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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2021

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

Part 2 (A) - Beneficiary profile - Armenia

Executive Summary - Armenia in 2021

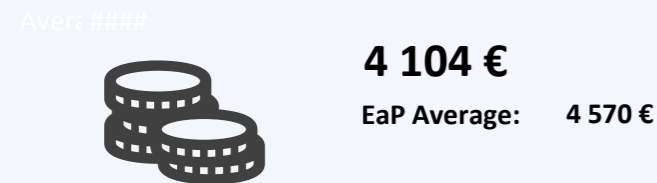
Population in 2021



GDP per capita in 2021



Average annual salary in 2021



Budget

In 2021, Armenia spent 32 431 344€ on the implemented judicial system budget. This means that Armenia spent **11€ per inhabitant**, which is less than the EaP Average of 12,4€.

70,9% was spent for all courts, 27,1% for prosecution services, 2% for legal aid.

Compared to 2020, Armenia has spent, per inhabitant, 1,1% more for courts, 15,3% more for prosecution services, and 1% more for legal aid.

The budgets spent per inhabitant for courts (7,8€), prosecution services (3€) and legal aid (0,2€) were lower than the EaP Averages (8,4€; 5,1€ and 0,6€ respectively).

Legal Aid

In Armenia legal aid is provided through the Public Defender's Office which is a structural unit of the Chamber of Advocates. The legal aid includes:

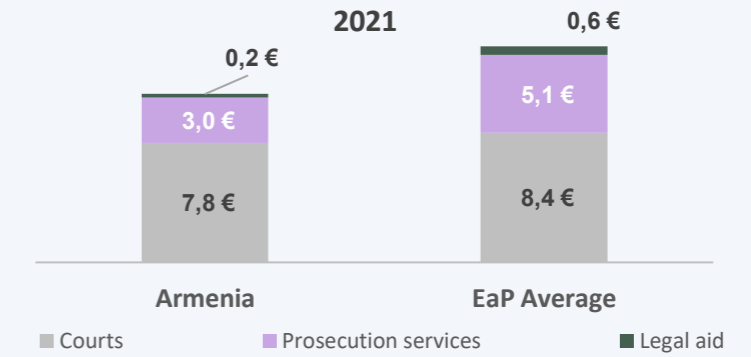
- 1)consultation: preparation of lawsuits, applications, complaints and other legal documents, including the provision of legal information,
- 2)representation or defence in criminal, civil, administrative and constitutional cases.

In 2021, **legal aid was granted in 19 292 cases (0,65 per 100 inhabitants)**, which was 26,3% more compared to 2020. The number of criminal cases were 10 492, and the other than criminal cases were 8 800.

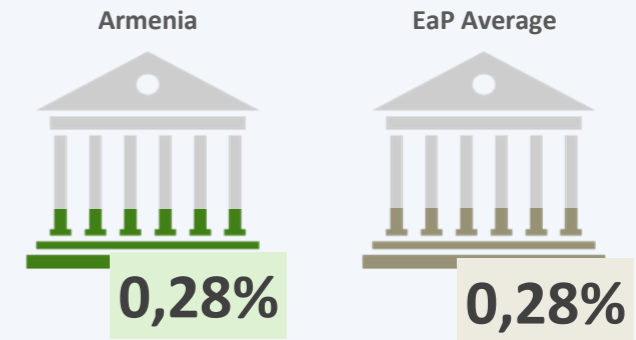
On average, Armenia spent **33,8€ per case**, which is remarkably lower than the EaP average of 75,76€. Compared to the region, Armenia allocated a smaller amount per legal aid case and for a smaller number of cases benefiting from legal aid.

Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in 2021



Implemented Judicial System Budget as % of GDP in 2021



Efficiency

For the purpose of this profile, the data of only 1st and 2nd instance is analysed. In 2021, the Clearance Rates below 100% resulted in an increase in the number of cases pending at the end of the year (the biggest increase was for the first instance Civil and commercial litigious cases (+47,3%), which might lead to formation of backlog).

According to CEPEJ indicators, Armenia dealt well with Civil and commercial litigious cases in second instance. Indeed, they had the highest Clearance rate (CR), and also the only one above 100% (CR of 102%). With a Disposition Time (DT) of approximately 40 days, the second instance Civil and commercial litigious cases were also resolved faster than the other type of cases. However, it seems that Armenia was not able to deal as efficiently with the first instance total Criminal law cases (lowest CR ; 74%). Such a low Clearance Rate might lead to the accumulation of cases as shown by the increase of 33% of cases pending at the end of the year. Like in 2020, criminal law cases in first instance also had the longest Disposition Time (514days).

The Disposition times were lower than the EaP Averages except for criminal law cases in first instance (DT of 514days with EaP Average at 237days) and the administrative cases in second instance (DT of 290 days with EaP Average at 169days). **For civil and commercial litigious cases and for criminal law cases, the second instance was faster than the first instance (DT respectively at 40 and 59 days in second instance) whereas for administrative cases the first instance was the fastest one (DT 199days).**

Regarding variations in the case flow between 2020 and 2021, the authorities have indicated that there is no analysis which would examine the reasons for the variations but that the reason for the increases of incoming cases in 2021 may also be the raising of the legal awareness of individuals.

**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

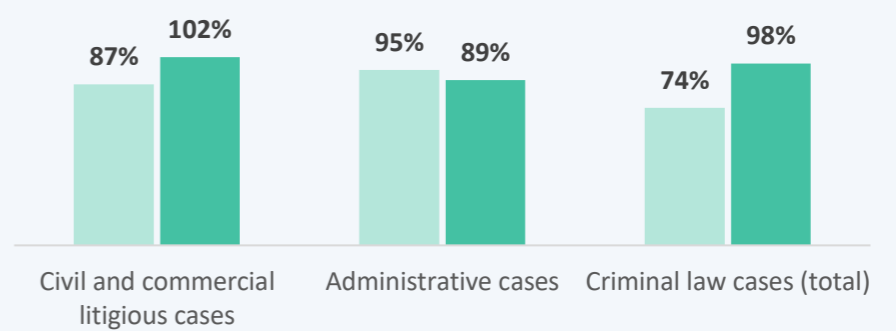
Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases decreases.

Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

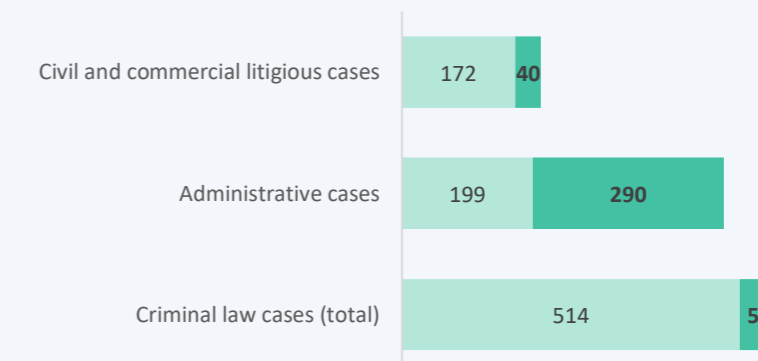
Efficiency

■ 1st instance ■ 2nd instance

Clearance rate in 2021 (%)

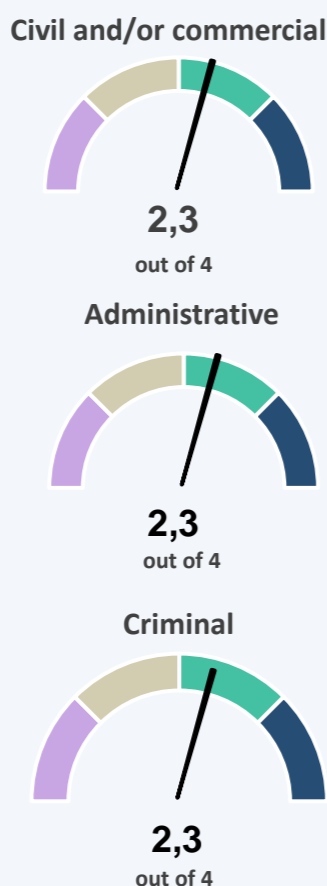


Disposition time in 2021 (in days)



CMS index (scale 0-4)

The Case Management System (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide an adequate evaluation.



Electronic case management system and court related activity statistics

In Armenia, there is a **case management system (CMS)**, eg software used for registering judicial proceedings and their management, which has been developed more than 10 years ago. There are plans for a significant change in the present IT system to be implemented in the Strategy of Judicial and Legal Reforms of 2022-2026. The CMS is developed in all courts (**100% deployment rate**) and there is a centralised or interoperable database and a connection to a statistical tool for all types of cases.

In Armenia, there is a **centralised national database of court decisions** in which all judgments for all instances are collected (www.datalex.am). It includes over 2 million files of court cases. The data is anonymised. The data base is available for free online, but not in open data. There is no links with ECHR case law (hyperlinks which reference the ECHR judgments in HUDOC database).

Trainings

In Armenia the training institution does not have a separate budget. In 2021 the overall budget named “Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” was equal to 743.586 euros, which is 0,25€ per inhabitant.

In 2021, **393 participants (of which 235 judges and 158 prosecutors) were trained in 84 live trainings** (in-person, hybrid or video conferences). Each judge participated on average in 0,8 live trainings, which was below the EaP Average (2,8) while each prosecutor participated in only 0,4 live trainings, also less than the EaP Average (1,5). Regarding the internet-based trainings (not-live), **12 trainings in total were provided on the e-learning platform of the training institution** for judges and prosecutors, whereas a total of **9 trainings were completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.)**.

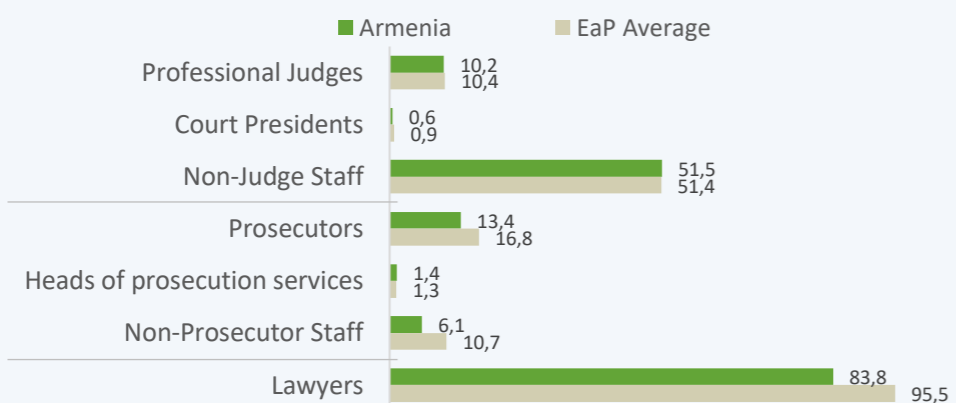
ADR (Alternative Dispute Resolution)

In Armenia, the ADR procedures available are **court related mediations, mediations other than court related mediations and arbitration**.

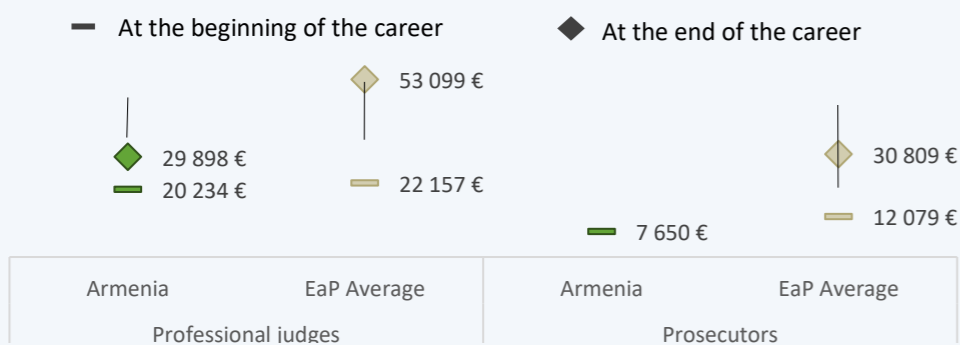
Court related mediation is available with the consent of the parties or upon a motion filed by them. In 2021, there was no data available on the number of court-related mediation procedures. In 2021, the judicial system did not provide for mandatory mediation nor for mandatory information session with a mediator. However, a draft on a pilot system for mandatory mediation in family cases was adopted by the National Assembly on November 16, 2022. Court related mediations are provided by private mediators for all types of cases. In 2021, the total number of mediators in Armenia was 55, which was the same number as in 2020. This represents 1,9 mediators per 100 000 inhabitants which is significantly lower than the EaP average of 11,2. 41,8% of those mediators were female.

Professionals of Justice

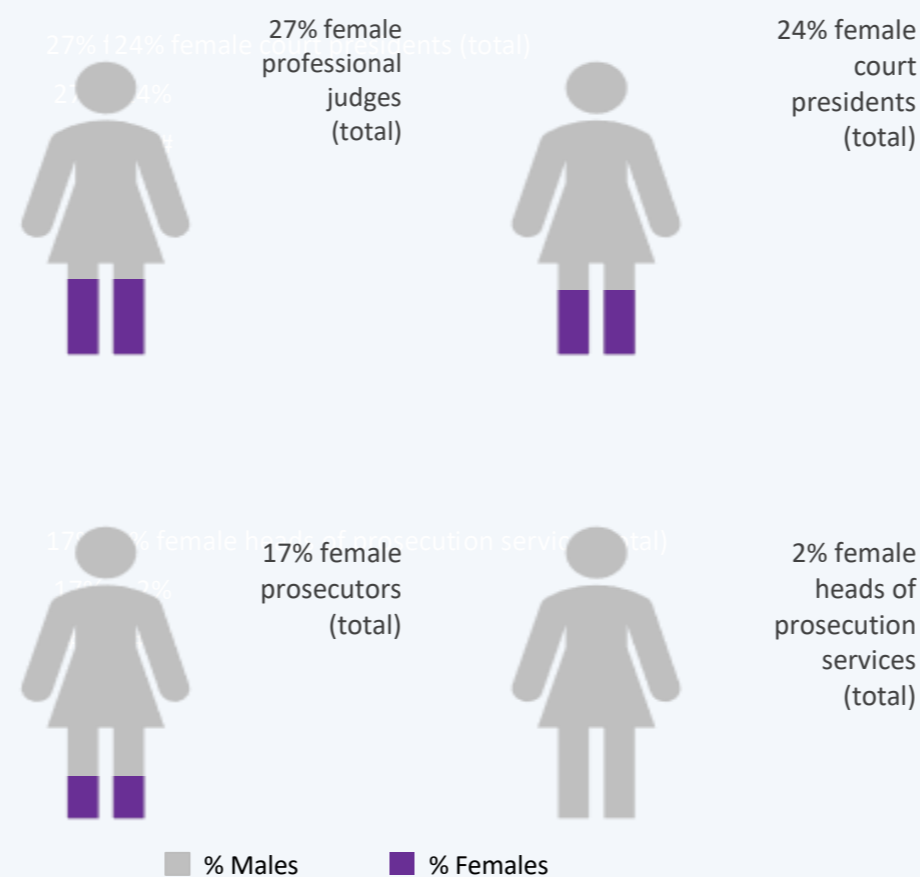
Total number of professionals per 100 000 inhabitants in 2021



Gross annual salaries of professional judges and prosecutors at the



Gender Balance



Professionals and Gender Balance

In 2021, Armenia had **10,2 professional judges and 13,4 prosecutors per 100 000 inhabitants**. Both figures were below the Eastern partnership Averages (10,4 and 16,8, respectively) although both figures increased since 2020 (+24,3% and +12,2% respectively).

Regarding gender balance, professional judges (27,1%), court presidents (23,5%), prosecutors (16,6%), heads of prosecution services (2,4%) and lawyers (45%) had less than 50% of female presence. The profession with the lowest percentage of female was head of prosecution service (2,4%) while the one with the highest was non-prosecutor staff (84%).

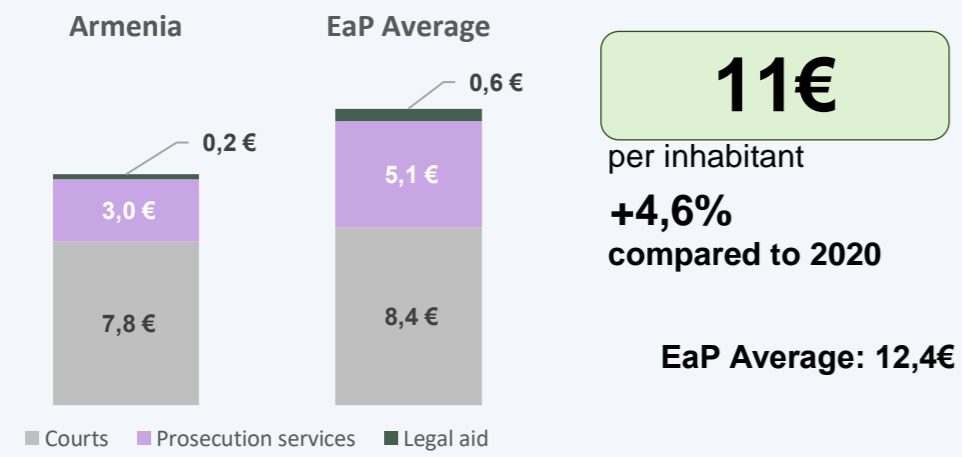
ECHR

In 2021, for Armenia, there was 134 applications allocated to a judicial formation of the European Court for Human Rights. 16 judgements found at least one violation (including 4 regarding the right to a fair trial and 1 regarding non-enforcement) and 15 cases were considered as closed after a judgement of the ECtHR and the execution of judgements process.

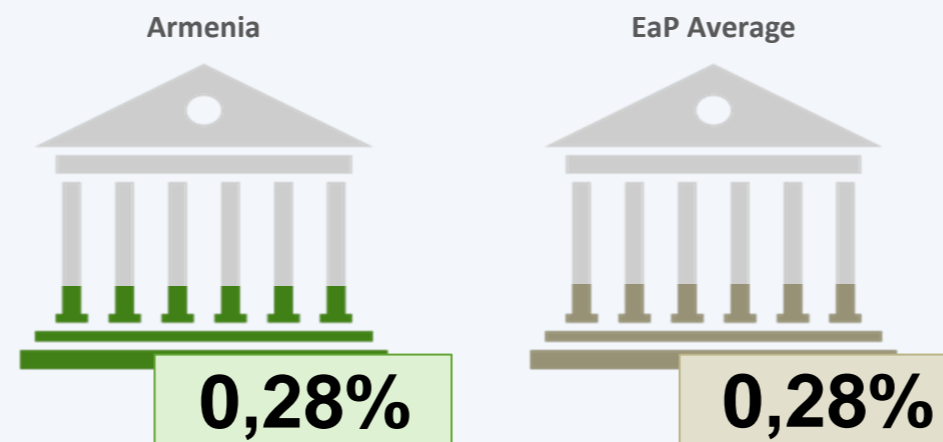
In Armenia, there is a monitoring system for violations related to Article 6 of ECHR in civil procedures (non-enforcement and timeframe) and in criminal procedures (timeframe) and a possibility to review a case after a decision on violation of human rights by the ECtHR.

Budget of the judicial system in Armenia in 2021 (Indicator 1)

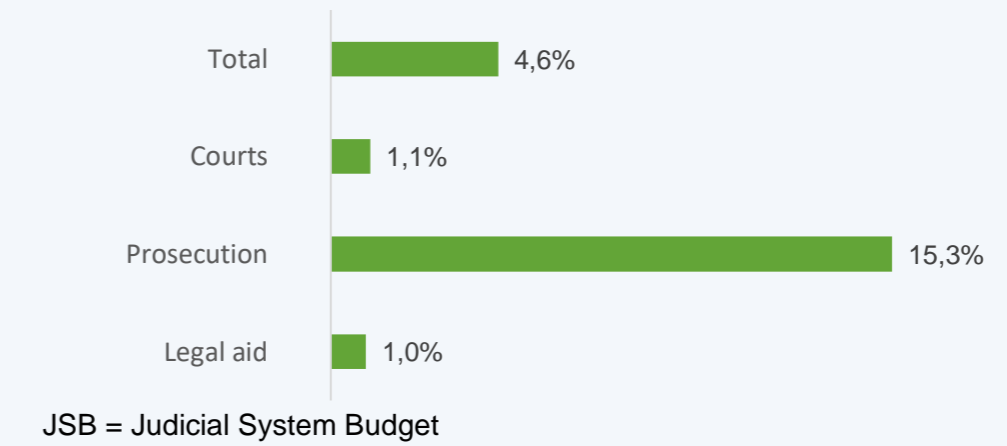
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of the JSB per inhabitant between 2020 - 2021



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2021, the implemented JSB for Armenia was 11€ per inhabitant (+4,6% compared to 2020). It was lower than the EaP Average of 12,4€. The expenditure on JSB represented 0,28% of the GDP of Armenia (the EaP Average was also 0,28%).

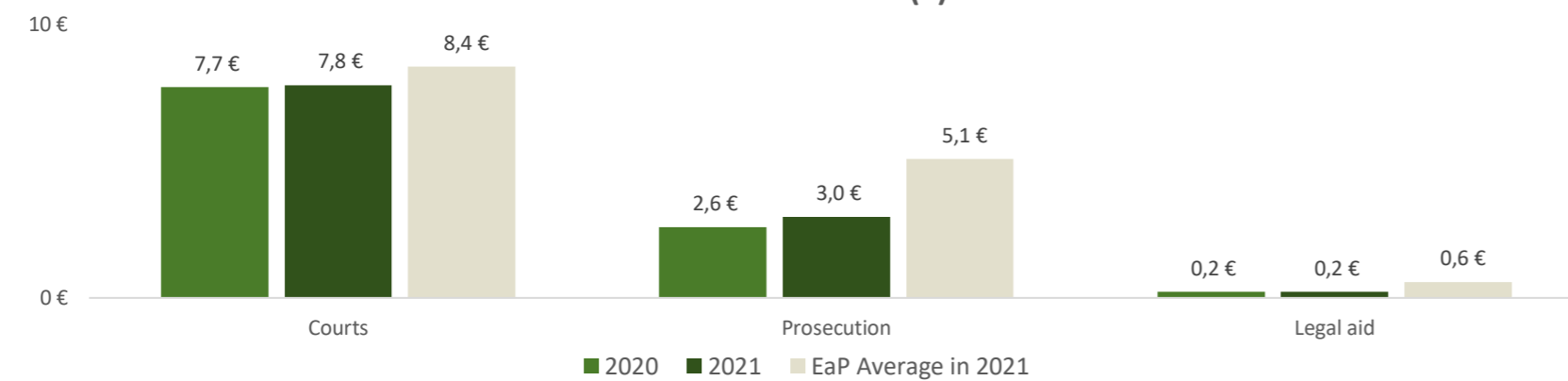
Budget allocated to the judicial system (courts, prosecution services and legal aid)

In 2021, Armenia spent 32 431 344€ on the implemented judicial system budget. This means that Armenia spent 11€ per inhabitant, which is less than the EaP Average of 12,4€. 70,9% was spent for courts, 27,1% for prosecution services, 2% for legal aid.

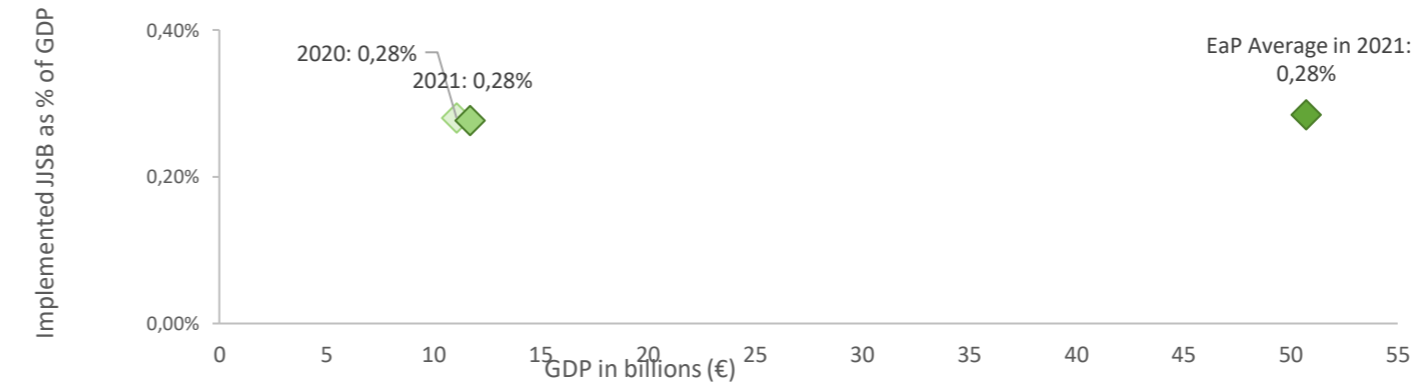
Compared to 2020, Armenia has spent, per inhabitant, 1,1% more for courts, 15,3% more for prosecution services, and 1% more for legal aid.

Judicial System Budget	Judicial System Budget in 2021		Implemented Judicial System Budget per inhabitant			Implemented Judicial System Budget as % of GDP		
	Approved	Implemented	Per inhabitant in 2021	EaP Average in 2021	% Variation between 2020 - 2021	As % of GDP	EaP Average in 2021	Variation (in ppt) 2020 - 2021
Total	32 542 915 €	32 431 344 €	11,0 €	12,4 €	4,6%	0,28%	0,28%	0,00
Courts	23 104 486 €	23 000 797 €	7,8 €	8,4 €	1,1%	0,20%	0,16%	-0,01
Prosecution	8 787 238 €	8 779 375 €	3,0 €	5,1 €	15,3%	0,08%	0,11%	0,01
Legal aid	651 191 €	651 172 €	0,2 €	0,6 €	1,0%	0,006%	0,013%	0,00

Implemented judicial system budget per inhabitant between 2020 and 2021 (€)



Implemented Judicial System Budget as % of GDP between 2020 and 2021



This scatterplot shows the relation between the GDP in billions and the Implemented Judicial System Budget as % of GDP. A figure on the right (left) of the average means that the Beneficiary has a higher (lower) GDP than the average. A figure above (below) the average shows that the Beneficiary has a higher (lower) ratio of Implemented Judicial System Budget as % of GDP than the average.

Budget allocated to the functioning of courts

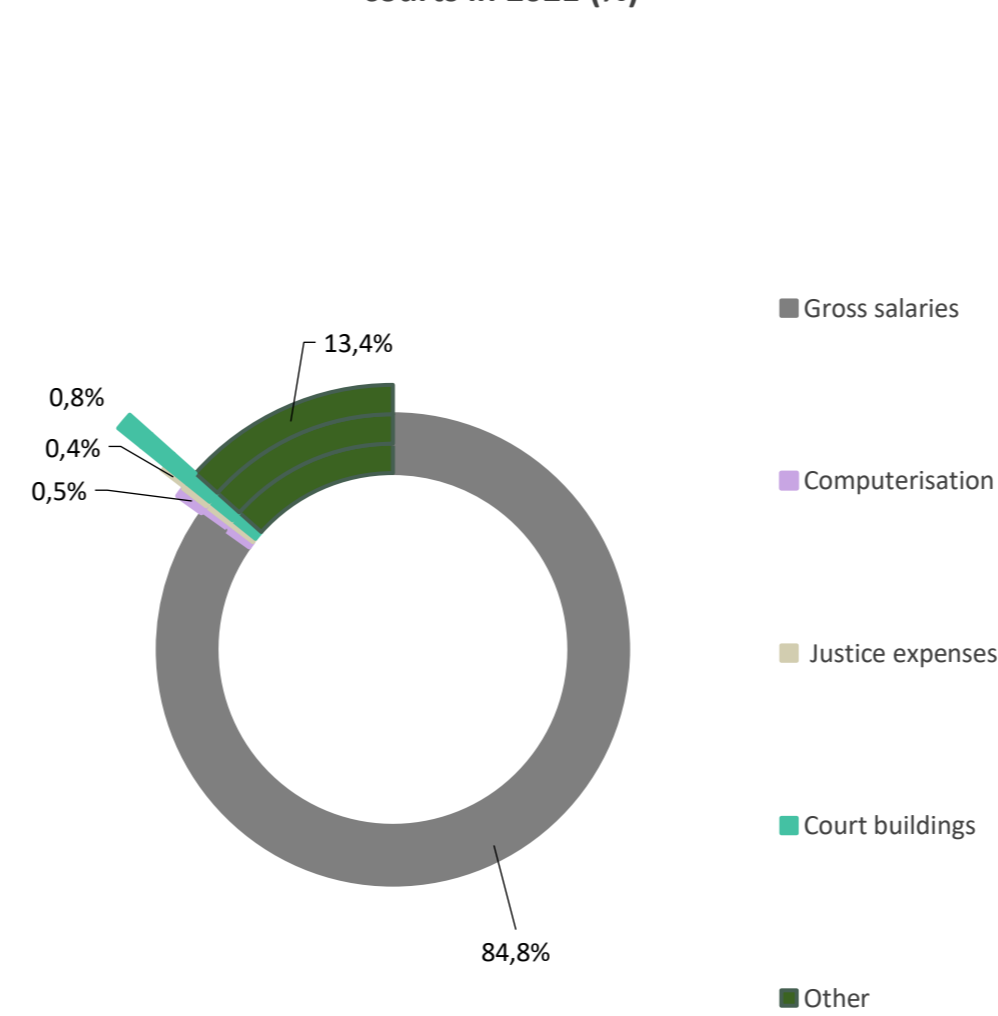
In 2021, Armenia spent 23 000 797€ as implemented budget for courts. 84,8% was spent for gross salaries, 0,5% for computerisation, 0,4% for justice expenses, 0,8% for court buildings, 13,4% for the category "other". This category "other" includes: the reserve fund of courts (428 246€ as approved budget - 425 518€ as implemented budget); social packages of employees of state's institution and organization (324 962€ - 286 303€); annual public budget allocated to other equipment (no budget allocated in 2021) ; maintenance of courts of RA (2 427 331€ - 2 371 288€).

Compared to 2020, the implemented budget for courts has increased by 1%.

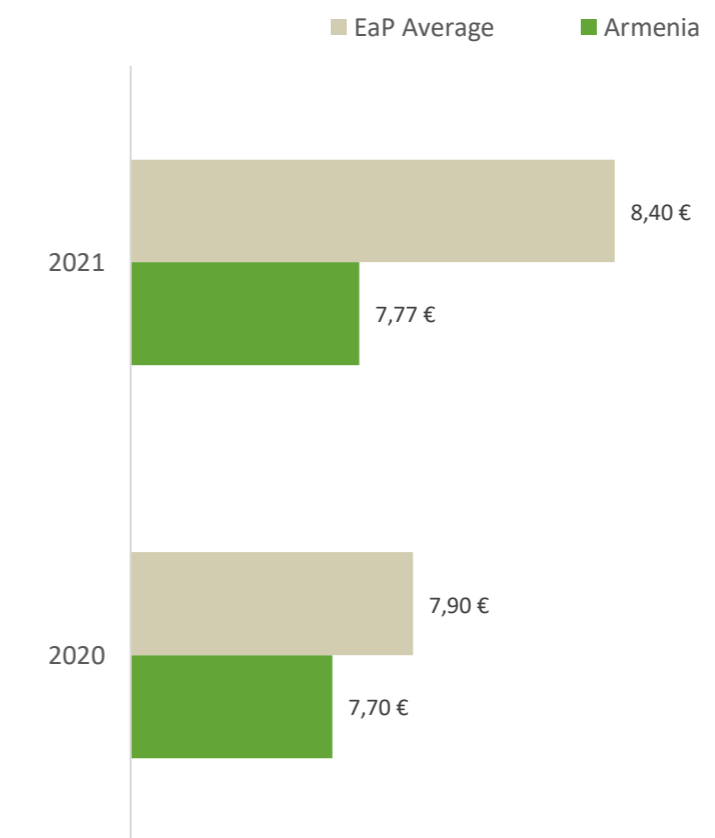
Regarding the significant decrease in the budget for computerisation, it should be noted that no funding has been allocated directly to the Judicial Department in 2021. However, 116 computers were purchased and transferred to the courts through the Ministry of Justice (for 75,112€). Regarding the significant increase of the budget invested for court buildings, 161,682€ was allocated through the Ministry of Justice for the renovation of the Anti-corruption court building in 2021.

