



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1. General and financial information

1.1. Demographic and economic data

1.1.1. Inhabitants and economic general information



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

[10 067 100]

Comments

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

	Amount
State or federal level	13 160 459 550 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Comparing to previous year the state budget has increased by 11%.



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

[3 477]

Comments Following the world trends (Due to the SARS Covid-19) Azerbaijan had not avoided some depression in economic processes.

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

[4 066]

NA

Comments Following the world trends (Due to the SARS Covid-19) Azerbaijan had not avoided some depression in economic processes. However, the average gross annual salary has increased"

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

[2.089]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering the questions in this part

Sources: Sources: The State Statistical Committee of the Republic of Azerbaijan, Law on state budget for 2020, Letter of the Central Bank of the Republic of Azerbaijan

1.1.2 Budgetary data concerning judicial system



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

question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	65 972 235 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 175 891 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Annual public budget allocated to (gross) salaries	43 908 953 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 845 298 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	8 092 973 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 087 643 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1 Investments in computerisation	7 555 756 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 553 164 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2 Maintenance of the IT equipment of courts	537 217 <input type="checkbox"/> NA <input type="checkbox"/> NAP	537 217 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	7 377 954 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 887 884 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Annual public budget allocated to investments in new (court) buildings	5 122 068 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 122 068 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Annual public budget allocated to training	1 470 287 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 232 998 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Other (please specify)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The budget allocated to the functioning of all courts increased significantly. The main changes were related with salary increasing, investment in technologies and court buildings modernization and maintenance. Regarding the reason of increase of salaries' budget in the year of 2020 comparing to the year of 2018, it needs to be mentioned the Presidential Decree "On Deepening of the Reforms in the Judicial-Legal System" of April 3, 2019. The paragraph 3.4 of the decree implies the essential increase of judges' salaries in order to improve their social protection. The increase of budget allocated to court building was also foreseen in the same Presidential decree of April 3, 2019, according to which the additional funds should be allocated for clerical work and proceedings maintenance related needs. In addition, funds were allocated to cover new buildings' operational expenses (such as public utilities etc.). As to decrease of the budget related to investments in new court buildings, there were no construction of new court buildings planned in 2020, though such investments are planned in near future.

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

Approved budget (in €)	Implemented budget (in €)

Total annual public budget allocated to all courts and the public prosecution services together	98 471 076 [] NA [] NAP	92 013 347 [] NA [] NAP
Total annual public budget allocated to all courts and legal aid together	68 624 437 [] NA [] NAP	63 085 476 [] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	101 123 278 [] NA [] NAP	93 922 932 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The budget allocated to the functioning of all courts increased significantly. The main changes were related with salary increasing, investment in technologies and court buildings modernization and maintenance. The increase in the amount of the public budget implemented for legal aid is explained by the increase of the service fee for the legal aid. According to the decision of the Cabinet of the Ministries, payment for each hour to a lawyer increased three times.



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008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- The amount of court fees on disputes is: 20 AZN (manat) (9.6 Euro) if the claim price is up to 500 AZN (manat) (240 Euro); 30 AZN (14.4 Euro), if the claim is more than 500 AZN (240 Euro)

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

[14]
[] NA
[] NAP

Comments

009. Annual income of court fees received by the State (in €):

[1 273 589]

[] NA

[] NAP

Comments There has been a decrease of the Annual income of court fees since 2018. The reason is SARS Covid-19 related lock-down and operation restrictions in courts.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	2 652 202 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	2 652 202 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments The increase in the amount of the public budget implemented for legal aid is explained by the increase of the service fee for the legal aid. According to the decision of the Cabinet of the Ministries, payment for each hour to a lawyer increased three times.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	1 909 585 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	1 909 585 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: The main reason for the difference between the public budget actually implemented for legal aid and the annual approved public budget allocated to legal aid is in the reduction of the number of applications. The reason of SARS Covid-19 related lock-down and operation restrictions.

In 2020 the budget was not allocated for cases not brought to court. But According to the decision of the Cabinet of Ministers, from November 2020, legal assistance under the state budget will be provided not only on the basis of a court decision, but also on the basis of a decision of the investigating authority. At one time or another, cases in the investigating authority are investigated and completed at this stage so that they are not brought to court.

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012-2. Does legal aid include:

Legal aid includes:

Coverage of court fees	() Yes (X) No [] NAP
Exemption from court fees	() Yes (X) No [] NAP

Comments

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	() Yes (X) No [] NAP
Exemption from court fees	() Yes (X) No [] NAP

Comments

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	35 113 920 [] NA [] NAP	33 452 535 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	916 352 [] NA [] NAP	855 663 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: There has been an increase in the budget allocated to public prosecution services since 2018 and proportionally an increase of the budget allocated to training.

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP

Other ministry	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Supreme Court	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
High Judicial Council	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Courts	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify:

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years’ budget costs	[X]	[]
Special needs assessment	[X]	[X]
Number of judges/non judges’ staff	[X]	[X]
Number of incoming cases	[X]	[X]
Number of pending cases	[]	[]
Number of resolved cases	[X]	[]
Other	[]	[]

[] NAP

Comments - If “Other”, please specify

014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
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Court President and/or judge(s)	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Head of court administration and/or non-judges	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Mixed body (judge(s) and non-judge(s))	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

A2. Please indicate the sources for answering the questions in this part

Sources: Law "On state budget for 2020";
Law "On state fees" dated 2001;
Letter of the Ministry of Finance;
Letter of the General Prosecutor Office.

1.1.3 Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	245 648 742 [] NA [] NAP	187 571 452 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The budget allocated to the whole justice system increased significantly. The main changes were related with salary increasing, investment in technologies, court buildings modernization and maintenance and legal aid. The reason of the difference between allocated (approved) and implemented budget is in limited operation in all directions and a break in conducting events due to Sars Cov-19 related quarantine measures in 2020.

015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

Included

Courts	(X) Yes () No <input type="checkbox"/> NAP
Legal aid	(X) Yes () No <input type="checkbox"/> NAP
Public prosecution services	(X) Yes () No <input type="checkbox"/> NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No <input type="checkbox"/> NAP
Probation services	(X) Yes () No <input type="checkbox"/> NAP
High Judicial Council	(X) Yes () No <input type="checkbox"/> NAP
High Prosecutorial Council	() Yes () No <input checked="" type="checkbox"/> NAP
Constitutional court	(X) Yes () No <input type="checkbox"/> NAP
Judicial management body	() Yes () No <input checked="" type="checkbox"/> NAP
State advocacy	() Yes (X) No <input type="checkbox"/> NAP
Enforcement services	(X) Yes () No <input type="checkbox"/> NAP
Notariat	(X) Yes () No <input type="checkbox"/> NAP
Forensic services	(X) Yes () No <input type="checkbox"/> NAP
Judicial protection of juveniles	() Yes () No <input checked="" type="checkbox"/> NAP
Functioning of the Ministry of Justice	(X) Yes () No <input type="checkbox"/> NAP

Refugees and asylum seekers services	() Yes () No <input checked="" type="checkbox"/> NAP
Immigration Service	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

If "Other", please specify:

A3. Please indicate the sources for answering the questions in this part

Sources: LAW «On state budget for 2020»

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- The chairmen of the courts are responsible for the management of the courts. They oversee the work of the judiciary and ensure that judges comply with enforcement and labor discipline, as well as clerical procedures. The deputy chairmen of the courts perform the tasks of the chairmen related to management and replace them in certain cases (vacation, illness, etc.). In higher courts in addition to those specified above, the chairmen of the boards and the chiefs of staff are also carrying responsibility. The chairmen of the boards carry out the formation of the judicial practice of the judicial boards, the analysis of experience and statistics, as well as the application of the legislation. The head of the court administration directly manages the work of the apparatus and coordinates the activities of its separate structures. He has the status of a civil servant and is appointed by the chairman of the court after passing the relevant civil service examination and interview. The chairman of the court, his deputy and the chairmen of the board are appointed by the President after the Judicial-Legal Council evaluates their activities and makes a presentation. The Ministry of Justice is responsible for the financial and security issues of the courts of first instance, but in higher courts for above mentioned matters their chairmen are responsible.

Max characters value : 10 000

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- The Prosecutor General, his deputies, specialized prosecutors, district and city (territorial) prosecutor's offices are responsible for the

management of the prosecutor's offices. They organize the activities of the prosecutor's offices, manage financial and security issues, initiate criminal investigations, supervise and investigate criminal cases within their jurisdiction, defend public prosecutions, and monitor the place and conditions of detention of suspects and accused persons.

In addition to the above-mentioned persons, the heads of various structural units in the Anti-Corruption Department of the Prosecutor General's Office are responsible for their management.

The Prosecutor General, his deputies, and the prosecutors in charge of the specialized prosecutors are appointed by the President, while others are appointed by the Prosecutor General.

Max characters value : 10 000

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

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016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- As per law legal aid for representation is provided in criminal cases during court proceedings, as well as, before court. In other cases, legal aid is provided for only court representation in cassation instance as per decision of court.

Firstly, in accordance with the article 1.2. of Administrative Procedural Code, the provisions of Civil Procedural Code may be applied in judicial proceeding of cases on administrative disputes, unless other rules are specified by this Code and if not contrary to the procedural principles prescribed by the present Code.

Secondly, with regard to the article 67.2. of the Civil Procedural Code, By this Code, in cases where the mandatory participation of the lawyer in the hearing is required, if the persons involved in the case do not have sufficient means to pay for the services of the lawyer, the court that has accepted the court act shall ensure the lawyer's participation in the hearing on the basis of written request of the persons involved

1. Courts of appeal - in connection with the writing of a cassation appeal and participation in the courts of cassation instance
2. The Supreme Court - participation in the Supreme Court and in connection with the writing and participation in an additional cassation appeal

Participation in the courts of first instance and courts of appeal in civil and administrative cases is not defined by law.

Thirdly, as for the article 92.6 of the Civil Procedural Code, the compulsory participation of defence counsel shall be ensured by the prosecuting authority.

Under the 193.2, it is stated that if the suspect or accused does not have sufficient means to pay for the services of defence counsel, and if the participation of defence counsel in the criminal proceedings must be guaranteed in accordance with Article 192.3 of this Code, the prosecuting authority shall guarantee the provision of legal assistance under the state budget of the Azerbaijan Republic.

According to the decision of the Cabinet of Ministers, from November 2020, legal assistance under the state budget will be provided not only on the basis of a court decision, but also on the basis of a decision of the investigating authority.

At one time or another, cases in the investigating authority are investigated and completed at this stage so that they are not brought to court.

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

- Yes
 No
 NAP

If yes, please specify:

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

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

Comments - If yes, please specify:

2.1.2 Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	37 209 [] NA [] NAP	21 913 [] NA [] NAP	15 296 [] NA [] NAP
In criminal cases	36 259 [] NA [] NAP	20 963 [] NA [] NAP	15 296 [] NA [] NAP
In other than criminal cases	950 [] NA [] NAP	950 [] NA [] NAP	0 [] NA [] NAP

Comments - Please specify when appropriate: According to the Presidential Decree "On deepening reforms in the judicial system" dated 2019, in order to ensure accurate forecasting and centralized accounting of funds required for legal assistance under the state budget, it was decided to allocate these funds directly to the Bar Association of the Republic of Azerbaijan. Because before 2020, it was allocated to the relevant executive power, and there was no information about the work done, decisions, statistics.

On the other hand, according to the decision of the Cabinet of Ministers, from November 2020, legal assistance under the state budget will be provided not only on the basis of a court decision, but also on the basis of a decision of the investigating authority. This is one of the reasons why there is a difference between the statistics and the amount of last year and this year.

The second reason is the covid-19 pandemic and the courts did not operate for a couple of months. Therefore, last year we had to return to the state budget the unfulfilled part of the amount allocated from the state budget for legal assistance under the state budget.

