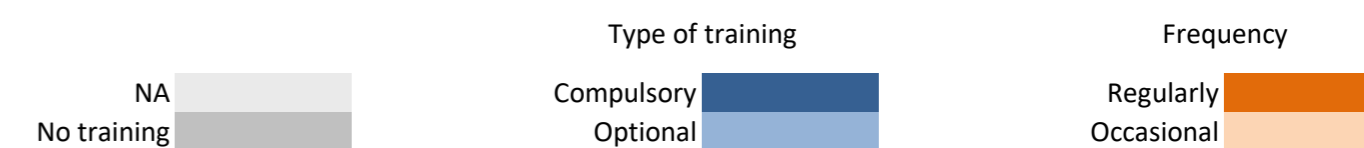


Table 7.2.2 Types and frequency of training courses for prosecutors in 2023 (Q144, Q144-1, Q146 and Q146-1-0)

Beneficiaries	Types and frequency of training courses for prosecutors in 2023																					
	Initial training for prosecutors	In-service training for prosecutors																				
		General		For specialised judicial functions		For management functions		For the use of computer facilities in courts		On ethics		On child-friendly justice		On gender equality		On prevention of corruption		On conflicts of interest		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	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	
Armenia																						
Azerbaijan																						
Georgia																						
Republic of Moldova																						
Ukraine																						

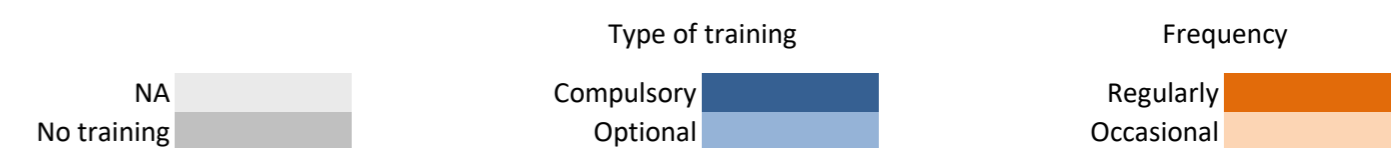


Table 7.2.3 Minimum number of compulsory trainings in 2023 (Q146-1)

Beneficiaries	Minimum number of compulsory trainings in 2023							
	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	2	NAP	NAP	30	2	NAP
Azerbaijan	NAP	120	1	NAP	1	20	1	NAP
Georgia	85	240	NA	NA	0	0	NAP	NAP
Republic of Moldova	NA	540	5	5	NA	540	5	5
Ukraine	NA	NA	NA	NA	NA	60	NA	NA
Average	-	233	3	-	-	130	3	-
Median	-	180	2	-	-	30	2	-
Minimum	-	30	1	-	-	0	1	-
Maximum	-	540	5	-	-	540	5	-

Table 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2023 (Q148 and Q149)

Beneficiaries	Existence of sanctions for not attending compulsory in-service trainings in 2023	
	Judges	Prosecutors
Armenia	Yes	Yes
Azerbaijan	No	Yes
Georgia	No	No
Republic of Moldova	No	No
Ukraine	Yes	Yes

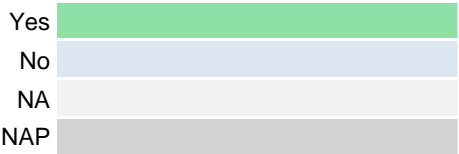


Table 7.2.5 In-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2023 (Q147 and Q147-1)

Beneficiaries	In-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2023																			
	Number of different available live trainings					Number of delivered live trainings					Number of days of delivered live trainings					Number of participants in live trainings				
	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	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Armenia	104	62	37	5	NAP	102	60	37	5	NAP	270	117	110	43	NAP	835	277	360	198	NAP
Azerbaijan	293	239	27	25	2	348	285	25	33	5	500	301	103	33	63	5 487	2 136	2 367	501	483
Georgia	163	20	88	11	44	207	25	102	13	67	1 056	50	716	26	264	1 549	329	750	236	234
Republic of Moldova	149	95	75	47	31	308	187	162	96	63	249	208	204	90	72	6 715	1 962	2 135	1 931	687
Ukraine	586	110	127	324	25	749	186	163	369	31	1 395	358	188	758	91	43 128	9 659	6 659	23 656	3 154
Average	259	105	71	82	26	343	149	98	103	42	694	207	264	190	123	11 543	2 873	2 454	5 304	1 140
Median	163	95	75	25	28	308	186	102	33	47	500	208	188	43	82	5 487	1 962	2 135	501	585
Minimum	104	20	27	5	2	102	25	25	5	5	249	50	103	26	63	835	277	360	198	234
Maximum	586	239	127	324	44	749	285	163	369	67	1 395	358	716	758	264	43 128	9 659	6 659	23 656	3 154

Table 7.2.6 Internet-based trainings available on the e-learning platform of the training institution (not live) in 2023 (Q147 and Q147-1)

Beneficiaries	Internet-based trainings available on the e-learning platform of the training institution (not live) in 2023									
	Number of internet-based provided trainings					Number of participants				
	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	20	10	10	NAP	NAP	163	57	106	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	14	14	14	14	14	1 052	192	122	601	137
Ukraine	82	43	11	19	9	14 596	351	12 294	1 224	727
Average	39	22	12	-	-	5 270	200	4 174	-	-
Median	20	14	11	-	-	1 052	192	122	-	-
Minimum	14	10	10	-	-	163	57	106	-	-
Maximum	82	43	14	-	-	14 596	351	12 294	-	-

Table 7.2.7 In-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2023 (Q147-3)

Beneficiaries	In-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2023									
	Number of completed trainings					Number of participants				
	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	2	1	1	NAP	NAP	32	25	7	NAP	NAP
Azerbaijan	16	8	8	0	0	63	28	35	0	0
Georgia	30	0	14	0	16	141	0	83	0	58
Republic of Moldova	11	11	11	11	11	720	79	113	395	133
Ukraine	NA	5	4	NA	NA	NA	113	90	NA	NA
Average	15	5	8	4	9	239	49	66	132	64
Median	14	5	8	0	11	102	28	83	0	58
Minimum	2	0	1	0	0	32	0	7	0	0
Maximum	30	11	14	11	16	720	113	113	395	133

Table 7.2.8 Number of unique participants in live (in-person, hybrid, video, conferencevideocall) trainings in 2023 (Q147-2)**

Beneficiaries	Number of unique participants** in live (in-person, hybrid, video, conferencevideocall) trainings in 2023				
	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff
Armenia	NA	NA	NA	NAP	NAP
Azerbaijan	2 276	497	1 080	398	301
Georgia	955	212	352	235	156
Republic of Moldova	1 775	365	501	741	168
Ukraine	NA	NA	3 372	NA	2 491
Average	1 669	358	1 326	458	779
Median	1 775	365	791	398	235
Minimum	955	212	352	235	156
Maximum	2 276	497	3 372	741	2 491

**“Unique participants” shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Conventio

Table 7.3.1 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 in 2023 (Q154 and Q154-1)

Beneficiaries	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 in 2023									
	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		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	Judges	Prosecutors
Armenia	NAP	NAP	NAP	7	7	54	256	29	NA	NA
Azerbaijan	22	36	52	13	13	13	419	13	231	13
Georgia	2	2	4	18	21	356	22	211	22	185
Republic of Moldova	NA	NA	NA	12	26	26	144	198	NA	NA
Ukraine	1	1	1	12	12	24	NA	308	NA	282
Average	8	13	19	12	16	95	210	152	127	160
Median	2	2	4	12	13	26	200	198	127	185
Minimum	1	1	1	7	7	13	22	13	22	13
Maximum	22	36	52	18	26	356	419	308	231	282

Table 7.3.2 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2023 (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 2023				
	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	1	8	2	
Azerbaijan	0	0	0	0	
Georgia	NAP	NAP	NAP	NAP	
Republic of Moldova	NA	NA	NA	NA	
Ukraine	1	8	16	0	
Average	1	3	8	1	
Median	0,5	1	8	0	
Minimum	0	0	0	0	
Maximum	1	8	16	2	

Table 7.3.3 Number of participations in 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 2023 (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 2023	
	Completed on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of participations	
	Judges	Prosecutors
Armenia	NAP	NAP
Azerbaijan	28	35
Georgia	0	79
Republic of Moldova	73	55
Ukraine	160	NA
Average	65	56
Median	50,5	55
Minimum	0	35
Maximum	160	79

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 and number of participating judges and prosecutors in 2023 (Q155 and Q155-1)

Beneficiaries	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 in 2023									
	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		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	Judges	Prosecutors
Armenia	NAP	NAP	NAP	6	6	7	100	NAP	NAP	NAP
Azerbaijan	22	24	41	0	0	0	273	0	165	0
Georgia	1	1	2	16	20	351	24	211	24	185
Republic of Moldova	NA	NA	NA	5	5	5	41	54	41	54
Ukraine	NA	NA	NA	11	11	12	NA	986	NA	381
Average	12	13	22	8	8	75	110	313	77	155
Median	12	13	22	6	6	7	70,5	132,5	41	119,5
Minimum	1	1	2	0	0	0	24	0	24	0
Maximum	22	24	41	16	20	351	273	986	165	381

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 2023 (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 2023			
	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	NA	NA	NA	NA
Ukraine	0	4	4	0
Average	0	2	2	0
Median	0	2	2	0
Minimum	0	0	0	0
Maximum	0	4	4	0

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 2023 (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 2023			
	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	1	1	0	35
Georgia	0	13	0	79
Republic of Moldova	NA	NA	NA	NA
Ukraine	NA	NA	105	NA
Average	1	7	35	57
Median	0,5	7	0	57
Minimum	0	1	0	35
Maximum	1	13	105	79

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2023 (Q153)

Beneficiaries	Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2023			
	Domestic violence training		Sexual violence training	
	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Armenia	Yes	No	Yes	No
Azerbaijan	No	Yes	No	Yes
Georgia	Yes	No	Yes	No
Republic of Moldova	Yes	No	Yes	No
Ukraine	Yes	No	Yes	No

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 7.4.2 Assessment of future training needs and frequency of assessment in 2023 (Q155-2)

Beneficiaries	Assessment of future training needs and frequency of assessment in 2023								
	Source to identify future training needs								Assessment
	Target audience itself	Previous participants in trainings	Trainers	Courts/ prosecutor's offices	Relevant judicial institutions	Ministry of Justice	Other	Comment on other	Frequency
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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Bar Association, lawyers, donors, civil society.	Annual
Ukraine	Yes	Yes	Yes	Yes	No	No	No		Annual


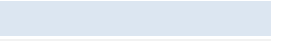
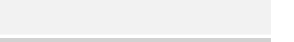
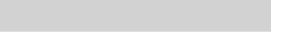

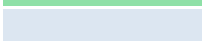
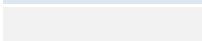

Yes	
No	
NA	
NAP	

Table 7.4.3 Evaluation of the in-service trainings in 2023 (Q155-4, Q155-4, Q155-4 and Q155-7)

Beneficiaries	Evaluation of the in-service trainings in 2023													
	Existence of an 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	Yes			Other	Survey	Yes				Yes			Yes	
Azerbaijan	Yes					Yes				Yes			Yes	
Georgia	Yes					Yes				Yes			Yes	
Republic of Moldova	Yes					Yes				Yes			Yes	
Ukraine	Yes					Yes				Yes			Yes	

Yes 
 No 
 NA 
 NAP 

Question 142. What is the implemented budget of the training institution(s)?

Question 143. Types of different trainings offered to judges:

Question 143-1. In-service training of judges solely dedicated to prevention of corruption and conflicts of interest

Question 144. Types of different trainings offered to public prosecutors:

Question 144-1. In-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest

Question 145. Frequency of the in-service training of judges:

Question 145-1. Frequency of the in-service training of judges solely dedicated to prevention of corruption and conflicts of interest

Question 146. Frequency of the in-service training of public prosecutors :

Question 146-1. Do you have a minimum number of compulsory trainings:

Question 146-1-0. Frequency of the in-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest

Question 147. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

Question 147-1. Number of participants in the trainings during the reference year

Question 147-2. Number of unique participants in the trainings during the reference year

Question 147-3. Number of internet-based trainings on other e-learning platforms and number of participants

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 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)

Armenia

Q142 (2023): 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 673955 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 (2023): 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. Other: There are 71 trainings for judges envisaged by Educational program.

Q144 (2023): Other: There are more than 47 different trainings for prosecutors envisaged by Educational program.

Q145 (2023): Judges pass compulsory trainings once a year for 80-120 academic hour. It is implemented in two parts: A week during spring and a week during autumn-winter.

Q146-1 (2023): In Academy of Justice the minimum amount of in-service compulsory trainings is 80 hours for judges and prosecutors

Q147 (2023): It should be noted that non-judge staff includes only judicial bailiffs.

Q153 (2023): Compulsory trainings involve topics on domestic violence and sexual violence

Azerbaijan

Q142 (2023): 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).

Q146-1 (2023): 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.

Q147-1 (2023): Recently, due to the continuous intake of documents for judicial appointments and appointments to prosecutor's offices, newly appointed judges, prosecutors, and staff members of the prosecutor's office have shown great interest in training sessions aimed at studying or improving their existing experience.

Georgia

Q142 (2023): In 2023, the High School of Justice has provided initial trainings for two groups of High School of Justice listeners (49 listeners in total). Hence, the implemented budget for 2023 has almost doubled compared to 2022.

Q146-1 (2023): 1. In-service compulsory training for judges: minimum 5 days of training every 3 years.

2. The PSG interns are subject to compulsory initial trainings. In 2023, these trainings were not conducted, because of the ongoing internship contest. 3. PSG - There is no mandatory Minimum number of trainings or days according the legislation. In 2022 we've provided average number of trainings and days, of in-service compulsory trainings conducted for prosecutors in 2022. In 2023, these trainings were not conducted.

Q153 (2023): The PSG has introduced specialization courses for prosecutors and PSG investigators. Only those professionals, who have passed the courses, can perform their duties with regard to the cases of domestic violence and sexual violence.

Republic of Moldova

Q142 (2023): The data indicated above reflects the implemented budget of the National Institute of Justice.

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 topics from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves a 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 a curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

Q146-1 (2023): The initial training offered by the NIJ is realized according to Initial Training Plan approved by the Council of the NIJ. 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.

Q147 (2023): In 2023 the number of available and delivered in different ways in-service trainings increased. The prosecutors benefited much more than other professions of different additional trainings and training days. A part of them were supported by donors.

Q147-1 (2023): There was a downward trend in the number of participants in live trainings in 2023 compared with 2021 data due to the fact that almost all trainings in 2021 were provided by video-conference due to COVID Pandemic. In 2023 the trainings were provided mostly in-person by NIJ and less persons applied for participation (in order to avoid travelling long distances to the capital city). Despite that, the number of participants in internet-based trainings on the e-learning platform increased in 2023 for all categories compared with 2021 data. It demonstrates that the e-learning trainings are becoming more accessible and useful than trainings delivered in other ways.

Q147-2 (2023): The number of judges - unique participants is greater than the number of judges reported in Q 019 (346 judges) given judges resignations during 2023.

Q147-3 (2023): The 11 e-courses are the same for all groups. These are open to judges, prosecutors, non-judge staff and non-prosecutor staff who are trained on the same topics.

Q153 (2023): 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 for 2023, 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.

Ukraine

Q142 (2023): The decrease in the realized budget of the National School of Judges of Ukraine for the training of judges in 2023 compared to 2022 was due to the devaluation of the hryvnia in 2023 compared to 2022.

Q144 (2023): According to part two of Article 19 of the Law of Ukraine "On the Prosecutor's Office" (hereinafter - the Law), the prosecutor is obliged to improve his or her professional level and to improve his or her qualifications for this purpose. The prosecutor periodically undergoes training at the Training Center of Prosecutors of Ukraine, which should include studying the rules of prosecutorial ethics. Article 80 of the Law stipulates that the Training Center of Prosecutors of Ukraine shall provide advanced training for prosecutors. Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200. Clause 5 of Section I of the Regulation stipulates that training at the Training Center of Prosecutors of Ukraine is the main form of professional development. Section V of the Regulations regulates training (education) at the Training Center. In particular, training of prosecutors in the Training Center for Prosecutors of Ukraine (hereinafter - TCPU) is provided in the form of training courses/trainings and consists in improving (obtaining new) professional knowledge and skills, developing personal competence of the prosecutor, studying the rules of prosecutorial ethics and requirements of anti-corruption legislation. Depending on the prosecutors' need for advanced training or acquisition of new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. Catalogs of training programs (trainings) for prosecutors and calendar plans of training courses/trainings are posted on the official website of the TCPU, the online professional development platform, and are immediately sent to the personnel unit of the Office of the Prosecutor General, regional prosecutor's offices, the content of which is also communicated to prosecutors.

In view of the above, prosecutors are not limited to professional development only on professional ethics or compliance with anti-corruption legislation. In addition, according to Articles 29 and 33 of the Law, the procedure for selecting candidates for the position of a district prosecutor includes special training, which consists of initial training (2 months, conducted by the Training Center for Prosecutors of Ukraine) and internship (6 months, conducted at the relevant district prosecutor's office).

Q144-1 (2023): According to clause 2, part V of the Regulation on the system of advanced training of prosecutors, approved by the Order of the Prosecutor General No. 200 of 15.06.2021, training of prosecutors at the Training Center for Prosecutors of Ukraine is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation.

Q146 (2023): Order of the Prosecutor General No. 200 dated June 15, 2021 approved the Regulation on the system of advanced training of prosecutors.

The in-service training of prosecutors is carried out on the basis of compulsory, continuous (i.e., continuously throughout the entire period of the prosecutor's tenure in certain forms) and periodicity in the TCPU (at least once every 4 years). Self-study is a continuous form of in-service training for prosecutors. According to part two of Article 19 of the Law of Ukraine "On the Public Prosecutor's Office", a prosecutor is obliged to improve his/her professional level and to improve his/her qualification for this purpose.

Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200. Article 80 of the Law stipulates that the training of prosecutors is carried out by the Training Center of Prosecutors of Ukraine. In particular, the training of prosecutors at the TCPU is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. Depending on the need for prosecutors to improve their skills or acquire new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. The periodicity of prosecutors' advanced training in the TCPU is determined by the number of points they must obtain within 48 months (4 years). According to clause 3 of Section V of the Regulation, a prosecutor is considered to have completed the in-service training in the TCPU if he or she has gained 60 points as a result of participation in training courses/trainings within 48 months,

The training of prosecutors in the TCPU is provided in the form of training courses/trainings and consists of improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. The number of credit points for each training course/training is determined by the TCPU depending on its subject matter, complexity and duration. Training at the TCPU is conducted in full-time, distance and online forms. Prosecutors independently select trainings from the Catalog of Training Programs for Prosecutors, taking into account the practical needs of their work. Every year, prosecutors take distance courses on ethics and anti-corruption. Mandatory trainings have been introduced for some specializations of prosecutors. In particular, in accordance with the Order of the Prosecutor General No. 509 dated 04.11.2020 "On Peculiarities of Performing the Functions of the Prosecutor's Office on Protection of Children's Interests and Combating Violence", juvenile prosecutors are required to undergo training in their specialization at the Training Center for Prosecutors of Ukraine and receive a document on completion of special training.

Q146-1 (2023): Initial training for judges - The Law of Ukraine "On the Judiciary and the Status of Judges" does not stipulate the number of trainings for judicial candidates. The number of trainings is stipulated in the Program and Curriculum approved by the High Qualification Commission of Judges of Ukraine in accordance with the Law. The program is created for each course of recruitment of judges. Special training for judicial candidates was conducted in 2018 and 2019. No special training was conducted in 2020-2023, as there was no course of recruitment of judges. The same issue concerns the number of days. Mandatory (once every 3 years). The training lasts 40 hours (or 5 days) and consists of lectures and workshops. However, the number of trainings within the training program is not regulated (i.e., it can be from 1 to 2–3 trainings).

The prosecutor's qualification advancement in the TCPU is carried out periodically: within 48 months, based on the results of participation in training courses/trainings, the prosecutor must gain 60 credits.

Q146-1-0 (2023): Every year, prosecutors take distance learning courses on ethics and anti-corruption.

Q147-1 (2023): The decrease in the number of prosecutors in trainings compared to 2022 is explained by the fact that in 2022, trainings were held with the simultaneous involvement of a significant number of prosecutors (on investigating crimes related to the armed aggression of the Russian Federation and the lack of experience in such work at that time of the vast majority of prosecutors in this respect).

Q153 (2023): In accordance with the Order of the Prosecutor General of 04.11.2020 No. 509 "On the peculiarities of performing the functions of the prosecutor's office on protecting the interests of children and combating violence", the prosecutor's functions on protecting the interests of children and combating violence are performed in the Office of the Prosecutor General and regional prosecutor's offices by the units for protecting the interests of children and combating violence; in local (district) prosecutor's offices, they are entrusted to prosecutors specially authorized by the head to perform these prosecutorial functions (juvenile prosecutors). Juvenile prosecutors are a category of prosecutors who have received special training on domestic and sexual violence. The Training Center for Prosecutors of Ukraine also periodically conducts trainings on domestic and sexual violence for other categories of prosecutors, including as part of training courses on procedural guidance and public prosecution.

Indicator 7- Training

by question No.

Question 142. What is the implemented budget of the training institution(s)?

Question 143. Types of different trainings offered to judges:

Question 143-1. In-service training of judges solely dedicated to prevention of corruption and conflicts of interest

Question 144. Types of different trainings offered to public prosecutors:

Question 144-1. In-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest

Question 145. Frequency of the in-service training of judges:

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Question 146. Frequency of the in-service training of public prosecutors :

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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 142

Armenia

(2023): 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 673955 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.

Azerbaijan

(2023): 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).

Georgia

(2023): In 2023, the High School of Justice has provided initial trainings for two groups of High School of Justice listeners (49 listeners in total). Hence, the implemented budget for 2023 has almost doubled compared to 2022.

Republic of Moldova

(2023): The data indicated above reflects the implemented budget of the National Institute of Justice.

Ukraine

(2023): The decrease in the realized budget of the National School of Judges of Ukraine for the training of judges in 2023 compared to 2022 was due to the devaluation of the hryvnia in 2023 compared to 2022.

Question 143

Armenia

(2023): 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. Other: There are 71 trainings for judges envisaged by Educational program.

Question 144

Armenia

(2023): Other: There are more than 47 different trainings for prosecutors envisaged by Educational program.

Ukraine

(2023): According to part two of Article 19 of the Law of Ukraine "On the Prosecutor's Office" (hereinafter - the Law), the prosecutor is obliged to improve his or her professional level and to improve his or her qualifications for this purpose. The prosecutor periodically undergoes training at the Training Center of Prosecutors of Ukraine, which should include studying the rules of prosecutorial ethics. Article 80 of the Law stipulates that the Training Center of Prosecutors of Ukraine shall provide advanced training for prosecutors.

Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200. Clause 5 of Section I of the Regulation stipulates that training at the Training Center of Prosecutors of Ukraine is the main form of professional development. Section V of the Regulations regulates training (education) at the Training Center. In particular, training of prosecutors in the Training Center for Prosecutors of Ukraine (hereinafter - TCPU) is provided in the form of training courses/trainings and consists in improving (obtaining new) professional knowledge and skills, developing personal competence of the prosecutor, studying the rules of prosecutorial ethics and requirements of anti-corruption legislation. Depending on the prosecutors' need for advanced training or acquisition of new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. Catalogs of training programs (trainings) for prosecutors and calendar plans of training courses/trainings are posted on the official website of the TCPU, the online professional development platform, and are immediately sent to the personnel unit of the Office of the Prosecutor General, regional prosecutor's offices, the content of which is also communicated to prosecutors.

In view of the above, prosecutors are not limited to professional development only on professional ethics or compliance with anti-corruption legislation. In addition, according to Articles 29 and 33 of the Law, the procedure for selecting candidates for the position of a district prosecutor includes special training, which consists of initial training (2 months, conducted by the Training Center for Prosecutors of Ukraine) and internship (6 months, conducted at the relevant district prosecutor's office).

Question 144-1

Ukraine

(2023): According to clause 2, part V of the Regulation on the system of advanced training of prosecutors, approved by the Order of the Prosecutor General No. 200 of 15.06.2021, training of prosecutors at the Training Center for Prosecutors of Ukraine is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation.

Question 145

Armenia

(2023): Judges pass compulsory trainings once a year for 80-120 academic hour. It is implemented in two parts: A week during spring and a week during autumn-winter.

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 topics from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves a 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 a curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

Ukraine

(2023): Order of the Prosecutor General No. 200 dated June 15, 2021 approved the Regulation on the system of advanced training of prosecutors.

The in-service training of prosecutors is carried out on the basis of compulsory, continuous (i.e., continuously throughout the entire period of the prosecutor's tenure in certain forms) and periodicity in the TCPU (at least once every 4 years). Self-study is a continuous form of in-service training for prosecutors. According to part two of Article 19 of the Law of Ukraine "On the Public Prosecutor's Office", a prosecutor is obliged to improve his/her professional level and to improve his/her qualification for this purpose.

Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200. Article 80 of the Law stipulates that the training of prosecutors is carried out by the Training Center of Prosecutors of Ukraine. In particular, the training of prosecutors at the TCPU is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. Depending on the need for prosecutors to improve their skills or acquire new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. The periodicity of prosecutors' advanced training in the TCPU is determined by the number of points they must obtain within 48 months (4 years). According to clause 3 of Section V of the Regulation, a prosecutor is considered to have completed the in-service training in the TCPU if he or she has gained 60 points as a result of participation in training courses/trainings within 48 months,

The training of prosecutors in the TCPU is provided in the form of training courses/trainings and consists of improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. The number of credit points for each training course/training is determined by the TCPU depending on its subject matter, complexity and duration. Training at the TCPU is conducted in full-time, distance and online forms. Prosecutors independently select trainings from the Catalog of Training Programs for Prosecutors, taking into account the practical needs of their work. Every year, prosecutors take distance courses on ethics and anti-corruption. Mandatory trainings have been introduced for some specializations of prosecutors. In particular, in accordance with the Order of the Prosecutor General No. 509 dated 04.11.2020 "On Peculiarities of Performing the Functions of the Prosecutor's Office on Protection of Children's Interests and Combating Violence", juvenile prosecutors are required to undergo training in their specialization at the Training Center for Prosecutors of Ukraine and receive a document on completion of special training.

Question 146-1

Armenia

(2023): In Academy of Justice the minimum amount of in-service compulsory trainings is 80 hours for judges and prosecutors

Azerbaijan

(2023): 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

(2023): 1. In-service compulsory training for judges: minimum 5 days of training every 3 years.
2. The PSG interns are subject to compulsory initial trainings. In 2023, these trainings were not conducted, because of the ongoing internship contest. 3. PSG - There is no mandatory Minimum number of trainings or days according the legislation. In 2022 we've provided average number of trainings and days, of in-service compulsory trainings conducted for prosecutors in 2022. In 2023, these trainings were not conducted.

Republic of Moldova

(2023): The initial training offered by the NIJ is realized according to Initial Training Plan approved by the Council of the NIJ. 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

(2023): Initial training for judges - The Law of Ukraine "On the Judiciary and the Status of Judges" does not stipulate the number of trainings for judicial candidates. The number of trainings is stipulated in the Program and Curriculum approved by the High Qualification Commission of Judges of Ukraine in accordance with the Law. The program is created for each course of recruitment of judges. Special training for judicial candidates was conducted in 2018 and 2019. No special training was conducted in 2020-2023, as there was no course of recruitment of judges. The same issue concerns the number of days. Mandatory (once every 3 years). The training lasts 40 hours (or 5 days) and consists of lectures and workshops. However, the number of trainings within the training program is not regulated (i.e., it can be from 1 to 2–3 trainings).
The prosecutor's qualification advancement in the TCPU is carried out periodically: within 48 months, based on the results of participation in training courses/trainings, the prosecutor must gain 60 credits.

Question 146-1-0

Ukraine

(2023): Every year, prosecutors take distance learning courses on ethics and anti-corruption.

Question 147

Armenia

(2023): It should be noted that non-judge staff includes only judicial bailiffs.

Republic of Moldova

(2023): In 2023 the number of available and delivered in different ways in-service trainings increased. The prosecutors benefited much more than other professions of different additional trainings and training days. A part of them were supported by donors.

Question 147-1

Azerbaijan

(2023): Recently, due to the continuous intake of documents for judicial appointments and appointments to prosecutor's offices, newly appointed judges, prosecutors, and staff members of the prosecutor's office have shown great interest in training sessions aimed at studying or improving their existing experience.

Republic of Moldova

(2023): There was a downward trend in the number of participants in live trainings in 2023 compared with 2021 data due to the fact that almost all trainings in 2021 were provided by video-conference due to COVID Pandemic. In 2023 the trainings were provided mostly in-person by NIJ and less persons applied for participation (in order to avoid travelling long distances to the capital city). Despite that, the number of participants in internet-based trainings on the e-learning platform increased in 2023 for all categories compared with 2021 data. It demonstrates that the e-learning trainings are becoming more accessible and useful than trainings delivered in other ways.

Ukraine

(2023): The decrease in the number of prosecutors in trainings compared to 2022 is explained by the fact that in 2022, trainings were held with the simultaneous involvement of a significant number of prosecutors (on investigating crimes related to the armed aggression of the Russian Federation and the lack of experience in such work at that time of the vast majority of prosecutors in this respect).

Question 147-2

Republic of Moldova

(2023): The number of judges - unique participants is greater than the number of judges reported in Q 019 (346 judges) given judges resignations during 2023.

Question 147-3

Republic of Moldova

(2023): The 11 e-courses are the same for all groups. These are open to judges, prosecutors, non-judge staff and non-prosecutor staff who are trained on the same topics.

Question 153

Armenia

(2023): Compulsory trainings involve topics on domestic violence and sexual violence

Georgia

(2023): The PSG has introduced specialization courses for prosecutors and PSG investigators. Only those professionals, who have passed the courses, can perform their duties with regard to the cases of domestic violence and sexual violence.

Republic of Moldova

(2023): 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 for 2023, 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.

Ukraine

(2023): In accordance with the Order of the Prosecutor General of 04.11.2020 No. 509 "On the peculiarities of performing the functions of the prosecutor's office on protecting the interests of children and combating violence", the prosecutor's functions on protecting the interests of children and combating violence are performed in the Office of the Prosecutor General and regional prosecutor's offices by the units for protecting the interests of children and combating violence; in local (district) prosecutor's offices, they are entrusted to prosecutors specially authorized by the head to perform these prosecutorial functions (juvenile prosecutors). Juvenile prosecutors are a category of prosecutors who have received special training on domestic and sexual violence. The Training Center for Prosecutors of Ukraine also periodically conducts trainings on domestic and sexual violence for other categories of prosecutors, including as part of training courses on procedural guidance and public prosecution.

8. Accountability and processes affecting public trust - Overview

Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges and prosecutors in 2023 (Tables 8.9.5 and 8.9.10)

Beneficiaries	Disciplinary proceedings and sanctions against judges and prosecutors in 2023					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	15	27	12	27	14	18
Azerbaijan	30	31	30	31	23	31
Georgia	80	28	80	22	0	9
Republic of Moldova	25	182	19	131	4	8
Ukraine	NA	NA	NA	NA	6	NA
EaP Average	38	67	35	53	9	17

Figure 8.1 Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2023 (per 100 judges)

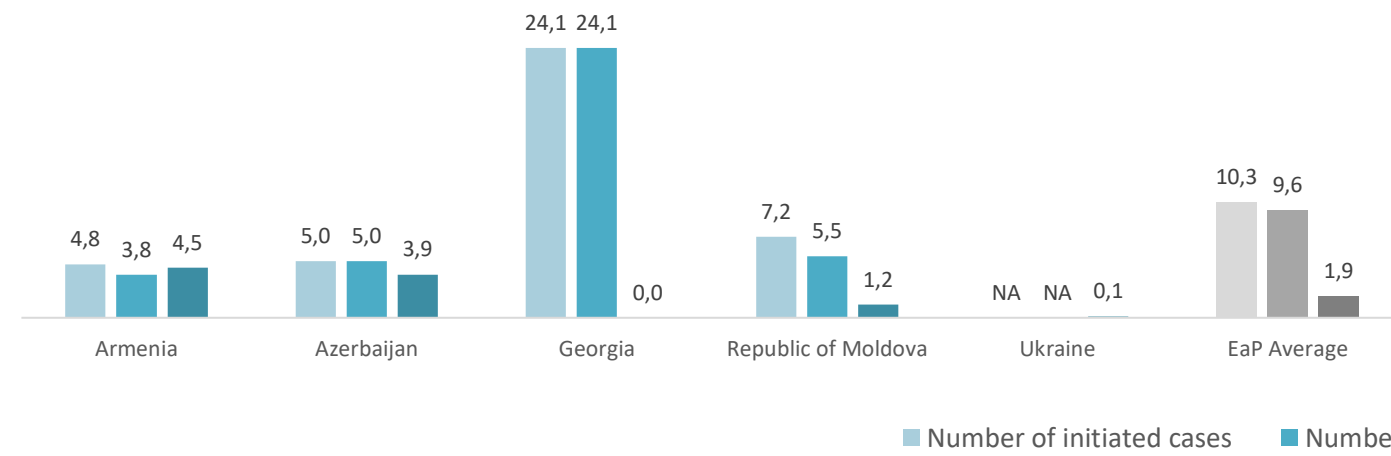
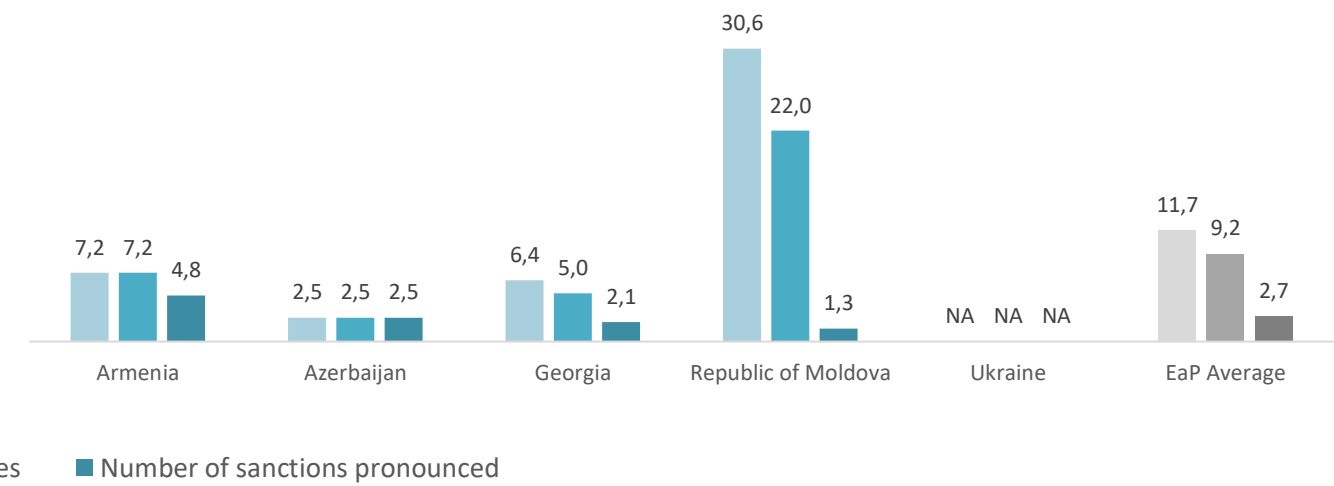


Figure 8.2 Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2023 (per 100 prosecutors)



Number of criminal cases against judges and prosecutors in 2023 (Table 8.4.2)

Beneficiaries	Number of criminal cases and sanctions against judges and prosecutors in 2023					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	1	5	0	3	0	0
Azerbaijan	0	0	0	0	0	0
Georgia	0	0	0	0	0	0
Republic of Moldova	4	NA	0	NA	0	NA
Ukraine	NA	6	NA	4	6	6
EaP Average	1	3	0	2	1	2

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 2023 (Q156)

Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2023 (Q156)

Table 8.1.3 Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2023 (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 2023 (Q160 and Q161)

8.3 Public prosecution services - status

Table 8.3.1 Status of public prosecution services in 2023 (Q162-0)

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2023 (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 2023 (Q164 and Q166)

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2023 (Q171)

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2023 (Q172-0)

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2023 (Q182)

8.5 Code of ethics for judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2023 (Q172 and Q173-1)

Table 8.5.2 Code of ethics for prosecutors in 2023 (Q174 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 2023 (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 the distribution of court cases in 2023 (Q183, Q184)

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2023 (Q185, Q186, Q187 and Q188)

Table 8.6.3 Number of processed reassignments of cases in 2023 (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 2023: law(s) and regulation(s) that require a declaration of assets (Q190 and Q192)

Table 8.7.2 Declaration of assets for judges in 2023: 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 2023: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Table 8.7.4 Declaration of assets for judges in 2023: sanction in case of non-declaration (Q201)

Table 8.7.5 Declaration of assets for prosecutors in 2023: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Table 8.7.6 Declaration of assets for prosecutors in 2023: 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 2023: sanction in case of non-declaration (Q214)

Table 8.7.9 Declaration of assets for judges and prosecutors in 2023: 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 2023 (Q217)

Table 8.8.2 Other functions/activities carried out by judges in 2023 (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 2023 (Q222 and Q223)

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2023 (Q226)

Table 8.8.5 Other functions/activities carried out by prosecutors in 2023 (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 2023 (Q231 and Q232)

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2023 (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 2023 (Q234 and Q235)

Table 8.9.2 Authority with disciplinary power over judges in 2023 (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 2023 (Q236, Q240 and Q241)

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2023 (Q242)

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2023 (Q237, Q238 and Q239)

Table 8.9.6 Description of professional inadequacy for judges in 2023 (Q237 and Q237-1)

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2023 (Q243)

Table 8.9.8 Authority with disciplinary power over prosecutors in 2023 (Q244)

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2023 (Q245, Q250 and Q251)

Table 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2023 (Q246, Q247 and Q248)

Table 8.9.11 Description of professional inadequacy for prosecutors in 2023 (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 2023 (Q156)


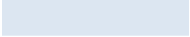
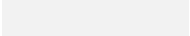

Beneficiaries	System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2023												
	Total number of requests for compensation	Total number of compensations granted	Specific circumstances										
			Excessive length of 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	360	135	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	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 2023 (Q156)

Beneficiaries	System for compensating users: amounts granted by specific circumstances in 2023										
	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	584 282 €	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-

Table 8.1.3 Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2023 (Q156-1)

Beneficiaries	Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2023									
	Court concerned		Other court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
	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	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 2023 (Q160 and Q161)

Beneficiaries	Procedure to effectively challenge a judge and total number of initiated procedures and total number of pronounced recusals in 2023		
	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		7119	469
Ukraine		NA	NA
Average		-	-
Median		-	-
Minimum		-	-
Maximum		-	-

Yes	
No	
NA	
NAP	

8.3 Public prosecution services - status

Table 8.3.1 Status of public prosecution services in 2023 (Q162-0)

Beneficiaries	Status of public prosecution services in 2023						
	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


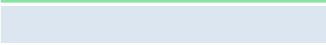
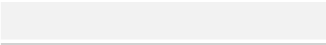


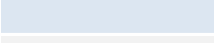
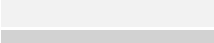

Yes	
No	
NA	
NAP	

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2023 (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 2023																					
	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																		Number of instructions addressed to a public prosecutor to prosecute or not	Possibility for a public prosecutor oppose/report an instruction to an independent body
			Authority issuing the specific instructions				Form of instructions				Type of instructions				Frequency of the instructions							
Existence	Exceptions in the laws and regulations that envisage the possibility of the issuance of specific 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																				2		
Azerbaijan																				NA		
Georgia																				NAP		
Republic of Moldova																				NAP		
Ukraine																				NA		

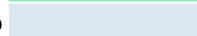
Yes 
 No 
 NA 
 NAP 

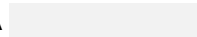
8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2023 (Q164 and Q166)

Beneficiaries	Type of legal provisions to guarantee the independence of judges and prosecutors in 2023								
	Judges				Prosecutors				
	Constitution	Special law	Bylaw	Other	Constitution	Special law	Bylaw	Other	
Armenia	Yes	Yes	No	No	Yes	Yes	No	No	No
Azerbaijan	Yes	Yes	No	No	Yes	Yes	No	No	No
Georgia	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Republic of Moldova	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Criminal Procedure Code
Ukraine	Yes	Yes	No	No	Yes	Yes	No	No	No

Yes 

No 

NA 


NAP 

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2023 (Q171)

Beneficiaries	Number of criminal cases against judges or prosecutors in 2023					
	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	1	0	0	5	3	0
Azerbaijan	0	0	0	0	0	0
Georgia	0	0	0	0	0	0
Republic of Moldova	4	0	0	NA	NA	NA
Ukraine	NA	NA	6	6	4	6
Average	1	0	1	3	2	2
Median	1	0	0	3	2	0
Minimum	0	0	0	0	0	0
Maximum	4	0	6	6	4	6

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2023 (Q172-0)

Beneficiaries	Specific measures to prevent corruption for judges and prosecutors in 2023													
	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	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No
Azerbaijan	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	No
Georgia	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Republic of Moldova	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Ukraine	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

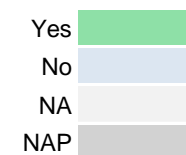


Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2023 (Q182)

Beneficiaries	System to report attempt for influence/corruption on judges and prosecutors in 2023	
	Judges	Prosecutors
Armenia	Yes	Yes
Azerbaijan	Yes	Yes
Georgia	Yes	Yes
Republic of Moldova	Yes	Yes
Ukraine	Yes	Yes

Yes	Yes
No	No
NA	NA
NAP	NAP

8.5 Code of ethics for judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2023 (Q172 and Q173-1)

Beneficiaries	Code of ethics for judges in 2023										Link to the code of ethics
	Existence of code of 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	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	21.12.2018 N05-L decision of the General Meeting of Judges https://court.am/storage/uploads/files/decishttps://e-qanun.az/framework/16075
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://dis.court.ge/saqarthvelos-samosamarth/
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.csm.md/files/Acte_normative/Codul_de_etica_al_judecatorului.pdf
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://zakon.rada.gov.ua/rada/show/n0001415-13#Text_
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	



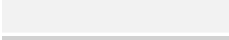

Yes 
 No 
 NA 
 NAP 

Table 8.5.2 Code of ethics for prosecutors in 2023 (Q174 and Q175-1)

Beneficiaries	Code of ethics for prosecutors in 2023										Link to the code of ethics
	Existence of code of 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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.prosecutor.am/storage/orders/orders_46_1685023080.pdf
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	//genprosecutor.gov.az/az/page/prokurorluq/senedler/etik-davranis-kodeksi
Georgia	Yes	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	https://csp.md/sites/default/files/inline-files/CODUL%20de%20Etica%20Redactat%2015.07.2019_0.pdf
Ukraine	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	https://gp.gov.ua/ua/posts/prokurorska-etika , https://zakon.rada.gov.ua/laws/show/n000


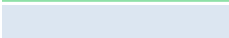
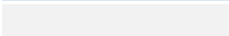
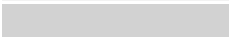
Yes 
 No 
 NA 
 NAP 

Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2023 (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 2023							
	Judges				Prosecutors			
	Existence of the institution	Composition of the institution/body	Guidelines and/or opinions publicly available	Number of opinions given	Existence of the institution	Members of the institution/body	Guidelines and/or opinions publicly available	Number of opinions given
Armenia		NAP		NAP		Prosecutors and other legal professionals		0
Azerbaijan		Only judges		NA		Prosecutors and other legal professionals		NA
Georgia		NAP		NAP		Only prosecutors		NA
Republic of Moldova		Judges and other legal professionals		0		Prosecutors and other legal professionals		0
Ukraine		Only judges		NA		Only prosecutors		NA

Yes	
No	
NA	
NAP	

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2023 (Q183, Q184)

Beneficiaries	Transparency and organisation of the distribution of court cases in 2023						
	Transparency in the court cases distribution	Organisation of the 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	Yes	Yes	Yes
Georgia	Yes	No	Yes	No	No	Yes	Yes
Republic of Moldova	Yes	No	Yes	No	No	Yes	Yes
Ukraine	Yes	Yes	Yes	No	No	No	Yes



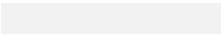

Yes	
No	
NA	
NAP	

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2023 (Q185, Q186, Q187 and Q188)

Beneficiaries	Transparency and organisation of reassignment of court cases in 2023													
	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														


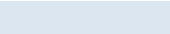
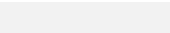

Yes 
 No 
 NA 
 NAP 

Table 8.6.3 Number of processed reassignments of cases in 2023 (Q185-1)

Beneficiaries	Number of processed reassignments of cases in 2023				
	Total (1 + 2 + 3 + 4)	Conflict of interest declared by the judge or by the parties (1)	Recusal of the judge or requested by the parties (2)	Physical unavailability (illness, longer absence) (3)	Other (4)
Armenia	NA	NAP	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NAP
Georgia	NA	NA	NA	NA	NA
Republic of Moldova	18 166	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 2023: law(s) and regulation(s) that require a declaration of assets (Q190 and Q192)

Beneficiaries	Declaration of assets for judges in 2023: law(s) and regulation(s) that require a declaration of assets							
	Law(s) and regulation(s) that require a declaration of assets for judges							Copy of the declaration of assets form provided in attachment
	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


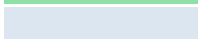


Yes 
 No 
 NA 
 NAP 

Table 8.7.2 Declaration of assets for judges in 2023: 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 2023: 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																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																


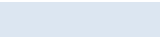
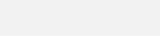

Yes 
 No 
 NA 
 NAP 

Table 8.7.3 Declaration of assets for judges in 2023: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Beneficiaries	Declaration of assets for judges in 2023: verification, registration and publication of the declaration								
	Declaration of assets verified by:				Existence of a 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	Yes	No	No	No


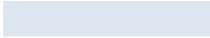
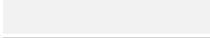

Yes	
No	
NA	
NAP	

Table 8.7.4 Declaration of assets for judges in 2023: sanction in case of non-declaration (Q201)

Beneficiaries	Declaration of assets for judges in 2023: 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	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 8.7.5 Declaration of assets for prosecutors in 2023: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Beneficiaries	Declaration of assets for prosecutors in 2023: 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				Yes