	2021		% Variation between 2020 and 2021	
	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	23 104 486 €	23 000 797 €	-0,1%	1,0%
1. Gross salaries	19 518 732 €	19 516 150 €	1,4%	1,5%
2. Computerisation (2.1 + 2.2)	126 029 €	126 029 €	-80,7%	-80,0%
2.1 Investment in computerisation	75 112 €	75 112 €	-87,9%	-87,4%
2.2 Maintenance of the IT equipment of courts	50 917 €	50 917 €	51,0%	52,6%
3. Justice expenses	92 669 €	89 446 €	-5,2%	143,5%
4. Court buildings	186 516 €	186 063 €	1067,3%	1490,7%
5. Investment in new buildings	0 €	0 €	NAP	NAP
6. Training	0 €	0 €	NAP	NAP
7. Other	3 180 540 €	3 083 109 €	1,9%	7,9%

Distribution of the Implemented budget allocated to courts in 2021 (%)



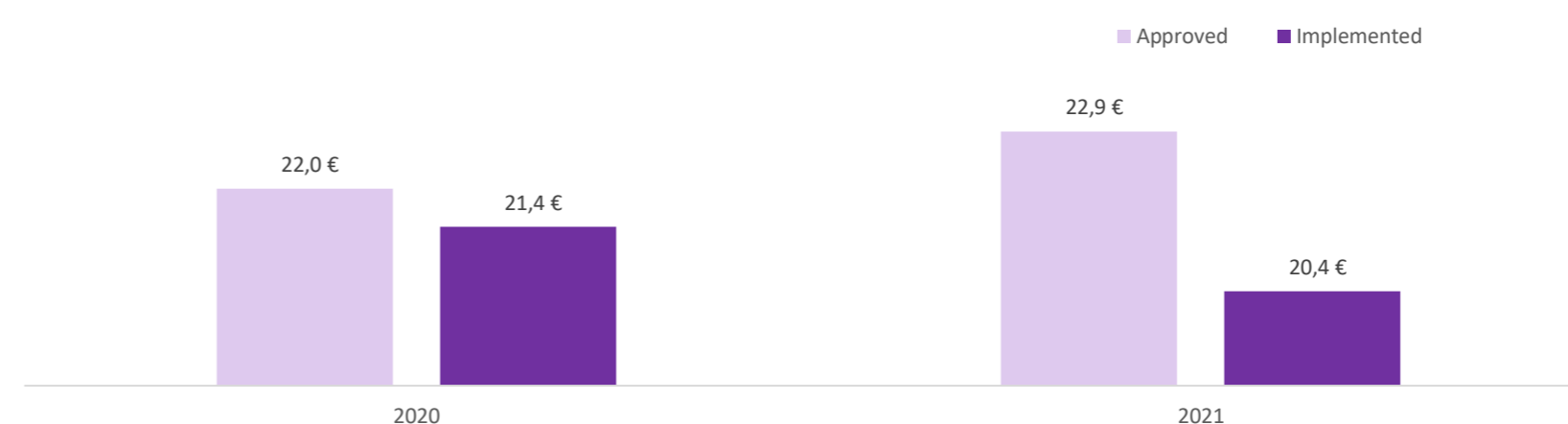
Implemented budget allocated to courts per inhabitant between 2020 and 2021 (€)



Budget allocated to the whole justice system

Whole Justice System Budget	2021		% Variation of the Whole Justice System Budget per inhabitant 2020 - 2021
	Absolute number	Per inhabitant	
Approved	67 713 790 €	22,9 €	4,0%
Implemented	60 516 060 €	20,4 €	-4,6%

Whole Justice System Budget between 2020 and 2021 (€ per inhabitant)



The whole justice system budget includes the following elements in 2021:

Court budget	✓	Constitutional court	✗	Functioning of the Ministry of Justice	✓
Legal aid budget	✓	Judicial management body	✓	Refugees and asylum seekers service	✗
Public prosecution services budget	✓	State advocacy	✗	Immigration services	✗
Prison system	✓	Enforcement services	✓	Some police services	✗
Probation services	✓	Notariat	✗	Other services	✗
Council of the judiciary	✓	Forensic services	✓		
High Prosecutorial Council	✗	Judicial protection of juveniles	✓		

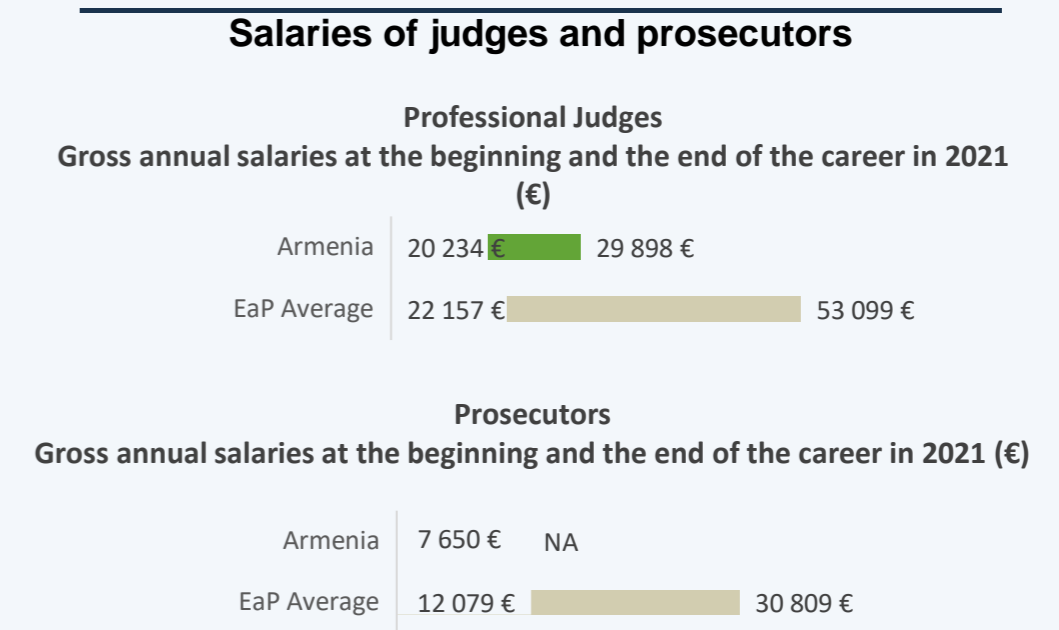
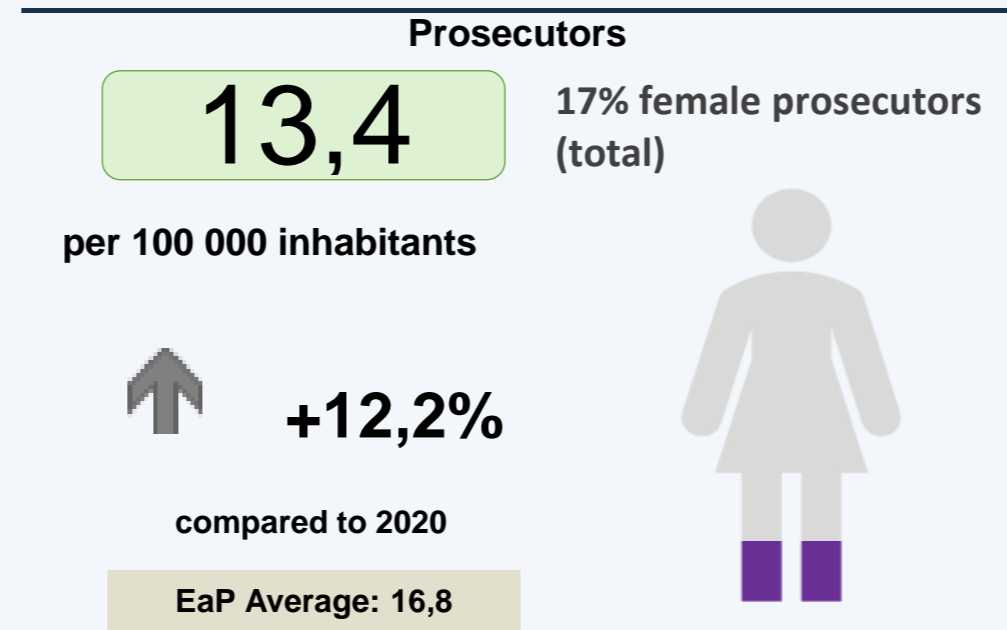
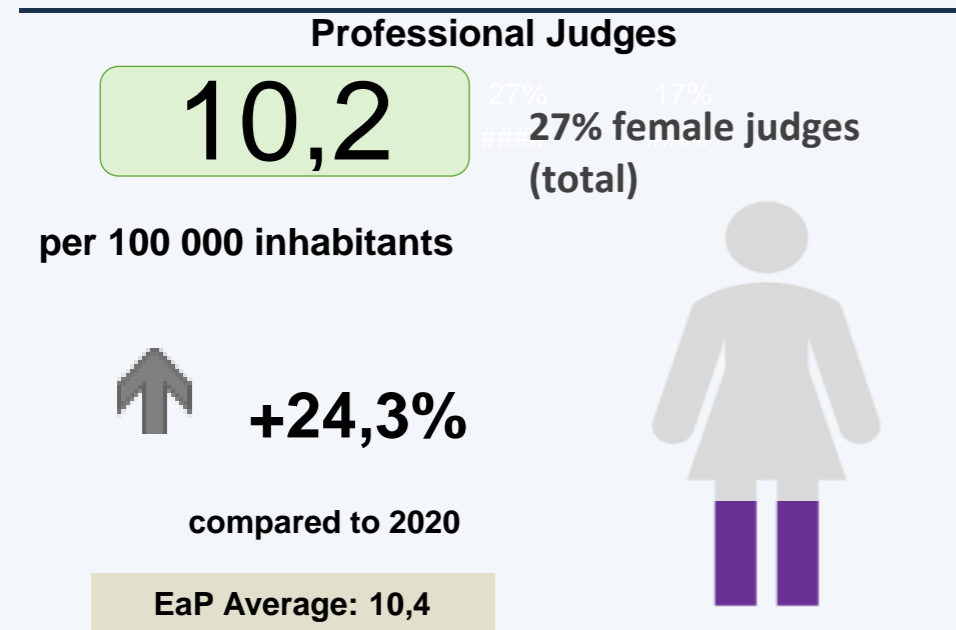
In Armenia in 2021, the budget implemented for the whole justice system was 60 516 060€. It decreased by 4,6% between 2020 and 2021.

Budget received from external donors

	Absolute value	Calculated as %
Courts	NA	NA
Prosecution services	NA	NA
Legal aid	NA	NA
Whole justice system	NA	NA

No data on budget received from external donors in 2021 was available. However, the authorities reported that 10 million euros were provided by the European Union within the framework of the support to justice sector reforms in Armenia.

Professionals and Gender Balance in judiciary in Armenia in 2021 (Indicators 2 and 12)



In 2021, Armenia had 10,2 professional judges and 13,4 prosecutors per 100 000 inhabitants. Both figures were below the Eastern partnership Averages (10,4 and 16,8, respectively) although both figures increased since 2020 (+24,3% and +12,2% respectively).

Less than half of professional judges (27,1%) and prosecutors (16,6%) were women (the EaP Averages were 41,2% and 25,3%, respectively).

Professional Judges

	Professional judges in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	303	100,0%	10,2	10,4
1st instance courts	219	72,3%	7,4	7,7
2nd instance courts	65	21,5%	2,2	2,1
Supreme Court	19	6,3%	0,6	0,6

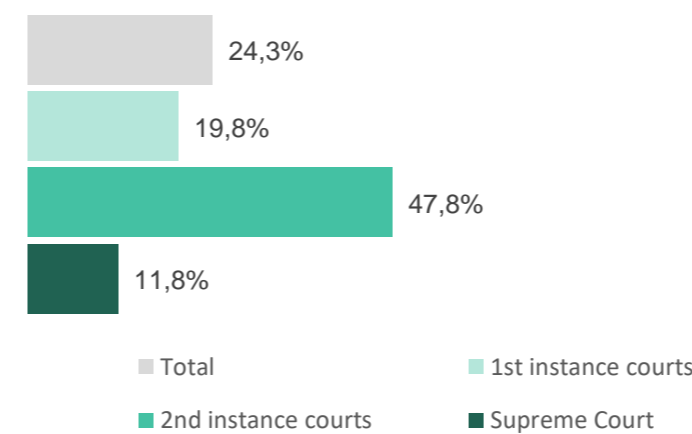
For reference only: the 2021 EU median is 24,1 judges per 100 000 inhabitants.

In 2021, the absolute number of professional judges in Armenia was 303 (i.e. 10,2 per 100 000 inhabitants, which was slightly lower than the EaP Average of 10,4).

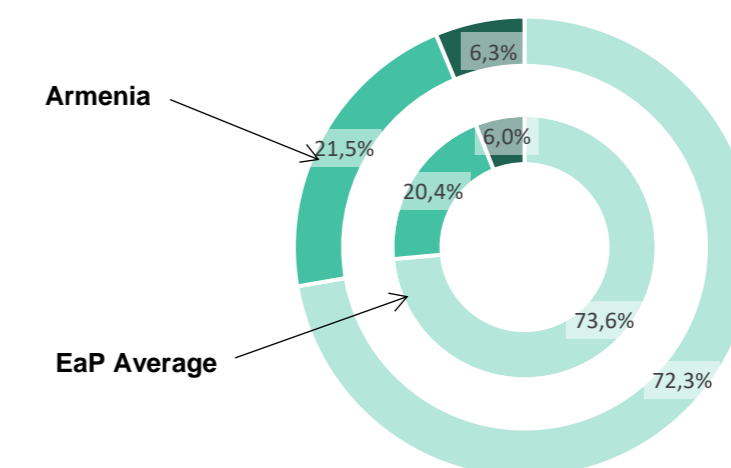
Compared to 2020, the total number of professional judges per 100 000 inhabitants increased by 24,3%.

The figures show a difference of 1,3 percentage points between the percentage of judges in the first instance (72,3%) and the EaP Average (73,6%).

% Variation of no. of professional judges per 100 000 inh. 2020 - 2021



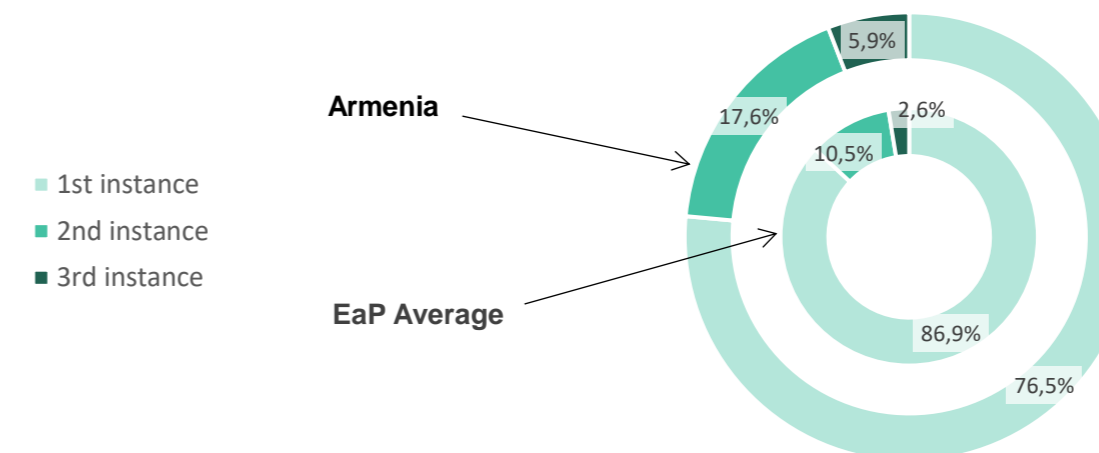
Distribution of professional judges by instance in 2021 (%)



• Court presidents

	Court presidents in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	17	100,0%	0,6	0,9
1st instance courts	13	76,5%	0,4	0,8
2nd instance courts	3	17,6%	0,1	0,1
Supreme Court	1	5,9%	0,03	0,02

Distribution of court presidents by instance in 2021 (%)



The absolute number of court presidents in Armenia in 2021 was 17 (i.e. 0,6 per 100 000 inhabitants, which was below the EaP Average of 0,9).

• Non-judge staff

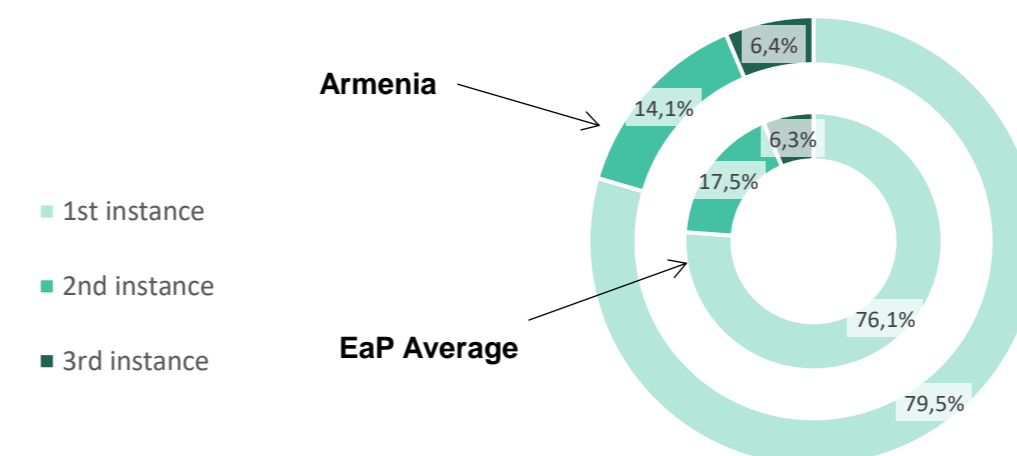
In 2021, the absolute total number of non-judge staff in Armenia was 1 525, which represents an increase of 6,1% between 2020 and 2021. The number of non-judge staff per 100 000 inhabitants was 51,5, which was slightly above the EaP Average of 51,4.

The figures show a difference of 3,4 percentage points between the percentage of non-judge staff in the first instance (79,5%) and the EaP Average (76,1%)

The largest category of non-judge staff was non-judge staff in charge of administrative tasks and represented 49,4% of the total.

	Number of non-judge staff by instance in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	1 525	100%	51,5	51,4
1st instance courts	1 213	80%	41	39,2
2nd instance courts	215	14%	7,3	8,7
Supreme Court	97	6%	3,28	4,18

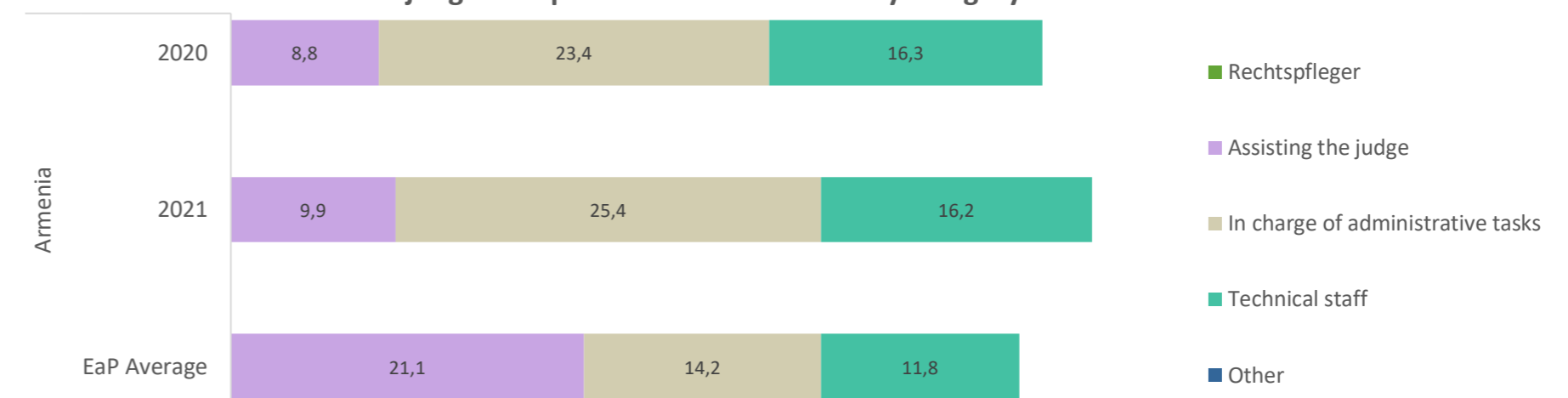
Distribution of non-judge staff by instance in 2021



For reference only: the 2021 EU median is 58,5 non-judge staff per 100 000 inhabitants.

	Number of non-judge staff by category in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	1 525	100%	51,5	51,4
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	292	19,1%	9,9	21,1
In charge of administrative tasks	753	49,4%	25,4	14,2
Technical staff	480	31,5%	16,2	11,8
Other	NAP	NAP	NAP	-

Number of non-judge staff per 100 000 inhabitants by category between 2020 and 2021



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

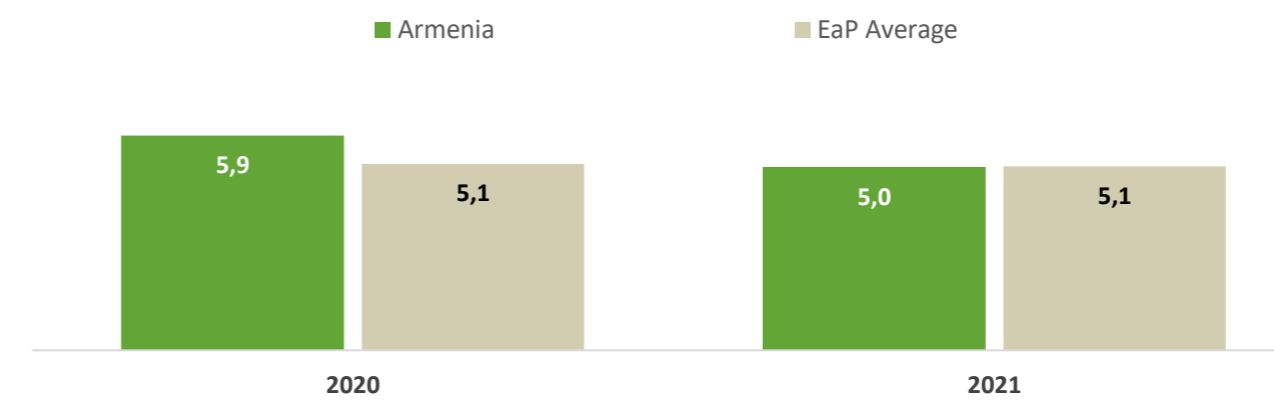
Ratio between non-judge staff and professional judges

In Armenia, the ratio of non-judge staff per professional judge was 5 in 2021, while the EaP Average was 5,1. This ratio decreased of 14,6% since 2020.

	Ratio in 2021		% Variation between 2020 and 2021
	Armenia	EaP Average	Armenia
Total	5	5,1	-14,6%
1st instance courts	5,5	5,3	-11,0%
2nd instance courts	3,3	4,1	-29,0%
Supreme Court	5,1	6,7	-7,7%

For reference only: the 2021 EU median ratio of non-judge staff per judge is 3,1.

Ratio between non-judge staff and judges between 2020 and 2021



Prosecutors

	Number of prosecutors by instance in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	398	100,0%	13,4	16,8
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

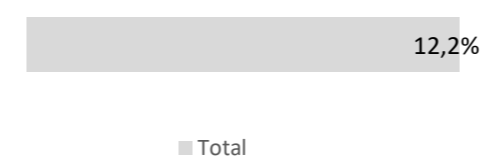
For reference only: the 2021 EU median is 10,8 prosecutors per 100 000 inhabitants.

In 2021, the absolute number of prosecutors in Armenia was 398 (i.e. 13,4 per 100 000 inhabitants, which was lower than the EaP Average of 16,8).

The total number of prosecutors per 100 000 inhabitants increased by 12,2% between 2020 and 2021.

In Armenia, prosecutors are not separated by instances.

% Variation of no. of prosecutors per 100 000 inh. 2020 - 2021



Heads of prosecution services

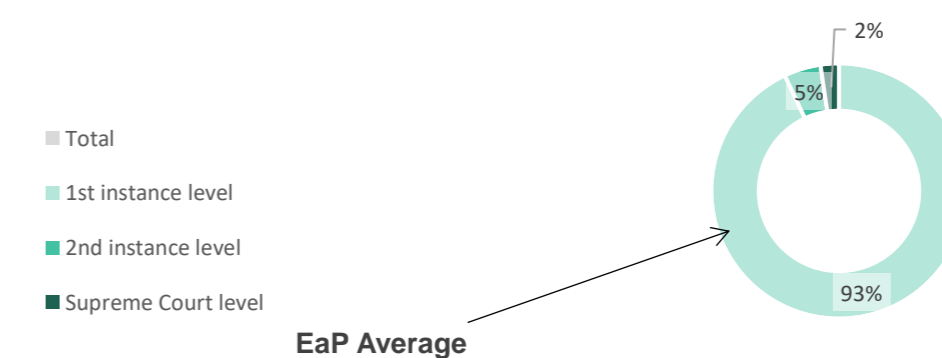
	Heads of prosecution services in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	41	100,0%	1,4	1,3
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

The absolute number of heads of prosecution services in Armenia in 2021 was 41 (i.e. 1,4 per 100 000 inhabitants, which was slightly higher than the EaP Average of 1,3). In Armenia, prosecutors are not separated by instances.

% Variation of no. of heads of prosecution per 100 000 inh. 2020 - 2021



Distribution of heads of prosecution services by instance in 2021 (%)



• Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

	Non-prosecutor staff in 2021			Ratio between non-prosecutor staff and prosecutors in 2021		% Variation 2020 - 2021
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Armenia	EaP Average	Armenia
Total	181	6,1	10,7	0,5	0,6	0%

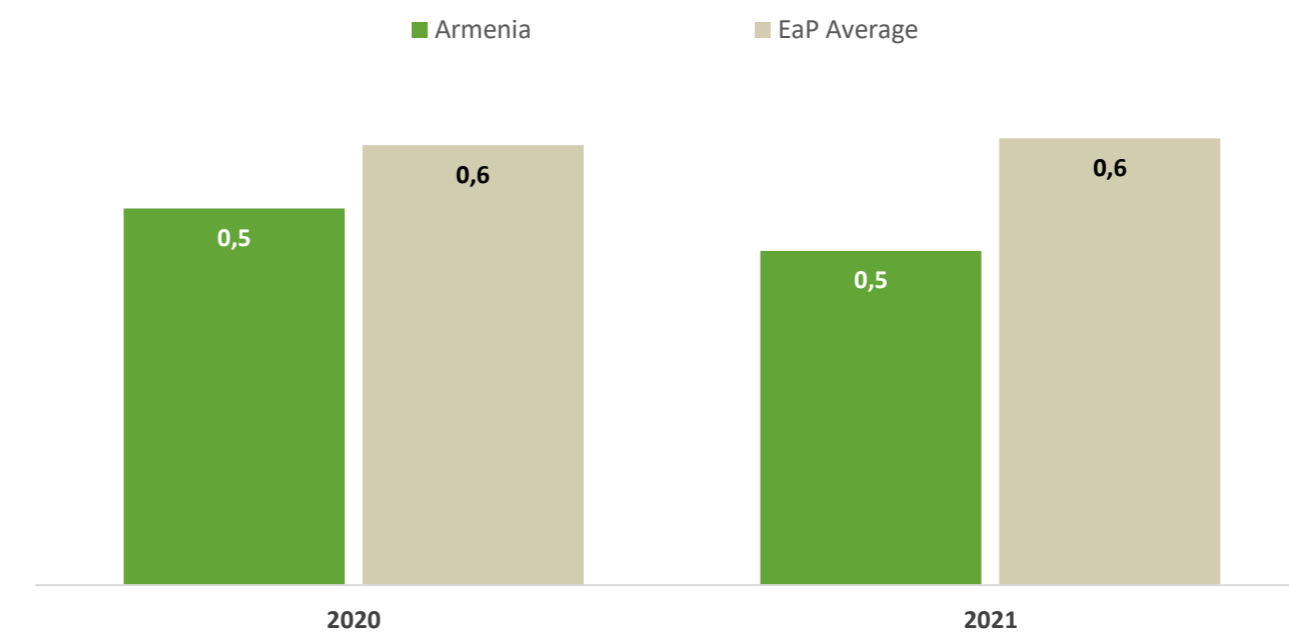
For reference only: the 2021 EU median is 14,7 non-prosecutors staff per 100 000 inhabitants.

In 2021, the total number of non-prosecutor staff in Armenia was 181. There is no variation compared to 2020 (in 2020 this number was 182).

The number of non-prosecutor staff per 100 000 inhabitants was 6,1, which was below the EaP Average of 10,7.

The ratio of non-prosecutor staff per prosecutor was 0,5 (slightly lower than the EaP Average of 0,6).

Ratio between non-prosecutor staff and prosecutors between 2020 and 2021



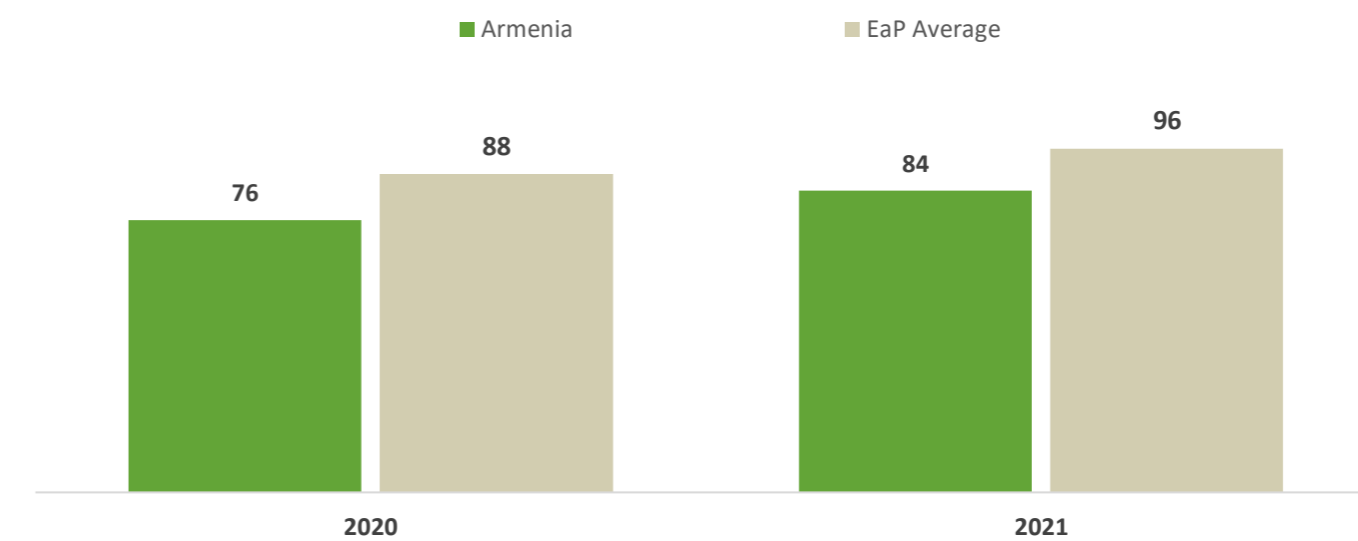
• Lawyers

	Number of lawyers in 2021			% Variation 2020 - 2021
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Armenia
Total	2 482	83,8	95,5	10,9%

For reference only: the 2021 EU median is 122,4 lawyers per 100 000 inhabitants.