However, due to the reasons (1) the decision of the Cabinet of Ministers which states that from November 2020, legal assistance under the state budget will be provided not only on the basis of a court decision, but also on the basis of a decision of the investigating authority, (2) Some pandemic mitigation measures, (3) the rapid increase in the number of lawyers in the country, it is estimated that 98% of the amount allocated from the state budget for legal assistance under the state budget will be implemented this year.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	[] NA [X] NAP
Actual average duration	[] NA [X] NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: There is no time limit in the legislation.

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

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify:

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

023. If yes, please specify in the table:

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

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

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

025. Is the decision to grant or refuse legal aid taken by:

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments

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

Yes

No

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

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

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

Comments - If no, please specify how legal costs are distributed:

B1. Please indicate the sources for answering the questions in this part

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

2.2.Court users and victims

2.2.1Rights of the users and victims

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

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> e-qanun.az	<input type="checkbox"/>
Case-law of the higher court/s	<input checked="" type="checkbox"/> courts.gov.az	<input type="checkbox"/>
Information about the judicial system (organisation of courts, court proceedings, etc)	<input checked="" type="checkbox"/> courts.gov.az	<input type="checkbox"/>
Other documents (e.g. forms, downloadable forms, online registration forms)	<input checked="" type="checkbox"/> justice.gov.az; jlc.gov.az	<input type="checkbox"/>

Comment - Please specify what documents and information are included in "Other documents"

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?

Yes, always

No

Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

	Information system
General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No
Specific for minors (child-friendly systems)	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided.

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of terrorism	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Ethnic minorities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Persons with disabilities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify:

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children’s Houses”
- Other, please specify
- NAP

Comment

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input checked="" type="checkbox"/> Age threshold [Comment] Upon reaching the age of 16 <input checked="" type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment] 14 years old within the appropriate limits by the prosecuting authority <input checked="" type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action,

type of cases, other). Capacity to initiate a proceeding and take other procedural actions in his/her own name:

[According to Article 49.2 of the Code of Civil Procedure, if a minor who has reached the age of sixteen is declared fully capable (emancipation), he may exercise his rights and obligations in court in person. This provision related to minors who are at least 16. In addition, according to Article 49.5 of the same Code, in cases provided by law, juvenils defend their protected interests in court and may exercise their rights, freedoms and the law on transactions arising from civil, family, labor, administrative and other legal relations and related to the disposal of wages or income from entrepreneurial activities. [According article 100.6 of the mentioned Code the capacity of parties to criminal proceedings who are under full age but have reached the age of 14 shall be recognised within the appropriate limits by the prosecuting authority] Exceptions from the threshold

[A victim, civil party, suspect, accused or defendant to a civil claim may be regarded as lacking legal capacity in criminal proceedings if he is unable to exercise his rights and fulfil his duties independently as a result of mental illness, temporary mental disorder or imbecility. A party to criminal proceedings who lacks legal capacity in accordance with this Code may not exercise his rights independently. These rights shall be exercised by his legal representative in accordance with this Code] Capacity for discernment

To be a witness:

Civil proceedings: According to Article 62.1 of the Code of Civil Procedure, any person who has information about the circumstances of the case may be questioned by a court as a witness in order to properly resolve the dispute. Pursuant to Article 197 of this Code, the interrogation of a witness under the age of fourteen and witnesses between the ages of fourteen and sixteen at the discretion of the court shall be conducted in the presence of a representative of the institution he/she is studying. If necessary, the parents, adoptive parents, guardians or custodians of the juvenile witness shall also be summoned to court.]

Criminal proceedings: According to the article 228.1 of the Code of Criminal Procedure if an under-age witness can provide information of significance to the case either verbally or in another form, he may be questioned notwithstanding his age [Article 228.2 of this Code states that If a witness is under 14 years old, or, at the investigator’s discretion, under 16 years old, the interview shall be held with the participation of his teacher or, where necessary, a doctor and the witness’s legal representative.]

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment Parent/legal guardian

Civil proceedings:

According to Article 49.3 of the Code of Civil Procedure, the rights, freedoms and legally protected interests of minors between the ages of fourteen and eighteen, as well as persons with limited legal capacity, are protected in court by their legal representatives. Criminal proceedings:

Article 101.1 of the Code of Criminal Procedure states If a victim, civil party, suspect, accused or defendant to a civil claim lacks or has limited legal capacity and has no parents, adoptive parents or guardian, the prosecuting authority shall appoint the guardianship institution as legal representative of that person.

At the same time, we note that according to Article 102.2 of the Code, the following persons may participate in the criminal proceedings as representatives of the victim, civil plaintiff or civil defendant:

- a lawyer with a notarized power of attorney to represent the legitimate interests of the victim, civil plaintiff or civil defendant;

- a close relative of the injured individual with a notarized power of attorney to represent the legitimate interests of the civil plaintiff or the civil defendant (in case if civil claims issued within criminal proceeding);
- Authorized persons of the affected legal entity, or civil plaintiff or legal entity of civil liability, as defined by law, other legal acts or constituent documents of the legal entity as well as employees of the legal entity whose main place of work is duly authorized.

Article 100.4 of Code of Criminal Procedure states that between the ages of 14 and 18 a victim, civil party, suspect, accused or defendant to a civil claim shall have limited legal capacity. The possibility of such persons exercising their rights independently as parties to criminal proceedings shall be limited with the consent of their legal representatives. The capacity of parties to criminal proceedings who are under full age but have reached the age of 14 shall be recognized within the appropriate limits by the prosecuting authority] Yes, always

Other representative (instead of parent/legal guardian)

Civil proceedings:

Article 35.4 of the Civil Code states that the guardians and trustees of individuals requiring guardianship or trusteeship and staying in the relevant social welfare institutions or placed in them, are these institutions] Social care services or other public institution

[According to Article 59.1 of the Code of Civil Procedure, state bodies, individuals and legal entities may apply to the court to protect the rights, freedoms and legally protected interests of other persons at their request or to protect the interests of other persons. In order to protect the interests of minors, a lawsuit can be filed without the request of interested parties] Legal professional

[According to Article 59.1 of the Code of Civil Procedure, state bodies, individuals and legal entities may apply to the court to protect the rights, freedoms and legally protected interests of other persons or to protect the interests of other persons. In order to protect the interests of minors, a lawsuit may be filed without the request of interested parties Associations for protection of minors

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

Age threshold(s)

Capacity for discernment

Other criteria

Comment Under article 20.1 of the Criminal Code the person who has reached age of 16, to time of committing a crime shall be subjected to the criminal liability. The persons who have reached the age of 14, to time of committing a crime, shall be subjected to the criminal liability for deliberate murder, deliberate causing of heavy or less heavy harm to health, kidnapping of the person, rape, violent actions of sexual nature, theft, robbery, extortion, illegal occupation of the automobile or other vehicle without the purpose of plunder, deliberate destruction or damage of property under aggravating circumstances, terrorism, capture of the hostage, hooliganism under aggravating circumstances, plunder or extortion of fire-arms, ammunition, explosives and explosives, plunder or extortion of narcotics or psychotropic substances, reduction unsuitability of vehicles or means of communication] Age threshold(s)

[Diminished responsibility issues are regulated by article 21 of the Criminal Code. Thus the person, who at the time of committing publicly dangerous act (action or inaction), was in a condition of diminished responsibility, and could not realize actual nature and public danger of the acts (actions or inaction) or supervise over them in order to chronic mental disease, timed infringement of mental activity, dementia or other mental disease shall not be subjected to the criminal liability. To the person, who has committed publicly dangerous act (action or inaction) in a condition of diminished responsibility, court can appoint the forced measures of medical nature provided by the present Code. To the person, who has committed a crime in a condition of legal capacity, but before adopting by court of a decision, he has become emotionally diseased, and depriving opportunity to realize actual nature and public danger of his acts (actions or inaction) or supervise over them, court can appoint forced measures of medical nature as it provided by the present Code] Capacity for discernment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

[16]

NA

NAP

Criminal liability resulting in sentence of privation of liberty

[]

[] NA

[X] NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

[According to the article 85.1 of the Criminal Code to minors shall be appointed penalty, public works corrective works and restraint of freedom. The penalty shall be appointed only at presence at a minor of independent earnings or property on which collecting can be inverted. The penalty is appointed at a rate up to six hundred manats. Public works shall be appointed for the term from eighty to three hundred twenty hours, consist in performance of works, feasible for the minor condemned in free from study or basic work time. Duration of execution of the given kind of punishment by persons in the age of till fifteen years can not exceed two hours per day, and persons in the age from fifteen till sixteen years - three hours per day. Corrective works shall be appointed to minor for the term from two months up to one year. In this case from earnings of condemned shall be made deduction to state at a rate, established by a decision of court, in limits from five up to twenty percents. The restraint of freedom is imposed on minors for a term of two months to two years.

It should be emphasized under article 88 of the Criminal Code the minor, who for the first time has committed a crime, that does not represent big public danger or less serious crime, can be released from a criminal liability if will be recognized, that his correction can be achieved by application of forced measures of educational influence. To minor can be applied the following forced measures of educational influence:

- warning;
- transfer under supervision of parents or persons, replacing them, or appropriate state body;
- assignment of duty to remove the caused harm;
- restrictions of leisure and an establishment of special requirements to behavior of the minor]

Criminal liability resulting in sentence of privation of liberty

[Article 85 of the Criminal Code states that minors can be subject to imprisonment on a certain term. Imprisonment can be appointed to minor for the term not over ten years. According article 86 of the Criminal Code at assignment of punishment to a minor court takes into account conditions of life and education of this person, a level of mental development, other features of his individual, and also influence on him of extraneous persons. At the same time at assignment of punishment as softening circumstance to minor shall be taken into account in aggregate with other circumstances mitigating and aggravating punishment]

032. Does your country allocate compensation for victims of offences?

- (X) Yes, but only if offender is unknown
- () Yes, but only if compensation could not be obtained from offender
- () Yes, always
- () No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

- (X) For all types of offences
- () For some types of offences

[] NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- (X) Yes
- () No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify:

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP

Comment - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

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

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

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for judges	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for lawyers	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Surveys for other professionals	<input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the parties	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for victims	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for minors	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the general public	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

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

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Yes, please specify: Official court statistics on criminal cases show the information on accused people, their age, sex and other data. Information on the parties related to other cases can be obtained through the Electronic Judicial System based on relevant requests.

No

Comment - If you have additional comments please specify:

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

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Ministry of Justice	(X) Yes () No	(X) Yes () No
High Judicial Council	(X) Yes () No	(X) Yes () No
Other external bodies (e.g. Ombudsman)	(X) Yes () No	(X) Yes () No

Comments Other external body is Ombudsman.

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	[X] NA [] NAP	[X] NA [] NAP
Higher court	[X] NA [] NAP	[X] NA [] NAP
Ministry of Justice	[X] NA [] NAP	[X] NA [] NAP
High Judicial Council	[X] NA [] NAP	[X] NA [] NAP
Other external bodies (e.g. Ombudsman)	[X] NA [] NAP	[X] NA [] NAP

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

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	116 [] NA [] NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	93 [] NA [] NAP
1.1 First instance courts of general jurisdiction - legal entities	86 [] NA [] NAP
1.2 Second instance courts of general jurisdiction - legal entities	6 [] NA [] NAP

1.3 Highest instance courts of general jurisdiction - legal entities	1 [] NA [] NAP
2 Total number of specialised courts - legal entities	23 [] NA [] NAP

Comments

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	23 [] NA [] NAP	[] NA [X] NAP
Commercial courts (excluded insolvency courts)	6 [] NA [] NAP	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP	[] NA [X] NAP
Labour courts	[] NA [X] NAP	[] NA [X] NAP
Family courts	[] NA [X] NAP	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP	[] NA [X] NAP
Administrative courts	6 [] NA [] NAP	[] NA [X] NAP
Insurance and / or social welfare courts	[] NA [X] NAP	[] NA [X] NAP
Military courts	6 [] NA [] NAP	[] NA [X] NAP
Juvenile courts	[] NA [X] NAP	[] NA [X] NAP
Other specialised courts	5 [] NA [] NAP	[] NA [X] NAP

Comments - If "Other specialised courts", please specify: There are 5 grave crime courts. According to the Decree "On deepening the reforms in the judicial system" was signed by the President of the Republic of Azerbaijan in 2019 6 commercial and 6 administrative courts were established

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	109 [] NA [] NAP
All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	116 [] NA [] NAP

Comments Each geographical location (district) is identical to our number of district courts-legal entities. As well as there are regional specialized courts (administrative, commercial, grave crimes and military courts).