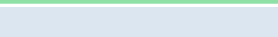
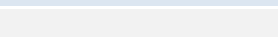
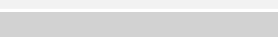
Yes 
 No 
 NA 
 NAP 

Table 8.7.6 Declaration of assets for prosecutors in 2023: 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 2023: 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 2023: verification, registration and publication of the declaration								
	Declarations of assets verified by:				Existence of a 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	No	No	No
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No


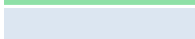
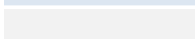

Yes 
 No 
 NA 
 NAP 

Table 8.7.8 Declaration of assets for prosecutors in 2023: sanction in case of non-declaration (Q214)

Beneficiaries	Declaration of assets for prosecutors in 2023: sanction in case of non-declaration							
	Warning	Fine	Withdrawal from cases	Transfer to another public prosecution office	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Armenia	Yes	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


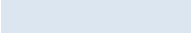
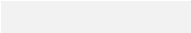

Yes 
 No 
 NA 
 NAP 

Table 8.7.9 Declaration of assets for judges and prosecutors in 2023: 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 2023: 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	0	0	0	1	1	0
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	60	55	7	17	16	1
Republic of Moldova	4	2	1	8	6	6
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP
Average	21	19	3	9	8	2
Median	4	2	1	8	6	1
Minimum	0	0	0	1	1	0
Maximum	60	55	7	17	16	6

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2023 (Q217)

Beneficiaries	Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2023				
	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	No	Yes	Yes	Yes	No
Azerbaijan	No	Yes	Yes	Yes	No
Georgia	Yes	Yes	Yes	Yes	No
Republic of Moldova	Yes	Yes	Yes	Yes	No
Ukraine	Yes	Yes	Yes	Yes	No

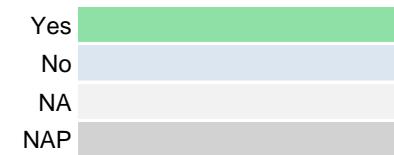


Table 8.8.2 Other functions/activities carried out by judges in 2023 (Q218, Q219, Q220 and Q221)

Beneficiaries	Other functions/activities carried out by judges in 2023																					
	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 has 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	With remuneration	Without remuneration		The court in question	High Judicial Council	Other		
Armenia																						
Azerbaijan																						
Georgia																						
Republic of Moldova																						
Ukraine																						


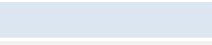
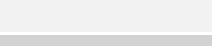
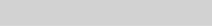
Yes 
 No 
 NA 
 NAP 

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 2023 (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 2023															
	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							Yes			Yes						Yes
Azerbaijan		Yes	Yes	Yes					Yes		Yes			Yes		
Georgia				Yes			Yes									Yes
Republic of Moldova				Yes	Yes	Yes	Yes			Yes			Yes	Yes	Yes	Yes
Ukraine							Yes									Yes


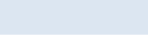
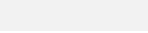


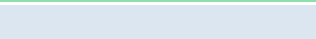

Yes 
 No 
 NA 
 NAP 

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2023 (Q226)

Beneficiaries	Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2023				
	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 

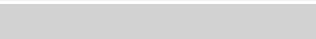

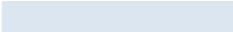
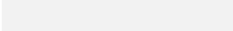
NAP 

Table 8.8.5 Other functions/activities carried out by prosecutors in 2023 (Q227, Q228, Q229 and Q230)

Beneficiaries	Other functions/activities carried out by prosecutors in 2023																				
	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 has 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	With remuneration	Without remuneration		The public prosecution office in question	High Judicial/Prosecutorial Council	Other	
Armenia																	No				
Azerbaijan																	Yes				
Georgia																	No				
Republic of Moldova																	Yes				
Ukraine																	Yes for some				

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 2023 (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 2023															
	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					Yes									Yes		
Azerbaijan				Yes									Yes			Yes
Georgia					Yes									Yes		
Republic of Moldova									Yes					Yes		
Ukraine		Yes			Yes	Yes	Yes									Yes


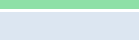
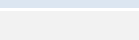
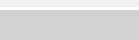
Yes 
 No 
 NA 
 NAP 

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2023 (Q224 and Q233)

Beneficiaries	Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2023					
	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	2	1	0
Azerbaijan	0	0	0	0	0	0
Georgia	0	0	0	0	0	0
Republic of Moldova	0	0	0	0	0	0
Ukraine	5	2	2	4	1	1
Average	1	0	0	1	0	0
Median	0	0	0	0	0	0
Minimum	0	0	0	0	0	0
Maximum	5	2	2	4	1	1

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of disciplinary procedure against judges in 2023 (Q234 and Q235)

	Initiation of disciplinary procedure against judges in 2023										
	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			Yes	Yes	Yes	Yes	
Ukraine						Yes				Yes	

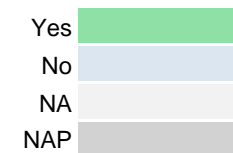


Table 8.9.2 Authority with disciplinary power over judges in 2023 (Q234 and Q235)

	Authority with disciplinary power over judges in 2023							
	Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								


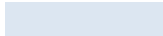
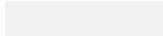

Yes 
 No 
 NA 
 NAP 

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 2023 (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 2023										
	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



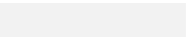

Yes 
 No 
 NA 
 NAP 

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2023 (Q242)

Beneficiaries	Reasons for transferring a judge without his/her consent in 2023		
	For disciplinary reasons	For organisational reasons	For other reason
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

Yes	
No	
NA	
NAP	

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2023 (Q237, Q238 and Q239)

Beneficiaries	Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2023																						
	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	15	11	4	NAP	NAP	0	12	9	3	NAP	NAP	NAP	14	5	NAP	NAP	NAP	NAP	NAP	NAP	NAP	2	7
Azerbaijan	30	0	30	0	NAP	NAP	30	0	30	0	NAP	NAP	23	15	0	NAP	NAP	NAP	NAP	0	0	8	0
Georgia	80	NAP	52	0	0	28	80	NAP	52	0	0	28	0	0	NAP	NAP	NAP	0	NAP	NAP	NAP	0	0
Republic of Moldova	25	NA	NA	NA	NA	NA	19	NA	NA	NA	NA	NA	4	0	NAP	NAP	NAP	NAP	NAP	NAP	NAP	4	0
Ukraine	NA	4	8	0	NA	NA	NA	1	19	0	NA	NA	6	0	NAP	0	NAP	0	0	0	NAP	5	1
Average	38	5	24	0	-	-	35	3	26	0	-	-	9	4	-	-	-	-	-	-	-	4	2
Median	28	4	19	0	-	-	25	1	25	0	-	-	6	0	-	-	-	-	-	-	-	4	0
Minimum	15	0	4	0	-	-	12	0	3	0	-	-	0	0	-	-	-	-	-	-	-	0	0
Maximum	80	11	52	0	-	-	80	9	52	0	-	-	23	15	-	-	-	-	-	-	-	8	7

Table 8.9.6 Description of professional inadequacy for judges in 2023 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2023	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Armenia	4	Violation of the norm of substantive or procedural law provided for in paragraph 1 of Part 1 of Article 142 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence.
Azerbaijan	30	Gross infringement of the requirements of legislation in the course of consideration of case.
Georgia	52	Violation by a judge of a time limit specified by the Georgian procedural law without good reason; Expression of undisguised disrespect by a judge towards a different judge, a court staffer, or a participant in a court process; Any conduct incompatible with the exalted status of a judge (action (conduct) not in line with the exalted status of a judge, perpetrated in or outside a court, which clearly disturbs public order or universally recognized moral; standards and thereby damages the standing of, or undermines trust in, the court. Failure to perform or improper performance of duties by a judge of relevant administrative authority, in particular, the court, the judicial panel or the head of the chamber.
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	8	According to part one of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges": 1) regardless of whether the below was committed intentionally or caused by negligence: 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; б) omission to include the reasons for accepting or rejecting the arguments of the parties on the merits of the dispute into the court decision; в) violation of the open court principle; г) 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; г) infringement of the right of the accused to protection, and impeding the exercise of rights by other parties of the proceedings; д) violation of recusal / self-recusal rules; 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; 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; 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; 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

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2023 (Q243)

Beneficiaries	Initiation of a disciplinary procedure against prosecutors in 2023										
	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											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine											


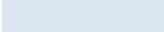
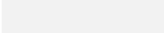

Yes 
 No 
 NA 
 NAP 


Table 8.9.8 Authority with disciplinary power over prosecutors in 2023 (Q244)


Beneficiaries	Authority with disciplinary power over prosecutors in 2023									
	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			Yes							-
Azerbaijan			Yes							-
Georgia			Yes							-
Republic of Moldova				Yes	Yes					-
Ukraine					Yes					-

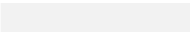
Yes
 No
 NA
 NAP

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2023 (Q245, Q250 and Q251)

Beneficiaries	Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2023												
	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	Yes	Court
Georgia	Yes	Yes	Yes	No	No	No	No	No	No	No	No	Yes	COURT
Republic of Moldova	Yes	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No	-
Ukraine	Yes	Yes	Yes	Yes	No	No	Yes	No	No	No	No	Yes	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 2023 (Q246, Q247 and Q248)

Beneficiaries	Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2023																						
	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	27	11	0	0	0	16	27	11	0	0	0	16	18	15	NAP	NAP	NAP	NAP	0	NAP	NAP	1	2
Azerbaijan	31	29	2	NAP	NAP	NAP	31	29	2	NAP	NAP	NAP	31	21	7	NAP	NAP	NAP	0	NAP	0	1	2
Georgia	28	1	27	0	0	0	22	1	21	0	0	0	9	7	0	NAP	NAP	0	0	NAP	NAP	0	2
Republic of Moldova	182	NA	NA	NA	NA	NA	131	NA	NA	NA	NA	NA	8	2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	4	2
Ukraine	NA	89	59	NA	NA	24	NA	97	114	NA	NA	39	NA	70	NA	NA	NA	NA	NA	NA	NA	NA	34
Average	67	33	22	-	-	13	53	35	34	-	-	18	17	23	-	-	-	-	0	-	-	2	8
Median	30	20	15	-	-	16	29	20	12	-	-	16	14	15	-	-	-	-	0	-	-	1	2
Minimum	27	1	0	-	-	0	22	1	0	-	-	0	8	2	-	-	-	-	0	-	-	0	2
Maximum	182	89	59	-	-	24	131	97	114	-	-	39	31	70	-	-	-	-	0	-	-	4	34

Table 8.9.11 Description of professional inadequacy for prosecutors in 2023 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2023	
	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, communication skills). In this case the cases include non-fulfillment or improper fulfillment of duties.
Azerbaijan	2	"Professional inadequacy" means violation of official disciplines and improper performance of official duties.
Georgia	27	"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	There is not a clear written delimitation between disciplinary violations stated by the Article 38 (Law 3/2016 on the Prosecution service) in order to count procedures included in "Professional inadequacy".
Ukraine	59	Pursuant to Article 43(1) of the Law of Ukraine "On the Prosecutor's Office" of 14.10.2014 No. 1697-VII, a prosecutor may be brought to disciplinary liability in disciplinary proceedings on the following grounds: 1) failure to perform or improper performance of official duties; 2) unreasonable delay in consideration of the appeal; 3) disclosure of a secret protected by law that became known to the prosecutor in the course of performing his/her duties. Thus, professional incompetence of a prosecutor means failure to perform or improper performance of official duties, unreasonable delay in consideration of an appeal and disclosure of a secret protected by law that became known to the prosecutor in the course of his or her duties.

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 law or other regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by 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.

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.

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 guidelines and/or opinions of this institution/body publicly available?

Question 178-1. How many guidelines and/or 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 guidelines and/or opinions of this institution/body publicly available?

Question 181-1. How many guidelines and/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 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 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 246-1. Please describe what is included in the category "Professional inadequacy"

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 (2023): There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

Q156-1 (2023): Civil Court

- (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 decision has been put on the record.

Q162 (2023): 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

Q162-0 (General Comment): According to Armenian Constitution- The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.

Q162-5 (2023): The prosecutor can oppose the instructions and challenge them to the higher prosecutor.

Q164 (2023): The Judicial Code of the Republic of Armenia

Q166 (2023): Law "on Prosecution"

Q172-0 (2023): Corruption Prevention Commission has a huge role in this process. According to Part 6 of the Article 25 of the "Law on the Corruption Prevention 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

Q176 (2023): It should be noted that according to article 73 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", if a judge has received a gift that can be reasonably perceived as a gift made in connection with the performance of his official duties, the latter, in accordance with the established procedure, immediately, but no later than within five days, informs the Ethics and Discipline Commission in order to receive an advisory opinion on actions aimed at resolving the situation within fifteen days., if what is considered unacceptable within the meaning of this article, the judge is obliged to ensure the return of the gift received or the payment of equivalent compensation within ten days after receiving the advisory opinion. if the return of the gift within the prescribed period or the payment of equivalent compensation is impossible, the judge is obliged to transfer the gift to the state in accordance with the established procedure.

Currently, a draft of a new amendment to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia" has been developed, the purpose of which is to provide a judge with the opportunity to give confidential advice on ethical and disciplinary issues.

It is planned that the General meeting of judges will form an advisory committee on Ethics and Code of Conduct, which will provide confidential advice to judges on

Q182 (2023): A natural or legal person, in accordance with the procedure established by the law "on Whistleblowing", who, in accordance with the procedure provided for by Law, in good faith reports information about a case of corruption or conflict of interest, or violation of rules of conduct, or requirements, or other restrictions, or other restrictions, or declaration, or other damage to public interests, or about the threat of their infliction, in relation to an official, body, organization or employee of an organization with whom he is or was in labor, civil, administrative or other relations, or to whom he turned for the purpose of providing services, or who was mistaken for an informant. Also, interference in any form in the activities of a court or in the activities of a prosecutor, investigator, head of an investigative body, body of inquiry, attorney-at-law or representative for the purpose of obstructing the administration of justice or other powers provided for by law as a court, or for the purpose of obstructing the investigation of a case is a crime according to the Article 486 of the Criminal Code of the Republic

Q184 (2023): 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 (2023): 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 (2023): Law on Public Service, Judicial Code

Q192 (2023): <https://www.arlis.am/documentview.aspx?docid=153169>

Q193 (2023): In addition to abovementioned, judges must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data.

Q194 (2023): The situational declaration is defined by the law on public service. According to clues 5.1 and 5.2 of the part 5 of the Article 34 of the Law, in the cases defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month. Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission".

The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission.

At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission", the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant. Additionally, the threshold for what is considered substantial may vary depending on the specific position held. 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

Q195 (2023): According to part 7 of the article 34 of the "Law on the Public Service" 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.

According to the part 8 of the same article adult family members of the declarant official 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.

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 (part 9, article 34).

Q196 (2023): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main

Q200 (2023): Declarations are published in the official webpage of Corruption Prevention Commission. The link: cpcarmenia.am

Q202 (2023): In relation to alleged crimes related to declaration norms, it should be noted that within the year 2023, in the framework of the integrity check process, a crime report on four acting judges was presented to the General Prosecutor's office. The General Prosecutor's Office forwarded the materials to the body conducting the criminal proceedings. As a result of another investigation into the conduct of one judge, no report was submitted. This decision was made considering the existing criminal proceeding for the same case, and information was exchanged based on the principle of mutual assistance.

Q203 (2023): The Law on Public Service. In particular the article 34 paragraph 1 describes the scope of the declarants.

Q205 (2023): 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>

Q206 (2023): In addition to abovementioned, prosecutors must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data. defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month. Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission. The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission.

At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission," the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant. Additionally, the threshold for what is considered substantial may vary depending on the specific position held.

Q208 (2023): According to part 7 of the article 34 of the "Law on the Public Service" 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.

According to the part 8 of the same article adult family members of the declarant official 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.

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 (part 9, article 34).

Q209 (2023): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main

Q213 (2023): The link:

1. <https://registry.cpcarmenia.am/> New system
2. <http://cpcarmenia.am/hy/declarations-registry/> Previous registry

Q214 (2023): According to the part 1 of the article 444 of the Criminal Code:

Submitting false information in the declaration or concealing the information to be declared, or not submitting the declaration within 30 days after the application of the responsibility established by law by the person who is obliged to submit a declaration incurs a fine in the amount of ten times to thirty times, deprivation of the right to hold certain positions or engage in certain activities for a period of two to five years, restriction of freedom for a maximum period of three years, - short-term imprisonment for a maximum period of two months, or Imprisonment for a maximum period of three years. 2. Submission of false information in the declaration or concealment of the information subject to declaration by a person who is obliged to submit a declaration, which has led to the non-declaration of particularly large assets or income or expenses, as defined by the legislation of the Republic of Armenia, shall be punished by imprisonment for a term of three to six years. 3. In the context of this article, an amount (value) exceeding 1 million Armenian drams is considered a particularly large amount.

Administrative liability: Failure by individuals obligated to submit a declaration to the Corruption Prevention Commission also results in administrative responsibility in the following cases:

According to the part 1 of the Article 169.28 of the Code on Administrative Offences, for the person having such obligation under the laws "On Public Service" and "On Parties", failure to submit a declaration based on the written notification of the Corruption Prevention Commission within 30 days after the expiration of the deadlines set by the Law on "Public Service" shall result in the imposition of a fine in the amount of two hundred times the established minimum wage.

Part 3, article 169.28: Submission of a declaration to the Corruption Prevention Commission by the declarant in violation of the requirements for its completion or the order of submission incurs a warning.

Part 4 of the same article: Failing to submit the declaration within 30 days after the application of the administrative penalty as stipulated in part 3 of this article, in accordance with the requirements for its completion or the submission procedure, shall result in the imposition of a fine equal to two hundred times the established minimum wage."

Submitting incorrect or incomplete data in the declaration by the declarant in a careless manner shall result in a fine ranging from two hundred to four hundred times the established minimum wage (part 5, article 169.28).

Q215 (2023): In 2023, no sanctions were imposed since the former prosecutor submitted his declaration to the Commission during the proceedings. Consequently, the Commission deemed the case of lesser importance and terminated the proceeding by issuing only an oral remark, which, according to the legislation of Armenia, is not considered a form of sanction.

In addition, during the year 2023, in relation to alleged crimes related to declaration norms, within the framework of the integrity checks, reports were submitted to the General Prosecutor's Office on three acting prosecutors, and criminal proceedings were initiated for all three. In one case, a report was submitted concerning a family member of the current prosecutor, leading to the initiation of criminal proceedings as well.

Q217 (2023): The regulations on recusal, acceptance of gifts and restrictions on holding other positions are presented under the previous clause (216). As for the regulations on reporting the conflict-of-interest situation, the Judicial Code and the Law on the Constitutional Court address conflicts of interest in the following provisions: 1. Law on Constitutional Court, Article 14, part 25 While acting in his official capacity, the judge is obliged not to allow a conflict of interests and to exclude any influence of family, public, or other relations on the exercise of his/her official powers. 2. Judicial Code Article 70, part 2.7 While performing official duties, a judge is obligated to prevent conflicts of interest and ensure that familial, social, or other relations do not influence the exercise of their official powers. In this case, the institution of self-revocation or recusal applies to judges. Although there is no direct provision for reporting a conflict of interest, self-disclosure itself implies reporting the situation.

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.

1) The judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

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 counseling, including without compensation, except for cases when he or she acts as a legal representative or provides legal counseling to his or her close relatives or persons under his or her guardianship or curatorship without any compensation.

Q221 (2023): JUDICIAL CODE, Article 59. Right of a judge to participate in educational programs: 1.A judge shall have the right to participate in educational programs, 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 programs, 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 programs, 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.

Q226 (2023): 1. According to Article 74.1, Part 2 of the Law on Prosecution, the prosecutor is obliged to promptly inform the Prosecutor General in writing form in case of situations of Col.

2. Settings regarding gift acceptance restrictions and incompatibility requirements are listed under the preceding paragraph (225).

As for the procedure for recusal, the law on Prosecution contains a provision (article 32, part 7) stating that: The immediate superior prosecutor shall be entitled to transfer, upon his or her decision, the case from the proceedings of the inferior prosecutor to another prosecutor's or to his or her proceedings:

(1) in case of dismissing the inferior prosecutor from the proceedings as prescribed by law; or (2) in case of granting the recusal or self-recusal of the inferior prosecutor; or

(3) in case the inferior prosecutor is on leave or secondment; or (4) in case of terminating or suspending the powers of the inferior prosecutor, as prescribed by law; or

(5) in case of participation by the inferior prosecutor in training courses, disease thereof or other similar cases making the proper exercise of his or her powers impossible.

6) in case of workload of the subordinate prosecutor, with the latter's written consent or 7) in case of transfer of the subordinate prosecutor to another division of the prosecutor's office.

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.

1) The judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

Q231 (2023): Law on Prosecution

Q232 (2023): Law on Prosecution

Q233 (2023): However, incompatibility proceedings were initiated against prosecutors in the reporting year. 2 proceedings have been initiated by the Commission against prosecutors for combining the profession of a prosecutor with other functions/professional activities. As a result, there were not found any incompatibilities with their professions in one case and the other one is in process. Commissions' relevant decisions are published by the following links:

<http://cpcarmenia.am/files/legislation/1167.pdf>

<http://cpcarmenia.am/files/legislation/1179.pdf>

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 (2023): Breach of professional ethics is a violation by a judge of the rules of conduct established by this Code, provided for in paragraph 2 of Part 1 of Article 142 of the Constitutional Law of the Republic of Armenia "Judicial Code", with the exception of the rule established by paragraph 11 of part 1 of Article 69 of this Law, which was committed intentionally or through gross negligence.

Professional inadequacy: violation of the norm of substantive or procedural law provided for in paragraph 1 of Part 1 of Article 142 of the Constitutional Law "Judicial Code of the Republic of Armenia" in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence.

Q239 (2023): Other: 2 warnings

Armenia "Judicial Code of the Republic of Armenia" was adopted and entered into force on 27/11/2023. According to Article 13 of the Constitutional Law, Article 141 of the law was supplemented with parts 1.1-1.5 of the following content:

To consider the issue of bringing a judge to disciplinary responsibility in the Highest Court The Judicial Council is composed of four members of the Supreme Judicial Council.

When considering the issue of bringing to disciplinary responsibility and making decisions on behalf of the Supreme Judicial Council, the composition provided for in part 1.1 of this Article acts as the Supreme Judicial Council.

For each disciplinary proceeding, a separate composition is formed provided for in part 1.1 of this Article.

The composition provided for in paragraph 1.1 of this Article shall include two members of the Supreme Judicial Council, elected by the General Assembly and the National Assembly.

The compositions provided for in Part 1.1 of this Article are formed by drawing lots in accordance with the procedure established by the Supreme Judicial Council.

Law shall enter into force at the time of entry into force of the subordinate regulatory legal act of the Supreme Judicial Council.

Disciplinary proceedings initiated before the entry into force of articles 2-21 of this Law, including completed disciplinary proceedings, and decisions taken based on the results of these proceedings, the rules in force before the entry into force of articles 2-21 of this Law shall apply.

The Supreme Judicial Council shall take decisions arising from articles 2-21 of this Law, including bringing its working procedure in accordance with this law, within six months after the entry into force of Articles 2-21 of this Law.

Before this the previous order is available:

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

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-day period.

Q244 (2023): 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 (2023): During 2023, 27 disciplinary proceedings were initiated against 37 prosecutors. 11 disciplinary proceedings were initiated for violating the rules of conduct of prosecutors, 15 for non-fulfillment or improper performance of duties, 1 for non-compliance with restrictions or incompatibility requirements established by article 49 of the Law on the Prosecutor's Office.

Q247 (2023): During 2023, 27 disciplinary proceedings were initiated against 37 prosecutors. 11 disciplinary proceedings were initiated for violating the rules of conduct of prosecutors, 15 for non-fulfillment or improper performance of duties, 1 for non-compliance with restrictions or incompatibility requirements established by article 49 of the Law on the Prosecutor's Office. Under "Other" category are reported 15 cases for non-fulfillment or improper performance of duties. Please also consider explanations for Q 246.

Q248 (2023): Reprimand includes the number of reprimands and severe reprimands.

As a result of disciplinary proceedings initiated during 2023, disciplinary sanctions were applied against 18 prosecutors, of which 10 prosecutors were reprimanded, 5 prosecutors were severely reprimanded, 1 prosecutor was downgraded of 1 degree, and 2 prosecutors were applied disciplinary sanctions in the form of dismissal from office. In addition, in the context of the initiated disciplinary proceedings, 4 prosecutors were dismissed from their posts on their own application.

Q251 (2023): 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 (2023): 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 freedoms, as well as interests, protected by law. At the same time, it is the right of every person to file a claim for compensation of material and moral damage on the mentioned grounds.

Q156-1 (2023): 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.

Q160 (2023): According to Article 107.3.3 of the Criminal Procedure Code of the Republic of Azerbaijan, the judge can be informed by any participant of the criminal 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.

Q162-0 (General Comment): According to the Constitution, prosecution services are within the judicial branch and constitute an integral centralized body characterized by the subordination of territorial and specialized procurators to the General Procurator of the Azerbaijan Republic. As an authority, prosecutor's office is independent. But only in the following situation it may act independently (without court decision). Only on the basis of a court decision, the prosecutor's office may carry out procedural actions restricting the rights and freedoms of man and citizen, as provided for by the Constitution of the Republic of Azerbaijan.

Q162-5 (2023): 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 (2023): "Special Law" is Law on Courts and Judges, Law on Judicial-Legal Council

Q166 (2023): Law of the Republic of Azerbaijan "On Prosecutor's Office" , Law "About service in bodies of prosecutor's office", Criminal Procedure Code

Q177 (2023): 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 (2023): At the same time, the decisions made by the Judicial-Legal Council on ethical issues, including the Code of ethical conduct, are publicly available.

Q180 (2023): 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 Ethical Conduct 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.

Q181 (2023): Guideline on Conflict of Interest published by Anti-Corruption Directorate with the Prosecutor General of the Republic of Azerbaijan (ACD):

<https://genprosecutor.gov.az/storage/pages/MmsFw0RhFM6m2c3I93mhm3P6SMYaQ6KT5LjIPAgQ.pdf>

Q182 (2023): 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 a 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 purpose of receiving complaints on corruption offences.

Q184 (2023): A judge's illness, business trip or vacation precludes his/her 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 (2023): 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.

Q190 (2023): Law “On Approval of Procedures for Submission of Financial Information by Public Officials”, LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION.

However, it was not implemented in 2023 due to the lack of approval of the financial information declaration form.

Q192 (2023): The existing declaration form of income is being modernized and at this moment the final version can not be provided.

Q194 (2023): "Other": According to Article 6 of the Law of the Azerbaijan Republic “On Approval of Procedures for Submission of Financial Information by Public Officials” , the Declaration is submitted from 1 to 30 of January each year.

Q195 (2023): parents who live with him/her

Q201 (2023): 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.

Q203 (2023): Law “On Approval of Procedures for Submission of Financial Information by Public Officials”, the 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 2023 due to the lack of approval of the financial information declaration form.

Q206 (2023): 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 on Combating Corruption. Thus, according to Article 5.1 of the Law of the Azerbaijan Republic “on Combating 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 (2023): 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 (2023): 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 (2023): 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.

Q232 (2023): 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. Chairpersons 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 disciplinary liability.

Q239 (2023): Other: 8 judges were given "Remark". In 7 cases no sanction was applied, proceeding was terminated with mere discussion.

Q242 (2023): 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 established.

Q248 (2023): "Other" means in this context " Remark".

Q251 (2023): 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 the Prosecutor General may be appealed in court, while the decisions of above-mentioned prosecutors may be appealed before the Prosecutor General.

Georgia

Q156 (2023): According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting 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 (2023): Only Court of Common Court's (depends on territorial jurisdiction) on the bases of general procedural law can decide the case (claim regarding the compensation).

Q161 (2023): 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. General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

Q162 (2023): The Prosecutor General of Georgia has the right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

Q162-0 (General Comment): On 16 December 2018, the new Organic Law of Georgia on Prosecutor's Office and the amendments to the Constitution of Georgia entered into force. Since then, the Prosecutor's Office is established as an independent body outside of the authority of the Ministry of Justice and the Minister, headed by the General Prosecutor. The above-mentioned comment is valid with respect to the period starting from 16 December 2018.

Q162-0 (2023): The PSG is an independent institution outside of the executive, legislative and judicial branches. The guarantee for its institutional independence is provided for at the highest level of legislation, the Constitution of Georgia. The head of the PSG is the Prosecutor General, who is elected for the six years term by the Parliament of Georgia, upon the nomination by the Prosecutorial Council. The Prosecutorial Council, an independent collegial body, itself has constitutional status as well and has a mandate to ensure the independence, transparency and effectiveness of the PSG. Article 71 §2 of the Organic Law on the Prosecution Service of Georgia guarantees the financial independence of the PSG. A reduction of the PSG budget in comparison to the budget for the previous year is only possible with the prior consent of the Prosecutor General.

Q180 (2023): 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.

Q181 (2023): 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. Detailed examples were included in the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia about the disciplinary liability and applicable sanctions, inter alia, violation of specified requirements of the Code of Ethics. 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”.

Q181-1 (2023): The General Inspectorate of the Office of the Prosecutor General of Georgia, 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 kept.

See information regarding the guideline in the answer to Question N181.

Q182 (2023): 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 Anticorruption Burro manages a whistleblowing website <https://mkhileba.acb.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 <https://mkhileba.acb.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 (2023): 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 (2023): Law Fight against Corruption

Q194 (2023): A person shall submit an official's asset declaration to the Anticorruption 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 Fight against Corruption:1. A person is obliged to submit a declaration of property status of an official to the 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, as well as in the year following the dismissal, corresponding to the month of filling in the previous declaration, during the same month if he / she is not appointed to another position, fill in and submit the declaration of property status of the official. ”

Q201 (2023): Pursuant to Article 20 of the Law of Georgia on Fight against Corruption, 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 (2023): According to the Law on the Fight against Corruption, in January each year a special electronic program (randomly) and the Independent Commission of Anticorruption Bureau select public servants (Judges, Prosecutors, etc.), whose assets declaration should be checked and inspected in detailed manner. Decisions of Anticorruption Bureau are appealed at Court.

Q203 (2023): GRECO 4th Round recommendation concerning prosecutors (recommendation xiv) stipulated widening the scope of application of the asset declaration regime under the Law on Conflict of Interest and Corruption to cover all prosecutors”.

On 16 May 2023, the Parliament of Georgia adopted the amendments to the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023. The legislative changes extended the asset declaration regime to all prosecutors (except for prosecutorial interns).

Q207 (2023): Prosecutors (except for prosecutorial interns) 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.

Q214 (2023): 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.

Q215 (2023): According to the Law on the Fight against Corruption, in January each year a special electronic program (randomly) and the Independent Commission of Anticorruption bureau select public servants (Judges, Prosecutors, etc.), whose assets declaration should be checked and inspected in detailed manner.

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 Fight against Corruption, 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

Q221 (2023): According the law there is not obligation.

Q222 (2023): Law on Common Courts of Georgia; Law on Fight against Corruption

Q223 (2023): Law on Common Courts of Georgia

Georgia (OLPSG), the Law on the Fight against Corruption, 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 other 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 defence 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, defence 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 on the Fight against Corruption, 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-

Q232 (2023): 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 (2023): Independent Inspector

- a.a) Political or social influence or influence of personal interests when a judge exercises judiciary powers;
- a.b) Judge's interference in other judge's activities for the purpose of influencing the outcome;
- b) Conduct that violates the principle of impartiality, in particular:
 - b.a) Public expression of an opinion by a judge on a case currently under the court's consideration. Judge's comments 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;
 - 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;
 - b.c) Violation of Clause 1, Article 721 or Clause 1, Article 722 by a judge;
 - b.d) Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
 - b.e) Accession to membership in a political association, engagement in political activities, public support for a political entity running in an election, or public expression of a political opinion by a judge;
 - b.f) Illegal interference by a judge in the process of distribution of cases in a court;
 - b.g) Public expression by a judge in breach of the principle of political neutrality;
- c) Conduct that violates the principle of integrity, in particular:
 - c.a) Corruption-related offenses, i.e. perpetration by a judge of offenses under articles 5, 52, 7, 8, 10, 11, 13, 134, 135, 204 of the Law of Georgia "On Combating Corruption";
 - c.b) Hindering disciplinary proceedings by a judge;
- d) Conduct that violates the principle of propriety, in particular:
 - 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;
 - d.b) Sexual harassment by a judge;
 - d.c) Disclosure of confidentiality of a judicial deliberation by a judge;
- e) Conduct that violates the principle of equality, in particular:
 - e.a) Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties;
 - 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 staff or a participant in a process;
- f) Conduct that violates the principle of competence and diligence, in particular:
 - f.a) Material violation by a judge of a time limit specified by the Georgian procedural law without good reason. The reason for such a material violation shall be

- Q237 (2023):** a.a - Political or social influence or influence of personal interests when a judge exercises judiciary powers;
 b.d - Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
 e.a - Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties ;
 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 ;
 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 ;
 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;
 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
- Q239 (2023):** 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.
- Q241 (2023):** 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. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.
- Q242 (2023):** "If a district (city) court or court of appeals lacks a judge or if there is a dramatic increase in the number of cases and/or there are objective circumstances, it can be done for maximum 2 years, which can be prolonged for no more than 2 years."
- Legal changes mentioned in the comment were made in legislation and came into the legal force from January 2022. Additional Legislative changes were also made in this aspect in June 2023.
- Q246 (2023):** Violation of oath
- Q251 (2023):** 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 non-enforcement of final domestic judgments and against unreasonable length of proceedings was adopted at the national level under the Law no. 87, in force as of 1 July 2011. According to it, 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 award of a 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 examine the cases on these issues 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, non-pecuniary damage and costs, expenses have to be awarded to the applicant. The procedure of enforcement of the court decisions issued under this Law is simplified, so as no further applications or formalities should be required from applicants. This remedy concerns both civil and criminal procedures.

Another remedy, the Law No. 1545/1998 on the procedure to repair damages caused by the illicit actions of the criminal investigation bodies, prosecutor's offices and courts, regulates the procedure to apply for a compensation of pecuniary, moral damage and costs, expenses supported by the applicant (victim).

Q156 (2023): 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 (2023): 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 on the recusal is not susceptible to be challenged.

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

Q162-0 (General Comment): The prosecutor's office is an autonomous public institution within the judicial authority, which contributes to the administration of justice, the defense of the rights, freedoms and legitimate interests of the person, society and the state through criminal procedures and other procedures provided for by law.

The Prosecutor's Office is independent from the legislative, executive and judicial powers, from any political party or socio-political organization, as well as from any other institutions, organizations or persons.

The procedural independence of the prosecutor is ensured by guarantees that exclude any political, financial, administrative or other influence on the prosecutor

Code.

6.2 Principle of independence According to this principle, the prosecutor must:

6.2.1 exercise his or her powers independently, impartially, honestly, irreproachably, showing high moral character and utmost fairness, and contribute to the efficient and effective performance of justice. Independence is not a privilege or a prerogative conferred on prosecutors for their personal interest, but a guarantee of fair, impartial and effective justice, which protects the public and private interest in society;

6.2.2 to be independent in making decisions and in the performance of his or her duties, ensuring respect for the principles of separation of powers, legality, institutional independence and accountability; lobbying, interference or outside influence, including from those active in politics, economics, finance, cults or the media, shall not be allowed in the work of the prosecutor; 6.2. 3 in making decisions, including discretionary ones, act independently and impartially in accordance with the law, respecting the provisions of this Code and all departmental and interdepartmental acts; 6.2.4 make decisions based on impartial and objective evaluation of evidence, taking into account all relevant circumstances of the case, perform his duties without fear, favouritism or prejudice; 6.2.5 not to use the prerogatives of his office to influence the decisions of other institutions or persons working both in the public and private spheres; 6.2.6 not to belong to parties, movements or socio-political formations or to carry out activities of a political nature or which, not being political, call for a change in the existing political order, and, in the exercise of his duties, to refrain from expressing or manifesting in any way his political convictions or views; 6.2.7 not to carry out the instructions or requests of politicians, persons in public office, state officials and representatives of legal institutions, if they are contrary to the law, other normative acts or the principles of this Code, except for the written instructions of the superior prosecutor, given in strict accordance with the law. If he receives such indications or requests, he shall immediately inform the superior public prosecutor, and if such indication or request contains the elements of a criminal offence, he shall report it to the prosecutor.

6.2.8 promote and defend the independence of the profession. To refer to the High Council of Prosecutors any act likely to affect the independence, impartiality or professional reputation.

6.3 Integrity principle According to this principle, the prosecutor must:

6.3.1 uphold the highest standards of integrity and accountability in order to ensure society confidence in the Office of the Prosecutor;

6.3.2 being aware of the risks of corruption, to refrain from corrupt behaviour in his or her work, to neither demand nor accept gifts, favours, benefits or other illicit remuneration for the performance or, as the case may be, non-performance of his or her duties or by virtue of his or her office; 6.3.3 refrain from making decisions when the interests of himself/herself, persons related by blood, adoption, affinity or other persons close to his/her family could influence the fairness of decisions;

6.3.4 not act as a prosecutor and not provide advice to others in cases where the prosecutor, his/her family or his/her business partners have a personal, private or financial interest. As an exception, the prosecutor may offer advice to his or her parents, spouse, children and persons under his or her guardianship or conservatorship; 6.3.5 not to make promises regarding decisions to be made, to behave honestly and decently, by personal example, to create an impeccable

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 secretarial work of the Committee are provided by the Secretariat of the Superior Council of Magistracy.

Q177 (General Comment): The Ethics Committee has 7 members - 5 judges and 2 non-judge members who are also members of the Superior Council of Magistracy.

Q177 (2023): In 2023 the members of the Ethical Committee are also SCM members who are non-judges. Please see the updated membership at the following link: <https://www.csm.md/ro/organe-subordonate/comisia-de-etica/membrii.html>

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 (2023): The institution did not issue any opinions in 2023. <https://www.csm.md/ro/organe-subordonate/comisia-de-etica/opinii.html>

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.

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 (2023): The institution did not issue any opinions in 2023.

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);

Q190 (General Comment): There is no special national legislation on the declaration of assets and personal interests by judges. Similarly, there are no separate provisions just for judges in the Law 132/2016 on the National Integrity Authority and the Law 133/2016 on the declaration of assets and personal interests.

Q193 (General Comment): The gifts received by the subject of the declaration free of charge from family members, parents, brothers, sisters or children, if the cumulative value during a year does not exceed 10 average salaries in the economy, are exempted to be declared.

Q195 (General Comment): 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.

Q200 (2023): On the official website of the National Integrity Authority <https://portal-declaratii.ani.md/>

Q202 (2023): A judge was sanctioned for violations/discrepancies in declaration of assets and personal interests in 2023. He was penalized for the late submission of declaration with a fine of MDL 1500 (approx. EUR 75).

Q203 (General Comment): There is no special national legislation on the declaration of assets and personal interests by prosecutors. Similarly, there are no separate provisions just for prosecutors in the Law 132/2016 on the National Integrity Authority and the Law 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 salaries in the 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 salaries in the 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 salaries in the 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 salaries in the 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 salaries in the economy, owned by the subject of the declaration personally or by the members of family, spouse, including as beneficial owners;
- g) collections of art, numismatics, philately, weapons or other goods whose value exceeds the value of 20 average salaries in the economy, owned by the subject of the declaration personally or by the members of family, 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

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 subjects of the declaration who, in accordance with the legislation in force, have 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 family members, 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 aforementioned provisions shall not apply if the duration of the suspension of employment or service is less than one fiscal year.

Q208 (General Comment): 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.

Q213 (2023): on the official website of National Integrity Authority <https://portal-declaratii.ani.md/>

Q215 (2023): Six prosecutors were sanctioned for violations/discrepancies in their declaration of assets and personal interests in 2023. Five of them were penalized for the late submission of declarations with a fine of MDL 1500 (approx. EUR 75) and one – for not submitting the declaration of assets and personal interests with a fine of MDL 3000 (approx.EUR 150).

Q218 (2023): Judges can combine also their activity with creative activities and membership in collegial bodies of public authorities.

Q221 (2023): Yes, for human resources record.

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. A court user whose rights have been violated by an act of a judge, or any person who has a legitimate interest, members of the Superior Council of Magistracy, Ministry of Justice, Judicial Inspection and the Committee for the selection and evaluation of judges can be at the origin of a disciplinary proceeding.

The aforementioned subjects are authorised to submit notifications on the facts that became known to them in the exercise of their rights or duties or on the basis of the information disseminated by the mass media.

The Judicial Inspection and the Committee for the selection and 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 (2023): Source: Superior Council of Magistracy

Q238 (2023): Source: Superior Council of Magistracy

Q239 (General Comment): The warning is the mildest sanction that can be applied for 1 year 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 violation.

Q239 (2023): Other:Warnings

Source: Superior Council of Magistracy

Since 2023, the temporary reduction of salary has been removed from the legal list of disciplinary sanctions that can be applied to judges.

Q242 (General Comment): The transfer of a judge to another jurisdiction may be decided by the Superior Council of the Judiciary. The judge's consent is necessary. (Article 20 of Law No. 544-XIII on the Status of Judges).

Q243 (General Comment): 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.

The subjects provided for in para. (1) can submit the notification regarding the facts that have become known to them either in the exercise of their rights or functional attributions, or based on the information disseminated by the mass media or other information sources.

Q244 (General Comment): The Superior Council of Prosecutors and the Disciplinary and Ethics Committee have the disciplinary authority on prosecutors. The Committee examines the disciplinary case and issues a decision which can be contested to the Superior Council of Prosecutors.

Q244 (2023): The Disciplinary and Ethics committee of the Superior 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 Superior Council of Prosecutors has competence in disciplinary matters concerning prosecutors, examining appeals against decisions of the Disciplinary and Ethics Board.

Q246 (General Comment): The data reflects the number of disciplinary proceedings initiated by the Disciplinary and Ethics Board of Prosecutors.

Article 42 of Law 3/2016 provides that the disciplinary procedure starts automatically at the moment of the referral and includes the following steps: a) submission of the referral regarding the act that may constitute disciplinary misconduct, b) verification of the referral by the Inspectorate of Public Prosecutors, c) examination of the disciplinary case by the Disciplinary and Ethics Board of Prosecutors, d) adoption of a decision on the disciplinary case.

Law 3/2016 on Prosecution Office

Article 38 Disciplinary violations

(a) improper performance of official duties listed in Article 6 (3);

(b) non-compliance, for reasons imputable to the prosecutor and without reasonable justification, with the legal provisions regarding the deadlines for the performance of procedural actions or the delay in their performance;

c) unlawful interference in the work of another prosecutor or interference of any kind with authorities, institutions or officials either for the settlement of requests, claiming or accepting the settlement of personal interests or those of other persons, or for the purpose of obtaining undue benefits;

d) deliberately obstructing the work of the Inspectorate of Public Prosecutions by any means;

e 1) committing, in the exercise of official duties, actions or inactions with intent or admitting serious negligence where 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 ratified by Moldova have been violated;

f) inappropriate attitude, manifestations or lifestyle which are prejudicial to the honour, integrity, professional integrity, prestige of the Prosecution Service.

f1) violation of the Code of Ethics of prosecutors.

(g) breach of the obligation from Article 7(7) of the Code of Conduct. (2) letter a) of Law No. 325/2013 on the evaluation of institutional integrity.

Q248 (2023): Other: Warnings

Source: Superior Council of Prosecutors

By law, since 2023 the temporary reduction of salary and position downgrade have been excluded from the disciplinary sanctions against prosecutors.

Q251 (2023): The competence of the Courts of Appeal was excluded in the Administrative Code.

Ukraine

Constitution of Ukraine, this Code, international treaties, requirements of other legislative acts, to investigate the circumstances of criminal proceedings in a comprehensive, full and impartial manner and to ensure that lawful and impartial procedural decisions are made.

Pursuant to Article 214 of the CPC of Ukraine, the prosecutor is obliged to immediately, but not later than 24 hours after filing a complaint or report of a criminal offense or after independently identifying circumstances from any source that may indicate that a criminal offense has been committed, enter the relevant information into the URPTI and initiate an investigation.

At the same time, pursuant to Articles 303-307 of the CPC of Ukraine, the court, upon consideration of complaints against decisions, actions or inaction of the prosecutor or investigator, may oblige to perform a certain action, including entering information into the URPTI upon a statement or report of a criminal offense. The prosecutor, exercising his/her powers in accordance with the requirements of this Code, shall be independent in his/her procedural activities, interference in which by persons not legally authorized to do so is prohibited. State authorities, local self-government bodies, enterprises, institutions and organizations, officials and other individuals are obliged to comply with the legal requirements and procedural decisions of the prosecutor (part 1 of Article 36 of the CPC of Ukraine).

We also note that according to part 1 of Article 17 of the Law of Ukraine "On the Prosecutor's Office", prosecutors exercise their powers within the limits established by law and are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies. Administrative subordination of prosecutors may not be a ground for limiting or violating the independence of prosecutors in the exercise of their powers.

Pursuant to Article 17(3) of the Law of Ukraine "On the Prosecutor's Office", 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 execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this Article.

Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

At the same time, according to part 5 of this Article, the prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as clearly criminal orders or instructions. The prosecutor has the right to address 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.

Part 6 of Article 17 of the Law of Ukraine "On the Prosecutor's Office" provides that giving (giving) an illegal order or instruction or its (his) execution, as well as giving (giving) or executing a clearly criminal order or instruction, entail liability under the law.

Thus, the provision of these specific illegal instructions to the prosecutor regarding the conduct of criminal prosecution is an interference with his/her procedural

are based on the principles of independence of prosecutors, which provides for the existence of guarantees against illegal political, material or other influence on the prosecutor to make decisions in the performance of official duties;

The Prosecutor General annually, before April 1, submits to the Parliament of Ukraine a report on the activities of the Prosecutor's Office, which should contain information on ensuring the independence of prosecutors, in particular, the number of messages about threats to the independence of the prosecutor received by the Council of Prosecutors of Ukraine, and information on decisions taken on such messages.

The independence of the prosecutor is ensured by:

- 1) a special procedure for his/her appointment to the position, dismissal from office, bringing to disciplinary responsibility;
- 2) the procedure for exercising powers determined by procedural and other laws;
- 3) prohibition of illegal influence, pressure or interference in the exercise of the prosecutor's powers;
- 4) the procedure for financing and organizational support of the prosecutor's office established by law;
- 5) adequate material, social and pension provision of the prosecutor;
- 6) functioning of prosecutorial self-government bodies;
- 7) the means of ensuring the personal security of the prosecutor, members of his family, property, as well as other means of their legal protection determined by law.