In 2021, the number of lawyers was 83,8 per 100 000 inhabitants, which was significantly lower than the EaP Average (95,5). The number of lawyers per 100 000 inhabitants increased by 10,9% between 2020 and 2021.

Number of lawyers per 100 000 inhabitants between 2020 and 2021



Salaries of professional judges and prosecutors

In 2021, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Armenia was 4,9, which was more than the EaP Average (4,5).

At the end of career, judges were paid more than at the beginning of career by 47,8%, which was less than the variation of EaP Average (120,2%).

In 2021, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Armenia was 1,9, which was less than the EaP Average (2,5).

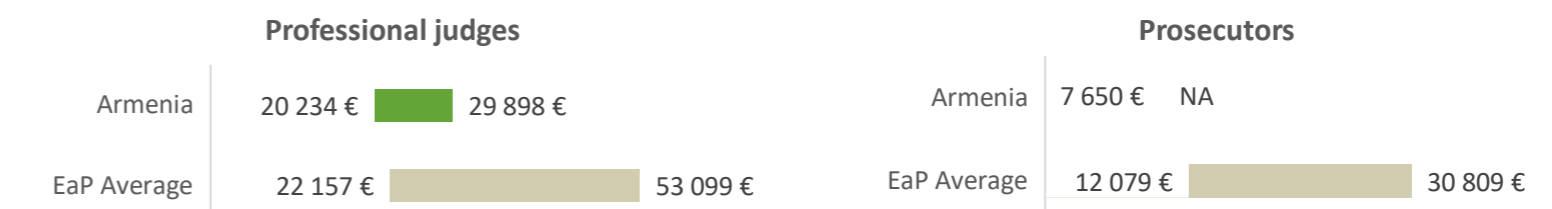
No data was available on salaries of prosecutors at the highest instance. In Armenia, prosecutors are not separated by instances and it is therefore not possible to provide the salaries of prosecutors at the Supreme Court.

		Salaries in 2021 (absolute values)			Ratio with the annual gross salary	
		Gross annual salary in €	% Variation 2020 - 2021	Net annual salary in €	Armenia	EaP Average ratio
Professional judge	At the beginning of the career	20 234	▲ 23,0%	15 782	4,9	4,5
	Of the Supreme Court or the Highest Appellate Court	29 898	▬ 0,0%	23 320	7,3	9,9
Public prosecutor	At the beginning of the career	7 650	▼ 0,0%	5 558	1,9	2,5
	Of the Supreme Court or the Highest Appellate Court	NA	-	NA	NA	6,2

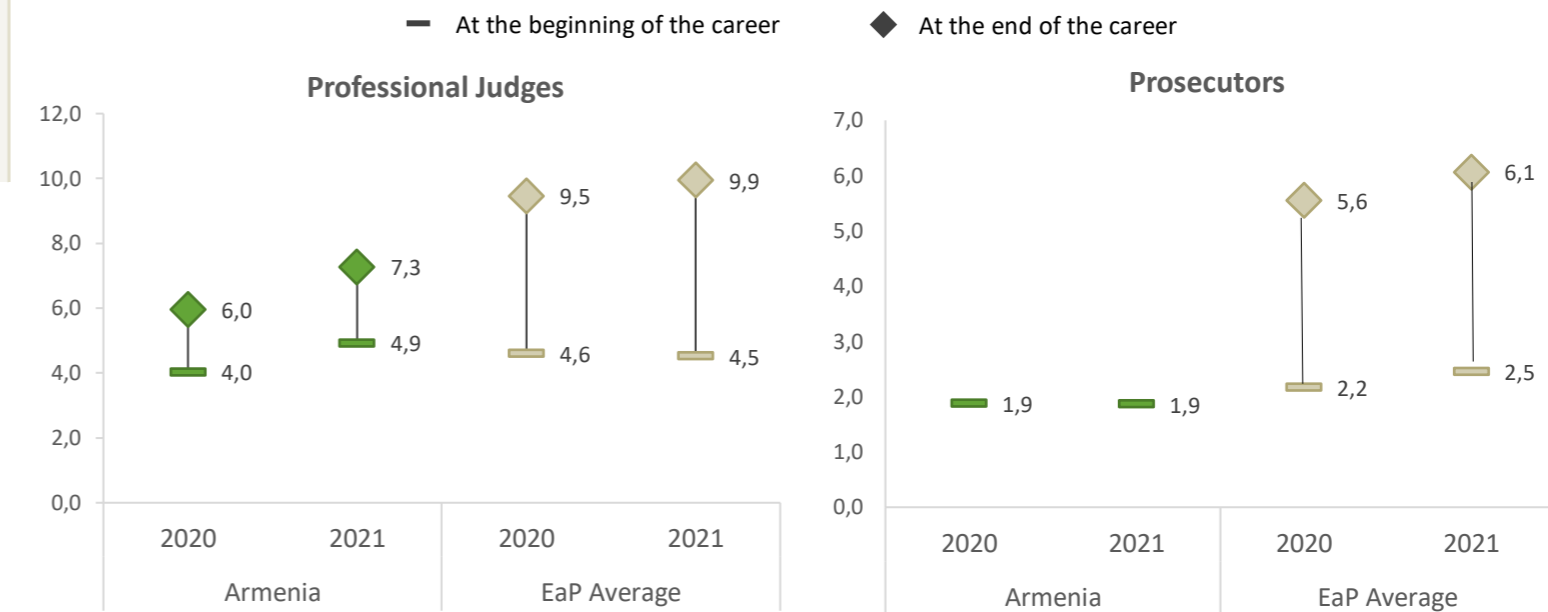
For reference only: the 2021 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:
 - professional judges' salary at the beginning of career: 1,9 - prosecutors' salary at the beginning of career: 1,7
 - professional judges' salary at the end of career: 4,1 - prosecutors' salary at the end of career: 3,4

Judges also perceive a special fee which is around 30% of their salary (the special fee is an additional remuneration which is not based on performance and mainly is the same for all judges).

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2021 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average annual gross salary at the beginning and the end of career in 2020 and 2021 (€)



Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✓	✗	✓	✗
Prosecutors	✗	✓	✗	✓	

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.

Regarding judges, the complete list of social guarantees is fixed in the Article 57 of the Judicial Code. In particular, a judge's salary and increments added thereon, and the amount of pension may not be reduced, except for cases when an equal reduction is made for all high-ranking officials. A judge shall be entitled to health insurance and casualty insurance at state expenses, under the conditions and in the amount prescribed by the Government. A judge shall also enjoy the social guarantees prescribed for the public servants.

Regarding prosecutors, according to the Article 65 of the "Law on the Prosecutor's Office", a prosecutor may be granted a onetime financial assistance in the amount prescribed by the Prosecutor General within the salary fund. According to the Article 66 of the same law, property damage caused to the prosecutor or his/her family members due to the fulfilment of obligations shall be compensated by the state in the manner prescribed by law. Also, the state provides free examination and treatment of prosecutors in the medical institutions mentioned in the list approved by the Police of the Republic of Armenia and the Ministry of Defense of the Republic of Armenia. The complete list of social guarantees of prosecutor's is fixed in the Article 66.

Gender Balance

	% Female per category in 2021		% Variation 2020 - 2021	
	Armenia	EaP Average		Armenia
Professional Judges	27,1%	41,2%	▲	0,4
Court Presidents	23,5%	21,2%	▲	23,5
Non-Judge Staff	72,4%	69,9%		NA
Prosecutors	16,6%	25,3%	▲	2,8
Heads of Prosecution Services	2,4%	8,3%	■	0,1
Non-Prosecutor Staff	84%	67,1%	▲	0,5
Lawyers	45,0%	35,2%	■	0,1

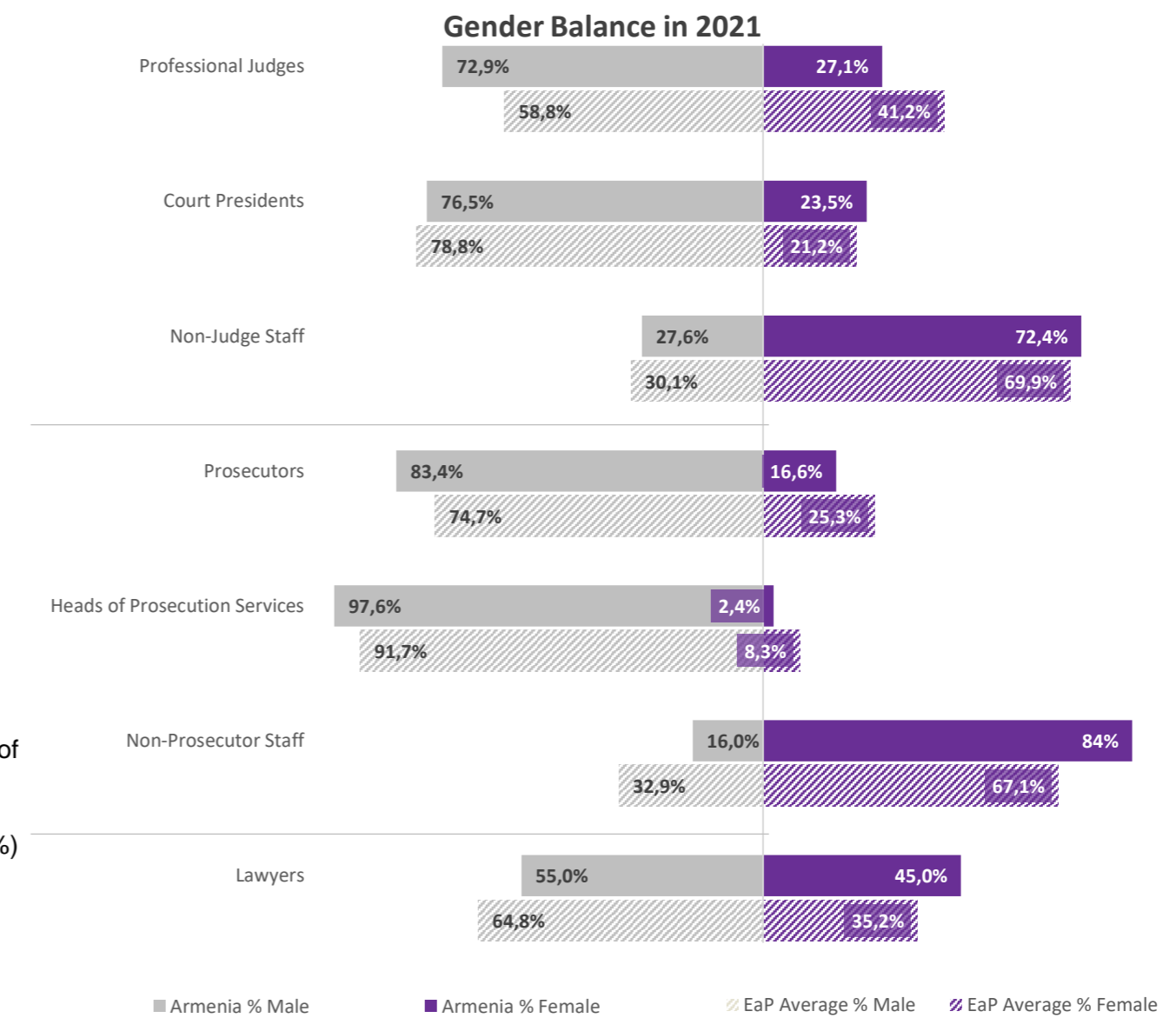
For reference only: 2021 EU medians on gender among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 74% women non-prosecutor staff; and 47% women lawyers.

In Armenia in 2021 professional judges, court presidents, prosecutors, heads of prosecution services and lawyers had less than 50% of female presence.

In 2021, Armenia had a low percentage of female professional judges (27,1%, which was lower than EaP Average (41,2%)). With a presence of 23,5%, the number of female court presidents in Armenia was higher than the EaP Average of 21,2%. The percentage of female non-judge staff was 72,4%.

Regarding prosecutors, there was also a low number of female (16,6%, lower than the EaP Average (25,3%)). The number of female Heads of prosecution services (2,4%) was also lower than the EaP Average (8,3%). The percentage of female non-prosecutor staff was 84%.

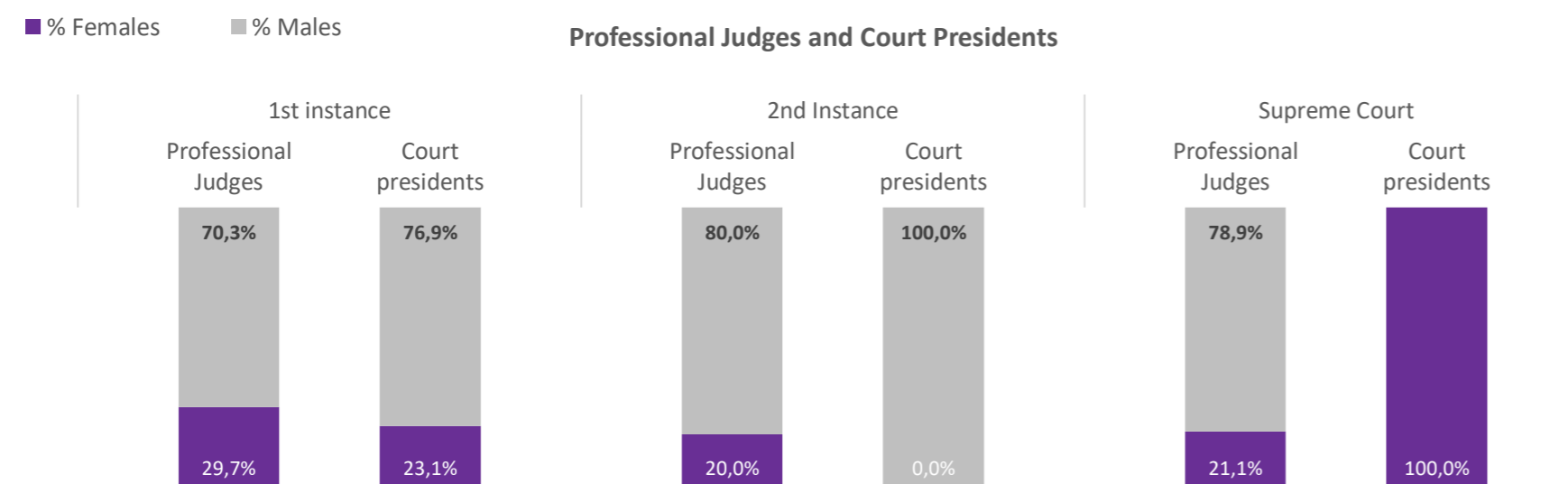
Finally, the percentage of female lawyers was 45%, which was higher than EaP Average (35,2%).



	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average
1st instance courts	29,7%	42,9%	23,1%	22,7%	NAP	-	NAP	-
2nd instance courts	20%	37,3%	0%	3,4%	NAP	-	NAP	-
Supreme Court	21,1%	33,7%	100%	40%	NAP	-	NAP	-

In Armenia, prosecutors are not separated by instances.

Gender Balance by instance in 2021



For judges, a diminution of the percentages of female can be observed from the first to the third instance which is indicative of a glass ceiling.

For court presidents, there is only 23.1% of female in first instance and none in second instance. However, since 2021, the president of the Supreme Court is a woman.

• Gender Equality Policies

	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			✘			
Heads of Prosecution Services			✘			
Judges	✔	✘		✘	✘	✘
Prosecutors	✘	✘		✘	✘	✘
Non-judge staff	✘	✘		✘	✘	✘
Lawyers	✘			✘		
Notaries	✘			✘		
Enforcement agents	✘			✘		

In Armenia there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary. However, 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.

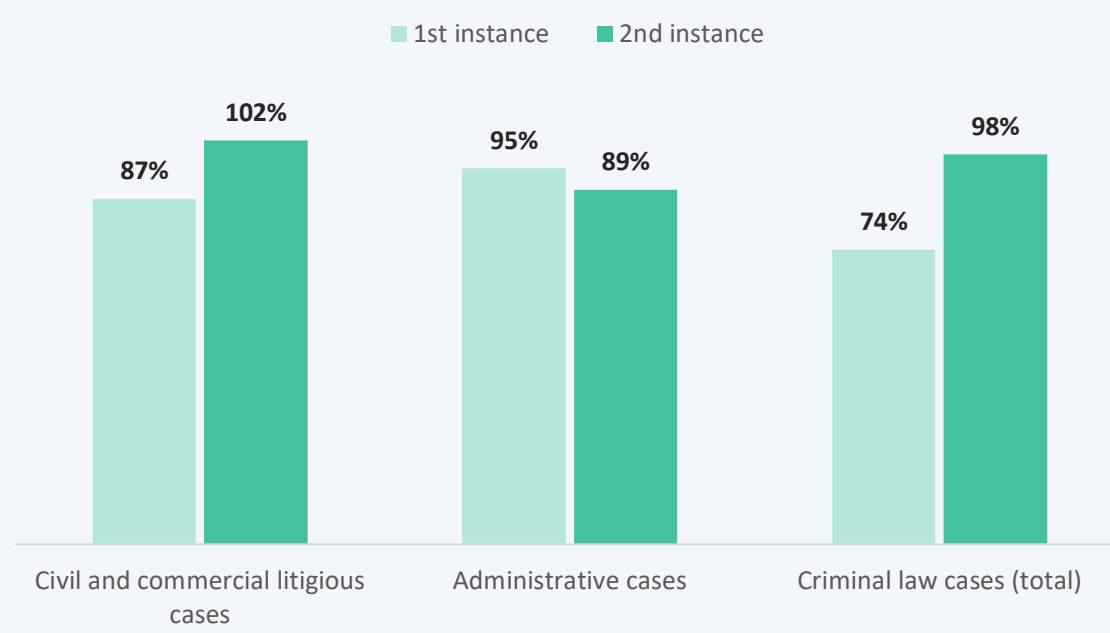
There are no specific provisions to facilitate gender equality in the recruitment and promotion for judicial professionals, with the exception of the recruitment of judges. Regarding judges' recruitment, according to Article 109 (5) of the Judicial Code, where the number of judges of either sex is less 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.

There is no specific person or institution dealing with gender issues at the national level regarding the recruitment or promotion of judges, prosecutors and non judge staff.

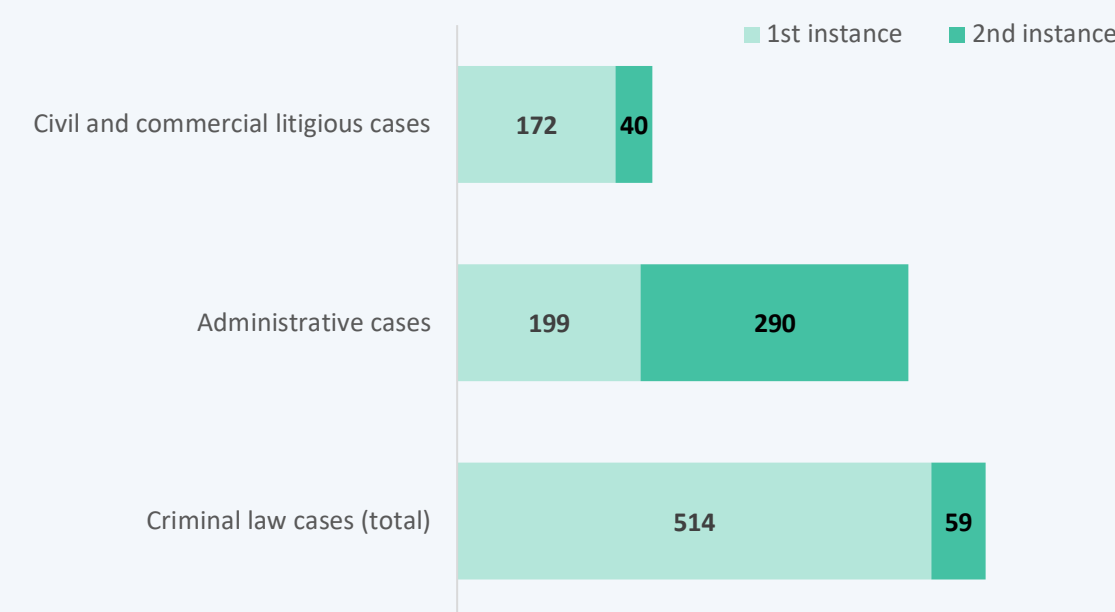
There is no specific person or institution specifically dedicated to ensure the respect of gender equality on institution level in courts and public prosecution services. The authorities have indicated that if a problem arises it will be solved internally, for example by the head of staff in courts.

Efficiency in Armenia in 2021 (Indicators 3.1 and 3.2)

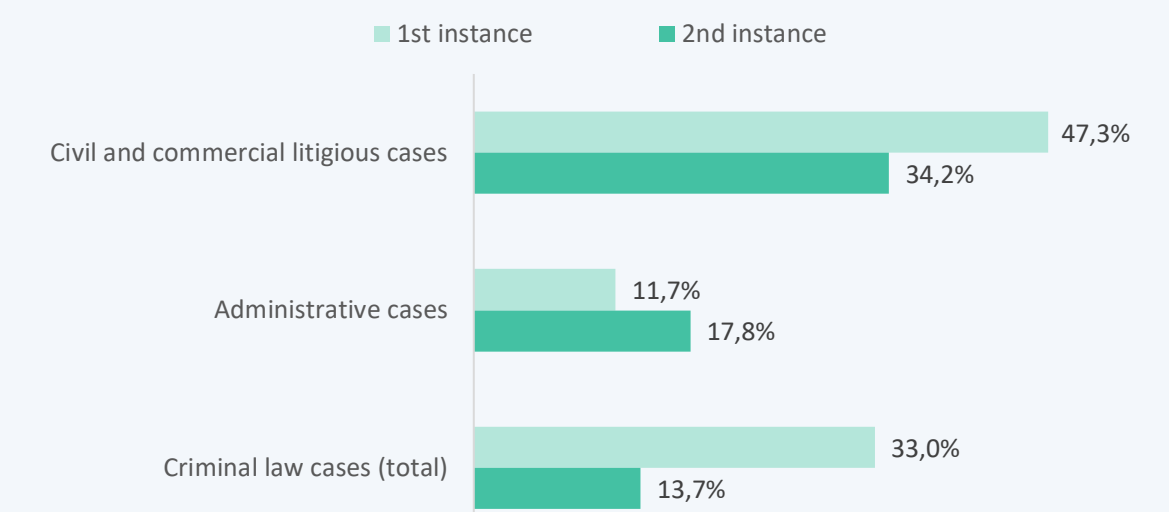
Clearance Rate in 2021



Disposition Time in 2021 (in days)



% Variation of pending cases at the end of year between 2020 and 2021



For the purpose of this profile, the data of only 1st and 2nd instance is analysed.

In 2021, the Clearance Rates below 100% resulted in an increase in the number of cases pending at the end of the year (the biggest increase was for the first instance Civil and commercial litigious cases (+47,3%), which might lead to formation of backlog. According to CEPEJ indicators, Armenia dealt well with Civil and commercial litigious cases in second instance. Indeed, they had the highest Clearance rate (CR), and also the only one above 100% (CR of 102%). A CR above 100% shows positive efficiency developments as it indicates that courts resolved more cases than they received in 2021, which leads to gradual reduction of the number of pending cases. However, this tendency is not fully reflected in the presented figures which show an increase of pending cases at the end of the year (see the section below on other than criminal cases in second instance for more explanation). With a Disposition Time (DT) of approximately 40 days, the second instance Civil and commercial litigious cases were also resolved faster than the other type of cases. On the contrary, it seems that Armenia was not able to deal as efficiently with the first instance total Criminal law cases (lowest CR ; 74%). Such a low Clearance Rate might lead to the accumulation of cases as shown by the increase of 33% of cases pending at the end of the year. Like in 2020, criminal law cases in first instance also had the longest Disposition Time (514days).

The Disposition Times were lower than the EaP Averages except for criminal law cases in first instance (DT of 514days with EaP Average at 200days) and the administrative cases in second instance (DT of 290 days with EaP Average at 143days). For civil and commercial litigious cases and for criminal law cases, the second instance was faster than the second instance (DT respectively at 40 and 59 days in first instance) whereas for administrative cases the first instance was the fastest one (DT 199days).

There are no common trends observable for all types of cases from 2018 to 2021. While for example an increase of efficiency can be noted between 2018 and 2020 (increase of Clearance Rate and decrease of Disposition Time) for civil and commercial cases in first instance, followed by a decrease of efficiency between 2020 and 2021; the opposite can be observed for administrative cases in first instance. The authorities have indicated that there is no analysis which would examine the reasons for the variations but that the reason for some increases of incoming cases in 2021 may also be the raising of the legal awareness of individuals.

First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2021



Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2021



• First instance cases - Other than criminal law cases

1st instance cases in 2021 (absolute values)	Armenia (2021)				% Variation between 2020 and 2021			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	164 187	142 649	67 121	NA	57,2%	8,0%	47,3%	NA
2 Non-litigious cases**	NA	NA	NA	NA	NA	NA	NA	NA
3 Administrative cases	15 431	14 599	7 961	NA	22,3%	32,7%	11,7%	NA
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2021, there were 164 187 incoming civil and commercial litigious cases in first instance (5,54 per 100 inhabitants vs the EaP Average of 3,07). This represents an increase of 57,2% between 2020 and 2021. The authorities have signaled that there is no analysis which would examine the reasons for the variations on the case flow but that the reason for the increase may also be the raising of the legal awareness of individuals. 142 649 cases were resolved (4,82 per 100 inhabitants) which is an increase of 8% compared to 2020. The number of resolved cases was thus lower than the incoming cases. As a consequence, there were more civil and commercial litigious cases pending at the end of 2021 than at the end of 2020 (+47,3%). Indeed, the 2021 Clearance rate for this type of cases was 86,9% (below the EaP Average of 95,2%). This decreased by -39,5 percentage points compared to 2020.

The Disposition Time for civil and commercial litigious cases was approximately 172 days in 2021 (equal to the EaP Average). This increased by 36,3% over the 2020-2021 period.

Both efficiency indicators, CR and DT, show negative tendency in 2021. The increase in the number of resolved cases (8%) was not significant enough to compensate the increase in the number of incoming cases (57,2%), and the decrease of the CR (-39,5 PPT) resulted in an evident increase in the number of pending cases at the end of 2021 and a longer Disposition Time. If the situation does not improve, this might lead to formation of backlog and prolonged trials in the near future.

Regarding administrative cases, there were 15 431 incoming cases in first instance in 2021 (ie 0,52 per 100 inhabitants vs the EaP Average of 0,31). They increased by 22,3% compared to the previous year. 14 599 cases were resolved (0,49 per 100 inhabitants, above of the EaP Average of 0,28). Between 2020 and 2021, the number of resolved administrative increased by 32,7%. The number resolved cases remained however lower than the number of incoming cases. As a consequence, there were more administrative cases pending at the end of 2021 than at the end of 2020 and the Clearance rate for this type of cases was 94,6% (above the EaP Average (90,6%). The CR increased by 7,5 percentage points compared to the previous year.

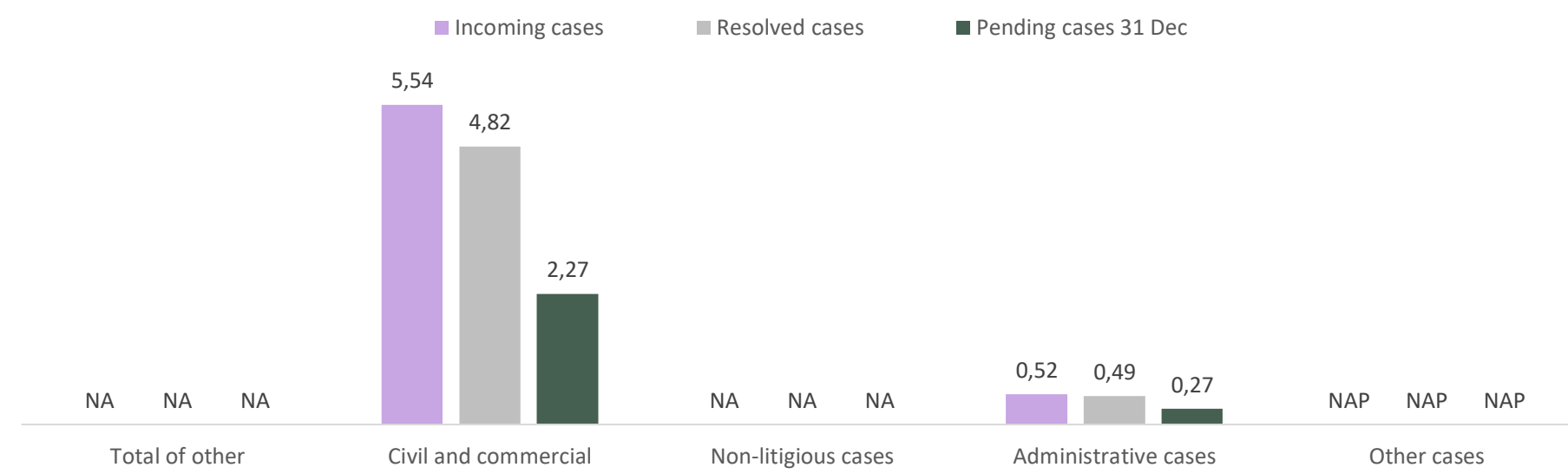
Finally, the Disposition Time for administrative cases was approximately 199 days in 2021. This has decreased by -15,9% compared to 2020 and it was below the EaP Average (278 days).