=

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

	Number of courts
A small claim	92 [] NA [] NAP
An employment dismissal	92 [] NA [] NAP
A robbery	13 [] NA [] NAP
An insolvency case	6 [] NA [] NAP

Comments According to the Decree "On deepening the reforms in the judicial system" was signed by the President of the Republic of Azerbaijan in 2019 6 commercial and 6 administrative courts were established. So a "small claim" cases also being considered by 86 courts of general jurisdiction and 6 newly created commercial, "an employment dismissal" cases are being considered by 86 courts of general jurisdiction and 6 newly created administrative courts. An insolvency cases are being considered by 6 commercial courts.

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim: There was no definition for small claims in legislation in 2018. According to the amendments made to the Civil Procedural Code of the Republic of Azerbaijan by the Law on December 28 it was adopted the definition of the small claims in Azerbaijan. It has been established simplified procedures in civil and economic disputes cases related to these claims. The main purpose of the establishment of the small claim procedures is to give the possibility to citizens and entrepreneurs to speedy trial of their claims.

045-2. Please indicate the value in € of a small claim:

Comments According to the amendments made to the Civil Procedural Code of the Republic of Azerbaijan by the Law on December 28, 2018 small claims are defined as claims which do not exceed 2,000 AZN (two thousand manats) (957 in €) for civil cases and 10,000 AZN (ten thousand manats) (4787 in €) for economic cases. From October 1 of 2021, the cost of a small claim is set at 5,000 manat (2400 in €) for civil cases (currently up to 2,000 manat), and up to 10,000 manat set for commercial disputes.

C. Please indicate the sources for answering the questions in this part

Sources: Judicial-Legal Council; Law «On courts and judges» dated 1997; Civil Procedural Code of the Republic of Azerbaijan

3.2. Court staff

3.2.1 Judges and non-judge staff

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

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	522 [] NA [] NAP	447 [] NA [] NAP	75 [] NA [] NAP
1. Number of first instance professional judges	368 [] NA [] NAP	313 [] NA [] NAP	55 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	116 [] NA [] NAP	102 [] NA [] NAP	14 [] NA [] NAP
3. Number of Supreme Court professional judges	38 [] NA [] NAP	32 [] NA [] NAP	6 [] NA [] NAP

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

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

() Yes

(X) No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

- Elderly care
- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	522 <input type="checkbox"/> NA <input type="checkbox"/> NAP	269 <input type="checkbox"/> NA <input type="checkbox"/> NAP	195 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
First instance	368 <input type="checkbox"/> NA <input type="checkbox"/> NAP	188 <input type="checkbox"/> NA <input type="checkbox"/> NAP	152 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Second instance	116 [] NA [] NAP	60 [] NA [] NAP	34 [] NA [] NAP	22 [] NA [] NAP	[] NA [X] NAP
Supreme court	38 [] NA [] NAP	21 [] NA [] NAP	9 [] NA [] NAP	8 [] NA [] NAP	[] NA [X] NAP

If "Other", please explain which types of cases:



=

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	102 [] NA [] NAP	100 [] NA [] NAP	2 [] NA [] NAP
1. Number of first instance court presidents	95 [] NA [] NAP	94 [] NA [] NAP	1 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	6 [] NA [] NAP	5 [] NA [] NAP	1 [] NA [] NAP
3. Number of Supreme Court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments There has been a decrease of one female court president of first instance since the last data collection cycle, due to a retirement

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

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

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

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

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

Comments

049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or "juges

consulaires”, but not arbitrators or persons sitting on a jury):

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	()	()	()
Criminal cases (misdemeanour and/or minor)	()	()	()
Family law cases	()	()	()
Labour law cases	()	()	()
Social law cases	()	()	()
Commercial law cases	()	()	()
Insolvency cases	()	()	()
Other civil cases	()	()	()

NAP

Comments - If “Other civil cases”, please specify:

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

() Yes

(X) No

Comments

050-1. If yes, for which type(s) of case(s)?

Criminal cases

Other than criminal cases

Comments

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

[]

NA

NAP

Comments

=

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	2 855 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 527 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 328 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	1 235 <input type="checkbox"/> NA <input type="checkbox"/> NAP	702 <input type="checkbox"/> NA <input type="checkbox"/> NAP	533 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	1 244 <input type="checkbox"/> NA <input type="checkbox"/> NAP	628 <input type="checkbox"/> NA <input type="checkbox"/> NAP	616 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	376 <input type="checkbox"/> NA <input type="checkbox"/> NAP	197 <input type="checkbox"/> NA <input type="checkbox"/> NAP	179 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other non-judge staff", please specify:

052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	2 855 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 527 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 328 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Total non-judge staff working in courts at first instance level	2 146 [] NA [] NAP	1 158 [] NA [] NAP	988 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	474 [] NA [] NAP	257 [] NA [] NAP	217 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	235 [] NA [] NAP	112 [] NA [] NAP	123 [] NA [] NAP

Comments

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

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

Comments

C1. Please indicate the sources for answering the questions in this part

Sources: Judicial-Legal Council; Ministry of Justice.

3.3. Public prosecution

3.3.1 Public prosecutors and staff

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	1 303 [] NA [] NAP	1 216 [] NA [] NAP	87 [] NA [] NAP
1. Number of prosecutors at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of prosecutors at Supreme Court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above:

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

() Yes

(X) No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

[] Elderly care

[] For the purposes of early retirement

[] Other reason, please specify:

[] Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

Total (%)	Male (%)	Females (%)

Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of heads of prosecution offices at first instance level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of heads of prosecution offices at Supreme Court level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above:

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

- Yes
- No

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

057-1. Please specify their number (in full-time equivalent):

[]

[] NA

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

() Yes

() No

[] NAP

Comments

059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

	-
Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Sexual violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify

=

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

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

Comments

C2. Please indicate the sources for answering the questions in this part

Sources: General Prosecutor Office

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year or you have additional comments, please specify:

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Yes / No

Court president	() Yes If “yes”, please specify:[Comment] (X) No
Head of prosecution services	() Yes If “yes”, please specify:[Comment] (X) No

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

() Yes

(X) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us? The Government of Azerbaijan conducts regularly women’s awareness operations. SCFWCA has organized awareness missions to

promote among women the General Recommendations of the CEDAW Committee, including the CEDAW itself (the Convention on Elimination of All Forms of Discrimination against Women) and its Additional Protocols. The special project on Strengthening the Role of Civil Society in Promotion of Gender Equality and Women’s Rights is being elaborated to increase the role of non-governmental organizations in monitoring and reporting to ensure the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Capacity building activities has been fulfilled to accomplish this target: i) increasing of overall legal literacy of NGOs on various international mechanisms on women’s rights, and particularly, the CEDAW and its Additional Protocol; ii) increasing the knowledge of NGO sector to act as an effective advocate of women’s rights; iii) providing NGOs with resources and practical skills to conduct a monitoring and elaborate alternative reports on women’s rights. Capacity building measures have included the preparation of educational resources and tools coupled with awareness sessions and training courses. 20 NGO representatives have taken part in training sessions. Legal guidelines on CEDAW Convention are developed and printed for NGOs. At the same time, the set of core principles is formed and printed to be used in drawing the alternative CEDAW reports. A training module comprising resources related to the increasing economic and social rights of women on the basis of CEDAW is developed and circulated to different users.

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
The recruitment of judges	(X)	()
The promotion of judges	(X)	()
The recruitment of prosecutors	(X)	()
The promotion of prosecutors	(X)	()
The recruitment of non-judge staff	(X)	()
The promotion of non-judge staff	(X)	()

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments: State committee for family, women, and children affairs is an institution dealing with gender issues in all areas. According

to the article 8.12 of the Statute of this body one of the duties of this body is supervising the insurance of gender equality in all areas.

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) State committee for family, women, and children affairs of Azerbaijan Republic. State committee for family, women, and children affairs was established by the Decree of the President of the Republic of Azerbaijan, dated February 6, 2006.

NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) State committee for family, women, and children affairs of Azerbaijan Republic – The State Committee for Family, Women and Children’s Issues (henceforth – the Committee) is a central executive power body implementing and regulating the state policy on family, women and children’s issues

NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. to block a decision or allow an appeal) The chairman of the Committee Issues orders and decrees to be executed, adopts (signs) legal acts, arranges their execution and carries out supervision in compliance with the legislation

NAP

3.4.3 At court/public prosecution services level



061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)

for courts' non-judge staff	()	(X)
-----------------------------	-----	-------

Comments - Please specify the details of this person/institution, in particular its titles and function:

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment to different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the workspace	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : Ensuring gender equality to protect gender equality, protect women's rights, leadership, gender audit, existing gender policy and national and international legislation in this area cooperation with organizations, methods of combating sexual discrimination and other appropriate measures are being taken. As a result of this measures in all judicial areas the number of women have increased and this tendency continues. As an example: the number of women judges in the judiciary is growing steadily: in 2013, women made up 13% of the judiciary, up from 17% a year earlier.

Also, over the past five years, more than 30 percent of those appointed to the position of judges after passing examinations with candidates for judges, as well as more than 40 percent of candidates appointed for the last time based on the results of such competitions. women.

Currently, of the 41 candidates who have successfully passed the examinations and are undergoing training to become judges, 60 percent are women.

All this is a manifestation of the observance of the principles of gender equality in our country, the activity of women in various spheres of public life. Analysis done on the basis of statistical data, a positive trend in this direction is observed in all judicial areas. The comprehensive information is provided in the reports as per following links: AZ - https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224 EN - https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224

are planned (please specify) : Above mentioned and other measures are planed to continue. The comprehensive information is provided in the reports as per following links:

AZ - https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224 EN - https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224

Comments - If the situation changed since reference year, please specify in the comments. The comprehensive information is provided in the reports as per following links:

AZ - https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224 EN - https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify:

NAP

Comments - Please specify also the reference documents.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input type="checkbox"/> Defined and coordinated at national level by one institution <input checked="" type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other

IT Governance	<input type="checkbox"/> Governed at national level by one institution <input checked="" type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other
----------------------	--

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - please also describe in case of “other alternatives” Management mainly provided by Judicial Services and Smart Infrastructure Project (JSSIP).

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

062-4-1. If yes, please specify the following information:

	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	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criminal	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Administrative	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - if it exists in other matters please specify As a result of the improvement of the “Electronic Court” information system, court decisions on criminal and administrative cases have been placed in the electronic database of judicial acts. At the same time after making amendment to the legislation in 2018, all court decisions were disseminated anonymously. Court judgements on civil and commercial cases are also placed anonymously in the system.

062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments

062-6-1. If yes, please specify the following information:

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access It is expected to be integrated with Electronic Court Information System for judges.

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

Yes

No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

Yes

No

Comments Court hearings audio & video recording system (Az-FEMDA) was developed in 2016 and being implemented in the courts since January 2017. Currently the Court hearings audio & video recording system (Az-FEMDA) is implemented in all Baku, Sheki, Sumgait and Nakhchivan Autonomous Republic, in some courts of jurisdiction of Ganja, as well as in Supreme Court of the Republic of Azerbaijan and in the seven administrative-economic courts, which in total amounts to 77 courts of the country. Such opportunity has been created as part of the measures taken to develop and improve the "e-court" information system.