In performing the functions of the Prosecutor's office, the prosecutor is independent of any illegal influence, pressure, interference and is guided in his activities only by the Constitution and laws of Ukraine.

Q162-0 (2023): The prosecutor's office has an independent status and its powers are defined at the constitutional level (Article 131-1 of the Constitution of Ukraine). The organization and procedure of the prosecutor's office are determined by the Law of Ukraine "On the Prosecutor's Office".

According to Articles 2 and 5 of this Law, the Prosecutor's Office may not be entrusted with functions not provided for by the Constitution of Ukraine. The functions of the Public Prosecutor's Office of Ukraine are exercised exclusively by prosecutors. Delegation of the functions of the prosecutor's office, as well as appropriation of these functions by other bodies or officials is not allowed.

According to Article 16 of this Law, 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.

Q162-1 (2023): It should be noted that part 3 of Article 17 of the Law of Ukraine "On Prosecutor's Office" stipulates that 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 execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article. Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

In addition, pursuant to Article 308(1) of the CPC of Ukraine, a suspect, accused, victim, or other persons whose rights or legitimate interests are restricted during the pre-trial investigation have the right to appeal to a higher-level prosecutor against the failure to comply with reasonable time limits by the investigator, detective, or prosecutor during the pre-trial investigation.

Pursuant to Article 308(2) of the CPC of Ukraine, a higher-level prosecutor is obliged to consider the complaint within three days after it is filed and, if there are grounds for its satisfaction, provide the relevant prosecutor with binding instructions on the time limits for certain procedural actions or procedural decisions. The person who filed the complaint shall be promptly notified in writing of the results of its consideration.

In addition, according to part 1 of Article 16 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, in 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.

Q162-2 (2023): Pursuant to part 4 of Article 17 of the Law of Ukraine "On the Prosecutor's Office", administrative orders, as well as instructions directly related to the prosecutor's exercise of prosecution functions, issued (given) in writing within the powers defined by law, are binding on the relevant prosecutor.

The prosecutor who received an order or instruction orally shall be provided with a written confirmation of such order or instruction.

The reports prepared by the prosecutor's offices do not include data on "the number of instructions given to the prosecutor on criminal prosecution"

Q162-3 (2023): See the response to question 115-2 of the Questionnaire.

Pursuant to Article 17(5) of the Law of Ukraine "On the Prosecutor's Office", the prosecutor is not obliged to execute orders and instructions of a higher level prosecutor that raise doubts about their legality, unless he/she has received them in writing, as well as clearly criminal orders or instructions. A prosecutor has the right to report to the Council of Prosecutors of Ukraine a threat to his or her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

According to part 6 of Article 17 of the Law of Ukraine "On the Prosecutor's Office", giving (giving) an illegal order or instruction or its (his) execution, as well as giving

Q162-4 (2023): See the response to question 115-2 of the Questionnaire.

Q162-5 (2023): Pursuant to Article 17(5) of the Law of Ukraine "On Prosecutor's Office", a prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as orders or instructions that are clearly criminal. The prosecutor has 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.

In addition, pursuant to Article 16(5) of the Law of Ukraine "On the Prosecutor's Office", public authorities, local self-government bodies, other state bodies, their officials and employees, as well as individuals and legal entities and their associations are obliged to respect the independence of the prosecutor and refrain from exercising any form of influence on the prosecutor in order to impede the performance of official duties or make an illegal decision.

Pursuant to part 6 of Article 16 of the Law of Ukraine "On the Prosecutor's Office", the prosecutor has the right to report a threat to his or her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately check and consider such a report with his or her participation and take the necessary measures to eliminate the threat within the limits of its powers under this Law.

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 right of judges to retirement.

Q175-1 (2023): According to Art. 4 of the Code of Professional Ethics and Conduct for Prosecutors, the professional activity of prosecutors is based on the principles of

- rule of law and legality
- respect for human and civil rights and freedoms, non-discrimination
- independence and autonomy;
- political neutrality;
- presumption of innocence;
- fairness, impartiality and objectivity;
- professional honor and dignity, building trust in the prosecutor's office;
- transparency of official activities, confidentiality;
- refraining from executing illegal orders and instructions;
- prevention of conflict of interest;
- competence and professionalism;
- integrity, exemplary behavior and discipline;
- respect for the independence of judges.

Articles 6-31 of this Code define such issues as:

- rule of law and legality; - respect for human and civil rights and freedoms, non-discrimination - independence and autonomy, political neutrality; - presumption of innocence, fairness, impartiality and objectivity;
- professional honor and dignity, transparency of official activities, confidentiality;
- refraining from giving and executing illegal orders and instructions; - competence and professionalism; - prevention of conflicts of interest and corruption, integrity; - respect for the independence of judges; - prevention of behavior that may damage reputation; - restrictions on the prosecutor's participation in political and other activities; - relations with law enforcement, judicial and other state authorities, local self-government bodies, participants of legal proceedings, mass media, citizens

In addition, the decision of the Council of Prosecutors of Ukraine No. 36 dated 23.11.2022 approved the Commentary to this Code, which is available at the following

Q178 (2023): <https://rsu.gov.ua/uploads/article/komentar-kodeksusuddivskoietiki-edd47ed191.pdf>

Q186 (2023): Repeated automated distribution of court cases among judges is applied in cases stipulated by law and the Regulation on the Automated Court Document Management System approved by the Council of Judges of Ukraine on 26.11.2010 No. 30.

Q192 (2023): 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 State or Local Government Functions and the Procedure for Completing and Submitting a Declaration of a Person Authorized to Perform State or Local Government Functions" approved a new declaration form and developed a procedure for its completion (<https://zakon.rada.gov.ua/laws/show/z0987-21#Text>). This declaration form is valid from 12/01/2021 to 12/01/2024.

Q194 (2023): Pursuant to part 4 of Article 52 of the Law, reporting significant changes in property status is an additional measure of financial control aimed at finding out the actual change in the property status of the declarant without waiting for the next declaration to be submitted.

The obligation to submit a notice of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or making an expenditure in an amount exceeding 50 living wages.

Q196 (2023): The declaration contains information on the assets of the declarant and family members. At the same time, sections 2.1 "Information about the declarant", 14 "Expenses and transactions of the declarant", 15 "Part-time work of the declarant" and 16 "Membership of the declarant in organizations and their bodies" of the declaration contain information only about the declarant.

Q200 (2023): All documents submitted by the declaring entity to the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions are stored in the Register and displayed in its public part on the official website of the National Agency to the extent specified in Article 47 of

Q202 (2023): Pursuant to the Decree of the President of Ukraine No. 64/2022 dated February 24, 2022 "On the Introduction of Martial Law in Ukraine" approved by the Law of Ukraine No. 2102-IX dated February 24, 2022 (as amended), martial law was introduced in Ukraine. On 07.03.2022, the Law of Ukraine "On Protection of the Interests of Subjects of Submission of Reports and Other Documents during the Period of Martial Law or State of War" No. 2115-IX dated 03.03.2022 came into force, which provides that during the period of martial law or state of war, any inspections of the timeliness and completeness of submission of any reports or documents of a reporting nature by the authorized bodies are not carried out. Thus, the Office did not conduct full inspections during the period of martial law until 20.12.2023 (Law No. 3384-IX "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" came into force).

Q205 (2023): Order of the National Agency of 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 Completing 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 its completion (<https://zakon.rada.gov.ua/laws/show/z0987-21#Text>). This declaration form is valid from 12/01/2021 to 12/01/2024.

Q207 (2023): The notification of material changes in property status in accordance with part four of Article 52 of the Law is an additional measure of financial control aimed at finding out the actual change in the property status of the declarant without waiting for the next declaration.

The obligation to submit a notice of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or making an expenditure in an amount exceeding 50 subsistence minimums

Q209 (2023): The declaration contains information on the assets of the declarant and family members. At the same time, sections 2.1 "Information about the declarant", 14 "Expenses and transactions of the declarant", 15 "Part-time work of the declarant" and 16 "Membership of the declarant in organizations and their bodies" of the declaration contain information only about the declarant

Q213 (2023): All documents submitted by the declarant to the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions are stored in the Register and displayed in its public part on the official website of the National Agency to the extent specified in Article 47 of the Law.

Q215 (2023): Pursuant to the Decree of the President of Ukraine No. 64/2022 dated February 24, 2022 "On the Introduction of Martial Law in Ukraine" approved by the Law of Ukraine No. 2102-IX dated February 24, 2022 (as amended), martial law was introduced in Ukraine. On 07.03.2022, the Law of Ukraine "On Protection of the Interests of Subjects of Submission of Reports and Other Documents during the Period of Martial Law or State of War" No. 2115-IX dated 03.03.2022 came into force, which provides that during the period of martial law or state of war, any inspections of the timeliness and completeness of submission of any reports or documents of a reporting nature by the authorized bodies are not carried out. Thus, the Office did not conduct full inspections during the period of martial law until 20.12.2023 (Law No. 3384-IX "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" came into force).

Q218 (2023): Article 25 of the Law of Ukraine "On Prevention of Corruption" allows persons referred to in paragraph 1 of part one of Article 3 of the Law of Ukraine "On Prevention of Corruption", which includes judges, to engage in teaching, research and creative activities, medical practice, instructing and refereeing in sports). Pursuant to Article 54 of the Law of Ukraine "On the Judiciary and the Status of Judges", a judge may not combine his or her activities with entrepreneurial or advocacy activities, hold any other paid positions, perform other paid work (except for teaching, research or creative work), or be a member of the governing body or supervisory board of an enterprise or organization aimed at making a profit.

Q221 (2023): By law, the only place where a judge needs to state if there are any auxiliary activities, is in his/her declaration. In practice, however, judges do inform their hierarchy about it because of different reasons, some of them are if a judge needs time off (to, for example, write a book, they ask for sabbatical) and common respect for their hierarchy.

Q222 (2023): Proceedings in cases of administrative offenses related to corruption are conducted in accordance with the requirements of the Law of Ukraine "On Prevention of Corruption" and the Code of Ukraine on Administrative Offenses.

The Code of Ukraine on Administrative Offenses defines corruption-related offenses as, inter alia, violation of restrictions on combining work and other activities (Article 1724), violation of statutory restrictions on receiving gifts (Article 1725), violation of requirements for preventing and resolving conflicts of interest (Article 1727), unlawful use of information that became known to a person in connection with the performance of official duties (Article 1728), and failure to take measures to combat corruption.

Q223 (2023): Pursuant to Article 221 of the Code of Ukraine on Administrative Offenses, cases of administrative offenses related to corruption are considered by judges of district, city district, city or city district courts.

Based on the results of the case, one of the following rulings is issued (Article 284 of the Code of Ukraine on Administrative Offenses): to impose an administrative penalty or to close the case.

The sanction of Article 1727 of the Code of Administrative Offenses provides for 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 subject to an administrative penalty for the same violation within a year - 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 is 17 UAH).

Article 247 of the Code of Ukraine on Administrative Offenses stipulates that proceedings on an administrative offense cannot be initiated, and those initiated are subject to closure in the following circumstances:

- 1) absence of an event and corpus delicti of an administrative offense;
- 2) the person has not reached the age of sixteen at the time of committing the administrative offense;
- 3) insanity of the person who committed the unlawful act or omission;
- 4) the commission of an act by a person in a state of emergency or necessary defense;
- 5) issuance of an amnesty act if it eliminates the application of an administrative penalty;
- 6) repeal of an act establishing administrative liability;
- 7) expiration of the time limits stipulated by Article 38 of this Code at the time of consideration of the case on administrative offense;
- 8) the existence of a resolution of the competent authority (official) on imposing an administrative penalty or an unrevoked resolution on closing an administrative offense case against the person being held administratively liable, as well as a notice of suspicion of a person in criminal proceedings on this fact;
- 9) death of the person against whom the proceedings were initiated.

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 (2023): The requirements for incompatibility are set out in Article 18 of the Law "On the Prosecutor's Office".

Thus, holding the position of a prosecutor is incompatible with holding a position in any public authority, other state body, local self-government body and with a representative mandate in state elected positions. The prosecutor may not belong to a political party, participate in political actions, rallies, or strikes.

The requirements for incompatibility do not apply to the participation of prosecutors in the activities of elected bodies of religious and public organizations.

The prosecutor is subject to restrictions on combining work and other activities as defined by the Law of Ukraine "On Prevention of Corruption".

Consideration of the issue of violation of incompatibility requirements by the prosecutor is within the powers of the High Council of Justice (Article 131 of the Constitution of Ukraine, Articles 3 and others of the Law of Ukraine "On the High Council of Justice").

Part 1 of Art. 25 of the Law of Ukraine "On Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, including prosecutors, are prohibited from:

- 1) engage in other paid activities (except for teaching, scientific and creative activities, medical practice, instructing and judging in sports) or entrepreneurial activities, unless otherwise provided by the Constitution or laws of Ukraine;
- 2) to be a member of the board, other executive or controlling bodies, supervisory board of an enterprise or organization aimed at making profit (except in cases when persons perform functions of management of shares (stakes, units) owned by the state or territorial community and represent the interests of the state or territorial community in the board (supervisory board)), unless otherwise provided by the Constitution or laws of Ukraine, except as provided for in paragraph one of part two of this Article.

Q229 (2023): is agreed with the employer in accordance with the requirements of the Labor Code of Ukraine.

Q234 (2023): Verkhovna Rada of Ukraine adopted on August 9, 2023, the Law of Ukraine No. 3304-IX "On making amendments to certain laws of Ukraine regarding an immediate renewal of consideration of cases regarding disciplinary liability of judges" (the Law entered into force on September 17, 2023, and was put into action on October 19, 2023).

The mentioned Law made amends to Chapter III "Final and transitional provisions" of the Law of Ukraine "On the High Council of Justice" by adding item 23-7, which determines that, temporarily, before the start of work of service of disciplinary inspectors of the High Council of Justice, the powers of a disciplinary inspector shall be performed by a member of Disciplinary chamber (rapporteur), defined by the automated case distribution system.

Apart from that, comparing with data, provided for 2021, the answer to question No. 234 "Who is empowered to open a disciplinary proceeding against judges?" was reconsidered, and the answer option "Disciplinary body" was added with a comment referring to part ten of Article 49 of the Law of Ukraine "On the High Council of Justice" (this norm is valid and has not been changed in 2021-2023).

In addition, we inform that on December 30, 2023, the Law of Ukraine of December 9, 2023, No. 3511-IX "On making amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and certain legal acts of Ukraine regarding improving procedures of judicial career" was adopted, which added item 14¹ to part one of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges" of such context:

"14¹) not passing by a judge of preliminary training, provided by Article 89 of this Law".

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 specialized courts in the manner established by the Law on the High Council of Justice.

Q235 (2023): According to Article 108 of the Law of Ukraine "On the Judiciary and the Status of Judges" disciplinary proceedings against a judge shall be conducted by disciplinary chambers of the High Council of Justice in accordance with the Law of Ukraine "On the High Council of Justice" with due regard to the applicable requirements of this Law. To consider cases on disciplinary liability of judges, the High Council of Justice shall establish Disciplinary Chambers from among the members of the High Council of Justice (part two of Article 26 of the Law of Ukraine "On the High Council of Justice").

Q237 (General Comment): 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 tables on questions 237 and 238.

Q237 (2023): Cases of disciplinary proceedings against a judge during or after criminal proceedings on the same facts may occur, but they are not separately recorded. The record is carried out on the basis of disciplinary responsibility, determined in part one of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges", which was reflected in the table to question 237.

Q239 (2023): 1. Referring to the sanction, "Temporary reduction of salary". Judges may be applied with disciplinary sanction in the form of: - reprimand – with the deprivation of the right to receive additional payments to the salary of a judge for one month; - severe reprimand - with the deprivation of the right to receive additional payments to the salary of a judge for three months; - submission for temporary (from one to six months) suspension from administering justice - with the deprivation of the right to receive additional payments to the salary of a judge (item 2, 3, 4 of part one of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges").

2. Referring to the sanctions "Position downgrade" and "Transfer to another geographical (court) location". Judges may be subject to disciplinary sanction in the form of a submission for transfer the judge to a lower-level court (item 5 of part one of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges").

3. Referring to the sanction "Other". Judges may be subject to a disciplinary sanction in the form of a warning (item 1 of part one of Article 109 of the Law of Ukraine "On the Judiciary and the Status of Judges").

Q240 (General Comment): The judge against whom the relevant decision has been made has the right to appeal the decision of the Disciplinary Chamber of the High 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.

Q241 (2023): 1. The right to appeal against the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice is granted to the judge in respect of whom the relevant decision was made. A complainant shall have the right to appeal a decision of the Disciplinary Chamber on a disciplinary case to the High Council of Justice if the Disciplinary Chamber gives permission for such an appeal (part one of Article 51 of the Law of Ukraine "On the High Council of Justice").

2. The right to appeal to a court a decision of the High Council of Justice, which is adopted following a review of the complaint to the decision of the Disciplinary Chamber, has the judge against whom a corresponding decision was adopted, and the complainant, if the decision of the High Council of Justice is adopted on the grounds of his/her complaint (part two of Article 52 of the Law of Ukraine "On the High Council of Justice").

As of the Court that considers the appeal, art 255 of the Code of Administrative Offenses stipulates:

7. An appeal may be filed with the Grand Chamber of the Supreme Court against a decision of the High Council of Justice adopted upon consideration of an appeal against a decision of its Disciplinary Chamber. Such an appeal shall be considered in accordance with the rules of cassation proceedings established by this Code.

8. The Grand Chamber of the Supreme Court, upon consideration of the case on appeal against the decision of the High Council of Justice adopted upon consideration of the appeal against the decision of its Disciplinary Chamber, may cancel the appealed decision of the High Council of Justice or leave it unchanged. In case the court reverses the decision of the High Council of Justice adopted upon consideration of an appeal against the decision of its Disciplinary Chamber, the High Council of Justice shall reconsider the relevant disciplinary case.

Q242 (2023): Part 2 of the Art 53 of the Law On the Judiciary and the Status of Judges:

"2. A judge may not be transferred to another court without his/her consent, except for transfer

1) in case of reorganization, liquidation or termination of the court's work

2) as a disciplinary sanction."

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).

Q243 (2023): According to part 2 of Article 45 of the Law of Ukraine "On the Prosecutor's Office", anyone who is aware of the facts of a disciplinary offense committed by a prosecutor can initiate disciplinary proceedings. A member of the relevant disciplinary body is authorized to make a decision to initiate disciplinary proceedings (part 3 of Article 46 of the Law of Ukraine "On the Prosecutor's Office").

Q244 (2023): According to Articles 44, 73, 77 of the Law of Ukraine "On the Prosecutor's Office", disciplinary proceedings are carried out by the Qualification and Disciplinary Commission of Prosecutors. For the status of this Commission, see comments to the Q120.

Q245 (2023): According to Article 47 of the Law on the Prosecutor's Office, consideration of the conclusion on the presence or absence of a prosecutor's disciplinary offense is carried out on the basis of competitiveness at a meeting of the QDCP, which is attended by the prosecutor, the person who filed the disciplinary complaint, and their representatives. The meeting shall hear explanations of the member of the QDCP who conducted the inspection, explanations of the prosecutor (his/her representative) and, if necessary, other persons.

The prosecutor (his/her representative) has the right to provide explanations, refuse to provide them, ask questions to the participants in the proceedings, raise objections, file motions, and, if there are doubts about the impartiality and objectivity of the QDCP member, file a motion for his/her recusal.

Q246 (2023): "Other" means "unreasonable delay in consideration of an appeal", "violation of internal service regulations", as well as "interference or any other influence of a prosecutor in cases or in a manner not provided for by law in the official activity of another prosecutor, officials or judges, including by means of public statements regarding their decisions, actions or inaction, in the absence of signs of an administrative or criminal offense" (paragraphs 2, 7, 8 of part one of Article 43 of the Law of Ukraine "On the Prosecutor's Office").

Q248 (2023): part one of Article 49 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the following disciplinary sanctions may be imposed on a prosecutor: 1) a reprimand; 2) a ban for up to one year on transfer to a higher-level prosecutorial authority or on appointment to a higher position in the prosecutorial authority where the prosecutor holds a position (except for the Prosecutor General); 3) dismissal from the prosecutorial authority. Thus, "Other" should be understood as a disciplinary sanction - a ban for up to one year on transfer to a higher-level prosecution body or appointment to a higher position in the prosecution body where the prosecutor holds a position.

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.

Q250 (2023): The prosecutor may appeal the decision made on the basis of disciplinary proceedings to an administrative court or the High Council of Justice within one month from the date of delivery or receipt of a copy of the decision by mail (Article 50 of the Law).

At the same time, according to Art. 78 of the Law, the person who filed the disciplinary complaint has the right to appeal the decision of the QDCP to the High Council of Justice, provided that the QDCP has authorized such an appeal

Q251 (2023): According to part one of Article 50 of the Law of Ukraine "On the Prosecutor's Office", a prosecutor may appeal a decision made as a result of disciplinary proceedings to an administrative court or the High Council of Justice within one month from the date of delivery or receipt of a copy of the decision by

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 law or other regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by 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.

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.

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 guidelines and/or opinions of this institution/body publicly available?

Question 178-1. How many guidelines and/or 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 guidelines and/or opinions of this institution/body publicly available?*

Question 181-1. *How many guidelines and/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 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 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 246-1. Please describe what is included in the category "Professional inadequacy"

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

(2023): There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

Azerbaijan

(2023): 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 freedoms, as well as interests, protected by law. At the same time, it is the right of every person to file a claim for compensation of material and moral damage on the mentioned grounds.

Georgia

(2023): According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting 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 non-enforcement of final domestic judgments and against unreasonable length of proceedings was adopted at the national level under the Law no. 87, in force as of 1 July 2011. According to it, 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 award of a 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 examine the cases on these issues 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, non-pecuniary damage and costs, expenses have to be awarded to the applicant. The procedure of enforcement of the court decisions issued under this Law is simplified, so as no further applications or formalities should be required from applicants. This remedy concerns both civil and criminal procedures. Another remedy, the Law No. 1545/1998 on the procedure to repair damages caused by the illicit actions of the criminal investigation bodies, prosecutor's offices and courts, regulates the procedure to apply for a compensation of pecuniary, moral damage and costs, expenses supported by the applicant (victim).

(2023): 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

(2023): Civil Court

Azerbaijan

(2023): 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

(2023): Only Court of Common Court's (depends on territorial jurisdiction) on the bases of general procedural law can decide the case (claim regarding the compensation).

Question 160

Armenia

- (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 decision has been put on the record.

Azerbaijan

(2023): According to Article 107.3.3 of the Criminal Procedure Code of the Republic of Azerbaijan, the judge can be informed by any participant of the criminal 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.

Question 161

Georgia

(2023): 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

(2023): 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 on the recusal is not susceptible to be challenged.

Question 162

Armenia

(2023): 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. General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

(2023): 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

Constitution of Ukraine, this Code, international treaties, requirements of other legislative acts, to investigate the circumstances of criminal proceedings in a comprehensive, full and impartial manner and to ensure that lawful and impartial procedural decisions are made.

Pursuant to Article 214 of the CPC of Ukraine, the prosecutor is obliged to immediately, but not later than 24 hours after filing a complaint or report of a criminal offense or after independently identifying circumstances from any source that may indicate that a criminal offense has been committed, enter the relevant information into the URPTI and initiate an investigation.

At the same time, pursuant to Articles 303-307 of the CPC of Ukraine, the court, upon consideration of complaints against decisions, actions or inaction of the prosecutor or investigator, may oblige to perform a certain action, including entering information into the URPTI upon a statement or report of a criminal offense. The prosecutor, exercising his/her powers in accordance with the requirements of this Code, shall be independent in his/her procedural activities, interference in which by persons not legally authorized to do so is prohibited. State authorities, local self-government bodies, enterprises, institutions and organizations, officials and other individuals are obliged to comply with the legal requirements and procedural decisions of the prosecutor (part 1 of Article 36 of the CPC of Ukraine).

We also note that according to part 1 of Article 17 of the Law of Ukraine "On the Prosecutor's Office", prosecutors exercise their powers within the limits established by law and are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies. Administrative subordination of prosecutors may not be a ground for limiting or violating the independence of prosecutors in the exercise of their powers.

Pursuant to Article 17(3) of the Law of Ukraine "On the Prosecutor's Office", 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 execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this Article.

Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

At the same time, according to part 5 of this Article, the prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as clearly criminal orders or instructions. The prosecutor has the right to address 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.

Part 6 of Article 17 of the Law of Ukraine "On the Prosecutor's Office" provides that giving (giving) an illegal order or instruction or its (his) execution, as well as giving (giving) or executing a clearly criminal order or instruction, entail liability under the law.

Thus, the provision of these specific illegal instructions to the prosecutor regarding the conduct of criminal prosecution is an interference with his/her procedural

Question 162-0

Armenia

(General Comment): According to Armenian Constitution- The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.

Azerbaijan

(General Comment): According to the Constitution, prosecution services are within the judicial branch and constitute an integral centralized body characterized by the subordination of territorial and specialized procurators to the General Procurator of the Azerbaijan Republic. As an authority, prosecutor's office is independent. But only in the following situation it may act independently (without court decision). Only on the basis of a court decision, the prosecutor's office may carry out procedural actions restricting the rights and freedoms of man and citizen, as provided for by the Constitution of the Republic of Azerbaijan.

Georgia

(General Comment): On 16 December 2018, the new Organic Law of Georgia on Prosecutor's Office and the amendments to the Constitution of Georgia entered into force. Since then, the Prosecutor's Office is established as an independent body outside of the authority of the Ministry of Justice and the Minister, headed by the General Prosecutor. The above-mentioned comment is valid with respect to the period starting from 16 December 2018.

(2023): The PSG is an independent institution outside of the executive, legislative and judicial branches. The guarantee for its institutional independence is provided for at the highest level of legislation, the Constitution of Georgia. The head of the PSG is the Prosecutor General, who is elected for the six years term by the Parliament of Georgia, upon the nomination by the Prosecutorial Council. The Prosecutorial Council, an independent collegial body, itself has constitutional status as well and has a mandate to ensure the independence, transparency and effectiveness of the PSG. Article 71 §2 of the Organic Law on the Prosecution Service of Georgia guarantees the financial independence of the PSG. A reduction of the PSG budget in comparison to the budget for the previous year is only possible with the prior consent of the Prosecutor General.

Republic of Moldova

(General Comment): The prosecutor's office is an autonomous public institution within the judicial authority, which contributes to the administration of justice, the defense of the rights, freedoms and legitimate interests of the person, society and the state through criminal procedures and other procedures provided for by law. The Prosecutor's Office is independent from the legislative, executive and judicial powers, from any political party or socio-political organization, as well as from any other institutions, organizations or persons. The procedural independence of the prosecutor is ensured by guarantees that exclude any political, financial, administrative or other influence on the prosecutor related to the exercise of his duties.

Ukraine

based on the principles of independence of prosecutors, which provides for the existence of guarantees against illegal political, material or other influence on the prosecutor to make decisions in the performance of official duties;

The Prosecutor General annually, before April 1, submits to the Parliament of Ukraine a report on the activities of the Prosecutor's Office, which should contain information on ensuring the independence of prosecutors, in particular, the number of messages about threats to the independence of the prosecutor received by the Council of Prosecutors of Ukraine, and information on decisions taken on such messages.

The independence of the prosecutor is ensured by:

- 1) a special procedure for his/her appointment to the position, dismissal from office, bringing to disciplinary responsibility;
- 2) the procedure for exercising powers determined by procedural and other laws;
- 3) prohibition of illegal influence, pressure or interference in the exercise of the prosecutor's powers;
- 4) the procedure for financing and organizational support of the prosecutor's office established by law;
- 5) adequate material, social and pension provision of the prosecutor;
- 6) functioning of prosecutorial self-government bodies;
- 7) the means of ensuring the personal security of the prosecutor, members of his family, property, as well as other means of their legal protection determined by law.

In performing the functions of the Prosecutor's office, the prosecutor is independent of any illegal influence, pressure, interference and is guided in his activities only by the Constitution and laws of Ukraine.

(2023): The prosecutor's office has an independent status and its powers are defined at the constitutional level (Article 131-1 of the Constitution of Ukraine).

The organization and procedure of the prosecutor's office are determined by the Law of Ukraine "On the Prosecutor's Office".

According to Articles 2 and 5 of this Law, the Prosecutor's Office may not be entrusted with functions not provided for by the Constitution of Ukraine. The functions of the Public Prosecutor's Office of Ukraine are exercised exclusively by prosecutors. Delegation of the functions of the prosecutor's office, as well as appropriation of these functions by other bodies or officials is not allowed.

According to Article 16 of this Law, 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.

Question 162-1

Ukraine

(2023): It should be noted that part 3 of Article 17 of the Law of Ukraine "On Prosecutor's Office" stipulates that 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 execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article. Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

In addition, pursuant to Article 308(1) of the CPC of Ukraine, a suspect, accused, victim, or other persons whose rights or legitimate interests are restricted during the pre-trial investigation have the right to appeal to a higher-level prosecutor against the failure to comply with reasonable time limits by the investigator, detective, or prosecutor during the pre-trial investigation.

Pursuant to Article 308(2) of the CPC of Ukraine, a higher-level prosecutor is obliged to consider the complaint within three days after it is filed and, if there are grounds for its satisfaction, provide the relevant prosecutor with binding instructions on the time limits for certain procedural actions or procedural decisions. The person who filed the complaint shall be promptly notified in writing of the results of its consideration.

In addition, according to part 1 of Article 16 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, in exercising the functions of the prosecutor's office, the prosecutor is independent of any unlawful influence,

Question 162-2

Ukraine

(2023): Pursuant to part 4 of Article 17 of the Law of Ukraine "On the Prosecutor's Office", administrative orders, as well as instructions directly related to the prosecutor's exercise of prosecution functions, issued (given) in writing within the powers defined by law, are binding on the relevant prosecutor.

The prosecutor who received an order or instruction orally shall be provided with a written confirmation of such order or instruction.

The reports prepared by the prosecutor's offices do not include data on "the number of instructions given to the prosecutor on criminal prosecution"

Question 162-3

Ukraine

(2023): See the response to question 115-2 of the Questionnaire.

Pursuant to Article 17(5) of the Law of Ukraine "On the Prosecutor's Office", the prosecutor is not obliged to execute orders and instructions of a higher level prosecutor that raise doubts about their legality, unless he/she has received them in writing, as well as clearly criminal orders or instructions. A prosecutor has the right to report to the Council of Prosecutors of Ukraine a threat to his or her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

According to part 6 of Article 17 of the Law of Ukraine "On the Prosecutor's Office", giving (giving) an illegal order or instruction or its (his) execution, as well as giving

Question 162-4

Ukraine

(2023): See the response to question 115-2 of the Questionnaire.

Question 162-5

Armenia

(2023): The prosecutor can oppose the instructions and challenge them to the higher prosecutor.

Azerbaijan

(2023): 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

(2023): Pursuant to Article 17(5) of the Law of Ukraine "On Prosecutor's Office", a prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as orders or instructions that are clearly criminal. The prosecutor has 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.

In addition, pursuant to Article 16(5) of the Law of Ukraine "On the Prosecutor's Office", public authorities, local self-government bodies, other state bodies, their officials and employees, as well as individuals and legal entities and their associations are obliged to respect the independence of the prosecutor and refrain from exercising any form of influence on the prosecutor in order to impede the performance of official duties or make an illegal decision.

Pursuant to part 6 of Article 16 of the Law of Ukraine "On the Prosecutor's Office", the prosecutor has the right to report a threat to his or her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately check and consider such a report with his or her participation and take the necessary measures to eliminate the threat within the limits of its powers under this Law.

Question 164

Armenia

(2023): The Judicial Code of the Republic of Armenia

Azerbaijan

(2023): "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 right of judges to retirement.

Question 166

Armenia

(2023): Law "on Prosecution"

Azerbaijan

(2023): 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

(2023): Corruption Prevention Commission has a huge role in this process. According to Part 6 of the Article 25 of the “Law on the Corruption Prevention 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 o procedure, or the declared information is incorrect or incomplete, it shall initiate administrative violation proceedings

Question 175-1

Republic of Moldova

6.2 Principle of independence According to this principle, the prosecutor must:

6.2.1 exercise his or her powers independently, impartially, honestly, irreproachably, showing high moral character and utmost fairness, and contribute to the efficient and effective performance of justice. Independence is not a privilege or a prerogative conferred on prosecutors for their personal interest, but a guarantee of fair, impartial and effective justice, which protects the public

and private interest in society;

6.2.2 to be independent in making decisions and in the performance of his or her duties, ensuring respect for the principles of separation of powers, legality, institutional independence and accountability; lobbying, interference or outside influence, including from those active in politics, economics, finance, cults or the media, shall not be allowed in the work of the prosecutor; 6.2. 3 in making decisions, including discretionary ones, act independently and impartially in accordance with the law, respecting the provisions of this Code and all departmental and interdepartmental acts; 6.2.4 make decisions based on impartial and objective evaluation of evidence, taking into account all relevant circumstances of the case, perform his duties without fear, favouritism or prejudice; 6.2.5 not to use the prerogatives of his office to influence the decisions of other institutions or persons working both in the public and private spheres; 6.2.6 not to belong to parties, movements or socio-political formations or to carry out activities of a political nature or which, not being political, call for a change in the existing political order, and, in the exercise of his duties, to refrain from expressing or manifesting in any way his political convictions or views; 6.2.7 not to carry out the instructions or requests of politicians, persons in public office, state officials and representatives of legal institutions, if they are contrary to the law, other normative acts or the principles of this Code, except for the written instructions of the superior prosecutor, given in strict accordance with the law. If he receives such indications or requests, he shall immediately inform the superior public prosecutor, and if such indication or request contains the elements of a criminal offence, he shall report it to the prosecutor.

6.2.8 promote and defend the independence of the profession. To refer to the High Council of Prosecutors any act likely to affect the independence, impartiality or professional reputation.

6.3 Integrity principle According to this principle, the prosecutor must:

6.3.1 uphold the highest standards of integrity and accountability in order to ensure society confidence in the Office of the Prosecutor;

6.3.2 being aware of the risks of corruption, to refrain from corrupt behaviour in his or her work, to neither demand nor accept gifts, favours, benefits or other illicit remuneration for the performance or, as the case may be, non-performance of his or her duties or by virtue of his or her office; 6.3.3 refrain from making decisions when the interests of himself/herself, persons related by blood, adoption, affinity or other persons close to his/her family could influence the fairness of decisions;

6.3.4 not act as a prosecutor and not provide advice to others in cases where the prosecutor, his/her family or his/her business partners have a personal, private or financial interest. As an exception, the prosecutor may offer advice to his or her parents, spouse, children and persons under his or her guardianship or conservatorship; 6.3.5 not to make promises regarding decisions to be made, to behave honestly and decently, by personal example, to create an impeccable reputation for the prosecutor; 6. 3.6 not to give grounds for considering himself/herself as a person liable to commit acts of corruption or abuse;

Ukraine

(2023): According to Art. 4 of the Code of Professional Ethics and Conduct for Prosecutors, the professional activity of prosecutors is based on the principles of

- rule of law and legality
- respect for human and civil rights and freedoms, non-discrimination
- independence and autonomy;
- political neutrality;
- presumption of innocence;
- fairness, impartiality and objectivity;
- professional honor and dignity, building trust in the prosecutor's office;
- transparency of official activities, confidentiality;
- refraining from executing illegal orders and instructions;
- prevention of conflict of interest;
- competence and professionalism;
- integrity, exemplary behavior and discipline;
- respect for the independence of judges.

Articles 6-31 of this Code define such issues as:

- rule of law and legality; - respect for human and civil rights and freedoms, non-discrimination - independence and autonomy, political neutrality; - presumption of innocence, fairness, impartiality and objectivity;
- professional honor and dignity, transparency of official activities, confidentiality;
- refraining from giving and executing illegal orders and instructions; - competence and professionalism; - prevention of conflicts of interest and corruption, integrity; - respect for the independence of judges; - prevention of behavior that may damage reputation; - restrictions on the prosecutor's participation in political and other activities; - relations with law enforcement, judicial and other state authorities, local self-government bodies, participants of legal proceedings, mass media, citizens

In addition, the decision of the Council of Prosecutors of Ukraine No. 36 dated 23.11.2022 approved the Commentary to this Code, which is available at the following link: https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=223942.

Question 176

Armenia

(2023): It should be noted that according to article 73 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", if a judge has received a gift that can be reasonably perceived as a gift made in connection with the performance of his official duties, the latter, in accordance with the established procedure, immediately, but no later than within five days, informs the Ethics and Discipline Commission in order to receive an advisory opinion on actions aimed at resolving the situation within fifteen days., if what is considered unacceptable within the meaning of this article, the judge is obliged to ensure the return of the gift received or the payment of equivalent compensation within ten days after receiving the advisory opinion. if the return of the gift within the prescribed period or the payment of equivalent compensation is impossible, the judge is obliged to transfer the gift to the state in accordance with the established procedure. Currently, a draft of a new amendment to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia" has been developed, the purpose of which is to provide a judge with the opportunity to give confidential advice on ethical and disciplinary issues. It is planned that the General meeting of judges will form an advisory committee on Ethics and Code of Conduct, which will provide confidential advice to judges on ethics and Code of Conduct, including developing and publishing an information guideline based on the consultations provided.

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 secretarial work of the Committee are provided by the Secretariat of the Superior Council of Magistracy.

Question 177

Azerbaijan

(2023): 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 7 members - 5 judges and 2 non-judge members who are also members of the Superior Council of Magistracy.

(2023): In 2023 the members of the Ethical Committee are also SCM members who are non-judges. Please see the updated membership at the following link: <https://www.csm.md/ro/organe-subordonate/comisia-de-etica/membrii.html>

Question 178

Azerbaijan

(2023): At the same time, the decisions made by the Judicial-Legal Council on ethical issues, including the Code of ethical conduct, are publicly available.

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.

(2023): The institution did not issue any opinions in 2023. <https://www.csm.md/ro/organe-subordonate/comisia-de-etica/opinii.html>

Ukraine

(2023): <https://rsu.gov.ua/uploads/article/komentar-kodeksusuddivskoietiki-edd47ed191.pdf>

Question 179

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

Azerbaijan

(2023): 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 Ethical Conduct 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

(2023): 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.

Question 181

Azerbaijan

(2023): Guideline on Conflict of Interest published by Anti-Corruption Directorate with the Prosecutor General of the Republic of Azerbaijan (ACD): <https://genprosecutor.gov.az/storage/pages/MmsFw0RhFM6m2c3l93mhm3P6SMYaQ6KT5LjIPAgQ.pdf>

Georgia

(2023): 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. Detailed examples were included in the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia about the disciplinary liability and applicable sanctions, inter alia, violation of specified requirements of the Code of Ethics. 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”.

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.

(2023): The institution did not issue any opinions in 2023.

Question 181-1

Georgia

(2023): The General Inspectorate of the Office of the Prosecutor General of Georgia, 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 kept.

See information regarding the guideline in the answer to Question N181.

Question 182

Armenia

(2023): A natural or legal person, in accordance with the procedure established by the law "on Whistleblowing", who, in accordance with the procedure provided for by Law, in good faith reports information about a case of corruption or conflict of interest, or violation of rules of conduct, or requirements, or other restrictions, or other restrictions, or declaration, or other damage to public interests, or about the threat of their infliction, in relation to an official, body, organization or employee of an organization with whom he is or was in labor, civil, administrative or other relations, or to whom he turned for the purpose of providing services, or who was mistaken for an informant. Also, interference in any form in the activities of a court or in the activities of a prosecutor, investigator, head of an investigative body, body of inquiry, attorney-at-law or representative for the purpose of obstructing the administration of justice or other powers provided for by law as a court, or for the purpose of obstructing the investigation of a case is a crime according to the Article 486 of the Criminal Code of the Republic of Armenia.

Azerbaijan

(2023): 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 a 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 purpose of receiving complaints on corruption offences.

Georgia

(2023): 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 Anticorruption Burro manages a whistleblowing website <https://mkhileba.acb.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 <https://mkhileba.acb.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);

Question 184

Armenia

(2023): 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

(2023): A judge's illness, business trip or vacation precludes his/her 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

(2023): 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

(2023): 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

(2023): 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

(2023): Repeated automated distribution of court cases among judges is applied in cases stipulated by law and the Regulation on the Automated Court Document Management System approved by the Council of Judges of Ukraine on 26.11.2010 No. 30.

Question 190

Armenia

(2023): Law on Public Service, Judicial Code

Azerbaijan

(2023): Law “On Approval of Procedures for Submission of Financial Information by Public Officials”, LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION.

However, it was not implemented in 2023 due to the lack of approval of the financial information declaration form.

Georgia

(2023): Law Fight against Corruption

Republic of Moldova

(General Comment): There is no special national legislation on the declaration of assets and personal interests by judges. Similarly, there are no separate provisions just for judges in the Law 132/2016 on the National Integrity Authority and the Law 133/2016 on the declaration of assets and personal interests.

Question 192

Armenia

(2023): <https://www.arlis.am/documentview.aspx?docid=153169>

Azerbaijan

(2023): The existing declaration form of income is being modernized and at this moment the final version can not be provided.

Ukraine

(2023): 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 State or Local Government Functions and the Procedure for Completing and Submitting a Declaration of a Person Authorized to Perform State or Local Government Functions" approved a new declaration form and developed a procedure for its completion (<https://zakon.rada.gov.ua/laws/show/z0987-21#Text>). This declaration form is valid from 12/01/2021 to 12/01/2024.

Question 193

Armenia

(2023): In addition to abovementioned, judges must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data.

Republic of Moldova

(General Comment): The gifts received by the subject of the declaration free of charge from family members, parents, brothers, sisters or children, if the cumulative value during a year does not exceed 10 average salaries in the economy, are exempted to be declared.

Question 194

Armenia

(2023): The situational declaration is defined by the law on public service. According to clauses 5.1 and 5.2 of the part 5 of the Article 34 of the Law, in the cases defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month. Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission".

The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission.

At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission", the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant. Additionally, the threshold for what is considered substantial may vary depending on the specific position held. 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

Azerbaijan

(2023): "Other": According to Article 6 of the Law of the Azerbaijan Republic "On Approval of Procedures for Submission of Financial Information by Public Officials", the Declaration is submitted from 1 to 30 of January each year.

Georgia

(2023): A person shall submit an official's asset declaration to the Anticorruption 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 Fight against Corruption:1. A person is obliged to submit a declaration of property status of an official to the 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, as well as in the year following the dismissal, corresponding to the month of filling in the previous declaration, during the same month if he / she is not appointed to another position, fill in and submit the declaration of property status of the official. ”

Ukraine

(2023): Pursuant to part 4 of Article 52 of the Law, reporting significant changes in property status is an additional measure of financial control aimed at finding out the actual change in the property status of the declarant without waiting for the next declaration to be submitted.

The obligation to submit a notice of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or making an expenditure in an amount exceeding 50 living wages.

Question 195

Armenia

(2023): According to part 7 of the article 34 of the "Law on the Public Service" 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.

According to the part 8 of the same article adult family members of the declarant official 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.

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 (part 9, article 34).

Azerbaijan

(2023): parents who live with him/her

Republic of Moldova

(General Comment): 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

(2023): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main difference.

Ukraine

(2023): The declaration contains information on the assets of the declarant and family members. At the same time, sections 2.1 "Information about the declarant", 14 "Expenses and transactions of the declarant", 15 "Part-time work of the declarant" and 16 "Membership of the declarant in organizations and their bodies" of the declaration contain information only about the declarant.

Question 200

Armenia

(2023): Declarations are published in the official webpage of Corruption Prevention Commission. The link: cpcarmenia.am

Republic of Moldova

(2023): On the official website of the National Integrity Authority <https://portal-declaratii.ani.md/>

Ukraine

(2023): All documents submitted by the declaring entity to the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions are stored in the Register and displayed in its public part on the official website of the National Agency to the extent specified in Article 47 of the Law.

Question 201

Azerbaijan

(2023): 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.

Georgia

(2023): Pursuant to Article 20 of the Law of Georgia on Fight against Corruption, 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

(2023): In relation to alleged crimes related to declaration norms, it should be noted that within the year 2023, in the framework of the integrity check process, a crime report on four acting judges was presented to the General Prosecutor's office. The General Prosecutor's Office forwarded the materials to the body conducting the criminal proceedings. As a result of another investigation into the conduct of one judge, no report was submitted. This decision was made considering the existing criminal proceeding for the same case, and information was exchanged based on the principle of mutual assistance.

Georgia

(2023): According to the Law on the Fight against Corruption, in January each year a special electronic program (randomly) and the Independent Commission of Anticorruption Bureau select public servants (Judges, Prosecutors, etc.), whose assets declaration should be checked and inspected in detailed manner. Decisions of Anticorruption Bureau are appealed at Court.

Republic of Moldova

(2023): A judge was sanctioned for violations/discrepancies in declaration of assets and personal interests in 2023. He was penalized for the late submission of declaration with a fine of MDL 1500 (approx. EUR 75).

Ukraine

(2023): Pursuant to the Decree of the President of Ukraine No. 64/2022 dated February 24, 2022 "On the Introduction of Martial Law in Ukraine" approved by the Law of Ukraine No. 2102-IX dated February 24, 2022 (as amended), martial law was introduced in Ukraine. On 07.03.2022, the Law of Ukraine "On Protection of the Interests of Subjects of Submission of Reports and Other Documents during the Period of Martial Law or State of War" No. 2115-IX dated 03.03.2022 came into force, which provides that during the period of martial law or state of war, any inspections of the timeliness and completeness of submission of any reports or documents of a reporting nature by the authorized bodies are not carried out. Thus, the Office did not conduct full inspections during the period of martial law until 20.12.2023 (Law No. 3384-IX "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" came into force).

Question 203

Armenia

(2023): The Law on Public Service. In particular the article 34 paragraph 1 describes the scope of the declarants.

Azerbaijan

(2023): Law "On Approval of Procedures for Submission of Financial Information by Public Officials", the 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 2023 due to the lack of approval of the financial information declaration form.

Georgia

(2023): GRECO 4th Round recommendation concerning prosecutors (recommendation xiv) stipulated widening the scope of application of the asset declaration regime under the Law on Conflict of Interest and Corruption to cover all prosecutors".
On 16 May 2023, the Parliament of Georgia adopted the amendments to the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023. The legislative changes extended the asset declaration regime to all prosecutors (except for prosecutorial interns).