1st instance cases in 2021 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average
Total of other than criminal law cases (1+2+3+4)	NA	3,27	NA	3,20	NA	1,45	NA	0,32
1 Civil and commercial litigious cases	5,54	> 3,07	4,82	> 2,87	2,27	> 1,33	NA	0,28
2 Non-litigious cases**	NA	0,66	NA	0,67	NA	0,11	NA	-
3 Administrative cases	0,52	> 0,31	0,49	> 0,28	0,27	> 0,21	NA	0,04
4 Other cases	NAP	0,01	NAP	-	NAP	-	NAP	-

For reference only: the 2021 EU Median was as follows:
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming first instance Administrative cases per 100 inhabitants: 0,3.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

First instance Other than criminal cases per 100 inhabitants in 2021



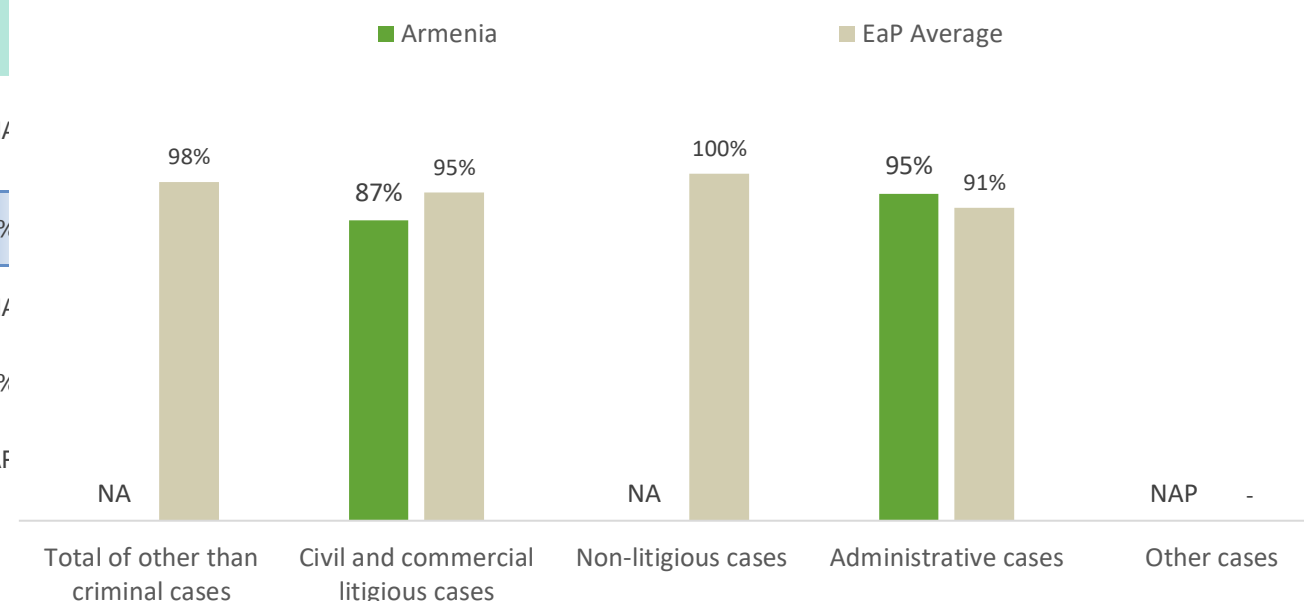
1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021	CR (%)		DT (days)		% Variation 2020 - 2021	
	Armenia	EaP Average	Armenia	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	98%	NA	160	NA	N/
1 Civil and commercial litigious cases	87%	95%	172	172	-39,5	36,3%
2 Non-litigious cases**	NA	100%	NA	91	NA	N/
3 Administrative cases	95%	91%	199	278	7,5	-15,9%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

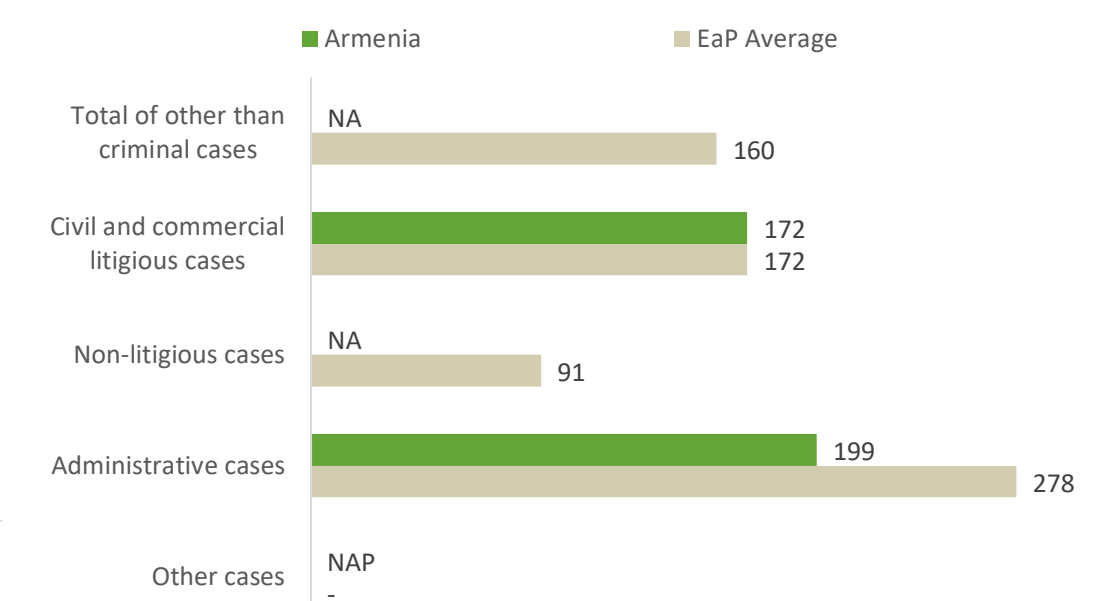
For reference only: the 2021 EU Median for the first instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

For reference only: the 2021 EU Median for the first instance Administrative cases was as follows:
 - Clearance rate: 101,7%; - Disposition time: 296 days.

Clearance Rate for first instance Other than criminal cases in 2021 (%)



Disposition Time for first instance Other than criminal cases in 2021 (in days)



First instance cases - Criminal law cases

1st instance cases in 2021 (absolute values)		Armenia (2021)				% Variation between 2020 and 2021			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		4 628	3 430	4 826	NA	23,6%	26,4%	33,0%	NA
1	Severe criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

In 2021, there were 4 628 incoming total criminal cases in first instance (0,16 per 100 inhabitants vs the EaP Average of 0,55) which is an increase of 23,6% between 2020 and 2021. 3 430 cases were resolved in 2021 (0,12 per 100 inhabitants vs the EaP Average of 0,52). This represents an increase of 26,4% compared to 2020 but is lower than the number of incoming cases. As a consequence, there were more total criminal cases pending at the end of 2021 than at the end of 2020. Indeed, the 2021 Clearance rate for this type of cases was 74,1% (below the EaP Average of 90,9%). This increased by 1,6 percentage points compared to 2020.

The Disposition Time for total criminal cases was approximately 514 days in 2021 (above the EaP Average of 237 days). This increased by 5,2% over the 2020-2021 period.

Both efficiency indicators, CR and DT, show negative tendency in 2021. Compared to the region, Armenia has a case flow in criminal law cases amongst the smallest with only 0,16 incoming cases per 100 inhabitant. Nonetheless it has a low Clearance Rate (only 74%) and a long Disposition Time (514 days). If the situation does not improve, this might lead to formation of backlog and prolonged trials in the near future.

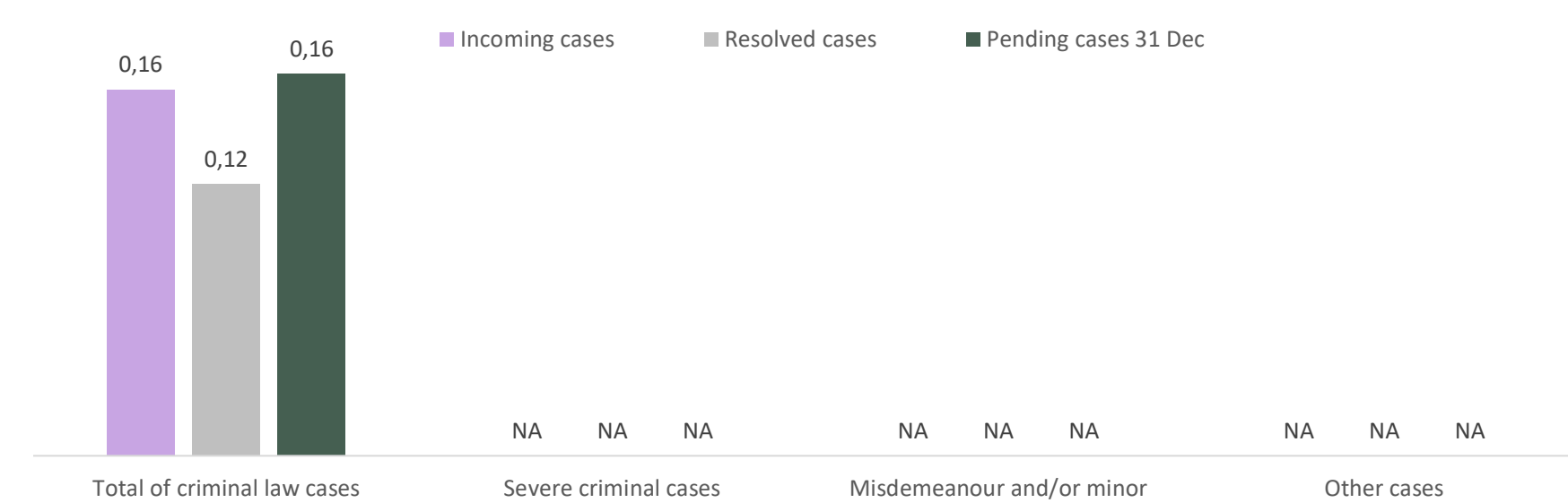
There is no data available regarding the sub-categories of criminal cases as in Armenia the criminal cases are divided differently than in the CEPEJ methodology.

1st instance cases in 2021 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average
Total of criminal law cases (1+2+3)		0,16	< 0,55	0,12	< 0,52	0,16	< 0,29	NA	0,04
1	Severe criminal cases	NA	0,10	NA	0,09	NA	0,04	NA	0,003
2	Misdemeanour and / or minor criminal cases	NA	0,45	NA	0,45	NA	0,06	NA	0,003
3	Other cases	NA	-	NA	-	NA	-	NA	-

For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Incoming cases per 100 inhabitants: 1,6.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

First instance Criminal law cases per 100 inhabitants in 2021

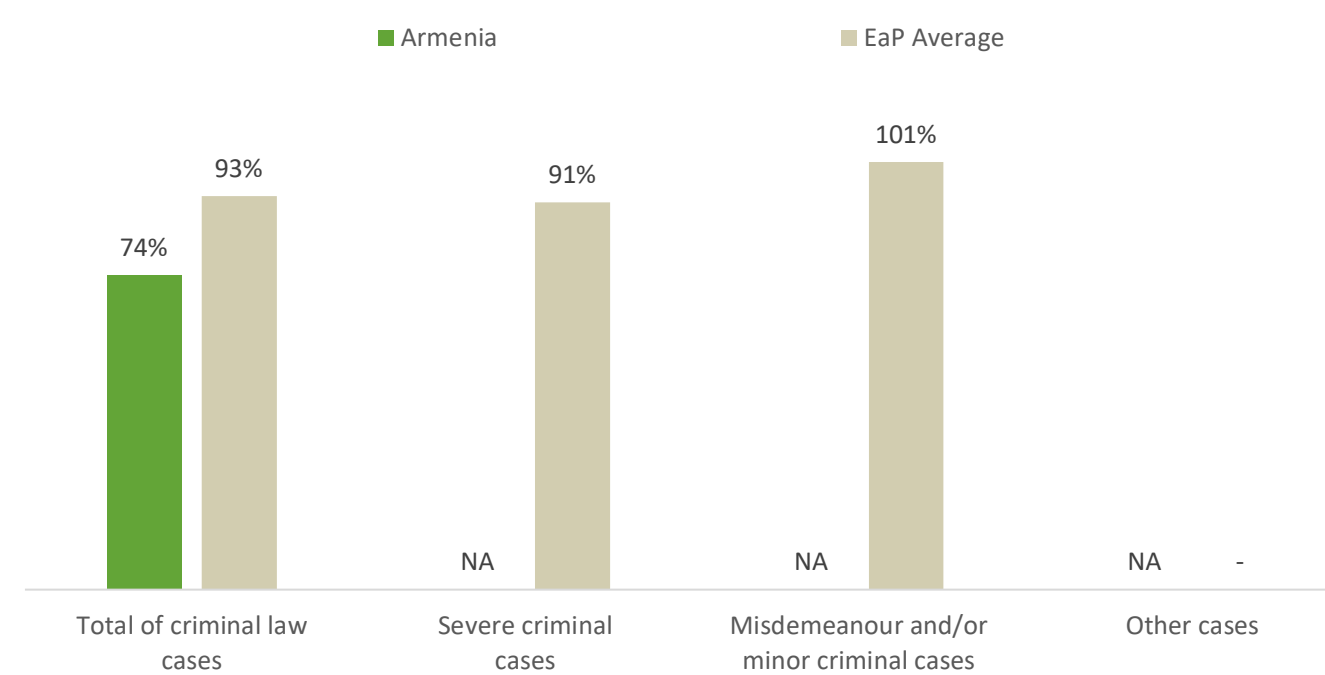


1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021		CR (%)		DT (days)		% Variation 2020 - 2021	
		Armenia	EaP Average	Armenia	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		74%	91%	514	237	1,6	5,2%
1	Severe criminal cases	NA	91%	NA	158	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	101%	NA	59	NA	NA
3	Other cases	NA	-	NA	-	NA	NA

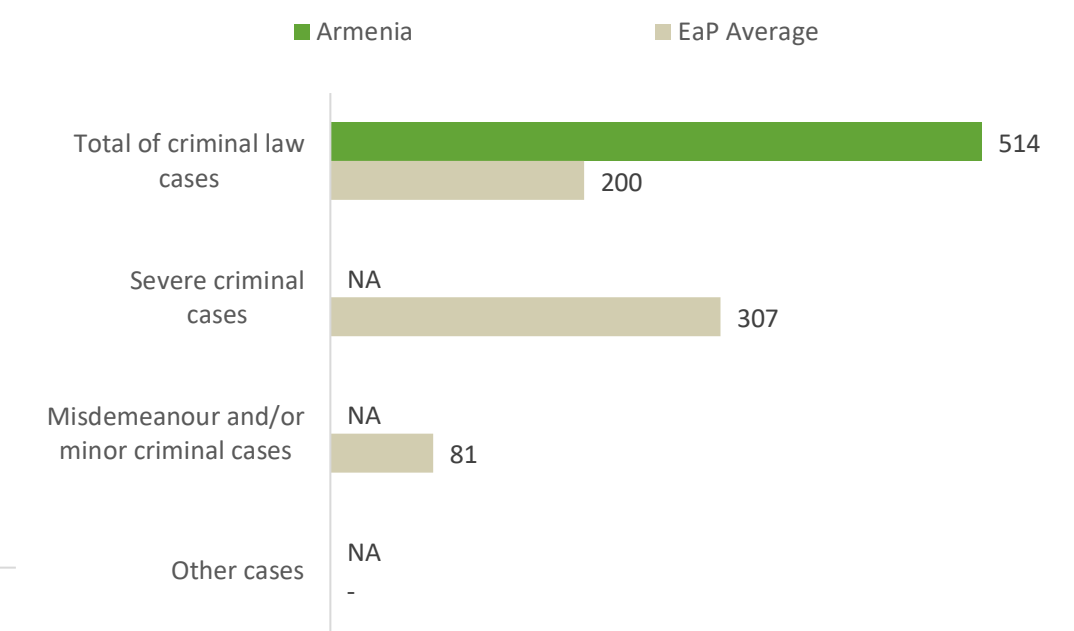
For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Clearance rate: 100%;
 - Disposition time: 134 days.

PPT = Percentage points

Clearance Rate for first instance Criminal Law cases in 2021 (%)



Disposition Time for first instance Criminal Law cases in 2021 (in days)



Second instance cases - Other than criminal law cases

2nd instance cases in 2021 (absolute values)	Armenia (2021)				% Variation between 2020 and 2021			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	6 753	6 862	746	NA	5,2%	14,0%	34,2%	NA
2 Non-litigious cases**	NA	NA	NA	NA	NA	NA	NA	NA
3 Administrative cases	4 831	4 313	3 427	NA	61,7%	32,1%	17,8%	NA
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2021, there were 6 753 incoming civil and commercial litigious cases at second instance (0,23 per 100 inhabitants vs the EaP Average of 0,27). This is an increase of 5,2% between 2020 and 2021. 6 862 cases were resolved (0,23 per 100 inhabitants vs the EaP average of 0,27) which is an increase of 14% compared to 2020. The number of resolved cases was slightly higher than the incoming cases. As a result the 2021 Clearance rate for this type of cases was 101,6% (below the EaP Average of 103,2%). This increased by 7,8 percentage points compared to 2020. Despite a Clearance Rate above 100%, it appears that there was an increase of pending cases at the end of the year. This is due to a minor statistical inconsistency in the number of pending cases at the end of the year provided in 2020 (the authorities have explained that this inconsistency is due to the fact that there are also cases which have been suspended, resumed, or sent to other courts if the case was submitted to the court which has no general or territorial jurisdiction). Consequently, the number of pending cases at the end of 2021 falsely appear higher than at the end of previous year.

The Disposition Time for civil and commercial litigious cases was approximately 40 days in 2021 (below the EaP Average of 98 days). This increased by 17,7% over the 2020-2021 period.

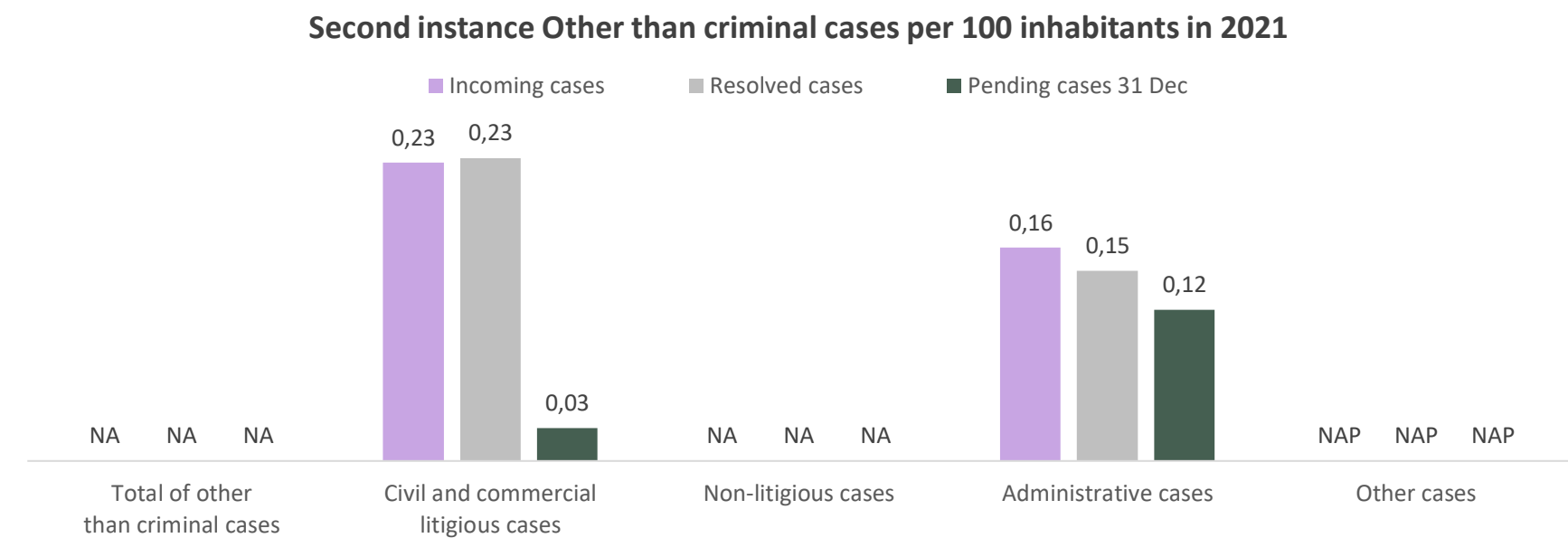
Regarding administrative cases, there were 4 831 incoming cases in second instance in 2021 (ie 0,16 per 100 inhabitants vs the EaP Average of 0,11). They increased by 61,7% compared to the previous year. The authorities have indicated that there is no official statistical analysis regarding this increase. The resolved cases were 4 313 (0,15 per 100 inhabitants, above of the EaP Average of 0,1). Between 2020 and 2021, the number of resolved administrative increased by 32,1%. The number of incoming cases was higher than the resolved cases. As a consequence, there were more administrative cases pending at the end of the year in 2021 compared to 2020, and the Clearance rate for this type of cases was 89,3% (below the EaP Average (99,3%). The CR decreased by -20 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 290 days in 2021. This has decreased by -10,8% compared to 2020 but remains above the EaP Average (169 days).

2nd instance cases in 2021 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average
Total of other than criminal law cases (1+2+3+4)	NA	0,39	NA	0,40	NA	0,11	NA	0,01
1 Civil and commercial litigious cases	0,23	< 0,27	0,23	< 0,27	0,03	< 0,07	NA	0,003
2 Non-litigious cases**	NA	-	NA	-	NA	-	NA	-
3 Administrative cases	0,16	> 0,11	0,15	> 0,10	0,12	> 0,05	NA	0,003
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	0

For reference only: the 2021 EU Median was as follows:
 - Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming Second instance Administrative cases per 100 inhabitants: 0,3.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

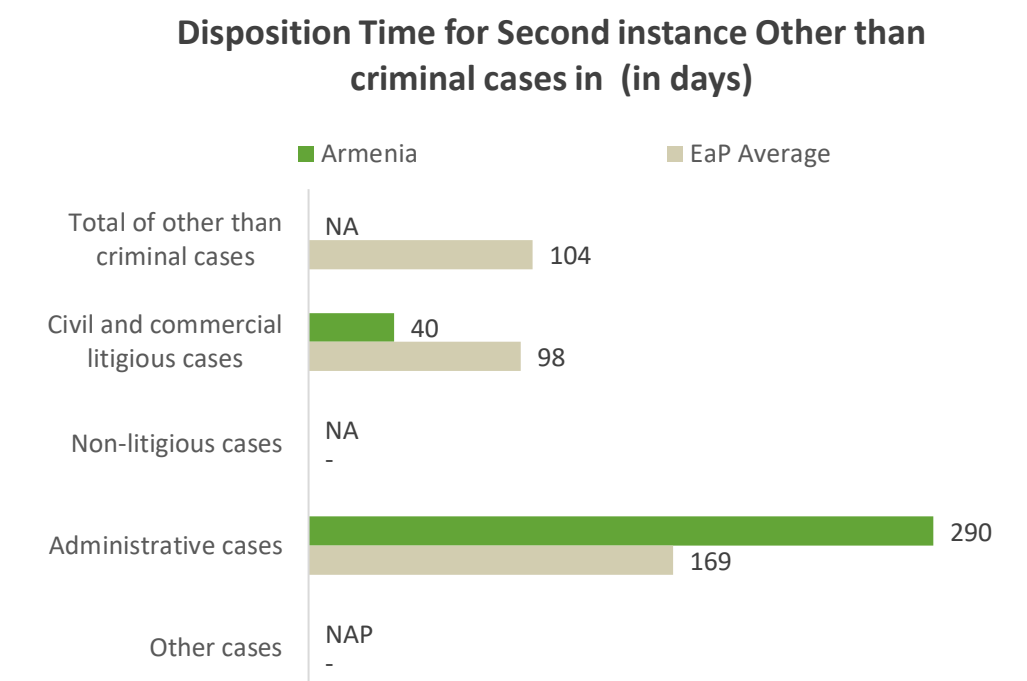
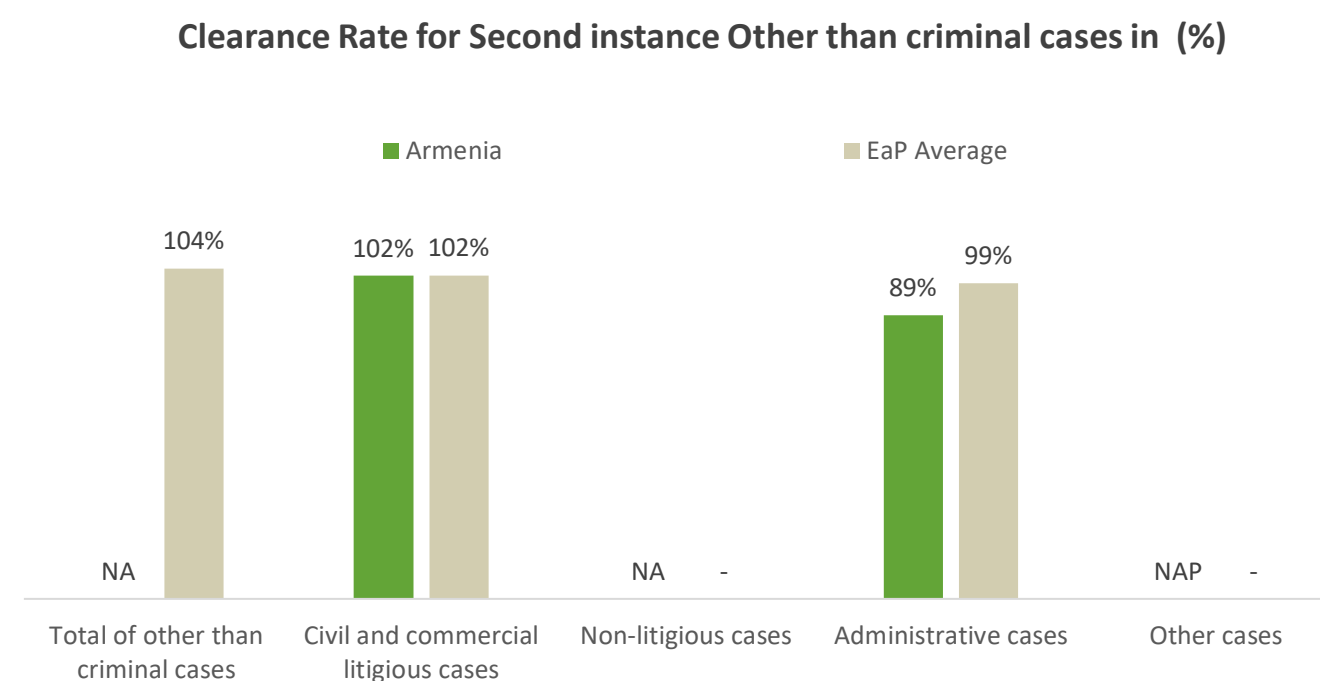


2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021	CR (%)		DT (days)		% Variation 2020 - 2021	
	Armenia	EaP Average	Armenia	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	104%	NA	104	NA	NA
1 Civil and commercial litigious cases	102%	102%	40	98	7,8	17,7%
2 Non-litigious cases**	NA	-	NA	-	NA	NA
3 Administrative cases	89%	99%	290	169	-20,0	-10,8%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: the 2021 EU Median for the Second instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%;
 - Disposition time: 234 days.

For reference only: the 2021 EU Median for the Second instance Administrative cases was as follows:
 - Clearance rate: 101,7%;
 - Disposition time: 296 days.



Second instance cases - Criminal law cases

2nd instance cases in 2021 (absolute values)		Armenia (2021)				% Variation between 2020 and 2021			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		4 437	4 352	704	NA	0,0%	24,8%	13,7%	NA
1	Severe criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

In 2021, there were 4 437 incoming total criminal cases at second instance (0,15 per 100 inhabitants vs the EaP Average of 0,28). There was no variation of the number of incoming cases between 2020 and 2021. 4 352 cases were resolved (0,15 per 100 inhabitants vs the EaP Average of 0,26) which is an increase of 24,8%. Despite this increase, the number of resolved cases was slightly lower than the number of incoming cases. As a consequence, there were more total criminal cases pending at the end of 2021 than at the end of 2020. The 2021 Clearance rate for this type of cases was 98,1% (equal to the EaP Average). This increased by 19,5 percentage points compared to 2020.

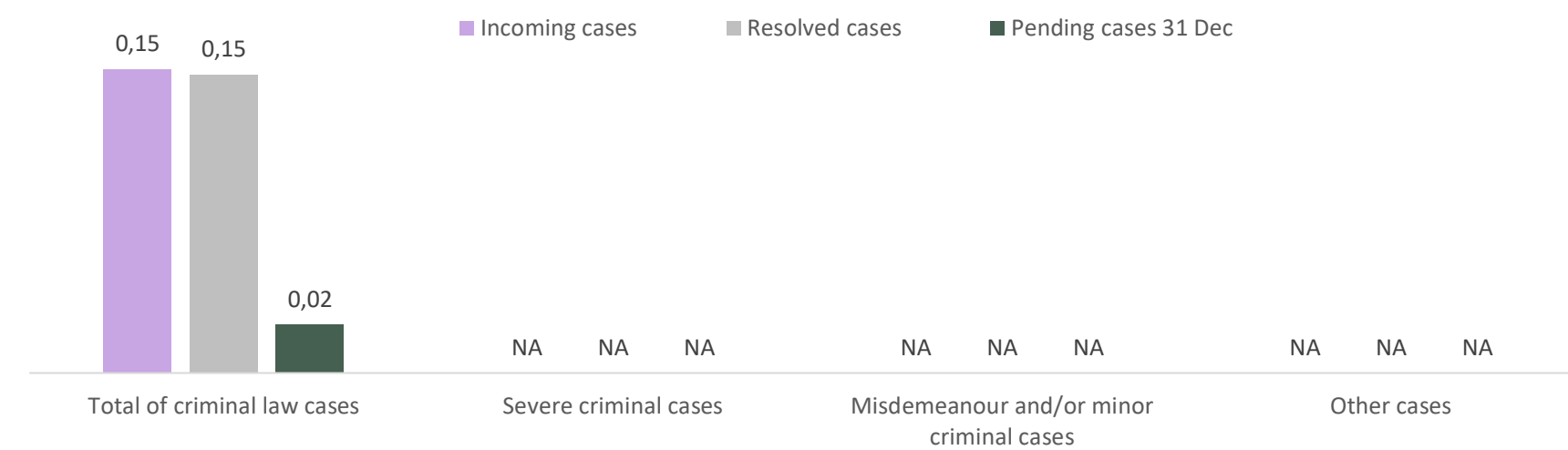
The Disposition Time for total criminal cases was approximately 59 days in 2021 (below the EaP Average of 77 days). This decreased by -8,9% compared to 2020.