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

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	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Business registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment – if it exists in other matters please specify:

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Justice expenses management	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other (please specify in comments)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments "Other" is Document Management System with module of e-staff management.

Other tools of courts management

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

For prosecutors	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify As a result of the development and improvement of the “E-Court” system and amendments to the legislation, criminal proceedings have been provided electronically as well.

As the Administrative Procedural Code does not provide not only electronic submission, paper submissions remain in administrative cases

“as an option”.

064-3. Is it possible to request legal aid by electronic means?

- Yes
- No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

- Yes
- No

Comments

064-4-1. If yes, please specify the following information:

Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework

Civil and/or commercial	[X]	[X]	[]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[X]
Criminal	[X]	[X]	[]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[]
Administrative	[X]	[X]	[]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[]

Comments As a result of the development and improvement of the “E-Court” information system and amendments to the legislation, criminal proceedings have been provided electronically. At the same time, since the mobile application of the "E-Court" information system has been launched, information is also provided through the app.

Other is e-Filing system (personal electronic web-cabinet for parties). "Specific computer application" is understood as desktop application, therefore we made clarification selecting "Other" to indicate that we use Web-based software application.

Use of information technologies for improving the quality of the communication between courts and professionals

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for

Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments Other: e-Filing system (personal electronic web-cabinet for parties) "Specific computer application" is understood as desktop application, therefore we made clarification selecting "Other" to indicate that we use Web-based software application.

Due to the launch of the mobile app of the "E-Court" information system, the possibility of electronic communication between the parties and lawyers is also implemented through the mobile application.

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments According to the amendments to the legislation, notaries can resolve disputes on the basis of the writ of execution. At the same time, the launch of a mobile app for the "E-Court" information system has created conditions for the expansion of electronic communication.

064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?

Yes

No

Comments – Please describe the system that exists.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees' transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments Legislation in this area has been amended, and as a result of the improvement of the "E-Court" information system, audio and video recording of court hearings has been provided in the courts to which the system is connected.

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

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

Yes

No

Comments - If yes, please specify:

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

Yes / No

within the courts	(X) Yes () No
within the public prosecution services	(X) Yes () No

Comments

3.6.2 Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

- (X) Yes
() No

Comments

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

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

- (X) Yes
() No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)

- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

- Yes
- No

Comments

073-0. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If “Less frequent” or “More frequent”, please specify:

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

- Yes
- No

Comments

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment)
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

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

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?

Public Prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchically superior public prosecutor

Prosecutor General /State public prosecutor

External audit body

Other (please specify):

Comments

3.6.3 Measuring courts' / public prosecution services activity

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

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

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

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	(X)	()
within the public prosecution services	(X)	()

Comments

3.6.4 Information regarding courts /public prosecution services activity

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

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

Comments

080-1. Are the statistics on the functioning of each court published?

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

Comments

=

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

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

Comments

080-3. Are the statistics on the functioning of each public prosecution service published?

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



=

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments



=

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

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

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

3.6.5 Courts administration

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

NAP

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

=

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public Prosecutorial Council
- Head of the organisational unit or hierarchically superior public prosecutor
- Other (please specify):
- NAP

Comments

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

- Yes
- No

Comments

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

Comments

C4. Please indicate the sources for answering the questions in this part

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

4.Fair trial

4.1.Principles

4.1.1 Principles of fair trial

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

[]

[X] NA

[] NAP

Comments - Please add methodology for calculation used.

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

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

[X] NA

Comments

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

[] For civil procedures (non-enforcement)

[] For civil procedures (timeframe)

[] For criminal procedures (timeframe)

[] NAP

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

086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

(X) Yes

() No

[] NAP

Comments

D1. Please indicate the sources for answering the questions in this part

Sources: NA

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

- civil cases
 criminal cases
 administrative cases
 There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

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

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
 criminal cases
 administrative cases

Comments - If yes, please specify:

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

- Yes
 No

Comments - If yes, please specify:

4.2.2 Case flow management – first instance

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	32 260 <input type="checkbox"/> NA <input type="checkbox"/> NAP	162 150 <input type="checkbox"/> NA <input type="checkbox"/> NAP	154 544 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 866 <input type="checkbox"/> NA <input type="checkbox"/> NAP	765 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	27 932 [] NA [] NAP	150 130 [] NA [] NAP	143 588 [] NA [] NAP	34 474 [] NA [] NAP	726 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	4 328 [] NA [] NAP	12 020 [] NA [] NAP	10 956 [] NA [] NAP	5 392 [] NA [] NAP	39 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved civil and commercial litigious cases and administrative case. There were severe restrictions on the work of the courts for about 4 months during the year of 2020. It was recommended to temporarily postpone the consideration of the cases except the cases that need to be considered urgently or not require a court hearing (i.e., selection, prolongation, changing and lifting of judicial sanctions, cases of administrative detention, enforcement of lawsuits, order proceedings, simplified proceedings on small claims, special proceedings on some categories, etc.). To provide efficiency and access to justice, it was recommended to widely use the “Electronic Court” information system by the courts, especially on civil and commercial disputes, as well as consider administrative cases by the consent of the parties without oral hearings. All cases related to early release from custody, as well as issues of extending the period of arrest are considered using a remote video conference system. Also, it is planned to launch an application for some types of civil cases, which will ensure virtual participation of the parties at the court hearings. All citizens were notified and asked to sue or file other documents electronically only. Every court provided a separate telephone number which would be active for citizens consulting on their specific questions related to activity of court

during quarantine or provide answers on general topics.

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

. No comment

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

. No comment

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	2 454 [] NA [] NAP	12 414 [] NA [] NAP	10 663 [] NA [] NAP	4 205 [] NA [] NAP	184 [] NA [] NAP
1. Severe criminal cases	525 [] NA [] NAP	2 082 [] NA [] NAP	1 599 [] NA [] NAP	1 008 [] NA [] NAP	63 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	1 929 [] NA [] NAP	10 332 [] NA [] NAP	9 064 [] NA [] NAP	3 197 [] NA [] NAP	121 [] NA [] NAP
3. Other criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify Due to SARS Covid-19 related lock-down and operation restrictions, there has been an increase of pending criminal law cases at the end of the year. There were severe restrictions on the work of the courts for about 4 months during the year of 2020. It was recommended to temporarily postpone the consideration of the cases except the cases that need to be considered urgently or not require a court hearing (i.e., selection, prolongation, changing and lifting of judicial sanctions, cases of administrative detention, enforcement of lawsuits, order proceedings, simplified proceedings on small claims, special proceedings on some categories, etc.). To provide efficiency and access to justice, it was recommended to widely use the “Electronic Court” information system by the courts, especially on civil and commercial disputes, as well as consider administrative cases by the consent of the parties without oral hearings. All cases related to early release from custody, as well as issues of extending the period of arrest are considered using a remote video conference system. Also, it is planned to launch an application for some types of civil cases, which will ensure virtual participation of the parties at the court hearings. All citizens were notified and asked to sue or file other documents electronically only. Every court provided a separate telephone number which would be active for citizens consulting on their specific questions related to activity of court during quarantine or provide answers on general topics.

4.2.3 Case flow management – second instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	5 911 [] NA [] NAP	25 633 [] NA [] NAP	24 070 [] NA [] NAP	7 474 [] NA [] NAP	163 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	4 969 [] NA [] NAP	21 382 [] NA [] NAP	20 223 [] NA [] NAP	6 128 [] NA [] NAP	146 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	942 [] NA [] NAP	4 251 [] NA [] NAP	3 847 [] NA [] NAP	1 346 [] NA [] NAP	17 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If “Other cases” please specify Due to SARS Covid-19 related lock-down and operation restrictions, there has been a

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	506 [] NA [] NAP	4 335 [] NA [] NAP	3 592 [] NA [] NAP	1 249 [] NA [] NAP	22 [] NA [] NAP
1. Severe criminal cases	180 [] NA [] NAP	1 094 [] NA [] NAP	873 [] NA [] NAP	401 [] NA [] NAP	12 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	326 [] NA [] NAP	3 241 [] NA [] NAP	2 719 [] NA [] NAP	848 [] NA [] NAP	10 [] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved criminal law cases as well as an increase of cases pending at the end of the year

4.2.4 Case flow management – Supreme Court



099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	1 826 [] NA [] NAP	8 617 [] NA [] NAP	8 205 [] NA [] NAP	2 238 [] NA [] NAP	0 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 300 [] NA [] NAP	6 442 [] NA [] NAP	5 832 [] NA [] NAP	1 910 [] NA [] NAP	0 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	526 [] NA [] NAP	2 175 [] NA [] NAP	2 373 [] NA [] NAP	328 [] NA [] NAP	0 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other cases", please specify Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved civil and commercial litigious cases as well as an increase of those cases pending at the end of the year

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

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

(X) No

Comments

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	507 [] NA [] NAP	1 168 [] NA [] NAP	1 068 [] NA [] NAP	607 [] NA [] NAP	0 [] NA [] NAP

1. Severe criminal cases	271 [] NA [] NAP	616 [] NA [] NAP	545 [] NA [] NAP	342 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	236 [] NA [] NAP	552 [] NA [] NAP	523 [] NA [] NAP	265 [] NA [] NAP	0 [] NA [] NAP
3. Other criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved criminal law cases

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Litigious divorce cases	5 208 [] NA [] NAP	20 963 [] NA [] NAP	19 880 [] NA [] NAP	6 291 [] NA [] NAP	10 [] NA [] NAP
Employment dismissal cases	69 [] NA [] NAP	615 [] NA [] NAP	565 [] NA [] NAP	119 [] NA [] NAP	1 [] NA [] NAP
Insolvency	2 [] NA [] NAP	15 [] NA [] NAP	14 [] NA [] NAP	3 [] NA [] NAP	0 [] NA [] NAP
Robbery case	23 [] NA [] NAP	102 [] NA [] NAP	86 [] NA [] NAP	39 [] NA [] NAP	0 [] NA [] NAP
Intentional homicide	80 [] NA [] NAP	253 [] NA [] NAP	197 [] NA [] NAP	136 [] NA [] NAP	19 [] NA [] NAP

Comments According to the recommendation of "Doing Business" recommendations there was made a lot changes to the insolvency legislation. According to changes to Civil Procedur Code from the 1st of January of the 2019th year The judge may postpone consideration of the case on the grounds specified in this Code, in the event of unforeseen circumstances. The case may be adjourned no more than three times. After that, the next time the trial is postponed, the judge must make a reasoned decision. Also all judicial proceedings on economic disputes including delivery, acceptance of applications, complaints, and other documents, as well as delivery of court documents to the court and process participants, are carried out through the Electronic Judicial information system in electronic order. No other form of submission of the documents submitted in the manner prescribed below may be required. Also according to this law the definition of the small claims adopted. It has been established simplified procedures in civil cases considered for claims of less than two thousand manat and claims of less than ten thousand manat for the cases of economic disputes. The main purpose of the establishing small claim procedures is to give a fair trial of the claims of citizens and entrepreneurs within a short period of time. The main reason for reduction the robbery is preventive measures, as well as improvement of the social and economic situation of citizens.

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101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-court procedures relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP	123 <input type="checkbox"/> NA <input type="checkbox"/> NAP	147 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to the right of entry and stay for aliens	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. According to clause 9.20 of the Statute of the State Migration Service, the status of refugee (asylum seeker) and issuance of refugee status, as well as admission and temporary accommodation and registration of asylum-seekers are within the competence of the agency. Decisions of the Migration Service on these issues may be appealed to the administrative court.