Republic of Moldova

(General Comment): There is no special national legislation on the declaration of assets and personal interests by prosecutors. Similarly, there are no separate provisions just for prosecutors in the Law 132/2016 on the National Integrity Authority and the Law 133/2016 on the declaration of assets and personal interests.

Question 205

Armenia

(2023): 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>

Ukraine

(2023): Order of the National Agency of 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 Completing 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 its completion (<https://zakon.rada.gov.ua/laws/show/z0987-21#Text>). This declaration form is valid from 12/01/2021 to 12/01/2024.

Question 206

Armenia

(2023): In addition to abovementioned, prosecutors must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data.

Azerbaijan

(2023): 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 on Combating Corruption. Thus, according to Article 5.1 of the Law of the Azerbaijan Republic “on Combating 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 salaries in the 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 salaries in the 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 salaries in the 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 salaries in the 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 salaries in the economy, owned by the subject of the declaration personally or by the members of family, spouse, including as beneficial owners;
- g) collections of art, numismatics, philately, weapons or other goods whose value exceeds the value of 20 average salaries in the economy, owned by the subject of the declaration personally or by the members of family, 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

Question 207

Armenia

defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month. Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission.

The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission.

At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission," the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant. Additionally, the threshold for what is considered substantial may vary depending on the specific position held.

Georgia

(2023): Prosecutors (except for prosecutorial interns) 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 subjects of the declaration who, in accordance with the legislation in force, have 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 family members, 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 aforementioned provisions shall not apply if the duration of the suspension of employment or service is less than one fiscal year.

Ukraine

(2023): The notification of material changes in property status in accordance with part four of Article 52 of the Law is an additional measure of financial control aimed at finding out the actual change in the property status of the declarant without waiting for the next declaration.

The obligation to submit a notice of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or making an expenditure in an amount exceeding 50 subsistence minimums

Question 208

Armenia

(2023): According to part 7 of the article 34 of the "Law on the Public Service" 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.

According to the part 8 of the same article adult family members of the declarant official 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.

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 (part 9, article 34).

Azerbaijan

(2023): 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).

Republic of Moldova

(General Comment): 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 209

Armenia

(2023): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main difference.

Ukraine

(2023): The declaration contains information on the assets of the declarant and family members. At the same time, sections 2.1 "Information about the declarant", 14 "Expenses and transactions of the declarant", 15 "Part-time work of the declarant" and 16 "Membership of the declarant in organizations and their bodies" of the declaration contain information only about the declarant

Question 213

Armenia

(2023): The link:

1. <https://registry.cpcarmenia.am/> New system
2. <http://cpcarmenia.am/hy/declarations-registry/> Previous registry

Azerbaijan

(2023): 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.

Republic of Moldova

(2023): on the official website of National Integrity Authority <https://portal-declaratii.ani.md/>

Ukraine

(2023): All documents submitted by the declarant to the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions are stored in the Register and displayed in its public part on the official website of the National Agency to the extent specified in Article 47 of the Law.

Question 214

Armenia

(2023): According to the part 1 of the article 444 of the Criminal Code:

Submitting false information in the declaration or concealing the information to be declared, or not submitting the declaration within 30 days after the application of the responsibility established by law by the person who is obliged to submit a declaration incurs a fine in the amount of ten times to thirty times, deprivation of the right to hold certain positions or engage in certain activities for a period of two to five years, restriction of freedom for a maximum period of three years, - short-term imprisonment for a maximum period of two months, or Imprisonment for a maximum period of three years. 2. Submission of false information in the declaration or concealment of the information subject to declaration by a person who is obliged to submit a declaration, which has led to the non-declaration of particularly large assets or income or expenses, as defined by the legislation of the Republic of Armenia, shall be punished by imprisonment for a term of three to six years. 3. In the context of this article, an amount (value) exceeding 1 million Armenian drams is considered a particularly large amount.

Administrative liability: Failure by individuals obligated to submit a declaration to the Corruption Prevention Commission also results in administrative responsibility in the following cases:

According to the part 1 of the Article 169.28 of the Code on Administrative Offences, for the person having such obligation under the laws "On Public Service" and "On Parties", failure to submit a declaration based on the written notification of the Corruption Prevention Commission within 30 days after the expiration of the deadlines set by the Law on "Public Service" shall result in the imposition of a fine in the amount of two hundred times the established minimum wage.

Part 3, article 169.28: Submission of a declaration to the Corruption Prevention Commission by the declarant in violation of the requirements for its completion or the order of submission incurs a warning.

Part 4 of the same article: Failing to submit the declaration within 30 days after the application of the administrative penalty as stipulated in part 3 of this article, in accordance with the requirements for its completion or the submission procedure, shall result in the imposition of a fine equal to two hundred times the established minimum wage."

Submitting incorrect or incomplete data in the declaration by the declarant in a careless manner shall result in a fine ranging from two hundred to four hundred times the established minimum wage (part 5, article 169.28).

Azerbaijan

(2023): 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

(2023): 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.

Question 215

Armenia

(2023): In 2023, no sanctions were imposed since the former prosecutor submitted his declaration to the Commission during the proceedings. Consequently, the Commission deemed the case of lesser importance and terminated the proceeding by issuing only an oral remark, which, according to the legislation of Armenia, is not considered a form of sanction.

In addition, during the year 2023, in relation to alleged crimes related to declaration norms, within the framework of the integrity checks, reports were submitted to the General Prosecutor's Office on three acting prosecutors, and criminal proceedings were initiated for all three. In one case, a report was submitted concerning a family member of the current prosecutor, leading to the initiation of criminal proceedings as well.

Georgia

(2023): According to the Law on the Fight against Corruption, in January each year a special electronic program (randomly) and the Independent Commission of Anticorruption bureau select public servants (Judges, Prosecutors, etc.), whose assets declaration should be checked and inspected in detailed manner.

Republic of Moldova

(2023): Six prosecutors were sanctioned for violations/discrepancies in their declaration of assets and personal interests in 2023. Five of them were penalized for the late submission of declarations with a fine of MDL 1500 (approx. EUR 75) and one – for not submitting the declaration of assets and personal interests with a fine of MDL 3000 (approx. EUR 150).

Ukraine

(2023): Pursuant to the Decree of the President of Ukraine No. 64/2022 dated February 24, 2022 "On the Introduction of Martial Law in Ukraine" approved by the Law of Ukraine No. 2102-IX dated February 24, 2022 (as amended), martial law was introduced in Ukraine. On 07.03.2022, the Law of Ukraine "On Protection of the Interests of Subjects of Submission of Reports and Other Documents during the Period of Martial Law or State of War" No. 2115-IX dated 03.03.2022 came into force, which provides that during the period of martial law or state of war, any inspections of the timeliness and completeness of submission of any reports or documents of a reporting nature by the authorized bodies are not carried out. Thus, the Office did not conduct full inspections during the period of martial law until 20.12.2023 (Law No. 3384-IX "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" came into force).

Question 217

Armenia

(2023): The regulations on recusal, acceptance of gifts and restrictions on holding other positions are presented under the previous clause (216). As for the regulations on reporting the conflict-of-interest situation, the Judicial Code and the Law on the Constitutional Court address conflicts of interest in the following provisions: 1. Law on Constitutional Court, Article 14, part 25 While acting in his official capacity, the judge is obliged not to allow a conflict of interests and to exclude any influence of family, public, or other relations on the exercise of his/her official powers.

2. Judicial Code Article 70, part 2.7 While performing official duties, a judge is obligated to prevent conflicts of interest and ensure that familial, social, or other relations do not influence the exercise of their official powers. In this case, the institution of self-revocation or recusal applies to judges. Although there is no direct provision for reporting a conflict of interest, self-disclosure itself implies reporting the situation.

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 Fight against Corruption, 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

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.

judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

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 counseling, including without compensation, except for cases when he or she acts as a legal representative or provides legal counseling to his or her close relatives or persons under his or her guardianship or curatorship without any compensation.

Republic of Moldova

(2023): Judges can combine also their activity with creative activities and membership in collegial bodies of public authorities.

Ukraine

(2023): Article 25 of the Law of Ukraine "On Prevention of Corruption" allows persons referred to in paragraph 1 of part one of Article 3 of the Law of Ukraine "On Prevention of Corruption", which includes judges, to engage in teaching, research and creative activities, medical practice, instructing and refereeing in sports). Pursuant to Article 54 of the Law of Ukraine "On the Judiciary and the Status of Judges", a judge may not combine his or her activities with entrepreneurial or advocacy activities, hold any other paid positions, perform other paid work (except for teaching, research or creative work), or be a member of the governing body or supervisory board of an enterprise or organization aimed at making a profit.

Question 221

Armenia

(2023): JUDICIAL CODE, Article 59. Right of a judge to participate in educational programs: 1.A judge shall have the right to participate in educational programs, 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 programs, 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 programs, 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

(2023): According the law there is not obligation.

Republic of Moldova

(2023): Yes, for human resources record.

Ukraine

(2023): By law, the only place where a judge needs to state if there are any auxiliary activities, is in his/her declaration. In practice, however, judges do inform their hierarchy about it because of different reasons, some of them are if a judge needs time off (to, for example, write a book, they ask for sabbatical) and common respect for their hierarchy.

Question 222

Georgia

(2023): Law on Common Courts of Georgia; Law on Fight against Corruption

Ukraine

(2023): Proceedings in cases of administrative offenses related to corruption are conducted in accordance with the requirements of the Law of Ukraine "On Prevention of Corruption" and the Code of Ukraine on Administrative Offenses.

The Code of Ukraine on Administrative Offenses defines corruption-related offenses as, inter alia, violation of restrictions on combining work and other activities (Article 1724), violation of statutory restrictions on receiving gifts (Article 1725), violation of requirements for preventing and resolving conflicts of interest (Article 1727), unlawful use of information that became known to a person in connection with the performance of official duties (Article 1728), and failure to take measures to combat corruption.

Question 223

Georgia

(2023): Law on Common Courts of Georgia

Ukraine

(2023): Pursuant to Article 221 of the Code of Ukraine on Administrative Offenses, cases of administrative offenses related to corruption are considered by judges of district, city district, city or city district courts.

Based on the results of the case, one of the following rulings is issued (Article 284 of the Code of Ukraine on Administrative Offenses): to impose an administrative penalty or to close the case.

The sanction of Article 1727 of the Code of Administrative Offenses provides for 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 subject to an administrative penalty for the same violation within a year - 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 is 17 UAH).

Article 247 of the Code of Ukraine on Administrative Offenses stipulates that proceedings on an administrative offense cannot be initiated, and those initiated are subject to closure in the following circumstances:

- 1) absence of an event and corpus delicti of an administrative offense;
- 2) the person has not reached the age of sixteen at the time of committing the administrative offense;
- 3) insanity of the person who committed the unlawful act or omission;
- 4) the commission of an act by a person in a state of emergency or necessary defense;
- 5) issuance of an amnesty act if it eliminates the application of an administrative penalty;
- 6) repeal of an act establishing administrative liability;
- 7) expiration of the time limits stipulated by Article 38 of this Code at the time of consideration of the case on administrative offense;
- 8) the existence of a resolution of the competent authority (official) on imposing an administrative penalty or an unrevoked resolution on closing an administrative offense case against the person being held administratively liable, as well as a notice of suspicion of a person in criminal proceedings on this fact;
- 9) death of the person against whom the proceedings were initiated.

Question 226

Armenia

(2023): 1. According to Article 74.1, Part 2 of the Law on Prosecution, the prosecutor is obliged to promptly inform the Prosecutor General in writing form in case of situations of Col.

2. Settings regarding gift acceptance restrictions and incompatibility requirements are listed under the preceding paragraph (225).

As for the procedure for recusal, the law on Prosecution contains a provision (article 32, part 7) stating that: The immediate superior prosecutor shall be entitled to transfer, upon his or her decision, the case from the proceedings of the inferior prosecutor to another prosecutor's or to his or her proceedings:

(1)in case of dismissing the inferior prosecutor from the proceedings as prescribed by law; or (2)in case of granting the recusal or self-recusal of the inferior prosecutor; or

(3)in case the inferior prosecutor is on leave or secondment; or (4)in case of terminating or suspending the powers of the inferior prosecutor, as prescribed by law; or

(5)in case of participation by the inferior prosecutor in training courses, disease thereof or other similar cases making the proper exercise of his or her powers impossible.

6) in case of workload of the subordinate prosecutor, with the latter's written consent or 7) in case of transfer of the subordinate prosecutor to another division of the prosecutor's office.

Georgia

Georgia (OLPSG), the Law on the Fight against Corruption, 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 other 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 defence 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, defence 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 on the Fight against Corruption, 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-

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.

judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

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.

(2023): The requirements for incompatibility are set out in Article 18 of the Law "On the Prosecutor's Office".

Thus, holding the position of a prosecutor is incompatible with holding a position in any public authority, other state body, local self-government body and with a representative mandate in state elected positions. The prosecutor may not belong to a political party, participate in political actions, rallies, or strikes.

The requirements for incompatibility do not apply to the participation of prosecutors in the activities of elected bodies of religious and public organizations.

The prosecutor is subject to restrictions on combining work and other activities as defined by the Law of Ukraine "On Prevention of Corruption".

Consideration of the issue of violation of incompatibility requirements by the prosecutor is within the powers of the High Council of Justice (Article 131 of the Constitution of Ukraine, Articles 3 and others of the Law of Ukraine "On the High Council of Justice").

Part 1 of Art. 25 of the Law of Ukraine "On Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, including prosecutors, are prohibited from:

- 1) engage in other paid activities (except for teaching, scientific and creative activities, medical practice, instructing and judging in sports) or entrepreneurial activities, unless otherwise provided by the Constitution or laws of Ukraine;
- 2) to be a member of the board, other executive or controlling bodies, supervisory board of an enterprise or organization aimed at making profit (except in cases when persons perform functions of management of shares (stakes, units) owned by the state or territorial community and represent the interests of the state or territorial community in the board (supervisory board)), unless otherwise provided by the Constitution or laws of Ukraine, except as provided for in paragraph one of part two 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.

Ukraine

(2023): is agreed with the employer in accordance with the requirements of the Labor Code of Ukraine.

Question 231

Armenia

(2023): Law on Prosecution

Question 232

Armenia

(2023): Law on Prosecution

Azerbaijan

(2023): 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.

Georgia

(2023): 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.

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 233

Armenia

(2023): However, incompatibility proceedings were initiated against prosecutors in the reporting year. 2 proceedings have been initiated by the Commission against prosecutors for combining the profession of a prosecutor with other functions/professional activities. As a result, there were not found any incompatibilities with their professions in one case and the other one is in process. Commissions' relevant decisions are published by the following links:

<http://cpcarmenia.am/files/legislation/1167.pdf>

<http://cpcarmenia.am/files/legislation/1179.pdf>

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.

Chairpersons 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

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).

(2023): Independent Inspector

Republic of Moldova

(General Comment): The Superior Council of Magistracy is responsible for initiating disciplinary proceedings against judges. A court user whose rights have been violated by an act of a judge, or any person who has a legitimate interest, members of the Superior Council of Magistracy, Ministry of Justice, Judicial Inspection and the Committee for the selection and evaluation of judges can be at the origin of a disciplinary proceeding.

The aforementioned subjects are authorised to submit notifications on the facts that became known to them in the exercise of their rights or duties or on the basis of the information disseminated by the mass media.

The Judicial Inspection and the Committee for the selection and evaluation of judges are entities subordinated to the Superior Council of Magistracy.

Ukraine

(2023): Verkhovna Rada of Ukraine adopted on August 9, 2023, the Law of Ukraine No. 3304-IX “On making amendments to certain laws of Ukraine regarding an immediate renewal of consideration of cases regarding disciplinary liability of judges” (the Law entered into force on September 17, 2023, and was put into action on October 19, 2023).

The mentioned Law made amends to Chapter III “Final and transitional provisions” of the Law of Ukraine “On the High Council of Justice” by adding item 23-7, which determines that, temporarily, before the start of work of service of disciplinary inspectors of the High Council of Justice, the powers of a disciplinary inspector shall be performed by a member of Disciplinary chamber (rapporteur), defined by the automated case distribution system.

Apart from that, comparing with data, provided for 2021, the answer to question No. 234 “Who is empowered to open a disciplinary proceeding against judges?” was reconsidered, and the answer option “Disciplinary body” was added with a comment referring to part ten of Article 49 of the Law of Ukraine “On the High Council of Justice” (this norm is valid and has not been changed in 2021-2023).

In addition, we inform that on December 30, 2023, the Law of Ukraine of December 9, 2023, No. 3511-IX “On making amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and certain legal acts of Ukraine regarding improving procedures of judicial career” was adopted, which added item 14¹ to part one of Article 106 of the Law of Ukraine “On the Judiciary and the Status of Judges” of such context:

“14¹) not passing by a judge of preliminary training, provided by Article 89 of this Law”.

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 specialized courts in the manner established by the Law on the High Council of Justice.

(2023): According to Article 108 of the Law of Ukraine "On the Judiciary and the Status of Judges" disciplinary proceedings against a judge shall be conducted by disciplinary chambers of the High Council of Justice in accordance with the Law of Ukraine "On the High Council of Justice" with due regard to the applicable requirements of this Law. To consider cases on disciplinary liability of judges, the High Council of Justice shall establish Disciplinary Chambers from among the members of the High Council of Justice (part two of Article 26 of the Law of Ukraine "On the High Council of Justice").

Question 237

Armenia

(2023): Breach of professional ethics is a violation by a judge of the rules of conduct established by this Code, provided for in paragraph 2 of Part 1 of Article 142 of the Constitutional Law of the Republic of Armenia "Judicial Code", with the exception of the rule established by paragraph 11 of part 1 of Article 69 of this Law, which was committed intentionally or through gross negligence.

Professional inadequacy: violation of the norm of substantive or procedural law provided for in paragraph 1 of Part 1 of Article 142 of the Constitutional Law "Judicial Code of the Republic of Armenia" in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence.

Georgia

- a.a) Political or social influence or influence of personal interests when a judge exercises judiciary powers;
- a.b) Judge's interference in other judge's activities for the purpose of influencing the outcome;
- b) Conduct that violates the principle of impartiality, in particular:
 - b.a) Public expression of an opinion by a judge on a case currently under the court's consideration. Judge's comments 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;
 - 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;
 - b.c) Violation of Clause 1, Article 721 or Clause 1, Article 722 by a judge;
 - b.d) Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
 - b.e) Accession to membership in a political association, engagement in political activities, public support for a political entity running in an election, or public expression of a political opinion by a judge;
 - b.f) Illegal interference by a judge in the process of distribution of cases in a court;
 - b.g) Public expression by a judge in breach of the principle of political neutrality;
- c) Conduct that violates the principle of integrity, in particular:
 - c.a) Corruption-related offenses, i.e. perpetration by a judge of offenses under articles 5, 52, 7, 8, 10, 11, 13, 134, 135, 204 of the Law of Georgia "On Combating Corruption";
 - c.b) Hindering disciplinary proceedings by a judge;
- d) Conduct that violates the principle of propriety, in particular:
 - 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;
 - d.b) Sexual harassment by a judge;
 - d.c) Disclosure of confidentiality of a judicial deliberation by a judge;
- e) Conduct that violates the principle of equality, in particular:
 - e.a) Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties;
 - 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 staff or a participant in a process;
- f) Conduct that violates the principle of competence and diligence, in particular:
 - f.a) Material violation by a judge of a time limit specified by the Georgian procedural law without good reason. The reason for such a material violation shall be

- (2023):** a.a - Political or social influence or influence of personal interests when a judge exercises judiciary powers;
- b.d - Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
- e.a - Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties ;
- 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 ;
- 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 ;
- 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;
- 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

Republic of Moldova

(2023): Source: Superior Council of Magistracy

Ukraine

(General Comment): 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 tables on questions 237 and 238.

(2023): Cases of disciplinary proceedings against a judge during or after criminal proceedings on the same facts may occur, but they are not separately recorded. The record is carried out on the basis of disciplinary responsibility, determined in part one of Article 106 of the Law of Ukraine "On the Judiciary and the Status of Judges", which was reflected in the table to question 237.

Question 238

Republic of Moldova

(2023): Source: Superior Council of Magistracy

Question 239

Armenia

(2023): Other: 2 warnings

Azerbaijan

(2023): Other: 8 judges were given "Remark". In 7 cases no sanction was applied, proceeding was terminated with mere discussion.

Georgia

(2023): 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.

Republic of Moldova

(General Comment): The warning is the mildest sanction that can be applied for 1 year 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 violation.

(2023): Other:Warnings

Source: Superior Council of Magistracy

Since 2023, the temporary reduction of salary has been removed from the legal list of disciplinary sanctions that can be applied to judges.

Ukraine

deprivation of the right to receive additional payments to the salary of a judge for one month; - severe reprimand - with the deprivation of the right to receive additional payments to the salary of a judge for three months; - submission for temporary (from one to six months) suspension from administering justice - with the deprivation of the right to receive additional payments to the salary of a judge (item 2, 3, 4 of part one of Article 109 of the Law of Ukraine “On the Judiciary and the Status of Judges”).

2. Referring to the sanctions “Position downgrade” and “Transfer to another geographical (court) location”. Judges may be subject to disciplinary sanction in the form of a submission for transfer the judge to a lower-level court (item 5 of part one of Article 109 of the Law of Ukraine “On the Judiciary and the Status of Judges”).

3. Referring to the sanction “Other”. Judges may be subject to a disciplinary sanction in the form of a warning (item 1 of part one of Article 109 of the Law of Ukraine “On the Judiciary and the Status of Judges”).

Question 240

Ukraine

(General Comment): The judge against whom the relevant decision has been made has the right to appeal the decision of the Disciplinary Chamber of the High 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

"Judicial Code of the Republic of Armenia" was adopted and entered into force on 27/11/2023. According to Article 13 of the Constitutional Law, Article 141 of the law was supplemented with parts 1.1-1.5 of the following content:

To consider the issue of bringing a judge to disciplinary responsibility in the Highest Court The Judicial Council is composed of four members of the Supreme Judicial Council.

When considering the issue of bringing to disciplinary responsibility and making decisions on behalf of the Supreme Judicial Council, the composition provided for in part 1.1 of this Article acts as the Supreme Judicial Council.

For each disciplinary proceeding, a separate composition is formed provided for in part 1.1 of this Article.

The composition provided for in paragraph 1.1 of this Article shall include two members of the Supreme Judicial Council, elected by the General Assembly and the National Assembly.

The compositions provided for in Part 1.1 of this Article are formed by drawing lots in accordance with the procedure established by the Supreme Judicial Council.

Law shall enter into force at the time of entry into force of the subordinate regulatory legal act of the Supreme Judicial Council.

Disciplinary proceedings initiated before the entry into force of articles 2-21 of this Law, including completed disciplinary proceedings, and decisions taken based on the results of these proceedings, the rules in force before the entry into force of articles 2-21 of this Law shall apply.

The Supreme Judicial Council shall take decisions arising from articles 2-21 of this Law, including bringing its working procedure in accordance with this law, within six months after the entry into force of Articles 2-21 of this Law.

Before this the previous order is available:

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

Georgia

(2023): Disciplinary chamber of Supreme Court of Georgia

Ukraine

(2023): 1. The right to appeal against the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice is granted to the judge in respect of whom the relevant decision was made. A complainant shall have the right to appeal a decision of the Disciplinary Chamber on a disciplinary case to the High Council of Justice if the Disciplinary Chamber gives permission for such an appeal (part one of Article 51 of the Law of Ukraine “On the High Council of Justice”).

2. The right to appeal to a court a decision of the High Council of Justice, which is adopted following a review of the complaint to the decision of the Disciplinary Chamber, has the judge against whom a corresponding decision was adopted, and the complainant, if the decision of the High Council of Justice is adopted on the grounds of his/her complaint (part two of Article 52 of the Law of Ukraine “On the High Council of Justice”).

As of the Court that considers the appeal, art 255 of the Code of Administrative Offenses stipulates:

7. An appeal may be filed with the Grand Chamber of the Supreme Court against a decision of the High Council of Justice adopted upon consideration of an appeal against a decision of its Disciplinary Chamber. Such an appeal shall be considered in accordance with the rules of cassation proceedings established by this Code.

8. The Grand Chamber of the Supreme Court, upon consideration of the case on appeal against the decision of the High Council of Justice adopted upon consideration of the appeal against the decision of its Disciplinary Chamber, may cancel the appealed decision of the High Council of Justice or leave it unchanged. In case the court reverses the decision of the High Council of Justice adopted upon consideration of an appeal against the decision of its Disciplinary Chamber, the High Council of Justice shall reconsider the relevant disciplinary case.

Question 242

Armenia

(General Comment): The regulation on consent is stated in Art 56 para 5 of the Judicial Code.

Azerbaijan

(2023): 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 established.

Georgia

(General Comment): In general, in accordance with the law a judge may be transferred to another court with his/her consent. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.

(2023): “If a district (city) court or court of appeals lacks a judge or if there is a dramatic increase in the number of cases and/or there are objective circumstances, it can be done for maximum 2 years, which can be prolonged for no more than 2 years.”

Legal changes mentioned in the comment were made in legislation and came into the legal force from January 2022. Additional Legislative changes were also made in this aspect in June 2023.

Republic of Moldova

(General Comment): The transfer of a judge to another jurisdiction may be decided by the Superior Council of the Judiciary. The judge’s consent is necessary. (Article 20 of Law No. 544-XIII on the Status of Judges).

Ukraine

(2023): Part 2 of the Art 53 of the Law On the Judiciary and the Status of Judges:

"2. A judge may not be transferred to another court without his/her consent, except for transfer

1) in case of reorganization, liquidation or termination of the court's work

2) as a disciplinary sanction."

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-day period.

Republic of Moldova

(General Comment): 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.

The subjects provided for in para. (1) can submit the notification regarding the facts that have become known to them either in the exercise of their rights or functional attributions, or based on the information disseminated by the mass media or other information sources.

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).

(2023): According to part 2 of Article 45 of the Law of Ukraine "On the Prosecutor's Office", anyone who is aware of the facts of a disciplinary offense committed by a prosecutor can initiate disciplinary proceedings. A member of the relevant disciplinary body is authorized to make a decision to initiate disciplinary proceedings (part 3 of Article 46 of the Law of Ukraine "On the Prosecutor's Office").

Question 244

Armenia

(2023): 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 Disciplinary and Ethics Committee have the disciplinary authority on prosecutors. The Committee examines the disciplinary case and issues a decision which can be contested to the Superior Council of Prosecutors.

(2023): The Disciplinary and Ethics committee of the Superior 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 Superior Council of Prosecutors has competence in disciplinary matters concerning prosecutors, examining appeals against decisions of the Disciplinary and Ethics Board.

Ukraine

(2023): According to Articles 44, 73, 77 of the Law of Ukraine "On the Prosecutor's Office", disciplinary proceedings are carried out by the Qualification and Disciplinary Commission of Prosecutors. For the status of this Commission, see comments to the Q120.

Question 245

Ukraine

(2023): According to Article 47 of the Law on the Prosecutor's Office, consideration of the conclusion on the presence or absence of a prosecutor's disciplinary offense is carried out on the basis of competitiveness at a meeting of the QDCP, which is attended by the prosecutor, the person who filed the disciplinary complaint, and their representatives. The meeting shall hear explanations of the member of the QDCP who conducted the inspection, explanations of the prosecutor (his/her representative) and, if necessary, other persons.

The prosecutor (his/her representative) has the right to provide explanations, refuse to provide them, ask questions to the participants in the proceedings, raise objections, file motions, and, if there are doubts about the impartiality and objectivity of the QDCP member, file a motion for his/her recusal.

Question 246

Armenia

(2023): During 2023, 27 disciplinary proceedings were initiated against 37 prosecutors. 11 disciplinary proceedings were initiated for violating the rules of conduct of prosecutors, 15 for non-fulfillment or improper performance of duties, 1 for non-compliance with restrictions or incompatibility requirements established by article 49 of the Law on the Prosecutor's Office.

Georgia

(2023): Violation of oath

Republic of Moldova

(General Comment): The data reflects the number of disciplinary proceedings initiated by the Disciplinary and Ethics Board of Prosecutors.

Article 42 of Law 3/2016 provides that the disciplinary procedure starts automatically at the moment of the referral and includes the following steps: a) submission of the referral regarding the act that may constitute disciplinary misconduct, b) verification of the referral by the Inspectorate of Public Prosecutors, c) examination of the disciplinary case by the Disciplinary and Ethics Board of Prosecutors, d) adoption of a decision on the disciplinary case.

Law 3/2016 on Prosecution Office

Article 38 Disciplinary violations

(a) improper performance of official duties listed in Article 6 (3);

(b) non-compliance, for reasons imputable to the prosecutor and without reasonable justification, with the legal provisions regarding the deadlines for the performance of procedural actions or the delay in their performance;

c) unlawful interference in the work of another prosecutor or interference of any kind with authorities, institutions or officials either for the settlement of requests, claiming or accepting the settlement of personal interests or those of other persons, or for the purpose of obtaining undue benefits;

d) deliberately obstructing the work of the Inspectorate of Public Prosecutions by any means;

e 1) committing, in the exercise of official duties, actions or inactions with intent or admitting serious negligence where 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 ratified by Moldova have been violated;

f) inappropriate attitude, manifestations or lifestyle which are prejudicial to the honour, integrity, professional integrity, prestige of the Prosecution Service.

f1) violation of the Code of Ethics of prosecutors.

(g) breach of the obligation from Article 7(7) of the Code of Conduct. (2) letter a) of Law No. 325/2013 on the evaluation of institutional integrity.

Ukraine

(2023): "Other" means "unreasonable delay in consideration of an appeal", "violation of internal service regulations", as well as "interference or any other influence of a prosecutor in cases or in a manner not provided for by law in the official activity of another prosecutor, officials or judges, including by means of public statements regarding their decisions, actions or inaction, in the absence of signs of an administrative or criminal offense" (paragraphs 2, 7, 8 of part one of Article 43 of the Law of Ukraine "On the Prosecutor's Office").

Question 247

Armenia

(2023): During 2023, 27 disciplinary proceedings were initiated against 37 prosecutors. 11 disciplinary proceedings were initiated for violating the rules of conduct of prosecutors, 15 for non-fulfillment or improper performance of duties, 1 for non-compliance with restrictions or incompatibility requirements established by article 49 of the Law on the Prosecutor's Office. Under "Other" category are reported 15 cases for non-fulfillment or improper performance of duties. Please also consider explanations for Q 246.

Question 248

Armenia

(2023): Reprimand includes the number of reprimands and severe reprimands.

As a result of disciplinary proceedings initiated during 2023, disciplinary sanctions were applied against 18 prosecutors, of which 10 prosecutors were reprimanded, 5 prosecutors were severely reprimanded, 1 prosecutor was downgraded of 1 degree, and 2 prosecutors were applied disciplinary sanctions in the form of dismissal from office. In addition, in the context of the initiated disciplinary proceedings, 4 prosecutors were dismissed from their posts on their own application.

Azerbaijan

(2023): "Other" means in this context " Remark".

Republic of Moldova

(2023): Other: Warnings

Source: Superior Council of Prosecutors

By law, since 2023 the temporary reduction of salary and position downgrade have been excluded from the disciplinary sanctions against prosecutors.

Ukraine

(2023): part one of Article 49 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the following disciplinary sanctions may be imposed on a prosecutor: 1) a reprimand; 2) a ban for up to one year on transfer to a higher-level prosecutorial authority or on appointment to a higher position in the prosecutorial authority where the prosecutor holds a position (except for the Prosecutor General); 3) dismissal from the prosecutorial authority. Thus, "Other" should be understood as a disciplinary sanction - a ban for up to one year on transfer to a higher-level prosecution body or appointment to a higher position in the prosecution body where the prosecutor holds a position.

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.

(2023): The prosecutor may appeal the decision made on the basis of disciplinary proceedings to an administrative court or the High Council of Justice within one month from the date of delivery or receipt of a copy of the decision by mail (Article 50 of the Law).

At the same time, according to Art. 78 of the Law, the person who filed the disciplinary complaint has the right to appeal the decision of the QDCP to the High Council of Justice, provided that the QDCP has authorized such an appeal

Question 251

Armenia

(2023): 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

(2023): 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 the Prosecutor General may be appealed in court, while the decisions of above-mentioned prosecutors may be appealed before the Prosecutor General.

Georgia

(2023): The court is responsible for deciding an appeal on disciplinary decisions

Republic of Moldova

(2023): The competence of the Courts of Appeal was excluded in the Administrative Code.

Ukraine

(2023): According to part one of Article 50 of the Law of Ukraine "On the Prosecutor's Office", a prosecutor may appeal a decision made as a result of disciplinary proceedings to an administrative court or the High Council of Justice within one month from the date of delivery or receipt of a copy of the decision by mail.

9. Alternative Dispute Resolution - Overview

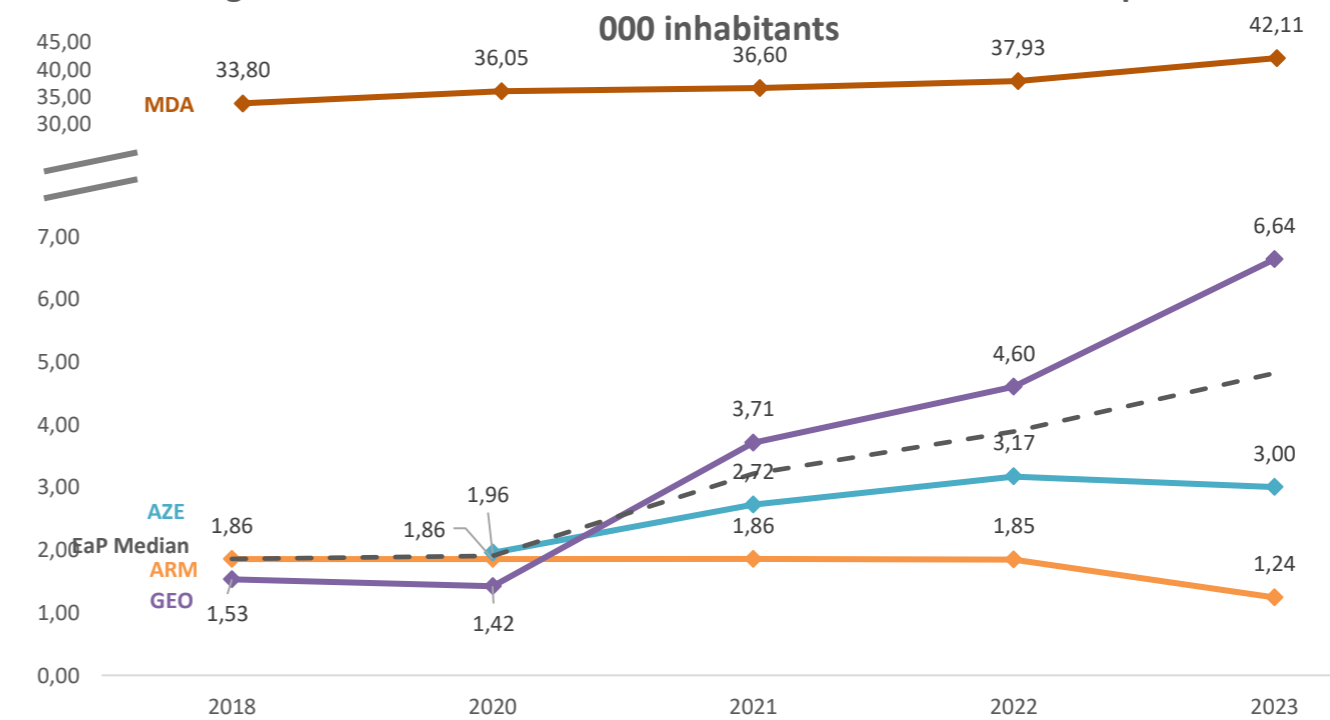
Number of accredited mediators and number of cases in court related mediation

Number of accredited mediators and its variation between 2018 and 2023 (Table 9.1.3 and 9.1.4)

Beneficiaries	Number of accredited mediators		
	2023		Variation 2018 - 2023 (%)
	Absolute number	Per 100 000 inhabitants	
Armenia	37	1,2	-32,7%
Azerbaijan	304	3,0	-
Georgia	248	6,6	335,1%
Republic of Moldova	1 058	42,1	16,5%
Ukraine	NA	NA	NA
EaP Median	276	4,8	16,5%

For reference only: the 2022 EU median is 17,4 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 2018 and 2023 (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	
	2023	Variation 2018 - 2023 (%)	2023	Variation 2018 - 2023 (%)	2023	Variation 2018 - 2023 (%)
Armenia	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA
Republic of Moldova	1 661	NA	157	NA	1 594	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, mandatory mediation or informative sessions and legal aid for court mediation in 2023 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Providers of court-related mediation services by case types in 2023 (Q255)

Table 9.1.3 Number of accredited mediators between 2018 and 2023 and their gender distribution in 2023 (Q257)

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2018 and 2023 (Q1 and Q257)

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2023 (Q257-1)

Table 9.1.6 Number of cases of court related mediation in 2023 (Q258)

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2023 (Q1 and Q258)

Table 9.1.8 Existence of other alternative dispute resolution methods in 2023 (Q259)

Table 9.1.1 Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2023 (Q252, Q253, Q254 and Q256)

Beneficiaries	Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2023				
	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	No	No	Yes
Ukraine	Yes	No	No	No	Yes


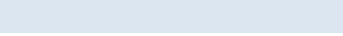
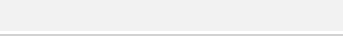
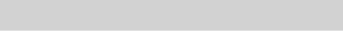
Yes 
 No 
 NA 
 NAP 

Table 9.1.2 Providers of court-related mediation services by case types in 2023 (Q255)

Beneficiaries	Providers of court-related mediation services by case types in 2023					
	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	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator
Ukraine	Private mediator Judge	Private mediator Judge	Private mediator Judge	Private mediator Judge	Private mediator	Private mediator Judge

Table 9.1.3 Number of accredited mediators between 2018 and 2023 and their gender distribution in 2023 (Q257)

Beneficiaries	Number of accredited mediators between 2018 and 2023 and their gender distribution in 2023							
	Number of accredited mediators						Gender distribution of mediators in 2023	
	2018	2020	2021	2022	2023	Variation 2018 - 2023 (%)	% Males	% Females
Armenia	55	55	55	55	37	-32,7%	59,5%	40,5%
Azerbaijan	NAP	195	273	319	304	-	74,7%	25,3%
Georgia	57	53	137	172	248	335,1%	31,0%	69,0%
Republic of Moldova	908	947	953	953	1 058	16,5%	50,9%	49,1%
Ukraine	NAP	NAP	NA	NA	NA	NA	NA	NA
Average	340	313	355	375	412	106,3%	54,0%	46,0%
Median	57	125	205	246	276	16,5%	55,2%	44,8%
Minimum	55	53	55	55	37	-32,7%	31,0%	25,3%
Maximum	908	947	953	953	1 058	335,1%	74,7%	69,0%

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2018 and 2023 (Q1 and Q257)

Beneficiaries	Number of accredited mediators per 100 000 inhabitants between 2018 and 2023				
	2018	2020	2021	2022	2023
Armenia	1,9	1,9	1,9	1,8	1,2
Azerbaijan	NAP	2,0	2,7	3,2	3,0
Georgia	1,5	1,4	3,7	4,6	6,6
Republic of Moldova	33,8	36,0	36,6	37,9	42,1
Ukraine	NAP	NAP	NA	NA	NA
Average	12,4	10,3	11,2	11,9	13,2
Median	1,9	1,9	3,2	3,9	4,8
Minimum	1,5	1,4	1,9	1,8	1,2
Maximum	33,8	36,0	36,6	37,9	42,1

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2023 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2023
Armenia	<p>A mediator is an individual who has received the qualification of an accredited mediator in accordance with the procedure established by law and is registered in the register of accredited mediators. As of 2022, the qualification of a licensed mediator may be obtained by a person who has reached the age of 25 and has a higher education.</p> <p>The qualification of an accredited mediator cannot be awarded to a person who is a civil servant; convicted of a crime, and the criminal record has not been extinguished or canceled; who, according to a judicial act of the court that has entered into legal force, is recognized as incompetent, with limited legal capacity, missing or bankrupt, and bankruptcy proceedings have not been completed; against whom criminal prosecution has been initiated.</p> <p>To participate in the qualification check in order to obtain the qualification of an accredited mediator, a candidate for mediator takes a training course in accordance with the program and training procedure approved by the Minister of Justice or submits a certificate of completion of a similar course in a foreign country, the recognition and confirmation of equivalence of which is carried out by the qualification commission, which is an advisory body under the Minister of Justice.</p> <p>A person who is a mediator of a reputable foreign organization, when participating in a qualification check, is released from the obligation to complete a training course.</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:</p> <p>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); 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.</p>
Republic of Moldova	<p>A person who wants to be a mediator in the Republic of Moldova must cumulatively meet the following conditions:</p> <ul style="list-style-type: none"> a) have full mental capacity, b) hold a bachelor's degree, c) having not been previously convicted of serious, particularly serious, exceptionally serious crimes committed with intent, d) have a clean criminal record for minor and less serious crimes, e) have an impeccable reputation, f) be physically fit from a medical point of view, g) have completed the initial training courses for mediators, h) have passed the mediator's certification exam. <p>A foreign citizen or a stateless person can apply to become a mediator in the Republic of Moldova if he/she corresponds to the afore-mentioned requirements.</p>

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2023 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2023
Ukraine	<p>Pursuant to Article 9 of the Law of Ukraine "On Mediation", a mediator may be an individual who has undergone basic mediation training in Ukraine or abroad. A mediator may not be a person with a criminal record, a person whose civil capacity is limited, or an incapacitated person.</p> <p>Pursuant to Article 10 of the said Law, the basic training of mediators shall be carried out under a program of at least 90 hours of training, including at least 45 hours of practical training. The basic mediator training program includes theoretical training and practical skills training. Mediators shall be trained by educational entities. The training of mediators, in addition to basic training, may include specialized training in accordance with the training programs developed by educational entities. Upon completion of basic and/or specialized training and confirmation of the acquired competencies, a certificate is issued.</p> <p>Within the framework of the Program, mediation services are provided by mediators included in the Register of mediators engaged by free legal aid centers (hereinafter referred to as the Register). Mediators are included in the Register through a competitive selection process.</p> <p>The mediator's specialization in "mediation in restorative justice with the participation of minors" in accordance with the Procedure for confirming the mediator's specialization for the provision of mediation services provided by free secondary legal aid centers, approved by the order of the Coordination Center for Legal Aid Provision No. 17 dated 11.04.2023, shall be confirmed by one of the following documents</p> <ul style="list-style-type: none"> - a certificate of specialized training of a mediator according to the curriculum for conducting mediation in restorative justice with the participation of minors with a volume (duration) of at least 52 hours of training, of which at least 34 hours of practical training; - a certificate of "Basic skills of a mediator in criminal cases" of 36 hours, for mediators who have completed training on the implementation of the Program conducted by the Coordination Center for Legal Aid and the NGO "Institute for Peace and Understanding" by 2021. <p>In addition, the confirmation of the mediator's specialization is based on the results of the competency assessment, by testing the mediator, which includes</p> <ul style="list-style-type: none"> - theoretical questions to test knowledge of the laws and regulations of Ukraine, organizational and administrative acts of the Coordination Center for Legal Aid Provision regulating the procedure and conditions for the provision of mediation services provided by free legal aid centers, international acts and recommendations in the field of justice for children, and mediation - completion of three written case studies, according to the conditions of solution determined by each task, on the implementation of mediator's competencies in the provision of mediation services in the category of disputes (conflicts) in which mediation is provided by free secondary legal aid centers and in accordance with the specialization confirmed by the mediator.

Table 9.1.6 Number of cases of court related mediation in 2023 (Q258)

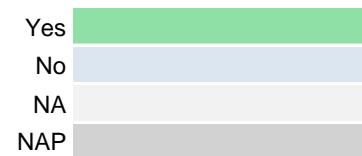
Beneficiaries	Number of cases of court related mediation in 2023																							
	Total 1+2+3+4+5+6+7			Civil and commercial cases (1)			Family cases (2)			Administrative cases (3)			Labour cases including employment dismissal cases (4)			Criminal cases (5)			Consumer cases (6)			Other cases (7)		
	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	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA	NAP	NAP	NAP
Georgia	NA	NA	NA	9	185	52	0	72	13	NAP	NAP	NAP	0	48	41	NAP	NAP	NAP	NA	NA	NA	NA	NA	NA
Republic of Moldova	1 661	157	1 594	1 524	109	1 462	16	2	14	2	0	2	5	0	5	112	46	109	0	0	0	2	0	2
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2023 (Q1 and Q258)

Beneficiaries	Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2023														
	2018			2020			2021			2022			2023		
	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	NA	NA	NA	NA	NA	NA
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	0	0	0	NAP	NAP	NAP	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0,066	0,006	0,063
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 9.1.8 Existence of other alternative dispute resolution methods in 2023 (Q259)

Beneficiaries	Existence of other alternative dispute resolution methods in 2023			
	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other alternative dispute resolution
Armenia	Yes	Yes	No	No
Azerbaijan	Yes	Yes	No	No
Georgia	Yes	Yes	No	No
Republic of Moldova	Yes	Yes	Yes	No
Ukraine	Yes	Yes	Yes	Yes



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

Q252 (General Comment): According to article 184 of the Civil procedure code of 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 (2023): Article 184 (2) of Civil Procedure Code prescribes that if there is a high probability that the dispute will end in mediation, the court may appoint at least two and no more than four hours of mediation once on its own initiative.

In 2023, there was no mandatory mediation. The law providing for mandatory mediation for family cases was adopted in the end of 2022 but hasn't yet entered into force. The law is scheduled to come into force if the special list of mediators established by law (mediators resolving mandatory mediation cases) is replenished by at least 15 licensed mediators.

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 (2023): 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 (2023): 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 (2023): 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 (2023): 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 (2023): During the reference year, the number of mediators increased compared to 2021. This is a result of trainings of trainers with the involvement of international experts at the Justice Academy, who provided preparatory courses for those wishing to become mediators.

Q259 (2023): On December 26, 2023, the Arbitration Law was adopted.

Georgia

Q253 (2023): 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).

Q256 (2023): Legal Aid for court-related mediation.

Republic of Moldova

Q252 (General Comment): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory.

In accordance to the Civil Procedure Code legal provisions, the judge evaluates the circumstances and propose to parties to apply for mediation outside the court proceedings.

In accordance to the Criminal Procedure Code legal provisions, in case of accusing a person for committing a minor or less serious offense, and in case of minors, the court, before 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 ruling in favor of a mediation procedure outside the court proceedings.

The document includes data on the name of the judge, of the accused person and the essence of the accusation, the indication to examine the case in the mediation procedure, the name of the mediator who will carry out the procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, accused person, injured party, prosecutor and 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 is submitted to the court, as well. The parties criminal trial may repeatedly benefit from the right to mediation until deliberation and sentencing.

Q253 (General Comment): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory.

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.

Q256 (2023): The Law on the legal aid was amended on December 15, 2023. The aim was to integrate the legal aid mediation services into the legal aid system. The beneficiaries of these services are people whose income is lower than the monthly minimum salary in the country. Regardless of the level of income, the services can be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities.

Q257 (2023): 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 2023 represents 208 (125 males and 83 females), or approximately 20 % from the total number of accredited mediators.

The upward trend in the number of males mediators in 2023 compared with 2021 is due to the fact that more males have been applied for this position in the last

Ukraine

Articles 49 of the Civil Procedure Code of Ukraine and 46 of the Commercial Procedure Code of Ukraine stipulate that the parties may reconcile, including through mediation, at any stage of the court proceedings. The result of the parties' agreement may be formalized in a settlement agreement. In turn, Article 47 of the Code of Administrative Procedure of Ukraine provides that the parties may reach reconciliation, including through mediation, at any stage of the court proceedings, which is the basis for closing the administrative case.

At the preparatory hearing, the court finds out whether the parties wish to settle the dispute out of court through mediation. The court may adjourn the preliminary hearing if necessary, in particular if the parties agree to settle the dispute out of court through mediation (197-198 of the Civil Procedure Code, 182-183 of the Commercial Procedure Code, 180, 183 of the Administrative Procedure Code)

The court is obliged to suspend the proceedings if both parties file a motion to suspend the proceedings in connection with mediation. The proceedings are suspended for the duration of the mediation, but not more than ninety days from the date of the court's decision to suspend the proceedings. (251, 253 of the Civil Procedure Code, 227, 229 of the Commercial Procedure Code). In administrative proceedings, the court suspends the proceedings if both parties file a motion to provide them with time for reconciliation, including through mediation, until the expiration of the term stated by the parties in the motion (Article 236 of the CAP). The settlement agreement concluded by the parties is approved by a court ruling, the operative part of which specifies the terms of the agreement. By approving the settlement agreement, the court simultaneously closes the proceedings in the case by the same ruling (Articles 207 of the Civil Procedure Code, 192 of the Commercial Procedure Code).

If the parties agree to enter into a settlement agreement, the plaintiff withdraws from the claim or the defendant recognizes the claim as a result of mediation, the court shall decide in a relevant ruling or decision in accordance with the procedure established by law to refund 60% of the court fee paid when filing the claim to the plaintiff from the state budget (Articles 142 of the Civil Procedure Code, 130 of the Commercial Procedure Code).

The procedure for mediation is defined by the Law of Ukraine "On Mediation".

There is also a separate procedure for dispute resolution with the participation of a judge.

Articles 201-205 of the Civil Procedure Code of Ukraine, 186-190 of the Commercial Procedure Code of Ukraine, 184-188 of the Administrative Procedure Code of Ukraine provide for the dispute resolution procedure with the participation of a judge.

Dispute resolution with the participation of a judge is carried out with the consent of the parties before the commencement of the case on the merits. The court shall issue a ruling on the dispute resolution procedure with the participation of a judge, which simultaneously suspends the proceedings in the case.

Dispute resolution with the participation of a judge shall be carried out in the form of joint and (or) closed meetings. The parties have the right to participate in such meetings by video conference. Joint meetings shall be held with the participation of all parties, their representatives and the judge. Closed meetings are held at the initiative of the judge with each of the parties separately.

At the beginning of the first joint dispute resolution meeting, the judge shall explain to the parties the purpose, procedure for dispute resolution with the

Q255 (2023): Specifically in criminal cases concerning juveniles: In accordance with paragraph 2 of the Procedure for Implementation of the Pilot Project "Recovery Program for Juveniles Suspected of Committing a Criminal Offense", approved by the Order of the Ministry of Justice of Ukraine and the Prosecutor General's Office of Ukraine of 21.01.2019 No. 172/5/10 (hereinafter - the Procedure), mediation is defined as a voluntary, out-of-court procedure during which a minor suspected of committing a criminal offense and the victim, with the help of a mediator, try to resolve the conflict by concluding an agreement on the application of the Restorative Program for minors who are suspected of committing a criminal offense.

In accordance with clause 3 of the Procedure, the pilot project is based on restorative approaches in criminal proceedings on criminal misdemeanors and minor crimes committed by minors.

In accordance with paragraph 5 of the Procedure, if the circumstances of the criminal proceedings against a minor meet the conditions set out in paragraph 4 of this Procedure, the prosecutor informs the minor, his or her legal representative and the victim, his or her legal representative about the possibility of implementing the Program by engaging a mediator by the center for free legal aid and concluding an agreement.

Pursuant to paragraphs 6-9 of the Procedure, if the parties to the criminal proceedings agree to participate in the Program, the prosecutor invites them to fill out an application for participation in the Program and submits it and information on the legal qualification of the criminal offense in which the minor is suspected of committing to the center, which decides on the application of the Program and issues a corresponding order for mediation to the mediator, organizes a meeting between the parties and the mediator.

According to clause 2 of the Procedure, a mediator is a lawyer included in the Register of lawyers providing free secondary legal aid who has been trained in the implementation of the Recovery Program for minors suspected of committing a criminal offense.

At the meeting with the parties, the mediator explains the Program procedure and its consequences, enables the parties to agree on the terms of the agreement and, if the parties agree to the agreement, provides them with an exemplary form of the agreement for review and determination of the date of the next meeting to conclude it.

By Presidential Decree No. 64/2022 of February 24, 2022, martial law was introduced in Ukraine, and subsequently laws were adopted that amended the Criminal Code of Ukraine, increasing criminal liability for a number of crimes under martial law.

Due to the increased criminal liability for a number of crimes under martial law, in particular in accordance with the Law of Ukraine "On Amendments to the Criminal Code of Ukraine on Increasing Liability for Looting" No. 2117-IX dated March 03, 2022, no agreements on the application of the Program were concluded in 2023.

Q256 (2023): According to Part 2 of Art 11 of the Law On Mediation, a mediator may provide mediation services on a paid or free of charge basis, on a hired basis, through an entity providing mediation, through an association of mediators, or individually. Specifically in criminal cases concerning juveniles: In accordance with paragraph 2 of the Procedure for Implementation of the Pilot Project "Recovery Program for Juveniles Suspected of Committing a Criminal Offense", mediation services under the Program are provided free of charge, within the limits of the state budget funds allocated to finance the free legal aid system.

Q257 (2023): The Register of Mediators includes a total of 104 mediators (19 males and 85 females) for 2023 engaged by free legal aid centers.

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

(General Comment): According to article 184 of the Civil procedure code of 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

(2023): 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): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory.

In accordance to the Civil Procedure Code legal provisions, the judge evaluates the circumstances and propose to parties to apply for mediation outside the court proceedings.

In accordance to the Criminal Procedure Code legal provisions, in case of accusing a person for committing a minor or less serious offense, and in case of minors, the court, before 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 ruling in favor of a mediation procedure outside the court proceedings.

The document includes data on the name of the judge, of the accused person and the essence of the accusation, the indication to examine the case in the mediation procedure, the name of the mediator who will carry out the procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, accused person, injured party, prosecutor and 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 is submitted to the court, as well. The parties criminal trial may repeatedly benefit from the right to mediation until deliberation and sentencing.

Ukraine

Articles 49 of the Civil Procedure Code of Ukraine and 46 of the Commercial Procedure Code of Ukraine stipulate that the parties may reconcile, including through mediation, at any stage of the court proceedings. The result of the parties' agreement may be formalized in a settlement agreement. In turn, Article 47 of the Code of Administrative Procedure of Ukraine provides that the parties may reach reconciliation, including through mediation, at any stage of the court proceedings, which is the basis for closing the administrative case.

At the preparatory hearing, the court finds out whether the parties wish to settle the dispute out of court through mediation. The court may adjourn the preliminary hearing if necessary, in particular if the parties agree to settle the dispute out of court through mediation (197-198 of the Civil Procedure Code, 182-183 of the Commercial Procedure Code, 180, 183 of the Administrative Procedure Code)

The court is obliged to suspend the proceedings if both parties file a motion to suspend the proceedings in connection with mediation. The proceedings are suspended for the duration of the mediation, but not more than ninety days from the date of the court's decision to suspend the proceedings. (251, 253 of the Civil Procedure Code, 227, 229 of the Commercial Procedure Code). In administrative proceedings, the court suspends the proceedings if both parties file a motion to provide them with time for reconciliation, including through mediation, until the expiration of the term stated by the parties in the motion (Article 236 of the CAP). The settlement agreement concluded by the parties is approved by a court ruling, the operative part of which specifies the terms of the agreement. By approving the settlement agreement, the court simultaneously closes the proceedings in the case by the same ruling (Articles 207 of the Civil Procedure Code, 192 of the Commercial Procedure Code).

If the parties agree to enter into a settlement agreement, the plaintiff withdraws from the claim or the defendant recognizes the claim as a result of mediation, the court shall decide in a relevant ruling or decision in accordance with the procedure established by law to refund 60% of the court fee paid when filing the claim to the plaintiff from the state budget (Articles 142 of the Civil Procedure Code, 130 of the Commercial Procedure Code).

The procedure for mediation is defined by the Law of Ukraine "On Mediation".

There is also a separate procedure for dispute resolution with the participation of a judge.

Articles 201-205 of the Civil Procedure Code of Ukraine, 186-190 of the Commercial Procedure Code of Ukraine, 184-188 of the Administrative Procedure Code of Ukraine provide for the dispute resolution procedure with the participation of a judge.

Dispute resolution with the participation of a judge is carried out with the consent of the parties before the commencement of the case on the merits. The court shall issue a ruling on the dispute resolution procedure with the participation of a judge, which simultaneously suspends the proceedings in the case.

Dispute resolution with the participation of a judge shall be carried out in the form of joint and (or) closed meetings. The parties have the right to participate in such meetings by video conference. Joint meetings shall be held with the participation of all parties, their representatives and the judge. Closed meetings are held at the initiative of the judge with each of the parties separately.

At the beginning of the first joint dispute resolution meeting, the judge shall explain to the parties the purpose, procedure for dispute resolution with the

Question 253

Armenia

(General Comment): Nowadays, Armenia does not have a mandatory mediation.

(2023): Article 184 (2) of Civil Procedure Code prescribes that if there is a high probability that the dispute will end in mediation, the court may appoint at least two and no more than four hours of mediation once on its own initiative.

In 2023, there was no mandatory mediation. The law providing for mandatory mediation for family cases was adopted in the end of 2022 but hasn't yet entered into force. The law is scheduled to come into force if the special list of mediators established by law (mediators resolving mandatory mediation cases) is replenished by at least 15 licensed mediators.

Georgia

(2023): 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): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory.

Question 254

Azerbaijan

(2023): 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.

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.

Ukraine

(2023): Specifically in criminal cases concerning juveniles: In accordance with paragraph 2 of the Procedure for Implementation of the Pilot Project "Recovery Program for Juveniles Suspected of Committing a Criminal Offense", approved by the Order of the Ministry of Justice of Ukraine and the Prosecutor General's Office of Ukraine of 21.01.2019 No. 172/5/10 (hereinafter - the Procedure), mediation is defined as a voluntary, out-of-court procedure during which a minor suspected of committing a criminal offense and the victim, with the help of a mediator, try to resolve the conflict by concluding an agreement on the application of the Restorative Program for minors who are suspected of committing a criminal offense.

In accordance with clause 3 of the Procedure, the pilot project is based on restorative approaches in criminal proceedings on criminal misdemeanors and minor crimes committed by minors.

In accordance with paragraph 5 of the Procedure, if the circumstances of the criminal proceedings against a minor meet the conditions set out in paragraph 4 of this Procedure, the prosecutor informs the minor, his or her legal representative and the victim, his or her legal representative about the possibility of implementing the Program by engaging a mediator by the center for free legal aid and concluding an agreement.

Pursuant to paragraphs 6-9 of the Procedure, if the parties to the criminal proceedings agree to participate in the Program, the prosecutor invites them to fill out an application for participation in the Program and submits it and information on the legal qualification of the criminal offense in which the minor is suspected of committing to the center, which decides on the application of the Program and issues a corresponding order for mediation to the mediator, organizes a meeting between the parties and the mediator.

According to clause 2 of the Procedure, a mediator is a lawyer included in the Register of lawyers providing free secondary legal aid who has been trained in the implementation of the Recovery Program for minors suspected of committing a criminal offense.

At the meeting with the parties, the mediator explains the Program procedure and its consequences, enables the parties to agree on the terms of the agreement and, if the parties agree to the agreement, provides them with an exemplary form of the agreement for review and determination of the date of the next meeting to conclude it.

By Presidential Decree No. 64/2022 of February 24, 2022, martial law was introduced in Ukraine, and subsequently laws were adopted that amended the Criminal Code of Ukraine, increasing criminal liability for a number of crimes under martial law.

Due to the increased criminal liability for a number of crimes under martial law, in particular in accordance with the Law of Ukraine "On Amendments to the Criminal Code of Ukraine on Increasing Liability for Looting" No. 2117-IX dated March 03, 2022, no agreements on the application of the Program were concluded in 2023.

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

(2023): 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

(2023): 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.

(2023): The Law on the legal aid was amended on December 15, 2023. The aim was to integrate the legal aid mediation services into the legal aid system. The beneficiaries of these services are people whose income is lower than the monthly minimum salary in the country. Regardless of the level of income, the services can be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities.

Ukraine

(2023): According to Part 2 of Art 11 of the Law On Mediation, a mediator may provide mediation services on a paid or free of charge basis, on a hired basis, through an entity providing mediation, through an association of mediators, or individually. Specifically in criminal cases concerning juveniles: In accordance with paragraph 2 of the Procedure for Implementation of the Pilot Project "Recovery Program for Juveniles Suspected of Committing a Criminal Offense", mediation services under the Program are provided free of charge, within the limits of the state budget funds allocated to finance the free legal aid system.

Question 257

Azerbaijan

(2023): During the reference year, the number of mediators increased compared to 2021. This is a result of trainings of trainers with the involvement of international experts at the Justice Academy, who provided preparatory courses for those wishing to become mediators.

Republic of Moldova

(2023): 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 2023 represents 208 (125 males and 83 females), or approximately 20 % from the total number of accredited mediators.

The upward trend in the number of males mediators in 2023 compared with 2021 is due to the fact that more males have been applied for this position in the last

Ukraine

(2023): The Register of Mediators includes a total of 104 mediators (19 males and 85 females) for 2023 engaged by free legal aid centers.

Question 259

Armenia

(2023): 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

(2023): On December 26, 2023, the Arbitration Law was adopted.

10. European Convention of Human Rights (ECHR) - Overview

Number of applications, judgments and cases considered as closed at the European Court of Human Rights in 2023 (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	
	2023	% Variation 2022 - 2023	2023	% Variation 2022 - 2023	2023	% Variation 2022 - 2023
Armenia	147	32,4%	23	13,3%	15	25,0%
Azerbaijan	438	12,6%	38	177,8%	32	-8,6%
Georgia	156	4,0%	12	11,1%	5	0,0%
Republic of Moldova	653	1,7%	24	-25,9%	20	-62,3%
Ukraine	2 531	32,2%	123	-20,9%	75	11,9%
EaP Average	785	16,6%	44	31,1%	29	-6,8%

Figure 10.1 Applications allocated to an ECHR judicial formation in 2023 and % variation between 2022 and 2023

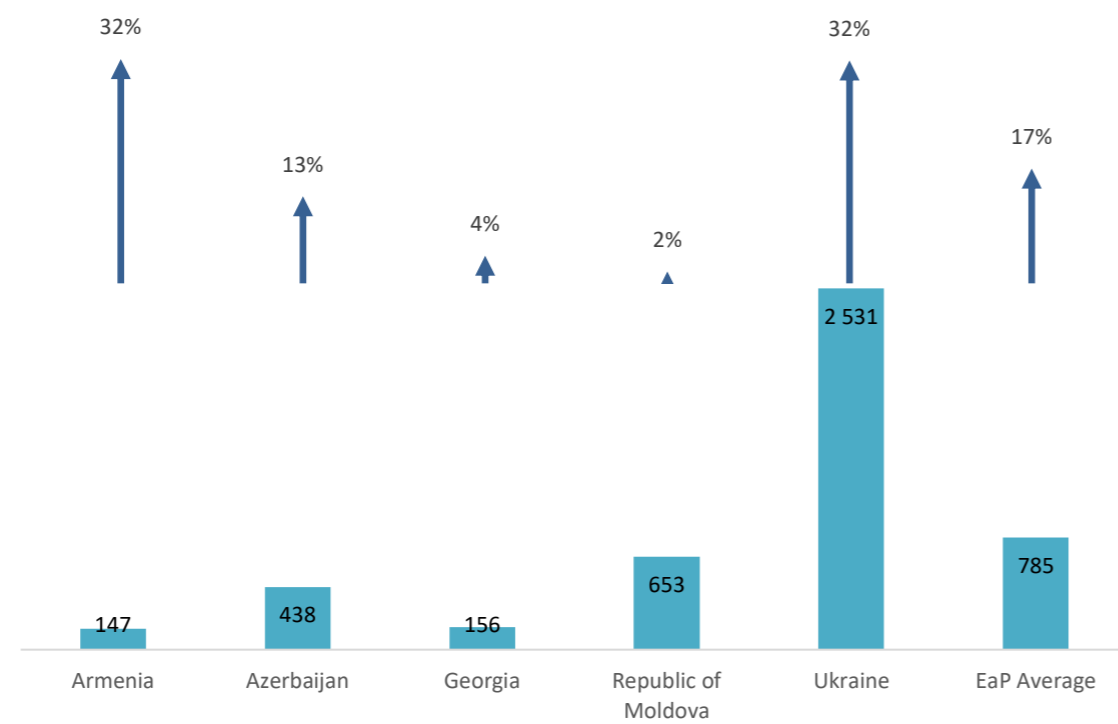
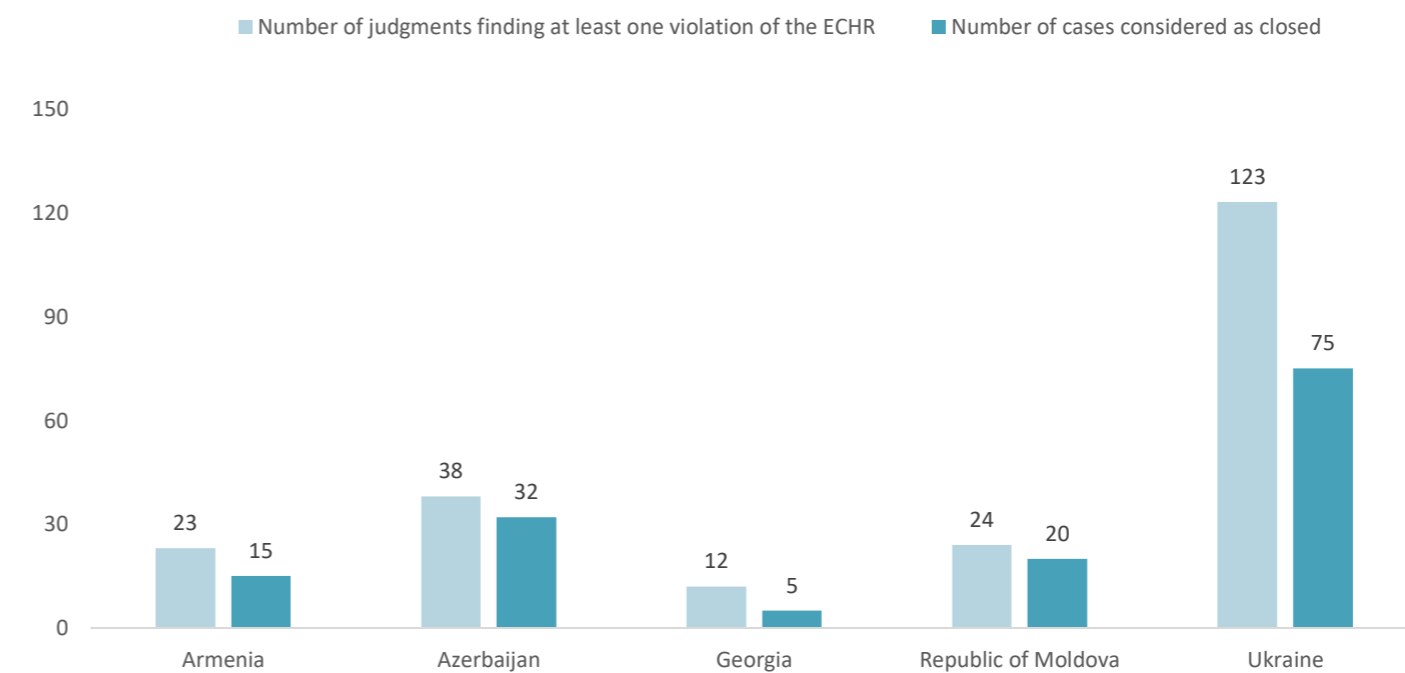


Figure 10.2 Number of judgments finding at least one violation of the ECHR and number of cases considered closed in 2023



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 2023 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgments in 2023 (Q262, Q263 and 236-1**)

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgments, between 2018 and 2023 (Q262 and Q263**)

Table 10.1.4 Number of cases considered as closed after a judgment of the European Court of Human rights and the execution of judgments process, between 2018 and 2023 (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 2023 (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 2023					
	Monitoring system			Possibility to review/reopen a case at the national level		
	Non-enforcement for civil procedures	Timeframe		For civil cases	For criminal cases	For administrative cases
		For civil procedures	For criminal procedures			
Armenia	Yes	Yes	Yes	Yes	Yes	Yes
Azerbaijan	NA	NA	NA	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes	Yes	Yes
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes



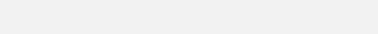

Yes	
No	
NA	
NAP	

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgments in 2023 (Q262, Q263 and 236-1)**

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgments in 2023					
	Number of applications allocated to a judicial formation of the European Court of Human Rights	Number of judgments		Judgments finding at least one violation of the Article 6 of the European Convention on Human Rights		
		Total	Judgments finding at least one violation	Right to a fair trial	Length of proceedings	Non-enforcement
Armenia	147	25	23	2	3	0
Azerbaijan	438	40	38	10	0	0
Georgia	156	17	12	1	0	0
Republic of Moldova	653	24	24	9	0	5
Ukraine	2 531	130	123	12	38	0
Average	785	47	44	6,8	8,2	1
Median	438	25	24	9	0	0
Minimum	147	17	12	1	0	0
Maximum	2531	130	123	12	38	5

** Source ECHR

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgments, between 2018 and 2023 (Q262 and Q263)**

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgments, between 2018 and 2023														
	Number of applications allocated to a judicial formation of the European Court of Human Rights					Number of judgments									
						Total					Judgments finding at least one violation				
	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023	2018	2020	2021	2022	2023
Armenia	167	213	134	111	147	16	14	16	21	25	15	14	16	21	23
Azerbaijan	313	525	425	389	438	9	37	36	23	40	9	37	35	22	38
Georgia	99	130	120	150	156	10	15	13	11	17	9	12	12	11	12
Republic of Moldova	814	523	630	642	653	33	32	68	34	24	27	28	48	31	24
Ukraine	3 207	4 271	210	1 914	2 531	91	86	197	144	130	86	82	194	141	123
Average	920	1132	304	641	785	32	37	66	47	47	29	35	61	45	44
Median	313	523	210	389	438	16	32	36	23	25	15	28	35	22	24
Minimum	99	130	120	111	147	9	14	13	11	17	9	12	12	11	12
Maximum	3207	4271	630	1914	2531	91	86	197	144	130	86	82	194	141	123

** Source ECHR

Table 10.1.4 Number of cases considered as closed after a judgment of the European Court of Human rights and the execution of judgments process, between 2018 and 2023 (Q264^{*})**

Beneficiaries	Number of cases considered as closed after a judgment of the European Court of Human rights and the execution of judgments process, between 2018 and 2023				
	2018	2020	2021	2022	2023
Armenia	9	11	15	12	15
Azerbaijan	18	6	12	35	32
Georgia	4	7	2	5	5
Republic of Moldova	136	51	40	53	20
Ukraine	318	108	126	67	75
Average	97	36,6	39	34,4	29,4
Median	18	11	15	35	20
Minimum	4	6	2	5	5
Maximum	318	108	126	67	75

*** Source Department of Execution of judgments of the Council of Europe

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/reopen a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

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 the nature of found violation.

Q260 (2023): By the Decision of the Prime Minister of the Republic of Armenia, an interdepartmental commission was established to coordinate the implementation of international obligations assumed by the Republic of Armenia in accordance with the European Convention on Human Rights, the implementation of continuous sectoral reforms, and the development of a roadmap of measures aimed at solving problems.

The main objectives of the creation of the interdepartmental commission are the restoration of violated rights within the framework of the execution of decisions rendered by the European Court of Justice against the Republic of Armenia, as well as the identification of similar problems and deepening interdepartmental cooperation for the best organization of the elimination of possible violations in the future, as well as the implementation of sectoral reforms and the initiation of legislative changes as a result of the identified problems.

Q261 (2023): The only significant difference in this regard between three different areas of law are the time limits for lodging an appeal for reviewing a judicial act after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights. An appeal may be filed within four months in criminal proceedings, and three months in civil and administrative proceedings.

Georgia

Q260 (2023): 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 Human Rights on Georgia.

Q261 (2023): According to the Georgian Procedural legislation (Civil, Criminal and Administrative Procedural Law) decision of European Court of Human Rights (finding of a violation of the European Convention on Human Rights) is legal ground for review/reopen of the case.

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 Governmental supervision and Parliamentary scrutiny. In this regard, the Government Agent shall submit annual reports on the execution of those measures at

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 preventing human rights violations in Ukraine.

Q261 (2023): The provisions of the Civil Procedure Code of Ukraine stipulate that a court decision, ruling or order that has completed the consideration of a case and entered into force may be reviewed due to newly discovered or exceptional circumstances (Article 423(1)).

The grounds for reviewing court decisions due to exceptional circumstances are established by an international judicial institution whose jurisdiction is recognized by Ukraine, that Ukraine violated its international obligations in the course of the court's decision in the case (Article 423(3)(2)).

Similar provisions are enshrined in the Criminal Procedure Code of Ukraine (Article 459) and the Code of Administrative Procedure of Ukraine (Article 361).

Similar provisions are provided for in paragraph 2 of part three of Article 320 of the Commercial Procedure Code of Ukraine and paragraph 3 of part five of Article 361 of the Code of Administrative Procedure of Ukraine.

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?

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Question 260

Armenia

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Georgia

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Republic of Moldova

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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.

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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 preventing human rights violations in Ukraine.

Question 261

Armenia

(2023): The only significant difference in this regard between three different areas of law are the time limits for lodging an appeal for reviewing a judicial act after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights. An appeal may be filed within four months in criminal proceedings, and three months in civil and administrative proceedings.

Georgia

(2023): According to the Georgian Procedural legislation (Civil, Criminal and Administrative Procedural Law) decision of European Court of Human Rights (finding of a violation of the European Convention on Human Rights) is legal ground for review/reopen of the case.

Ukraine

(2023): The provisions of the Civil Procedure Code of Ukraine stipulate that a court decision, ruling or order that has completed the consideration of a case and entered into force may be reviewed due to newly discovered or exceptional circumstances (Article 423(1)).

The grounds for reviewing court decisions due to exceptional circumstances are established by an international judicial institution whose jurisdiction is recognized by Ukraine, that Ukraine violated its international obligations in the course of the court's decision in the case (Article 423(3)(2)).

Similar provisions are enshrined in the Criminal Procedure Code of Ukraine (Article 459) and the Code of Administrative Procedure of Ukraine (Article 361).

Similar provisions are provided for in paragraph 2 of part three of Article 320 of the Commercial Procedure Code of Ukraine and paragraph 3 of part five of Article 361 of the Code of Administrative Procedure of Ukraine.

11. Council(s) for the judiciary - Overview

Number of members of the council(s) for the judiciary in 2023 (Table 11.1.1)

Beneficiaries	Single Council competent for both judges and prosecutors	Council for judges only	Council for prosecutors only
Armenia	NAP	10	18
Azerbaijan	NAP	15	NAP
Georgia	NAP	15	15
Republic of Moldova	NAP	12	13
Ukraine	21	32	13

Figure 11.1 Composition of the council for judges in 2023

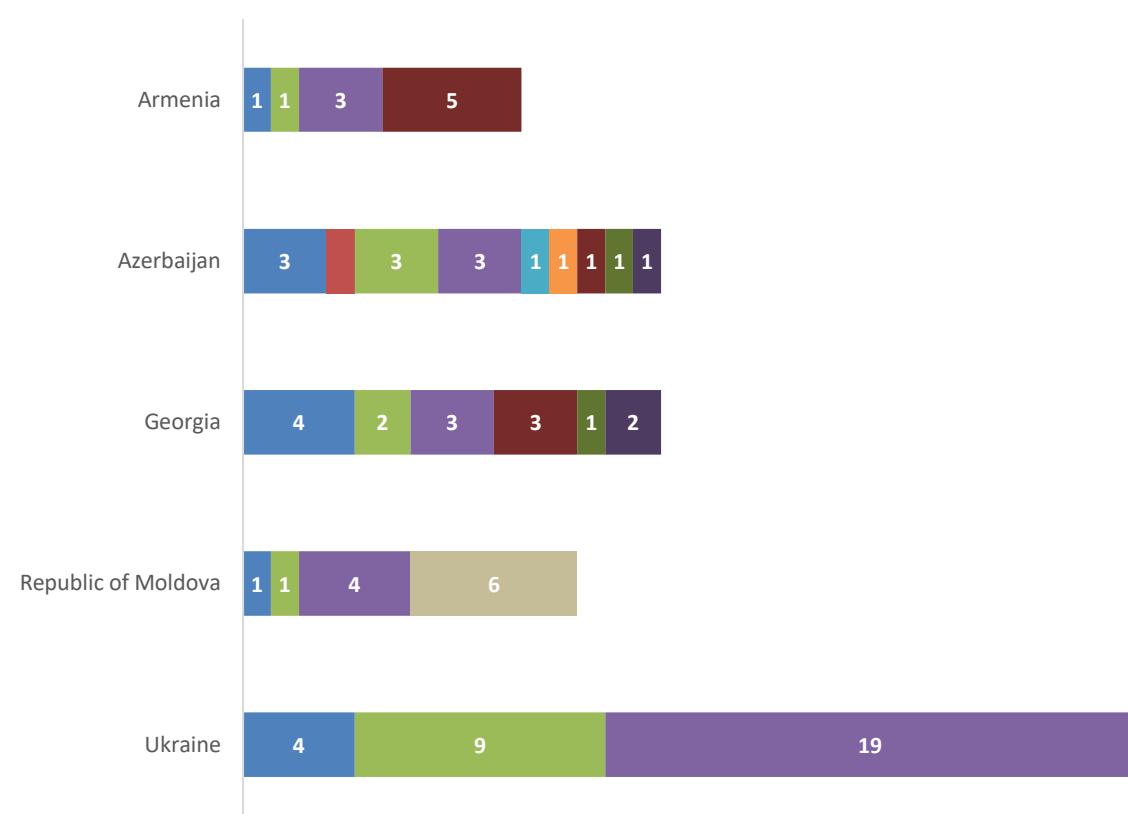
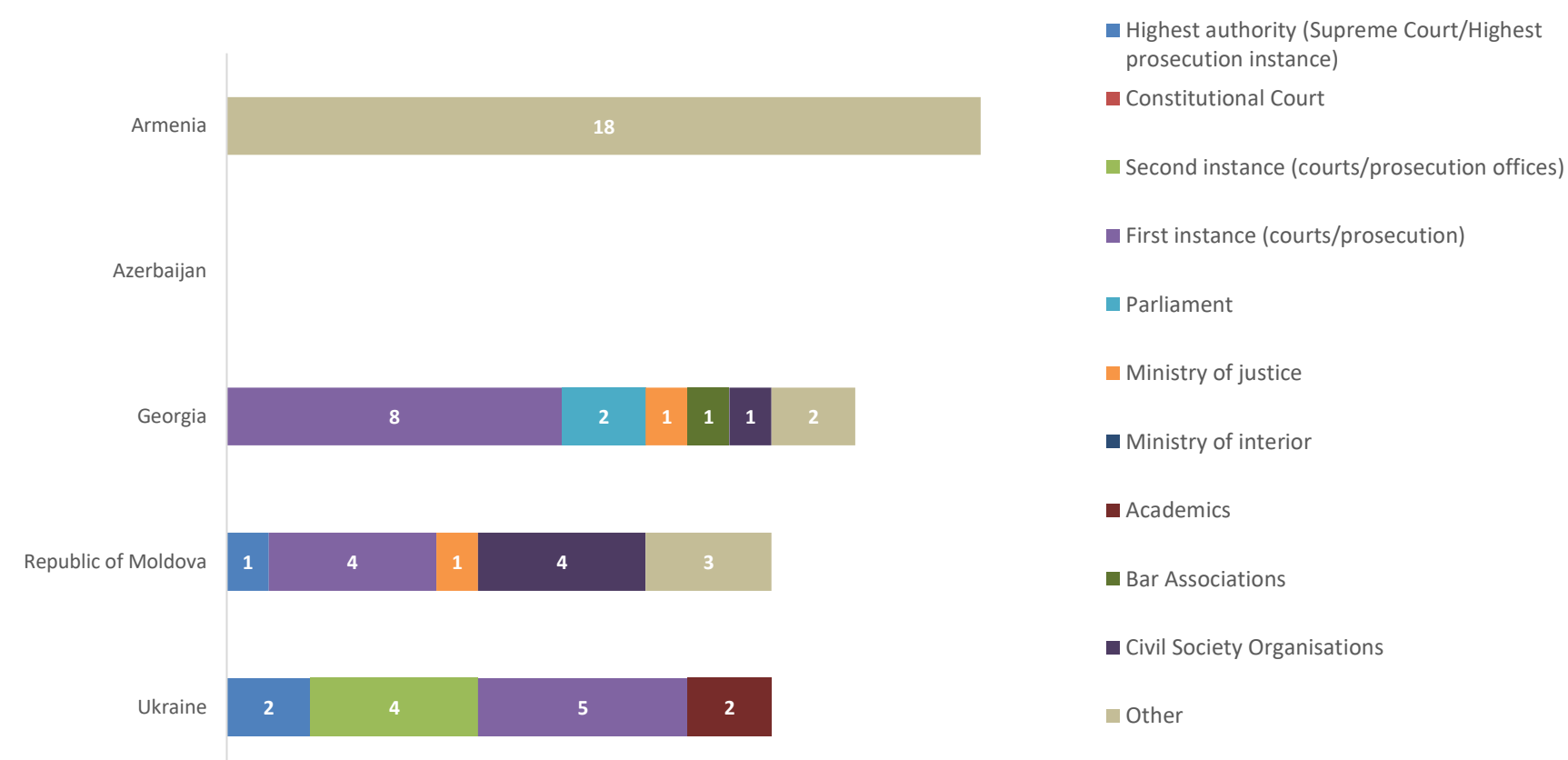


Figure 11.2 Composition of the council for prosecutors in 2023



11. Council for the judiciary - List of tables

Table 11.1.1 Number of members and composition of the council(s) for judiciary in 2023 (Q266)

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2023 (Q267)

Table 11.1.3 Existence of selection criteria for non-judge/non-prosecutors members in 2023 (Q268)

Table 11.1.4 Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2023 (Q269 and Q270)

Table 11.1.5 Accountability measures and competences of the council(s) for the judiciary in 2023 (Q273 and Q274)

Table 11.1.6 Competences of the Council(s) (Q271)

Table 11.1.7 Description of 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 (Q272)

Table 11.1.1 Number of members and composition of the council(s) for judiciary in 2023 (Q266)

Beneficiaries	Number of members and composition of the council(s) for judiciary in 2023																																						
	Single Council competent for both judges and prosecutors												Council for judges only										Council for prosecutors only																
	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	NAP	10	1	NAP	1	3	NAP	NAP	NAP	5	NAP	NAP	NAP	18	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	18		
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	3	1	3	3	1	1	NAP	1	1	1	NAP	NAP	NAP	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	NAP	15	4	NAP	2	3	NAP	NAP	NAP	3	1	2	0	15	NAP	NAP	NAP	8	2	1	NAP	0	1	1	2			
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	12	1	NAP	1	4	NAP	NAP	NAP	NAP	NAP	NAP	6	13	1	NAP	0	4	NAP	1	NAP	NAP	NAP	4	3			
Ukraine	21	NAP	NAP	NAP	NAP	2	NAP	NAP	2	2	NAP	15	32	4	NAP	9	19	NAP	NAP	NAP	NAP	NAP	NAP	NAP	13	2	NAP	4	5	NAP	NAP	NAP	2	NAP	NAP	NAP			

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2023 (Q267)

Beneficiaries	Procedure to appoint the different members of the Council(s) in 2023		
	In case of a single Council competent for both judges and prosecutors	In case of a Council for judges only	In case of a Council for prosecutors only
Armenia	NAP	5 judge members of the Supreme Judicial Council shall be elected by the General Assembly of judges, as prescribed by Article 76 of Judicial Code, the other 5 members of the Supreme Judicial Council shall be elected by the National Assembly as prescribed by part 3 of Article 174 of the Constitution of the Republic of Armenia.	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 General's Office, the Prosecutor of the city of Yerevan.
Azerbaijan	NAP	New Law was adopted on amendments to the Law on Judicial-Legal Council dated to 9th of June 2023, which determines new composition of the Council. 1. three judges of the cassation instance court elected by the conference of judges; 2. three judges of appellate courts elected by the conference of judges; 3. three judges of first instance courts elected by the conference of judges; 4. Judge appointed by the Constitutional Court of the Republic of Azerbaijan; 5. A person appointed by the Milli Majlis (Parliament) of the Republic of Azerbaijan; 6. A person appointed by the relevant executive authority (Ministry of Justice) of the Republic of Azerbaijan; 7. A lawyer appointed by the Bar Association of the Republic of Azerbaijan; 8. Legal scholar appointed by the Azerbaijan National Academy of Sciences; 9. representative of the legal community elected by the conference of judges. According to the law, the number of judge members in the Council is increased, the procedure for electing those members directly by their colleagues - by the judges' conference is established. It is determined that the Chairman of the Council will be selected only from among the judge members. At the same time, the number of representatives of the executive power in the Council is reduced, the status of the Minister of Justice and the Chairman of the Supreme Court as an ex officio member of the Council is eliminated. In addition, a representative of the legal community and a legal scholar are included in the list of non-judge members.	NAP
Georgia	NAP	The judge members of the Council are elected by their peers representing all levels of the common courts. Furthermore, a member elected by the Conference of Judges of Georgia may not be a judge assigned to the position for a three-year term (except when he/she has at least five years' experience of working as a judge), a member of the Disciplinary Chamber or the Qualification Chamber of the Supreme Court. According to the Organic Law, more than a half of the members elected by the Conference of Judges of Georgia may not be the chairperson of a court, his/her first deputy or a deputy, or the chairperson of a judicial panel or a chamber. The Conference of Judges elects judicial members of the HCJ by a 2/3 majority present at its meeting. The non-judicial members of the council are elected by the Parliament and the President of Georgia. In particular, the parliament elects five members of the Council on a competition basis. The Parliament may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master's or equivalent academic degree/higher education diploma, at least 10 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. One of the fields of activity of the above non-entrepreneurial (non-commercial) legal entities shall be, for at least the last two years before the announcement of the competition, participation with representative authority in court proceedings. As a restriction, a member of the Parliament of Georgia, a judge or a prosecutor may not be nominated as candidates for membership of the High Council of Justice of Georgia.	8 members (prosecutors) are elected by their peers, 5 members in total are elected by the Parliament of Georgia: one from majority and one from opposition, one member upon recommendation of Minister of Justice, 2 members from among professors and scholars working in higher education institutions of Georgia, members of the Bar Association of Georgia or persons nominated by non-commercial legal entities of Georgia with experience of court litigation.

<p>Republic of Moldova</p>	<p>NAP</p>	<p>The Superior Council of Magistracy includes judges and non-judge members. The non-judge members of the Superior Council of Magistracy are appointed by the Parliament, with the vote of the 3/5 of the elected deputies, based on the proposals of the Commission on legal affairs, appointments and immunities of the Parliament. The Commission on Legal Affairs, Appointments and Immunities shall hold a public competition. The public competition includes at least the examination of the files and the hearing of the candidates. The Committee on Legal Affairs, Appointments and Immunities draws up reasoned opinions for each successful candidate and proposes to the Parliament to be appointed. Candidates for the position of member of the Superior Council of Magistracy are subject to the integrity assessment by an independent Commission for the assessment of the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors. The commission's decision is included in the candidate's file. The candidate who did not pass the assessment cannot be included in the ballot. The members of the judiciary shall be elected to the Superior Council of Magistracy by secret ballot by the General Assembly of Judges, as follows: four from the first instance courts, 1 from the courts of appeal and 1 from the Supreme Court of Justice. Candidate judges who have accumulated most of the votes of those present at the General Assembly of Judges are considered elected as members and deputy members of the Superior Council of Magistracy, according to the descending order of the number of votes obtained. The Superior Council of Magistracy announces the date of the meeting of the General Assembly of Judges at least 60 days before the date of the meeting. Candidates submit the participation files to the Council at least 30 days before the date of the meeting of the General Assembly of Judges. The list of candidates and the submitted files are published on the official website of the Superior Council of Magistracy on the first day after the deadline for the submission of files. Candidates for the position of member of the Superior Council of Magistracy have the right to carry out a promotion campaign among judges, in the manner established by the Superior Council of Magistracy. In order to ensure the activity of the Superior Council of Magistracy, the judges elected by the General Assembly of Judges are detached during the exercise of the mandate of member of the Council.</p>	<p>Five members of the Superior Council of Prosecutors shall be elected by the General Assembly of Prosecutors from among the prosecutors in office, by secret, direct and freely expressed vote, as follows: a) one member from among the Prosecutors of the General Prosecutors Office; b) four members from among the prosecutors of the territorial and specialised prosecutors offices. The prosecutors with the highest number of votes at the General Assembly of Prosecutors shall be considered elected as members of the Superior Council of Prosecutors. The next prosecutors on the list of candidates with the highest number of votes shall fill the vacancies in descending order of the number of votes received. Four members of the Superior Council of Prosecutors are 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, on the basis of a regulation approved by the appointing institution.</p>
<p>Ukraine</p>	<p>(Articles 5, 7, 8, 9, 12 of the Law of Ukraine "On the High Council of Justice"). The 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, and two are elected by the 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. According to Article 12 of the Law of Ukraine "On the High Council of Justice", the All-Ukrainian Conference of Prosecutors elects members of the High Council of Justice by secret ballot. Voting is conducted exclusively for candidates for members of the High Council of Justice who have submitted documents in accordance with the procedure established by this Law, meet the requirements set forth in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice. A candidate who has received a majority of votes of the elected delegates to the All-Ukrainian Conference of Prosecutors by secret ballot is deemed to be elected as a member of the High Council of Justice. Based on the results of the voting, the chairperson and secretary of the All-Ukrainian Conference of Prosecutors shall sign the decision on the election of members of the High Council of Justice. If the All-Ukrainian Conference of Prosecutors fails to elect a member of the High Council of Justice, a new competition shall be immediately announced and held in accordance with the procedure established by this Law. The procedure for convening and holding the All-Ukrainian Conference of Prosecutors shall be determined by the Law of Ukraine "On the Prosecutor's Office". Election (appointment) to the positions of members of the High Council of Justice shall be based on the principles of the rule of law, professionalism, publicity, and political neutrality. 1. To participate in the procedure of election (appointment) of members of the High Council of Justice, a candidate for the position of a member of the High Council of Justice shall submit: 1) a written application for election (appointment) to the position of a member of the High Council of Justice; 2) curriculum vitae;</p>	<p>The Council of Judges of Ukraine is elected by the Congress of Judges of Ukraine. Proposals for candidates to the Council of Judges of Ukraine may be submitted by judges participating in the Congress of Judges of Ukraine.</p>	<p>(Articles 67, 71 of the Law of Ukraine "On the Prosecutor's Office") The All-Ukrainian Conference of Prosecutors (hereinafter referred to as the Conference) appoints (elects) as members of the Council of Prosecutors of Ukraine 2 representatives (prosecutors) from the Office of the Prosecutor General, 4 representatives (prosecutors) from regional prosecutor's offices, 5 representatives (prosecutors) from district prosecutor's offices; 2 representatives (academics) appointed by the Congress of Representatives of Law Schools and Research Institutions. The Council of Prosecutors of Ukraine is competent if at least 9 members are elected (Articles 67 and 71 of the Law of Ukraine "On the Prosecutor's Office"). Both prosecutors who are delegates to the Conference and prosecutors who are not delegates may be candidates for the Council of Prosecutors of Ukraine. Candidates willing to be elected as members of the Council of Prosecutors of Ukraine shall submit documents in accordance with the procedure and within the time limits determined by the entity authorized to convene the Conference. The decision of the Conference on the appointment of the members of the Council of Prosecutors of Ukraine shall be taken by secret ballot by a majority of votes of the total number of elected delegates. The Conference delegates may discuss all candidates personally. Each candidate has the right to: - to express his/her opinion; - to recuse himself/herself, which is accepted by the Conference without voting. In this case, the discussion of the candidate does not take place or is terminated; - provide information about himself/herself and answers to the questions posed to him/her. Candidates who, according to the results of a secret ballot, received a majority of votes from the total number of elected delegates to the Conference are considered to be appointed to the Council of Prosecutors of Ukraine. (clauses 7.3 - 7.6 of clause 7 of the Rules of Procedure of the All-Ukrainian Conference of Prosecutors adopted by the Conference on April 27, 2017 (as amended on December 21, 2018, August 28, 2021).</p>

Table 11.1.3 Existence of selection criteria for non-judge/non-prosecutors members in 2023 (Q268)

Beneficiaries	Existence of selection criteria for non-judge/non-prosecutors members in 2023
Armenia	Yes
Azerbaijan	Yes
Georgia	Yes
Republic of Moldova	Yes
Ukraine	Yes
Yes	Yes
No	No
NA	NA
NAP	NAP

Table 11.1.4 Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2023 (Q269 and Q270)

Beneficiaries	Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2023											
	Term of office as member of the council (in years)			Conditions for the term of office of members of the council(s)								
				Single Council competent for both judges and prosecutors			Council for judges only			Council for prosecutors only		
	Single Council competent for both judges and prosecutors	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	6	6									
Ukraine	4	NAP	5									


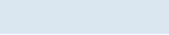
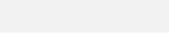

Yes 
 No 
 NA 
 NAP 

Table 11.1.5 Accountability measures and competences of the council(s) for the judiciary in 2023 (Q273 and Q274)

Beneficiaries	Accountability measures and competences of the council(s) for the judiciary in 2023																	
	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 competent for both judges and prosecutors				Council for judges only				Council for prosecutors only				Single Council competent for both judges and prosecutors		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					Yes	Yes	Yes	No		Yes	Yes	No			Yes			
Azerbaijan					Yes	Yes	Yes	No				No			Yes			
Georgia					Yes	Yes	Yes	No		Yes	Yes	No			Yes			Yes
Republic of Moldova					Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			Yes			Yes
Ukraine	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No		Yes

Yes ■
 No ■
 NA ■
 NAP ■

Table 11.1.6 Competences of the Council(s) (Q271)

Beneficiaries	Competences of the Council(s)		
	Single Council competent for both judges and prosecutors	Council for judges only	Council for prosecutors only
Armenia	NAP	<p>According to the Article 175 of the Constitution:</p> <p>1. The Supreme Judicial Council shall:</p> <p>(1) draw up and approve the lists of candidates for judges, including candidates subject to promotion;</p> <p>(2) propose to the President of the Republic the candidates for judges subject to appointment, including those subject to appointment by way of promotion;</p> <p>(3) propose to the President of the Republic the candidates for chairpersons of courts and the candidates for chairpersons of chambers of the Court of Cassation, subject to appointment;</p> <p>(4) propose to the National Assembly the candidates for judges and for Chairperson of the Court of Cassation;</p> <p>(5) decide on the issue of secondment of judges to another court;</p> <p>(6) decide on giving consent for initiating criminal prosecution against a judge or depriving him or her of liberty with respect to the exercise of his or her powers;</p> <p>(7) decide on the issue of subjecting a judge to disciplinary liability;</p> <p>(8) decide on the issue of terminating the powers of judges;</p> <p>(9) approve its estimate of expenditures as well as those of the courts, and submit them to the Government, in order to include them in the Draft State Budget as prescribed by law;</p> <p>(10) form its staff in accordance with law.</p> <p>2. In case of discussing the issue of subjecting a judge to disciplinary liability, as well as in other cases prescribed by the Judicial Code, the Supreme Judicial Council shall act as a court.</p> <p>3. The Supreme Judicial Council shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts.</p> <p>4. Other powers and rules of operation of the Supreme Judicial Council shall be prescribed by the Judicial Code.</p>	<p>Discusses the fundamental issues related to the organization of the activities.</p> <p>In accordance with article 22 of the Law on the Prosecutor's Office, a board chaired by the Prosecutor General operates in the Prosecutor's Office to discuss the main issues of organizing the activities of the prosecutor's office, determining the directions for the implementation of the constitutional powers of the Prosecutor's Office.</p> <p>The Board of the Prosecutor's Office consists of the Prosecutor General, Deputy Prosecutor General, heads of structural divisions of the Prosecutor General's Office and the Prosecutor of the City of Yerevan.</p>
Azerbaijan	NAP	<p>According to Article 1 of Law on Judicial Legal Council, Judicial-Legal 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 (hereafter candidates to the judicial post) 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. Detailed aspects of operation and authorities of Judicial-Legal Council is regulated by the aforementioned law.</p>	NAP
Georgia	NAP	<p>The High Council of Justice of Georgia is the judicial governance body established for managing the common courts of Georgia. Pursuant to Article 64.1 of the Constitution of Georgia, "the HCJ – a body of the common courts system – shall be established to ensure the independence and efficiency of the common courts, to appoint and dismiss judges and to perform other tasks." Further, according to Article 47 of the LCC, the HCJ is established to ensure the independence of the judiciary (and an individual judge) and the quality and efficiency of justice, to appoint and dismiss judges, to organize judicial qualification examinations, to formulate proposals towards implementing a judicial reform, and to accomplish other objectives determined by the LCC. The detailed regulations on the competences and functions of the HCJ are set forth by the LCC.</p>	<p>The Prosecutorial Council is competent to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Select a candidate for the Prosecutor General; <input type="checkbox"/> Conduct disciplinary proceedings against the First Deputy Prosecutor General and Deputies of the Prosecutor General; <input type="checkbox"/> Decide on the issue of applying a disciplinary sanction or prematurely revoking it in relation to a member of the Prosecutorial Council elected by the Conference of Prosecutors; <input type="checkbox"/> Hear a report of the Prosecutor General, First Deputy Prosecutor General or Deputy Prosecutor General on the activities of the Prosecution Service (except for individual criminal cases); <input type="checkbox"/> Issue recommendations for the attention of the Prosecutor General; <input type="checkbox"/> Decide the matters of early termination of its membership. <p>Regarding the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council, please see the last paragraph in the reply to question 266.</p> <p>The Prosecutorial Council is authorized to conduct meeting, if the half of its full composition is present. The Prosecutorial Council needs votes of not less than 2/3 of its full membership for electing the candidate for the Prosecutor General. Same number of votes is necessary for the Prosecutorial Council to impose disciplinary sanctions against the First Deputy Prosecutor General, Deputy Prosecutor General and elected prosecutor/investigator members of the Prosecutorial Council. For any other decision, the Prosecutorial Council needs the support of the half of its members present on the meeting (Article 19 of the OLPS).</p>

<p>Republic of Moldova</p>	<p>NAP</p>	<p>In accordance with the provisions of the Law no. 947/1996 the Superior Council of Magistracy has the following competencies regarding the career of judges:</p> <p>a) makes proposals to the President of the Republic of Moldova for appointment of judges or promotion to a higher court;</p> <p>a/1) transfers the judges to a court of the same level or inferior level, decides on judges' dismissal from office, appoints and decides on dismissal from office of the court presidents and vice-presidents;</p> <p>b) receives the oath of the judges;</p> <p>c) approves the regulations on selection of candidates for the position of judge and on evaluation of judge's, presidents or vice-presidents court performance, including the assessment evaluation plans;</p> <p>d) approves the regulations for conducting the competition for filling the vacant positions of judge, president or vice-president of the court and ensures the organization and conduct of the competition;</p> <p>e) disposes of the interim position of president or vice-president of the first instance court, of the Court of Appeal or of the Supreme Court of Justice, in case of vacancy or suspension from office, until filling the vacant position in the manner established by law;</p> <p>f) applies measures of encouragement regarding judges;</p> <p>g) appoints the members of the board for the selection and evaluation of judges, according to its competence;</p> <p>The Superior Council of Magistracy has the following competencies in the field of initial and continuous training of judges and staff of the secretariat of courts:</p> <p>a) appoints the judges for the Council of the National Institute of Justice;</p> <p>b) approves the strategy on the initial and continuous training of judges, presents the opinion on the action plan for its implementation;</p> <p>c) examines and presents the opinion on the regulations for organizing the competition for admission to the National Institute of Justice, on the teaching programs and curricula for initial and continuing training courses within the Institute, on the regulations for organizing the competition for filling teaching positions, as well as on the composition of the commissions for the admission and graduation exams of the National Institute of Justice.</p> <p>c/2) delegates judges to participate in seminars, conferences, training courses and business trips;</p> <p>d) submits, annually, until March 31, to the National Institute of Justice the proposals on the number of places opened for the admission contest for the initial training of the candidates for the position of judge in the following year;</p>	<p>In accordance with the provisions of the Law no. 3/2016 the Superior Council of Prosecutors has the following competencies:</p> <p>a) elaborates and approves regulations regarding its activity, regarding the functioning of its boards and other regulations concerning it;</p> <p>b) elaborates and approves regulations regarding the selection procedure and the career of prosecutors;</p> <p>c) elaborates a draft regulation of the General Assembly of Prosecutors and draft amendments to it;</p> <p>d) organizes the competition for the selection of the candidate for the position of General Prosecutor and proposes a candidate to be appointed by the president of the country;</p> <p>e) organizes competitions, selects and appoints the members of its boards from the civil society;</p> <p>f) examines the appeals against the decisions taken by its boards;</p> <p>g) makes proposals to the General Prosecutor on the appointment, transfer, promotion, suspension of prosecutors under the conditions of the Criminal Procedure Code, as well as regarding the dismissal of prosecutors;</p> <p>h) participates in the taking of the oath by the prosecutors and by the General Prosecutor;</p> <p>i) establishes the number of prosecutors within each prosecution office;</p> <p>j) appoints the prosecutors for the Council of the National Institute of Justice;</p> <p>k) approves the strategy on the initial and continuous training of prosecutors and presents an opinion on the action plan for the implementation of related strategy;</p> <p>l) examines and presents opinions on the regulation for organizing the competition for admission to the National Institute of Justice, on the teaching programs and curricula for initial and continuing training courses within the National Institute of Justice, as well as on the composition of the commissions for the admission and graduation exams of the National Institute of Justice;</p> <p>m) establishes the number of places opened for the admission competition for the initial training of prosecutors within the National Institute of Justice;</p> <p>n) examines the addresses of the citizens and of the prosecutors regarding the issues given in its competence;</p> <p>o) elaborates the draft Code of Ethics for prosecutors, as well as the projects for amendment, and proposes for approval to the General Assembly of Prosecutors;</p> <p>p) approves the draft budget and submits it to the Ministry of Finance;</p> <p>q) approves the structure of the secretariat of the Superior Council of Prosecutors;</p>
<p>Ukraine</p>	<p>The High Council of Justice, including (in the part concerning prosecutors):</p> <ul style="list-style-type: none"> - Decides whether a judge or prosecutor has violated the requirements of incompatibility; - Consider complaints against decisions of the relevant authorities to bring a judge or prosecutor to disciplinary responsibility. <p>The High Council of Justice may engage judicial self-government bodies, institutions and organizations, judges, retired judges, lawyers, prosecutors and other specialists, and the Public Integrity Council to perform auxiliary and advisory functions with their consent on a voluntary basis (Article 3 of the Law of Ukraine "On the High Council of Justice").</p> <p>The Prosecutor General is dismissed from his/her administrative position by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine on the basis of a proposal from the relevant disciplinary body or the High Council of Justice (Article 42 of the Law of Ukraine "On the Prosecutor's Office").</p> <p>The prosecutor is dismissed from office in case of violation of the requirements for incompatibility upon the proposal of the High Council of Justice, which it submits to the person authorized by this Law to make a decision on the dismissal of the prosecutor. The High Council of Justice submits a motion for dismissal of the Prosecutor General in case of violation of the requirements for incompatibility to the President of Ukraine (Article 53 of the Law of Ukraine "On the Prosecutor's Office").</p> <p>The President of Ukraine issues a decree on the dismissal of the Prosecutor General on the basis and within the framework of the submission of the relevant body conducting disciplinary proceedings against prosecutors or the High Council of Justice (Article 63 of the Law of Ukraine "On the Prosecutor's Office").</p>	<ul style="list-style-type: none"> - develops and organizes the implementation of measures to ensure the independence of courts and judges, improve the state of organizational support of the courts; - considers the issues of legal protection of judges, social protection of judges and their families, makes appropriate decisions on these issues; - exercises control over the organization of the courts' activities, hears the Head of the State Judicial Administration of Ukraine, his deputies, heads of structural subdivisions and territorial departments of the State Judicial Administration of Ukraine on these issues; - submits proposals on issues related to the operation of courts to public authorities and local self-government bodies; - approves samples of judge and retired judge certificates; - supervises compliance with the requirements of the legislation on the settlement of conflicts of interest in the activities of judges, the Chairman or members of the High Qualifications Commission of Judges of Ukraine, the Head of the State Judicial Administration of Ukraine or his/her deputies; make decisions on the settlement of real or potential conflicts of interest in the activities of the said persons (if such conflict cannot be settled in accordance with the procedure established by the procedural law); - exercises other powers determined by law. 	<p>Pursuant to Article 71 of the Law of Ukraine "On the Prosecutor's Office", the Council of Prosecutors of Ukraine is the highest body of prosecutorial self-government in the period between all-Ukrainian conferences of prosecutors.</p> <p>In the period between all-Ukrainian conferences of prosecutors, the Council of Prosecutors of Ukraine organizes the implementation of the decisions of the conference, as well as decides on the convening and holding of the all-Ukrainian conference of prosecutors. The powers and procedure of the Council of Prosecutors of Ukraine are determined by this Law and the Regulation on the Council of Prosecutors of Ukraine.</p> <p>The Council of Prosecutors of Ukraine:</p> <ol style="list-style-type: none"> 1) {The effect of clause 1 of part nine of Article 71 is suspended until September 1, 2021 - see sub-clause. 4 para. 2 sec. II of the Law No. 113-IX of 19.09.2019} makes recommendations on the appointment and dismissal of prosecutors from administrative positions in cases provided for by this Law. If the Prosecutor General does not agree with the candidate recommended by the Council of Prosecutors of Ukraine and refuses to appoint him/her to the position, he/she shall submit another candidate for consideration by the Council of Prosecutors of Ukraine; 2) organize the implementation of measures to ensure the independence of prosecutors, improve the organizational support of the prosecution offices; 3) considers issues of legal protection of prosecutors, social protection of prosecutors and their family members and makes appropriate decisions on these issues; 4) examines appeals of prosecutors and other reports on threats to the independence of prosecutors, takes appropriate measures based on the results of the examination (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 security of prosecutors; publishes statements on behalf of the prosecutorial corps on the facts of violation of the prosecutor's independence; addresses international organizations with relevant reports, etc.); 6) submit proposals on solving the issues of the prosecutor's office activity to the state authorities and local self-government bodies; 7) supervise the implementation of decisions of the prosecutorial self-government bodies; <p>7-1) provide explanations on compliance with the requirements of the legislation on the settlement of conflicts of interest in the activities of prosecutors, the head or members of the relevant body conducting disciplinary proceedings;</p>

Table 11.1.7 Description of 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 (Q272)

Beneficiaries	Description of the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by the Judicial Council/Prosecutorial Council
Armenia	The tasks are divided internally between the members of The Supreme Judicial Council. As for the Board of the Prosecutor's Office, the tasks are not divided between members.
Azerbaijan	<p>Issues regarding rights and duties of the members of JLC, as well as matters regarding conflict of interest are regulated with the Law on Judicial-Legal Council. Article 9 of the Law on Judicial-Legal Council stipulates that, members of the Judicial-Legal Council are equal in their rights in resolving all the issues pertaining to its functions. Moreover, according to Article 17 of the said Law, Judicial-Legal Council passes decisions by way of open subject simple majority of the votes of those Council members present, except for the cases prescribed for in this Law. The member presiding at the sessions of the Council shall be the last one to vote. While passing decision within the framework of proceedings, except the President of the Supreme Court of the Republic of Azerbaijan and judge-rapporteur, only judge members may vote. Thus, collegiality of the Council and equality of its members excludes over-concentration of powers while performing its functions. Furthermore, the JLC forms Judges' Selection Committee in order to conduct selection of judges, and members of JLC cannot be member of the Committee.</p>
Georgia	<p>The legislative framework for the current composition of the HCJ fully meets the requirements of the standard-setting organizations, such as the Consultative Council of the European Judges (CCJ) and the European Network of Councils for the Judiciary (ENCJ). It is also noteworthy that in December 2018, the Venice Commission issued the opinion specifically on "the provision on the composition of the Council of Justice in the existing Organic Law on General Courts." Referring to the composition of the judicial council adopted as a result of the reform, the Venice Commission emphasized that "these changes ensure that the structure and functions of the High Council of Justice comply with the current standards and best practices for such bodies" The composition of the Council of Justice of Georgia ensures that powers are not over-concentrated. As mentioned above, Council is composed of judge and non-judge part. The Council, inter alia, consists of members elected from CSOs, scholars, professors and etc. Additionally, except the general rules regarding Conflict of Interests, Article 35.3 of Organic law on Common Courts regulates prevention of interests of HCJ members. This article determines grounds and detailed procedure of recusal of HCJ member during the ongoing procedure (for example Competition and election procedure) when there is doubt on the objectivity, independence and impartiality of this member.</p> <p>PSG comment - The composition of the Prosecutorial Council ensures that powers are not over-concentrated. As mentioned above, Council is composed of prosecutorial and non-prosecutorial members. The Council, inter alia, consists of members elected from CSOs, scholars, professors and etc.</p> <p>The applicable conflicts of interest and accountability rules with respect to the prosecutor members and other public official members of the Prosecutorial Council, the other PSG court members and the Internship Commission are provided by the Law of Georgia on Conflict of Interests and Corruption in Public Service and the Organic Law of Georgia on Prosecution Service. The rule regarding the public servant whose duty within a collegial body is to make decisions with respect to which he/she has interests, shall inform the other members of the body of this fact and shall refrain from participating in the decision-making. If a prosecutor or investigator of the Prosecutor's Office who is a member of the Prosecutorial Council occupies one of the positions provided for by Article 20 of the Law on Prosecution Service, his/her powers as a member of the Prosecutorial Council shall be prematurely terminated. The Prosecutorial Council shall not interfere with the exercise of investigative and prosecutorial functions of the employees of the Prosecution Service. The rules further provide that a candidate for membership of the Council shall not be the Prosecutor General, the First Deputy Prosecutor General, the Deputy Prosecutor General, the head of the department of the Office of the Prosecutor General, the Prosecutor of the Autonomous Republic of Abkhazia, the Prosecutor of the Autonomous Republic of Samegrelo-Zemaldzham, the Prosecutor of Adjara, the Prosecutor of Tbilisi, or a Regional Prosecutor. The position of an employee of the Prosecutor's Office shall be incompatible with other positions within state institutions, government bodies, as well as with any entrepreneurial or other paid positions other than scientific, creative and pedagogical activities. An employee of the Prosecutor's Office (except for the head of the Prosecutor's Office) shall not be a member of a political association or be engaged in political activities.</p>

Republic of Moldova

Superior Council of Magistracy: The members of the Superior Council of Magistracy are obliged by law:

- a) to exercise attributions in accordance with the law;
- b) to ensure the protection of the rights and freedoms of magistrates, their honor and dignity under the law;
- c) to contribute to the promotion of the principle of independence of the judiciary;
- d) to keep the secret of the deliberations and the confidentiality of the activity;
- e) to vote for or against the adoption of decisions;
- f) to submit, under legal conditions, the declaration of assets and personal interest;
- g) to comply with the legal provisions regarding the conflict of interests and the legal regime for incompatibilities and interdictions.

The non-judge members of the Superior Council of Magistracy are obliged to respect the incompatibilities and interdictions specific to art. 8 , paragraph (1) letters (b-d) of the Law on judge.

Also, the activity as a judge is suspended for the SCM judge members for the period of their mandate as SCM members and their cases are reallocated randomly to other judges. The members are grouped and designated to be responsible for different activity fields (IT, legislation, disciplinary liability, action plans, court administration, human rights, etc) by SCM decisions. There are also different branches within the SCM (Judicial Inspection, Disciplinary Committee, Selection and Evaluation Committee, Ethical Committee) composed by different members, nominated by the SCM or elected by the General Assembly of Judges.

Article 5 (1) Law 947/1995 on the SCM: The SCM President shall be elected by secret vote for a term of two years by a majority vote of the members of the Council and shall exercise his/her functions on a full-time basis. The SCM President cannot be re-elected.

Superior Council of Prosecutors: The members of the Superior Council of Prosecutors are obliged:

- a) to ensure the protection of the rights and freedoms of prosecutors, their honor and dignity under the law;
- b) to contribute to the promotion of the principle of independence of the prosecutor;
- c) to respect the regime of personal data, as well as of other information with limited access, which have become known to them in the exercise of the mandate;
- d) to vote for or against the adoption of decisions.

During the term of office, as well as for 6 months after its termination, the members of the Superior Council of Prosecutors may not participate in competitions for appointment or promotion to the position of prosecutor, including the position of General Prosecutor.

Also, the activity as a prosecutor is suspended for the SCP prosecutor members for the period of their mandate as SCP members. There are also different branches within the SCP (Judicial Inspection, Ethics and Disciplinary Committee, Selection and Evaluation Committee, Training Commission) composed by different members, nominated by General Prosecutor's Office or elected by the General Assembly of Prosecutors.

Article 71. (1) Law No. 3/2016: the President of the Superior Council of Prosecutors shall be elected from among the members of the Council elected from among the prosecutors by

Ukraine

According to Art. 34 of the Law of Ukraine "On the High Council of Justice", the decision of the High Council of Justice is adopted by a majority of the members of the High Council of Justice participating in the meeting of the High Council of Justice, unless otherwise provided by this Law.

Decisions of the High Council of Justice and its bodies shall be made at a meeting of the High Council of Justice and its bodies, unless otherwise provided by this Law.

The decision of the High Council of Justice and its bodies shall be made in a special room (meeting room):

if consideration in an open meeting may lead to disclosure of secrets protected by law;

to prevent the disclosure of information about intimate or other personal aspects of the lives of persons involved in the disciplinary proceedings.

No other persons may be present in the special room (meeting room) except for members of the High Council of Justice who have the right to vote in the decision-making process.

Decisions of the High Council of Justice and its bodies shall be made by open voting, unless otherwise provided by this Law.

Members of the High Council of Justice who are not simultaneously members of the relevant body of the High Council of Justice may not participate in meetings of such body and its decision-making.

The operative part of the decision of the High Council of Justice and its bodies shall be announced publicly immediately after its adoption, and the full text of the decision shall be put on the official website of the High Council of Justice no later than the seventh day after its adoption, unless otherwise provided by law.

If there is a dissenting opinion of a member of the High Council of Justice on a decision made in a disciplinary case or a decision on an appeal against a decision of the Disciplinary Chamber on disciplinary liability of a judge or the relevant body on disciplinary liability of a prosecutor, such dissenting opinion shall be stated in writing and attached to the case file, as announced by the chairperson at the meeting. The content of the dissenting opinion is not subject to announcement at the meeting. The dissenting opinion is published together with the full text of the decision.

In accordance with clauses 5, 6, 7 of the Regulation on the Council of Prosecutors of Ukraine, approved by the All-Ukrainian Conference of Prosecutors on April 27, 2017 (as amended by the All-Ukrainian Conference of Prosecutors on December 21, 2018, and August 28, 2021):

The Chairman of the Council of Prosecutors organizes and directs the work of the Council of Prosecutors, convenes and presides at its meetings; coordinates the activities of the members of the Council of Prosecutors to fulfill assignments and prepare materials for the meetings of the Council of Prosecutors.

The members of the Council of Prosecutors participate in its meetings, submit proposals for consideration of issues within the competence of the Council of Prosecutors, and express their opinion on the agenda.

The Council of Prosecutors carries out its work in the form of meetings held as necessary, usually at least once a quarter.

Based on the results of consideration of the issues submitted for discussion, the Council of Prosecutors shall adopt a decision prepared by the rapporteur or the Secretary of the Council of Prosecutors by open vote of a simple majority of its members present at the meeting. In case of equal number of votes for and against, the vote of the chairperson of the meeting shall prevail.

Indicator 11-Council for the judiciary/ Prosecutorial Council

by country

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

Q266 (2023): 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”.

According to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", the judges-members of the Supreme Judicial Council are elected by the General Meeting from among the judges of courts of all instances in the following proportion: from the Court of Cassation - one member, from the courts of Appeal - one member, from the courts of first instance - three members, while from the courts of general jurisdiction of the first instance of the regions - at least one member.

Please note that these breakdown can be changed if a judge is promoted and transferred to a higher instance. 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 General's Office, the Prosecutor of the city of Yerevan.

Q268 (2023): 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 (2023): 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 General 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 (2023): 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 (2023): The option "published activity reports" was selected for more accuracy, as the Supreme Judicial Council publishes information about its activities.

Q274 (2023): According to Articles 141-142 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia":

A judge is brought to disciplinary responsibility by the Supreme Judicial Council. The grounds for bringing a judge to disciplinary responsibility are:

- 1) violation of the norm of substantive or procedural law in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence;
- 2) violation by a judge of the rules of conduct of a judge established by this Code, committed with intent or gross negligence. 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 (2023): New Law was adopted on amendments to the Law on Judicial-Legal Council dated to 9th of June 2023, which determines new composition of the Council.

1. three judges of the cassation instance court elected by the conference of judges;
2. three judges of appellate courts elected by the conference of judges;
3. three judges of first instance courts elected by the conference of judges;
4. Judge appointed by the Constitutional Court of the Republic of Azerbaijan;
5. A person appointed by the Milli Majlis (Parliament) of the Republic of Azerbaijan;
6. A person appointed by the relevant executive authority (Ministry of Justice) of the Republic of Azerbaijan;
7. A lawyer appointed by the Bar Association of the Republic of Azerbaijan;
8. Legal scholar appointed by the Azerbaijan National Academy of Sciences;
9. representative of the legal community elected by the conference of judges.

According to the law, the number of judge members in the Council is increased, the procedure for electing those members directly by their colleagues - by the judges' conference is established. It is determined that the Chairperson of the Council will be selected only from among the judge members. At the same time, the number of representatives of the executive power in the Council is reduced, the status of the Minister of Justice and the Chairperson of the Supreme Court as an ex

Q268 (2023): 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 (2023): 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

of Georgia by law should be composed of 15 members; in 2023 it was composed of 15 members (12 male, 3 female).

The judge members of the Council are elected by their peers representing all levels of the common courts. Furthermore, a member elected by the Conference of Judges of Georgia may not be a judge assigned to the position for a three-year term (except when he/she has at least five years' experience of working as a judge), a member of the Disciplinary Chamber or the Qualification Chamber of the Supreme Court.

According to the Organic Law, more than a half of the members elected by the Conference of Judges of Georgia may not be a chairperson of a court, his/her first deputy or a deputy, or the chairperson of a judicial panel or a chamber. The Conference of Judges elects judicial members of the HCJ by a 2/3 majority present at its meeting. The non-judicial members of the Council are elected by the Parliament and the President of Georgia. In particular, the Parliament elects five members of the Council on a competition basis. The Parliament may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master's or equivalent academic degree/higher education diploma, at least 10 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by nonentrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. One of the fields of activity of the above non-entrepreneurial (non-commercial) legal entities shall be, for at least the last two years before the announcement of the competition, participation with representative authority in court proceedings. As a restriction, a member of the Parliament of Georgia, a judge or a prosecutor may not be nominated as candidates for membership of High Council of Justice of Georgia.

Information is filled according 2023 Data.

The PSG Comment:

The Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. The procedure for the latest selection of non- prosecutorial members of the Prosecutorial Council was as follows:

☑Conference of Prosecutors elected 8 members; ☑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);

☑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).

Besides Prosecutorial Council, Currently, there are 3 different councils pertaining to the PSG activities:

Q268 (2023): High Council of Justice - The Parliament and President may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master's or equivalent academic degree/higher education diploma, at least 10 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. 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.

Regarding the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council, please see the last paragraph in the reply to question 266.

Q269 (2023): The members of the Prosecutorial Council are elected for the four years term. They do not have specific privileges and they cannot be re-elected for a second consecutive term. The eight elected prosecutor/investigator members of the Prosecutorial Council are also the members of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council. Respectively the same rules apply. Other seven prosecutor members of the latter three councils may hold their membership positions until being in the respective prosecutorial offices.

Q270 (2023): High Council of Justice of Georgia - It's not full time position for Judge Members of Council, but it's full time position for non judge members of The Council. According the legal changes in 2023, Member of High Council of Justice of Georgia can be selected again, there is no prohibition.

Q273 (2023): PSG Comment - The requirement for the transparency of the Prosecutorial Council is provided for by the Constitution of Georgia, which stipulates that the Prosecutorial Council shall be established to ensure the independence, transparency and efficiency of the Prosecutor's Office. Information on the activities of the Prosecutorial Council is posted on its website and Facebook page as well as on the PSG website. In addition, the meetings of the Prosecutorial Council are live-streamed on Facebook. According to the 2020 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, the decisions on appointment and promotion of prosecutors are published online. Information on the work of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council, the Grading Council and the Internship Commission is published on the PSG website.

Q274 (2023): 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

Q266 (2023): The ex-officio members of SCM have been excluded from its composition and it is not mandatory for non-judge members to be academics.

The reflected composition of the Superior Council of Prosecutors has been valid in 2023 and included as ex officio members:

- the Prosecutor General;
- the Ombudsman;
- the President of the Superior Council of Magistracy (including interim).

By Law, 4 members of SCP have to be elected from among the prosecutors from territorial offices and specialised offices. There is no distinction how many from territorial offices and how many from specialised offices. By an amendment (Law 200/2023 of 31-07-2023 on amendments to some laws (improvement of the selection, evaluation and disciplinary responsibility of prosecutors) published on 04-08-2023) the total number of SCP members has been reduced from 13 to 10. By the same law, starting with 1 January 2024 the Ombudsman and the Prosecutor General ceased their activity as ex-officio members of SCP. The Minister of Justice will cease its activity as a SCP ex-officio member as of 1 January 2026.

Q268 (2023): Non-prosecutor members of the Superior Council of Prosecutors:

Candidates for membership of the Superior Council of Prosecutors on behalf of civil society must have a higher legal education and at least 3 years of experience in the field of law, be of impeccable reputation and be a recognised authority in their fields of activity, pass the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership of self-administrative bodies of judges and prosecutors, and be no more than 65 years of age.

Persons who have been convicted of a criminal offence and persons who have not passed the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership in the self-administrative bodies of judges and prosecutors may not be members of the Superior Council of Prosecutors.

Non-judge members of the Superior Council of Magistracy:

Due to amendments of the Law on Superior Council of Magistracy in 2022, the selection criteria for 6 SCM non-judge members are the following:

- a) have a high professional reputation;
- b) have personal integrity;
- c) have experience in the field of law or political science, economics, psychology for at least 10 years;
- d) do not work, at the time of submitting the application, within the bodies of the legislative, executive or judicial power;
- e) are not politically affiliated.

At least 4 of them must have legal experience.

Q270 (2023): For SCM non-judge members it is a part-time position.

Q273 (2023): Superior Council of Prosecutors useful links:

<https://www.csp.md/index.php/concursuri-pentru-functia-de-procuror>

<https://www.csp.md/index.php/functii-de-procuror-vacante>

<https://www.csp.md/index.php/adunarea-general-a-procurorilor-0>

<https://www.csp.md/index.php/avizeopinii>

<https://www.csp.md/index.php/node/34>

<https://www.csp.md/index.php/transparenta/transparenta-decizionala>

<https://www.csp.md/index.php/cadrul-normativ>

<https://www.csp.md/index.php/prezentare-general-a-membri-csp>

<https://www.csp.md/index.php/>

Superior Council of Magistracy 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>

<https://www.csp.md/colegiu/colegiul-de-disciplina-si-etica/hotarari1>

Q274 (General Comment): According to paragraph 4, section VI, letter f) of the Institution Regulation and to the Commentary of the Code of Ethics for Prosecutors, the Superior Council of Prosecutors shall react ex officio or on a request if considers that the independence, impartiality or professional reputation of a prosecutor is affected in any way. If it reacts ex officio, the Council shall first consult the prosecutor concerned.

The same mechanism is used by the Superior Council of Magistracy as a guarantor of the independence of judges.

Ukraine

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 (2023): Unified Council of the Judiciary (other) 10 - elected by the Congress of Judges of Ukraine from among judges or retired judges, 2 - appointed by the President of Ukraine, 2 - elected by the All-Ukrainian Conference of Prosecutors, and 1 - the Chief Justice of the Supreme Court is an ex officio member of the High Council of Justice (Article 5 of the Law of Ukraine "On the High Council of Justice").

The Council of (only) Prosecutors (clarification) 2 representatives (prosecutors) from the Prosecutor General's Office, 4 representatives (prosecutors) from regional prosecutor's offices, 5 representatives (prosecutors) from district prosecutor's offices are appointed (elected) as members of the Council of Prosecutors of Ukraine by the All-Ukrainian Conference of Prosecutors. The Council of Prosecutors of Ukraine is competent if at least 9 members are elected (Articles 67 and 71 of the Law of Ukraine "On the Prosecutor's Office").

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,

Q268 (2023): The election (appointment) of members of the High Council of Justice is based on the principles of the rule of law, professionalism, publicity, and political neutrality. A citizen of Ukraine, not younger than thirty-five years of age, who speaks 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").

Candidates for the positions of members of the High Council of Justice are selected 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 business day after receipt of the notification of the date and place of the congress or conference, respectively, the Secretariat of the High Council of Justice shall publish an announcement on its official website stating

1) date and place of the congress or conference

2) information on the start of the acceptance of 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").

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 shall be terminated.

The Council of Prosecutors of Ukraine consists of 2 representatives appointed from among academics by the congress of representatives of law universities and research institutions (Article 71 of the Law of Ukraine "On the Prosecutor's Office").

Q269 (2023): According to Part 2 of Article 5 of the Law of Ukraine "On the High Council of Justice", 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.

According to part 6 of Article 71 of the Law of Ukraine "On Prosecution", the term of office of a member of the Council of Prosecutors of Ukraine is five years without the right to be re-elected

Q270 (2023): Members of the High Council of Justice are elected (appointed) for a term of four years. The same person may not hold the position of a member of the High Council of Justice for two consecutive terms.

If the High Council of Justice may become incompetent due to the expiration of the term of office of a member of the High Council of Justice, such member of the High Council of Justice continues to exercise his/her powers until the day of election (appointment) of another person to his/her position, but in any case not more than three months from the date of expiration of the term for which such member of the High Council of Justice was elected (appointed), Article 5 of the Law of Ukraine "On the High Council of Justice".

The High Council of Justice is a legal entity, and the costs of its maintenance are determined by a separate line in the State Budget of Ukraine (Article 1 of the Law of Ukraine "On the High Council of Justice").

The Council of Judges of Ukraine is elected by a regular congress of judges of Ukraine. The next congress of judges of Ukraine is convened by the Council of Judges of Ukraine once every two years.

(The law does not clearly stipulate that a member of the Council of Judges of Ukraine is elected for a term of 2 years).

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.

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>.

Decisions of the Council of Judges of Ukraine are published on the official web portal of the judiciary the day after they are adopted.

Information on the activities of the Council of Judges of Ukraine is freely available on the official website of the Council of Judges of Ukraine, in national and local media and on official websites of the judiciary.

The official website of the Council of Judges of Ukraine (<https://rsu.gov.ua>) was created to harmonize relations between the judiciary and society, to ensure prompt and objective coverage in the media and on the official website of the Council of Judges of Ukraine of public information managed by the Council of Judges of Ukraine on the activities of courts, judicial authorities, and judicial self-government, and to ensure compliance with democratic standards of communication with the media and the public. After all, creating an effective system of interaction between courts, media, and civil society organizations is one of the priority areas of democratization in modern Ukraine.

For the convenience of users, the Council of Judges of Ukraine website has improved the sections "About the COJ", "News", "Documents", "Gallery", and "Contacts".

The information is structured into separate sections and subsections that contain documents by area.

The section "About the COJ" (<https://rsu.gov.ua/ua/pro-rsu>) contains the personal composition of the Council of Judges of Ukraine elected by the XVIII Regular Congress of Judges of Ukraine (date of the Congress: March 09-11, 2021) and the specialized committees of the Council of Judges of Ukraine.

In the Documents section (<https://rsu.gov.ua/documents>), information is published in several formats: hypertext and in a downloadable file that provides for the possibility of further data processing or another machine-readable format. This section contains all decisions of the Council of Judges of Ukraine since 2014. The results of sociological studies and national surveys on the judicial system and judicial reform are freely available, as well as information on the court performance evaluation system. The "Conflict of Interest" subsection of the "Documents" section contains all information on decisions, reports and methodological recommendations of the Council of Judges of Ukraine on monitoring compliance with the legislation on conflict of interest in the activities of courts; compliance with ethical standards by judges and prevention of corruption.

The subsections "Regulatory Documents" and "International Standards" of the "Documents" section contain relevant national and international documents. A number of laws and bylaws regulating the activities of the judiciary, as well as acts that guide the work of the Council of Judges of Ukraine, have been collected. The "News" section (<https://rsu.gov.ua/news>) publishes the official position of the Council of Judges of Ukraine on its activities and organizational activities of courts; information and analytical materials; information support for meetings of the Council of Judges of Ukraine and its committees; speeches and press conferences of the Chairman of the Council of Judges of Ukraine and other representatives of the judiciary; announcements of public events of courts, higher judicial self-government bodies (meetings of the Council of Judges of Ukraine and its committees, meetings, etc.), as well as public events with the participation of members of the Council of Judges of Ukraine; information on the activities of the judiciary; and other information.

relevant authorities to bring a judge or prosecutor to disciplinary responsibility.

Pursuant to Article 16(6) of the Law of Ukraine "On the Prosecutor's Office", a prosecutor has the right to report a threat to his/her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately check and consider such a report with his/her participation and take the necessary measures to eliminate the threat within the limits of its powers under this Law.

According to Article 71 of the Law of Ukraine "On the Prosecutor's Office".

The Council of Prosecutors of Ukraine considers appeals of 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 security of prosecutors; publishes statements on behalf of the prosecutorial corps on the facts of violation of the independence of a prosecutor; addresses international organizations with relevant reports, etc.

On Council of Judges only: Art 133 of the Law On Judiciary and Status of Judges:

1. The Council of Judges of Ukraine is the highest body of judicial self-government and acts as the executive body of the Congress of Judges of Ukraine.

8. The Council of Judges of Ukraine:

1) develops and organizes the implementation of measures to ensure the independence of courts and judges, improve the state of organizational support of the courts;

2) considers issues of legal protection of judges, social protection of judges and their families, makes appropriate decisions on these issues;

3) supervise the organization of courts' activities, hearings on these issues from the Head of the State Judicial Administration of Ukraine, his/her deputies, heads of structural subdivisions and territorial departments of the State Judicial Administration of Ukraine;

4) submit proposals on issues related to the operation of courts to state authorities and local self-government bodies;

5) approves samples of judge and retired judge certificates;

6) monitor compliance with the requirements of the legislation on the settlement of conflicts of interest in the activities of judges, the Chairman or members of the High Qualifications Commission of Judges of Ukraine, the Chairman of the State Judicial Administration of Ukraine or his deputies; make decisions on the settlement of real or potential conflicts of interest in the activities of the said persons (if such conflict cannot be settled in accordance with the procedure established by the procedural law);

7) exercise other powers determined by law.

Decisions of the Council of Judges of Ukraine adopted within the limits of the powers defined by this Law shall be binding on all judicial self-government bodies, except for the Congress of Judges of Ukraine. Decisions of the Council of Judges of Ukraine may be canceled by the Congress of Judges of Ukraine or in court.

Indicator 11-Council for the judiciary/ Prosecutorial Council

by question No.

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 266

Armenia

(2023): 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”.

According to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", the judges-members of the Supreme Judicial Council are elected by the General Meeting from among the judges of courts of all instances in the following proportion: from the Court of Cassation - one member, from the courts of Appeal - one member, from the courts of first instance - three members, while from the courts of general jurisdiction of the first instance of the regions - at least one member.

Please note that these breakdown can be changed if a judge is promoted and transferred to a higher instance. 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 General's Office, the Prosecutor of the city of Yerevan.

Azerbaijan

(2023): New Law was adopted on amendments to the Law on Judicial-Legal Council dated to 9th of June 2023, which determines new composition of the Council.

1. three judges of the cassation instance court elected by the conference of judges;
2. three judges of appellate courts elected by the conference of judges;
3. three judges of first instance courts elected by the conference of judges;
4. Judge appointed by the Constitutional Court of the Republic of Azerbaijan;
5. A person appointed by the Milli Majlis (Parliament) of the Republic of Azerbaijan;
6. A person appointed by the relevant executive authority (Ministry of Justice) of the Republic of Azerbaijan;
7. A lawyer appointed by the Bar Association of the Republic of Azerbaijan;
8. Legal scholar appointed by the Azerbaijan National Academy of Sciences;
9. representative of the legal community elected by the conference of judges.

According to the law, the number of judge members in the Council is increased, the procedure for electing those members directly by their colleagues - by the judges' conference is established. It is determined that the Chairperson of the Council will be selected only from among the judge members. At the same time, the number of representatives of the executive power in the Council is reduced, the status of the Minister of Justice and the Chairperson of the Supreme Court as an ex officio member of the Council is eliminated. In addition, a representative of the legal community and a legal scholar are included in the list of non-judge members.

Georgia

of Georgia by law should be composed of 15 members; in 2023 it was composed of 15 members (12 male, 3 female).

The judge members of the Council are elected by their peers representing all levels of the common courts. Furthermore, a member elected by the Conference of Judges of Georgia may not be a judge assigned to the position for a three-year term (except when he/she has at least five years' experience of working as a judge), a member of the Disciplinary Chamber or the Qualification Chamber of the Supreme Court. According to the Organic Law, more than a half of the members elected by the Conference of Judges of Georgia may not be a chairperson of a court, his/her first deputy or a deputy, or the chairperson of a judicial panel or a chamber. The Conference of Judges elects judicial members of the HCJ by a 2/3 majority present at its meeting. The non-judicial members of the Council are elected by the Parliament and the President of Georgia. In particular, the Parliament elects five members of the Council on a competition basis. The Parliament may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master's or equivalent academic degree/higher education diploma, at least 10 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by nonentrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. One of the fields of activity of the above non-entrepreneurial (non-commercial) legal entities shall be, for at least the last two years before the announcement of the competition, participation with representative authority in court proceedings. As a restriction, a member of the Parliament of Georgia, a judge or a prosecutor may not be nominated as candidates for membership of High Council of Justice of Georgia.

Information is filled according 2023 Data.

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The Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. The procedure for the latest selection of non- prosecutorial members of the Prosecutorial Council was as follows:

☑Conference of Prosecutors elected 8 members; ☑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);

☑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).

Besides Prosecutorial Council, Currently, there are 3 different councils pertaining to the PSG activities:

Republic of Moldova

(2023): The ex-officio members of SCM have been excluded from its composition and it is not mandatory for non-judge members to be academics.

The reflected composition of the Superior Council of Prosecutors has been valid in 2023 and included as ex officio members:

- the Prosecutor General;
- the Ombudsman;
- the President of the Superior Council of Magistracy (including interim).

By Law, 4 members of SCP have to be elected from among the prosecutors from territorial offices and specialised offices. There is no distinction how many from territorial offices and how many from specialised offices. By an amendment (Law 200/2023 of 31-07-2023 on amendments to some laws (improvement of the selection, evaluation and disciplinary responsibility of prosecutors) published on 04-08-2023) the total number of SCP members has been reduced from 13 to 10. By the same law, starting with 1 January 2024 the Ombudsman and the Prosecutor General ceased their activity as ex-officio members of SCP. The Minister of Justice will cease its activity as a SCP ex-officio member as of 1 January 2026.

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.

(2023): Unified Council of the Judiciary (other) 10 - elected by the Congress of Judges of Ukraine from among judges or retired judges, 2 - appointed by the President of Ukraine, 2 - elected by the All-Ukrainian Conference of Prosecutors, and 1 - the Chief Justice of the Supreme Court is an ex officio member of the High Council of Justice (Article 5 of the Law of Ukraine "On the High Council of Justice").

The Council of (only) Prosecutors (clarification) 2 representatives (prosecutors) from the Prosecutor General's Office, 4 representatives (prosecutors) from regional prosecutor's offices, 5 representatives (prosecutors) from district prosecutor's offices are appointed (elected) as members of the Council of Prosecutors of Ukraine by the All-Ukrainian Conference of Prosecutors. The Council of Prosecutors of Ukraine is competent if at least 9 members are elected (Articles 67 and 71 of the Law of Ukraine "On the Prosecutor's Office").

Question 268

Armenia

(2023): 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

(2023): 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

education with a master's or equivalent academic degree/higher education diploma, at least 10 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. 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.

Regarding the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council, please see the last paragraph in the reply to question 266.

Republic of Moldova

(2023): Non-prosecutor members of the Superior Council of Prosecutors:

Candidates for membership of the Superior Council of Prosecutors on behalf of civil society must have a higher legal education and at least 3 years of experience in the field of law, be of impeccable reputation and be a recognised authority in their fields of activity, pass the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership of self-administrative bodies of judges and prosecutors, and be no more than 65 years of age.

Persons who have been convicted of a criminal offence and persons who have not passed the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership in the self-administrative bodies of judges and prosecutors may not be members of the Superior Council of Prosecutors.

Non-judge members of the Superior Council of Magistracy:

Due to amendments of the Law on Superior Council of Magistracy in 2022, the selection criteria for 6 SCM non-judge members are the following:

- a) have a high professional reputation;
- b) have personal integrity;
- c) have experience in the field of law or political science, economics, psychology for at least 10 years;
- d) do not work, at the time of submitting the application, within the bodies of the legislative, executive or judicial power;
- e) are not politically affiliated.

At least 4 of them must have legal experience.

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,

(2023): The election (appointment) of members of the High Council of Justice is based on the principles of the rule of law, professionalism, publicity, and political neutrality. A citizen of Ukraine, not younger than thirty-five years of age, who speaks 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").

Candidates for the positions of members of the High Council of Justice are selected 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 business day after receipt of the notification of the date and place of the congress or conference, respectively, the Secretariat of the High Council of Justice shall publish an announcement on its official website stating

1) date and place of the congress or conference

2) information on the start of the acceptance of 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").

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 shall be terminated.

The Council of Prosecutors of Ukraine consists of 2 representatives appointed from among academics by the congress of representatives of law universities and research institutions (Article 71 of the Law of Ukraine "On the Prosecutor's Office").

Question 269

Armenia

(2023): 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 General 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.

Georgia

(2023): The members of the Prosecutorial Council are elected for the four years term. They do not have specific privileges and they cannot be re-elected for a second consecutive term. The eight elected prosecutor/investigator members of the Prosecutorial Council are also the members of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council. Respectively the same rules apply. Other seven prosecutor members of the latter three councils may hold their membership positions until being in the respective prosecutorial offices.

Ukraine

(2023): According to Part 2 of Article 5 of the Law of Ukraine "On the High Council of Justice", 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.

According to part 6 of Article 71 of the Law of Ukraine "On Prosecution", the term of office of a member of the Council of Prosecutors of Ukraine is five years without the right to be re-elected

Question 270

Armenia

(2023): 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.

Georgia

(2023): High Council of Justice of Georgia - It's not full time position for Judge Members of Council, but it's full time position for non judge members of The Council. According the legal changes in 2023, Member of High Council of Justice of Georgia can be selected again, there is no prohibition.

Republic of Moldova

(2023): For SCM non-judge members it is a part-time position.

Ukraine

(2023): Members of the High Council of Justice are elected (appointed) for a term of four years. The same person may not hold the position of a member of the High Council of Justice for two consecutive terms.

If the High Council of Justice may become incompetent due to the expiration of the term of office of a member of the High Council of Justice, such member of the High Council of Justice continues to exercise his/her powers until the day of election (appointment) of another person to his/her position, but in any case not more than three months from the date of expiration of the term for which such member of the High Council of Justice was elected (appointed), Article 5 of the Law of Ukraine "On the High Council of Justice".

The High Council of Justice is a legal entity, and the costs of its maintenance are determined by a separate line in the State Budget of Ukraine (Article 1 of the Law of Ukraine "On the High Council of Justice").

The Council of Judges of Ukraine is elected by a regular congress of judges of Ukraine. The next congress of judges of Ukraine is convened by the Council of Judges of Ukraine once every two years.

(The law does not clearly stipulate that a member of the Council of Judges of Ukraine is elected for a term of 2 years).

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

(2023): The option "published activity reports" was selected for more accuracy, as the Supreme Judicial Council publishes information about its activities.

Georgia

(2023): PSG Comment - The requirement for the transparency of the Prosecutorial Council is provided for by the Constitution of Georgia, which stipulates that the Prosecutorial Council shall be established to ensure the independence, transparency and efficiency of the Prosecutor's Office. Information on the activities of the Prosecutorial Council is posted on its website and Facebook page as well as on the PSG website. In addition, the meetings of the Prosecutorial Council are live-streamed on Facebook. According to the 2020 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, the decisions on appointment and promotion of prosecutors are published online. Information on the work of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council, the Grading Council and the Internship Commission is published on the PSG website.

Republic of Moldova

(2023): Superior Council of Prosecutors useful links:

<https://www.csp.md/index.php/concursuri-pentru-functia-de-procuror>

<https://www.csp.md/index.php/functii-de-procuror-vacante>

<https://www.csp.md/index.php/adunarea-general-a-procurorilor-0>

<https://www.csp.md/index.php/avizeopinii>

<https://www.csp.md/index.php/node/34>

<https://www.csp.md/index.php/transparenta/transparenta-decizionala>

<https://www.csp.md/index.php/cadrul-normativ>

<https://www.csp.md/index.php/prezentare-general-a-membri-csp>

<https://www.csp.md/index.php/>

Superior Council of Magistracy 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>

<https://www.csp.md/colgiu/colgiul-de-disciplina-si-etica/hotarari1>

Ukraine

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>.

Decisions of the Council of Judges of Ukraine are published on the official web portal of the judiciary the day after they are adopted.

Information on the activities of the Council of Judges of Ukraine is freely available on the official website of the Council of Judges of Ukraine, in national and local media and on official websites of the judiciary.

The official website of the Council of Judges of Ukraine (<https://rsu.gov.ua>) was created to harmonize relations between the judiciary and society, to ensure prompt and objective coverage in the media and on the official website of the Council of Judges of Ukraine of public information managed by the Council of Judges of Ukraine on the activities of courts, judicial authorities, and judicial self-government, and to ensure compliance with democratic standards of communication with the media and the public. After all, creating an effective system of interaction between courts, media, and civil society organizations is one of the priority areas of democratization in modern Ukraine.

For the convenience of users, the Council of Judges of Ukraine website has improved the sections "About the COJ", "News", "Documents", "Gallery", and "Contacts". The information is structured into separate sections and subsections that contain documents by area.

The section "About the COJ" (<https://rsu.gov.ua/ua/pro-rsu>) contains the personal composition of the Council of Judges of Ukraine elected by the XVIII Regular Congress of Judges of Ukraine (date of the Congress: March 09-11, 2021) and the specialized committees of the Council of Judges of Ukraine.

In the Documents section (<https://rsu.gov.ua/documents>), information is published in several formats: hypertext and in a downloadable file that provides for the possibility of further data processing or another machine-readable format. This section contains all decisions of the Council of Judges of Ukraine since 2014. The results of sociological studies and national surveys on the judicial system and judicial reform are freely available, as well as information on the court performance evaluation system. The "Conflict of Interest" subsection of the "Documents" section contains all information on decisions, reports and methodological recommendations of the Council of Judges of Ukraine on monitoring compliance with the legislation on conflict of interest in the activities of courts; compliance with ethical standards by judges and prevention of corruption.

The subsections "Regulatory Documents" and "International Standards" of the "Documents" section contain relevant national and international documents. A number of laws and bylaws regulating the activities of the judiciary, as well as acts that guide the work of the Council of Judges of Ukraine, have been collected. The "News" section (<https://rsu.gov.ua/news>) publishes the official position of the Council of Judges of Ukraine on its activities and organizational activities of courts; information and analytical materials; information support for meetings of the Council of Judges of Ukraine and its committees; speeches and press conferences of the Chairman of the Council of Judges of Ukraine and other representatives of the judiciary; announcements of public events of courts, higher judicial self-government bodies (meetings of the Council of Judges of Ukraine and its committees, meetings, etc.), as well as public events with the participation of members of the Council of Judges of Ukraine; information on the activities of the judiciary; and other information.

Question 274

Armenia

(2023): According to Articles 141-142 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia":

A judge is brought to disciplinary responsibility by the Supreme Judicial Council. The grounds for bringing a judge to disciplinary responsibility are:

- 1) violation of the norm of substantive or procedural law in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence;
- 2) violation by a judge of the rules of conduct of a judge established by this Code, committed with intent or gross negligence. 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

(2023): 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

(2023): 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 Institution Regulation and to the Commentary of the Code of Ethics for Prosecutors, the Superior Council of Prosecutors shall react ex officio or on a request if considers that the independence, impartiality or professional reputation of a prosecutor is affected in any way. If it reacts ex officio, the Council shall first consult the prosecutor concerned.

The same mechanism is used by the Superior Council of Magistracy as a guarantor of the independence of judges.

Ukraine

authorities to bring a judge or prosecutor to disciplinary responsibility.

Pursuant to Article 16(6) of the Law of Ukraine "On the Prosecutor's Office", a prosecutor has the right to report a threat to his/her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately check and consider such a report with his/her participation and take the necessary measures to eliminate the threat within the limits of its powers under this Law.

According to Article 71 of the Law of Ukraine "On the Prosecutor's Office".

The Council of Prosecutors of Ukraine considers appeals of 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 security of prosecutors; publishes statements on behalf of the prosecutorial corps on the facts of violation of the independence of a prosecutor; addresses international organizations with relevant reports, etc.

On Council of Judges only: Art 133 of the Law On Judiciary and Status of Judges:

1. The Council of Judges of Ukraine is the highest body of judicial self-government and acts as the executive body of the Congress of Judges of Ukraine.

8. The Council of Judges of Ukraine:

1) develops and organizes the implementation of measures to ensure the independence of courts and judges, improve the state of organizational support of the courts;

2) considers issues of legal protection of judges, social protection of judges and their families, makes appropriate decisions on these issues;

3) supervise the organization of courts' activities, hearings on these issues from the Head of the State Judicial Administration of Ukraine, his/her deputies, heads of structural subdivisions and territorial departments of the State Judicial Administration of Ukraine;

4) submit proposals on issues related to the operation of courts to state authorities and local self-government bodies;

5) approves samples of judge and retired judge certificates;

6) monitor compliance with the requirements of the legislation on the settlement of conflicts of interest in the activities of judges, the Chairman or members of the High Qualifications Commission of Judges of Ukraine, the Chairman of the State Judicial Administration of Ukraine or his deputies; make decisions on the settlement of real or potential conflicts of interest in the activities of the said persons (if such conflict cannot be settled in accordance with the procedure established by the procedural law);

7) exercise other powers determined by law.

Decisions of the Council of Judges of Ukraine adopted within the limits of the powers defined by this Law shall be binding on all judicial self-government bodies, except for the Congress of Judges of Ukraine. Decisions of the Council of Judges of Ukraine may be canceled by the Congress of Judges of Ukraine or in court.

12. Gender Equality - Overview

Distribution of court professionals by gender

Distribution of court professionals by gender and its variation between 2018 and 2023 (Tables 12.1.1, 12.1.3 and 12.1.5)

Beneficiaries	Court presidents				Professional judges				Non-judge staff			
	Male	Female	Variation 2018 - 2023		Male	Female	Variation 2018 - 2023		Male	Female	Variation 2018 - 2023	
			Male	Female			Male	Female			Male	Female
Armenia	78,9%	21,1%	-21,1	21,1	67,5%	32,5%	-7,1	7,1	23,4%	76,6%	-21,7	21,7
Azerbaijan	98,0%	2,0%	0,7	-0,7	76,6%	23,4%	-9,0	9,0	51,2%	48,8%	-0,9	0,9
Georgia	83,3%	16,7%	-0,7	0,7	46,4%	53,6%	-0,8	0,8	33,2%	66,8%	-2,5	2,5
Republic of Moldova	65,0%	35,0%	-25,0	25,0	48,3%	51,7%	-4,5	4,5	14,4%	85,6%	-6,1	6,1
Ukraine	62,6%	37,4%	-1,3	1,3	45,6%	54,4%	-2,1	2,1	NA	NA	NA	NA
EaP Average	77,6%	22,4%	-9,5	9,5	56,9%	43,1%	-4,7	4,7	31%	69%	-7,8	7,8

For reference only: the 2022 EU median is 62,5% for total female judges and 76,5% for total female non-judge staff.

Figure 12.1 Distribution of the total male and female court presidents in 2023

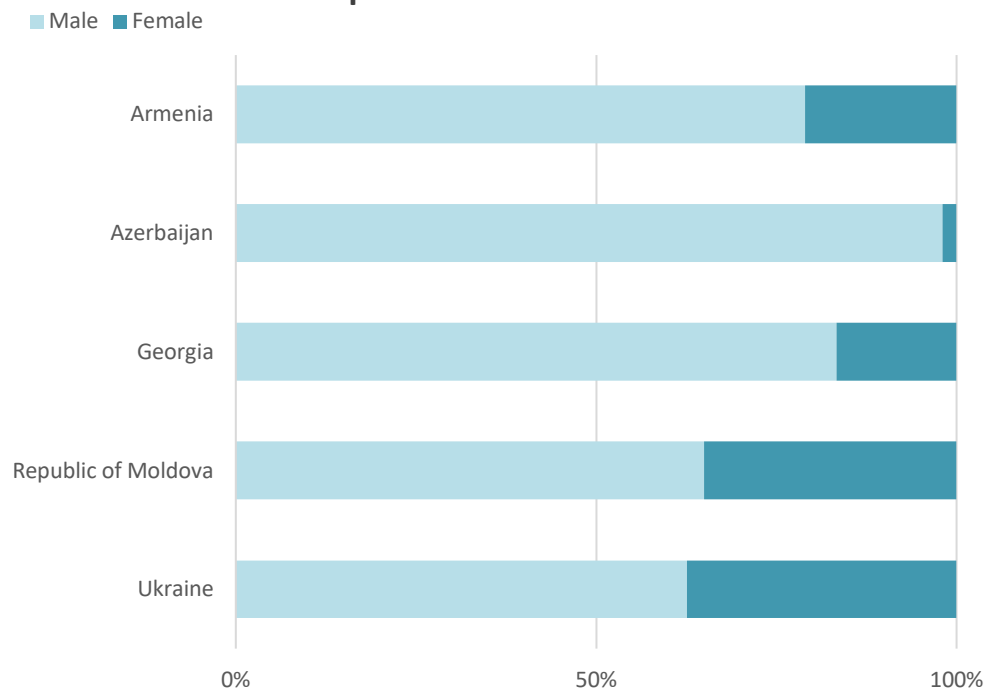


Figure 12.2 Distribution of the total male and female judges in 2023

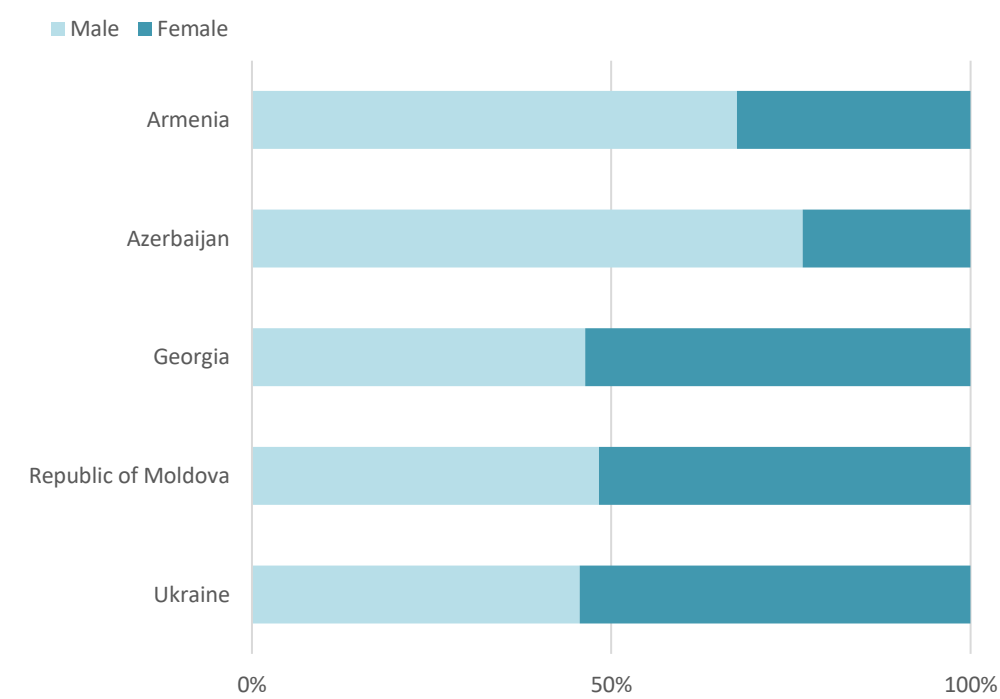
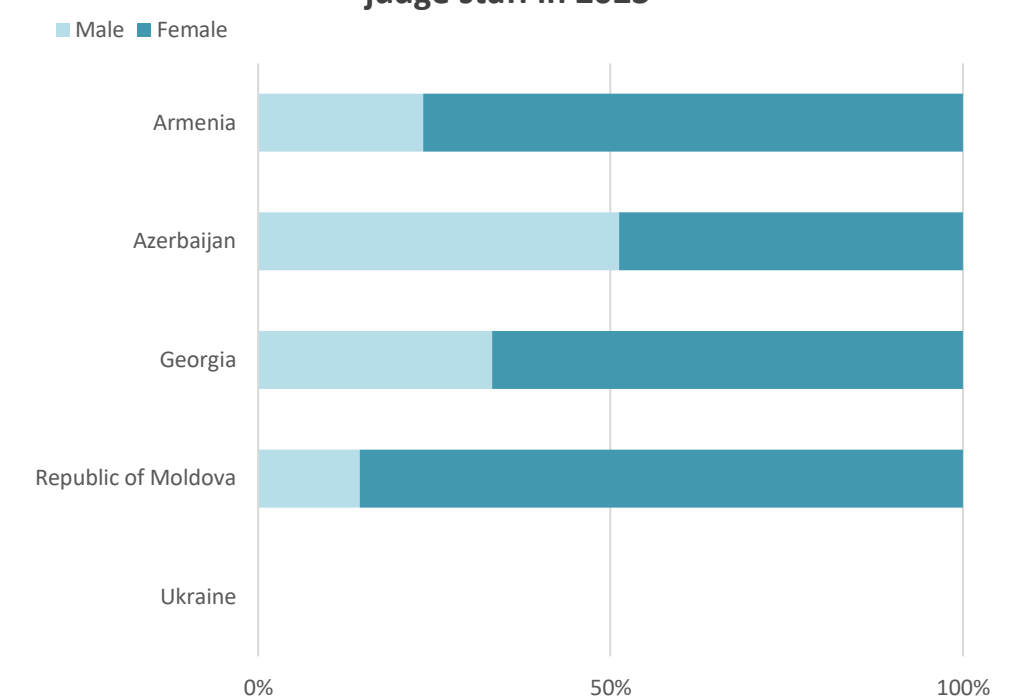


Figure 12.3 Distribution of the total male and female non-judge staff in 2023



Distribution of prosecution services professionals by gender

Distribution of prosecution services professionals by gender and its variation between 2018 and 2023 (Tables 12.2.1, 12.2.3 and 12.2.5)

Beneficiaries	Heads of prosecution services				Prosecutors				Non-prosecutor staff			
	Male	Female	Variation 2018 - 2023		Male	Female	Variation 2018 - 2023		Male	Female	Variation 2018 - 2023	
			Male	Female			Male	Female			Male	Female
Armenia	96,4%	3,6%	-3,6	3,6	76,6%	23,4%	-11,6	11,6	27,0%	73,0%	-7,0	7,0
Azerbaijan	98,0%	2,0%	NA	NA	92,1%	7,9%	-1,5	1,5	NA	NA	NA	NA
Georgia	86,4%	13,6%	-7,6	7,6	64,6%	35,4%	-5,6	5,6	52,4%	47,6%	-1,4	1,4
Republic of Moldova	87,5%	12,5%	-7,7	7,7	66,1%	33,9%	-3,5	3,5	34,2%	65,8%	0,2	-0,2
Ukraine	95,4%	4,6%	0,9	-0,9	63,1%	36,9%	2,0	-2,0	30,6%	69,4%	NA	NA
EaP Average	93%	7%	-4,5	4,5	72%	28%	-4,0	4,0	36%	64%	-2,8	2,8

For reference only: the 2022 EU median is 59,9% for total female prosecutors and 77,4% for total female non-prosecutor staff.

Figure 12.4 Distribution of the total male and female heads of prosecution services in 2023

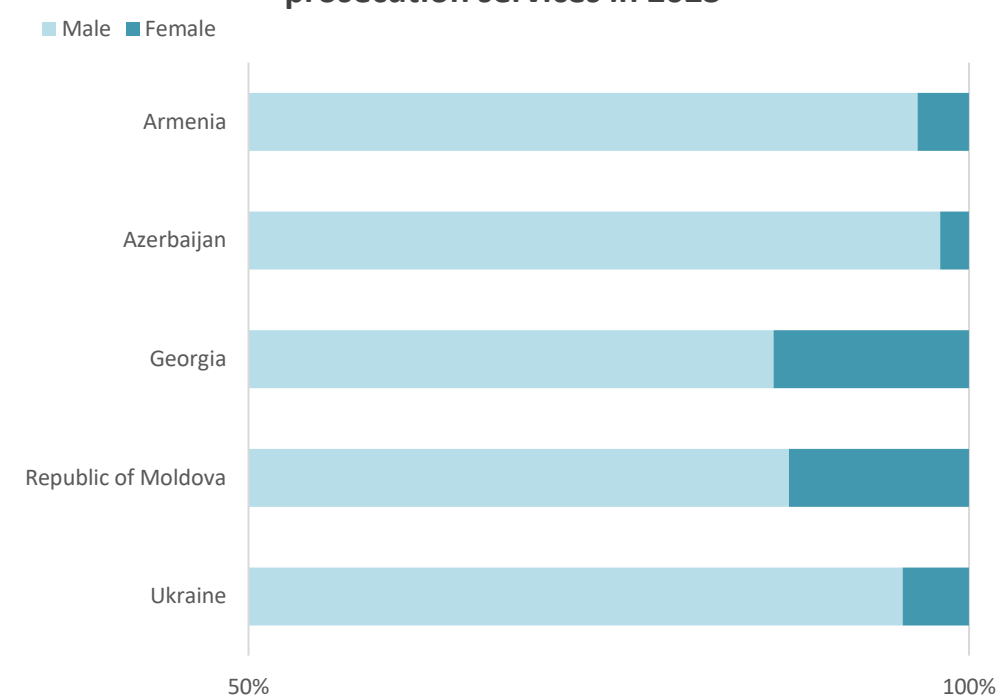


Figure 12.5 Distribution of the total male and female

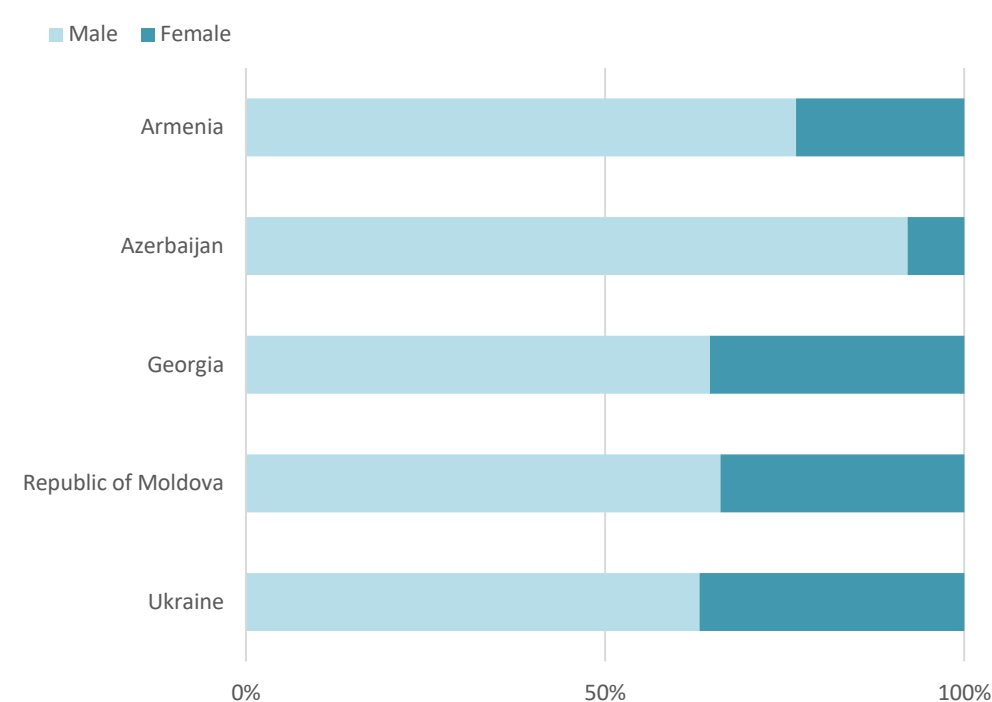
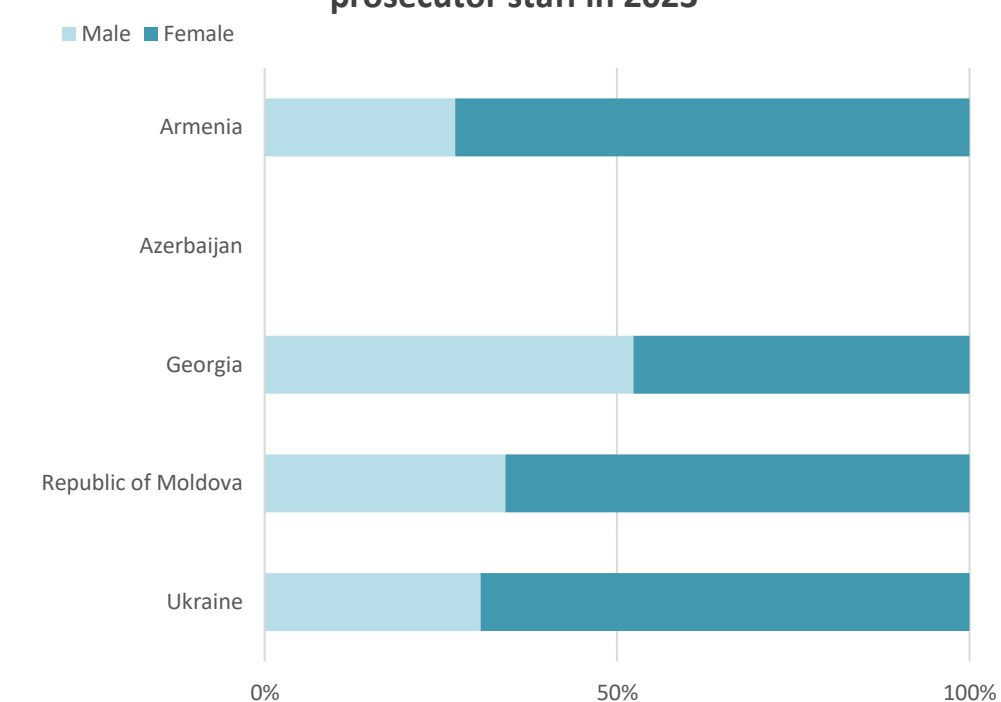


Figure 12.6 Distribution of the total male and female non-prosecutor staff in 2023



12. Gender Equality - List of tables

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of male and female professional judges between 2018 and 2023 (Q19)

Table 12.1.2 Distribution of male and female professional judges by instance between 2018 and 2023 (Q19)

Table 12.1.3 Distribution of male and female court presidents between 2018 and 2023 (Q19-1)

Table 12.1.4 Distribution of male and female court presidents by instance between 2018 and 2023 (Q19-1)

Table 12.1.5 Distribution of male and female non-judge staff between 2018 and 2023 (Q26)

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female prosecutors between 2018 and 2023 (Q28)

Table 12.2.2 Distribution of male and female prosecutors by instance between 2018 and 2023 (Q28)

Table 12.2.3 Distribution of male and female heads of prosecution offices between 2018 and 2023 (Q28-1)

Table 12.2.4 Distribution of male and female heads of prosecution offices by instance between 2018 and 2023 (Q28-1)

Table 12.2.5 Distribution of male and female non-prosecutor staff between 2018 and 2023 (Q32)

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers between 2018 and 2023 (Q33)

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 2023 (Q275 and Q276)

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 2023 (Q277)

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 2023 (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 2023 (Q283)

Table 12.4.5 Existence of statistical data disaggregated by gender, and evaluation studies or official reports regarding the main causes of possible gender inequalities in 2023 (Q286 and Q287)

Table 12.4.6 Implemented and planned measures in order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility in 2023 (Q285)

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of male and female professional judges between 2018 and 2023 (Q19)

Beneficiaries	Distribution of male and female professional judges between 2018 and 2023					
	2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	74,6%	25,4%	67,5%	32,5%	-7,1	7,1
Azerbaijan	85,6%	14,4%	76,6%	23,4%	-9,0	9,0
Georgia	47,2%	52,8%	46,4%	53,6%	-0,8	0,8
Republic of Moldova	52,7%	47,3%	48,3%	51,7%	-4,5	4,5
Ukraine	47,7%	52,3%	45,6%	54,4%	-2,1	2,1
Average	61,6%	38,4%	56,9%	43,1%	-4,7	4,7
Median	52,7%	47,3%	48,3%	51,7%	-4,5	4,5
Minimum	47,2%	14,4%	45,6%	23,4%	-9,0	0,8
Maximum	85,6%	52,8%	76,6%	54,4%	-0,8	9,0

Table 12.1.2 Distribution of male and female professional judges by instance between 2018 and 2023 (Q19)

Beneficiaries	Distribution of male and female professional judges by instance between 2018 and 2023																	
	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges					
	2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	74,9%	25,1%	64,7%	35,3%	-10,2	10,2	72,7%	27,3%	73,8%	26,2%	1,1	-1,1	76,5%	23,5%	75,0%	25,0%	-1,5	1,5
Azerbaijan	85,1%	14,9%	73,3%	26,7%	-11,8	11,8	88,2%	11,8%	85,0%	15,0%	-3,2	3,2	82,9%	17,1%	89,2%	10,8%	6,3	-6,3
Georgia	45,3%	54,7%	44,0%	56,0%	-1,3	1,3	50,7%	49,3%	48,3%	51,7%	-2,4	2,4	63,6%	36,4%	59,3%	40,7%	-4,4	4,4
Republic of Moldova	52,2%	47,8%	46,8%	53,2%	-5,3	5,3	53,8%	46,2%	53,0%	47,0%	-0,8	0,8	55,6%	44,4%	54,5%	45,5%	-1,0	1,0
Ukraine	47,4%	52,6%	43,9%	56,1%	-3,4	3,4	48,4%	51,6%	52,2%	47,8%	3,9	-3,9	54,2%	45,8%	60,1%	39,9%	5,9	-5,9
Average	61,0%	39,0%	54,6%	45,4%	-6,4	6,4	62,8%	37,2%	62,5%	37,5%	-0,3	0,3	66,6%	33,4%	67,6%	32,4%	1,1	-1,1
Median	52,2%	47,8%	46,8%	53,2%	-5,3	5,3	53,8%	46,2%	53,0%	47,0%	-0,8	0,8	63,6%	36,4%	60,1%	39,9%	-1,0	1,0
Minimum	45,3%	14,9%	43,9%	26,7%	-11,8	1,3	48,4%	11,8%	48,3%	15,0%	-3,2	-3,9	54,2%	17,1%	54,5%	10,8%	-4,4	-6,3
Maximum	85,1%	54,7%	73,3%	56,1%	-1,3	11,8	88,2%	51,6%	85,0%	51,7%	3,9	3,2	82,9%	45,8%	89,2%	45,5%	6,3	4,4

Table 12.1.3 Distribution of male and female court presidents between 2018 and 2023 (Q19-1)

Beneficiaries	Distribution of male and female court presidents between 2018 and 2023					
	2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	0,0%	78,9%	21,1%	-21,1	21,1
Azerbaijan	97,3%	2,7%	98,0%	2,0%	0,7	-0,7
Georgia	84,0%	16,0%	83,3%	16,7%	-0,7	0,7
Republic of Moldova	90,0%	10,0%	65,0%	35,0%	-25,0	25,0
Ukraine	63,9%	36,1%	62,6%	37,4%	-1,3	1,3
Average	87,0%	13,0%	77,6%	22,4%	-9,5	9,5
Median	90,0%	10,0%	78,9%	21,1%	-1,3	1,3
Minimum	63,9%	0,0%	62,6%	2,0%	-25,0	-0,7
Maximum	100,0%	36,1%	98,0%	37,4%	0,7	25,0

Table 12.1.4 Distribution of male and female court presidents by instance between 2018 and 2023 (Q19-1)

Beneficiaries	Distribution of male and female court presidents by instance between 2018 and 2023																	
	First instance court presidents						Second instance (court of appeal) court presidents						Supreme Court court presidents					
	2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	NAP	78,6%	21,4%	NAP	NAP	100,0%	NAP	100,0%	0,0%	NAP	NAP	100,0%	NAP	0,0%	100,0%	NAP	NAP
Azerbaijan	98,1%	1,9%	98,9%	1,1%	0,9	-0,9	83,3%	16,7%	83,3%	16,7%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Georgia	86,4%	13,6%	85,7%	14,3%	-0,6	0,6	100,0%	0,0%	100,0%	0,0%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Republic of Moldova	86,7%	13,3%	66,7%	33,3%	-20,0	20,0	100,0%	0,0%	75,0%	25,0%	-25,0	25,0	100,0%	0,0%	0,0%	100,0%	100,0	100,0
Ukraine	62,5%	37,5%	61,3%	38,7%	-1,2	1,2	86,5%	13,5%	82,4%	17,6%	-4,1	4,1	0,0%	100,0%	100,0%	0,0%	100,0	100,0
Average	86,7%	16,6%	78,2%	21,8%	-5,2	5,2	94,0%	7,5%	88,1%	11,9%	-7,3	7,3	60,0%	50,0%	40,0%	60,0%	0,0	0,0
Median	86,7%	13,5%	78,6%	21,4%	-0,9	0,9	100,0%	6,8%	83,3%	16,7%	-2,1	2,1	100,0%	50,0%	0,0%	100,0%	0,0	0,0
Minimum	62,5%	1,9%	61,3%	1,1%	-20,0	-0,9	83,3%	0,0%	75,0%	0,0%	-25,0	0,0	0,0%	0,0%	0,0%	0,0%	-100,0	-100,0
Maximum	100,0%	37,5%	98,9%	38,7%	0,9	20,0	100,0%	16,7%	100,0%	25,0%	0,0	25,0	100,0%	100,0%	100,0%	100,0%	100,0	100,0

Table 12.1.5 Distribution of male and female non-judge staff between 2018 and 2023 (Q26)

Beneficiaries	Distribution of male and female non-judge staff between 2018 and 2023					
	2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	44,1%	54,9%	23,4%	76,6%	-21,7	21,7
Azerbaijan	52,1%	47,9%	51,2%	48,8%	-0,9	0,9
Georgia	35,7%	64,3%	33,2%	66,8%	-2,5	2,5
Republic of Moldova	20,6%	79,4%	14,4%	85,6%	-6,1	6,1
Ukraine	21,4%	78,6%	NA	NA	NA	NA
Average	34,8%	65,0%	30,6%	69,4%	-7,8	7,8
Median	35,7%	64,3%	28,3%	71,7%	-4,3	4,3
Minimum	20,6%	47,9%	14,4%	48,8%	-21,7	0,9
Maximum	52,1%	79,4%	51,2%	85,6%	-0,9	21,7

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female prosecutors between 2018 and 2023 (Q28)

Beneficiaries	Distribution of male and female prosecutors between 2018 and 2023					
	2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	88,1%	11,9%	76,6%	23,4%	-11,6	11,6
Azerbaijan	93,6%	6,4%	92,1%	7,9%	-1,5	1,5
Georgia	70,2%	29,8%	64,6%	35,4%	-5,6	5,6
Republic of Moldova	69,6%	30,4%	66,1%	33,9%	-3,5	3,5
Ukraine	61,1%	38,9%	63,1%	36,9%	2,0	-2,0
Average	76,5%	23,5%	72,5%	27,5%	-4,0	4,0
Median	70,2%	29,8%	66,1%	33,9%	-3,5	3,5
Minimum	61,1%	6,4%	63,1%	7,9%	-11,6	-2,0
Maximum	93,6%	38,9%	92,1%	36,9%	2,0	11,6

Table 12.2.2 Distribution of male and female prosecutors by instance between 2018 and 2023 (Q28)

Beneficiaries	Distribution of male and female prosecutors by instance between 2018 and 2023																	
	First instance prosecutors						Second instance (court of appeal) prosecutors						Supreme Court prosecutors					
	2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023	
	% 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	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	69,6%	30,4%	NAP	NAP	NAP	NAP	52,4%	47,6%	NAP	NAP	NAP	NAP	71,5%	28,5%	NAP	NAP	NAP	NAP
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 2018 and 2023 (Q28-1)









Beneficiaries	Distribution of male and female heads of prosecution offices between 2018 and 2023					
	2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	0,0%	96,4%	3,6%	 -3,6	 3,6
Azerbaijan	NA	NA	98,0%	2,0%	NA	NA
Georgia	94,0%	6,0%	86,4%	13,6%	 -7,6	 7,6
Republic of Moldova	95,2%	4,8%	87,5%	12,5%	 -7,7	 7,7
Ukraine	94,5%	5,5%	95,4%	4,6%	 0,9	 -0,9
Average	95,9%	4,1%	92,7%	7,3%	-4,5	4,5
Median	94,9%	5,1%	95,4%	4,6%	-5,6	5,6
Minimum	94,0%	0,0%	86,4%	2,0%	-7,7	-0,9
Maximum	100,0%	6,0%	98,0%	13,6%	0,9	7,7

Table 12.2.4 Distribution of male and female heads of prosecution offices by instance between 2018 and 2023 (Q28-1)

Beneficiaries	Distribution of male and female heads of prosecution offices by instance between 2018 and 2023																		
	First instance heads of prosecution offices						Second instance (court of appeal) heads of prosecution offices						Supreme Court heads of prosecution offices						
	2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023		2018		2023		Variation (in percentage points) 2018 - 2023		
	% 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	NAP
Azerbaijan	NA	NA	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	97,2%	2,8%	91,2%	8,8%	-6,0	6,0	66,7%	33,3%	66,7%	33,3%	0,0	0,0	100,0%	0,0%	66,7%	33,3%	-33,3	33,3	
Ukraine	NAP	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 2018 and 2023 (Q32)

Beneficiaries	Distribution of male and female non-prosecutor staff between 2018 and 2023					
	2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	34,1%	65,9%	27,0%	73,0%	-7,0	7,0
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	53,8%	46,2%	52,4%	47,6%	-1,4	1,4
Republic of Moldova	34,0%	66,0%	34,2%	65,8%	0,2	-0,2
Ukraine	NA	NA	30,6%	69,4%	NA	NA
Average	40,6%	59,4%	36,0%	64,0%	-2,8	2,8
Median	34,1%	65,9%	32,4%	67,6%	-1,4	1,4
Minimum	34,0%	46,2%	27,0%	47,6%	-7,0	-0,2
Maximum	53,8%	66,0%	52,4%	73,0%	0,2	7,0

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers between 2018 and 2023 (Q33)

Beneficiaries	Distribution of male and female lawyers between 2018 and 2023					
	2018		2023		Variation (in percentage points) 2018 - 2023	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	57,4%	42,6%	55,8%	44,2%	-1,6	1,6
Azerbaijan	84,0%	16,0%	82,1%	17,9%	-1,9	1,9
Georgia	51,9%	48,1%	49,7%	50,3%	-2,2	2,2
Republic of Moldova	64,5%	35,5%	70,6%	29,4%	6,1	-6,1
Ukraine	63,4%	36,6%	NA	NA	NA	NA
Average	64,2%	35,8%	64,6%	35,4%	0,1	-0,1
Median	63,4%	36,6%	63,2%	36,8%	-1,8	1,8
Minimum	51,9%	16,0%	49,7%	17,9%	-2,2	-6,1
Maximum	84,0%	48,1%	82,1%	50,3%	6,1	2,2

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 2023 (Q275 and Q276)

Beneficiaries	Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2023											
	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	Yes	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


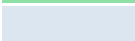
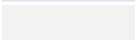

Yes 
 No 
 NA 
 NAP 

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 2023 (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 2023	
	Court presidents	Heads of prosecution services
Armenia		
Azerbaijan		
Georgia		
Republic of Moldova		
Ukraine		

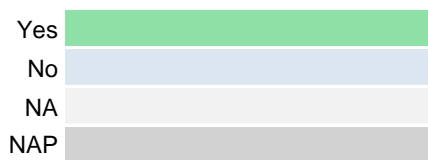


Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2023 (Q278 and Q279)

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 2023						
	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							



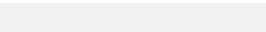

Yes 
 No 
 NA 
 NAP 

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 2023 (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 2023		
	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-prosecutor staff
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

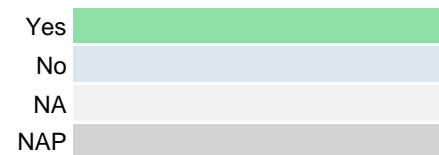


Table 12.4.5 Existence of statistical data disaggregated by gender, and evaluation studies or official reports regarding the main causes of possible gender inequalities in 2023 (Q286 and Q287)

Beneficiaries	Existence of statistical data disaggregated by gender, and evaluation studies or official reports regarding the main causes of possible gender inequalities in 2023										
	Existence of statistical data disaggregated by gender						Evaluation studies or official reports regarding the main causes of possible inequalities with regard to:				
	Persons who initiate a case in other than criminal matters		Victims recognised as such by the court		Perpetrators of criminal offences		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
	Existence	If yes, specification of the categories of cases	Existence	If yes, specification of the categories of cases	Existence	If yes, specification of the categories of cases					
Armenia											
Azerbaijan											
Georgia				all types of Offences related with Violence against Women (Obligation under Istanbul Convention) (According the Judgments)		all types of offences (According the Court Judgments)					
Republic of Moldova		all case categories		all types of offences		all types of offences					
Ukraine		NA		NA							

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 gender equality in promotion and in access to functions of responsibility in 2023 (Q285)

Beneficiaries	Implemented and planned measures in order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility in 2023		
	Implemented	Planned	In case the situation has changed since the reference year
Armenia	<p>Promoting Gender Equality through implementation of the Gender Policy Implementation Strategy (2019-2023) across diverse sectors, including the judiciary. The strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 have been adopted.</p>	<p>The Gender Policy Implementation Strategy of Armenia for 2019-2023 sets the government's priorities and way forward to mainstream gender across diverse sectors. The strategy defines 5 priorities: 1) Improving the National Mechanism for the Advancement of Women, Ensuring Equal Participation of Women and Men in Governance, at the Decision-Making Level, 2) Overcoming gender discrimination in the socio-economic sphere, expanding women's economic opportunities, 3) Enhancing full and effective participation of women and men in education and science, 4) Enhancing equal opportunities for women and men in the field of healthcare, 5) Prevention of Gender Discrimination.</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 strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 have been adopted.</p>
Azerbaijan	<p>As a result of the implementation of gender policies, national and international legislation, cooperation with relevant organisations, gender audits etc. the number of women in the judiciary has increased and the tendency continues. Up to 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 are women. Thus, the number of female judges in the judicial system has been increasing, from 13% of the total number of judges in 2013 to 23% in 2023. The nr of women judges in the second instance courts increased by 12% compared to 2021.</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 are planned (please specify) : 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>	<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>1. According to Georgian legislation, discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the respective Organic Laws of Georgia on Common Courts and on Prosecution Service. Respectively, legislation effectively protects individuals (Judges/Court staff) from discrimination.</p> <p>In addition, specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance are in place - during the nomination of the Prosecutor General and election of prosecutor members at the Prosecutorial Council. According to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the Prosecutor General out of which 1/3 must be of different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender. In 2021, in 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, a participatory gender audit was conducted in the PSG. The audit aimed at assessing gender mainstreaming, and improving the approaches of the PSG in this regard.</p> <p>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. On 31 October 2022, based on the Order 208- of the Prosecutor General of Georgia, 2022-2027 Gender Equality Strategy of the PSG was adopted. The main goals of the Strategy are as follows: Ensuring equal and discrimination-free environment in the PSG and supporting women's empowerment; Implementation of effective, accountable and gender-sensitive justice in the PSG. The Strategy prescribes its basic tasks as well. In particular: Enhancing</p>	<p>According to the Strategy, the PSG will further ensure equal opportunities for men and women in terms of professional and career development. During the implementation period, the PSG will ensure further awareness-raising and capacity building of its employees on gender-related issues (such as gender equality, sexual harassment, etc.). Besides, the PSG plans to deepen cooperation with NGOs working on gender-related matters.</p>	NA
Republic of Moldova	<p>On December 22,2016 ,the article 14 of the Law no. 158 of 04.07.2008 on 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.</p> <p>According to the Law no.5 of 09.02.2006 on ensuring equal opportunities for women and men as well as the Program for acceleration of gender equality in the Republic of Moldova for the years 2022-2027, 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 but containing a set of trainings for National Institute of Justice beneficiaries on Gender equality and non-discrimination</p>	<p>A Working Group to optimize HR policies in courts has been created in 2023, with the support of the EU/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova". Among the expected deliverables of the WG are recommendations on ensuring non-discrimination, promoting social inclusion, gender equality and the balance between professional and family life of judges and court staff (based on the CEPEJ Guidelines on gender equality in the recruitment and promotion of judges).</p>	The Working Group to optimize HR policies in courts has been created in 2023 and it has a mandate for 2024 as well.
Ukraine	NA	NA	NA

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 concerning:

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 285. In order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

Question 286. Are there evaluation studies or official reports regarding the main causes of possible gender inequalities with regard to:

Question 287. Are there statistical data disaggregated by gender concerning the number of:

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 (2023): 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 (2023): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts.

Q283 (2023): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts

Q286 (2023): 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->

Q279 (2023): 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 (2023): 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. Respectively, the legislation of Georgia effectively protects individuals from discrimination.

The PSG - According to Georgian legislation, 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, legislation effectively protects individuals from discrimination. In addition, specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance are in place - during the nomination of the Prosecutor General and election of prosecutor members at the Prosecutorial Council. According to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the Prosecutor General out of which 1/3 must be of 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, improving gender organizational policy is one of the priorities prescribed by the 2022-2027 PSG Strategy. According to the Strategy, the PSG will further ensure equal opportunities for men and women in terms of professional and career development. On 31 October 2022, based on the Order 208- of the Prosecutor General of Georgia, 2022-2027 Gender Equality Strategy of the PSG was adopted.

Q276 (2023): Similar with the question 275

Q279 (2023): Generally, the Public Defender deals with discrimination issues, including based on gender

Q283 (2023): On 15 March 2022, by Order № 48-8 of the Prosecutor General, a Working Group on Gender Issues was established, aimed at ensuring gender equality in the PSG. The Group is composed of 5 members: the Deputy Prosecutor General (chair of the Working Group), the Head of the Human Rights Protection Department, the Deputy Head of the Department for Supervision over Prosecutorial Activities and Strategic Development, the Head of the Professional Development Centre, and the adviser of the Human Resources Management and Development Department. The main tasks of the Working Group are as follows: Developing and updating (when necessary but at least once per year) Gender Equality Strategy and respective Action Plan; Developing legal acts necessary for defining those responsible for working on gender issues and adding relevant functions to job descriptions; Preparing an annual complex report on gender mainstreaming issues and submitting it to the Prosecutor General of Georgia; Informing the PSG employees on these issues; Effectively enforcing the mechanism for the prevention and response to sexual harassment.

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 limit the equality of chances between women and men in order to be recruited for the nominated professions.

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.

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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 Program for acceleration of gender equality in the Republic of Moldova for the years 2022-2027. Both normative acts contain general provisions on gender equality without specifying males/females equality within the judicial system.

Q279 (General Comment): According to Law no. 5 of 09.02.2006 on ensuring 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 (2023): 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 analyses on this area using related data are done periodically by the Ministry of Internal Affairs, by Prosecutor's General Office, National Anticorruption Center.

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

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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->

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The PSG - According to Georgian legislation, 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, legislation effectively protects individuals from discrimination. In addition, specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance are in place - during the nomination of the Prosecutor General and election of prosecutor members at the Prosecutorial Council. According to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the Prosecutor General out of which 1/3 must be of 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, improving gender organizational policy is one of the priorities prescribed by the 2022-2027 PSG Strategy. According to the Strategy, the PSG will further ensure equal opportunities for men and women in terms of professional and career development. On 31 October 2022, based on the Order 208- of the Prosecutor General of Georgia, 2022-2027 Gender Equality Strategy of the PSG was adopted.

Republic of Moldova

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Question 279

Armenia

(2023): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts.

Azerbaijan

(2023): 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

(2023): Generally, the Public Defender deals with discrimination issues, including based on gender

Republic of Moldova

(General Comment): According to Law no. 5 of 09.02.2006 on ensuring 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.

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(2023): On 15 March 2022, by Order № 48-8 of the Prosecutor General, a Working Group on Gender Issues was established, aimed at ensuring gender equality in the PSG. The Group is composed of 5 members: the Deputy Prosecutor General (chair of the Working Group), the Head of the Human Rights Protection Department, the Deputy Head of the Department for Supervision over Prosecutorial Activities and Strategic Development, the Head of the Professional Development Centre, and the adviser of the Human Resources Management and Development Department. The main tasks of the Working Group are as follows: ☑Developing and updating (when necessary but at least once per year) Gender Equality Strategy and respective Action Plan; ☑Developing legal acts necessary for defining those responsible for working on gender issues and adding relevant functions to job descriptions; ☑Preparing an annual complex report on gender mainstreaming issues and submitting it to the Prosecutor General of Georgia; ☑Informing the PSG employees on these issues; ☑Effectively enforcing the mechanism for the prevention and response to sexual harassment.

Question 286

Armenia

(2023): 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

(2023): 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 analyses on this area using related data are done periodically by the Ministry of Internal Affairs, by Prosecutor's General Office, National Anticorruption Center.

Reforms


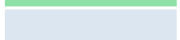
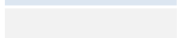

Reforms - List of tables

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 (part 1 of 2) Undergoing or foreseen reforms in 2023 (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Beneficiaries	Undergoing or foreseen reforms in 2023																	
	(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	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented
Armenia	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Azerbaijan	Yes	Yes	Yes	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Republic of Moldova	No	Yes	Yes	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Yes 
 No 
 NA 
 NAP 

Reforms (part 2 of 2) Undergoing or foreseen reforms in 2023 (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Beneficiaries	Undergoing or foreseen reforms in 2023																	
	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	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented
Armenia																		
Azerbaijan																		
Georgia																		
Republic of Moldova																		
Ukraine																		

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 construction of new buildings)

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 (2023): The future reform plans are outlined in the “2022-2026 Strategy for Judicial and Legal Reforms“ as adopted by N 1133-L decree “On the approval of the strategy of judicial and legal reforms of the Republic of Armenia for 2022-2026 and the resulting action plan and the invalidation of the decree of the Government of the Republic of Armenia No. 1441-L dated October 10, 2019” dated on 21.07.2022 adopted by the Government of Armenia.

The 2022-2026 Strategy for Judicial and Legal Reforms the continuous reforms of the judicial system, inter alia, shall pursue the following goals:

- To guarantee the effectiveness of justice and to ensure the unity of judicial practice, as well as to set a higher standard of legal certainty in the field of justice; to ensure the implementation of the target of more effective compliance with reasonable time limits of consideration of court cases, as well as the effective implementation of the principle of economy of the trial terms,
- To ensure the specializations of courts and the sub-specializations of judges in different sub-fields of the law, which, on the one hand, will guarantee more professional consideration of the cases, especially when it comes to consideration of complicated and complex legal relations, requiring highly specialized knowledge, and will redistribute the overall burden on the judiciary, on the other hand,
- To increase the objectivity and validity of the process of selection of candidates for judges,
- To ensure the continuous increase of judges' remuneration in the judiciary, starting from higher instances,
- To ensure the continuous integrity checks of the judges,
- To continue the process of improving the building conditions of the courts.

Q288-2 (2023): In 2023 the budget allocated to judiciary was 38,075,832 EUR.

General Assembly of Judges by 3.

A legislative package was adopted, which introduced mechanisms for periodic verification of the integrity of judges, as well as prosecutors and investigators. At the same time, integrity review procedures will be introduced, aimed also at candidates to be appointed to autonomous positions of the Investigative Committee, and persons holding autonomous positions subject to promotion, as well as persons holding autonomous positions subject to promotion in the anti-corruption Committee.

A new anti-corruption chamber has been created in the Court of Cassation providing the entire chain three-stage consideration of anti-corruption cases.

Q288-4 (2023): Taking into account the importance of properly providing free legal aid to, the number of public defenders was increased by 10 positions.

Q288-5 (2023): "Judicial Code of the Republic of Armenia" was amended, a mechanism was implemented for appealing the decisions of the Supreme Judicial Council on disciplinary cases.

Legal mechanisms have been introduced on the basis of which, when voting to compile a list of candidates for judges, members of the Supreme Judicial Council take into account the results of a written qualification exam and an interview, as well as an advisory opinion on integrity provided by the Corruption Prevention Commission in relation to the candidate. In this case, the person will be included in the list without having to undergo training at the Academy of Justice. Thus, there are currently 2 differentiated procedures for the involvement of judges.

investigation of corruption crimes at the Academy of Justice, and 4 judges of the Anti-Corruption Court were trained in the courses included in the module of special professional courses specializing in the investigation of anti-corruption civil law cases. In addition to the judges of the Anti-Corruption Court, in 2023, 4 judges of the Anti-Corruption Court of Appeal and 4 judges of the Anti-Corruption Chamber of the Court of Cassation were trained in the courses included in the module of special professional courses with a specialization in the investigation corruption crimes, 4 judges of the Anti - Corruption Court of Appeal and 5 judges of the Anti - Corruption Chamber of the Court of Cassation were trained in the courses included in the special professional courses module specializing in the examination of anticorruption civil law cases.

The law adopted on March 1, 2023, amended the basic law on the Prosecutor's Office related to the formation of promotion lists in order to form a more value-centered promotion system. 2022-2026 Strategy for Judicial and Legal Reforms: Goals:

- Guaranteeing the effectiveness of justice and ensuring unity of judicial practice.
- Setting higher standards of legal certainty.
- Specialization of courts and sub-specialization of judges in different sub-fields of law for more professional consideration of cases, especially complex legal relations.
- Increasing the objectivity and validity of the process of selecting candidates for judges.
- Continuous integrity checks of judges.
- In order to replenish the judicial system with new professional personnel, more flexible procedures for involving judges are provided, allowing them to be included in the list of candidates for judges without training at the Academy of Justice, but with passing a qualitatively more complex exam, and there is also a requirement for persons with a certain professional experience to take only an oral exam for inclusion in the list of candidates for judges.

Planned Reforms:

- Ensuring specializations of courts and sub-specializations of judges in different sub-fields of law.
- Improving the consideration of complicated and complex legal relations.
- Conducting continuous integrity checks of judges.

Q288-7 (2023): The Gender Policy Implementation Strategy of Armenia for 2019-2023 sets the government's priorities and way forward to mainstream gender across diverse sectors. The strategy defines 5 priorities: 1) Improving the National Mechanism for the Advancement of Women, Ensuring Equal Participation of Women and Men in Governance, at the Decision-Making Level, 2) Overcoming gender discrimination in the socio-economic sphere, expanding women's economic opportunities, 3) Enhancing full and effective participation of women and men in education and science, 4) Enhancing equal opportunities for women and men in the field of healthcare, 5) Prevention of Gender Discrimination.

Promoting Gender Equality through implementation of the Gender Policy Implementation Strategy (2019-2023) across diverse sectors, including the judiciary. The strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 have been adopted.

Q288-8 (2023): Based on the problems identified as a result of the application of the Code of Administrative Procedure, a package of amending laws was developed providing for amendments to the Code of Administrative Procedure and a related law, which proposes to provide grounds for the unconditional annulment of judicial acts, the provisions concerning state duty, subpoena, expedited judicial proceedings were revised, and a number of problems arising in practice were solved. Contract conclusion in electronic form was first incorporated in the Civil Code of Republic of Armenia. Particularly, the methods of concluding contracts in writing was clarified with a separate indication of their conclusion in electronic form, which will include both data exchange using electronic means of communication and electronic data exchange using an electronic platform (website, electronic application or other similar means), the moments of receipt of the offer and acceptance were clarified when concluding contracts in electronic form, with which certain legal consequences will be associated. After the entry into force of the new Criminal and Criminal Procedure Codes of the Republic of Armenia, constant monitoring is carried out in connection with their practical application. About 10 working meetings were organized to discuss amendments and additions to the codes, during which a number of problems were raised, they were studied, and, based on the logic of existing reforms, a number of reforms were implemented in the form of legislative initiatives. Numerous proposals put forward during the discussions have received a substantive form, as a result, the draft Law of the Republic of Armenia "On Amendments and Additions to the Criminal Code of the Republic of Armenia" was fully adopted and entered into force, which amended the current institution of repentance, as well as the law has already been adopted in the first reading in the National Assembly of the Republic of Armenia "On Amendments and additions to the Criminal Code of the Republic of Armenia". The draft laws of the Republic of Armenia "On Amendments and Additions to the Criminal Procedure Code of the Republic of Armenia" and "On Amendments and Additions to the Penal Enforcement Code of the Republic of Armenia", which provide for significant reforms in sectoral legislation.

Q288-9 (2023): In 2023, orders supporting the implementation of amendments to the Law on Mediation were adopted. These orders define essential conditions for attracting new mediators, outline the procedures for their training and retraining, establish guidelines for maintaining mediators' register, and prescribe criteria for the selection of mediators. Additionally, provisions were made for the facilitation of online mediation processes.

To enhance the competency of mediators, a comprehensive training and retraining course was organized. This course welcomed both existing mediators seeking retraining and new candidates aspiring to become mediators.

Subsequently, the qualification exams have conducted. A total of 14 new mediators have successfully passed the qualification check. The Arbitration and Mediation Center of Armenia was created and developed and officially approved arbitration and mediation rules. These encompass rules governing expedited arbitration, mediation procedures, the functioning of the Arbitration Council, a code of conduct for arbitrators, arbitration fees, arbitrator compensation, and the payment procedures. The charter of the arbitration center has been successfully registered by the Agency of the State Register of Legal Entities. Consequently, Armenia has now assembled all the necessary documents for the establishment and commencement of operations of a new arbitration center.

In practical terms, a dedicated space has been secured through the rental of premises to facilitate the center's activities.

In future new training phases and qualification exams are planned for attracting new mediators.

assessment of the action plan were confirmed. The strategy establishes 5 strategic goals for the fight against corruption: Preventing corruption and strengthening integrity systems: the continuous strengthening of the corruption prevention institution, together with the ongoing development and modernization of preventive measures, plays a key role in combating corruption. Among the most important aspects of corruption prevention, the strategy considers developing the institutional system for preventing corruption, conducting anti-corruption review of legal acts and their drafts, enhancing mechanisms for preventing corruption and strengthening integrity in the public sector, and continuously improving the integrity system.

Improving legal and institutional systems for combating corruption

Anti-corruption education and improving public awareness mechanisms: the development and implementation of a policy on targeted anti-corruption education and awareness-raising is crucial for effectively combating corruption. This policy must be aimed at increasing public involvement and boosting public support in anti-corruption reforms, laying a stable foundation for the culture of intolerance towards corruption.

Business integrity, protecting business rights and facilitating state-business administration: declaring business integrity, protection of business rights, and facilitation of state-business administration as a strategic goal is a clear indication that the Government is committed to fulfilling its international obligations, places great importance on improving its performance in international reports, and prioritizes creating a favorable investment environment through taking effective steps towards the implementation of related anti-corruption reforms, as well as takes active measures to develop economic activities and eradicate hindering corrupt practices.

The measures aimed at decreasing bureaucracy will be implemented in coordination with the similar measures outlined in the Public Administration Reforms (PAR) strategy.

Enhancing anti-corruption monitoring and evaluation system: the 2023-2026 Strategy must provide all the prerequisites and mechanisms necessary for developing the monitoring and evaluation system. The anti-corruption monitoring system should provide an opportunity to assess the shift in the level of corruption, integrate a substantive performance monitoring system, and provide a quantifiable description of the present state. The monitoring system must incorporate indicators for strategic goals, activity outputs, and outcomes. There must be “as clear and measurable result indicators as possible at any level, with a possibility to present them in quantitative form, specifying a certain benchmark or period of time to ensure that implementation can be measured.

Q288-11 (2023): The resolution of the Government of the Republic of Armenia "On approval of the strategy for combating domestic violence for 2023-2025 and the resulting action plan" was adopted, the purpose of which is to ensure effective implementation of the requirements of the law "On Prevention of Domestic Violence, protection of persons subjected to domestic violence and restoration of solidarity in the family.

This document is the first comprehensive strategic plan that focuses only on the multisectoral issues related to domestic violence and individual problems that arise in practice.

When developing the strategy, existing problems in the field of combating domestic violence, comments and suggestions from international structures and civil society, annual reports of the human rights defender, international best practices in this area were taken into account, on the basis of which the priority directions of the strategy and individual goals arising from it were identified., by introducing or developing effective mechanisms to ensure their practical application.

The adoption of the draft will contribute to improving the legal framework, increasing the effectiveness of combating domestic violence, ensuring the full implementation of support and protection measures, strengthening the capacity of industry specialists, and raising public awareness about the prevention of domestic violence.

The draft law on amendments and additions to the Law "On the Prevention of Domestic Violence, Protection of persons subjected to domestic violence and Restoration of solidarity in the family" was developed in order to reflect the obligations enshrined in the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence.

Q288-12 (2023): As part of the 1st Strategic Goal, in the 2nd half of 2023, the electronic module for civil cases of the unified electronic court case management system was introduced (cabinet.armlex.am), which allows conducting civil proceedings in electronic form, from filing a claim to publishing the final judicial act and providing a writ of execution. The module includes all documents that have been generated or submitted through the system, as well as scanned versions of materials created or presented in addition (including photographs and video recordings of physical evidence).

Similarly, an electronic module on bankruptcy cases has also been developed, which, in addition to procedural functions, will also ensure the selection, appointment of bankruptcy managers and auctions in electronic form.

In addition, an electronic mediation platform has been developed, with the help of which it is possible to register conciliators in the register of the Ministry of Justice, appoint or select them through an automated system by drawing lots, as well as submit applications, demands, see conciliators, receive notifications, etc.

At the same time, an electronic system of pre-trial criminal proceedings (e-criminal case), which ensures the integration and effective use of information generated during pre-trial proceedings in criminal cases by government agencies.

In order to acquire the tools necessary for videotaping all investigative actions, the technical specifications necessary to ensure sufficient practical applicability of cameras were developed, and technical passports were drawn up, and then the necessary cameras were purchased.

In addition, electronic server systems have been acquired for downloading and managing video recordings of investigative actions, and now the results of investigative actions can be stored in the appropriate server facility instead of the previous disks or similar media.

Azerbaijan

Q288-1 (2023): The Decree of the head of state "On the deepening of reforms in the judicial-legal system" dated April 3, 2019 stipulated the transition of judicial activity to a qualitatively new stage.

Q288-3 (2023): By the Decree of the President of the Republic of Azerbaijan dated March 3, 2022, the Regulation on the "Electronic Prosecutor's Office" information system was approved and entered into force. The "Electronic Prosecutor's Office" information system, which ensures the application of modern information and communication technologies in the activities of the prosecutor's offices of the Republic of Azerbaijan, was established in accordance with the Decree of the President of the Republic of Azerbaijan dated May 07, 2021.

"Regulation on the Electronic Prosecutor's Office" information system defines the legal, organizational and technological bases for the formation and operation of the mentioned system, integration with the information systems and resources of other institutions through the Electronic Government Information System, as well as the provision of protective measures related to the Information System.

According to the Regulation, the application of the information system is aimed at protecting human and civil rights and freedoms, expanding the possibilities of applying to the prosecutor's office, increasing the efficiency and transparency of the prosecutor's office, preventing delays and abuse, raising the effectiveness of monitoring the activities of the prosecutor's office staff, electronic clerical process, and serves to ensure electronic document circulation.

Q288-4 (2023): In continuation of the ongoing progressive judicial reform in Azerbaijan, on July 26, amendments were made to the Civil Procedure Code, providing for legal assistance at the state's expense for vulnerable segments of the population in the first and appeal instances in civil cases. Work is underway by the government, parliament, and the Azerbaijani Bar Association on the preparation of the "Free Legal Aid" draft law. This draft law envisages the provision of free legal aid services in all courts and state institutions in the Republic of Azerbaijan.

Q288-5 (2023): Within the framework of judicial reform in the reporting year, drafts aimed at expanding the powers of the Judicial-Legal Council have been prepared. According to the Law "On Amendments to the Law of the Republic of Azerbaijan 'On Courts and Judges'," a draft envisaging the transfer of a number of powers related to the activities of the courts to the Judicial-Legal Council has been presented to the Milli Mejlis (Parliament). As a continuation of judicial reforms in Azerbaijan, a new law was adopted on amendments to the Law on Judicial-Legal Council dated to 9th of June 2023, which determines the new composition of the Council.

According to the law, the number of judge members in the Council is increased, the procedure for electing those members directly by their colleagues - by the judges' conference - is established. It is determined that the Chairman of the Council will be selected only from among the judge members. At the same time, the number of representatives of the executive power in the Council is reduced, the status of the Minister of Justice and the Chairman of the Supreme Court as an ex

Q288-6 (2023): According to the Law of the Republic of Azerbaijan dated June 9, 2023, "On Amendments to the Law of the Republic of Azerbaijan 'On the Judicial Legal Council'", the Judicial Legal Council and the Judges Selection Committee have been reformed and commenced operations with a new composition. Projects aimed at equipping judicial positions with young lawyers possessing high knowledge and moral qualities have been implemented, with corresponding initiatives focused on further expediting the judge selection process, reducing the number of examination stages, and creating more favorable conditions for their completion. Candidate profiles were prepared and discussed at Council meetings.

By the decision of the Judicial Legal Council dated August 31, 2023, more than 20 significant amendments were made to the "Rules for the Selection of Candidates for Vacant Judicial Positions," resulting in a reduction of the examination stages from 6 to 4. These changes have established more favorable conditions for candidates, reflecting innovations in the selection process.

Under the new rules, additional opportunities have been provided for candidates during the document acquisition process (documents can be obtained electronically, candidates must submit a copy of their employment record within 5 days after passing the second stage of the written exam at the latest), the option to apply to the Judges Selection Committee with a request for temporary suspension of participation in the selection process has been defined, and the publication of exam results is planned only with the indication of a personal code.

Furthermore, in accordance with the amendments to the Rules, the written exam was conducted electronically, and for the first time, an experienced psychologist (expert-psychologist of the Forensic Expertise Center of the Ministry of Justice) was engaged as an observer for oral examinations.

Four and a half years ago, the Azerbaijani Bar Association established its own Legal Aid and Training Center (hereafter the "Center"), and one of its many spheres of operations is about the professional development and vocational training increase of its members as well as assistants of lawyers. Every week the Center organizes a number of events including roundtables, seminars, workshops, webinars, trainings, discussions, and so forth on various topics with the participation of representatives of governmental and non-governmental organizations, legal entities and mass media (more information can be found on the official website: barassociation.az). Three years ago, the Center launched the "Continuing Education" electronic platform, which aims at facilitating participation for everyone, in particular the members of the ABA who live far away from the capital.

On the 20th of October 2023, Azerbaijani Bar Association established the Academy of the Bar Association and changed the name of Legal Aid and Training Center to Legal Aid Center.

Q288-8 (2023): Provisions on criminal proceedings in absentia have been added to the Code of Criminal Procedure of the Republic of Azerbaijan in accordance with the Law "On Amending the Criminal-Procedural Code of the Republic of Azerbaijan" which entered into force on January 26, 2024. Thus, according to Article 7.0.8-1, which was added to the Code, criminal proceedings in absentia means the criminal prosecution without the presence of the accused person, as well as the trials in absentia in the courts of first, appeal and cassation instances.

Q288-9 (2023): "The Strategy for Socio-Economic Development of the Republic of Azerbaijan for 2022-2026" was approved by the Decree of the President of the Republic of Azerbaijan in 2022. The action plan of the aforementioned Strategy includes the following objectives:

- Expansion of the use of modern information technologies in resolving judicial cases, especially commercial disputes, including the adoption of additional measures in the field of conducting judicial proceedings using video conferencing systems.
- Preparation and adoption of the draft Law of the Republic of Azerbaijan "On Arbitration" based on advanced international practices to expand alternative dispute resolution methods.
- Facilitation of mediation work and implementation of mediation activities in disputes between small and medium-sized enterprises (SMEs).
- Adoption of the Competition Code reflecting international experience and modern approaches.

The majority of tasks have already been completed by 2024.

Within the third phase of the joint program of the European Union and the Council of Europe titled "Partnership for Good Governance", a project called "Fostering Mediation in Azerbaijan" is being implemented. It builds on the results of the previous phases of the Partnership for Good Governance in the field of strengthening justice (Phase I 2015-2018 and Phase II 2019-2023).

Q288-10 (2023): The National Action Plan to Strengthen the Fight Against Corruption 2022-2026 was approved by the Presidential Decree of April 4, 2022, № 319904. Paragraph 5 of the Decree, obliges the Cabinet of Ministers to coordinate the measures mentioned in the NAP 2022-2026. According to paragraph 11 of the Cabinet of Ministers' order No. 294s of May 13, 2022 on ensuring the implementation of the Decree No. 3199 of the President of the Republic of Azerbaijan dated April 4, 2022, coordination assigned to different departments of the Cabinet of Ministers depending on the action to be taken. At the same time, pursuant to paragraph 6 of the same Decree, the Anti-Corruption Commission shall evaluate of the implementation of the NAP 2022-2026.

Q288-11 (2023): There is a draft law on amending the Law of the Republic of Azerbaijan, "On Prevention of Domestic Violence," and on amending the Law of the Republic of Azerbaijan, "On Lawyers and Legal Practice".

The draft law on amending the Law of the Republic of Azerbaijan "On Prevention of Domestic Violence" has been prepared with the aim of ensuring the implementation of the relevant decree of the President of the Republic of Azerbaijan, Ilham Aliyev, on the approval of the "National Action Plan for 2020-2023 on Combating Domestic Violence in the Republic of Azerbaijan", and improving the normative legal framework in the field of combating domestic violence.

Based on the bill, the amendment to the Law "On Lawyers and Legal Practice" envisages the inclusion of individuals who have suffered from domestic violence in the category of persons receiving legal assistance at the expense of the state.

Q288-12 (2023): At the end of 2023, a presentation of the new website of the Judicial Legal Council took place. The new website has been significantly improved and enriched with new information both in terms of functionality and content compared to the previous version. In the reporting year, pursuant to the Decree of the President of the Republic of Azerbaijan dated August 1, 2023, "On Electronic Document Exchange between State Bodies (Institutions)" and the Apparatus of the Judicial Legal Council of the Republic of Azerbaijan, real-time interaction between the electronic document management systems of state bodies (institutions) within the infrastructure of the Electronic Government Information System has been recommended to be ensured after the formation of the electronic document management subsystem, facilitating secure integration of document flow and tracking document movement. It is recommended that document exchange with other state bodies (institutions) be conducted through this system by integrating into the subsystems of electronic document management systems. Taking into consideration the importance of combating corruption outlined in the "National Action Plan to Strengthen the Fight against Corruption for 2022-2026," approved by the Decree of the President of the Republic of Azerbaijan dated April 4, 2022, the Judicial Legal Authority of the Council is recommended to continue activities aimed at increasing and refining measures related to the implementation of the "Electronic Court" information system across all regions of the country. It is noteworthy that in 2023, the full implementation of the "Electronic Court" information system throughout the republic has been completed in accordance with the directives of the head of state regarding the facilitation of access to justice and the digitization of court activities. By creating an electronic cabinet for each citizen, this system enables access to information and documents regarding legal processes, allows for the submission of complaints, and facilitates other operations without the need to visit a court.

"The Strategy for Socio-Economic Development of the Republic of Azerbaijan for 2022-2026" was approved by the Decree of the President of the Republic of Azerbaijan in 2022. The action plan of the aforementioned Strategy includes expansion of the use of modern information technologies in resolving judicial cases, especially commercial disputes, including the adoption of additional measures in the field of conducting judicial proceedings using video conferencing systems."

Georgia

Q288-1 (2023): For complete fulfillment of EU's 9-Point Recommendations

Q288-3 (2023): High Council of Justice of Georgia is effectively involved in Backlog reduction initiatives. In 2023, Batumi City Court became first pilot court, where CEPEJ Backlog Reduction Tool will be implemented. High Council of Justice of Georgia is also working on IT Strategy and on improvement of IT technologies. Many Important infrastructure projects were implemented and will be implemented in the Courts.

High Council of Justice of Georgia is effectively involved in Backlog reduction initiatives. In 2023, Batumi City Court became first pilot court, where CEPEJ Backlog Reduction Tool will be implemented. Also Judiciary has started CEPEJ different projects in 4 Pilot Courts for improvement of Efficiency of Georgian Judiciary. High Council of Justice of Georgia is also working on IT Strategy and on improvement of IT technologies. Many Important infrastructure projects were implemented and will be implemented in the Courts.

Q288-4 (2023): New Regulations regarding the publication of Court decisions (According Constitutional Court decision) was adopted. It came in to force from 1st January, 2024.

Q288-5 (2023): 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.

Prosecution Service Reforms: 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

Q288-7 (2023): 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; On October 25, 2022, the Government adopted two separate action plans for 2022-2024: “National Action Plan on the Implementation of the UN Resolutions 1325 on Women, Peace and Security” and the “National Action Plan for the Elimination of Violence against Women and Domestic Violence.” In order to ensure efficient implementation of the afore-mentioned plans, clear cut indicators, baselines and targets and activity-based targeted budget are being determined at the outcome and output levels.
 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;
 6. National Strategy of Human Rights for 2022-2030; Parliament of Georgia; 2023. The Government of Georgia adopted a new Human Rights Strategy 2022-2030 on 5 September 2022, and the Parliament approved it on 23 March 2023. The new strategy addresses fundamental human rights and freedoms and puts special emphasis on the protection of the rights of vulnerable groups.
 7. Women Economic Empowerment Strategy; Parliament 2023

Q288-8 (2023): Minor legal changes has been adopted and can be implemented, but not the new Reforms.

Q288-9 (2023): Minor legal changes has been adopted and can be implemented, but not the new Reforms.

Q288-10 (2023): New Law on - „Fight Against Corruption" came into the legal force. On the basis of the amendments made to the law of Georgia "On the Fight Against Corruption", an independent Legal Entity of Public Law - the Anti-Corruption Bureau was formed. Within the framework of the mentioned reform, the corruption prevention mechanisms were united under the umbrella of a single institution.

Q288-11 (2023): 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, entered into force from 2023;
 3. The National Action Plan on Ending Violence against Women, in 2022;
 4. National Strategy of Human Rights for 2022-2030; Parliament of Georgia; 2023.

Q288-12 (2023): It's planned to improve the legal framework regarding the New Information and Communication Technologies in different fields and aspects.

Republic of Moldova

Q288-1 (2023): 2023 is the second year of implementation of the Strategy on ensuring the independence and integrity of the justice sector for the years 2022-2025 and under the umbrella of this policy document several reforms in the justice sector have been continued and other activities have been started.

Q288-2 (2023): Judges salaries have been increased as of spring 2023. The salaries of the court and prosecution staff increased as of October 2023.

Q288-3 (2023): 1. In order to increase the integrity and professionalism of the judges of the Supreme Court of Justice, as well as to strengthen the role of the Supreme Court of Justice, a new law on the SCJ was adopted and is in force as of 1 September 2023. The main provisions refer to: 1) reducing the number of SCJ judges to 20; 2) changing the composition of the SCJ, by ensuring access to the positions of judges of the SCJ for both judges (11 positions) and non-judges (9 positions) - lawyers, prosecutors, academics; 3) the regulation of demanding criteria for access to the position of judge of the SCJ; 4) establishment of the external evaluation mechanism of the current judges of the SCJ and of the candidates for the positions of judges of the SCJ; 5) changing the powers of the SCJ, to transform it into a Court of Cassation, with a competence to interpret and apply uniformly the legal provisions in the justice system and others. The law was publicly consulted and expertized by the Venice Commission (see Opinion CDL-AD(2022)024 adopted at the plenary session of 21-22 October 2022 and Opinion CDL-AD(2022)049 adopted at the plenary session from December 16-17, 2022). In October 2023, the vetting process of the candidates to the SCJ was initiated. The final decision on promotion or appointment is on the SCM. Linked to the SCJ reform the Law no. 65/2023 on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice was adopted on March 30, 2023.

2. The process of amendment of Law no. 76/2016 on courts' reorganization was initiated on 4.09.2023.

3. Through SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of court's activity for first instance courts and courts of appeal, 13 quality standards have been approved for Moldovan courts. The standards cover the following areas: (1) court performance, (2) online services, (3) court infrastructure, (4) quality management and (5) communication with the media and the general public.

4. With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 at the national level to uniformise the methodology of annual reporting on court performance. The activity is planned for 2024 as well.

Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and misdemeanor (criminal-administrative) cases. The amendment was published on December 29, 2023. The provisions on complementing the composition of the National Legal Aid Council are in force from the same date. The rest of provisions will enter into force within 6 months from the date the amendment has been published. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid Council (CNAJGS).

Q288-5 (2023): 1. The Law on Prosecutor's Office was amended in 2023 by reducing the composition of the SCP to 10 members (5 prosecutors; 4 representatives of civil society and the SCM President). The Ombudsman and the General Prosecutor will cease to be members of the Superior Council of Prosecutors starting with January 1, 2024 and the Minister of Justice starting with January 1, 2026. The mandate of SCP members is for 6 years, without the right to apply for another mandate.

The mandate of the SCP president is for 2 years, without the right to be re-elected.

2. The SCM ex-officio members (Prosecutor General, Minister of Justice, SCJ President) are excluded from its composition and it is not mandatory for non-judge members to be academics.

3. The pre-vetting evaluation of the candidates to SCM, Selection and evaluation and Disciplinary boards has been continued. It is expected to have a new vetted

Q288-6 (2023): 1. The mechanism of selection, evaluation and disciplinary liability of prosecutors has been improved. The main aspects are related to merging the College for the selection and career of prosecutors and the Performance evaluation college of prosecutors in a single college - the College for the selection and evaluation of prosecutors; transferring the Inspection of prosecutors from the General Prosecutor's Office in the structure of the Superior Council of Prosecutors; 2. A new law on selection and performance assessment of judges entered into force on June 21, 2023. It was merged the Selection Board with the Evaluation Board and a single board was created - the Board of selection and evaluation of judges. The law also regulates the criteria of selection of candidates for the position of judge and performance evaluation criteria for judges. A novation of the law is the competence to evaluate a judge in terms of integrity.

3. A new law on external evaluation of judges and prosecutors entered into force on 22 August 2023. It includes the full vetting (external evaluation) of the judges of the appeal courts; the presidents and vice-presidents of the courts; General Prosecutor, Deputy General Prosecutors, the chief prosecutors of different departments of the General Prosecutor's Office, including those who occupied these positions or who ensured their interim for a term longer than one year; all prosecutors from the specialized prosecutor's offices; the chief prosecutors and their deputies from the territorial prosecutor's offices.

4. In order to improve the mechanisms of the disciplinary liability of judges and exclude some procedural deficiencies several amendments of Law no. 178/2014 on the disciplinary liability of judges, Law no. 544/1995 on the status judges and Law no. 947/1996 on the Superior Council of the Magistracy were approved in 2023. The main aspects of the changes concern: 1) the rights, obligations, guarantees of inspectors-judges; 2) the revocation of the mandate and other aspects of strengthening the capacities of the Judicial Inspection; 3) ensuring the clarity and predictability of the criteria that constitute disciplinary violations; 4) the examination procedure and other deficient aspects found following the examination of the practices.

5. 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, the process 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 started in 2022 and is in progress in 2023. The reforms are part of the new Justice Sector Strategy.

Q288-7 (2023): 1. Through the Government decision no. 203 of 12.04.2023 the Program for promoting and ensuring equality between women and men in the Republic of Moldova for the years 2023-2027 was approved.

2. The Law no. 121/2012 on ensuring equality and Law no. 298/2012 on the activity of the Council for the prevention and elimination of discrimination and ensuring equality were amended on 2 February 2023. The amendments 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).

3. A Working Group to optimize HR policies in courts has been created, with the support of the EU/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova". Among the expected deliverables of the WG are recommendations on ensuring non-discrimination, promoting social inclusion, gender equality and the balance between professional and family life of judges and court staff (based on the CEPEJ Guidelines on gender equality in the recruitment and promotion of judges).

Q288-8 (2023): Amendments to Criminal Procedure Code and Contravention Code were adopted. The purpose of the changes was to improve the efficiency of the procedures for examining criminal cases both at the preliminary stage and at the judicial stage, as well as to review the procedural mechanisms that would ensure an appropriate balance between prosecution and defense from the perspective of equality of arms. The main aspects of the amendments aim at: adjusting the normative framework in order to prevent the violation of the reasonable term; expanding the use of videoconferencing in court sessions; the exclusion of provisions that created predispositions for procrastination of judicial proceedings, revision of the provisions on admission, designation and replacing the defender; establishment of the cooperation agreement procedure; improving the mechanism of compensation for detention conditions, etc.

An amendment of the Criminal Code has been adopted in the first reading by the Parliament. The aim was to exclude some deficiencies of legislative order, which, in practice generate interpretation difficulties and to focus on humanizing the punitive policy of the state. Furthermore, the Criminal Code has been adjusted and completed with new offenses on ecology segment for a better protection of the environment. Components of crime have been introduced to protect the person identity; The corruption and cyber offenses have been reviewed and adjusted.

Q288-9 (2023): The "mediation guaranteed by state" terminology with a dedicated to it paragraph has been integrated into the Legal Aid Law 198/2007. The National Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and misdemeanor (criminal-administrative) cases. The amendment was published on December 29, 2023. The provisions on complementing the composition of the National Legal Aid Council are in force from the same date. The rest of provisions will enter into force within 6 months from the date the amendment has been published. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid respect and the draft law is being refined in accordance with the recommendations.

2. The corruption offenses have been reviewed and adjusted. On this issue an amendment of the Criminal Code has been adopted in the first reading by the Parliament.

3. Legislative changes on the delimitation of functional powers of Anti-Corruption Prosecutor's Office and National Anti-Corruption Center at investigating, combating and sanctioning high-level corruption crimes were adopted in the reference period.

According to Law No. 365/2023, "from March 1, 2024, criminal cases in the criminal investigation phase within the Anti-Corruption Prosecutor's Office and the criminal investigation body of the National Anti-Corruption Center, for which they will not be competent to carry out the criminal investigation under this law, will be sent to the Prosecutor General, who will distribute them according to the competence within the period until March 31, 2024." 4. The normative framework regarding the whistleblowers was refined in 2023 in accordance with EU legislation.

Q288-11 (2023): The Law no. 45/2007 on the prevention and combating of family violence was amended in 2023. New responsible institutions were created: The National Agency for the Prevention and Combating of Violence against Women and Family Violence, which is a central administrative authority subordinate to the Government empowered to coordinate inter-institutional activity in the field of preventing and combating violence against women and family violence, implementing national programmes, to provide assistance to the Government in the implementation of policies, to monitor and evaluate public policies in the field, to facilitate cooperation and dialogue with civil society, to report on the manner of national application of the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter - the Istanbul Convention), other international conventions and instruments. In addition to the National Agency for the Prevention and Combating of Violence against Women and Family Violence, the National Coordinating Council in the Field of Preventing and Combating Violence against Women and Family Violence (hereinafter - the National Coordinating Council) was established and is carrying out its activity. Its composition includes representatives of the specialised central public administration authorities, representatives of civil society and other interested parties. The National Coordinating Council ensures the collaboration between authorities and organizational structures with competences in the field of preventing and combating violence against women and violence in the family, as well as their cooperation with non-commercial organizations and foreign partners, it also serves as a platform for debates in the implementation process, at the national and local level, of policies to prevent and combat all forms of violence regulated by the Istanbul Convention. The regulation of the National Coordinating Council is approved by a Government decision. The activity of the members of the National Coordinating Council is not remunerated."

Q288-12 (2023): 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. Examples: the Working Group for developing the Court Information System has identified a list of 85 needs in order to improve the functionalities of the ICMS. The ICMS has been updated 18 times during 2023. The pilot testing of the e-file solution has been extended to other courts. 11 more sets of the videoconferencing equipment for court hearings were procured. A monitoring assessment on the extended use of the videoconference for court hearings was done in 3 model pilot courts with the support of the USAID project "Moldova effective justice model courts initiative". The statistical JUSTAT solution was launched on May, 26, 2023. The solution provides for general public online information on judicial system statistical data and court performance indicators.

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Constitutional Justice for 2021-2023 (hereinafter - the Strategy), which defines the main principles and directions for the further sustainable functioning and development of the justice system, taking into account the best international standards and practices.

Subparagraph 1 of paragraph 2 of the said Decree instructs the Legal Reform Commission to ensure the development of an Action Plan for the implementation of the Strategy with the participation of representatives of state authorities, local governments, civil society institutions, leading specialists in various fields of law and international experts and approval of the Action Plan.

Prior to the introduction of martial law in Ukraine, the Legal Reform Commission was developing an Action Plan for the implementation of the Strategy.

In addition, it is worth noting that the Decree of the President of Ukraine No. 266/2022 "On the National Council for the Restoration of Ukraine from the Consequences of War" of 21.04.2022 established the National Council for the Restoration of Ukraine from the Consequences of War, approved the Regulation on the National Council for the Restoration of Ukraine from the Consequences of War and its staff.

In addition, in accordance with the said Regulation, the National Council for Reconstruction of Ukraine from the Consequences of War established working groups tasked with developing a draft Action Plan for Post-War Reconstruction and Development of Ukraine.

The Working Group on Justice under the National Council for Reconstruction of Ukraine from the Consequences of War has developed proposals for the draft Plan, which include

- restoration of the full-fledged work of the newly formed High Council of Justice and the High Qualification Commission of Judges of Ukraine;
- Structural modernization and optimization of the judiciary, including a comprehensive audit of the powers of the judiciary bodies and institutions (High Council of Justice, High Qualifications Commission of Judges of Ukraine, State Judicial Administration of Ukraine, Judicial Protection Service, National School of Judges of Ukraine, etc.) to eliminate duplication of functions and ensure efficient use of resources;
- Filling the staff positions of judges in the busiest courts of first instance and appellate courts;
- launching the work of the High Court on Intellectual Property;
- improving the procedures for appointment, dismissal, and disciplinary action against judges;
- optimization of the existing network of general courts in accordance with the new administrative-territorial structure and existing challenges, development and adoption of relevant draft laws on liquidation (reorganization) and establishment of local general and specialized courts, which will result in at least a threefold reduction in the number of local general courts;
- generalizing the scale of the damage caused, calculating the necessary material resources to restore damaged court buildings/rooms and rebuilding new appellate and local courts in accordance with European standards, taking into account the projected map of courts;
- development of standard designs of "courthouses of justice" based on the best European practices, construction of new buildings for the newly established district courts based on such designs;

Q288-3 (2023): See Q 288-1

Q288-4 (2023): The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Simplifying Access to Free Legal Aid" of April 10, 2023 No. 3022-IX came into force on 03 August 2023, which amended the Law of Ukraine "On Free Legal Aid", in particular in terms of simplifying the access to legal services for the most vulnerable categories of persons, improving certain provisions of the Law on the procedure for submitting and considering applications for free secondary legal aid, bringing terminology in line with the Constitution of Ukraine.

Q288-5 (2023): See paragraph 288-1. In addition, it should be noted that the competitive procedures for the selection of candidates for vacant positions of members of the High Council of Justice, conducted by the Ethics Council in accordance with the provisions of the Law of Ukraine of 14.07.2021 No. 1635-IX "On Amendments to Certain Legislative Acts of Ukraine on the Procedure for Election (Appointment) to the Positions of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice", are nearing completion.

During its work, the Ethics Council evaluated 140 candidates and 4 current members of the High Council of Justice. As of 09.11.2023, the Ethics Council adopted 138 decisions, including: 8 decisions in 2021; 83 decisions in 2022; 57 decisions in 2023.

Since January 12, 2023, the authorized composition of the High Council of Justice has been restored.

Thus, on the recommendation of the Ethics Council, 16 vacant positions of members of the High Council of Justice were filled, including: 3 current members of the High Council of Justice who have been assessed for compliance with the criteria of professional ethics and integrity (2 - under the quota of the Congress of Judges of Ukraine, 1 - under the quota of the President of Ukraine (in September 2023, the powers of this member of the High Council of Justice expired), 2 - from the Verkhovna Rada of Ukraine, 2 - from the Congress of Representatives of Law Schools and Scientific Institutions, 8 - from the Congress of Judges of Ukraine, 2 - from the All-Ukrainian Conference of Prosecutors. The President of the Supreme Court became an ex officio member of the High Council of Justice.

Thus, 4 positions of members of the High Council of Justice remain vacant today (2 - from the President of Ukraine, 2 - from the Congress of Advocates of Ukraine).

Q288-6 (2023): On 09.08.2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3304-IX "On Amendments to Certain Laws of Ukraine on Immediate Resumption of Cases Concerning Disciplinary Liability of Judges", which provides that until the day of the establishment of the service of disciplinary inspectors of the High Council of Justice, the powers of a disciplinary inspector are exercised by a member of the Disciplinary Chamber (rapporteur) determined by the automated case distribution system.

The said Law came into force on September 17, 2023 and was enacted on October 19, 2023, when the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and certain laws of Ukraine regarding the change of status and procedure for the formation of the service of disciplinary inspectors of the High Council of Justice" came into force.

On September 06, 2023, the Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 3378-IX "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine on Changing the Status and Procedure for Forming the Service of Disciplinary Inspectors of the High Council of Justice". It should be noted that the Law provides that temporarily, for seven years from the date of its entry into force, the competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, is conducted by a competition commission established by the High Council of Justice. The High Council of Justice shall form a competition commission consisting of six persons, three of whom shall be appointed by the High Council of Justice upon proposals of international and foreign organizations that, in accordance with international or interstate agreements, have been providing Ukraine with international technical assistance in the field of judicial reform and/or prevention and counteraction to corruption for the last three years. Such international and foreign organizations shall agree on a joint proposal.

A member of the High Council of Justice may be appointed as a member of the competition commission.

The competition for the position of the Head of the Service of Disciplinary Inspectors of the High Council of Justice and his/her deputy, disciplinary inspectors of the High Council of Justice shall be announced by the High Council of Justice within two months from the date of entry into force of the said Law.

In pursuance of the above, on 19.12.2023, the High Council of Justice announced a call for applications for the positions of the Head of the Service of Disciplinary Inspectors - Deputy Head of the Secretariat of the High Council of Justice, Deputy Head of the Service of Disciplinary Inspectors of the High Council of Justice, as well as its disciplinary inspectors

Q288-9 (2023): On November 16, 2021, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1875-IX "On Mediation", which entered into force on December 15, 2021.

The Ministry of Justice also developed a draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Improving the Procedure for the Establishment and Operation of Arbitration Courts in order to Restore Confidence in Arbitration", which was submitted to the Verkhovna Rada of Ukraine on 29.04.2020 by the Cabinet of Ministers of Ukraine under Reg. № 3411.

On 02.02.2021, the said draft law was adopted by the Verkhovna Rada of Ukraine in the first reading as a basis.

In addition, the Ministry of Justice developed a draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Activities of Arbitration", which was submitted to the Verkhovna Rada of Ukraine on 08.04.2021 by the Cabinet of Ministers of Ukraine under reg. № 5347.

The anti-corruption reform in Ukraine began in 2014 with the adoption of anti-corruption legislation and the establishment of anti-corruption bodies based on it. Thus, in order to define the legal and organizational framework for the functioning of the system of prevention of corruption in Ukraine, the content and procedure for the application of preventive anti-corruption mechanisms, and rules for eliminating the consequences of corruption offenses, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1700-VII "On Prevention of Corruption" on October 14, 2014.

The Law, in particular

- defines specially authorized entities in the field of combating corruption, which include the prosecutor's office, the National Police, the National Anti-Corruption Bureau of Ukraine, and the National Agency for the Prevention of Corruption
 - outlines the range of persons who are subjects of declaration within the meaning of the Law;
 - regulated relations on prevention and settlement of conflicts of interest in the activities of persons authorized to perform state or local government functions, etc.
- Subsequently, in order to take measures to combat corruption in Ukraine, on June 20, 2022, the Verkhovna Rada of Ukraine approved the Anti-Corruption Strategy for 2021-2025 (Law of Ukraine No. 2322-IX dated June 20, 2022), aimed at achieving significant progress in preventing and combating corruption, as well as ensuring coherence and consistency of anti-corruption activities of all state and local authorities.

Pursuant to the Law of Ukraine "On Prevention of Corruption" and the Anti-Corruption Strategy for 2021-2025, the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated March 4, 2023, which aims to achieve significant progress in preventing and combating corruption, ensuring coherence and systematic anti-corruption activities of all state and local authorities, as well as a proper process of post-war recovery of Ukraine. The implementation of this Program contributes to further work on Ukraine's membership in the EU, the North Atlantic Alliance (NATO), and the Organization for Economic Cooperation and Development (OECD).

Thus, Ukraine has created the conditions for eradicating corruption by reforming anti-corruption legislation and state anti-corruption policy in general.

In addition, in order to restore the declaration and conduct special checks in respect of persons applying for positions or appointed to the relevant positions during martial law, on September 20, 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3384-IX "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government under Martial Law".

In addition, in order to bring certain provisions of the Law of Ukraine "On Prevention of Corruption" in line with the COMMISSION STAFF WORKING DOCUMENT, Ukraine 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023, Communication on EU Enlargement policy, Brussels, 8.11.2023 SWD(2023) 699 final, the Verkhovna Rada of Ukraine adopted on December 08, 2023, Law of Ukraine No. 3503-IX "On Amendments to the Law of Ukraine "On Prevention of Corruption" to bring certain provisions in line with the conclusions of the European Commission on Ukraine".

The adopted Law made appropriate changes to the Law of Ukraine "On the Prevention of Corruption" in order to take into account the aforementioned conclusions

Q288-12 (2023): In order to ensure compliance with the requirements of the Laws of Ukraine "On the Judiciary and Status of Judges", "On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" and "On the National Informatization Program", the SJA of Ukraine approved 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. In addition, in accordance with the Law of Ukraine "On the Principles of State Anti-Corruption Policy for 2021-2025", the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated 04.03.2023, which designated the SJA of Ukraine to implement measures for the development and comprehensive implementation of the implemented UJITS subsystems and existing automated systems.

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