2nd instance cases in 2021 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average
Total of criminal law cases (1+2+3)		0,15	< 0,28	0,15	< 0,26	0,02	< 0,06	NA	0,02
1	Severe criminal cases	NA	-	NA	-	NA	-	NA	-
2	Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	-	NA	-
3	Other cases	NA	-	NA	-	NA	-	NA	-

For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Incoming cases per 100 inhabitants: 1,6.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

Second instance Criminal law cases per 100 inhabitants in 2021

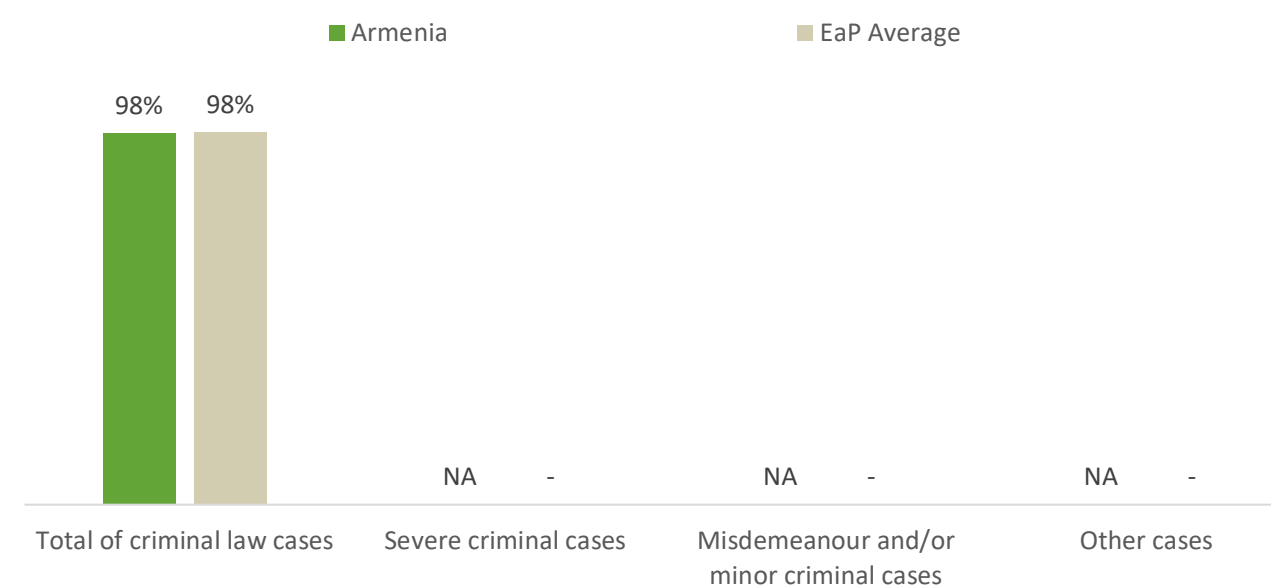


2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021		CR (%)		DT (days)		% Variation 2020 - 2021	
		Armenia	EaP Average	Armenia	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		98%	98%	59	77	19,5	-8,9%
1	Severe criminal cases	NA	-	NA	-	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	NA
3	Other cases	NA	-	NA	-	NA	NA

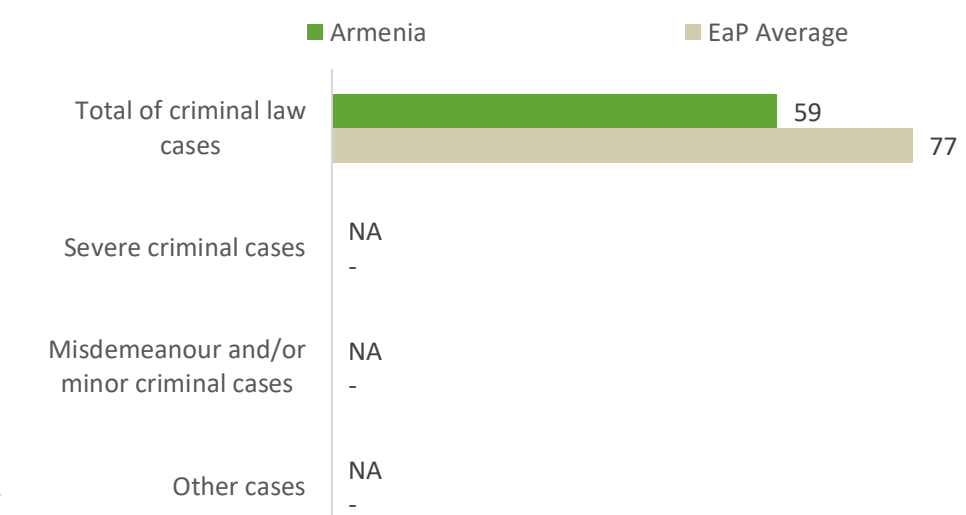
PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Clearance rate: 100%;
 - Disposition time: 134 days.

Clearance Rate for second instance Criminal Law cases in 2021 (%)



Disposition Time for second instance Criminal Law cases in 2021 (in days)



• Specific category cases

	Armenia (2021)						% Variation between 2020 and 2021					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

In 2021, there was no data in Armenia on the average lengths of proceedings; decisions subject to appeal and % of cases pending for more than 3 years for the concerned categories.

• **Quality standards and performance indicators in the judicial system**

In Armenia there are no quality standards determined for the judicial system at national level.

• **Regular monitoring of courts and prosecution offices' activities**

In Armenia the courts and prosecutions offices are regularly monitored using the criteria selected below. Regarding the satisfaction of court staff, surveys amongst courts staff are carried out since 2021. However, there are no system to regularly evaluate the performance of courts or prosecution offices based on those criteria.

	Regular assessment	
	Courts	Prosecution offices
Number of incoming cases	✓	✓
Length of proceedings (timeframes)	✓	✓
Number of resolved cases	✓	✓
Number of pending cases	✓	✓
Backlogs	✓	✗
Productivity of judges and court staff / prosecutors and prosecution staff	✓	✗
Satisfaction of court / prosecution staff	✓	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✗	✗
Costs of the judicial procedures	✓	✗
Number of appeals	✓	
Appeal ratio	✗	
Clearance rate	✗	✗
Disposition time	✗	✗
Percentage of convictions and acquittals		✗
Other	✗	✓

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Monitoring of the waiting time during judicial proceedings	
Within the courts	No
Within the public prosecution services	No

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

• Quantitative targets for each judge and prosecutor

Existence of quantitative targets for:		Judges	Prosecutors	
		✘	✘	
Responsibility for setting up quantitative targets for judges			Responsibility for setting up quantitative targets for public prosecutors	
Executive power (for example the Ministry of Justice)	✘	Executive power (for example the Ministry of Justice)	✘	
Legislative power	✘	Prosecutor General /State public prosecutor	✘	
Judicial power (for example the High Judicial Council, Supreme Court)	✘	Public prosecutorial Council	✘	
President of the court	✘	Head of the organisational unit or hierarchical superior public prosecutor	✘	
Other:	✘	Other	✘	

Consequences for not meeting the targets	For judges	For public prosecutors
Warning by court's president/ head of prosecution	✘	✘
Disciplinary procedure	✘	✘
Temporary salary reduction	✘	✘
Reflected in the individual assessment	✘	✘
Other	✘	✘
No consequences	✘	✘

In Armenia, there are no quantitative targets for judges and prosecutors. Regarding judges, the cases are distributed electronically and the judge is expected to resolve the cases assigned to him/her in time limits set by the relevant legislation. Regarding prosecutors, process is currently underway to introduce quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation (see section below).

• Qualitative targets for each judge and prosecutor

Existence of qualitative targets for:		Judges	Prosecutors
Responsibility for setting up the criteria qualitative targets for judges			
Executive power (for example the Ministry of Justice)		✗	✗
Legislative power		✓	✓
Judicial power (for example the High Judicial Council, Supreme Court)		✓	✗
President of the court		✗	✗
Other		✗	✓
Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work			
Executive power (for example the Ministry of Justice)		✗	✗
Prosecutor General /State public prosecutor		✓	✓
Public prosecutorial Council		✗	✗
Head of the organisational unit or hierarchical superior public prosecutor		✗	✗
Other		✓	✓

Frequency of this assessment	For judges	For public prosecutors
Annual	✗	✗
Less frequent	✓	✓
More frequent	✗	✗

Regarding the qualitative evaluation of judges, chapter 18 of Judicial Code provides for regular (once in five years) and extraordinary evaluation of the performance of individual judges. Pursuant to Article 138, Criteria for evaluation of the quality and professionalism of the work of a judge shall be:

(1)ability to justify the judicial act;

(2)ability to preside over the court session.

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

(1)effective workload management skill and work planning;

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

(3)observance by a judge of time limits prescribed by law for the performance of individual procedural actions;

(4)ability to ensure an efficient working environment.

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

(1)observance of the rules of ethics;

(2)contribution to the public perception of the court and to the confidence therein;

(3)attitude towards other judges and the staff of the court.

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

Regarding prosecutors, they 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.

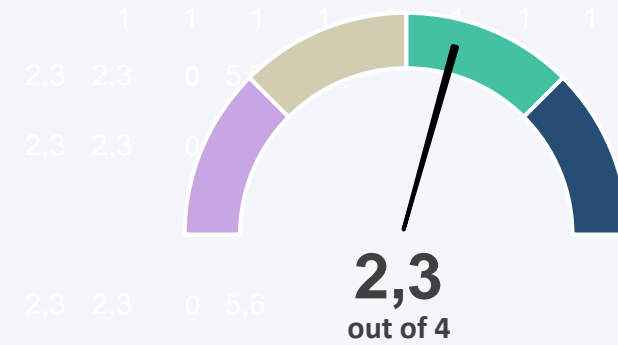
The attestation of prosecutors is carried out by the Qualification Commission. The Qualification Commission functions in attachment to the Prosecutor General and is governed by the Deputy Prosecutor General. The members of the Qualification Commission are independent, any interference with their activities is prohibited. 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. Relationships related to attestation are regulated in Article 50 of the Law on the Prosecutor's Office, in particular, at least two weeks before the attestation, the immediate superior prosecutor submits the prosecutor's assessment. The assessment shall contain information about the prosecutor, his/her practical and personal features, and a justified evaluation of his/her official performance. The assessment shall be based on the opinions of the immediate supervisor formed on the basis of reports presented to them by the prosecutor annually about the prosecutor's performance during the period since the previous attestation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of restraint, the number of satisfied and rejected motions must be attached to the assessment.

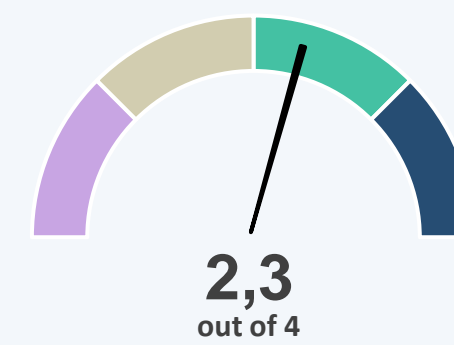
Electronic case management system and court activity statistics in Armenia in 2021 (Indicator 3.3)

The Case Management System (CMS) Index is an index ranging from 0 to 4 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while the deployment rate is multiplied as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included. This methodology provides an adequate evaluation.

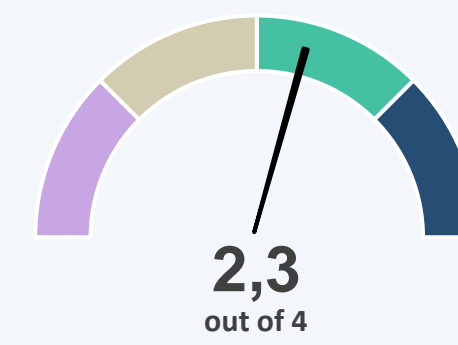
CMS index for Civil and/or commercial cases



CMS index for Administrative cases



CMS index for Criminal cases



Electronic case management system

In Armenia, there is no IT Strategy for the judiciary. However, it should be noted that the Strategy of Judicial and Legal Reforms of 2022-2026 contains provisions regarding modernization of the electronic management systems in the courts.

There is a case management system (CMS), eg software used for registering judicial proceedings and their management, which has been developed more than 10 years ago. There are plans for a significant change in the present IT system to be implemented in the 2022-2026 period of judicial and legal reforms within the Strategy.

The CMS is developed in courts (100% deployment rate) and there is a centralised or interoperable database and a connection to a statistical tool for all types of cases (civil and/or commercial, criminal, administrative). The CMS database is centralised since the collected information is centralised in the system. The statistical module is "Not integrated but connected" for all case matter, as statistical data is collected through the system, but main statistical functions are not performed automatically. There are no early warning signals in place. Regarding the status of the case online, it is both accessible to the parties and the decision is published online even if this is not done directly but via another system Datalex connected to the CMS. All users can access online and see the status of their case and scheduled hearings, also it can be seen if applications and motions have been submitted, but the content is not accessible to parties through the system.

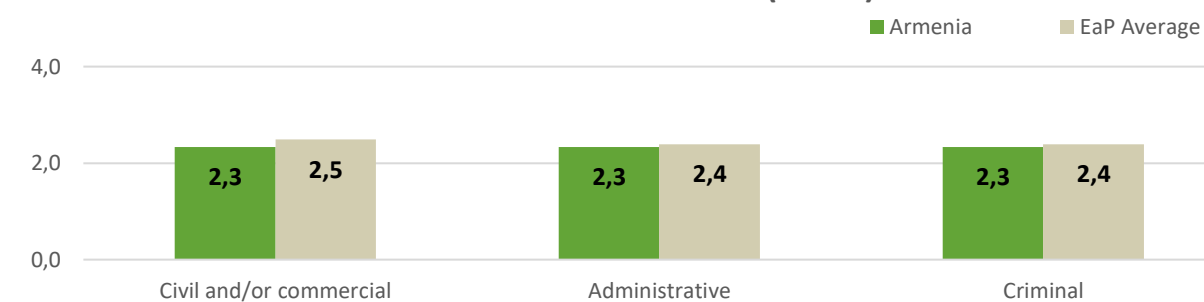
The CMS Index for Armenia is 2.3 for each type of cases which is slightly lower than the EaP average indexes (2.5 for civil and/or commercial cases and 2.4 for criminal and for administrative cases).

	Case management system and its modalities				
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool
Civil and/or commercial	100%	Both	✓	✗	Not integrated but connected
Administrative	100%	Both	✓	✗	Not integrated but connected
Criminal	100%	Both	✓	✗	Not integrated but connected

Both = Accessible to parties & Publication of decision online

	Overall CMS Index in 2021	
	Armenia	EaP Average
Civil and/or commercial	2,3	2,5
Administrative	2,3	2,4
Criminal	2,3	2,4

Calculated overall CMS index (0 to 4) in 2021



• **Centralised national database of court decisions**

In Armenia, there is a centralised national database of court decisions in which all judgments for all instances are collected (www.datalex.am). It includes over 2 million files of court cases. This portal consists of civil, criminal, administrative, bankruptcy and payment order cases. The judicial acts concluding the proceedings at the relevant judicial instance, and in cases provided for by law or by the decision of the Supreme Judicial Council also other judicial acts, are subject to mandatory publication. When the judicial proceedings, or part of them, are held behind closed doors, the concluding part of the conclusive judicial act shall be published provided that said concluding part does not contain a secret protected by law.

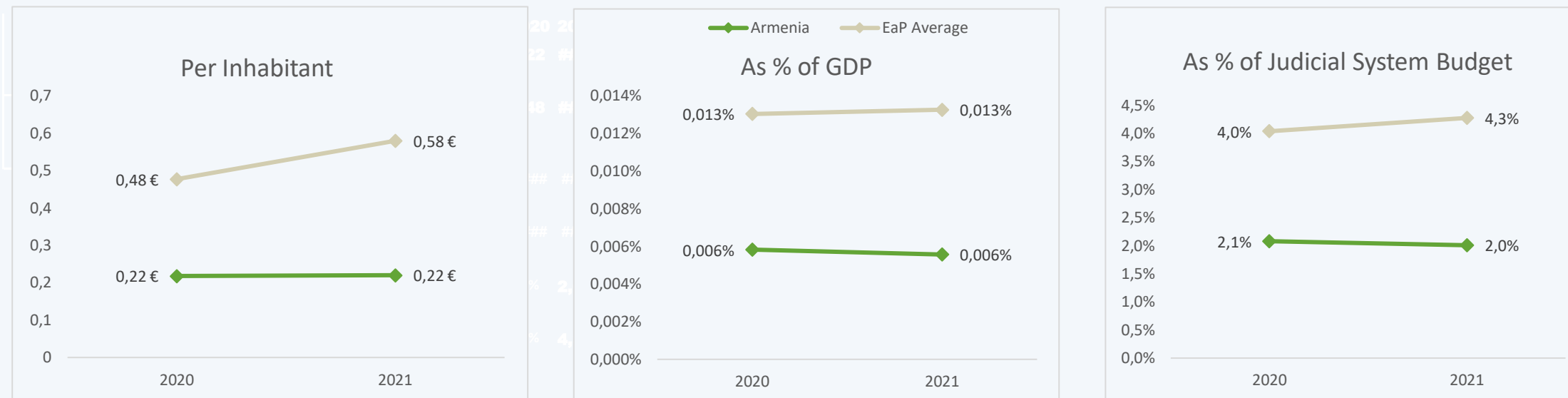
The data is anonymised. An anonymisation of personal data is done for judicial acts containing data on private life, personal biometric and personal special category data, as well as personal data on a child. The Supreme Judicial Council may prescribe other cases of anonymisation of personal data.

The data base is available for free online, but not in open data. There is no links with ECHR case law (hyperlinks which reference the ECHR judgments in HUDOC database).

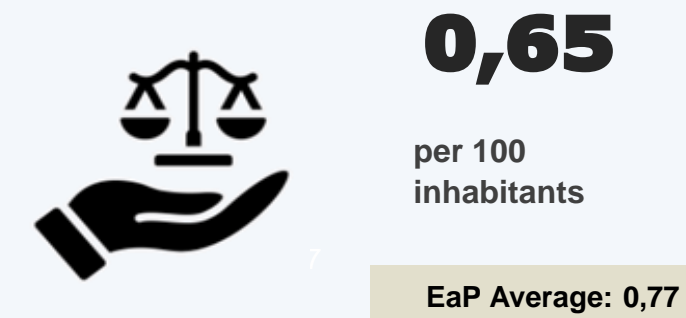
	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	Yes all judgements	Yes all judgements	Yes all judgements	✗	✓	✓	✗
Administrative	Yes all judgements	Yes all judgements	Yes all judgements	✗	✓	✓	✗
Criminal	Yes all judgements	Yes all judgements	Yes all judgements	✗	✓	✓	✗

Access to justice and Legal Aid in Armenia in 2021 (Indicator 4)

Total implemented budget for Legal Aid in 2021



Number of cases for which LA has been granted



In 2021, the implemented budget for legal aid spent by Armenia was 0,22€ per inhabitant (below the EaP Average of 0,58€). This was equal to 0,006% of the GDP, whereas the EaP Average was 0,013%.

• Organisation of the legal aid system

Legal aid is applied to:

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

Legal aid is provided through the Public Defender's Office which is a structural unit of the Chamber of Advocates. The legal aid includes:
1)consultation: preparation of lawsuits, applications, complaints and other legal documents, including the provision of legal information,
2)representation or defence in criminal, civil, administrative and constitutional cases.

Legal aid is provided to categories of people which are defined by law. In 2022 amendments on the Law on Advocacy were adopted and as a result the list was expanded.

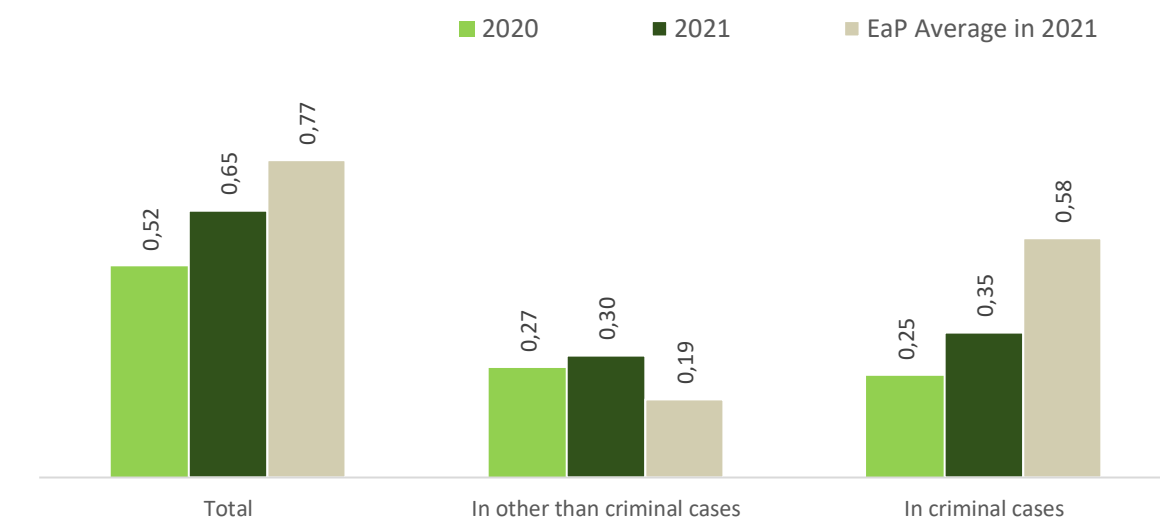
• **Implemented budget for legal aid and number of cases for which legal aid has been granted**

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of Judicial System Budget	
	Total (a+b)	% Variation 2020 - 2021	Cases brought to court (a)	Cases not brought to court (b)	Armenia	EaP Average	Armenia	EaP Average	Armenia	EaP Average
Total (1+2)	651 172 €	0,9%	NA	NA	0,22 €	0,58	0,006%	0,013%	2,0%	4,3%
In other than criminal cases (1)	NA	NA	NA	NA						
In criminal cases (2)	NA	NA	NA	NA						

In 2021, Armenia spent 651 172€ on the total implemented budget for legal aid, which was 0,9% more compared to 2020. This represents 0,22€ per inhabitant which is lower than the EaP average of 0,58€.

	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2020 - 2021					
Total (1+2)	19 292	0,65	26,3%	NA	NA	33,8 €	NA	NA
In other than criminal cases (1)	8 800	0,30	11,1%	NA	NA	NA	NA	NA
In criminal cases (2)	10 492	0,35	42,6%	NA	NA	NA	NA	NA

Total number of LA cases per 100 inh between 2020 and 2021

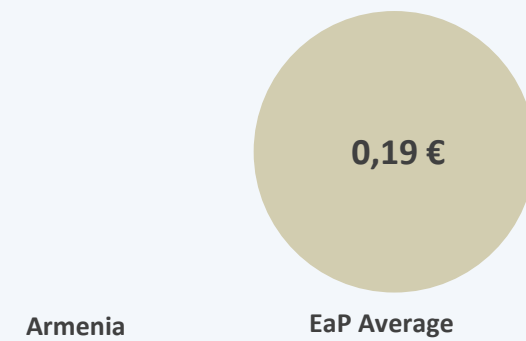


In 2021, legal aid was granted in 19 292 cases (0,65 per 100 inhabitants), which was 26,3% more compared to 2020. The number of criminal cases were 10 492, and the other than criminal cases were 8 800. On average, Armenia spent 33,8€ per case, which is remarkably lower than the EaP average of 75,76€.

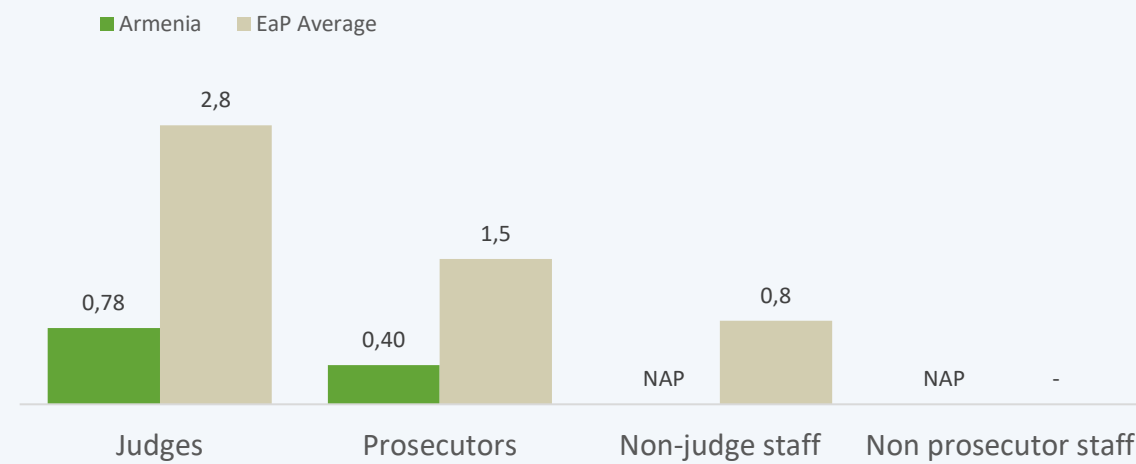
Compared to the region, Armenia allocated a smaller amount per legal aid case and for a smaller number of cases benefiting from legal aid.

Training of judges and prosecutors in Armenia in 2021 (Indicator 7)

Total budget for Training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



In Armenia the training institution does not have a separate budget. In 2021 the overall budget named "Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs" was equal to 743.586 euros, which is 0,25€ per inhabitant.

In 2021, 393 participants (of which 235 judges and 158 prosecutors) were trained in 84 live trainings (in-person, hybrid or video conferences). In Armenia there were only 4,7 participants per delivered training which is much lower than in the rest of the region where there were 15,2 in average.

Regarding the internet-based trainings (not-live), 12 trainings in total were provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 9 trainings were completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was 257 participants. This shows that the participation in live trainings is higher than the participation in online trainings.

In Armenia each judge participated on average in 0,8 live trainings in 2021, which was below the EaP Average (2,8) while each prosecutor participated in 0,4 live trainings, less than the EaP Average (1,5).

In Armenia, both judges and prosecutors are required to attend a minimum of 10 days of in-service compulsory training.

Budget for Trainings

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)				
			Absolute Number	Evolution of training budget per inhabitant			EaP Average per inhabitant
				2020	2021	% Variation 2020 - 2021	
Total	NA	0 €	0 €	0,00 €	0,00 €	-	0,19 €
Judges	NAP	0 €	0 €				
Prosecutors	NAP	NAP	NAP				
One single institution for both judges and prosecutors	NAP		NAP	0,00 €	0,00 €		

In 2021, it appears in the table that Armenia spent in total 0€ for training for judges and prosecutors. This is because the budget of the training institution (Academy of Justice) is not presented in the table as the authorities have reported that the institution does not have a separate budget. 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. The authorities have however reported that the amount of the overall budget named "Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs" in 2021 was equal to 743.586 euros.

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2021)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Armenia	EaP Average	Armenia	EaP Average
Total	94	84	128	393	1,5 <	1,8	4,7 <	15,2
Judges	59	50	83	235	1,7 >	1,4	4,7 <	15,2
Prosecutors	35	34	45	158	1,3 <	1,8	4,6 <	12,9
Non-judge staff	NAP	NAP	NAP	NAP	NAP	1,3	NAP	39,2
Non-prosecutor staff	NAP	NAP	NAP	NAP	NAP	3,0	NAP	13,7

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.

Key:	>	Higher than the EaP Average
	=	Equal to the EaP Average
	<	Lower than the EaP Average

In 2021, Armenia organised 84 trainings, over 128 days, and with a total of 393 participants. There was on average 4,7 participants per training which was significantly lower than the EaP Average (15,2).

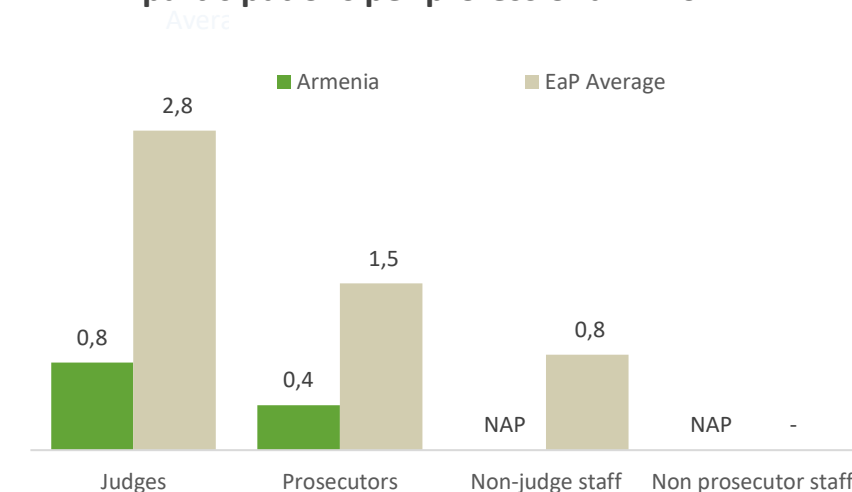
In 2021, the average duration of trainings for judges in Armenia was 1,7 days (above the EaP Average of 1,4). During the same period, the average duration of training for prosecutors was 1,3 days, which was below of the EaP Average of 1,8 days.

In Armenia, no training was organised in 2021 for non-judge staff and non-prosecutor staff.

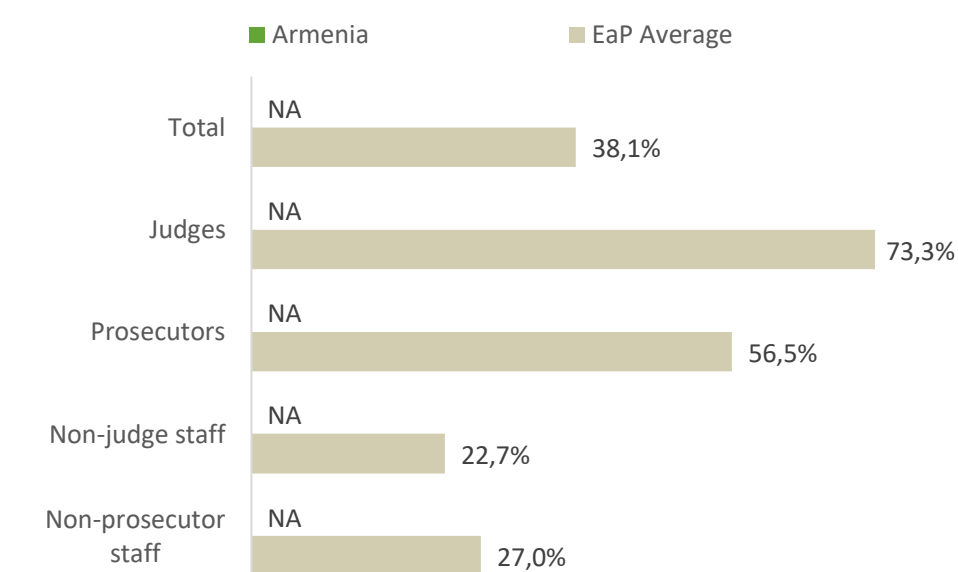
Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Armenia	EaP Average	Number	% of total professionals per category	
				Armenia	EaP Average
Total	0,2 <	1,2	NA	NA	38,1%
Judges	0,8 <	2,8	NA	NA	73,3%
Prosecutors	0,4 <	1,5	NA	NA	56,5%
Non-judge staff	NAP	0,8	NA	NA	22,7%
Non-prosecutor staff	NAP	-	NA	NA	27,0%

Average number of live training participations per professional in 2021



Percentage of professionals attending at least one training in 2021



Average number of live training participations per professional

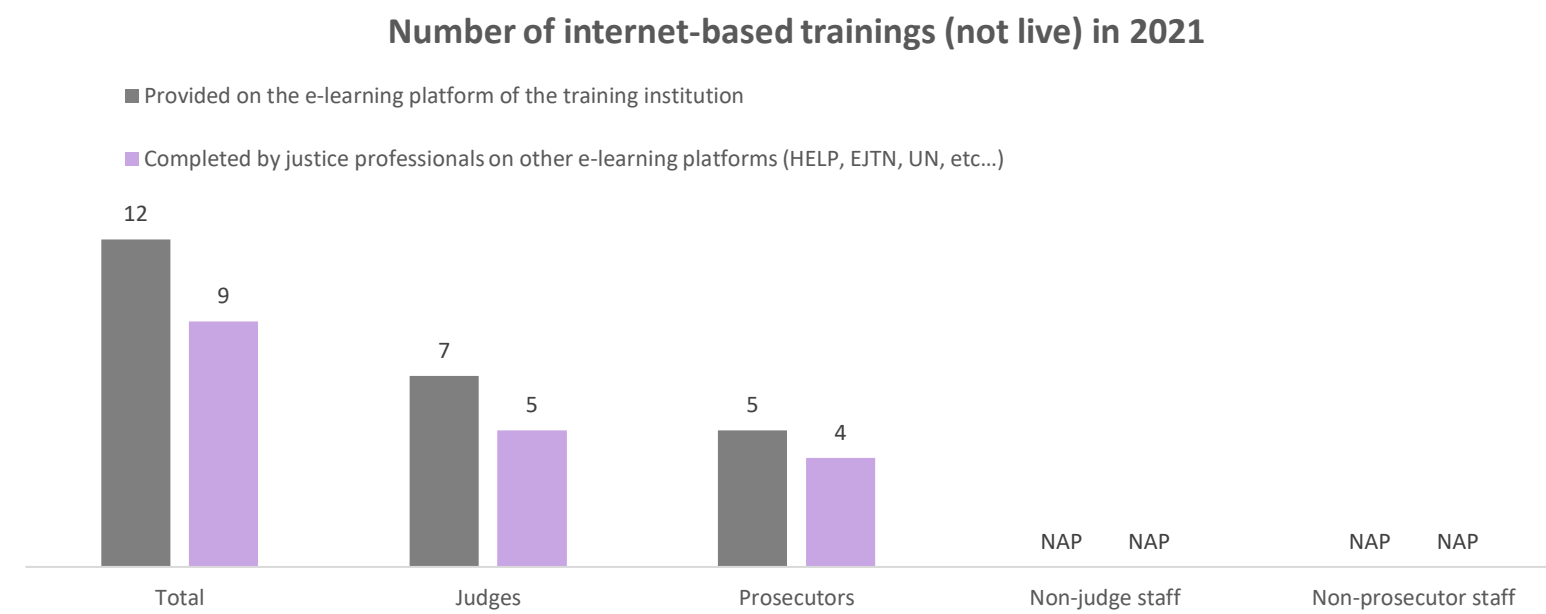
This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the EaP Average for judges is 2,8. This means that, on average, each judge in the region participated to 2,8 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training (unique participants), shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

In Armenia the highest number of training delivered was for judges (0,8 live training participations per judge). Hence, compared to the other professionals, Armenia gave priority to the trainings for judges, like the rest of the region (the EaP Average number of participations per judge on live trainings was 2,8).