101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Child pornography	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: Child sexual abuse for the purposes of the Article 171 of the Code means involving of minor to prostitution or commitment of other immoral actions“Child pornography” for the purposes of the Article 171-1 of the Code means any items or materials that reflect participation of the minor or person creating an image of a minor, in real or simulated activities of explicitly sexual nature or reflect the genitals of

minors for sexual purposes including realistic images that reflect the minor participating in explicit sexual acts. Distribution, advertising, sale, transfer to others, sending, offer, creating conditions for acquisition or manufacture, acquisition or possession with intent to distribute or advertise child pornography -

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the investigation phase in criminal cases as well as enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Litigious divorce cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Employment dismissal cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Insolvency cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Robbery cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Intentional homicide cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP

Comments According to Civil Procedural Code of Azerbaijan case must be considered no later than 3 months after the application is received by the court. Cases on employment, alimony, adoption, incorrect decisions, actions (or inactions) of state bodies, public associations, officials shall be considered and resolved within 1 month. According to the Family Code, if one of the parties does not agree

to the dissolution of the marriage, the court may adjourn the case by setting a period of 3 months for the couple to reconcile. The appeal shall be considered within 3 months from the date of its receipt by the court and the cassation appeal within 2 months from the date of its receipt.

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

. According to the Family Code, when a court finds out that it is impossible for a couple to live together and keep the family, the marriage is divorced. If one of the parties fails to agree to a divorce, the court may postpone the case by setting a period of three months for reconciliation. Marriage is broken when there is no reconciliation or when one of them insists on divorce. If the spouse with common minor children has mutual consent for the dissolution of the marriage, as well as in the cases specified in Article 19.2 of this Code, the marriage is dissolved without judicial investigation. Husband and wife have the right to bring their children to court in accordance with Article 22.1 of this Code. In the absence of this agreement or in breach of the child's interests, the court shall take measures to protect their interests in accordance with Article 22.2 of this Code.

Divorce of the marriage shall take place not later than 1 month from the date of filing of the application by the spouses.

When a marriage is divorced, the couple will stay with the juvenile court, the rules for paying children and (or) needing and maintaining a husband (wife), the amount of that amount, and the common property of the spouse. who may submit an agreement. If there is no agreement between the spouses on the matters referred to in Article 22.1 of this Code, and if this agreement violates the interest of the child or one of the parties, the court shall:

1. Determine which of the parents of minors after divorce remain with their parents;
2. Determine which parents and in what amount the alimony is appropriated for children;
3. at the request of the spouse (one of them) to distribute the property which is jointly owned by them;
4. Determine the amount to be deducted from the husband (wife) at the request of the wife (husband), who has the right to receive funds to keep her husband (wife).

When a division of property affects the interests of a third party, the court may separate the property division claim.

Marriage is considered to have been terminated from the date of state registration of the violation in the relevant executive authority, and in the case of judicial divorce from the date of the court's decision coming into force. Judicial dissolution of marriage shall be subject to state registration in the manner prescribed for state registration of acts of civil status.

Within three days from the date of the court's decision on divorce, the court must send the extract to the relevant executive authority.

A husband may not remarry until he or she obtains a divorce certificate.

According to the amendments to the legislation, from July 2021, it is considered to hold a mandatory initial mediation session on disputes arising from family relationships (including divorce, alimony, etc.).

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

. According to the Civil Procedural and Criminal Procedural codes it is provided timeframes for considering and finalizing the cases in all instances. For example for most of civil cases 3 months, in appeal court three month, Supreme Court two months.

4.2.6 Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options

possible):

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

Comments

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	5 295 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	24 472 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	24 683 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	8 665 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	5 221 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	1 172 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	2 272 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.1.4 Discontinued for other reasons	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.3. Cases closed by the public prosecutor for other reasons	4 883 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.4. Cases brought to court	11 135 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Pending cases on 31 Dec. ref. year	5 084 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments « Cases closed by the public prosecutor for other reasons» where most of the closed cases consist of cases where the proceedings are combined or sent accordingly (cases redirected to the appropriate prosecutor's office based on its territorial and/or specialization focus).

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Before the main trial	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
During the main trial	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: Sources: Letter of the General Prosecutor Office

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1 Recruitment and promotion of judges

110. How are judges recruited?

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

Comments

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

- An authority made up of judges only
- An authority made up of non-judges only
- An authority/authorities made up of judges and non-judges
- Other

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

111-1. How many members compose this authority?

	Total	Male	Female
Members	13	12	1
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? 13 is the actual number of members of the Legal Judicial Council in 2020. 2 of 15 persons were missing due to following reasons: one person has reached retirement age and another has been prematurely terminated due to his appointment as a judge of a higher court.

According to Article 6 of Law on Judicial-Legal Council, the Council is composed of 15 members. Judicial-Legal Council is mainly composed of judges, representatives of executive and legislative bodies, prosecutor's office, as well as, bar association in the following manner: •head of the relevant executive body* (Minister of Justice) of the Republic of Azerbaijan; •President of the Supreme Court of the Republic of Azerbaijan; •person appointed by the President of Republic of Azerbaijan; •person appointed by Milli Majlis of the Republic of Azerbaijan; •a judge appointed by the Constitutional Court of the Republic of Azerbaijan;

•two judges of cassation instance court selected by the Supreme Court from among the candidates by the associations of judges; •two judges of the Court of Appeal selected by the Judicial Council from among the candidates offered by the associations of judges; •judge of the Supreme Court of Nakhchivan Autonomous Republic (NAR) selected by the NAR Supreme Court from among the candidates by the associations of judges; •two judges of the first instance courts, selected by the Judicial Council from among the candidates offered by the associations of judges; •person appointed by the head of the relevant executive body* (Ministry of Justice) of the Republic of Azerbaijan; •lawyer appointed by the Collegial Board of Bar Association of the Republic of Azerbaijan; •person appointed by the General Prosecutor's Office of the Republic of Azerbaijan.

Minister of Justice of the Republic of Azerbaijan and the President of the Supreme Court of the Republic of Azerbaijan are ex officio members of the Judicial-Legal Council. According to Article 14 of aforementioned law, Judicial-Legal Council forms the Judges Selection Committee vested with selection of candidates for the vacant judicial posts and composed of 11 members, including judges, Council staff, representatives of the relevant executive body of the Republic of Azerbaijan and the Prosecutor's Office as well as, defense lawyers and act academicians:

- two judges of the Supreme Court of the Republic of Azerbaijan;
- three judges of the Court of Appeal;

•NAR Supreme Court judge; •member of staff of the Judicial-Legal Council; •representative of the relevant executive body (Ministry of Justice) of the Republic of Azerbaijan; •representative of the Prosecutor’s Office of the Republic of Azerbaijan; •member of the Bar of the Republic of the Republic of Azerbaijan; •law academician. Members of the Judicial-Legal Council cannot be simultaneously members of the Judges Selection Committee

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments – please specify which body is competent to decide on appeal? Decisions of Judges Selection Committee may be appealed to Judicial-Legal Council and decisions of the Council may be appealed to Presidium of Supreme Court.

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

Yes

No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination): As it was mentioned above, according to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President.

However, in accordance with the Law of the Republic of Azerbaijan “On the Judicial-Legal Council” (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion.

The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

The evaluation procedure is carried out in accordance with Article 13 of the Law “on the Judicial-Legal Council” and “the Rules for the Evaluation of Judges' Performance” approved by the Judicial-Legal Council on 06.03.2020.

In accordance with international practice, “the Rules for the Evaluation of Judges' Performance” define various and multifaceted criteria, as well as quantitative and qualitative indicators, in order to assess the professional activity, ethical conduct and communication skills of judges and court chairmen.

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

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

5.1.2 Status, recruitment and promotion of prosecutors



115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify.

115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions:

115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If "Other", please specify: According to the Code of Criminal Procedure, the public prosecutor refuses (or may refuse to prosecute) if there are circumstances that preclude criminal prosecution or allow non-prosecution.

While conducting criminal prosecution, the prosecutor is guided only by the requirements of the law and his inner convictions and relies on the results of the investigation of all the circumstances of the criminal case.

115-4. What form these instructions may take?

- Oral instruction
- Oral instruction with written confirmation
- Written instruction
- Other
- NAP

Comments - If "Other", please specify:

115-5. In that case, are the instructions:

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If "Other", please specify:

115-6. What is the frequency of this type of instructions:

Exceptional

Occasional

Frequent

Systematic

NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

Yes

No

NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions. In case of disagreement with the instructions of a higher prosecutor on the prosecution, for instance, in charging the accused, choosing or changing the measure of restraint, in qualification of the crime, the scope of the charge, the termination of the case or referral of the case to the court, the prosecutor in charge of the procedural supervision over the preliminary investigation shall have the right to send a motivated objection to the higher prosecutor.

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify):

Comments All prosecutors shall be recruited to the prosecutor's office in a transparent manner and in accordance with international requirements, as well as on the basis of a competition consisting of tests, written examinations and interviews. When appointing a public prosecutor from among the candidates who passed the competition successfully, the business acumen, level of professionalism, results of work, and moral qualities shall be taken into account

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

An authority composed of public prosecutors only

An authority composed of non-public prosecutors only

An authority composed of public prosecutors and non-public prosecutors

Other

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

117-1. How many members compose this authority?

	Total	Male	Female
Members	7 [] NA [] NAP	6 [] NA [] NAP	1 [] NA [] NAP

Comments - Please specify what is the status of this authority and who is proposing its members?

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments - Please specify which body is competent to decide on appeal?

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

Yes

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

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination):

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

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

5.1.3Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age:66 or 68

No

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

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

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

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

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

No

Comments

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

Yes, please indicate the compulsory retirement age:60

No

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

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

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

No

Comments According to Article 5.2 of the Law of the Republic of Azerbaijan "On service in the prosecutor's office", a 6-month internship period is imposed for the persons recruited to the prosecutor's office for the first time. The Prosecutor General of the Republic of Azerbaijan may recruit an employee with more than 5 years of experience in the legal profession without the internship period. At the end of the internship, if the head of the prosecutor's office where the intern is serving gives a positive opinion, the intern is appointed to a position with a probation period of 1year (reduced to three months in 2021). An employee who has successfully passes the attestation after the end of the probation period in accordance with Article 5.3 of this Law shall be appointed to a permanent position in the Prosecutor's Office by being appointed to the 9th classification position provided for in Article 10 of this Law.

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

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

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

[]

[] NA

[X] NAP

Comments

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this part

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

5.2. Training

5.2.1 Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in a court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in courts	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training on child-friendly justice	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments

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

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

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

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training on child-friendly justice	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments

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

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on child-friendly justice	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	[]	[X]	[]
Institution(s) for prosecutors	[]	[X]	[]
Institution(s) for both judges and prosecutors	[X]	[]	[]

Comments

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	1 133 163 [] NA [] NAP
Institution(s) for prosecutors	916 352 [] NA [] NAP
Institution(s) for both judges and prosecutors	[] NA [X] NAP

Comments The budget allocated to judicial system increased significantly. One of the areas where the budget increase was felt is for the training institutions.

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. No comment.

5.2.4 Number of trainings



131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	809 [X] NA [] NAP	809 [] NA [] NAP	1 018 [] NA [] NAP
1. For judges	62 [X] NA [] NAP	62 [] NA [] NAP	25 [] NA [] NAP
2. For prosecutors	0 [X] NA [] NAP	0 [] NA [] NAP	6 [] NA [] NAP
3. For other non-judge staff	10 [X] NA [] NAP	10 [] NA [] NAP	6 [] NA [] NAP
4. For other non-prosecutor staff	0 [X] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
5. Training for other professionals	737 [X] NA [] NAP	737 [] NA [] NAP	981 [] NA [] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice.