In 2021 in Armenia there was no data available on the number of unique participants whom attended trainings. It is therefore not possible to calculate the percentages of judges or prosecutors whom participate in the trainings, out of the total numbers of professionals.

• Number of in-service internet-based trainings and participants

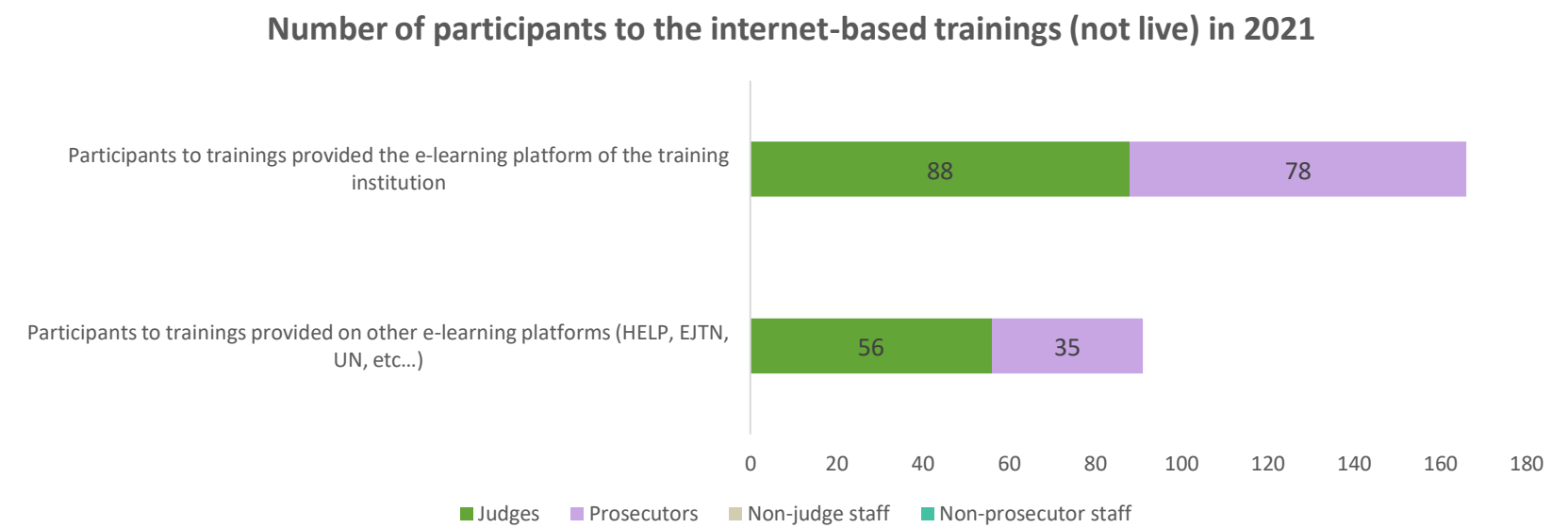
	Internet-based trainings (not live) in 2021			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	12	166	9	91
Judges	7	88	5	56
Prosecutors	5	78	4	35
Non-judge staff	NAP	NAP	NAP	NAP
Non-prosecutor staff	NAP	NAP	NAP	NAP



In Armenia in 2021 there were total of 257 participants in online trainings.

There were 12 trainings provided on the e-learning platform of the national training institution which were completed by 166 participants. 7 of those trainings were for judges with 88 participants and 5 were for prosecutors with 78 participants.

There were also 9 trainings which were followed by 91 judges and prosecutors on the e-learning platforms of other organisations.



• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2021)				
Number of available live trainings	NAP	NAP	5	NAP
Number of delivered live trainings	NAP	NAP	5	NAP
Number of delivered live training in days	NAP	NAP	48	NAP
Internet-based trainings(2021)				
Provided on the e-learning platform of the training institution (not live)	NAP	NAP	2	NAP
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	NAP	NAP	NAP	6

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2021

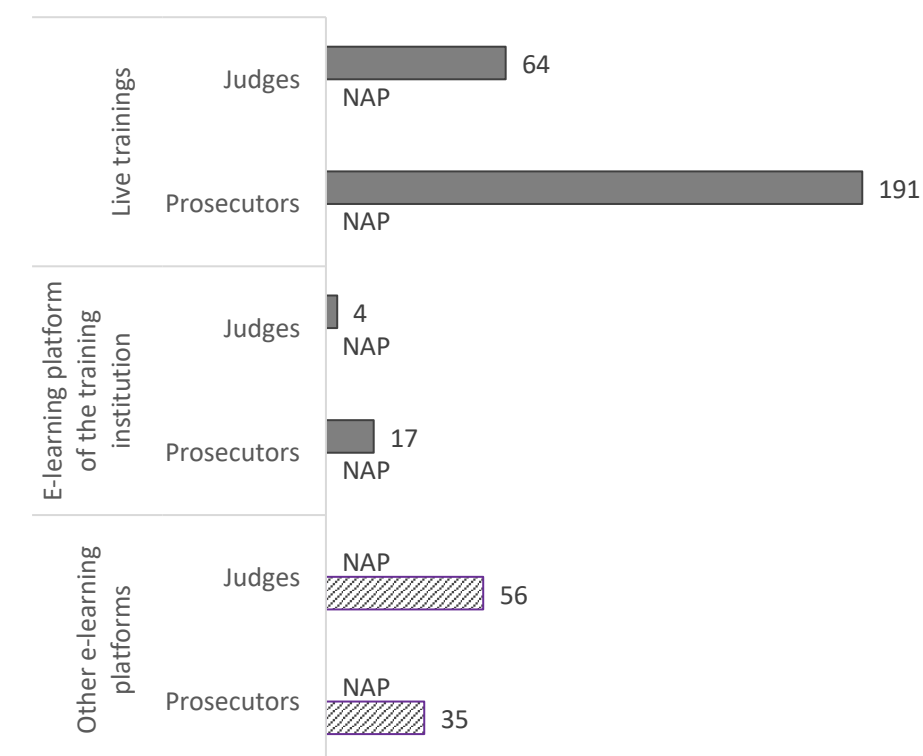
- Financed/organised by the training institutions (including those organised within the co-operation programmes)
- ▨ Financed/organised within the framework of co-operation programmes



Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	64	191	NA	NA	4	17	NAP	NAP
Within the framework of co-operation programmes	NAP	NAP	NAP	NAP	NAP	NAP	56	35

Number of participants to live and internet trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2021

- Financed/organised by the training institutions (including those organised within the co-operation programmes)
- ▨ Financed/organised within the framework of co-operation programmes



In Armenia in 2021 there were no trainings on EU Law organised. However there were 5 live trainings on the EU Charter of Fundamental rights and/or the European Convention on Human Rights organised by the national training institution (Academy of Justice) over a total of 48 days. There were 64 participations amongst judges and 191 amongst prosecutors (the numbers of unique participants were not available). Regarding internet based trainings, 2 trainings were also provided on the e-learning platform of the training institution and 6 were completed on other e-learning platforms within the framework of cooperation programs. Regarding those 6 trainings, there were organised in cooperation with the Council of Europe within the framework of the HELP program:

1. Within the framework of the project "Promoting Access to Justice for Victims of Discrimination, Hate Crimes and Hate Speech in Eastern Partnership Countries through Extrajudicial Compensation Mechanisms", 2 courses on "Combating Hate Speech" were held, in which 13 judges and 17 prosecutors participated.
2. Within the framework of the project "Support to Criminal Justice Reforms and Harmonization of Application of European Standards in Armenia", a course on "Reasoning of judicial acts in criminal cases" was held, in which 17 judges participated.
3. "Main principles in human rights in biomedicine" course was conducted, in which participated 4 judges.
4. Within the framework of the project "Support to Criminal Justice Reforms and Harmonization of Application of European Standards in Armenia", a course on "Procedural safeguards in criminal proceedings and the rights of the victim" was held, in which participated 10 judges and 10 prosecutors.
5. Within the framework of the regional program "Access to justice for women: compliance with the Istanbul Convention and other European standards of gender equality in Eastern Partnership countries", a course on "Access to justice for women" was held, in which 12 judges and 8 prosecutors participated.

• Type and frequency of trainings

		Judges		Prosecutors	
		Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
In-service training	Initial training	Compulsory		Compulsory	
	General	Compulsory	Regularly	Compulsory	Regularly
	Specialised judicial functions	Compulsory	Regularly	Compulsory	Regularly
	Management functions of the court	Optional	Regularly	Optional	Regularly
	Use of computer facilities in courts	No training proposed	No training proposed	No training proposed	No training proposed
	On ethics	Optional	Regularly	Optional	Regularly
	On child-friendly justice	Optional	Regularly	Optional	Regularly
	Other	Optional	Regularly	Optional	Regularly

In Armenia, initial training is mandatory for candidates to both judge and prosecutor functions.

There is no in service training proposed on the use of computer facilities but it is being regularly held as part of the initial trainings for candidates to judge and prosecutor positions.

The in-service trainings on management functions of the court are optional but they are mandatory during the initial training of judges.

For prosecutors, in-service trainings on management functions are being held for prosecutors only as part of online educational module (it is not organized only for heads of prosecution offices).

Regarding the in-service trainings on ethics and the ones on child-friendly justice, they are indicated as being optional as they only become compulsory for judges and prosecutors if and when they select those trainings.

There are trainings solely dedicated to prevention of corruption and conflicts of interest but those trainings are not mandatory.

Finally, according to the reply to Q153, prosecution offices have prosecutors specially trained in domestic violence and in sexual violence.

• Minimum number of compulsory trainings

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	NAP	30	NAP	10
Prosecutors	NAP	30	NAP	10

In Armenia, judges and prosecutors go through an initial compulsory training which has a minimum of 30 days.

During their careers, they have minimum of 80 hours (equivalent to 10 days) of in-service training per year. Sanctions are foreseen if judges and prosecutors do not attend the in-service compulsory training sessions, it is a ground for disciplinary liability.

• Quality of judicial training

Armenia identifies (collects information about) future in-service training needs via:

Target audience itself	✓	Relevant judicial institutions	✓
Previous participants in trainings	✓	Ministry of Justice	✓
Trainers	✓	Other	✗
Courts/prosecutor's offices	✓		

The frequency of the assessment is annual.

In Armenia, in-service trainings are evaluated immediately after the training is delivered, using surveys.

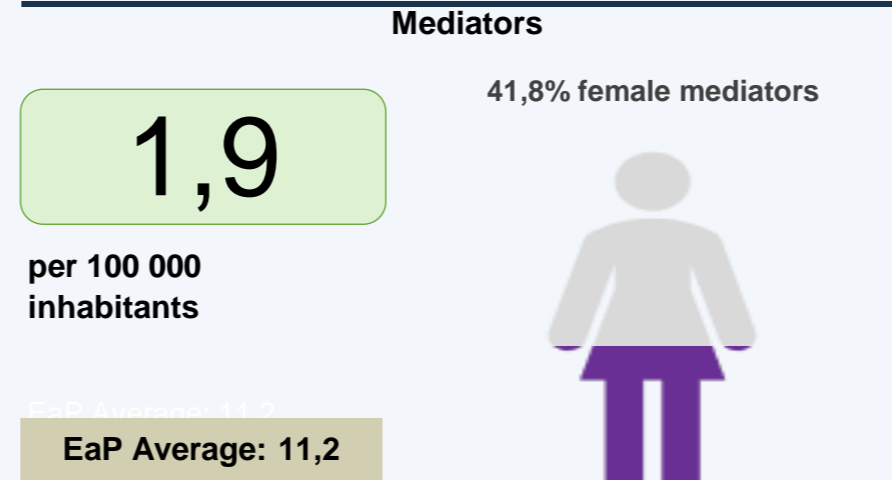
The feedback of the training evaluation process is used:

To prepare a training evaluation report with recommendations	✗	To suppress a training course	✓
To improve the training course which, according to the report, needed improvements	✓	To introduce a new course	✓
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	✓	Other	✗

Alternative Dispute Resolution in Armenia in 2021 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge	Yes
Court-related mediation procedures	Yes
Mandatory informative sessions with a mediator	No
Mandatory mediation with a mediator	No

In 2021, the total number of mediators in Armenia was 55, which was the same number as in 2020. This represents 1,9 mediators per 100 000 inhabitants which is significantly lower than the EaP average of 11,2. 41,8% of those mediators were female.



In Armenia, the Alternative Dispute Resolution (ADR) procedures available are court related mediations, mediations other than court related mediation and arbitration.

Regarding court related mediation, it is available with the consent of the parties or upon a motion filed by them. In 2021, there was no data available on the number of court-related mediation procedures.

Court related mediation procedures can be provided free of charge when the procedure is initiated by the judge (see Article 184 of the Civil procedure code, if the judge believes that there is a great possibility of amicable settlement between the parties he/she may refer parties to up to 4 hour free of charge mediation).

In 2021, the judicial system did not provide for mandatory mediation nor for mandatory information session with a mediator. However, a draft on a pilot system for mandatory mediation in family cases was adopted by the National Assembly on November 16, 2022.

• Court related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

In Armenia, according to article 184 of the Civil procedure code:

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, to assign them to 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. 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.

In 2021 there was no mandatory mediation in Armenia. However, a draft was elaborated and submitted to the Government for having a pilot mechanism of mandatory mediation for family cases. The draft was adopted by the National Assembly on November 16, 2022.

• Other ADR methods



In Armenia, based on the law on mediation, 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 (see details in paragraph above), and 3. Financial mediation which is regulated by the Law on Financial Mediation system. Both the 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008.

• Mediators and court-related mediations

Requirements and procedure to become an accredited or registered mediator:

Can receive qualification of licensed mediator:

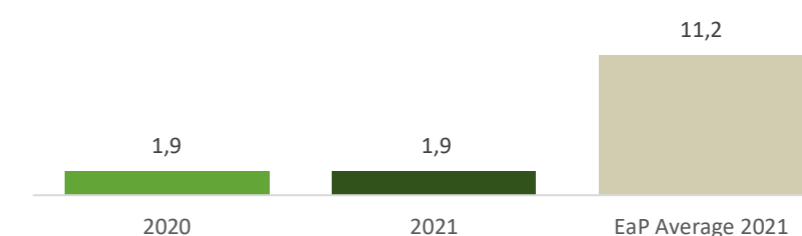
- 1) the person who reached 25-year age and has a higher education;
- 2) the former judge with at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its power;
- 3) a legal scholar with at least three years of professional work experience in the field of law.

According to the "Law on Mediation", in order to qualify as a licensed mediator, a mediator candidate, with the exception of a former judge and legal scholar, passes a qualification course in accordance with the program approved by the Minister of Justice or submits a certificate of having completed a similar course (the recognition and equivalence of which is carried out by the mediation qualification commission) in a foreign country, and passes a qualifying examination conducted through testing and interview. A former judge or legal scholar candidate participates only in the interview phase. The qualification of a licensed mediator is awarded by the Minister of Justice based on the conclusion of the qualification committee. All licensed mediators are included in the register of mediators, which is maintained by the Ministry of Justice.

Accredited/registered mediators for court-related mediation			% Variation between 2020 and 2021
Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	
55	1,9	11,2	0,0%

For reference only: the 2021 EU median is 16,2 mediators per 100 000 inhabitants.

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2020 and 2021



In 2021, the total number of mediators in Armenia was 55, which is the same as in 2020. The number of mediators per 100 000 inhabitants was 1,9, which is less than the EaP average of 11,2.

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	NA	NA	NA				
1. Civil and commercial cases	NA	NA	NA	✓	✗	✗	✗
2. Family cases	NA	NA	NA	✓	✗	✗	✗
3. Administrative cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP
4. Labour cases incl. employment dismissals	NA	NA	NA	✓	✗	✗	✗
5. Criminal cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP
6. Consumer cases	NA	NA	NA	✓	✗	✗	✗
7. Other cases	NA	NA	NA				

In Armenia, there is no court related mediation for administrative and criminal cases. For other types of cases where court related mediation exists (civil and commercial cases, family cases, labour cases, consumer cases), no data on the number of mediations in 2021 was available.

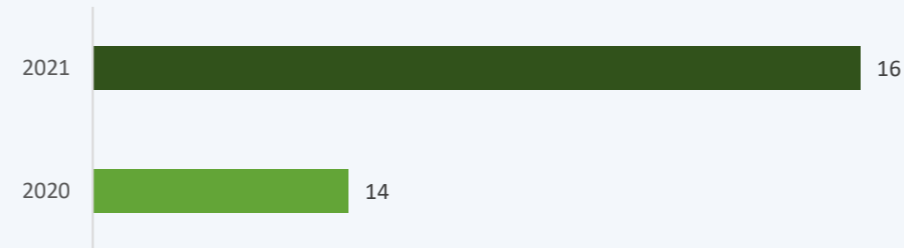
Court related mediations are provided by private mediators for all types of cases.

European Convention on Human Rights in Armenia in 2021 (Indicator 10)

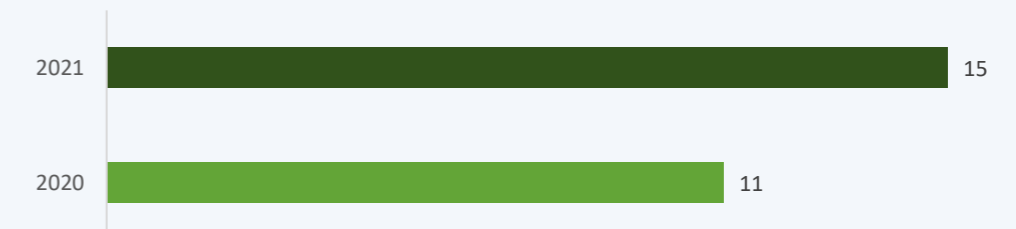
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Judgements finding at least one violation**



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***



• ECHR

In Armenia, there is a monitoring system for violations related to Article 6 of ECHR in civil procedures (non-enforcement and timeframe) and in criminal procedures (timeframe). 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 ECtHR and case by case carries out general measures (dissemination, translation, drafting legislative amendments, etc.) depending on the nature of found violation.

Monitoring system for violations related to Article 6 of ECHR

Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✓	✓	✓

Possibility to review a case after a decision on violation of human rights by the ECHR



In 2021, for Armenia, there was 134 applications allocated to a judicial formation of the European Court for Human Rights** (79 less than the previous year).

In 2021, 16 judgements by the ECHR found at least one violation (including 4 regarding the right to a fair trial and 1 regarding non-enforcement) while there were 14 in 2020.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 15 in 2021; whereas they were 11 in 2020.

	2020	2021
Applications allocated to a judicial formation of the Court**	213	134
Judgements finding at least one violation**	14	16
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	4
	Length of proceedings	3
	Non-enforcement	0

** Source: ECHR

(1) Figures in this line may include conditional violations.

Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***

2020	2021
11	15

*** Source: Department of Execution of judgments of the Council of Europe

Reforms in Armenia in 2021

	Yes (planned)	Yes (adopted)	Yes (implemented during 2022)	Comment
(Comprehensive) reform plans	✔	✔	✔	<p>The Strategy for Judicial and Legal Reforms of the Republic of Armenia for 2019-2023 was developed and then adopted on October 10, 2019. The Strategy pointed out 18 strategic goals of the reforms in the respective directions. Within this context, as of February 2022, out of 94 activities approved by the Appendix to the Strategy of the Judicial and Legal reforms of the Republic of Armenia for 2019-2023 (hereinafter- the strategy), total of 70 activities have been partially or fully implemented. As a result of the implemented actions, the new Criminal and Criminal Procedure Codes were adopted, the standards necessary for assessing the integrity of the judges and the members of Supreme Judicial Council were defined, the grounds for disciplinary action against judges were aligned with the goals of fighting corruption, new administrative and anti-corruption chambers were established in the Court of Cassation, an institute for examining cases of pre-trial criminal proceedings by separate specialized judges were introduced, the electoral legislation was revised, as well as wide-scale works started towards the implementation of reforms in the field of bankruptcy, enforcement, etc.</p> <p>As a result of the elections, the Government presented its new action plan for 2021-2026, on the basis of which the action plan for 2021-2026 was adopted on November 18, 2021. The program of the Government and the action plan deriving thereof set the priorities of the new Government in the area of justice as well, including the judicial and legal sphere, which means the revision of judicial and legal reform strategy in the light of the new government program. Taking into account the above, as well as taking as a basis the 4th part of Article 146 of the Constitution, part 8 of Article 11 of the Law "On the Structure and Operation of the Government", the Strategy of the judicial and legal reforms for 2022-2026 has been developed as a revision of the strategy for 2019-2023. The Strategy envisaged 12 strategic goals and 41 strategic directions - e-justice, the directions of democratic institutions (in particular, the constitutional and electoral) and judicial system reforms, criminal, civil and civil proceedings, administrative and administrative proceedings, bankruptcy, alternative dispute resolution methods, advocacy, enforcement, notary and other areas of general development of the justice system.</p> <p>The link of the strategy and related documents: https://www.moj.am/en/page/491</p>
Budget	✔	✔	✔	Additional financial resources will be allocated for the implementation of measures planned by the strategy.
Courts and public prosecution services	✔	✔	✔	<p>In the framework of judicial reforms main strategic directions are: ensuring the continuous capacity building and specialization of the Judges and the Courts, as well as ensuring the continuous development of integrity structures, improving the efficiency of the First Instance Court of General Jurisdiction of Yerevan, continuous increase of the salaries of the Judges, starting from the Courts of Higher Instances, ensuring the building and logistics of the Anti-Corruption Court, improving the process of selecting the candidates for judges, provision of a legal opportunity to appeal against decisions of the Supreme Judicial Council in regards of disciplinary cases, the revision of the ratio of number of members of Ethics and Disciplinary Committee of the General Assembly of Judges.</p> <p>Regarding implemented reforms it should be mentioned that the establishment of Anti-corruption court started from October 2021. Currently the Anti-corruption court functions as specialized court. Judicial acts subject to appeal in cases of corruption crimes in the Appellate Criminal Court are reviewed by individual judges of the Appellate Criminal Court. The same regulation is for the Appellate Civil Court. The Anti-corruption Appellate court will start operating on January 1, 2024. As a result of amendments on Judicial Code the Anti-corruption chamber of the Court of Cassation was established. Also as a result of amendments on Judicial Code adopted in 2022 the First Instance Court of General Jurisdiction of the city of Yerevan was reorganized as a First Instance Court of General Civil Jurisdiction of Yerevan and as a First Instance Court of General Criminal Jurisdiction of Yerevan.</p>
Access to justice and legal aid	✘	✔	✔	The need for reforms of the legal aid sector is prescribed by the strategy of judicial and legal reforms of the Republic of Armenia for 2022-2026. Strategic Directions are: development of internal procedures of the Chamber of Advocates, extension of the scope of the beneficiaries of free legal aid, increasing the number of public defenders, development of regulations for providing pro bono legal aid, revising professional training procedures for advocates. These actions were implemented in 2022, as a result of adopting amendments to the Law on Advocacy.
High Judicial Council and High Prosecutorial Council	✘	✔	✔	During 2020 the draft amendments of Judicial code were adopted, which introduced new procedures for the appointment of judges in line with international standards. Reforms are continuous and expressed through legislative amendments. It should be mentioned that recent amendments to the Judicial Code were adopted on December, 2022.

	Yes (planned)	Yes (adopted)	Yes (implemented during 2021)	Comment
Legal professionals	✓	✓	✓	<p>According to the strategy, a special emphasis is placed on the continuous development of the capacity of the judges, which is aimed at ensuring effective justice, the proper guarantee of the right to judicial protection, improving professional qualities of the judges, as well ensuring the sustainable development of the professionalism of judges (sub-specializations). In this regard, according to the strategy, it is necessary to organize trainings for judges, especially in newly introduced specializations, such as judges in anti-corruption courts.</p> <p>Revising professional training procedures for advocates is envisaged as a strategic direction of the goal of reforms of the legal aid sector. According to the strategy, it is necessary to provide flexible and differentiated mechanisms for participation in the qualification examinations and training in the School of Advocates.</p>
Gender equality	✓	✓	✓	<p>In 2019, the Government adopted the Gender Policy Implementation Strategy and Action Plan for 2019–2023.</p> <p>It should be noted that the Ministry of Justice was the beneficiary of the GEPAA project, since it was implemented in partnership with the Deputy Prime Minister office and the MTAI. The new law launched “Women in politics, public administration and civil society project” is the logical continuation of GEPAA efforts and will build on its achievements. In particular, the Action Plan for further engenderment of the MoJ will soon be ready for implementation. It is expected that more gender responsive practices and approaches will be put in place upon the implementation of the Action Plan.</p>
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✓	✓	✓	<p>The new Criminal and Criminal Procedure Codes were adopted in 2021. Also the need of reforms of the civil code and civil procedure legislation is envisaged in the strategy. The reforms of administrative code and administrative procedure legislation are also envisaged as strategic goal.</p>
Mediation and other ADR	✓	✓	✓	<p>According to the strategy, one of the strategic goals is the development of alternative dispute resolution methods. The strategic directions of this goal are: creation of a new arbitration centre in Armenia, improvement of the arbitration legislation, improvement of the mediation legislation, ensuring the implementation of reforms in the field of mediation. The amendments to the Law on Mediation were adopted by the National Assembly in 2022.</p>
Fight against corruption and accountability mechanisms	✓	✓	✓	<p>The decision of the Government of the Republic of Armenia on defining the anticorruption strategy of the Republic of Armenia for 2019-2022.</p> <p>Back in 2019 Corruption Prevention Commission was established as a preventive body which has quite large scope of powers, including the regulation of the declaration process and verification thereof, integrity check of nominees of candidates of judges, prosecutors and investigators, to name just few.</p> <p>A specialized law enforcement body, an Anti-Corruption Committee was established in October 2021, and is functional now. The main competence of the Committee is the organization and implementation of pre-trial criminal proceedings on alleged corruption crimes, which meanwhile will carry out operative intelligence activities.</p> <p>The system of whistle-blowing, including respective unified whistleblowing online platform have been established back in 2019, the guarantees and unanimity for whistle blowers have been envisaged by law. The law meanwhile envisages the possibilities to submit unanimous whistle-blower through the electronic system. Declarations system was refined. Specifically, the scope of the declaration was largely expanded: the officials are now obliged to submit not only asset and income, but also interest and expenditure declarations. At the same time the scope of the declarant officials (respectively their family members) was tripled. Integrity check requirements are envisaged for the candidates/nominees of candidates of judges, judges, members of Supreme Judicial Council, prosecutors and investigators in cases prescribe by law.</p> <p>At the same time, the competences of financial supervision and verification of political parties are provided to the independent anti-corruption body-Corruption Prevention Commission. Legislative acts aimed at creating an open and publicly accessible register of real beneficiaries of legal entities were adopted. At the same time, mandatory requirement to disclose real beneficiaries is established for all legal entities in Armenia.</p> <p>For raising public awareness on fight against corruption, the 2022 Anti-corruption Communication Action Plan was adopted and is being implemented. Conflict of interest regulations, improvement of management/governance system of conflict of interest and clarification of incompatibility requirements of persons holding public positions and of public servants are improved, gift regulations are refined, and gift registry is to be created.</p>

	Yes (planned)	Yes (adopted)	Yes (implemented during 2021)	Comment
Domestic violence	✓	✓	✓	<p>On 5 May 2021 the New Criminal Code was adopted and entered into force on July 2022. In addition to the information provided within the answers to the List of Issues, based on the recommendations enshrined in the "Gap analysis of Armenian criminal law in light of the standards established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" relevant provisions to prevent and combat violence against women and domestic violence are included in the New Criminal Code. In particular the New CC envisages committing of a criminal offense by a close relative as an aggravating circumstance. Within the New Code the close relative include, regardless of the circumstances of cohabitation, spouse (including a person who is in an actual marital relationship), parent, including foster parent, adoptive parent, foster parent, child (also adopted, stepfather, foster child), spouse of the adoptive parent, parents, brothers, sisters (also stepmother), grandfather, grandmother, grandchildren, as well as for parents, sister and brother of the husband-the bride or groom, sister of the spouse, brother of the spouse. The New Criminal Code also introduces criminal liability in line with the Istanbul Convention for the following offences: Abortion or Artificial Termination of Pregnancy and Sterilization and Forced Abortion or Artificial Termination of Pregnancy and Sterilization (Articles 175-176), Mental Influence (Article 194), Physical Influence (Article 195) and Forced Marriage, Divorce or Pregnancy (Article 197).</p> <p>•Awareness raising activities: It should also be mentioned that "Violence in silence" campaign was conducted under the auspices of Armenia's Ministry of Justice. It raised awareness about the prevention of domestic violence and support available to victims and survivors. The campaign was titled "Violence in silence" because silence from neighbours, colleagues, friends or family allows domestic violence to continue. Thus, the campaign encouraged victims, survivors and witnesses of domestic violence not to remain silent but call for help to stop the violence. The campaign was launched on March 8, 2021 the International Women's Day, a global day to celebrate women's rights and a call for action to achieve gender equality and to end violence against women. The campaign included two PSA videos shown on TV. The first video showcased domestic violence as a global shadow pandemic, drawing parallels between domestic violence and COVID-19 . The second PSA was a silent video which urged the viewers to detach from the everyday noise, pay attention to their surroundings and call for help when witnessing domestic violence . Two social experiments were conducted in Yerevan. The first one showed people's reactions to witnessing domestic violence at a cafe. While most clients were visibly upset about the situation, they hesitated to get involved. Within two hours, only one witness intervened to help the victim .</p> <p>The second experiment included a door installed on one of the busiest streets of Yerevan. The door played sounds of domestic violence. These sounds paused when someone rang the doorbell. Every 10th witness stopped to ring it. The door informed passers-by to call for help when witnessing domestic violence . Next, an interactive video was played on social media where the viewer could select how to react to the sounds of domestic violence coming from a neighbour's home. They could choose to intervene and call the police or keep silent and allow the violence to continue. The video closed with an encouragement to call to the police when witnessing domestic violence. 20 eye-catching digital and out-of-home posters took over streets and bus stops in Yerevan. They showcased wrong beliefs that people use to justify domestic violence. The posters called for people not to remain silent because nothing can justify domestic violence .</p> <p>The campaign included a Facebook page and website www.violenceinsilence.org with detailed information about domestic violence and its manifestations, the obligations of the authorities to protect and prevent domestic violence, and support services available to victims and survivors, such as helplines, support centers, shelters, etc. The campaign was very successful on social media as well, cumulating a reach of over 4.2 million.</p> <p>The 2020-2022 Strategy for human rights protection in Armenia sets the following actions:</p> <ul style="list-style-type: none"> -To increase the number of institutions offering psychiatric and rehabilitation services to children, -To criminalize the domestic violence and the violence against women in accordance with international standards, -To establish legislation on procedural guarantees of remedy for survivors of domestic violence and violence against women in accordance with international standards, -To create support centers and shelters for survivors of domestic violence, <p>According to the strategy, one of the strategic goals is setting up a unified "e-justice" management system and ensuring accessibility of electronic databases and updating thereof. The strategic directions of this goal are: the establishment of the unified "e-court" and "e-justice" management systems, further development of electronic systems of justice sector bodies, the digitization and modernization of public functions and databases assigned to the Ministry of Justice.</p>
New information and communication technologies	✓	✓	✓	



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PART 2

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" Project

Data collection 2021

Part 2 (B) - Beneficiary Profile – Armenia

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Justice Dashboard Eastern Partnership, and relevant GRECO reports from the Fourth GRECO Evaluation Round on Prevention of corruption in respect of members of parliament, judges and prosecutors.

Level of implementation of GRECO recommendations in March 2023 (adoption of the GRECO Second Interim Compliance Report on Armenia):

	JUDGES	PROSECUTORS
Implemented	43,00%	100,00%
partially implemented	57,00%	0,00%
not implemented	0,00%	0,00%

Level of implementation of GRECO recommendations in September 2021 (adoption of the GRECO Interim Compliance Report on Armenia):

	JUDGES	PROSECUTORS
Implemented	43,00%	75,00%
partially implemented	57,00%	25,00%
not implemented	0,00%	0,00%

Selection and recruitment of judges and prosecutors

• Procedure of recruitment of judges

Recruitment and career of judges is regulated by the Constitution and the Judicial Code (hereinafter: JC), adopted in February 2018 and amended in 2020 and 2022. Judges and presidents of courts of first instance are appointed by the President of the Republic based on the opinion of the Supreme Judicial Council (hereinafter: SJC). The President of the Republic has a right to appoint some and reject some among the selected candidates.

The selection process of judges differs depending on whether they are to become judges in first instance courts (courts of general jurisdiction) or in courts of appeal (as well as their chairpersons), specialised courts, the Court of Cassation or the Constitutional Court (regarding appointment to a court of appeal or Court of Cassation – see the Chapter on promotion).

Every Armenian citizen aged between 25 and 60 years with a Bachelor's Degree or a qualification from a certified higher legal education institution in Armenia or a similar degree from a foreign state, having command of Armenian, having command of at least one language from among English, Russian or French, with at least five years of professional experience if they hold a Bachelor's Degree in law or a similar degree from a foreign state or with at least three years of professional experience if they hold a Bachelor's Degree and a Master's Degree in law or a qualification from a certified higher legal education institution in Armenia or a similar degree from a foreign state and who is not ineligible to be appointed as a judge according to the JC is eligible for selection (Article 97 of the JC). Persons who have been convicted of a criminal offence and the conviction has not been expired or cancelled, or who have been convicted of an intentional crime or have served a custodial punishment regardless of whether or not the conviction has expired or been cancelled, persons who are currently subject to criminal prosecution, persons who have been declared by a civil judgement as not having legal capacity or having limited legal capacity, missing or bankrupt, who have a physical disability or illness that hinders their appointment to the position of judge, or who have not completed mandatory military service or alternative service and has not been exempt from mandatory military service as prescribed by law (where the person is male), are excluded. The entry criteria are established by the Constitution and the JC.

Judges may be selected from a reserve list of candidates that have attended the professional training course of the Academy of Justice (hereinafter: the Academy) and have been successful in qualification testing which is comprised of a written exam, a psychological test and an interview. The Academy is a state non-commercial organisation governed by the Law on the Academy of Justice. It is responsible for carrying out professional training course.

The qualification testing of contenders is publicly announced by the SJC. The entry criteria are published as a part of the public call. The Evaluation Commission formed ad hoc by decision of the SJC (composed of five judges and two academic lawyers) is responsible for checking and evaluating written exams.

Within 15 days after the results of the written exams are published, they may be appealed to the Appeals Commission of the SJC (composed of two judges and one academic lawyer), and subsequently – to an administrative court. Members of the Evaluation Commission may not

be members of the Appeal Commission. A non-selected candidate has a right to appeal against a decision of appointment of the SJC (the Judicial Department) when it refuses to accept an application. The appeal is lodged within three working days. The competent body for deciding on the appeal is the Administrative Court which needs to examine the appeal within ten working days. In such cases, the candidate judge who lodged the appeal can participate in the following stages of the qualification examination (see [the GRECO Second Compliance Report on Armenia](#), para. 39).

Contenders who pass the written exams undergo a psychological testing aimed at checking sense of responsibility, ability to listen, self-control, moderate use of reputation (influence) and other characteristics that are not related to professional knowledge. If doubt on their reputation and ability to properly exercise judicial powers is cast by state bodies and officials, the SJC's staff makes written and verbal enquiries (see [the GRECO Evaluation Report on Armenia](#), para. 103).

The SJC conducts interviews with the selected candidates which are aimed at revealing the merits and qualities required for the effective performance of the position of judge through evaluation of the professional experience of the contender, motivation, awareness of requirements in fundamental legal acts relating to the status of a judge, personal characteristics (particularly self-control, conduct, ability to listen, communication skills, fairness, analytical skills, etc.) (see [the GRECO Evaluation Report on Armenia](#), para. 104).

Transparency of the procedure before the SJC is ensured through taking audio or video recording of the interviews.

After the interview the SJC's members vote on the candidates in order to include them on the list; gender equality is to be taken into consideration.

Non-selected candidates may appeal the SCJ's decision to the Administrative Court.

A candidate may be put on the list of candidates without prior attendance of the Academy's training course if s/he complies with the requirements prescribed by law and has had, for at least three years within the last 10 years, the office of a judge with relevant specialization, as well as of a judge of the Constitutional Court, a judge of an international court of which the Republic of Armenia is a member, a member of the Supreme Judicial Council (Article 111 of the JC).

In case the candidate gives his/her consent, the SJC proposes his/her candidacy to the President of the Republic, introducing also his/her personal file, other documents in case the candidate is not a judge and those acquired as a result of their check. The President of the Republic then either appoints them or sends the proposal back to the SJC with his/her objections. The President is required to explain his/her decision. The SJC must convene a session and make a decision by open voting held in deliberation room. If the SJC does not accept the President's objection(s), the President, within a period of three days, either appoints the judge or applies to the Constitutional Court to challenge the SJC's decision. If the Constitutional Court decides that the proposal complies with the Constitution, the President of the Republic appoints the proposed candidate within a period of three days. In case the President fails to do so within three days, the decree of the President of the Republic on appointing the relevant candidate enters into force by virtue of law, which is published on the official website of the judiciary by the Chairperson of the SJC (Article 139 of the Constitution).

The integrity of a candidate judge is checked through an integrity questionnaire filled in and submitted to the Judicial Department by a candidate judge. The Judicial Department then refers the questionnaire to the Commission for the Prevention of Corruption to provide its advisory opinion within one month.

• Mandate of judges

Judges are appointed without limitation of their term of office, until they reach the retirement age of 65 or in other cases prescribed by law (JC), such as: temporary incapacity for work the judge is unable to perform his/her duties for more than four consecutive months, or for more than six months during a calendar year; if a final court judgment rules that the judge has been appointed in violation of the requirements of law; if convicted or if a criminal prosecution in his/her respect has been terminated for grounds other than acquittal; if the annual training programmes have not been passed for two consecutive years; if after appointment a physical disability or illness is acquired that hinders appointment to the position of judge; if declared incapable, missing, or dead by a court judgment; and if citizenship of Armenia is lost. Termination of office may also occur as a result of a disciplinary procedure (see [the GRECO Evaluation Report on Armenia](#), para. 112 and Articles 159 and 160 of the JC).

No probation period is envisaged in the law for judges before being appointed for an undetermined period (compulsory retirement age 65 years old).

• Procedure of recruitment of prosecutors

Recruitment and career of prosecutors is regulated by the Constitution, Law on Prosecutor's Office (hereinafter: LPO) adopted in November 2017 (last amended in April 2021) and the order of the Prosecutor General. Prosecutors are first appointed by the Prosecutor General in light of the opinion of the Qualification Commission of the Prosecutor General's Office.

Every Armenian citizen aged between 22 and 65 with a Bachelor's Degree or a qualification from a certified higher legal education institution in Armenia or a similar degree from a foreign state, having command of Armenian, having completed relevant studies at the Academy if not being exempt from the studies as prescribed by part 10 of Article 38 of the LPO and who is not ineligible to be appointed as a prosecutor according to part 1 of Article 34 of the LPO is eligible for selection. Entry criteria are publicly available as part of the public call as well as separately in the legislation

The list of prosecutor candidates is supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule in January of each year when the announcements for open competitions are published on the website of the Prosecutor's Office. 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. In the latter case, no public call is published and participants are notified by written or oral invitation. A participant participates in closed competition if s/he meets the requirements provided by law and is exempt

from studies in the Academy as prescribed by law or if s/he appealed against the rejection of the application made by the Qualification Commission.

The Qualification Commission is an independent commission composed of Prosecutor General's deputy, four prosecutors, three law academics and the Rector of the Academy (nine members in total)¹. The Qualification Commission checks the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by the applicant with other requirements stipulated by law. Candidacies of those applicants for whom the Qualification Commission has issued a positive opinion are submitted to the Prosecutor General, who includes the candidates acceptable to him/her in the list of prosecutor candidates.

Transparency of the procedure before the Qualification Commission is ensured through sessions being recorded and recordings being provided to the candidates, when appropriate. Also, its decisions are published anonymously (with the initials of the candidates) on the website of the Prosecutor's Office ([the GRECO Second Compliance Report on Armenia](#), para. 65). However, a list of preselected candidates is not public.

According to the provisions of the LPO, a candidate whose application was rejected may appeal the rejection decision in court within three days. Moreover, the candidates who received a positive opinion from the Qualification Committee but have not been included by the Prosecutor General on the list of candidates for appointment may appeal this decision of the Prosecutor General "through judicial procedure" (see [GRECO Compliance Report on Armenia](#), para. 69). The Prosecutor General shall render a reasoned decision on not including the applicant in the list.

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. In case the candidate is exempt from studying at the Academy, the results of the interview are taken into account in the selection procedure.

According to the LPO, a person wishing to be included in the list of prosecutor candidates must submit a completed questionnaire on integrity. The chairperson of the Qualification Commission submits the questionnaire on integrity to the Corruption Prevention Commission within one day for an advisory opinion, which must be provided within one month. After receiving the opinion, the chairperson of the Qualification Commission provides it to the members of the Qualification Commission at least three days before the sitting of the qualification

¹ In the case of an open competition held in order to replenish the list of candidates for prosecutors performing the functions provided for by the Law of the Republic of Armenia "On Confiscation of Property of illegal origin", the committee consists of 11 members. (LPO, Article 23(3)).

commission. The advisory opinion of the Corruption Prevention Commission must be taken into account by the Qualification Commission during the selection of candidates.

- **Mandate of prosecutors**

Prosecutors are elected with no limitation on their term in office, until they reach the retirement age of 65, or if another cause of termination of their office occurs, such as termination due to resignation; conviction; loss of citizenship; staff reductions; refusal to be transferred to a different prosecution unit in the event of closure or reorganisation of the prosecution unit concerned; loss or partial loss of legal capacity, or if missing; if the prosecution of a prosecutor is terminated for reasons other than acquittal; certain forms of illness or physical disability specified by law; violation of the procedure stipulated by law for appointment; failure to attend work for more than six consecutive months during a year due to temporarily incapacity to work; or if on the basis of the results of regular performance evaluation the Qualification Committee requests his/her dismissal (see [the GRECO Evaluation Report on Armenia](#), para. 187; and Article 62 of the LPO).

No probation period is envisaged in the law for prosecutors before being appointed for an undetermined period (compulsory retirement age 65 years old)..

Promotion for judges and prosecutors

• Promotion of judges

Criteria to be met by a judge candidate for the position of a judge at courts of appeal include: professional work experience of at least three years in the position of a judge of relevant specialisation at a first instance court and lack of any disciplinary penalty imposed in the form of reprimand or severe reprimand. In case a former judge is a judge candidate, s/he must have held office during the last ten years and have at least five years of experience as a judge. 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 at least 6 years during the last 8 years may also be a judge candidate.

Criteria for the position of a judge at the Court of Cassation are the following: having attained the age of forty, holding only the Armenian citizenship, having the right to vote, with high professional qualities and, depending on the professional background, with prescribed number of years of professional work experience: 1. a judge with relevant specialisation with ten years of professional work experience, out of which at least five have been acquired while in the position of a judge; 2. a former judge who held office in the last ten years and who has at least ten years of professional work experience, out of which at least five have been acquired in the position of a judge; and 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.

The SJC is competent for drawing up and approving as well as supplementing and modifying promotions lists of judge candidates to first instance and appeal courts (as well as chairpersons) to the President of the Republic, who either appoints them or sends the proposal back to the SJC with his/her objections. If the SJC does not accept the President's objection(s), the President either appoints the judge or applies to the Constitutional Court to challenge the SJC's decision (Article 139 of the Constitution). Regarding the Court of Cassation, judges 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.

Two separate promotion lists of judge candidates are drawn up: 1. for appointment to the position of a judge at courts of appeal with relevant sections of criminal, civil and administrative specialisations; 2. for appointment to the position of a judge at the court of Cassation. When drawing up the lists, the SJC takes into account a judge candidate's skills and qualities needed for acting effectively in the office of a judge of a court of appeal or at the Court of Cassation such as oral and written communication skills, participation in educational and professional training programmes, reputation, attitude towards colleagues and his/her organisational and management skills. If a judge candidate is a judge, also the results of performance evaluation are taken into account.

According to amendments to the JC made in 2018 (Articles 121 and 130), for promotion to the position of a chairperson of a first instance court and court of appeals, the Judicial Department of SJC draws up and submits to the SJC a list of all judges of the first instance court concerned who meet the following requirements: possess not less than three years of experience in the position of a judge, have not been

imposed a disciplinary penalty, have not been appointed as a chairperson of the court concerned during the last three years and are not members of the SJC. In case the number of judges possessing not less than three years of experience in the position of a judge is less than three, this requirement shall not apply in the course of drawing up the list. The SJC studies personal files of the applicants and may invite them to an interview. The SJC holds open voting, each member having one vote. The person having received the majority of votes of all SJC members shall be proposed to the President of the Republic for appointment. The chairperson of the court of first instance and courts of appeals shall be appointed for a term of three years and may not be reappointed to this position within three years following the expiry of his/her term of office.

Procedures for promotion to the position of a chairperson of a chamber of the Court of Cassation and to the position of the Chairperson of the Court of Cassation are similar to the one described above (Articles 134 and 135, JC), however with some differences. As regards requirements to be met, the main difference is that candidates have to meet a requirement of not having held office in capacity of the chairperson of the chamber concerned/of not having held office in capacity of the Chairperson of the Court of Cassation. Furthermore, the difference is also with regard to which authority appoints the candidate: in case of the chairperson of the chamber of the Court of Cassation, s/he is appointed by the President of the Republic upon proposal of the SJC while in case of the Chairperson of the Court of Cassation the candidate is appointed by the National Assembly upon proposal of the SJC.

The candidate that has not been included on the promotion list may appeal the SJC's decision to the Administrative Court.

• Promotion of Prosecutors

According to the LPO, appointment of a prosecutor to senior positions is made on the basis of promotion lists which are compiled by the Qualification Commission of the Prosecutor General's Office.

Promotion lists are compiled: 1. during a regular attestation of prosecutors; 2. in an extraordinary procedure, when the Prosecutor General requires the Qualification Commission to include a prosecutor on the promotion list as an encouragement, attaching an appropriate assessment of the prosecutor made by the Prosecutor General or his/her deputy and the Qualification Commission issues a positive opinion; and 3. in exceptional cases, when the Qualification Commission decides that a person relieved of duty to study at the Academy shall be included concurrently both on the list of prosecutor candidates as well as promotion lists.

Criteria for promotion include, among others, years of experience and absence of disciplinary sanctions.

Appointment procedure begins with the announcement of open competitions published on the website of the Prosecutor's Office. Transparency of activities of the Qualification Commission is ensured via recording made of all sessions of the Commission and the fact that recordings are provided to the candidates, when appropriate. Its decisions are also published on the website of the Prosecutor's Office ([the GRECO Compliance Report on Armenia](#), para. 69, and [the GRECO Second Compliance Report](#), para. 65).

The candidate that has not been included on the promotion list may appeal "through judicial procedure".

Confidence and satisfaction of the public with their justice system

• Compensation of users of the judicial system

The legislation for protecting the right of citizens to seek compensation in case they have suffered pecuniary or non-pecuniary damage due to the violation of the right to a trial within reasonable time or for non-execution of court decisions is in place. Chapter 19 of the JC sets out procedures for initiating and reviewing complaints against judges as well as authorities and their competence.

	2021		
	Number of requests for compensation	Number of compensations	Total amount (in €)
Total	NA	NA	NA
Excessive length of proceedings	NA	NA	NA
Non-execution of court decisions	NA	NA	NA
Wrongful arrest/detention	NA	NA	NA
Wrongful conviction	NA	NA	NA
Other	NA	NA	NA

Several bodies are competent to examine the complaints about the functioning of the judicial system: higher court, MoJ, SJC, Ethics and Disciplinary Commission of judges and CPC. There are time limits within which the competent authorities have to deal with the complaint.

• Procedure to challenge a judge

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. No data is available on the ratio between the total number of initiated procedures of challenges and total number of finalised challenges for 2021.

- **Instructions to prosecute or not addressed to public prosecutors**

According to the Law on Prosecutor's Office of RA, a prosecutor takes decision I the exercise of his/her powers autonomously based on laws and inner convictions and is responsible for decision taken. Any interference with his/her activities which is not prescribed by law, leads to legal liability and is prohibited. However, according to the same law, specific instructions may be given to a prosecutor by the superior prosecutor which the prosecutor must follow, except in cases when s/he finds them illegal or unfounded. In such case the prosecutor shall not follow them and must file a written objection to the superior prosecutor who gave the instruction unless the instruction is given by the Prosecutor General. Instructions may be given orally or in writing. The instruction given are mandatory, have to be reasoned and recorded in the case file. Instructions are given occasionally.

Promotion of integrity and prevention of corruption

• Independence of judges

Provisions which guarantee the independence of judges are prescribed in the Constitution as well as the Judicial Code (hereinafter: JC). The Constitution in its Article 164 stipulates that a judge shall be independent, impartial and act only in accordance with the Constitution and laws when administering justice. S/he may not be held liable for the opinion expressed or judicial act rendered during the administration of justice, except where there are elements of crime or disciplinary violation. Criminal prosecution of a judge with respect to the exercise of his/her powers may be initiated only upon the consent of the SJC or upon the consent of the Constitutional Court in respect of the constitutional court judge. A judge may not be detained, with respect to the exercise of his/her powers, without the consent of the SJC or the Constitutional Court (in case of constitutional court judges), except where s/he has been caught at the time of or immediately after committing a criminal offence. In this case, deprivation of liberty may not last more than seventy-two hours. The Chairperson of the Constitutional Court shall be immediately notified of the deprivation of liberty of a judge of the Constitutional Court.

Provisions of the JC (Article 7) also stipulate that a judge shall be independent from state and local self-government bodies, officials, natural and legal persons, and shall not be accountable to anyone and, inter alia, shall not be obliged to give any explanations. State and local self-government bodies and officials shall abstain from actions which may jeopardise or harm the independence of a court or judge. Any interference with the activities of a court or judge in connection with the administration of justice or exercise of other powers provided for by law when acting as a court, as well as exercise of rights stemming from the status of a judge, or disrespectful attitude towards the court shall entail liability provided for by law. The SJC, based on the statement of a judge with regard to an interference with his/her activities in connection with the administration of justice or exercise of other powers provided for by law when acting as a court, as well as exercise of rights stemming from the status of a judge, shall file a motion with the competent body for holding the allegedly guilty persons liable. The competent body shall immediately inform SJC in writing about the measures taken. The SJC shall have the right to make an official statement on the measures taken by the competent body, as well as its failure to take relevant measures within a reasonable time limit.

GRECO Recommendation ix. GRECO recommended that effective rules and mechanisms be introduced for identifying undue interference with the activities of judges in the administration of justice and for sanctioning judges who practice or seek such interference.

In its [Evaluation Report \(see para. 158\)](#), GRECO noted the concerns raised by various international bodies – and by the Ombudsman – over the “independence of individual judges and integrity of their decisions being compromised through the practice of judges to consult with other judges prior to making their judgment”, which “appears to be especially prevalent between lower instance courts and the Court of Cassation, and often happens out of fear that the judgment will be reversed and the judge subjected to disciplining for an ‘illegal’ ruling”. The GET was highly concerned about the findings presented by the Ombudsman in his 2013 special report which was based on interviews with over 120 legal professionals and other experts and on the study of numerous court cases. He had concluded that judges who do not reach an agreement with the Court of Cassation on the outcome of sensitive cases (e.g. those that are widely and publicly commented on, defamation and insult cases, etc.) and prefer to make their own decisions “are subjected to a high risk of pressure and ‘prosecution’”. “Such

practice is incompatible with the principle of individual independence of judges and with the parties' right of access to the courts and "should be dealt with through disciplinary means against judges taking part in such practice." GRECO pointed out the JC's provisions requiring judges to notify General Assembly of Judges of any interference with the administration of justice or the exercise of other powers stipulated by law, or of other influence not prescribed by law, and failure to do so gave rise to disciplinary liability. It noted also that such interference was criminalised in the Criminal Code. GRECO noted, that regardless of that, it would appear that this mechanism did not work effectively in practice and that it was essential that a more effective mechanism to detect and sanction such instances would be developed, not least in order to restore citizens' trust in the justice system. GRECO also said, that while it was up to the authorities to further analyse the situation and find appropriate solutions, in the view of the GET it might be necessary to provide for reporting obligations and adequate sanctions both for judges of superior courts trying to influence judges of lower courts and for judges of lower courts seeking instructions. In view of the above, GRECO recommended that effective rules and mechanisms be introduced for identifying undue interference with the activities of judges in the administration of justice and for sanctioning judges who practice or seek such interference (recommendation ix).

As regards recommendation ix, in the compliance procedure GRECO found in [the Second Compliance Report on Armenia](#) (see para. 53) that the new Judicial Code prohibited interference with the activities of judges, and detailed the procedures for reporting and processing cases of undue interference. It also provided for disciplinary sanctions to punish judges interfering with administration of justice by other judges and those who failed to report cases of undue interference with their activities. Moreover, the SJC had further detailed the regulation of these matters, in particular that the interference in cases or requests of information in on-going cases was not allowed. GRECO assessed that all that went in the right direction. However, GRECO wished to know more about the practical application of the rules and preventive measures taken, in the form of awareness and training etc. In view of the foregoing, GRECO concluded the recommendation remained partly implemented.

• Independence of prosecutors

Provisions which guarantee the independence of prosecutors are prescribed in the Constitution (Article 176) as well as the Law on Prosecutor's Office (Articles 6 and 69). According to the mentioned provisions, the Prosecutor's Office is a unified system, headed by the Prosecutor General. It acts within the scope of powers vested therein by the Constitution, on the basis of law.

• Breaches of integrity for judges

Different breaches of integrity of judges are stipulated in several laws, namely the JC, the Code on Administrative Offences and in the Criminal Code. The JC sets out grounds for imposing disciplinary action against a judge which include violation of provisions of substantive or procedural law while administering justice or exercising — as a court — other powers provided for by law, which has been committed deliberately or with gross negligence and violation of the rules of judicial conduct prescribed by this Code, committed with intent or gross negligence. As per the Code on Administrative Offences, administrative liability is established for violating rules on submission of declarations to the Corruption Prevention Commission within the set timeframe, for violating the requirements for completing the declaration, for violating the submission procedure or inadvertently presenting incorrect or incomplete data in declarations. The Criminal Code

establishes criminal liability of judges for non-submission of declarations to the CPC intentionally or for submission of false information as well as for hiding the data subject to declaration (Articles 314.2 and 314.3). Article 352 of the Criminal code establishes criminal liability for delivering an obviously unjust criminal or civil judgment or another judicial act.

• Breaches of integrity for prosecutors

The Law on Prosecutor's Office, the Code on Administrative Offences and the Criminal Code stipulate different breaches of integrity of prosecutors. According to the Article 53 of the LPO, grounds for imposing disciplinary action against prosecutors are: 1. improper performance of official duties; 2. violation of the requirements of the Code of Conduct for Prosecutors; 3. repeated violation the rules of work discipline; or 4. violation of the requirements of Article 49 regarding restrictions or incompatibility requirements. As per the Code on Administrative Offences, administrative liability is established for violating rules on declarations also for prosecutors (see above). Provisions of Articles 314 and 341 of the Criminal Code (see above) apply also to prosecutors. Articles 349 and 351 of the Criminal Code which establish criminal liability for compelling falsification of evidence in a criminal case by a person carrying out inquest, investigator, prosecutor or defence counsel, and for releasing — by a prosecutor, investigator or a person carrying out inquest — from criminal liability a person suspected or accused of committing a crime, are also relevant.

• Breaches of integrity for staff of courts

The Law on Judicial Service and the Law on Civil Service (Article 21) are relevant for establishing liability of court staff for breaches of integrity. The former prescribes the procedure for imposing and removing sanctions, while the latter sets out grounds for imposing disciplinary action, namely in cases when official duties are not performed for inexcusable reasons or are not performed properly, as well as when official powers are exceeded and the internal disciplinary rules breached or when not having complied with other restrictions imposed on a public servant or for not complying with rules of conflict of interests or in case of violation of the ban on accepting gifts.

• Number of criminal cases against judges and prosecutors

The table below shows number (absolute and per 100 judges/prosecutors) of criminal cases initiated and completed against judges and prosecutors as well as number of sanctions pronounced:

In 2021, criminal cases were initiated against 4 judges and 2 cases completed.

	2021			
	Judges		Prosecutors	
	Abs	per 100	Abs	per 100
Number of initiated cases	4	1,32	0,00	0,00
Number of completed cases	2	0,66	0,00	0,00
Number of sanctions pronounced	0	0,00	0,00	0,00

- **Existence of specific measures to prevent corruption**

For both judges and prosecutors, specific measures to prevent corruption exist, namely rules on gifts and safe complaints mechanism. Internal controls also exist with regard to prosecution service. The CPC also plays an important role in this regard since its findings on late submission of declarations, on submission of data that is incorrect or incomplete or on violation of the relevant requirements or procedure when submitting declarations, lead to initiation of administrative violation proceedings by the CPC (Article 25 of the Law on CPC).

- **In-service training on ethics**

There is an in-service training available to judges and prosecutors, which is organised regularly. In the framework of this training, judges and prosecutors may choose amongst several programs. If they choose a program where training on ethics is included, it is compulsory for them to attend it. In respect of prosecutors, all prosecutors, except for the chief prosecutor and his/her deputies, are obliged to undergo training no less than every two years (Article 51 of the Law “On the RA Prosecutor’s Office”) (see [Interim Compliance Report on Armenia \(para 55\)](#)). Two courses on the code of conduct for prosecutors and on corruption prevention are mandatory for all prosecutors.

GRECO Recommendation xi. GRECO recommended that a deliberate policy for preventing improper influences on judges, conflicts of interest and corruption within the judiciary be pursued which includes (i) the provision of on-going mandatory training to all judges on ethics and conduct, on judicial impartiality and independence and on the prevention of conflicts of interest and corruption, which is to be organised with strong involvement of the judiciary, and (ii) the provision of confidential counselling within the judiciary in order to raise judges’ awareness and advise them with regard to the areas mentioned under (i).

In its [Fourth Evaluation Round Evaluation Report](#) (para. 166), GRECO noted the need to provide training on ethical questions to all judges on a mandatory and regular basis, by way of dedicated courses referring to practical examples, focusing on main topics that are prevention of conflicts of interest and corruption. Moreover, GRECO noted that practical questions relating to the principles of impartiality and independence – both from internal and external influences – should be given priority. In this context, GRECO drew attention to Opinion No. 4 (2003) of the Consultative Council of European Judges (CCJE) according to which “the judiciary should play a major role in or itself be responsible for organising and supervising training” and emphasised that in Armenia the involvement of the judiciary in this process needed to be strengthened. Furthermore, GRECO emphasised a need for specialised and dedicated counselling within the judiciary, in order to provide judges with confidential advice on such questions, to raise their awareness and to thus prevent risks of conflicts of interest and corruption. In this connection, GRECO drew the authorities’ attention to international standards according to which “judges should be able to seek advice on ethics from a body within the judiciary”. In connection to this matter, it was stressed that any such counsellors needed to command specific expertise in the field and be distinct from disciplinary bodies so that they could be consulted and advise in confidence. The requests for consultations and the opinions expressed by the regulator would have to be confidential and only fed into dedicated ethics training on an anonymous basis. In conclusion, GRECO recalled that in Armenia perceptions of corruption in the judiciary were particularly high and citizens’ trust in this branch of power was low, and, as a result, found it crucial that measures such as those mentioned above were embedded in a determined and comprehensive corruption prevention policy. Consequently, GRECO issued the recommendation xi above.

In order to comply with GRECO’s recommendation xi, the Armenian authorities envisaged a mandatory training on the code of conduct for judges in the Action Plan 2018-2023 of the Strategy of Legal and Judicial Reforms. Several training activities were also organised by the Academy on professional ethics and fight against corruption for judges and candidate judges (see [GRECO Compliance Report on Armenia](#), para. 57). In 2019, courses on judicial ethics, judges’ evaluation, anti-corruption etc. were included in the initial training curriculum as well as annual mandatory continuous training curriculum of the Academy. Furthermore, the Strategy of Judicial and Legal Reforms for 2019-2023 includes the regular training courses of the Academy for judges on ethics and judicial independence (see [GRECO Second Compliance Report on Armenia](#), para. 57 and 58). GRECO therefore considers that part (i) of the recommendation had been addressed satisfactorily. However, no confidential counselling within the judiciary has been introduced (part (ii) of the recommendation) and, as a result, recommendation xi remains partly implemented.

• Codes of ethics for judges and prosecutors

Judges have their codes of ethics and prosecutors have their rules of conduct. However, both were adopted in 2018 and have not been updated since. They are available online.

Both codes of ethics contain set of rules on adherence to values (independence, integrity, impartiality) that should be respected by judges/prosecutors, judges/prosecutors’ relationship with institution, citizens and users, extrajudicial and political activities, conflict of interest, gifts, information disclosure and relationship with press agencies, association membership and institutional positions. The code of ethics for prosecutors also contain rules on prosecutors’ competence and continuing education.