Before the pandemic courses were provided in person preferably. But since the skills of conducting online courses and technology were already developed, the problems of switching to online training were minimal. Therefore following the current situation with pandemic number of training increased in 2020.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	640 [] NA [] NAP	1 457 [] NA [] NAP
Judges	68 [] NA [] NAP	98 [] NA [] NAP
Prosecutors	0 [] NA [] NAP	6 [] NA [] NAP
Non-judge staff	106 [] NA [] NAP	89 [] NA [] NAP
Non-prosecutor staff	0 [] NA [] NAP	0 [] NA [] NAP
Other professionals	466 [] NA [] NAP	1 264 [] NA [] NAP

Comments

5.3. Practice of the profession

5.3.1 Salaries and benefits of judges and prosecutors



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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	25 476 [] NA [] NAP	22 162 [] NA [] NAP	53 220 [] NA [] NAP	46 296 [] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	39 004 [] NA [] NAP	34 667 [] NA [] NAP	81 480 [] NA [] NAP	72 420 [] NA [] NAP
Public prosecutor at the beginning of his/her career	6 893 [] NA [] NAP	6 066 [] NA [] NAP	14 400 [] NA [] NAP	12 672 [] NA [] NAP

Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	18 014 [] NA [] NAP	15 556 [] NA [] NAP	37 632 [] NA [] NAP	32 496 [] NA [] NAP
--	-----------------------------	-----------------------------	-----------------------------	-----------------------------

Comments In order to improve the quality and efficiency of justice, on 3 April 2019, The President of Azerbaijan signed the Decree “On Deepening Reforms in the Judicial and Legal System”. According to the Decree one of the item stipulated substantial increase of the salary of judges. Accordingly the salary of prosecutes was increased as well.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	(X) Yes () No	(X) Yes () No
Housing	() Yes (X) No	() Yes (X) No
Other financial benefit	() Yes (X) No	() Yes (X) No

Comments

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

[X] NAP

=

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No

Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

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

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

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

Yes

No

Comments - If yes, please specify the conditions and if possible the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, who are the members of this institution/body?

- Only judges
- Judges and other legal professionals
- Other, please specify:

Comments This body has been created in 2016.

138-2. Are the opinions of this institution / body publicly available?

- Yes
 - No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

- Yes
- No

Comments

138-4. If yes, who are the members of this institution/body?

- Only prosecutors
- Prosecutors and other legal professionals
- Other, please specify:

Comments In order to bring to disciplinary responsibility for unethical conduct of prosecutors by reviewing information collected on violations of the rules of ethical conduct, conflict of interest, transparency and anti-corruption or service inspections, giving an opinion on the imposition of disciplinary sanctions in ethical conduct, An Ethics Commission has been established in the Prosecutor General's Office. The prosecutor's office shall consider the relevant information about the employee or the material collected during the official inspection in accordance with the principles of legality, collegiality, justice, impartiality and objectivity and submit it to the Prosecutor General. The Ethical Conduct Commission has 7 (seven) members, who are appointed by the Prosecutor General of the Republic of Azerbaijan from among the candidates elected by the Board of the Prosecutor General's Office. 5 members of the Commission are authorized to carry out disciplinary proceedings.

138-5. Are the opinions of this institution / body publicly available?

- Yes
 - No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

5.4.Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple replies



possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Parliament
- Executive power (please specify):Ministry if Justice
- Other (please specify):Chairmen of the Supreme Court, courts of appeal
- This is not possible

Comments

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

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

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

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

143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

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

Comments

5.4.2 Number of disciplinary procedures and sanctions

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

	Judges	Prosecutors
Total number (1+2+3+4)	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify:

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

	Judges	Prosecutors
Total number (total 1 to 10)	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Reprimand	3 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Temporary reduction of salary	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
7. Transfer to another geographical (court) location	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
8. Resignation	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
9. Other	4 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
10. Dismissal	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Other: 4 «Remark» for judges, 4 «Remark» for prosecutors

E3. Please indicate the sources for answering the questions in this part

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

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	2 031 <input type="checkbox"/> NA	1 687 <input type="checkbox"/> NA	344 <input type="checkbox"/> NA

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

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

Yes ()

No (X)

Comments

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

[]

[] NA

[X] NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

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

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights:

149-0. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Family member	(X) Yes () No	(X) Yes () No	() Yes (X) No
Self-representation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Trade union	(X) Yes () No	(X) Yes () No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): Since 01.01.2018, lawyers have exclusive competency in court representation for any type of cases. Since then non lawyer are not allowed to represent individuals in courts. However in non-criminal cases close relatives of individuals, as well as employees of legal entities could represent their individuals or legal entities respectively.

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

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

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

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

- Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees:

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering the questions in this part

Sources: : Letter Azerbaijan Bar Association, Law «On Advocate and Advocate Activities» dated 28.12.1999, Civil Procedure Code,Criminal Procedure Code.

6.1.2 Practicing the profession

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

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3 Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

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

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

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):

Comments

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

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	121 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	76 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify: The main reasons in a significant decrease in the number of disciplinary proceedings were the regular training of lawyers in the rules of ethical behavior, the transition to transparent and non-cash fees for lawyers.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	63 [] NA [] NAP
1. Reprimand	5 [] NA [] NAP
2. Suspension	2 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	[] NA [X] NAP
5. Other	56 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. The figure 56 in section " other" implies "Preliminary notification" - 38, "Remark" - 11, "Disbarment"- 7

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

(X) Yes

() No

Comments According to the Law “On Mediation” at any stage of the proceedings, the court may, on its own initiative or at the request of one of the parties, offer to settle the dispute through mediation, taking into account the circumstances of the case. If an "Agreement on the Application of the Mediation Process" is concluded between the parties, the proceedings shall be suspended until a conciliation agreement and a protocol on the results of the mediation process are submitted. When a dispute between the parties is resolved through mediation, a settlement agreement shall be submitted to the court. If the court approves the submitted conciliation agreement, the proceedings on the case shall be terminated.

The legislation does not provide for a mandatory mediation procedure. However, the law provides for a mandatory preliminary session on family, labor, and commercial disputes. This provision came into force in 2021.

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

[] Before/instead of going to court

[] Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

[X] No mandatory mediation

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

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: It should be noted that the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021.

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Labour cases including employment dismissals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Consumer cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Yes

No

NAP

Comments - If yes, please specify (only one or both options):: According to Article 36.3 of the Law on Mediation, a mediator or mediation organization carries out mediation on a paid basis. According to this Law, a mediator or mediation organization may, with its consent, carry out mediation on a free basis.

At the same time, according to the "Rules for payment of mediation expenses at the expense of the state budget" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 360 dated August 16, 2019, the procedure for payment of mediation services at the expense of the state is envisaged.

=

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	195 [] NA [] NAP	139 [] NA [] NAP	56 [] NA [] NAP

Comments

167. Number of court-related mediations:

	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
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Labour cases including employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: The Law "On Mediation" was adopted on 29.03.2019. But the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021. Although the provisions on voluntary mediation and court related mediation are in force in 2020. There is no official information on the number of mediation cases in 2020. However, it is known that a small number of cases were considered on a pilot basis.

=

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments The Law "On Mediation" was adopted on 29.03.2019. But the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021. The provisions on voluntary mediation were in force in 2020.

G1. Please indicate the sources for answering the questions in this part

Source: Azerbaijan Mediation Council (<https://mediasiya.org>)

8. Enforcement of court decisions

8.1. Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate



169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	582 [] NA	488 [] NA	94 [] NA
1. Private professionals under the authority (control) of public authorities	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	582 [] NA [] NAP	488 [] NA [] NAP	94 [] NA [] NAP
3. Judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If other, please specify their status and competences: ncreasing in the number of the female enforcement agents related with growing interest in this profession.

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

(X) Yes, please indicate the age of retirement: 60

() No, please specify the duration of the appointment:

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

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	(X) Yes () No	(X) Yes () No
Date of birth	(X) Yes () No	(X) Yes () No
Civil status	(X) Yes () No	(X) Yes () No
Cohabitant	(X) Yes () No	(X) Yes () No
Employer	(X) Yes () No	(X) Yes () No
Motor vehicle	(X) Yes () No	(X) Yes () No
Movable property	(X) Yes () No	(X) Yes () No
Immovable property	(X) Yes () No	(X) Yes () No
Bank account	(X) Yes () No	(X) Yes () No
Other enforcement proceedings underway	(X) Yes () No	(X) Yes () No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	() Yes (X) No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify:

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

	Option
Seizure of movable tangible properties	() Yes, exclusively performed by enforcement agents (X) Yes, but not exclusively performed by enforcement agents () No [] NAP

Preventive seizure of movable tangible properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of immovable properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Seizure of aircrafts	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Sale of shares	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immovable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager

Other

Comments

8.1.3 Training and ICT

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

Yes

No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

Yes

No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

Yes

No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

Yes

No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain: Several functions in "Online enforcement" data system used by executive officers have significantly improved performance (shorting the period of enforcement procedures, saving resources e.t.c). The application of artificial intelligence will contribute for further development in this field.

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

() Yes

(X) No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

[X] The debtor

[] The creditor

[] Other – please specify

Comments

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

(X) Yes

() No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: No comment

8.1.5 Organisation of profession and efficiency of enforcement services



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

(X) Yes

() No

Comments

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

[] professional body

[X] judge

[X] Ministry of Justice

[] public prosecutor

[] other (please specify):

Comments

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

() Yes

(X) No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

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

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

unethical behaviour of enforcement agent

other (please specify):

Comments

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

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

NA

Comments

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

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	23 [] NA [] NAP
1. For breach of professional ethics	8 [] NA [] NAP
2. For professional inadequacy	13 [] NA [] NAP
3. For criminal offence	2 [] NA [] NAP
4. Other	0 [] NA [] NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	23 [] NA [] NAP
1. Reprimand	14 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	[] NA [X] NAP
5. Other	9 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: «Remark» - 3, withdrawal from the position - 6. Remark is a separate independent type of disciplinary liability provided for by the law "On the passage of service in the justice authorities". This is the lowest kind of punishment and means an indication of bad performance at the work. It is rendered in writing form. "Withdrawing from the position" means the final dismissal from the position held (being fired).

H1. Please indicate the sources for answering the questions in this part

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

8.2.Execution of decisions in criminal matters

8.2.1Functioning of execution in criminal matters

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

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

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

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

- Yes
 No

Comments

191. If yes, what is the recovery rate?

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

Comments - Please indicate the source for answering this question:

9.Notaries

9.1.Profession of notary

9.1.1Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	147 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Private professionals (without control from public authorities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Holders of public offices appointed by the State	138 <input type="checkbox"/> NA <input type="checkbox"/> NAP	119 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Civil servants (paid by the State)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

4. Other	9	7	2
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure: "Other notaries" which in previous years were considered in the Evaluation report as public officials are not civil servants, but they execute public duties.

"holder of a public office appointed by the State" A person who has received a certificate for the right to carry out notarial activities and has concluded a compulsory insurance contract is appointed by the relevant executive authority (Ministry of Justice) by a private notary and a registration card is issued to him.

The difference between a private notary and a public notary is that a private notary is not a structural unit of the executive authority, is not financed from the state budget, but is self-financed and bears personal material liability for damage caused by its actions.

192-1. What are the access conditions to the profession of notary (multiple replies possible):

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:
- no, please specify the duration of the appointment:

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

9.1.2 Activities/scope of competences

194. What kind of activities do notaries perform (multiple options possible):

	Please select one option
Authentication	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Other (for example collect taxes, run registers etc.)

- Yes, exclusively performed by notaries
 Yes, but not exclusively performed by notaries
 No
 NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
 Family law
 Succession law
 Company law
 Legality control of gambling activities
 Protection of vulnerable persons
 Other

Comments The "other" areas of law is Financial and Tax Law.

9.1.3 ICT, organisation of the profession and training

194-3. Do notaries use specialised ICT systems in their activity?