• Bodies giving opinions on ethical questions

In case of prosecutors, a special body (Ethics Committee) was established in 2018 to provide advice to prosecutors on ethics issues and to ensure that prosecutors are aware of the possibilities for confidential counselling within the prosecution service. It is composed of prosecutors and other legal professionals (7 members in total). These opinions are not publicly available. No opinion was provided in 2021. As of 2023, following amendments to take in consideration GRECO recommendations, the Ethics Committee no longer provides opinions. Also, a sub-committee on Ethical Advice was established and is composed of two prosecutors with appropriate professional qualifications to advise the prosecutors on ethical issues.

No such body exists in case of judges. The Armenian authorities report that this is due to the opinion of the Venice Commission² which pointed out the concerns with regard to the Disciplinary Commission having competence also for providing advice on rules of ethics and conduct. The authorities further explain that having a body competent to provide advice might lead to different, even contradicting interpretation from the one made by the SJC when applying disciplinary measures.

No progress has been made with regard to confidential counselling available to judges (see para. 54 of the GRECO Interim Compliance Report on Armenia).

• Established mechanisms to report influence/corruption on judges and prosecutors

With regard to established mechanisms to report attempts on influence/corruption on judges and prosecutors, the Armenian authorities refer to the Law on the System of Whistle-blowing adopted in 2017 which facilitates reporting on conflicts of interest of judges and prosecutors. Also, the Criminal Code in Article 332 criminalizes any intervention into the activities of the court, with the purpose of hindrance of the administration of justice or any intervention into the activities of the prosecutor, investigator or the person in charge of inquiry, with the purpose of hindrance of the comprehensive, complete and objective investigation of the case. Furthermore, in case of attempts on influence/corruption, judges must report them to the SJC while prosecutors must inform superior prosecutor.

• Transparency in distribution of court cases

There is transparency in distribution of court cases ensured in the Armenian judicial system via random allocation using random algorithm. However, there is a possibility to exclude a judge from the allocation – according to Article 42 of the JC a judge may, in case s/he is in charge of a case of particular complexity, apply to the SJC proposing to be temporarily removed from the distribution list or to have a different percentage of cases to be distributed to him/her defined. In case the SJC finds the application of the judge to be reasonable, the proposal shall be granted but for a limited period of time not exceeding six months which may be extended based on the judge's proposal, if the examination of the case of particular complexity has not ended. Other grounds for excluding a judge from the allocation are: 1. in the case

² [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)019-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)019-e)

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; 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 the JC.

Reassignment of court cases is made on the basis of Article 46 of the JC in cases when a judge has been seconded (or when secondment has ended), transferred, recused himself/herself from the case in question, participated in the examination of the case in question in the past, rejected the institution of proceedings the decision on which has been reversed in the manner prescribed, his/her powers have been suspended, automatically or imposingly terminated, or when judges have exchanged their positions. Reassignment of cases has to be reasoned. Cases are reassigned through a computerised distribution of cases randomly (by random algorithm) and all the interventions in the system are registered.

Declaration of assets for judges and for prosecutors

Article 69 of the JC obliges judges and their families to declare their assets and interests in accordance with the Law on Public Service.

Prosecutors are also required to submit declarations as per the Law on Public Service.

The declarations for both judges and prosecutors contain information on assets, financial interests, sources of income, liabilities, gifts and property.

Declarations of judges are to be filed upon beginning of the term of office, at the end of the term of office, in case of a significant change in items to be declared and annually. Furthermore, according to Article 69 of the JC a judge is obliged to submit, when engaging in any activity in cases provided for by the Law on the Commission for the Prevention of Corruption appropriate documents or clarifications proving that changes in his/her property (increase in property and/or decrease in liabilities) are reasonably justified by lawful income, or that s/he does not possess non-declared property or property that has not been fully declared, or that the source of income is lawful and reliable.

Prosecutors should submit their declarations at the beginning and at the end of the term of office as well as annually, by 31st May of each year.

Furthermore, both judges and prosecutors should submit their declarations upon request of the CPC in case of doubt as to any significant change in the property (increase in property, reduction in liabilities or expenses) of the declarant within two years after the termination of official duties (Article 25 of the Law on CPC).

A declaration is filled both by the person obliged to declare assets and interests as well as of his/her family members (Article 34 of the Law on the Public Service). Family members include spouse or partners, children under legal age and other family members who are under the declarant's official's guardianship or curatorship as well as any adult person jointly residing with the declarant.

Declarations of both judges and prosecutors are to be submitted to the Corruption Prevention Commission (hereinafter: CPC) which is an autonomous state body. According to the provisions of the Law on Corruption Prevention Corruption, CPC verifies timeliness, completeness and accuracy of the declaration. It also is competent to check for any unexplained financial discrepancies (unusual change in assets, liabilities, income, etc.). CPC keeps a register of declarations and the declarations are published on the CPC's website.

Recommendation xviii. GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the rules on asset declaration applicable to members of parliament, judges and prosecutors, notably by strengthening the operational independence of the Commission on Ethics for High-Ranking Officials, giving it the clear mandate, powers and adequate resources to verify in depth the declarations submitted, to investigate irregularities and to initiate proceedings and impose effective, proportionate and dissuasive sanctions if the rules are violated.

In its [Evaluation Report on Armenia](#) (see para. 229-231), GRECO had stressed the importance of having an effective supervisory mechanism (which was at the time of adoption of the report the Commission on Ethics for High-Ranking Officials) with a clear mandate,

powers and adequate competence and resources to carry out in-depth control of asset declarations. It issued the recommendation xviii above.

In the compliance procedure, the Armenian authorities reported that the new anti-corruption preventive body, the Corruption Prevention Commission (CPC), was created and thus replaced the Commission on Ethics of High-Ranking Officials as regards the function of monitoring asset declarations. As regards the verification of asset declarations, GRECO noted the significant changes made to the system for interest and asset disclosure since March 2020 which were accompanied by a substantial widening of the functions of the CPC. The CPC has been given additional powers, e.g. to request situational income and asset declarations from third parties and close relatives who engage in transactions with public officials (including judges and prosecutors) obliged to submit declarations, to obtain financial, including banking information through lifting of banking secrecy, to request a situational declaration from the public officials, if, within two years of termination of official duties, a significant change in his/her assets is suspected. However, a corresponding increase in the resources of the CPC had not been reported. Also, the statistics on supervisory activities of the CPC did not compare favourably to those shared previously in respect of the CPC's predecessor, the Commission on Ethics of High-Ranking officials, which made it difficult for GRECO to ascertain the effectiveness of the current supervision and enforcement regime. In conclusion, GRECO noted that, overall the measures taken had gone in the right direction but the system had remained relatively new and more time would be needed for it to produce credible results. The recommendation xviii was concluded to remain partly implemented.

As per the Criminal Code, a deliberate failure to submit a declaration to the CPC is punishable by a fine in the amount of 1.500 to 2.000 times the minimum wage or an imprisonment for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years. As per the Judicial Code, the following disciplinary sanctions may be imposed on a judge for a failure to follow the rules of conduct which include also a failure to submit the declaration: a warning, a reprimand, a severe reprimand, a prohibition to be included on a list of judge candidates for promotion for a period of one year, a dismissal from the position of the chairperson of a court/chamber of the Court of Cassation or a termination of powers on the ground of essential disciplinary violation. As per the Code on Administrative Sanctions, a failure to submit a declaration to the CPC within the prescribed time period, submitting incomplete or incorrect declaration is punishable by a fine in the amount of 200 times the established minimum wage.

Number (absolute and per 100 judges/prosecutors) of proceedings against judges/prosecutors for violations or discrepancies in declaration of assets in 2021:

Armenia	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	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	7	2,31	7	2,31	2	0,66	1	0,25	1	0,25	0	0,00

Conflict of interest for judges and for prosecutors

• Procedures and Mechanisms for managing potential conflict of interest

The legal framework for the prevention and the resolution of conflicts of interest applicable to judges is provided by the relevant provisions of 1) the Constitution, which provides for incompatibility rules; 2) the Judicial Code, which contains a non-exhaustive list of grounds for recusal (Article 71), incompatibility requirements (Article 5), rules on receiving payments from non-judicial activities (Article 72), rules participation of a judge in educational programmes (Article 59) and rules on acceptance gifts (Article 73).

The legal framework for the prevention and the resolution of conflicts of interest applicable to prosecutors is provided by the relevant provisions of 1) the Law on Prosecutor's Office, which provides for rules on accessory activities, restrictions and incompatibilities (Articles 34, 49 and 74); 2) the Criminal Procedure Code, which contains a non-exhaustive list of grounds for recusal (Article 91); and 3) the Law on Public Service, as regards rules on acceptance of gifts (Articles 29, 30).

There is a general obligation prescribed in law that a prosecutor must act reasonably so that cases causing a need for his/her dismissal (self-recusal) from the proceedings or examination of the case are reduced to a minimum. The immediate superior is entitled to transfer, upon his/her decision, the case from the proceedings of the inferior prosecutor to another prosecutor in case of granting the recusal or self-recusal of the inferior prosecutor.

The Law on Public Service (LPS) contains rules on gifts applicable to prosecutors. The law provides, as a main rule, for a general prohibition of accepting gifts when related to official duties of public officials (Article 29). The law also specifies that certain gifts are allowed (hospitality, ceremonial gifts, scholarship, grants etc.). The law provides for an obligation to report permissible gifts and for registration of gifts the value of which exceeds the threshold of AMD 60 000 (approx. EUR 130 – used to be 75 000 AMD before legislative amendments to the JC in March 2020). The LPS does not provide for any specific mechanism for reporting and registering gifts but states that the procedure shall be defined by the Government. However, they must be included in the regular asset declarations to be submitted to the CPC.

Article 73 of the JC includes detailed rules on the acceptance and handling of gifts by judges. As a rule, judges must not accept a gift from anyone or agree to accept a gift in the future, and they must seek to keep their family members living with them away from such actions. In this context, a "gift" is defined as "any property advantage that would reasonably not be given to a non-judge". The JC also specifies that the concept of "gift" includes "remitted claims, assets sold, or services rendered at a disproportionately low value, borrowing, gratuitous use of the assets of another person, etc.". A gift given to a judge that is not considered permissible should be returned or compensated equivalently within a week from the receipt while a gift which cannot be returned through reasonable effort or compensated equivalently must be transferred to the state.

The JC prohibits acceptance of gifts (incl. non-pecuniary benefits) related to the performance of official duties by judges (and family members residing with them), with some exceptions (incl. hospitality and ceremonial gifts, gifts from close relatives, scholarship, grant etc.).

If a gift received exceeds a set threshold, a judge must report it to the Ethics and Disciplinary Committee of the General Assembly of Judges within a period of 10 days. The same applies if a gift has been received by a judge's relative (to the third degree kinship) who does not live in the same household, and the gift could reasonably be perceived as having the aim of influencing the judge. Judges are also required to include gifts received in the regular asset declarations filed to the Corruption Prevention Commission (hereinafter: CPC).

Section 49 of the LP prohibits prosecutors from receiving gifts, money or services from other persons for the performance of official duties, except for cases provided for by law.

Recommendation xvi. GRECO recommended that the rules applicable to the acceptance of gifts by members of parliament, judges and prosecutors be further developed so as to provide clearer definitions to ensure that they cover any benefits – including benefits in kind and benefits provided to associated persons; to introduce a requirement to report gifts received to an appropriate monitoring body; and in the specific case of judges, to lower the existing thresholds for such reporting.

In its [Second Compliance Report](#) (see para. 74-79), GRECO noted some deficiencies of both newly adopted laws regulating gifts (JC and LPS), namely several vague terms, relating to the definition of a gift, already referred to in the Evaluation report (paragraph 226), which required clarifications. In its [Interim Compliance Report on Armenia](#) (para. 62-66), GRECO noted that although both the LPS and JC have been amended in March 2020 and remedied most of the vague terms, they still contained several vague terms relating to the definition of acceptable gifts. The requirement to report gifts if they exceed an established threshold (95 EUR for single gifts received by judges and prosecutors, and 385 EUR for gifts received by judges from the same source, except from a close relative, in a calendar year) has been introduced. However, some gifts and hospitalities (e.g., “hospitality usually organised”, “scholarship, grants or benefits awarded in a public competition on the same conditions and criteria as those which apply to other applicants, or a result of another transparent procedure” (for prosecutors) and gifts from relatives if their nature and amount “reasonably correspond to the nature of the relationship between them” (for judges)) remained unreported which GRECO found as a source of concern. Furthermore, information on the interpretation and enforcement of gifts-related rules by the CPC (with respect to prosecutors) and by the Ethics and Disciplinary Committee (in respect to judges) remained to be provided. GRECO therefore concluded recommendation xvi to be partly implemented.

• Possibility for judges and prosecutors to perform additional activities

According to Article 5 of the JC, a judge may perform accessory activities (“non-judicial activities”) only within certain limits. S/he may not hold an office in state or local self-government bodies or in commercial organisations that are not connected with his/her duties. S/he may not be engaged in entrepreneurial activities - regulations prescribed by law for public servants with regard to entrepreneurial activities apply also to judges. A judge may not be engaged in any other paid work, except for scientific, educational, and creative work. A judge may not be engaged in any activities acting as a representative or providing counselling, with or without remuneration, except in cases where s/he acts as a legal representative or provides legal counselling to his/her close relatives or persons under his/her guardianship or curatorship without compensation (Article 69, part 1 point 10 of the JC). The performance by judges of secondary activities must not cast reasonable doubt on their ability to act impartially as a judge, diminish the reputation of the judicial office or hinder the proper performance of judicial

duties. Judges may occupy positions in non-profit organisations, without compensation, if such a position does not involve the management of funds, execution of civil law transactions on behalf of the organisation, or representation of the property interests of the organisation within state government or local self-government bodies.

Judges do not need an authorisation to perform accessory activities such as educational, scientific and creative work. They also do not have to inform their hierarchy about them. However, according to Article 59 of the JC a judge has a right to participate in educational programmes, conferences and other professional gatherings of lawyers. In order to take part in these activities for not more than up to five days per year in the work-time, the judge must obtain a consent from a chairperson of the court. For participating in such activities for a longer period of time, the judge must apply to the Training Commission, after receiving the consent from the chairperson of the court. Disputes related to granting the consent are resolved by the SJC.

Judges may not be members of a political party or engage in any other political activity.

Restrictions on accessory activities of prosecutors are similar to those applicable to judges. Prosecutors may not hold office in state and local self-government bodies unrelated to the performance of their duties, or a position in commercial organisations, or engage in any other paid occupation except for scientific, pedagogical and creative work for which payment may not exceed a reasonable amount, i.e. the amount payable to persons with similar qualifications who are not prosecutors. Prosecutors may not be individual entrepreneurs, or shareholders in business companies or depositors in trust-based partnerships if, in addition to participation in the general meeting of the company, the prosecutor also issues instructions or carries out other managerial functions in the organisation. Prosecutors are also prohibited from receiving royalty payments for publications or speeches deriving from the performance of their official duties and from working jointly in direct subordination to one another with persons with whom they are related in law or through kinship.

Like judges, prosecutors may not be members of a political party or engage in any other political activity (according to the Law on Prosecutor's Office). Further prohibitions for prosecutors from the LP include a general prohibition on representing third parties, on using their official position for the interests of non-governmental parties, including religious organisations and on membership of trade unions and organising or participating in strikes.

Prosecutors do not need an approval for carrying out accessory activities such as scientific, educational and creative work. However, they must inform his/her superior about them.

Judges and prosecutors may combine their work with the following other functions/activities:

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	✓	✓	✓	✓
	Research and publication	✓	✓	✓	✓
	Arbitrator				
	Consultant				
	Cultural function	✓	✓	✓	✓
	Political function				
	Mediator				
	Other function	✓	✓	✓	✓

- Breaches of rules on conflict of interest

Breaches of rules on conflicts of interest in respect of judges are regulated in the JC and the LPS. The procedure to sanction these breaches is regulated in the JC, the LPS, the Code of Ethics for judges and the Criminal Code.

Breaches of rules on conflicts of interest in respect of prosecutors and the procedure to sanction these breaches are regulated in the Law on Prosecutor's Office.

Number (absolute and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2021:

Armenia	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	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00

Discipline against judges and prosecutors

• Description of the disciplinary procedure against judges

Disciplinary accountability of judges is regulated in Chapter 19 of the JC (articles 141 to 158) The competence for initiating and deciding on disciplinary proceedings is assigned to separate bodies: the Ethics and Disciplinary Committee of the General Assembly of Judges (composed of judge members as well as non-judge members (academics of law nominated by the civil society organisations), the Minister of Justice and the CPC (in matters concerning asset declarations) have competence to initiate disciplinary proceedings against judges, while the SJC has a disciplinary power over judges. The SJC is competent to take disciplinary measures against a judge, on the grounds specified by law. According to Article 142 of the JC, grounds for imposing disciplinary action against judges shall be: (1) violation of provisions of substantive or procedural law while administering justice or exercising, as a court, other powers provided for by law, which has been committed deliberately or with gross negligence; (2) violation by the judge of the rules of judicial conduct prescribed by this Code, committed with intent or gross negligence. Disciplinary proceedings initiated due to professional incapacity are related to violation of provisions of substantive or procedural law while administering justice or exercising — as a court — other powers provided for by law, which have been committed deliberately or with gross negligence.

Imposing administrative, civil or other liability provided by law on a judge does not preclude the application of disciplinary measures, and *vice versa* ([the GRECO Evaluation Report on Armenia](#), para. 150).

Disciplinary proceeding is instituted pursuant to: (1) reporting [on violation] by state or local self-government bodies or officials; (2) mass media publications about disciplinary violations; (3) independent discovery, by the body instituting the proceedings, during the exercise of its powers, of an act that gives rise to disciplinary action; (4) detection by the body instituting proceedings of an act containing prima facie elements of disciplinary violation, as a result of examination of an act rendered by an international court to which the Republic of Armenia is a party or by other international instance, that establishes a violation of international obligations assumed by the Republic of Armenia in the field of human rights protection. The competent bodies have to inform each other about the institution of disciplinary proceedings in order to avoid duplication ([the GRECO Evaluation Report on Armenia](#), para. 151).

Disciplinary proceedings are regulated in detail. They may not last longer than two months. In the course of the instituted disciplinary proceedings, the body instituting the proceedings shall be entitled to: (1) demand from the court and study materials of any criminal, civil or any other case with regard to which there is a judicial act that has entered into legal force; (2) get familiarized at the court with the materials of any criminal, civil or any other case with regard to which no judicial act has been rendered yet that entered into legal force, while not interfering with the process of administering justice or exercising — as a court — other powers provided for by law; (3) recommend that the judge submit written explanations; (4) recommend the person having reported [on violation], as well as the natural and legal persons to submit information and materials relevant for the disciplinary proceedings; (5) demand and receive materials from state and local self-government bodies and officials. As a result of the studies conducted, s/he decides either to dismiss the disciplinary proceedings or to file a motion requesting the SJC to apply disciplinary measures. According to Article 147 of the JC, a judge against whom disciplinary

proceedings has been instituted shall be entitled to: (1) submit written explanations, evidence and file motions; (2) receive copies of materials of disciplinary proceedings from the body instituting proceedings; (3) exercise in person or through an advocate the rights provided for by points 1 and 2 of this part. When examining disciplinary cases with respect to judges, the SJC acts as a court. As a rule, the procedure of case examination is subject to the provisions of the Administrative Procedure Code. A hearing is possible ([the GRECO Evaluation Report on Armenia](#), para. 152).

There is a possibility to appeal the decision on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability, which is brought by a judge or the body having instituted disciplinary proceedings. The SJC is competent to decide on the appeal, that is to review its own decision on imposing disciplinary action against a judge in case of newly emerged or new circumstances (part 1 of Article 157). After receiving the appeal, the SJC shall immediately forward it to the other party who may submit a response within 10 days. The SJC shall then examine the appeal and render a decision thereon in writing except in cases where it concludes that it is necessary to examine the appeal at the session. Parties are informed of the time and venue of the session and may appear at the session. Members of the SJC have a right to address questions to the rapporteur and the parties at the session. In the appeal procedure, essential evidence or circumstances that have emerged are examined which the person filing the appeal could have not previously submitted due to circumstances beyond his or her control and which could have reasonably affected the decision. The SJC shall examine the appeal and render the decision within two months following the receipt of the appeal. The SJC has a right to uphold the decision or revoke it, in part or in full. The decision shall enter into force upon its delivery in public and shall be final.

A judge may also bring the matter to the Constitutional Court by challenging the constitutionality of the relevant provision of the regulatory legal act applied against him/her upon this act, which has led to the violation of his/her basic rights and freedoms enshrined in the Constitution (Article 169, part 1 point 8 of the Constitution).

Recommendation viii. GRECO recommended (i) that the role of the Ministry of Justice in disciplinary proceedings against judges be reviewed; (ii) that adequate safeguards be put in place to ensure that disciplinary proceedings are not used as an instrument of influence or retaliation against judges, including the possibility for judges to challenge disciplinary decisions before a court.

In its [Evaluation Report on Armenia](#) (see para. 156), GRECO noted several issues with regard to the disciplinary regime against judges. The first related to the involvement of the Minister of Justice in the disciplinary regime. GRECO noted that various observers expressed the opinion that in the context of Armenia, the involvement of the Minister of Justice in disciplinary proceedings against judges “is not compatible with judicial independence”. The GET noted that the right of the Minister to initiate proceedings was not in itself in conflict with European standards. However, it had particular misgivings about the rule that permits the body that had initiated proceedings to gain knowledge, at the court, of the materials relating to on-going legal cases. According to Council of Europe experts having analysed the situation, such a rule was questionable in principle as it “opens the door for all manner of improper influence upon the judge” and is “in any event unjustifiable” in the case of the Minister of Justice as part of the executive branch. Secondly, GRECO noted cases of allegedly arbitrary and inconsistent application of disciplinary proceedings by the SJC which has been detected also by the Council of Europe’s Commissioner for Human Rights. Some of these cases were documented in detail by independent institution – the Ombudsman – and taken up by international bodies, including the Council of Europe. GRECO pointed out that bearing in mind the specific context in Armenia, where public trust in the judiciary

was low and independence of the judiciary was commonly (including by the authorities) considered unsatisfactory, it was crucial that measures were taken to ensure that disciplinary cases were subject to fair proceedings, decided only on objective grounds and free from improper influence. The GET especially stressed the importance of judges being accorded the right to appeal against disciplinary decisions to a court of law as opposed to the then situation where only the SJC – which was to “act as a court” – was involved and judges were not given the possibility to challenge the SJC’s decisions. Moreover, GRECO pointed out that the wording of legal grounds for disciplinary liability could open up risks of abuse, in particular, as regards the concept of “regular violations or serious violation of the rules of judicial conduct” which was too vague and could not replace specific disciplinary offences. It would also be preferable to define more precisely a gradation in sanctions, in particular with respect to possible grounds for dismissal and to ensure that the latter include only the most serious offences. GRECO therefore issued the recommendation viii (see above).

In the compliance procedure only modest progress has been made by the Armenian authorities. As regards the first part of the recommendation, no progress had been made and GRECO reiterated its position that the role of the Minister of Justice in disciplinary procedures against judges should be discontinued as it was not compatible with judicial independence. Given the absence of new developments in this regard, this part of the recommendation was not implemented. Regarding part (ii), the authorities explained that a judge could challenge the constitutionality of disciplinary decisions before the Constitutional Court. Given the fact that the revised Constitution provides that the SJC is competent for decision on disciplinary liability in respect of judges (Article 175 1(7)), GRECO considered that as a form of procedural safeguard, considering the SJC’s composition. Another safeguard is the principle that a judge cannot be held liable for the opinions expressed or judicial acts rendered in the administration of justice (Article 164 of the Constitution). The new Constitution also indicates that the termination of powers of a judge is a penalty only for serious disciplinary violations (para. 9 of Article 164). Despite this, GRECO was concerned that there did not appear to be possible to challenge a disciplinary decision before a court, more than in respect of its constitutionality before the Constitutional Court and concluded that this part of the recommendation was partly implemented. ([GRECO Compliance Report on Armenia](#), para. 43-47; [GRECO Second Compliance Report on Armenia](#), para. 43-48).

Disciplinary sanctions consist of a 1) warning; (2) reprimand; (3) severe reprimand; (3.1) prohibition on being included in the list at the time of regular and extraordinary completion of the promotion list of judge candidates, for a period of one year; (3.2) dismissal from the position of the chairperson of a court or chairperson of a chamber of the Court of Cassation; (4) termination of powers on the ground of an essential disciplinary violation. Decisions of the SJC are published in the official journal and on the official website of the judiciary ([the GRECO Evaluation Report on Armenia](#), para. 153).

A judge may not be transferred to another court without his/her consent (para. 5 of Article 56 of the JC).

• Description of the disciplinary procedure against prosecutors

Prosecutors may be subject to disciplinary liability, which is regulated by Chapter 9 of the LP (Articles 53-59), on the following grounds: (1) failure to perform or improper performance of his or her duties; (2) violation of the rules of conduct of a prosecutor; (3) violation of the internal rules of labour discipline; (4) failure to observe the restrictions and incompatibility requirements prescribed by Article 49 of this Law.

The body initiating disciplinary proceedings against prosecutors is the Prosecutor General and, in certain cases, also the ethics commission adjunct to the General Prosecutor (Law on Prosecutor's Office). In matter related to asset declarations the CPC has competence to initiate administrative proceedings against prosecutors.

The Ethics Commission under the Prosecutor General has disciplinary power over prosecutors. It consists of seven members: the deputy Prosecutor General, 3 law academics, 3 prosecutors elected by senior prosecutors.

Within one week from the end of the disciplinary proceeding, the Prosecutor General presents the matter to the Ethics Commission for discussion. A prosecutor concerned may appear at the hearing and provide written submission in the case (see rights of prosecutors in article 56 point 11 of the LP). The Ethics Commission takes a vote in order to decide whether a disciplinary offence has taken place, whether the prosecutor concerned is guilty of the offence and, if requested by the Prosecutor General, whether it is possible to apply the disciplinary sanction of removal from office.

Depending on the gravity of the disciplinary offence, the following disciplinary sanctions may be applied in relation to prosecutors: (1) reprimand; (2) severe reprimand; (3) demotion in class rank — by one degree; (4) demotion of a position by one level; (5) dismissal from office. The disciplinary penalties are applied by the Prosecutor General. For high-ranking prosecutors (within the meaning of the Law of the Republic of Armenia on Public Service) the penalties can be applied by the Prosecutor General based on the conclusion adopted by the Commission for the Prevention of Corruption on the violation of incompatibility requirements or other restrictions, within three days from the moment of receiving the conclusion. A dismissal from office can be applied by the Prosecutor General based on the relevant positive conclusion of the Ethics Committee. A demotion in class rank can be applied by the President of the Republic in relation to the Prosecutor General or in relation to other higher-ranking prosecutors upon the recommendation of the Prosecutor General (Article 55, Law on Prosecutor's Office).

Prosecutors have a right to appeal against the disciplinary sanctions ordered against them in accordance with the procedure stipulated by law (Law on Prosecutor's Office). The competent body to decide on the appeal is the Administrative Court.

		2021			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	41	13,53	8	2,01
	1. Breach of professional ethics (including breach of integrity)	20	6,60	0	0,00
	2. Professional inadequacy	20	6,60	0	0,00
	3. Corruption	NAP	NAP	0	0,00
	4. Other criminal offence	NAP	NAP	0	0,00
	5. Other	1	0,33	8	2,01
Number of cases completed in the reference year	Total number (1 to 5)	11	3,63	8	2,01
	1. Breach of professional ethics (including breach of integrity)	2	0,66	0	0,00
	2. Professional inadequacy	9	2,97	0	0,00
	3. Corruption	NAP	NAP	0	0,00
	4. Other criminal offence	NAP	NAP	0	0,00
	5. Other	NAP	NAP	8	2,01
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	11	3,63	6	1,51
	1. Reprimand	9	2,97	5	1,26
	2. Suspension	NAP	NAP	NAP	NAP
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	NAP	NAP	NAP	NAP
	6. Position downgrade	NAP	NAP	0	0,00
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP
	8. Resignation	NAP	NAP	NAP	NAP
	9. Other	NAP	NAP	0	0,00
	10. Dismissal	2	0,66	1	0,25

In 2021, 41 disciplinary proceedings were initiated against judges. In respect of judges, 11 sanctions were pronounced, out of which 9 were reprimands and 2 dismissals. With regard to prosecutors, grounds for initiating disciplinary proceedings against twelve prosecutors in eight cases in 2021 were non-performance or improper performance of duties.

Council for the Judiciary/ Prosecutorial Council

• Council for the Judiciary

According to the Constitution (Article 173 and 174), the SJC is an independent state body that guarantees the independence of courts and judges.

According to the Constitution (Article 173 and 174) and the JC (Article 76), the Supreme Judicial Council shall be composed of 10 members, including five judges of all levels (a chairperson of a court or a chairperson of a chamber of the Court of Cassation should not be represented) with at least 10 years' experience, elected by the General Assembly of Judges; as well as five members from among academic lawyers and other prominent lawyers holding only Armenian citizenship, having the right to vote, with high professional qualities and at least fifteen years of professional work experience, elected by the National Assembly by at least three fifths of votes of the total number of Deputies. The member elected by the National Assembly may not be a judge. Integrity check is performed with regard to candidates for judge-members as they provide a completed integrity questionnaire as stipulated in the Law "On the Commission for the Prevention of Corruption" to the Judicial Department. This questionnaire is then submitted to the Commission for the Prevention of Corruption for advisory opinion.

The SJC has a key role in the selection of judges and court chairpersons, in secondment of judges to another court, in giving consent for initiating criminal proceedings against a judge, in disciplinary proceedings and in the termination of judges' powers).

Members of the SJC elect a chairperson, successively from among judge and non-judge members.

The term of office of the elected members of the SJC is five years, non-renewable. All members work on a full-time basis.

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the SJC include full-time position of its members and internal division of tasks among the members of the SJC.

Accountability measures in place regarding the SJC's activities are primarily ensured through transparency of the SJC's work which includes publication of its activity reports. The public is also informed of the SJC's decisions which are reasoned.

The SJC is competent in case of evident breach of the independence or the impartiality of a judge.

• Prosecutorial Council

Prosecution service of Armenia does not have a Council. Instead, it has a Board composed of 18 prosecutors. According to Article 22 of the LPO it functions in the Prosecutor's Office and is chaired by the Prosecutor General. It has competences over prosecutors only. It discusses the fundamental issues related to the organisation of the activities.

It is composed of the Prosecutor General who acts as a chairperson, the Deputy Prosecutors General, the heads of the structural subdivisions of the Prosecutor General's Office and the Prosecutor of the city of Yerevan. Members are not elected but are members ex

officio defined by the law. As such, no re-election rule applies. However, since the same person may not be elected as Prosecutor General for more than two consecutive terms, the same person may not act as a chairperson of the Board for more than two consecutive terms.

Rules of procedure of the Board's activities are defined by the Prosecutor General and the Board's decisions are implemented by orders of the Prosecutor General. Members do not work on a full-time basis.

There are no operational arrangements (i.e. division of tasks between members of the Board) in order to prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the Board.

Accountability measures in place regarding the Board's activities are primarily ensured through ensuring transparency of its work. The public is informed of the Board's decisions which are reasoned.

There is not specific provision in the law with regard to Board's competence in case it is evident there is pressure on prosecutor. However, the Board discusses fundamental issues related to the organisation of the activities.