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
 In their relations with their clients
 In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
 Business registry
 Civil status / Population registry
 Succession / Family law registry

Any other registry (please specify) Information system of the Ministry of Internal Affairs on registration of persons at the place of residence, means of transport and driving licenses, Information system of the State Service for Property Issues "State Register of Real Estate", Information system of the Ministry of Justice @State register of invalid documents", "Electronic court" information system

- None

Comments

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
 No

Comments - If yes, please specify:

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Business registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Civil status/ Population registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Succession / Family law registry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Any other registry (please specify)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
None	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify
- None

Comments

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments

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

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

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

- Yes
- No

Comments According to the amendmends in 2018 to The Law on Notary Chamber of notaries was established and one of the main functions of this body is organization of different trainings for all notaries.

196-2. Do notaries have training on:

	Yes	No
European law	()	(X)
Law of another Member State (cross-border training programmes)	(X)	()

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: The conference on “German notarial system” was conducted by the German Notarial Chamber. In the framework of joint projects with Ministry of Justice of Azerbaijan the Russian Federation Notarial Chamber regularly carry out courses on diverse aspects of notarial system.

II. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1Status of court interpreters

197. Is the title of court interpreters protected?

- Yes
- No

Comments

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

Yes

No

Comments

199. Number of registered court interpreters:

[]

NA

NAP

Comments

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

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam):

201. Are the courts responsible for selecting court interpreters?

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

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

No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering the questions in this part

Sources: No comment

11. Judicial experts

11.1. Profession of judicial expert

11.1.1 Status of judicial experts



202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case.

202-1. Are there lists or any other form of official registration for judicial experts?

Yes

No

Comments According to the No. 758-IQ dated November 18, 1999 the law of the Republic of Azerbaijan “About the activity of the forensic examination” was not adjusted special database for forensic experts. Each forensic expert data has been placed in the HR office and Quality assurance section of Forensic Sciences Centre of the Ministry of Justice. Furthermore, According to the No. 1709-VQD dated November 29, 2019 Law of the Republic of Azerbaijan “On the activity of the forensic examination” covers to develop the database which is called the the Register of Forensic Experts and have to include all data about state forensic experts and private experts in the registry. Normative acts regulating this mechanism are under the implementation and their fully implementation is expected in the near future.

202-1-1. If yes, at which level is the list established (multiple replies possible):

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

202-1-2. Are these lists publicly available?

Yes, available on the internet

Yes

No

Comments

202-2. Which authority is competent for the registration of judicial experts?

Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria:

202-3. Is the registration of judicial experts limited in time?

Yes, for how long 3 years

No

Comments

202-4. Can an expert who is not on the list or not registered be appointed in a case?

Yes

No

Comment - If yes, please specify in which cases: Register of Forensic Experts and have to include all data about state forensic experts and private experts in the registry. Normative acts regulating this mechanism are under the implementation and their fully implementation is expected in the near future.

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

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

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

Comments Initial training is compulsory for forensic experts.

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

judicial proceedings

the profession of expert

other

Comments Initial training for judicial experts does exist and it is obligatory. Participating in the initial compulsory training on the subject of the expertise is essential for the state forensic experts.

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	30 185 [] NA [] NAP
1.Civil and commercial litigious cases	[X] NA [] NAP
2.Administrative cases	[X] NA [] NAP
3.Criminal cases	[X] NA [] NAP
4.Other cases	[X] NA [] NAP

Comments

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Defined by the court/judge	() Yes () No [X] NAP	() Yes () No [X] NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	() Yes () No [X] NAP	() Yes () No [X] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Freely agreed between expert and the parties	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Other	() Yes () No [X] NAP	() Yes () No [X] NAP

Comments - If other, please specify: According to the law, the cost of commissioned examinations in civil cases is determined by agreement of the parties.

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	(X)	()

Quality of expertise	(X)	()
Other	()	(X)

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify:

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: The Civil and Criminal Procedural Codes of the Republic of Azerbaijan
 The No. 1709-VQD dated November 29, 2019 Law of the Republic of Azerbaijan "On the activity of the forensic examination"
 The No.24-N dated November 29, 2012 "About approval of the Situation on specialization of the forensic expert in the center of forensic examination"

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms



208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Reforms in the judicial system entered a new phase in 2019 in line with modern challenges. Thus, the Decree "On deepening reforms in the judicial system" signed by the President on April 3, 2019 is aimed at forming a high-profile justice system, strengthening judicial protection of citizens' rights, strengthening the independence of the judiciary.

Implementing the Decree, which is an important "road map" for the justice and judicial system, without delay, comprehensive legislative, institutional and practical measures were taken in a short time together with the relevant agencies.

First of all, beside studying the best international practices in the organization of commercial courts, humanization of penal policy and decriminalization of crimes, improvement of enforcement of court decisions and forensic activities, including the application of alternative - private expertise, the formation of a unified judicial practice and other issues, public suggestions and opinions were taken into account, and as a result, about 40 drafts of normative acts were developed.

A number of new laws have been passed that play an important role in ensuring the more efficient functioning of the justice and judicial systems.

The first package of legislation, adopted in July 2020, covered the institutional component of reforms. New regional commercial and administrative courts have been established to ensure that disputes related to entrepreneurial activity are handled by judges with deeper legal knowledge and experience and in a more flexible manner.

The territorial jurisdiction of these courts (which started operating on January 1, 2020) the number of judges and staff was determined in accordance with the analysis as well as the necessary measures were taken for infrastructure and logistics.

In addition, the social protection of judges has been significantly strengthened, and the provision of judicial activity has been improved.

In order to ensure the stability of the approach to resolving legal issues in the courts and the uniform application of substantive and procedural law in the administration of justice, mechanisms have been improved that allow the formation of a unified judicial practice.

In this regard, according to the the new legislation, the duty of the Supreme Court to form a unified judicial practice has been directly established in the Law on Courts and Judges, the importance of the Supreme Court Plenum's explanations on judicial practice is increased and specific legal consequences for the decisions other than those explanations are set.

In addition, the new legislation stipulates that the Plenum of the Supreme Court shall provide appropriate explanations when systematic shortcomings in the application of substantive and procedural law are identified as a result of the generalization of judicial practice.

Another important aspect of the legislative package is forensic activity, which is of special importance in providing quality judicial services and ensuring the right to a fair trial. As a result of these changes, which provide for important innovations, the range of subjects entitled to conduct forensic examinations, as well as to appoint (order) the examination is being expanded. In practice, in some cases, the deadlines for conducting expert examinations and issuing expert opinions, which give rise to legitimate complaints, are specified.

As a result of the changes, the institute of private expertise, introduced for the first time in our country, will allow all individuals or legal entities, their lawyers and representatives to order forensic examination on the basis of a contract with private forensic experts.

It should be noted that persons wishing to act as private forensic experts will be issued a certificate and registered by the Ministry of Justice if they meet the requirements established by law. A person will be able to act as a forensic expert only after obtaining a certificate and entering information about him in the Register.

As part of the implementation of the decree, for the first time, a draft Executive Code was developed in order to systematize the regulations governing the activities in the field of enforcement. Concrete steps have been taken to expand the use of the "electronic execution" information system and prevent procrastination and abuse.

The alternative mechanisms of implementation, including the experience of different countries in relation to the private executive institution were studied on the spot, appropriate preparations are being made for its pilot application in our country.

Despite the increase in the number of judges in the past, their number in our country was still small compared to European countries - in some European countries there were more than 20 judges per 100,000 people, while in Azerbaijan this figure was only 6.

The heavy workload of the courts and the insufficient number of judges, of course, have a negative impact on the timing and quality of cases. In this regard, the Decree increased the number of judges to one-third of the existing corps - 200 units, and increased the flexibility in this process by improving the procedure for selection of judges by the Judicial-Legal Council in order to fill the newly allocated vacancies. It was determined that the exams will be conducted using modern technologies, each candidate will answer the questions individually via computer, and the results will be announced immediately.

In the current year, the acceptance of the documents of the candidates for judges was continued and tests as well as written examinations were held with the candidates who submitted their documents.

Undoubtedly, the staffing of judges will serve to reduce the workload in the courts and the quality of the cases consideration will be higher.

At the same time, in order to reduce the workload of judges by other means and to ensure the frequency of court hearings in connection with the amendments to the legislation this year, a simplified procedure for proceedings on small claims was established. Economic proceedings were conducted only electronically - through the "Electronic Court" information system and uninterrupted audio-video

recording of court proceedings was provided, and cases related to undisputed monetary and property claims were easily resolved out-of-court, electronically with a notary's execution.

Within the framework of the decree, a new joint project with the European Union on the application of mediation in the country, which is an important tool for out-of-court settlement of disputes, was launched, and numerous draft normative documents were prepared and adopted. Also, local and international legislation was analyzed in the framework of the joint project "Support to the regulatory framework for the development of the business environment" with the European Union to promote effective international arbitration procedures in our country, a road map was prepared taking into account best practices.

In addition, to ensure the independence of judges, eliminate interference in the activities of the courts and other negative situations, important legislative and institutional measures have been taken, including the establishment of a hotline and monitoring sectors in the Judicial-Legal Council. All these measure are called to implement the issues raised by the Decree. Practical measures have been taken to distribute the "E-court" information system throughout the country and to ensure the harmonious operation of the system as a whole, to increase its functionality. To obtain information immediately and participate in the process without a computer, "Mobile Court" software has been developed as well.

Worthy of emulation for its digital transformation in our country, the application of the "Mobile Court" is very rare in the world, and it can be said that Azerbaijan is one of the first in this field.

Being an important step in facilitating access to justice and a very useful gift for court users, the "Mobile Court" is launched in 2020. Citizens are now able to use the opportunities of the "e-court" information system on a mobile basis. For this purpose, the software is widely presented to the public with the participation of MPs, judges, prosecutors and lawyers, as well as representatives of civil society and the media.

The measures are called to increase the prestige of the judiciary, strengthen public confidence in the courts, increasing transparency. As another part of the work done in this area, judges in courts have been appointed to work with the media in order to inform the public about judicial activities, as well as to expand interaction with the media. In this regard, a meeting was held with numerous media executives and representatives to discuss issues of effective cooperation between the courts and the media for providing regular, complete and accurate information to the population. The judges-speakers appointed for interaction with media, were introduced to media representatives. In general, reforms and innovations in the judicial system are praised internationally. And for instance, the establishment of new specialized courts, digitization of the judiciary, improvement of the electronic judicial system, and the introduction of mediation have been reflected in World Bank's "Doing Business 2020" report.

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In accordance with previous years, there is a tendency of budget increase both in the justice sector and judicial system. In the Justice sphere the additional budget allocation in 2020 was observed mainly in part of the activities of the justice authorities, the Center for Forensic Expertise, the Academy of Justice.

As to the judicial system's over-budget, the main funding was directed to salaries and maintenance of court buildings.

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In accordance with the Presidential Order No. 1325 of July 19, 2019 on the organization of administrative and commercial courts, which came into force from the date of January 1, 2020, administrative and commercial courts were established with the abolition of administrative-economic courts, and the consideration of cases on commercial disputes was included into the competence of the latter. According to the amendments, military plenary boards were also removed from the appellate courts and the Supreme Court of the Republic of Azerbaijan and it was envisaged to establish commercial plenary boards. In 2021 a number of substantive amendments were made to the Law "On State Fees" by the Law of the Republic of Azerbaijan No. 364-VIQD of July 9, 2021. This Law differentiated the rates of state fees paid on court cases in accordance with the value of claims.

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: No comment

208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Azerbaijan Bar Association (ABA) established its own Legal Aid and Training Center (hereafter the "Center"), and one of its many spheres of operations is about the professional development and vocational training increase of our members as well as assistant of lawyer. Every week the Center organizes an event including round-tables, seminars, workshops, webinars, discussions and so forth on various topics with participation of representatives of governmental and non- governmental organizations, legal entities and mass media.

The Center has also been working on the "Continuing Education" electronic platform which aims at facilitating participation for everyone, in particular the members of the ABA that live far away from the capital.

208-7. Gender balance

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In order to improve the quality and efficiency of justice, further expand access to courts, increase effectiveness of court proceedings, eliminate red-tape and other negative factors, Decree "On Deepening Reforms in the Judicial and Legal System" of the President of the Republic of Azerbaijan dated April 3, 2019 No. 604 was adopted. The Decree of a program nature defined the main directions of the judicial and legal reforms, and envisaged a number of important measures regarding its implementation. The following work has been done in 2020 to implement judicial and legal reforms.

In order to ensure transparency, the effective protection of human and civil rights and freedoms in the administration of justice, as well as to accelerate the application of modern information technology in this area, the "Regulation on the Electronic Court information system" was approved by the Decree of the President of the Republic of Azerbaijan dated June 1, 2020 No. 1043.

The Law of the Republic of Azerbaijan No. 140-VIQD of June 25, 2020, made a number of amendments to the Code of Criminal Procedure. Thus, provisions on electronically conducting criminal proceedings, a continuous audio recording of all court hearings, compiling the minutes in accordance with the audio recording of the court hearing, implementation of procedural actions in the criminal proceedings using the videoconferencing system, as well as on the procedural rules for the recognition of judgments or other final decisions of courts of foreign states were included to the Code of Criminal Procedure by the said Law, the provisions on proceedings in the courts of appeal and cassation instances have also been improved.

Furthermore, the Law of the Republic of Azerbaijan No. 32-VIQD of June 19, 2020, amended the Law "On the Judicial-Legal Council" and the basis for the identification of shortcomings having a systematic character in the application of substantive and procedural law norms as a result of monitoring the activities of courts was included into the bases for re-evaluating the performance of judges (except for those appointed for the first time).

At the same time, it should be noted that on July 9, 2019 a number of amendments were made to the Codes of Civil Procedure, Administrative Procedure, and Criminal Procedure, and the Law "On Courts and Judges" of the Republic of Azerbaijan in order to facilitate the access of entrepreneurs to court and to ensure that disputes related to entrepreneurship are considered by judges with deeper legal knowledge and experience in the relevant field and to establish a specialized court in this field. These Laws came into force on January 1, 2020.

On November 29, 2019 a number of significant amendments were made to the Laws "On State Forensic Examination", "On Administrative Proceedings", "On Lawyers and Advocacy Activity" and "On Licenses and Permits", "On Service in Justice bodies", Codes of Civil Procedure, Administrative Procedure, Administrative Offenses and Criminal Procedure, as well as the "Statute of the Ministry of Justice of the Republic of Azerbaijan" with regards to the improvement of activities related to the conduct of forensic examinations, including the expansion of the range of subjects entitled to conduct forensic examinations, the specifying of deadlines of conducting forensic examinations and expert opinions, as well as the establishment of a private forensic institute. These laws came into force on March 1, 2020.

From March 1, 2020, amendments made to the Laws "On Courts and Judges", "On the Judicial-Legal Council", as well as to the Codes of Civil Procedure, Criminal Procedure, and Administrative Procedure also came into force in order to ensure the stability of the approach of courts to the resolution of legal issues and the predictable legal position of the courts on the application of normative legal acts and to establish mechanisms for the elimination of shortcomings having a systematic character identified as a result of the generalization of judicial practice.

Furthermore, a draft law "On Private Bailiffs" has been drafted taking into account the advanced international practices.

The following work has been done in 2021 to implement judicial and legal reforms.

A number of important amendments were made to the Code of Civil Procedure by Law of the Republic of Azerbaijan No. 363-VIQD of July 9, 2021 aimed at increasing the efficiency of court proceedings, preventing red-tape and abuse, as well as more operative and efficient consideration of cases and wider application of modern information technology during proceedings.

According to these amendments, the circumstances of postponement of the cases were specified, the scope of cases considered in writing, as well as cases considered in simplified proceedings on small claims has been expanded, additional mechanisms to prevent unnecessary delays in court proceedings have been envisaged, procedural deadlines have been specified.

The Law of the Republic of Azerbaijan No. 365-VIQD of July 9, 2021 made a number of amendments to the Code of Administrative Procedure. According to these amendments, the jurisdiction rules applied in determining the territorial jurisdiction of administrative disputes have been also applied to claims on coercion and fulfillment of obligations.

In order to expand the means of out-of-court settlement of disputes related to entrepreneurial activity and to promote the international arbitration institute in our country in total, drafts amendments to 13 laws and 1 decree, as well as 1 draft decree to ensure the implementation of relevant amendments have been prepared.

Additionally it shall be noted that for the purpose of increasing the quality of justice and fully digitalizing judicial proceedings, draft laws amending Administrative Offenses Code and Administrative Procedure Code were prepared in order to allow conducting electronically the judicial proceedings in cases on administrative offenses (Administrative Offenses Code) and administrative judicial proceedings (Administrative Procedure Code).

Also in order to accelerate the implementation of decisions of courts and other bodies and increase their efficiency, the draft "Enforcement Code", which is a unified single legislative act regulating this area, and based on this, 3 draft laws and 4 draft decrees have been prepared.

It shall be noted that provisions of the Law of the Republic of Azerbaijan "On Mediation" related to participation in the initial mediation session on commercial disputes, as well as disputes arising from family and labour relations came into force on July 1, 2021.

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: As part of the work on reforms in law enforcement, the following measures were taken:

- The draft law "On Private Enforcement" has been prepared and sent to the Administration of the President of the Republic of Azerbaijan for consideration.
- The draft "Executive Code of the Republic of Azerbaijan" has been prepared and sent to the Administration of the President of the Republic of Azerbaijan for consideration.
- "Rules of electronic auction" have been prepared and sent to the Cabinet of Ministers of the Republic of Azerbaijan for consideration.
- "The Regulation on the "Electronic Execution" information system" has been adopted and entered into force. Work is underway to adapt the software of this system to today's requirements.
- Trainings on the topics "features of compulsory enforcement measures", "rules of execution of executive documents related to the interests of children", "rules of application of "Electronic execution" system", "rules of temporary restriction of a person's right to leave the country" and etc. are held for executive officers. The trainings are organized by the Academy of Justice, which is part of the Ministry.

208-10. Mediation and other Alternative Dispute Resolution

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Within the framework of judicial and legal reforms implemented in the Republic of Azerbaijan, consistent measures are being taken to promote the institution of mediation, which is an important tool for out-of-court settlement of disputes and reducing the workload of courts.

At the same time, a working group consisting of foreign and local experts (Council of Europe, government officials and judges, etc.) was established to assist in the establishment of a mediation system in Azerbaijan as part of a project implemented by the EU Delegation to Azerbaijan. Work done in the field of mediation by working groups established by the implementation of the "Strategic Roadmap for the production of consumer goods at the level of small and medium enterprises in the Republic of Azerbaijan" approved by the Presidential Decree dated December 6, 2016, draft regulations, foreign visits, etc.), as a result of the assessment conducted on the basis of the meetings, the activities of the Working Group, as well as the activities carried out and foreign visits, a Roadmap for the Development of Mediation in Azerbaijan was prepared.

In addition, the Law "On Mediation" was adopted on 29.03.2019 and in accordance with this Law, a working group was established on December 2, 2019 with the support of the Delegation of the European Union to Azerbaijan for the establishment of the Mediation Council and the application of mediation legislation.

As a result of the Working Group's activity, more than 10 normative acts on mediation were adopted in accordance with the Law on Mediation and the Presidential Decree dated April 3, 2019 on "Deepening Judicial and Legal System Reforms". "Mediation Council" non-profit legal entity was established on February 12, 2020, and was registered by the Ministry of Justice on February 16, 2020. In the framework of a joint project with the European Union in this field, trainers (29 people) were trained and the Academy of Justice was accepted as a member of the Council as a mediation training institution.

In accordance with the instructions given to the Ministry by the Presidential Decree "On Deepening the Reforms of the Judicial and Legal System" dated 03.04.2019, awareness-raising and propaganda work on the application of the mediation process was carried out, a separate task was included in the Ministry's Work Plan. Trainings on performance and evaluation of results were provided.

Within the framework of the project implemented by the Academy of Justice jointly with the European Union, applicants were involved in mediation trainings, more than 300 of them successfully completed the trainings, received relevant certificates and became members of the Mediation Council.

At the same time, within the framework of the project implemented with the European Union, a pilot mediation center was launched in the Yasamal District Court of Baku with the involvement of persons who have received a mediator certificate.

It should be noted that the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021. At present, mediators cover the entire country, and media promotion work (distribution of brochures and posters, distribution of commercials, informational seminars, etc.) continues throughout the country.

208-11. Fight against crime

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In accordance with the Law of the Republic of Azerbaijan No. 68-VIQD of May 1, 2020, a number of amendments were made to the Criminal Code in order to continue measures on the humanization of the penal policy and decriminalization of crimes.

New provisions were included to the Criminal Code by the Law, which envisages exemption from punishment in connection with reconciliation with the victim and full compensation for the damage or income received as a result of crime, as well as a number of crimes were decriminalized, liability limit for certain crimes has been increased, and cases of application of alternative punishments to imprisonment expanded.

208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: As part of the modernization of the penitentiary system and infrastructure, new modern penitentiary complexes were put into operation. In this regard, consistent measures are being taken to staff these enterprises, and young people who are physically fit and able to use modern information and communication technologies are selected through a competition. More than 100 new recruits to the penitentiary service were assigned to these institutions, and the rest were recruited to other institutions of the service.

208-13. Child friendly justice

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: "The Regulation on the "Electronic Court" information system" (<http://e-qanun.az/framework/45080>) was approved by the Decree of the President of the Republic of Azerbaijan dated 01.06.2020.

The legal basis of the "Electronic Court" information system" has been determined,

Requirements for technical and technological infrastructure and functionality of the information system have been clarified,

The rights and responsibilities of the owner, operator and users of the information system were defined,

26 types of integration with other state information resources and systems operating in connection with the "Electronic Court" information system", were noted.

The integration opportunities of the "Electronic Court" information system were expanded and information was obtained from 15 public institutions in 23 directions.

An access to the "Electronic Court" information system system carrying out by identification with the Unified Access System ("ASAN login").

The procedure for using the "Electronic Court" information system approved by the Ministry of Justice of the Republic of Azerbaijan on 15.07.2019 has been improved on the basis of amendments to the legislation (<http://e-qanun.az/framework/42904>).

The procedure for using the information system is determined, Electronic submission, registration and flow of documents have been

identified.

According to the amendments made to the Code of Criminal Procedure of the Republic of Azerbaijan on 25.06.2020 (<http://e-qanun.az/framework/45387>), the “Electronic Court” information system was improved.

Electronic criminal proceedings are conducted in accordance with the procedural rules through the "Electronic Court" information system, Electronic criminal proceedings are provided through the "Special Electronic Cabinet" created within the "Electronic Court" information system for the Department of Public Prosecution Defense of the Prosecutor General's Office, for the Department for Non-Criminal Prosecution and for the Anti-Corruption General Directorate under the Prosecutor General.

Receipt and flow of all types of documents in the courts where the "Electronic court" information system is applied, carried out through the "electronic document management subsystem",

- The E-Cabinet created within the "Electronic court" information system provides an opportunity 1) to receive information on the status of the case, where participants of the criminal proceedings and other persons involved in the criminal proceedings, information on the filing of decisions, its execution status, complaints or protests arise from these decisions, 2) and to send and receive procedural documents.

- In the courts, the judge shall place the procedural documents and other information to be provided to the public prosecutor in the E-cabinet, established within that system and inform him/her about it electronically through the system;

-The court compiles in electronic format verdicts, decisions and other procedural documents and places in the “Electronic Court” information system within the time limits foreseen for the procedural documents.

-Criminal proceedings is also carrying out by the usage of videoconferencing system. -Uninterrupted audio recordings of court hearings are provided.

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: