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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2021

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

Part 2 (A) - Beneficiary profile - Azerbaijan

Executive Summary - Azerbaijan in 2021

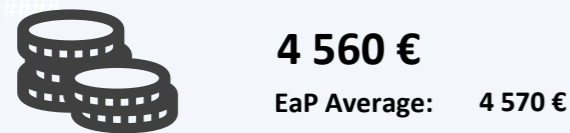
Population in 2021



GDP per capita in 2021



Average annual salary in 2021



Budget

In 2021, Azerbaijan spent 120 638 147€ as implemented judicial system budget (budget for all courts, public prosecution services and legal aid). This means that Azerbaijan spent **11,9€ per inhabitant**, which is slightly lower than the EaP Average of 12,4€.

53,2% was spent for all courts, 44,9% for prosecution services, 2% for legal aid. Compared to 2020, Azerbaijan has spent, per inhabitant, 4,3% more for courts, 61% more for prosecution services, and 22,8% more for legal aid. The significant increase of the budget for prosecution services is due to the increased wages of prosecutors.

The budgets spent for courts and legal aid per inhabitant were lower than the EaP Averages (respectively 6,3€ and 0,2€ with EaP Averages at 8,4€ and 0,6€) while the budget spent for prosecution services was higher (5,3€ with an EaP Average at 5,1€).

Legal aid

In Azerbaijan, legal aid is available in the form of provided representation in court at the expense of the State for low-income persons (LIP) in criminal cases and in other than criminal cases at the third instance only. According to a proposed new draft law, it is envisaged to make legal aid available for LIP in civil cases for all instances.

In 2021, legal aid was granted in 29 344 cases, which represented 0,29 cases per 100 inhabitants. The vast majority of those cases were criminal cases (29 129 criminal cases/only 215 other than criminal cases); and were cases brought to court (21 296 cases brought to court/ 8 048 cases not brought to court).

On average, Azerbaijan spent 80,3€ per case, with an EaP average of 75,76€. Azerbaijan allocated an amount per case close to the average of the region, for a smaller number of cases

Efficiency*

For the purpose of this Profile, the data of only the 1st and 2nd instance courts is analyzed. In 2021, there was an **overall increase in efficiency in case flow for Azerbaijan compared to 2020**. Indeed, aside for administrative cases in first instance, there was an increase of Clearance Rates and a diminution of Disposition Times for all types of cases. As a result, with the exception of administrative cases in first instance, there were less pending cases at the end of the year in 2021 than in 2020. It is to be noted that Azerbaijan had lower number of incoming cases compared to the region, with numbers of incoming cases standardised per 100 inhabitants lower than the EaP Averages for all types of cases. Also, due to the Covid-19 pandemic there were severe restrictions on the work of court for about four months in 2020; whereas increases of incoming and resolved cases can be observed in 2021 and have been notably explained by the lifting of all Covid-19 restrictions. For all type of cases, the impact of the pandemic can be clearly observed with a diminution of Clearance Rates and an increase of Disposition Times between 2018 and 2020; and as mentioned and except for administrative case in the first instance, an inversion of this trend between 2020 and 2021. As mentioned before, Azerbaijan was not able to deal as well with administrative cases as with other types of cases. Administrative cases in first instance were the only type of cases with a Clearance Rate below 100% (87%) and as a result there were 43,5% more pending cases at the end of 2021 than at the end of 2020. The Disposition Times for Administrative cases were also the highest with 181 days in first instance and 100 days in second instance. On the contrary, Azerbaijan dealt well with civil and commercial litigious cases which had some of the highest Clearance Rates amongst all types of cases (103% in first instance and 109% in second instance) and the shortest Disposition Times (52 days in first instance and 50 days in second instance).

Compared to the region, Azerbaijan had **higher Clearance rates than the EaP Averages for all types of cases except administrative cases in first instance, and lower Disposition times**. The Disposition times in first instance were notably significantly lower than the EaP Averages.

In Azerbaijan, there are quality standards determined for the judicial system at national level. Monitoring of the pending cases and backlog is done for civil and commercial, administrative, and criminal cases. Monitoring of the waiting time in judicial proceedings is done both within the Courts and within the Public prosecution services.

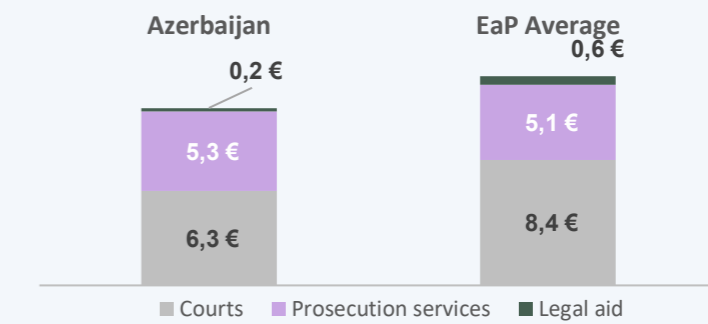
**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

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

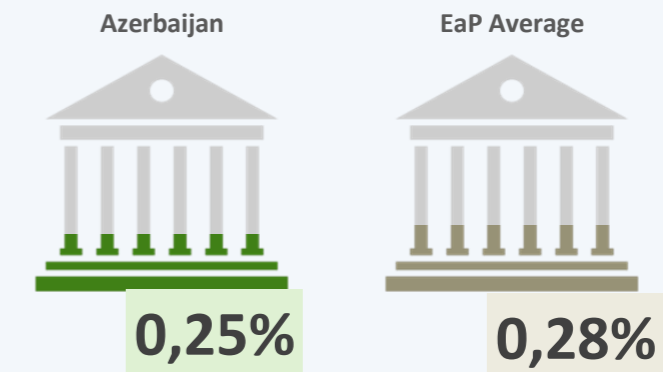
Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending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

Budget of the Judicial System

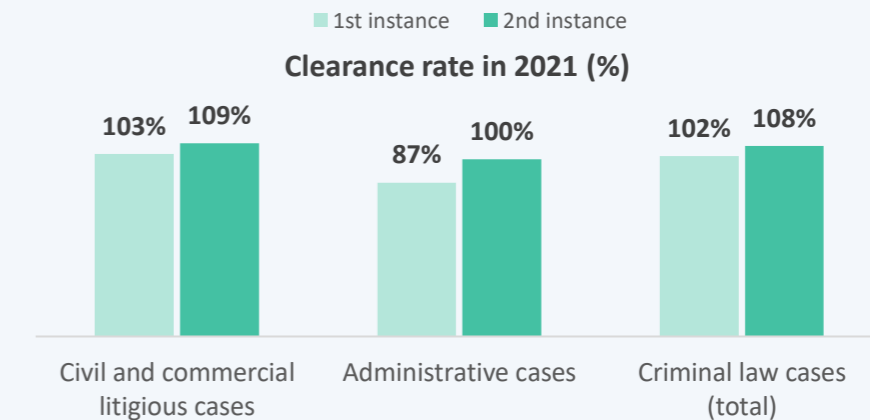
Implemented Judicial System Budget per inhabitant in 2021



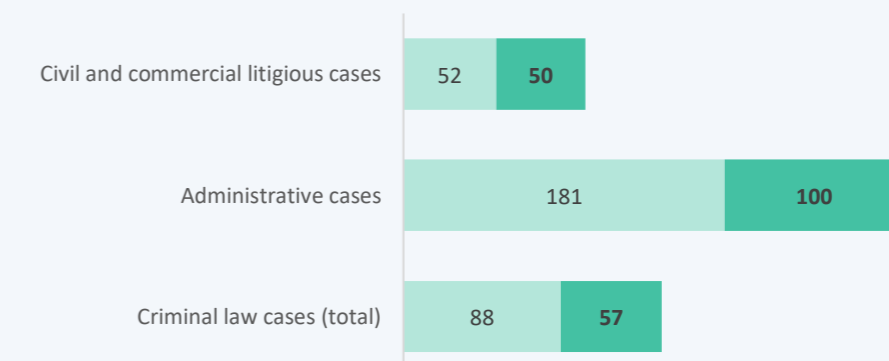
Implemented Judicial System Budget as % of GDP in 2021



Efficiency

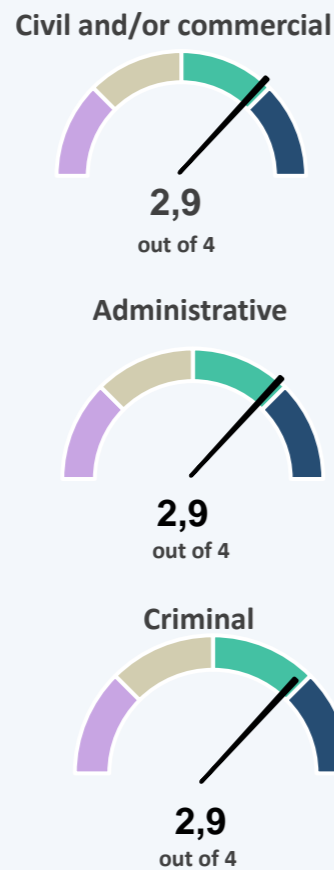


Disposition time in 2021 (in days)



CMS index (scale 0-4)

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



Electronic case management system and court activity statistics

There is a **case management system (CMS)**, eg software used for registering judicial proceedings and their management. It was started in 2014. The CMS is deployed in most of the courts (50-99% deployment rate) and the data is stored on a database consolidated at national level. There are plans for a significant change in the present IT system in the judiciary notably with the **development of new version of the "Mobile court" application**.

In Azerbaijan, there is a **centralised national database of court decisions in which judgments for all instances are collected**, with anonymised data. This case-law database is available for free online but not in open data. There is no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

Trainings

In 2021, the **total budget for training of judges, prosecutors and other justice professionals (budget spent by the training institutions, the courts and the public prosecution services on training) was 0,33€ per inhabitant**, which is above the EaP Average (0,19€ per inhabitant).

In 2021, 3 628 participants (of which 1 776 judges and 881 prosecutors) were trained in **544 live trainings** (in-person, hybrid or video conferences). The average number of participants per training day was 6,7, which was less than the EaP Average (15,2). Regarding the internet-based trainings (not-live), no trainings were provided on the e-learning platform of the training institutions for judges and prosecutors, but **17 trainings were completed by justice professionals on other e-learning platforms** (HELP, EJT, UN, etc.). 44 participants followed those trainings, a majority of them were judges (39).

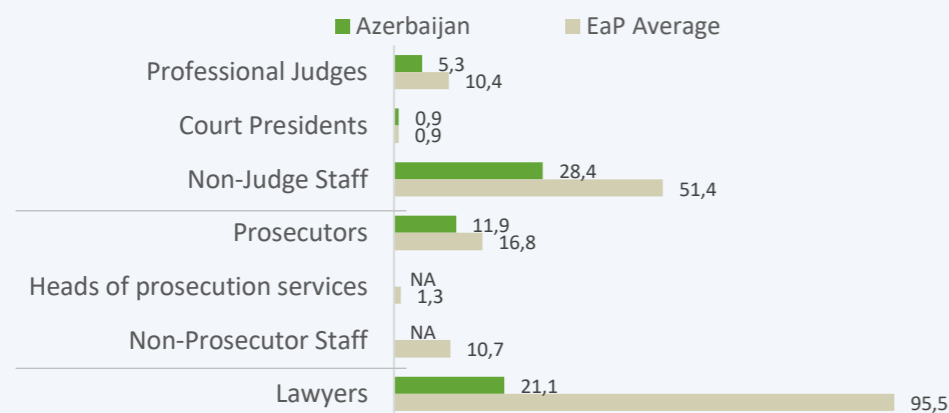
ADR (Alternative Dispute Resolution)

Court related mediation was introduced by the Law "On Mediation" adopted in 2019. A small number of cases were considered on a pilot basis in 2020 but none in 2021. The judicial system does not provide for mandatory mediation but since 2021, preliminary sessions with a mediator are mandatory in family, labor and commercial disputes.

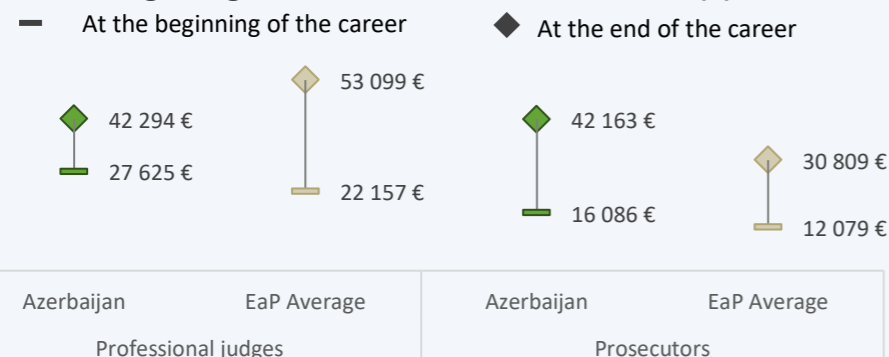
In Azerbaijan, court related mediations are provided by private mediators for all types of cases where court-related mediation is available (civil and commercial cases, family cases, administrative cases, labour cases, consumer cases). In 2021, the total number of mediators in Azerbaijan was 273, which is 40% more than in 2020. Despite this increase **the number of mediators per 100 000 inhabitants was 2,7**, which is less than the EaP average of 11,2. Only 27,5% were female mediators.

Professionals of Justice

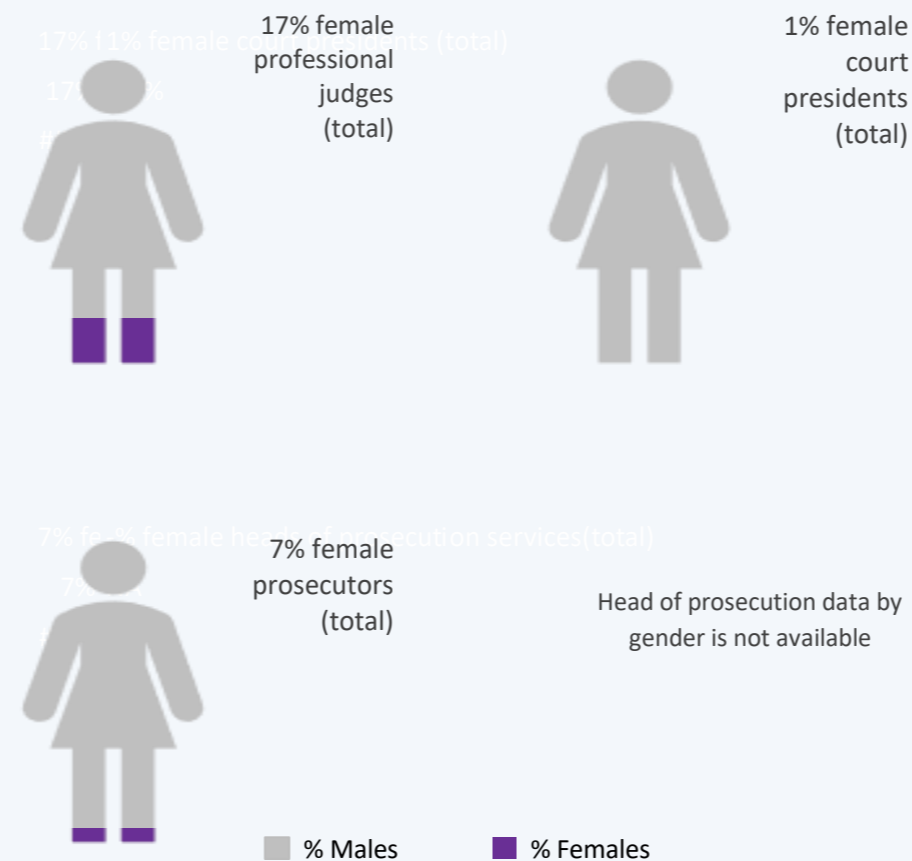
Total number of professionals per 100 000 inhabitants in 2021



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



Gender Balance



Professionals and Gender Balance

In 2021, Azerbaijan had **5,3 professional judges and 11,9 prosecutors per 100 000 inhabitants**. Both figures were below the EaP Averages of 10,4 and 16,8, respectively.

Little data was available regarding justice professionals in public prosecution services. Data was not provided on the number of prosecutors divided by instances, the number of heads of prosecution offices and the number of non-prosecutor staff.

Regarding **gender balance**, in Azerbaijan women were still hardly represented in the legal professions in 2021. Indeed, all percentages of female in judicial professions were below 50% and below the EaP Averages. The profession with the highest percentage of females was non-judge staff (48,3%) while the one with the lowest was court president (only 1 court president, or 1,1%)

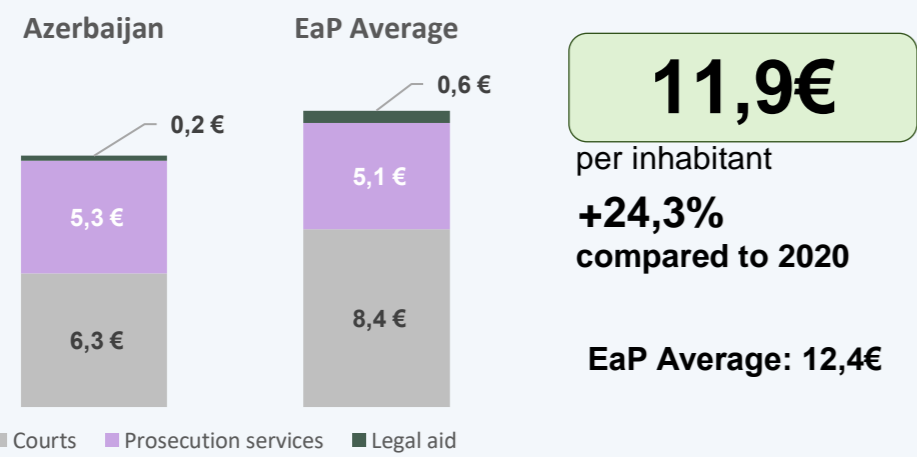
ECHR

In 2021, for Azerbaijan, there were 425 applications allocated to a judicial formation of the European Court of Human Rights. 35 judgments found at least one violation (including 7 regarding the right to a fair trial), and 12 cases were considered as closed after a judgment and the execution of judgments process.

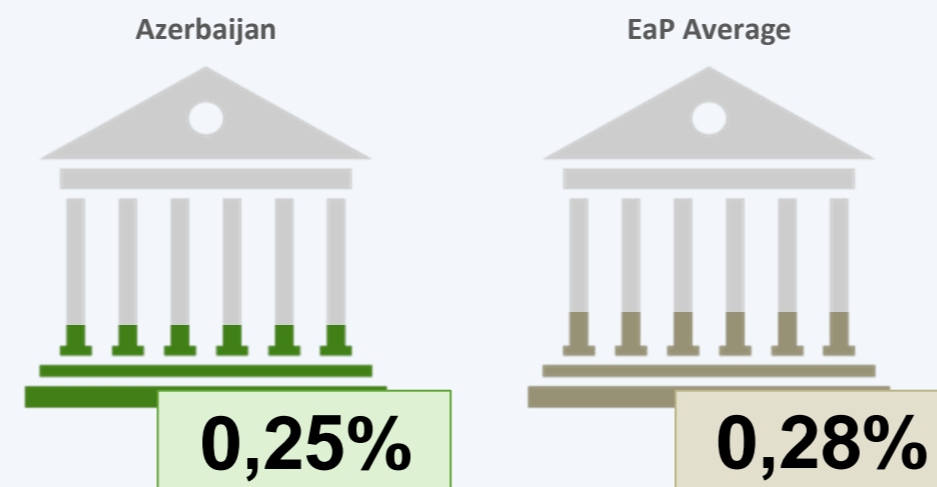
In Azerbaijan there is a possibility to review a case after a decision on violation of human rights by the ECtHR but there are no monitoring system for violations related to Article 6 of the ECHR for civil procedures (non-enforcement and

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

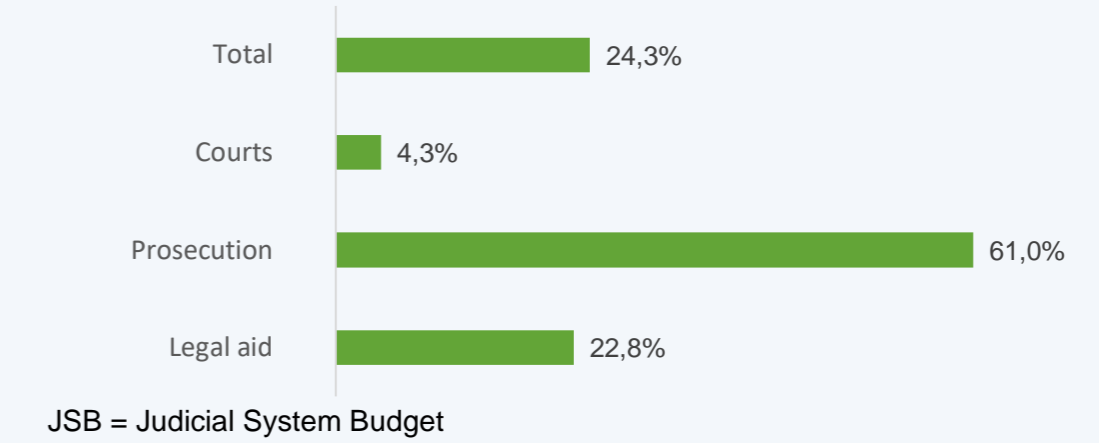
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of the JSB per inhabitant between 2020 - 2021



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2021, the implemented JSB for Azerbaijan was 11,9€ per inhabitant (+24,3% compared to 2020). It was lower than the EaP Average of 12,4€. The expenditure on JSB represented 0,25% of the GDP of Azerbaijan (the EaP Average was 0,28%).

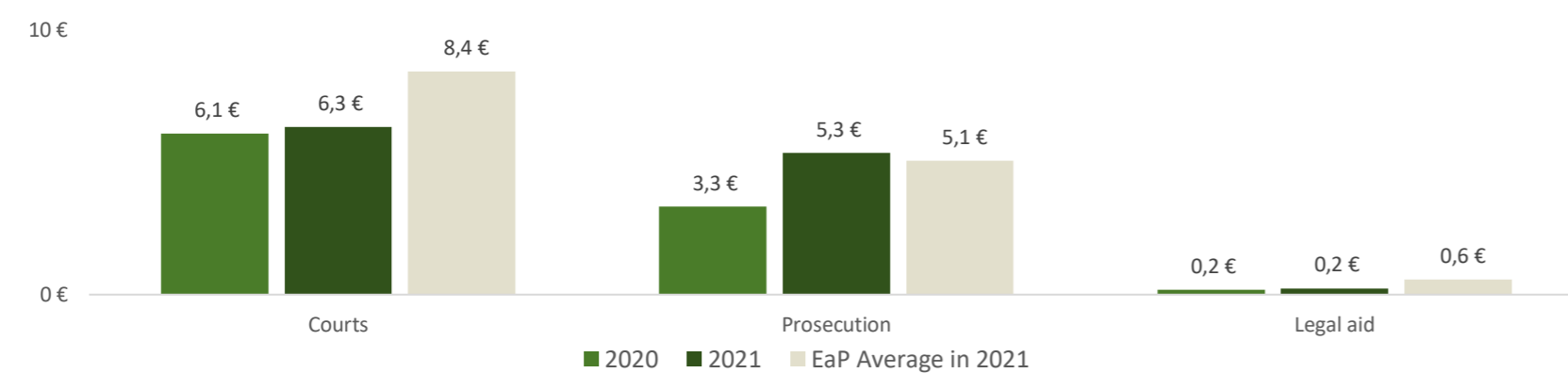
Budget allocated to the judicial system (courts, prosecution services and legal aid)

In 2021, Azerbaijan spent 120 638 147€ as implemented judicial system budget. This means that Azerbaijan spent 11,9€ per inhabitant, which is less than the EaP Average of 12,4€. 53,2% was spent for courts, 44,9% for prosecution services, 2% for legal aid.

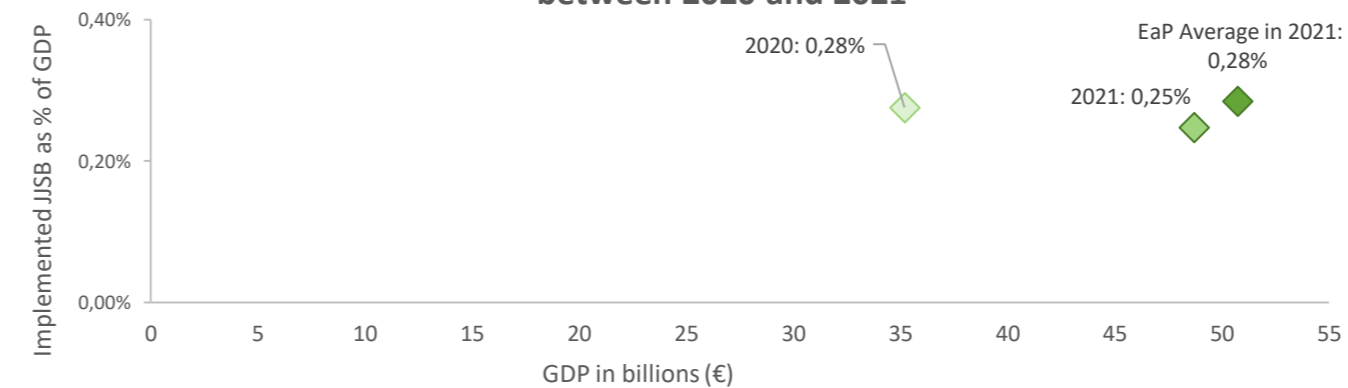
Compared to 2020, Azerbaijan has spent, per inhabitant, 4,3% more for courts, 61% more for prosecution services, and 22,8% more for legal aid. The significant increase of the budget for prosecution services is due to the increased wages of prosecutors.

Judicial System Budget	Judicial System Budget in 2021		Implemented Judicial System Budget per inhabitant			Implemented Judicial System Budget as % of GDP		
	Approved	Implemented	Per inhabitant in 2021	EaP Average in 2021	% Variation between 2020 - 2021	As % of GDP	EaP Average in 2021	Variation (in ppt) 2020 - 2021
Total	126 771 478 €	120 638 147 €	11,9 €	12,4 €	24,3%	0,25%	0,28%	-0,03
Courts	69 506 705 €	64 149 557 €	6,3 €	8,4 €	4,3%	0,13%	0,16%	-0,04
Prosecution	54 908 583 €	54 132 400 €	5,3 €	5,1 €	61,0%	0,11%	0,11%	0,02
Legal aid	2 356 190 €	2 356 190 €	0,2 €	0,6 €	22,8%	0,005%	0,013%	-0,001

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



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



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

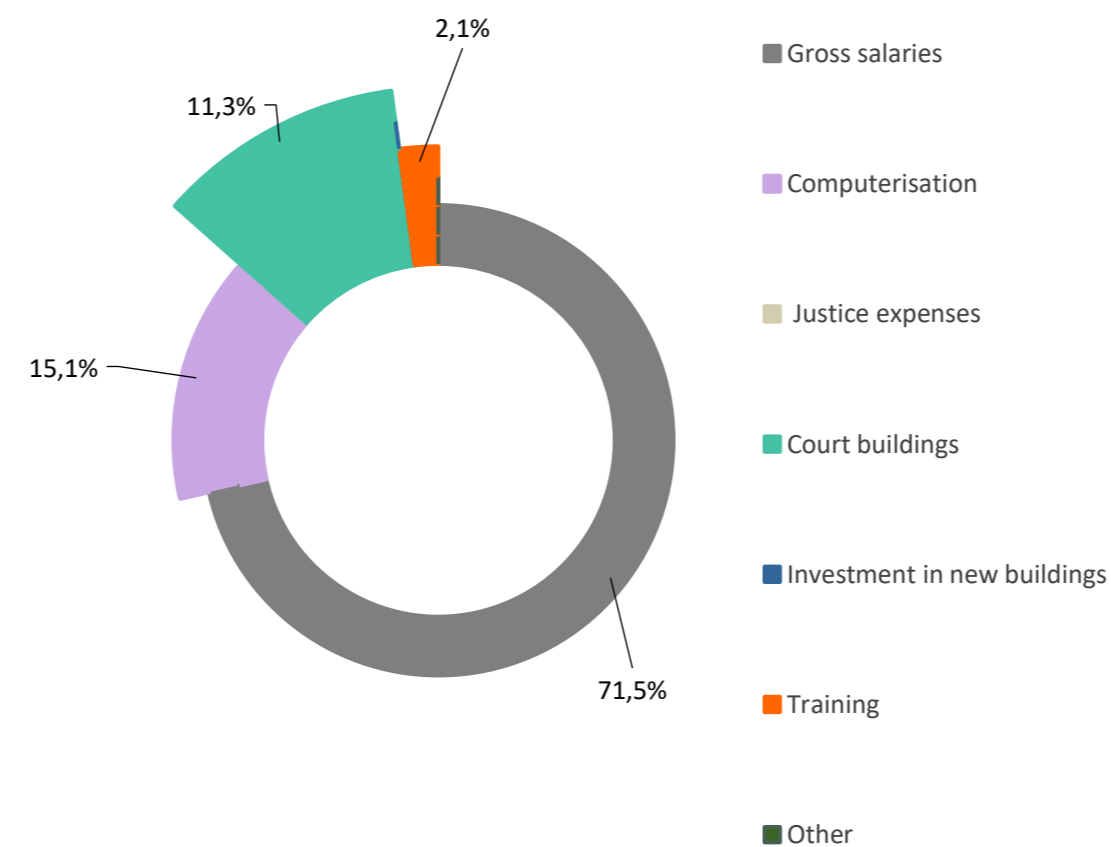
Budget allocated to the functioning of courts

In 2021, Azerbaijan spent 64 149 557€ as implemented budget for courts. 71,5% was spent for gross salaries, 15,1% for computerisation, 11,3% for court buildings and 2,1% for trainings.

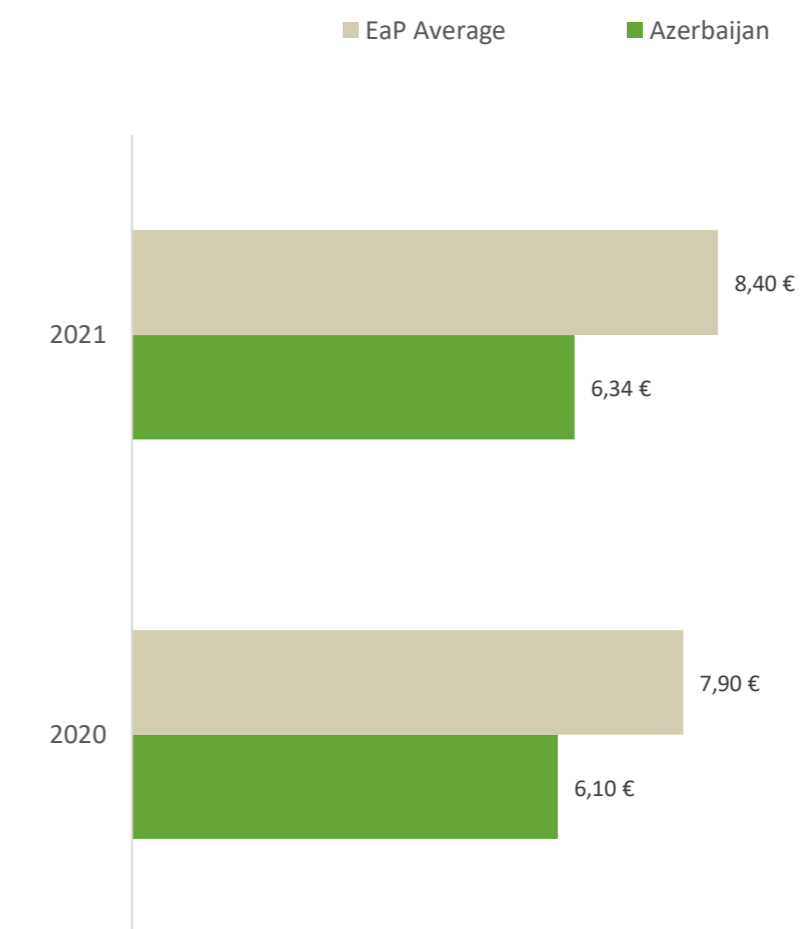
Compared to 2020, the implemented budget for courts has increased by 4,9%. The increase concerned mainly computerization (due to the computerization of the courts being expanded) and salaries. The Sumgayit Court for Grave Crimes (regional court) was also created.

	2021		% Variation between 2020 and 2021	
	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	69 506 705 €	64 149 557 €	5,4%	4,9%
1. Gross salaries	50 439 250 €	45 845 547 €	14,9%	15,1%
2. Computerisation (2.1 + 2.2)	9 732 651 €	9 685 400 €	20,3%	19,8%
2.1 Investment in computerisation	8 968 986 €	8 960 322 €	18,7%	18,6%
2.2 Maintenance of the IT equipment of courts	763 665 €	725 078 €	42,2%	35,0%
3. Justice expenses	NAP	NAP	NAP	NAP
4. Court buildings	7 769 842 €	7 253 578 €	5,3%	5,3%
5. Investment in new buildings	0 €	0 €	-100,0%	-100,0%
6. Training	1 564 962 €	1 365 032 €	6,4%	10,7%
7. Other	NAP	NAP	NAP	NAP

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

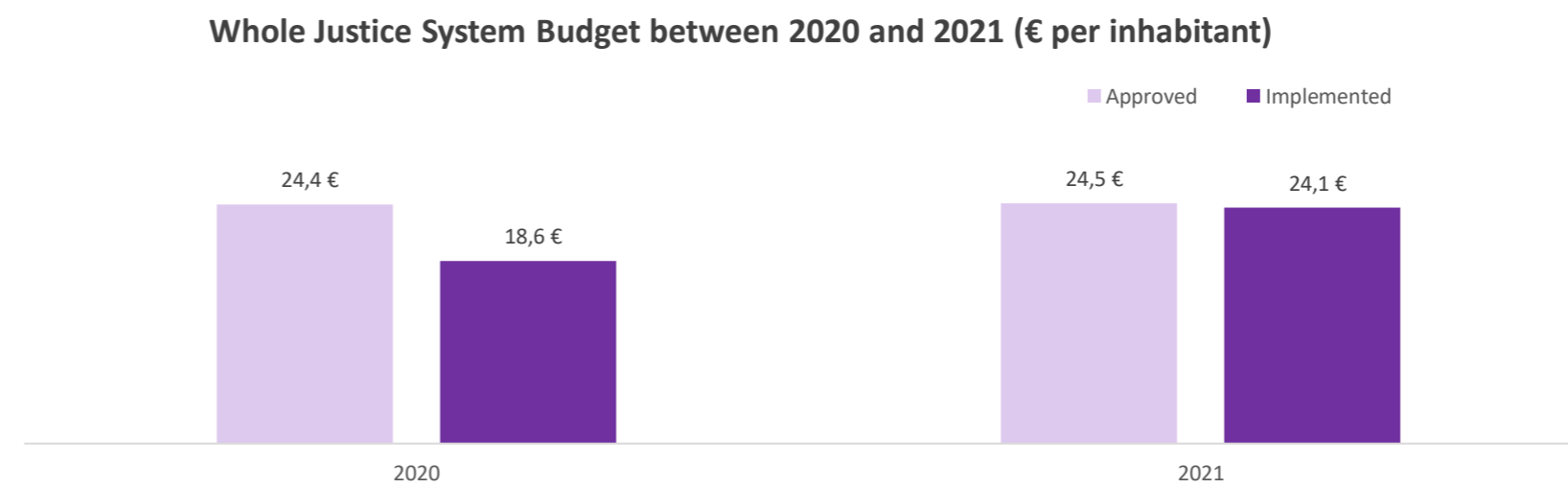


Implemented budget allocated to courts per inhabitant between 2020 and 2021 (€)



Budget allocated to the whole justice system

Whole Justice System Budget	2021		% Variation of the Whole Justice System Budget per inhabitant 2020 - 2021
	Absolute number	Per inhabitant	
Approved	247 979 878 €	24,5 €	0,4%
Implemented	243 511 838 €	24,1 €	29,2%



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

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

In Azerbaijan in 2021 the implemented budget of the whole justice system was 247 979 878€ which represents an increase of 29,2% compared to 2020. The highest source of increase is the budget of prosecution services due to the increased wages of prosecutors.

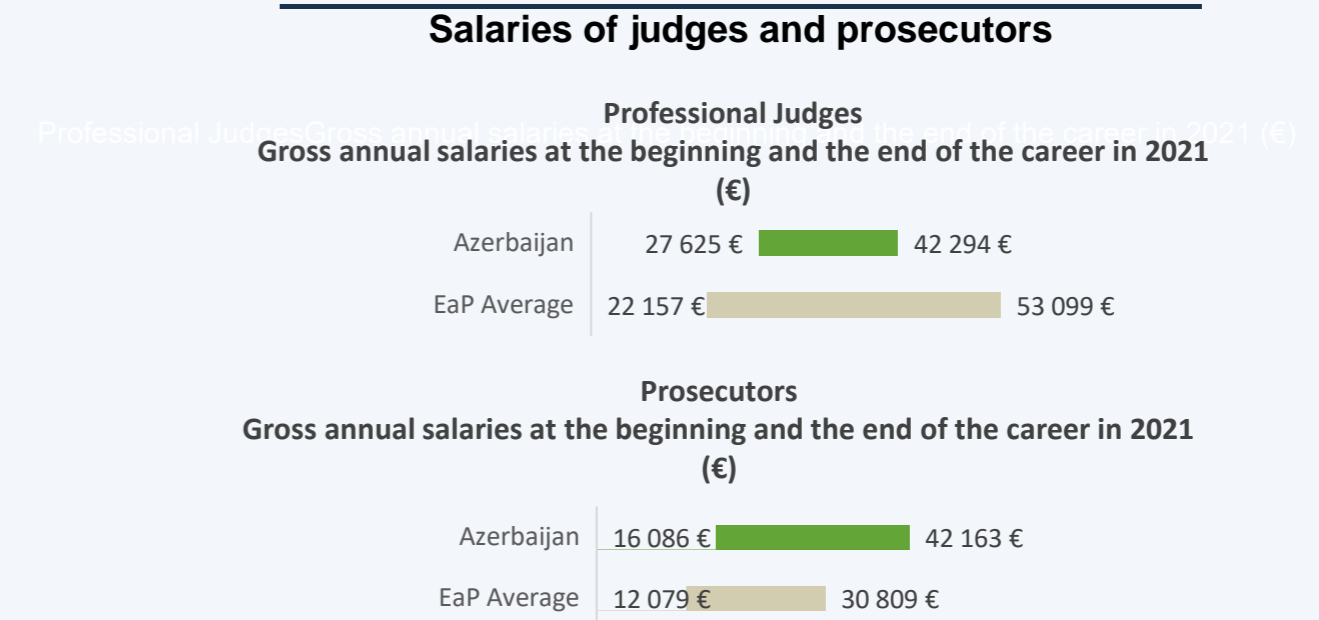
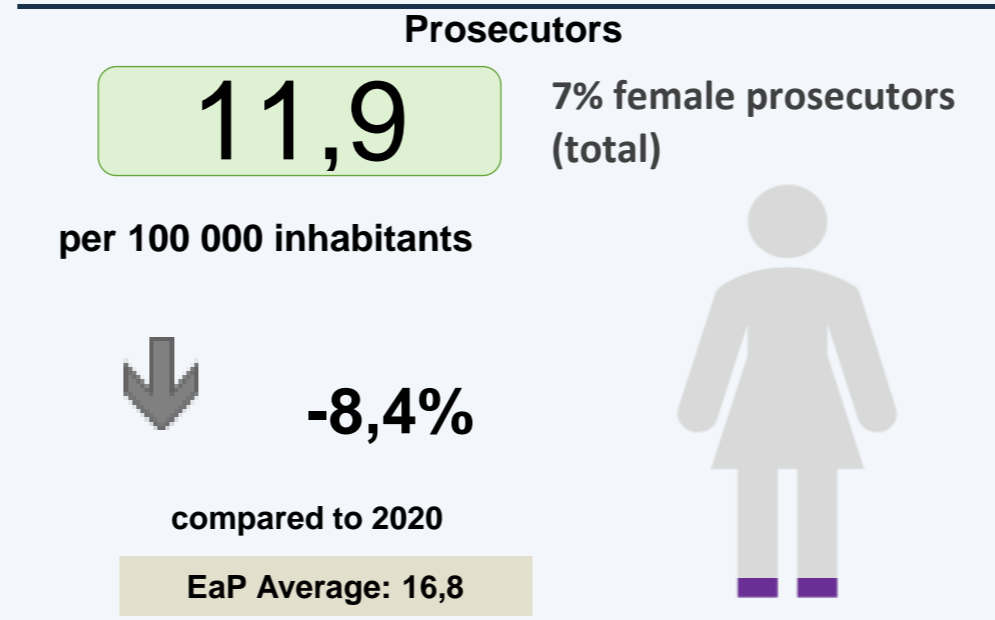
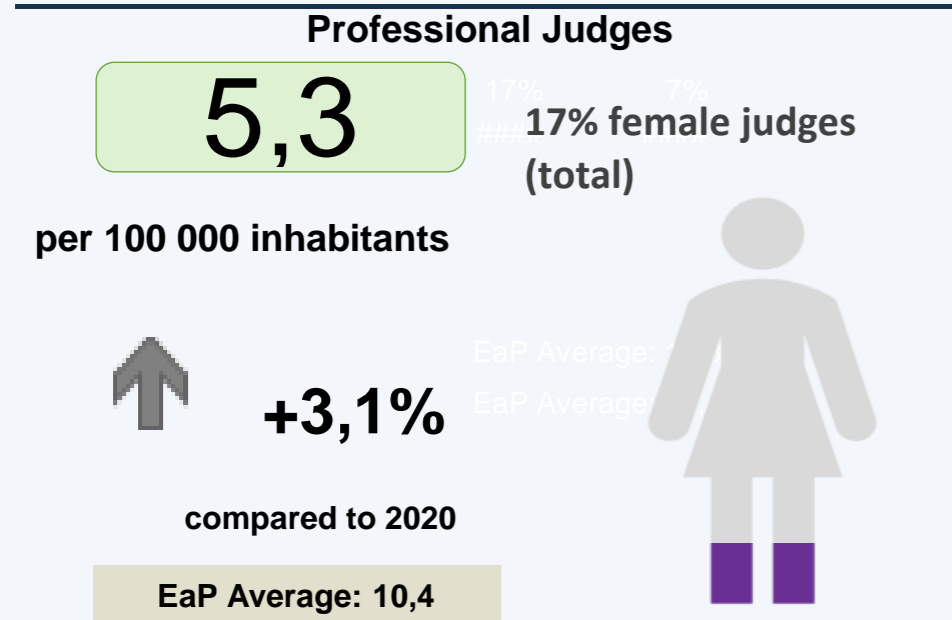
Budget received from external donors

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

There was no data available in 2021 regarding the external funds received for courts, prosecution services, legal aid and the whole justice system. In Azerbaijan most of the international projects are financed partly by state budget and partly by loan (to be repaid), as only some are financed by international organisations.

The projects which were being implemented in Azerbaijan in 2021 were as follows: the CEPEJ project Strengthening the efficiency and quality of the judicial system in Azerbaijan (2019-2022); regional project "Support for a better evaluation of the result of the judicial reform efforts in the Eastern Partnership Project" ("Justice Dashboard EaP"/" Project") (2021-2024); "Support further Development of Alternative Dispute Resolution Services and Specialized Courts in Azerbaijan" (2020-2022); Judicial Services and Smart infrastructure Project of the World Bank (2014-2024); "Further Support to the Penitentiary Reform in Azerbaijan-2" (2019-2021).

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

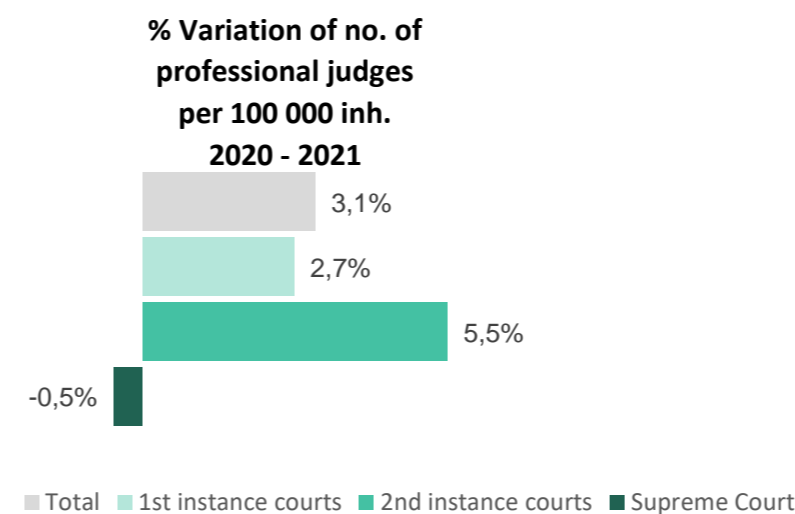


In 2021, Azerbaijan had 5,3 professional judges and 11,9 prosecutors per 100 000 inhabitants. Both figures were below the EaP Averages of 10,4 and 16,8, respectively. Less than half of professional judges (16,8%) and prosecutors (7,3%) were women (the EaP Averages were 41,2% and 25,3%, respectively).

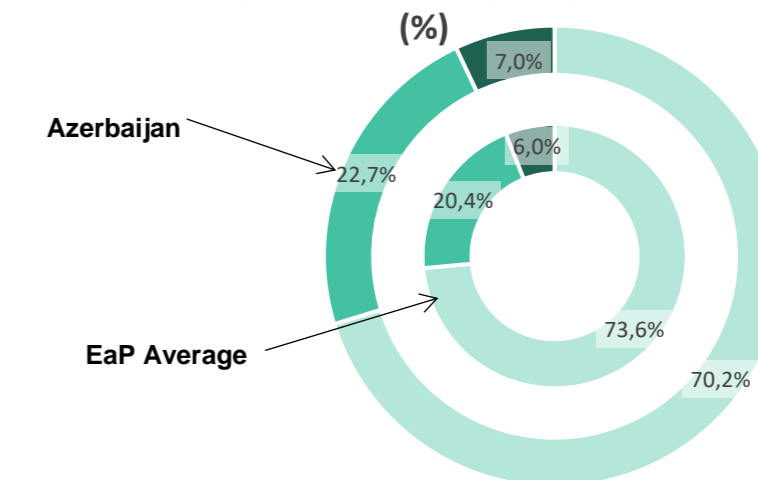
Professional Judges

	Professional judges in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	541	100,0%	5,3	10,4
1st instance courts	380	70,2%	3,8	7,7
2nd instance courts	123	22,7%	1,2	2,1
Supreme Court	38	7,0%	0,4	0,6

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



Distribution of professional judges by instance in 2021 (%)



In 2021, the absolute number of professional judges in Azerbaijan was 541 (i.e. 5,3 per 100 000 inhabitants, which was significantly lower than the EaP Average of 10,4).

Compared to 2020, the total number of professional judges per 100 000 inhabitants increased by 3,1%. This small increase was due to changes in the procedure for conducting the examination. Authorities reported that exams are being carried out more intensively and more often.

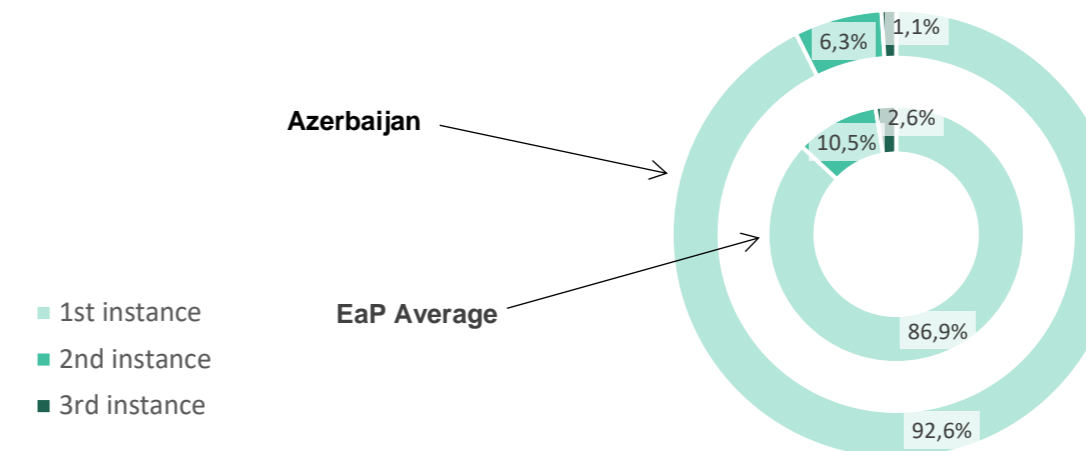
The figures show a difference of 3,4 percentage points between the percentage of judges in the first instance (70,2%) and the EaP Average (73,6%).

• Court presidents

	Court presidents in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	95	100,0%	0,9	0,9
1st instance courts	88	92,6%	0,9	0,8
2nd instance courts	6	6,3%	0,1	0,1
Supreme Court	1	1,1%	0,0	0,0

The absolute number of court presidents in Azerbaijan in 2021 was 95 (i.e. 0,9 per 100 000 inhabitants, which was the EaP Average).

Distribution of court presidents by instance in 2021 (%)



• Non-judge staff

In 2021, the absolute total number of non-judge staff in Azerbaijan was 2 877, which increased by 0,8% between 2020 and 2021. The number of non-judge staff per 100 000 inhabitants was 28,4, which was below EaP Average of 51,4.

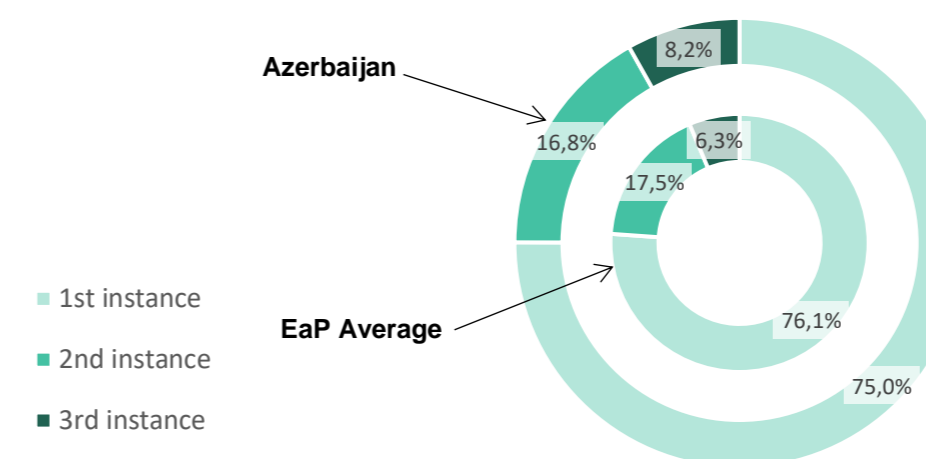
The figures shows a difference of 1,1 percentage point between the number of non-judge staff in the first instance (75%) and the EaP Average (76,1%).

The largest categories of non-judge staff were non-judge staff in charge of administrative tasks and non-judge staff assisting the judge. They represented respectively 43,7% and 43,2% of the total of non-judge staff.

	Number of non-judge staff by instance in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	2 877	100,0%	28,4	51,4
1st instance courts	2 159	75%	21,3	39,2
2nd instance courts	483	17%	4,8	8,7
Supreme Court	235	8%	2,32	4,18

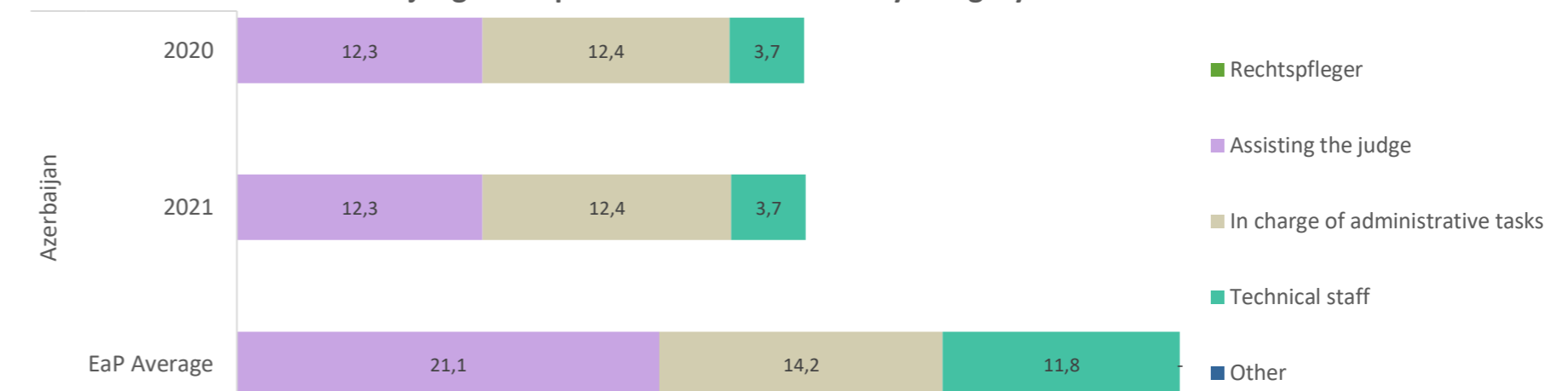
For reference only: the 2021 EU median is 58,5 non-judge staff per 100 000 inhabitants.

Distribution of non-judge staff by instance in 2021 (%)



	Number of non-judge staff by category in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	2 877	100,0%	28,4	51,4
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	1 243	43,2%	12,3	21,1
In charge of administrative tasks	1 257	43,7%	12,4	14,2
Technical staff	377	13,1%	3,7	11,8
Other	NAP	NAP	NAP	-

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



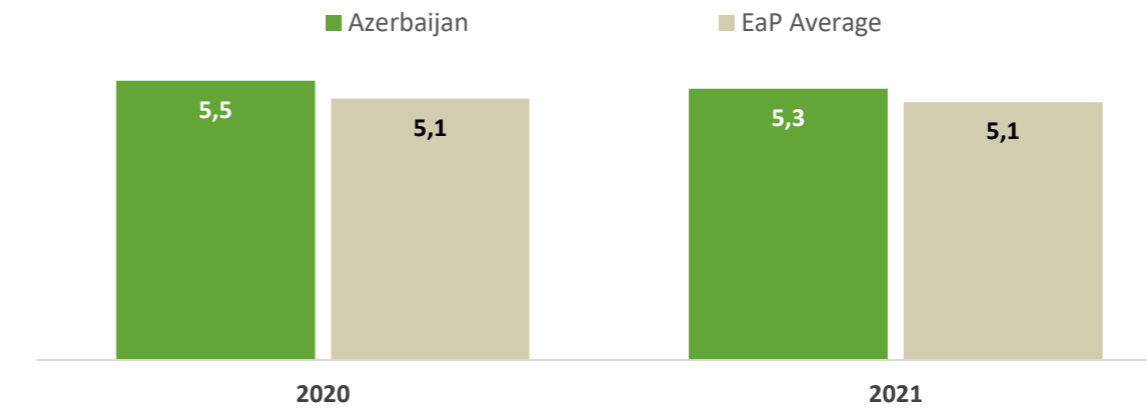
• Ratio between non-judge staff and professional judges

In Azerbaijan, the ratio of non-judge staff per professional judge was 5,3 in 2021, whereas the EaP Average was 5,1. This ratio decreased of 2,8% since 2020.

	Ratio in 2021		% Variation between 2020 and 2021
	Azerbaijan	EaP Average	Azerbaijan
Total	5,3	5,1	-2,8%
1st instance courts	5,7	5,3	-2,6%
2nd instance courts	3,9	4,1	-3,9%
Supreme Court	6,2	6,7	0,0%

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

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



• Prosecutors

	Number of prosecutors by instance in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	1 200	100,0%	11,9	16,8
1st instance level	NA	NA	NA	-
2nd instance level	NA	NA	NA	-
Supreme Court level	NA	NA	NA	-

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



In 2021, the absolute number of prosecutors in Azerbaijan was 1200 (i.e. 11,9 per 100 000 inhabitants, which was lower than the EaP Average of 16,8). No data was provided on the repartition of prosecutors between instances.

The total number of prosecutors per 100 000 inhabitants decreased by -8,4% between 2020 and 2021.

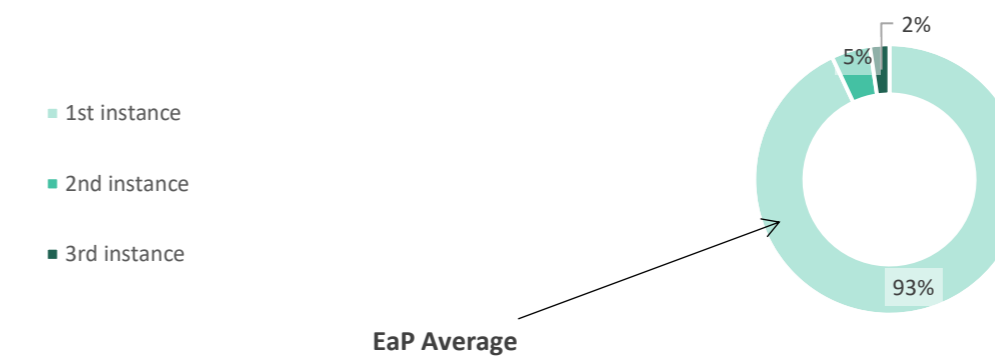
In the data on prosecutors are included prosecutors, prosecutor's office investigators, prosecutor's office operatives, and prosecutor's office interns.

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

• Heads of prosecution services

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

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



In 2021 there was no data provided on the number of heads of prosecution offices in Azerbaijan.

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

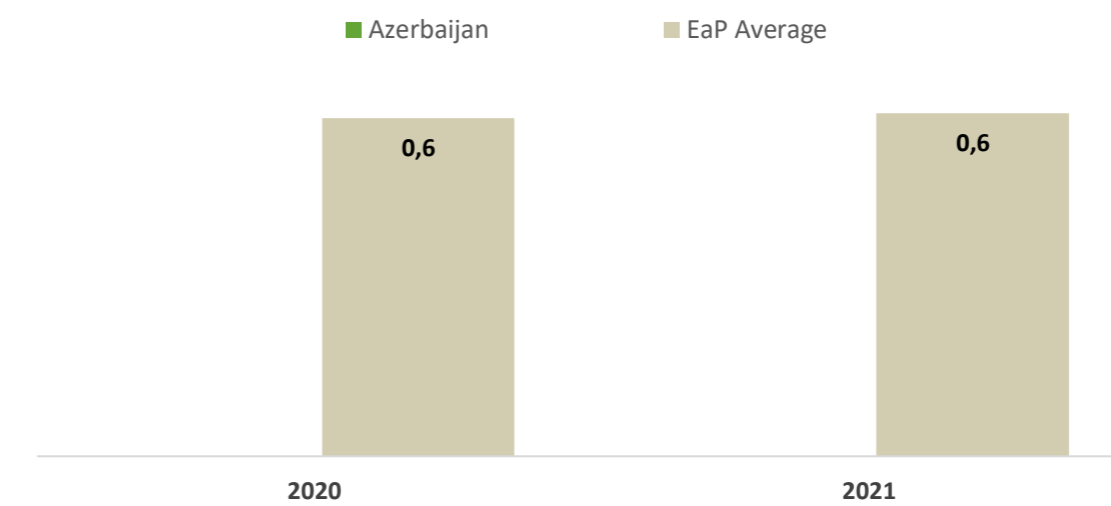
	Non-prosecutor staff in 2021			Ratio between non-prosecutor staff and prosecutors in 2021		% Variation 2020 - 2021
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Azerbaijan	EaP Average	Azerbaijan
Total	NA	NA	10,7	NA	0,6	-

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

In 2021, there was no data provided on the number of non-prosecutor staff in Azerbaijan and as a result it is not possible to calculate the ratio between non-prosecutor staff and prosecutors.

In the region there is an Average of 10,7 non-prosecutor staff per 100 000 inhabitants and 0,6 non-prosecutor staff per prosecutor.

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



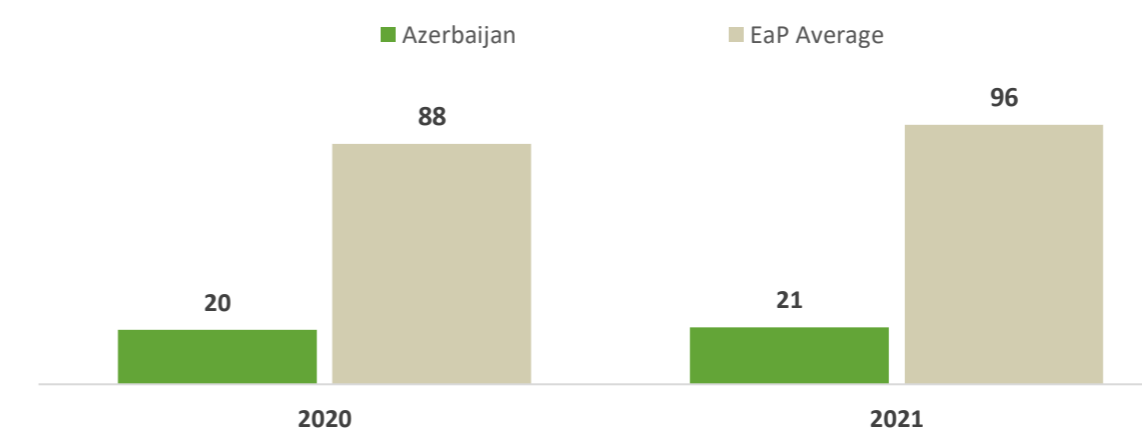
• Lawyers

	Number of lawyers in 2021			% Variation 2020 - 2021
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Azerbaijan
Total	2 132	21,1	95,5	4,4%

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

In 2021, the number of lawyers was 21,1 per 100 000 inhabitants, which was remarkably lower than the EaP Average (95,5). The number of lawyers per 100 000 inhabitants increased by 4,4% between 2020 and 2021. Since the monopoly given to lawyers over court representation in the legislation in 2017 there has been an on-going process to increase the number of lawyers with the organisation of admission exams on a regular basis by the Azerbaijani Bar Association.

Number of lawyers per 100 000 inhabitants between 2020 and 2021



Salaries of professional judges and prosecutors

In 2021, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Azerbaijan was 6,1, which was more than the EaP Average (4,5).

At the end of career, judges were paid more than at the beginning of career by 53,1%, which was less than the variation of EaP Average (120,2%).

In 2021, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Azerbaijan was 3,5, which was more than the EaP Average (2,5).

At the end of career, prosecutors were paid more than at the beginning of career by 162,1%, which was more than the variation of EaP Average (146,7%).

		Salaries in 2021 (absolute values)			Ratio with the annual gross salary	
		Gross annual salary in €	% Variation 2020 - 2021	Net annual salary in €	Azerbaijan	EaP Average ratio
Professional judge	At the beginning of the career	27 625	▲ 8,4%	24 031	6,1	4,5
	Of the Supreme Court or the Highest Appellate Court	42 294	▬ 0,0%	37 591	9,3	
Public prosecutor	At the beginning of the career	16 086	▲ 133,4%	14 346	3,5	2,5
	Of the Supreme Court or the Highest Appellate Court	42 163	▲ 134,1%	37 431	9,2	6,1

For reference only: the 2021 EU median for the ratio of judges and prosecutors' salaries with average gross annual natic

- professional judges' salary at the beginning of career: 1,9

- prosecutors' salary at the beginning of career: 1,7

- professional judges' salary at the end of career: 4,1

- prosecutors' salary at the end of career: 3,4

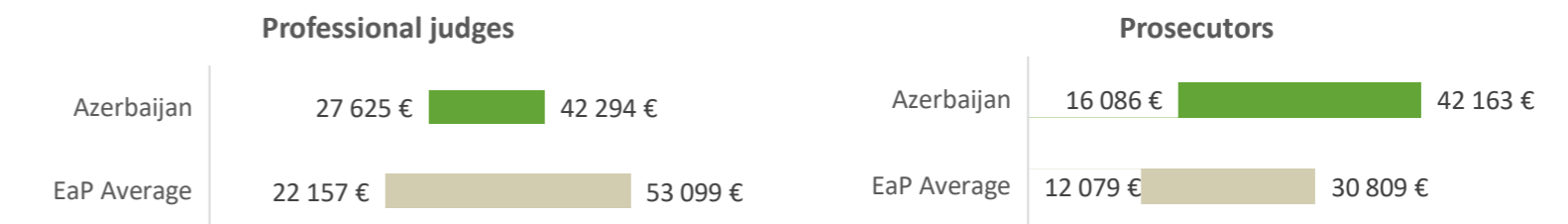
Between 2020 and 2021 there was a significant increase of the salaries of prosecutors following a presidential decree.

Like in the rest of the region, in Azerbaijan judges at the beginning of their careers have a higher gross annual salary than public prosecutors at the beginning of their careers. However, at the level of the Supreme Court judges and prosecutors have similar annual gross salaries.

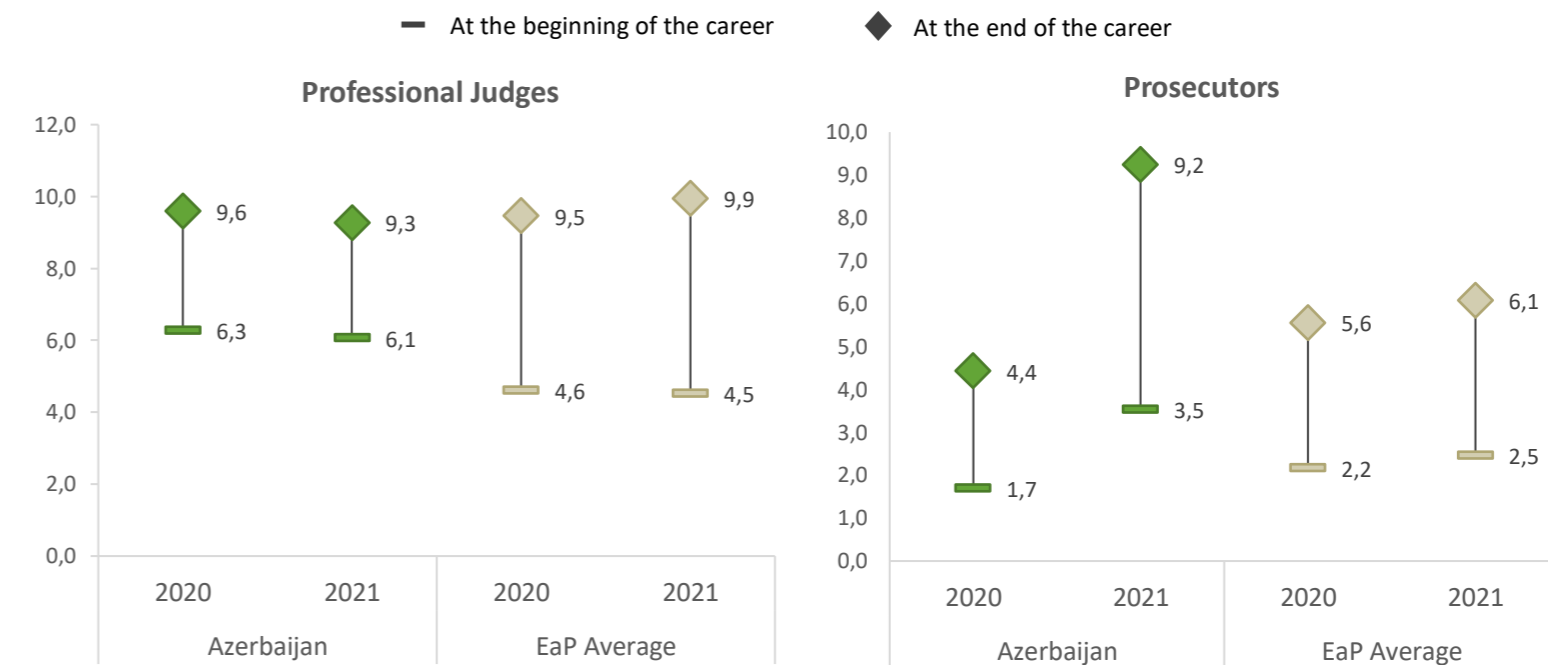
Additional benefits and bonuses for professional judges and prosecutors

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

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



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



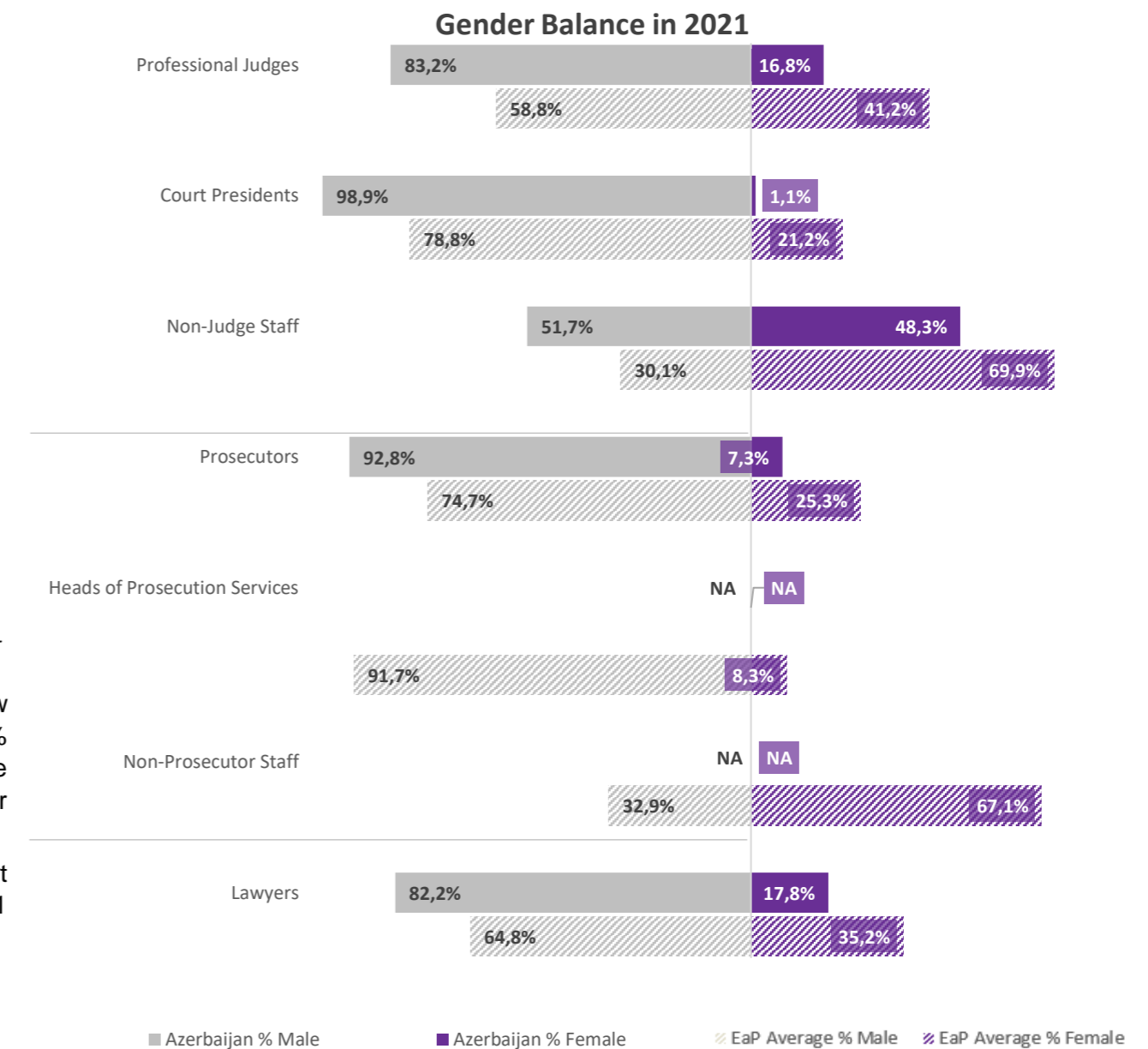
Gender Balance

	% Female per category in 2021		% Variation 2020 - 2021	
	Azerbaijan	EaP Average	Azerbaijan	
Professional Judges	16,8%	41,2%	▲	2,5
Court Presidents	1,1%	21,2%	▼	-0,9
Non-Judge Staff	48,3%	69,9%	▲	1,8
Prosecutors	7,3%	25,3%	▲	0,6
Heads of Prosecution Services	NA	8,3%		NA
Non-Prosecutor Staff	NA	67,1%		NA
Lawyers	17,8%	35,2%	▲	0,9

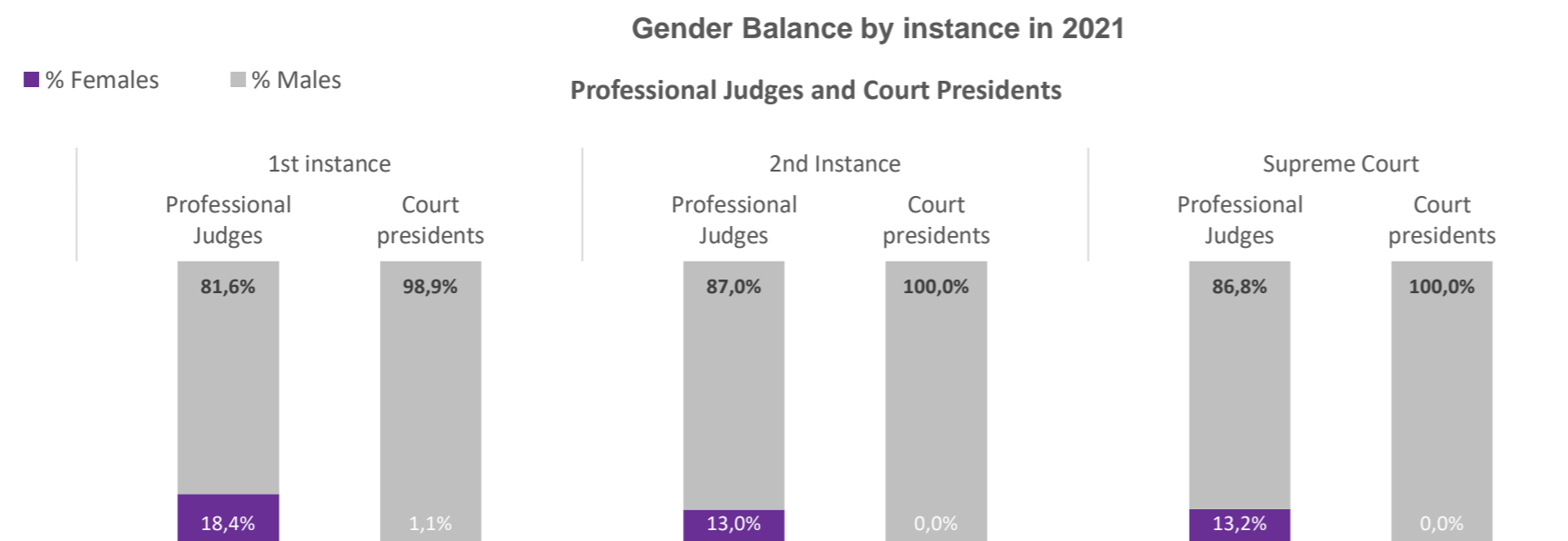
For reference only: 2021 EU medians on gender among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 74% women non-prosecutor staff; and 47% women lawyers.

In 2021 in Azerbaijan women were hardly represented in the legal professions. Indeed, all available percentages of female in judicial professions were below 50% and below all the EaP Averages: 16,8% of judges (41,2% for the EaP Average); 1,1% of court presidents (21,2% EaP Average); 48,3% of non-judge staff (69,9% EaP Average); 7,3% of prosecutors (25,3% EaP Average); 17,8% of lawyers (35,2% EaP Average). The profession with the highest percentage of females was non-judge staff (48,3%) while the one with the lowest was court president (only 1 court president, or 1,1%). There was no data provided regarding the heads of prosecution services and the non-prosecutor staff.

In all professions except for court presidents, a small increase of the percentages of female employees can be observed between 2020 and 2021. Regarding court presidents, there used to be two female presidents in 2020 (one in first instance and one in second) but following a transfer to another court there was only one in 2021 which explains the decrease.



	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
1st instance courts	18,4%	42,9%	1,1%	22,7%	NA	-	NA	-
2nd instance courts	13,0%	37,3%	0,0%	3,4%	NA	-	NA	-
Supreme Court	13,2%	33,7%	0,0%	40,0%	NA	-	NA	-



In Azerbaijan the instance with the highest percentage of female judges is the first one with 18,4% while the second and third instance have lower but similar percentages (respectively 13% and 13,2%).

In 2021 there was only female court president in Azerbaijan who was in the first instance (which represents 1,1% of all court presidents in the first instance).

• Gender Equality Policies

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

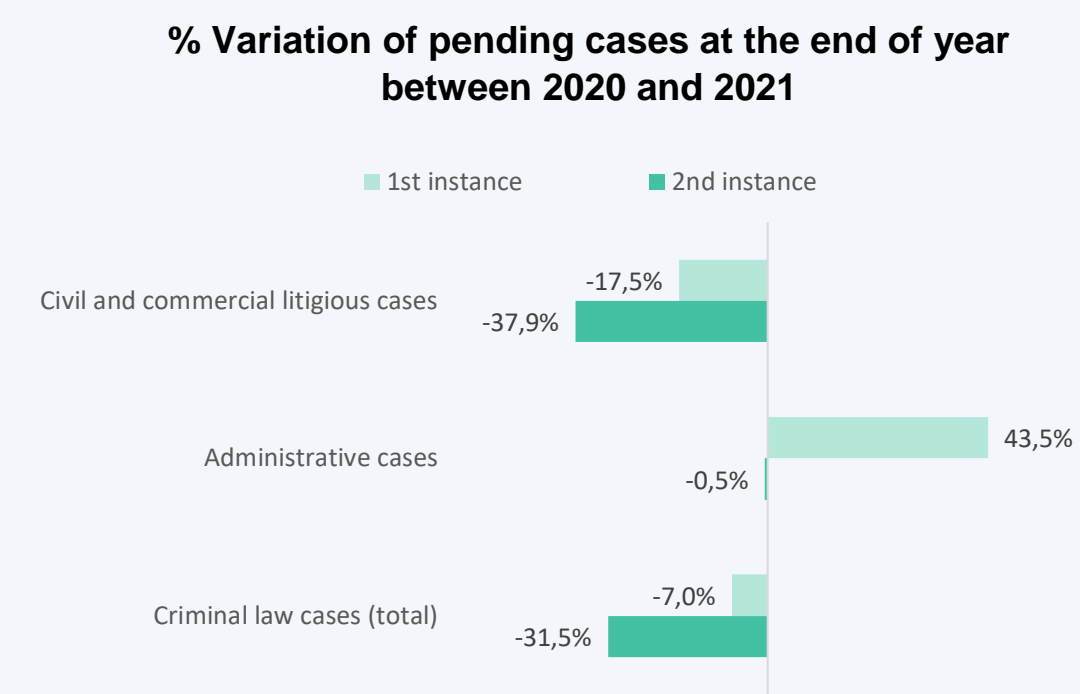
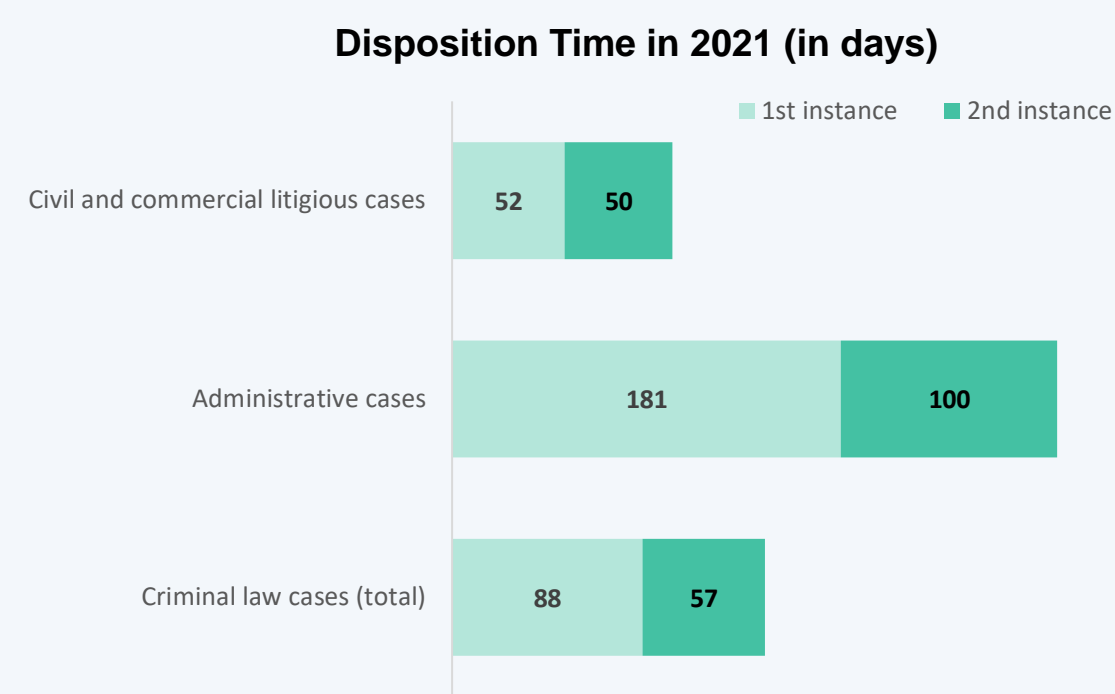
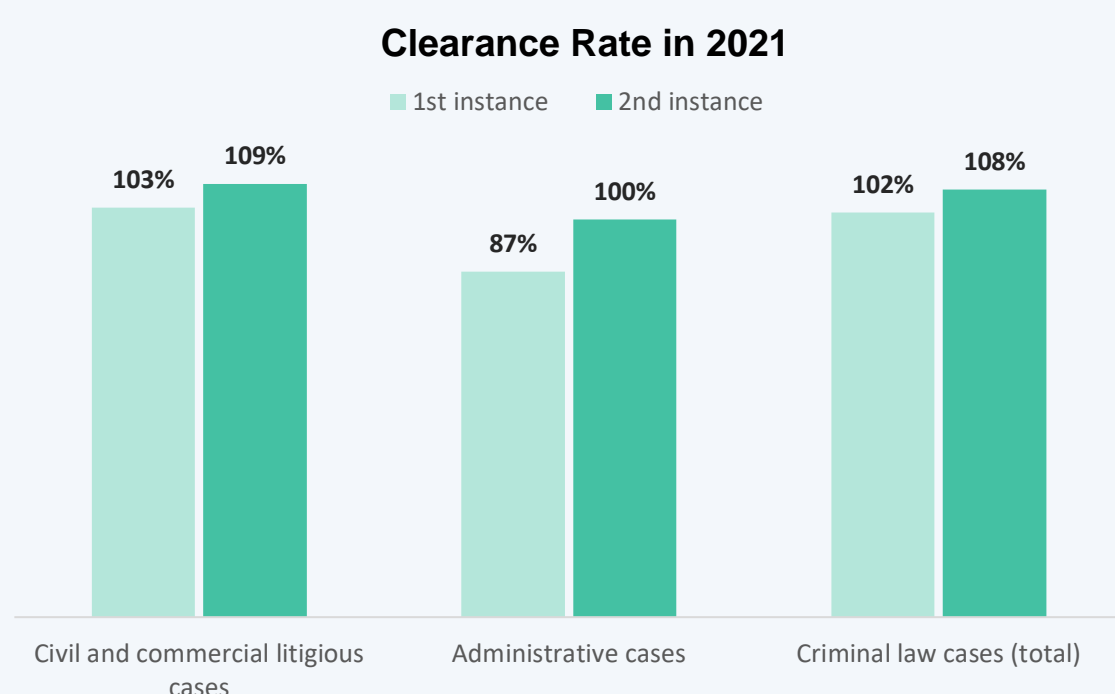
In Azerbaijan there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

The Government of Azerbaijan conducts regularly women's awareness operations. The State Committee for Family, Women and Children Affairs (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 have been organised 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.

There are no specific provisions for facilitating gender equality regarding the recruitment and promotion of justice professionals. However, on October 10th 2006 the Law of the Republic of Azerbaijan "On Ensuring Gender (Men and Female) Equality" was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life. In accordance with Article 6 of the Law, the state takes measures for eliminating all forms of gender discrimination, creating equal opportunities for males and females, not allowing superiority of persons belonging to any gender in state governing and decision-making. The text of the said Article is available at the following link: <http://e-qanun.az/framework/12424>.

There is no person or institution dealing with gender issues in recruitment and promotion of judges, prosecutors and non-judge staff at a national level. However the State committee for Family, Women, and Children Affairs (according to the article 8.12 of its Statue) is supervising the insurance of gender equality in all areas. At the court or public prosecution services level, there is no persons (e.g. an equal opportunities commissioner) or institutions specifically dedicated to ensure the respect of gender equality in the organisation of judicial work.

Efficiency in Azerbaijan in 2021 (Indicators 3.1 and 3.2)

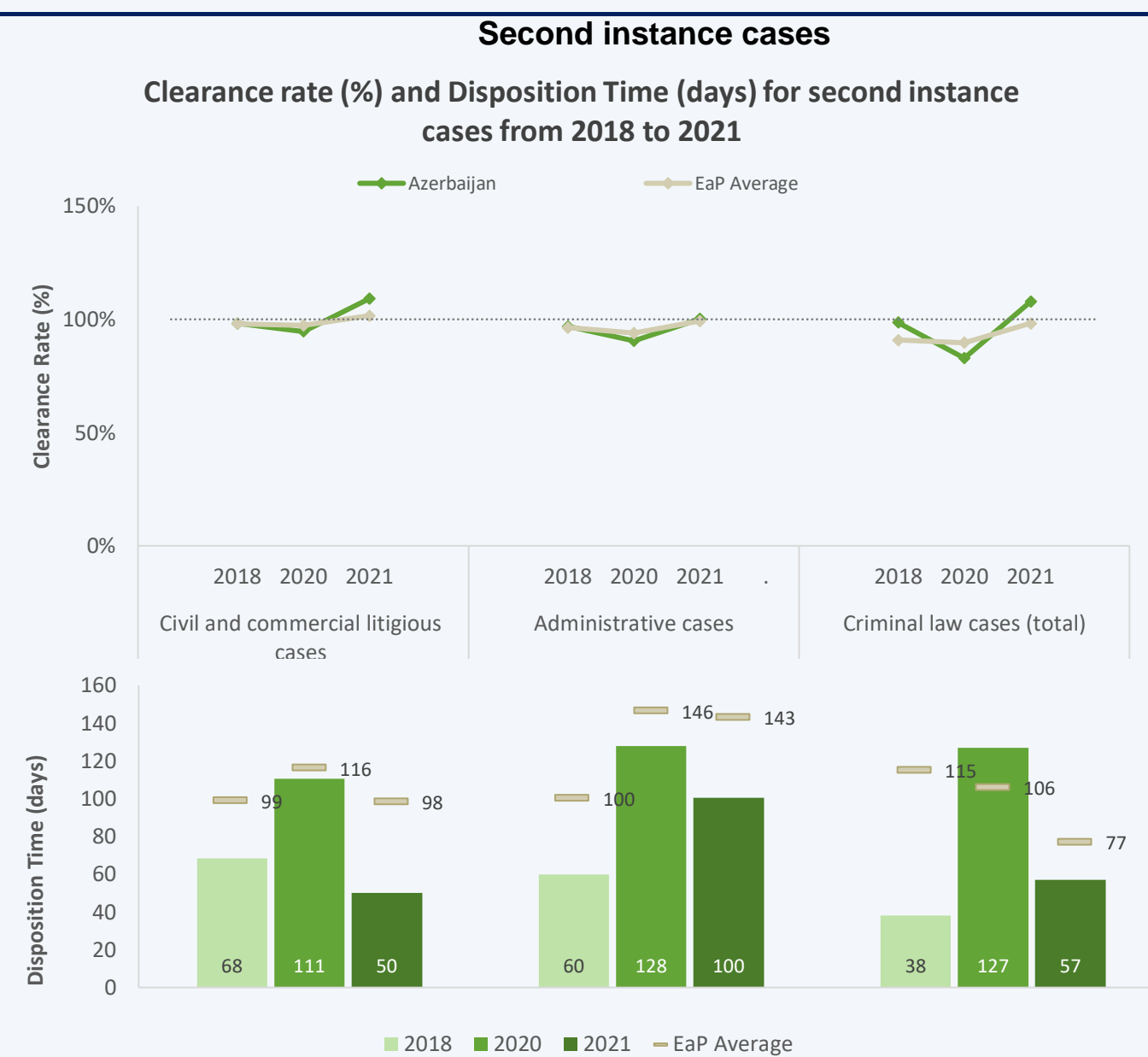
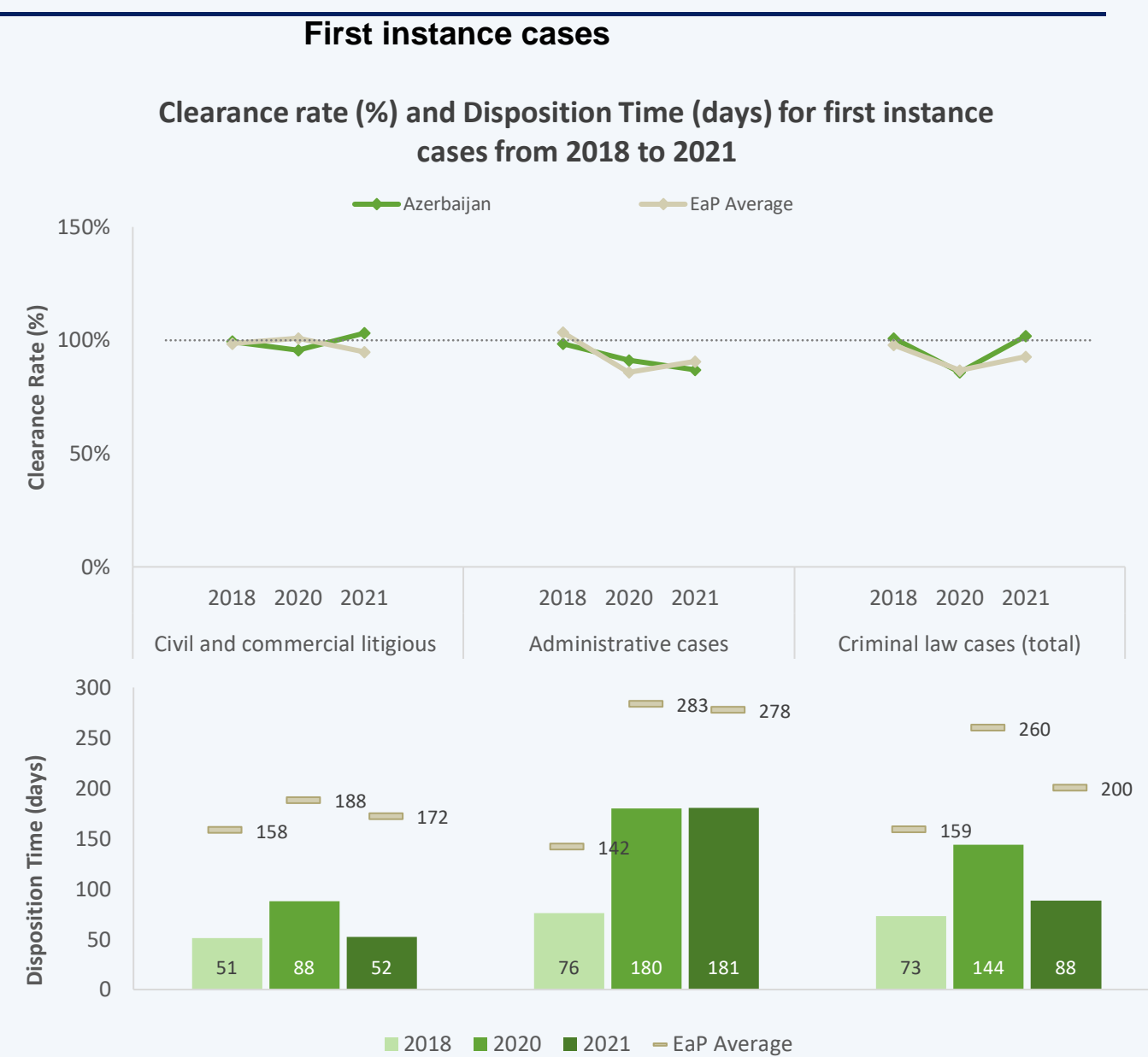


For the purpose of this Profile, the data of only the 1st and 2nd instance courts is analyzed.

In 2021, there was an overall increase in efficiency in case flow for Azerbaijan compared to 2020. Indeed, aside for administrative cases in first instance, there was an increase of Clearance Rates and a diminution of Disposition Times for all types of cases. As a result, with the exception of administrative cases in first instance, there were less pending cases at the end of the year in 2021 than in 2020 (the biggest decreases were in second instance with -37,9% for civil and commercial litigious cases and -31,5% for criminal cases). It is to be noted that Azerbaijan had lower number of incoming cases compared to the region, with numbers of incoming cases standardised per 100 inhabitants lower than the EaP Averages for all types of cases. Also, due to the Covid-19 pandemic there were severe restrictions on the work of courts for about four months in 2020; whereas increases of incoming and resolved cases can be observed in 2021 and have been notably explained by the lifting of all Covid-19 restrictions. For all type of cases, the impact of the pandemic can be clearly observed with a diminution of Clearance Rates and an increase of Disposition Times between 2018 and 2020; and as mentioned and except for administrative case in the first instance, an inversion of this trend between 2020 and 2021.

As mentioned before, Azerbaijan was not able to deal as well with administrative cases as with other types of cases. Administrative cases in first instance were the only type of cases with a Clearance Rate below 100% (87%). A low Clearance Rate might lead to the accumulation of backlog for this type of cases. As a result of the low Clearance Rate in 2021, there were 43,5% more pending cases at the end of 2021 than at the end of 2020. The Disposition Times for Administrative cases were also the highest with 181 days in first instance and 100 days in second instance. On the contrary, Azerbaijan dealt well with civil and commercial litigious cases which had some of the highest Clearance Rates amongst all types of cases (103% in first instance and 109% in second instance) and the shortest Disposition Times (52 days in first instance and 50 days in second instance).

Compared to the region, Azerbaijan had higher Clearance rates than the EaP Averages for all types of cases except administrative cases in first instance, and lower Disposition Times. The Disposition Times in first instance were notably significantly lower than the EaP Averages.



First instance cases - Other than criminal law cases

1st instance cases in 2021 (absolute values)	Azerbaijan (2021)				% Variation between 2020 and 2021			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	210 369	214 049	36 186	552	29,7%	38,5%	-9,2%	-27,8%
1 Civil and commercial litigious cases	192 398	198 421	28 451	517	28,2%	38,2%	-17,5%	-28,8%
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	17 971	15 628	7 735	35	49,5%	42,6%	43,5%	-10,3%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

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

In 2021, there was 192 398 incoming civil and commercial litigious cases in the first instance (1,9 per 100 inhabitants vs the EaP Average of 3,07). This represents an increase of 28,2% between 2020 and 2021. 198 421 cases were resolved (1,96 per 100 inhabitants vs EaP Average of 2,87) which is also an increase since 2020 (+38,2%). The number of resolved cases was thus higher than the incoming cases. As a consequence, there were less civil and commercial cases pending at the end of the year in 2021 than in 2020. Indeed, the 2021 Clearance Rate for this type of cases was 103% (above the EaP Average of 95%). This increased by 7,5 percentage points compared to 2020.

The Disposition Time for civil and commercial litigious cases was approximately 52 days in 2021 (significantly below the EaP Average of 172 days). This decreased by -40,3% compared to 2020.

In 2021, there was 17 971 incoming administrative cases in first instance (ie 0,18 per 100 inhabitants vs the EaP Average of 0,31). They increased by 49,5% compared to the previous year. 15 628 cases were resolved (0,15 per 100 inhabitants, below of the EaP Average of 0,28) which is an increase of 42,6% compared to 2020. The number of incoming cases was thus higher than the resolved cases. As a consequence, there were more administrative cases pending at the end of the year in 2021 and the Clearance Rate for this type of cases was 87% (below the EaP Average (90,6%)). The CR decreased by -4,2 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 181 days in 2021. This has increased by 0,6% compared to 2020 but was below the EaP Average (278 days).

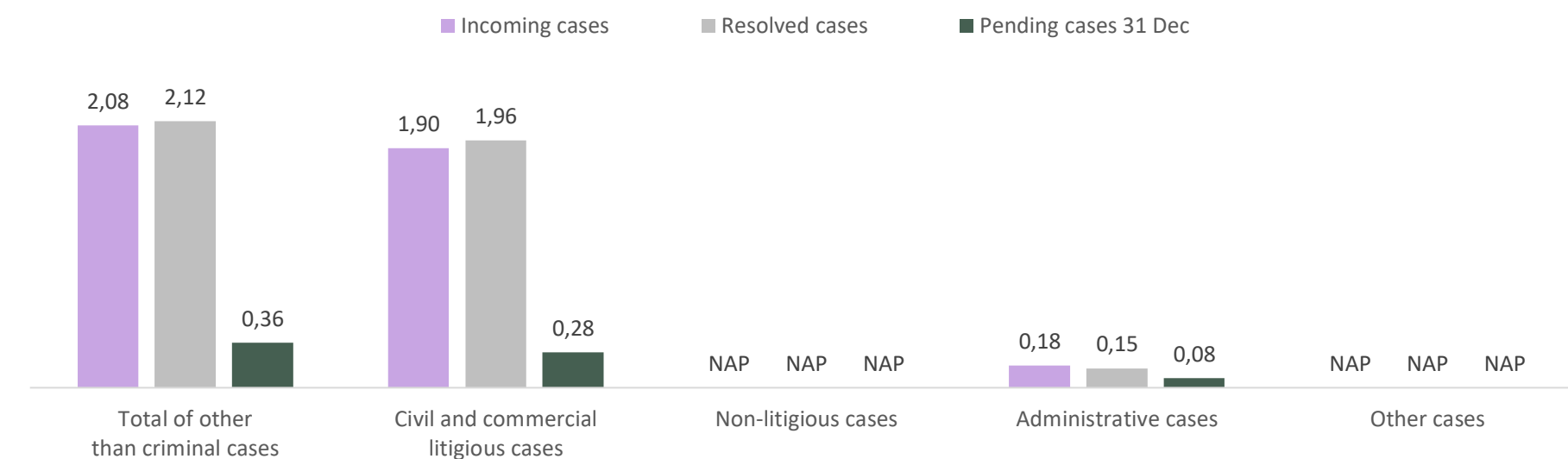
The increases of case flow (increase of incoming and resolved civil and commercial cases and administrative cases) are explained by the lifting of Covid-19 restrictions. The increase of the number of resolved civil and commercial cases is also explained by amendments to the Civil Procedure Code of 9th July 2021. According to those amendments, experts now have a deadline to issue their written opinions (1 month following their appointment and no later than 10 days for some cases).

1st instance cases in 2021 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
Total of other than criminal law cases (1+2+3+4)	2,08	< 3,27	2,12	< 3,20	0,36	< 1,45	0,01	< 0,32
1 Civil and commercial litigious cases	1,90	< 3,07	1,96	< 2,87	0,28	< 1,33	0,01	< 0,28
2 Non-litigious cases**	NAP	0,66	NAP	0,67	NAP	0,11	NAP	-
3 Administrative cases	0,18	< 0,31	0,15	< 0,28	0,08	< 0,21	0,0003	< 0,04
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

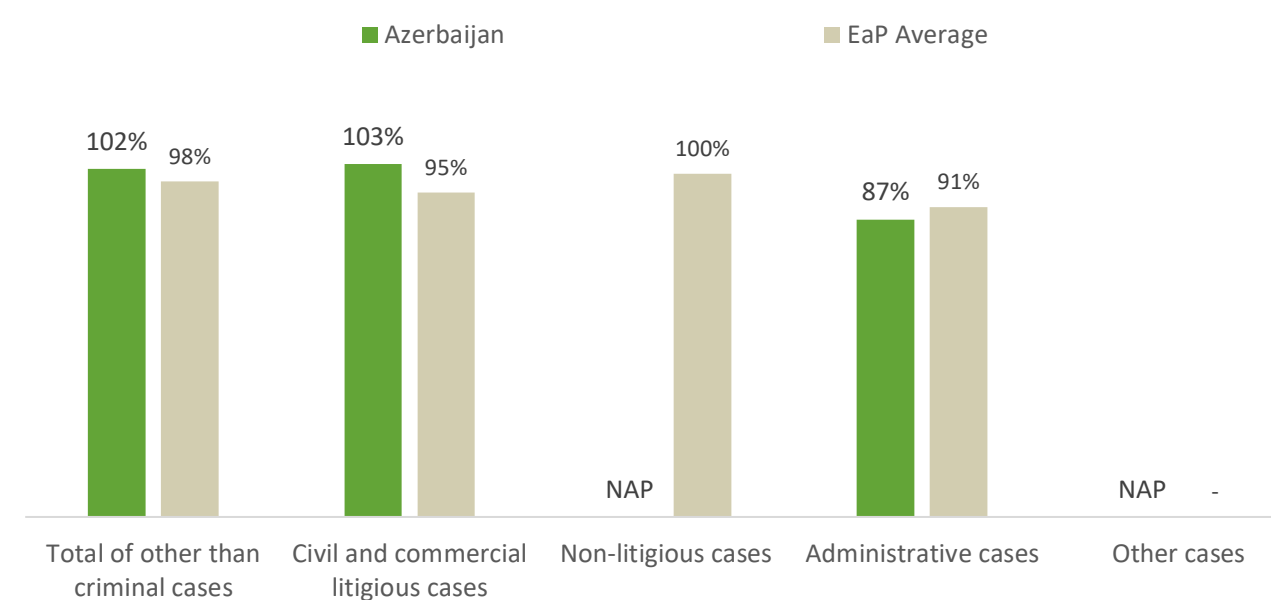
For reference only: the 2021 EU Median was as follows:
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming first instance Administrative cases per 100 inhabitants: 0,3.

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

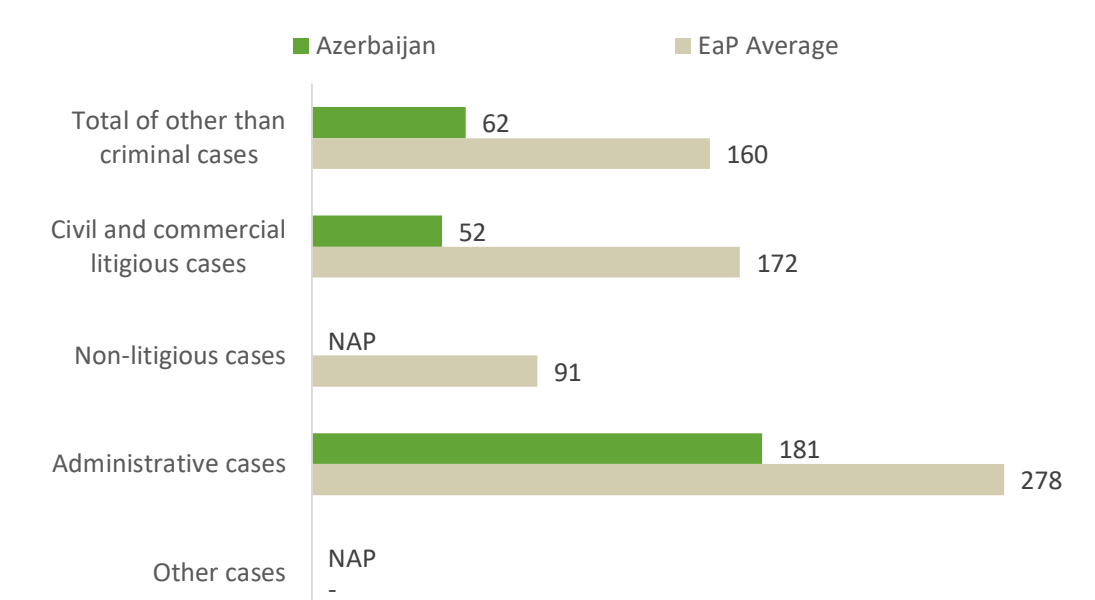
First instance Other than criminal cases per 100 inhabitants in 2021



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



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



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021	CR (%)		DT (days)		% Variation 2020 - 2021	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	102%	98%	62	160	6,4	-34,5%
1 Civil and commercial litigious cases	103%	95%	52	172	7,5	-40,3%
2 Non-litigious cases**	NAP	100%	NAP	91	NAP	NAP
3 Administrative cases	87%	91%	181	278	-4,2	0,6%
4 Other cases	NAP	-	NAP	-	NAP	NAP

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

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

First instance cases - Criminal law cases

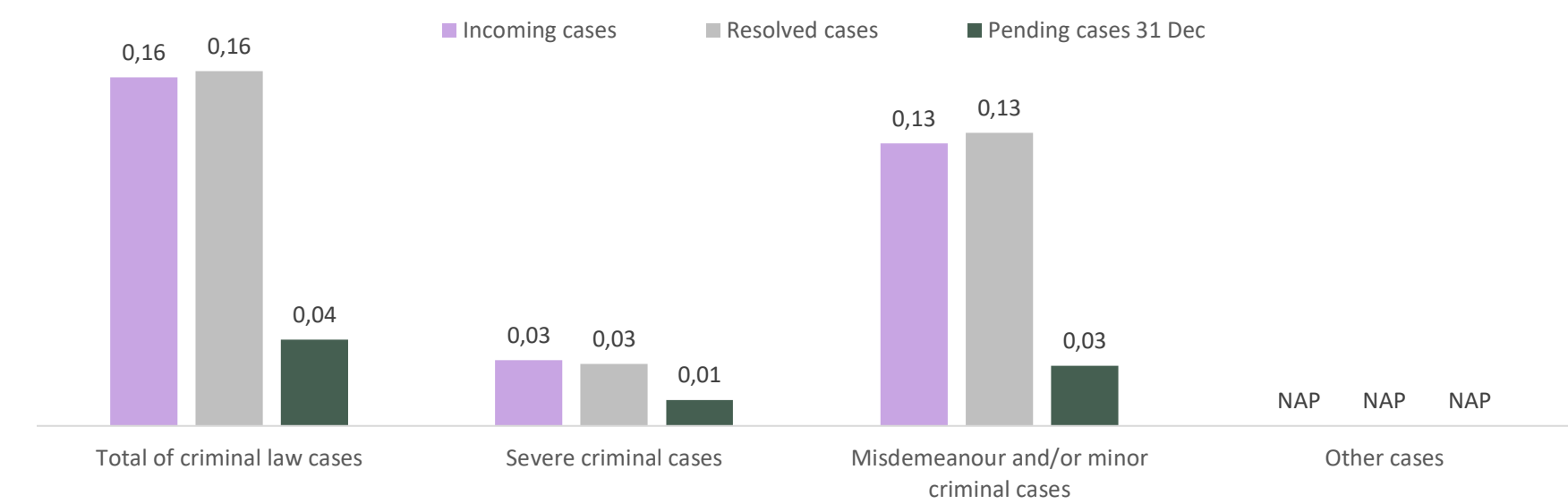
1st instance cases in 2021 (absolute values)		Azerbaijan (2021)				% Variation between 2020 and 2021			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		15 836	16 131	3 910	170	27,6%	51,3%	-7,0%	-7,6%
1	Severe criminal cases	2 984	2 810	1 182	57	43,3%	75,7%	17,3%	-9,5%
2	Misdemeanour and / or minor criminal cases	12 852	13 321	2 728	113	24,4%	47,0%	-14,7%	-6,6%
3	Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In 2021, there was 15 836 incoming criminal cases at the first instance (0,16 per 100 inhabitants vs the EaP Average of 0,90). They increased by 27,6% between 2020 and 2021. 16 131 cases were resolved (also 0,16 per 100 inhabitants). Between 2020 and 2021, they increased by 51,3%. The number of resolved cases was thus higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2021 were less than in 2020. Indeed, the 2021 Clearance Rate for this type of cases was 101,9% (above the EaP Average of 92,7%). This increased by 16 percentage points compared to 2020. The increase of incoming and resolved cases were due to the lifting of all Covid-19 related restrictions as well as to the fact that in 2021 the fight against crime, including illegal drug trafficking, was further strengthened in the Republic of Azerbaijan. The authorities reported that illegal drug trafficking was prevented by the use of modern telecommunications and information media by law enforcement agencies, large quantities of potent drugs were seized.

The Disposition Time for total criminal cases was approximately 88 days in 2021 (significantly below the EaP Average of 200 days). This decreased by -38,5% compared to 2020.

1st instance cases in 2021 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
Total of criminal law cases (1+2+3)		0,16	< 0,90	0,16	< 0,87	0,04	< 0,29	0,002	< 0,04
1	Severe criminal cases	0,03	< 0,09	0,03	< 0,08	0,01	< 0,07	0,001	= 0,003
2	Misdemeanour and / or minor criminal cases	0,13	< 0,34	0,13	< 0,34	0,03	< 0,05	0,001	= 0,003
3	Other cases	NAP	-	NAP	-	NAP	-	NAP	-

First instance Criminal law cases per 100 inhabitants in 2021



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

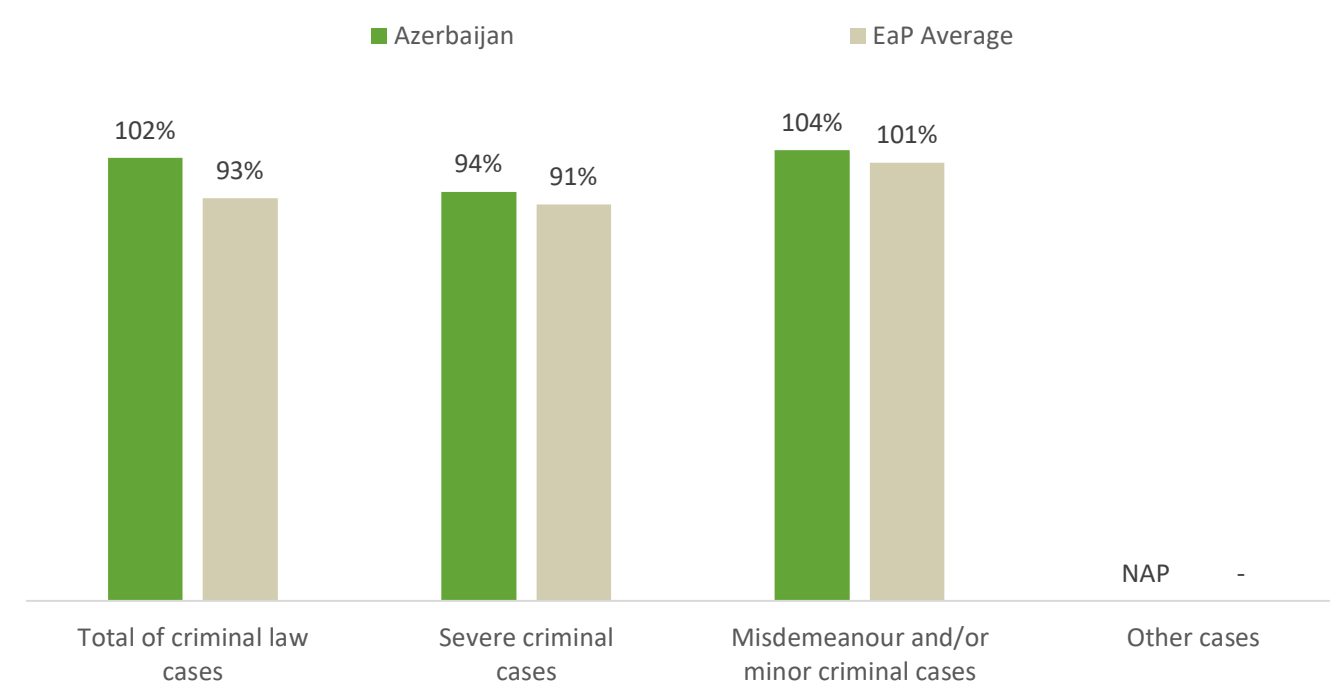
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= Equal to the EaP Average
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1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021		CR (%)		DT (days)		% Variation 2020 - 2021	
		Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		102%	93%	88	200	16,0	-38,5%
1	Severe criminal cases	94%	91%	154	307	17,4	-33,3%
2	Misdemeanour and / or minor criminal cases	104%	101%	75	81	15,9	-41,9%
3	Other cases	NAP	-	NAP	-	NAP	NAP

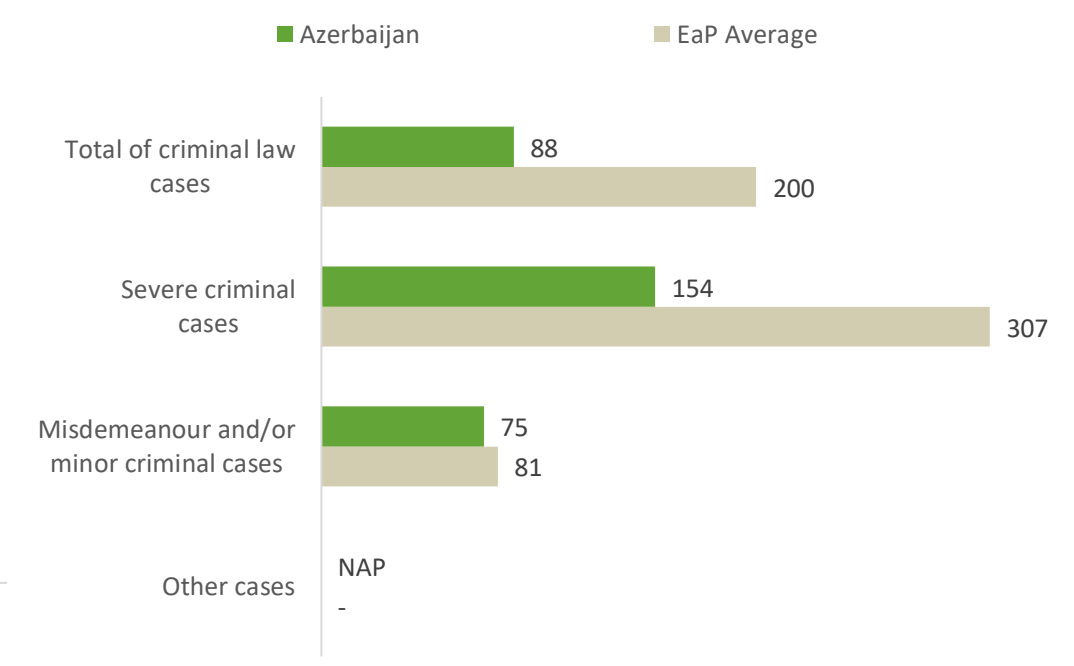
PPT = Percentage points

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

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



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



Second instance cases - Other than criminal law cases

2nd instance cases in 2021 (absolute values)	Azerbaijan (2021)				% Variation between 2020 and 2021			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	30 339	32 668	5 145	156	18,4%	35,7%	-31,2%	-4,3%
1 Civil and commercial litigious cases	25 479	27 801	3 806	141	19,2%	37,5%	-37,9%	-3,4%
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	4 860	4 867	1 339	15	14,3%	26,5%	-0,5%	-11,8%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

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

In 2021, there were 25 479 incoming civil and commercial litigious cases in second instance (0,25 per 100 inhabitants vs the EaP Average of 0,27). They increased by 19,2% between 2020 and 2021. The resolved cases were 27 801 (0,27 per 100 inhabitants). Between 2020 and 2021, they increased by 37,5%. The number of resolved cases was thus higher than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of the year decreased compared to 2020. Indeed, the 2021 Clearance Rate for this type of cases was 109,1% (above the EaP Average of 101,6%). This increased by 14,5 percentage points compared to 2020.

The Disposition Time for civil and commercial litigious cases was approximately 50 days in 2021 (below the EaP Average of 98 days). This decreased by -54,8% compared to 2020.

There were 4 860 incoming administrative cases in second instance in 2021 (ie 0,05 per 100 inhabitants vs the EaP Average of 0,11). They increased by 14,3% compared to the previous year. The resolved cases were 4 867 (0,05 per 100 inhabitants, below of the EaP Average of 0,1). Between 2020 and 2021, the number of resolved administrative cases increased by 26,5%. The number of incoming cases was thus slightly lower than the resolved cases. As a consequence, there were less administrative pending cases at the end of the year in 2021 than in 2020 and the Clearance Rate for this type of cases was 100,1% (above the EaP Average (99,3%). The CR increased by 9,6 percentage points compared to the previous year.

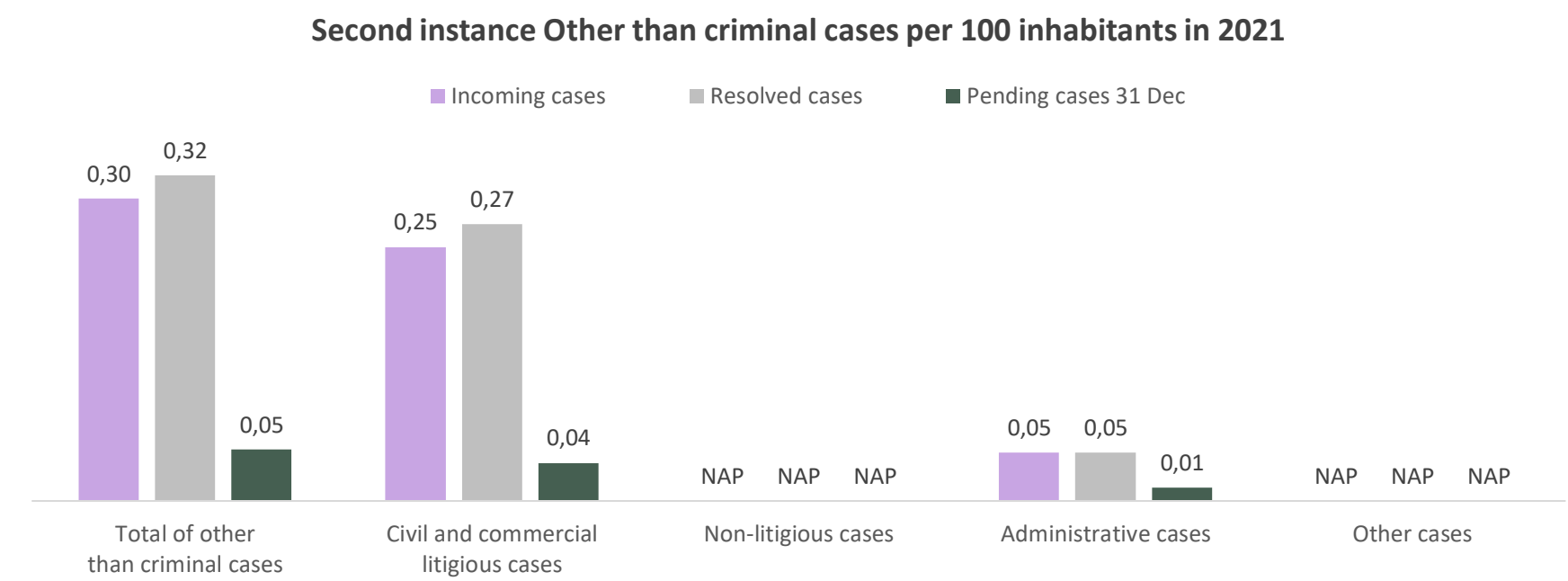
Finally, the Disposition Time for administrative cases was approximately 100 days in 2021. This has decreased by -21,4% compared to 2020 and it was below the EaP Average (169 days).

The variations of case flow since 2020 (increases of incoming and resolved cases and decrease of pending cases at the end of the year) are explained for the same reasons than in the first instance: the lifting of Covid - 19 restrictions and the amendments to the Civil Procedure Code.

2nd instance cases in 2021 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
Total of other than criminal law cases (1+2+3+4)	0,30	< 0,39	0,32	< 0,40	0,05	< 0,11	0,002	< 0,01
1 Civil and commercial litigious cases	0,25	< 0,27	0,27	= 0,27	0,04	< 0,07	0,001	= 0,003
2 Non-litigious cases**	NAP	-	NAP	-	NAP	-	NAP	-
3 Administrative cases	0,05	< 0,11	0,05	< 0,10	0,01	< 0,05	0,000	< 0,003
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

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

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



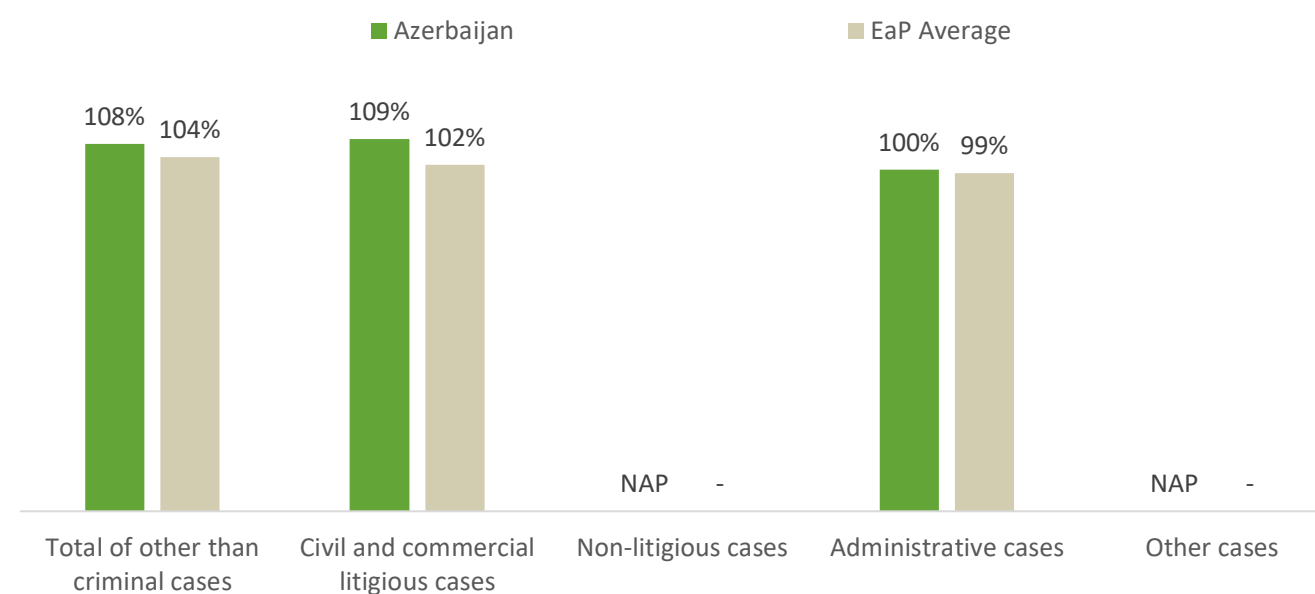
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021	CR (%)		DT (days)		% Variation 2020 - 2021	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
	Total of other than criminal law cases (1+2+3+4)	108%	104%	57	104	13,8
1 Civil and commercial litigious cases	109%	102%	50	98	14,5	-54,8%
2 Non-litigious cases**	NAP	-	NAP	-	NAP	NAP
3 Administrative cases	100%	99%	100	169	9,6	-21,4%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

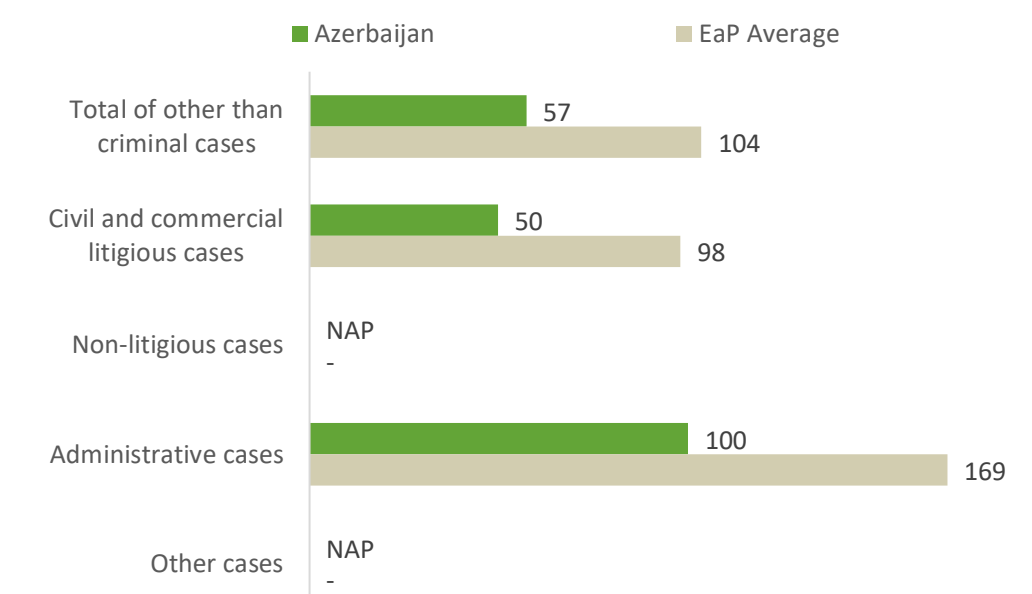
For reference only: the 2021 EU Median for the Second instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

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

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



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



Second instance cases - Criminal law cases

2nd instance cases in 2021 (absolute values)		Azerbaijan (2021)				% Variation between 2020 and 2021			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		5 099	5 492	856	24	17,6%	52,9%	-31,5%	9,1%
1	Severe criminal cases	1 603	1 588	416	19	46,5%	81,9%	3,7%	58,3%
2	Misdemeanour and / or minor criminal cases	3 496	3 904	440	5	7,9%	43,5%	-48,1%	-50%
3	Other cases	NAP	NAP	NAP	NAP	NA	NA	NA	NA

In 2021, the incoming total criminal cases in second instance were 5 099 (0,05 per 100 inhabitants vs the EaP Average of 0,28). They increased by 17,6% between 2020 and 2021. The resolved cases were 5 492 (0,05 per 100 inhabitants). Between 2020 and 2021, they increased by 52,9%. The number of resolved cases was thus higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2021 were less than in 2020. Indeed, the 2021 Clearance Rate for this type of cases was 108% (above the EaP Average of 98%). This increased by 24,8 percentage points compared to 2020.

The Disposition Time for total criminal cases was approximately 57 days in 2021 (below the EaP Average of 77 days). This decreased by -55,2% compared to 2020.

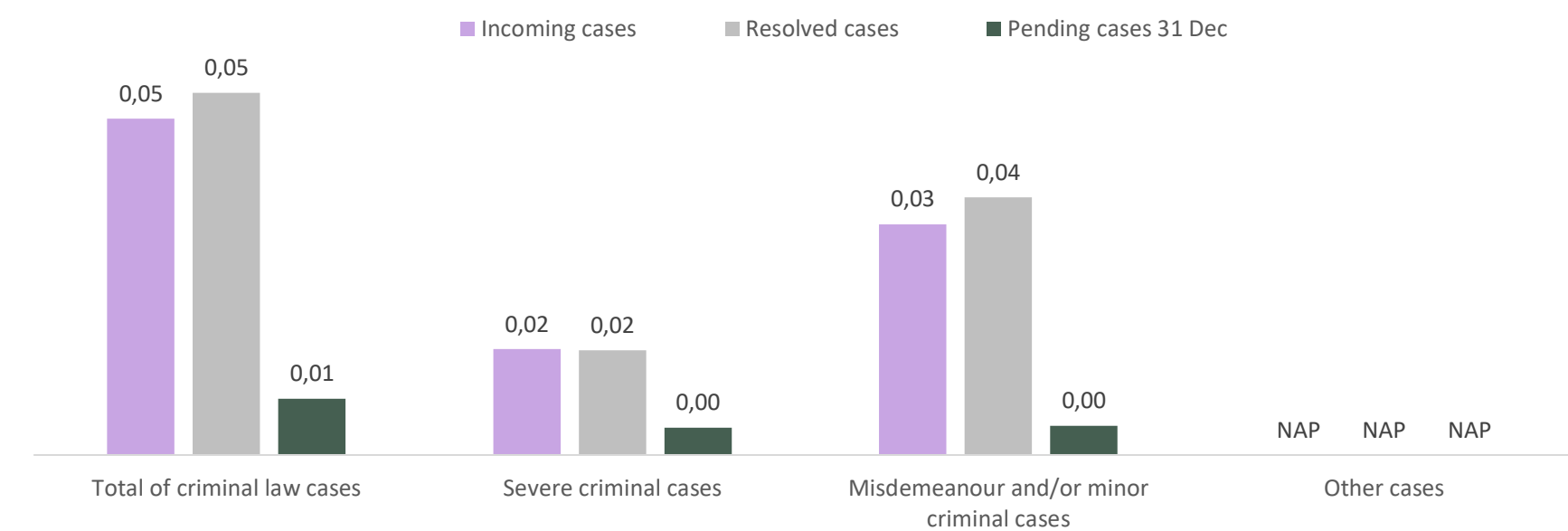
As for the first instance, the increases of incoming and resolved cases were notably due to the lifting of Covid-19 restrictions.

2nd instance cases in 2021 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
Total of criminal law cases (1+2+3)		0,05	< 0,28	0,05	< 0,26	0,01	< 0,06	0,00	< 0,02
1	Severe criminal cases	0,02	= -	0,02	= -	0,00	< -	0,00	= -
2	Misdemeanour and / or minor criminal cases	0,03	< -	0,04	< -	0,00	< -	0,000	= -
3	Other cases	NAP	-	NAP	-	NAP	-	NAP	-

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

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

Second instance Criminal law cases per 100 inhabitants in 2021

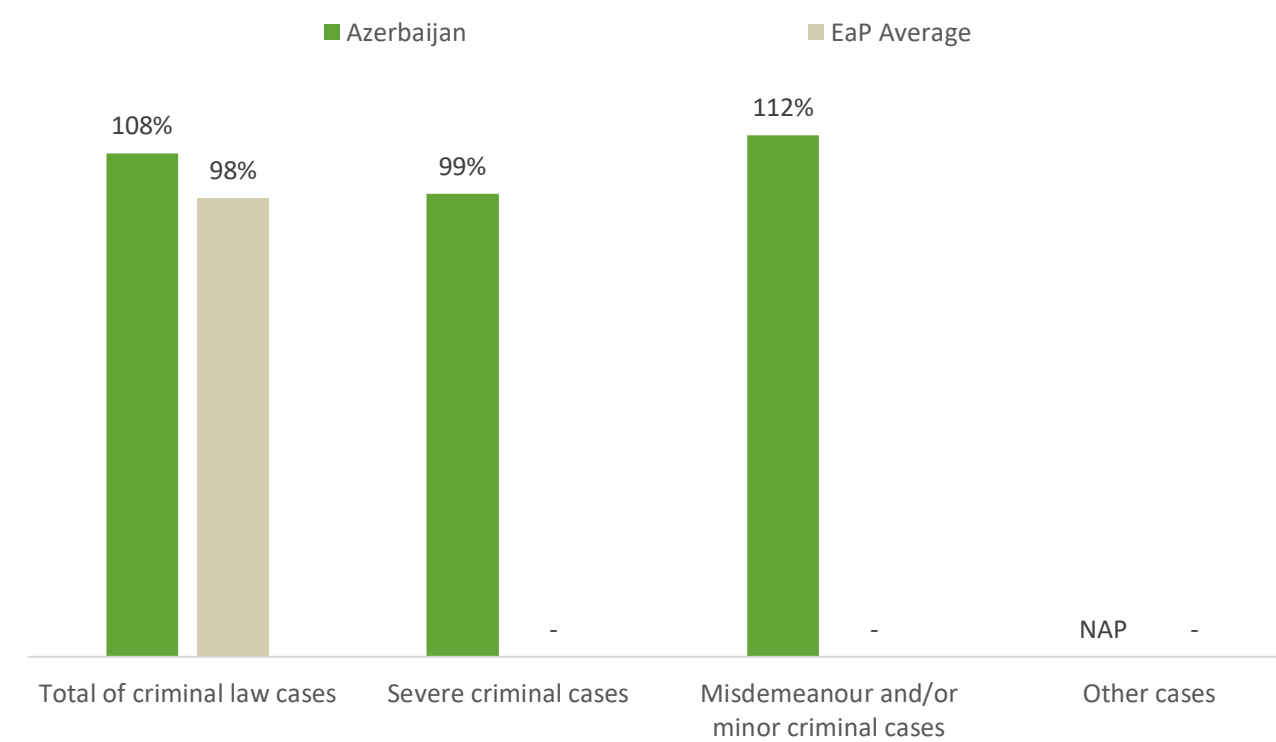


2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021		CR (%)		DT (days)		% Variation 2020 - 2021	
		Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		108%	98%	57	77	24,8	-55,2%
1	Severe criminal cases	99%	-	96	-	19,3	-43%
2	Misdemeanour and / or minor criminal cases	112%	-	41	-	27,8	-63,9%
3	Other cases	NAP	-	NAP	-	NAP	NAP

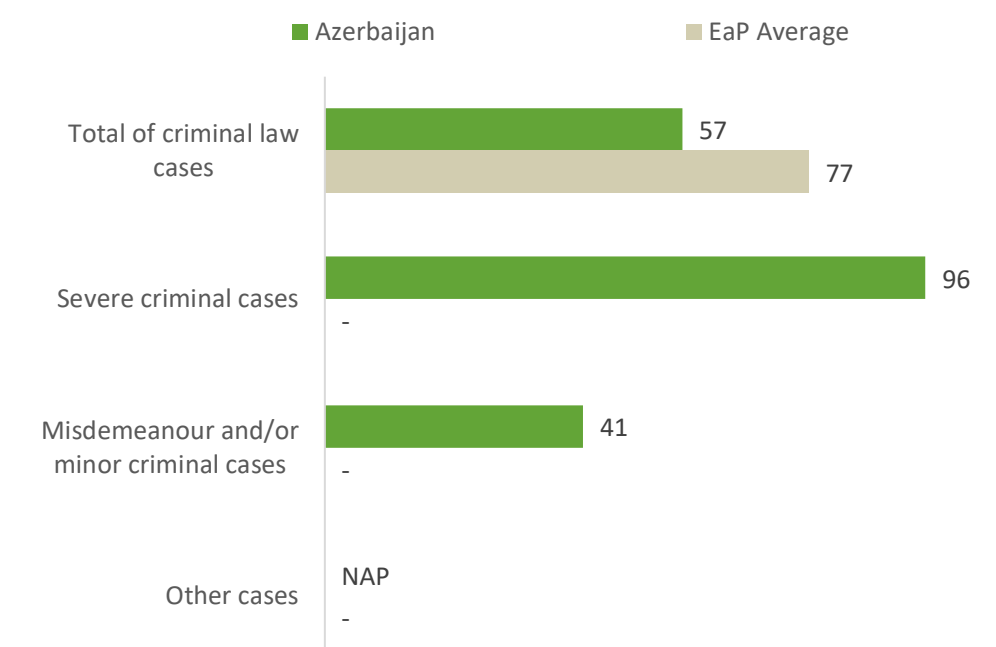
PPT = Percentage points

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

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



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



• Specific category cases

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

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

There was no data available on the average length of cases; % of cases pending for more than 3 years for all instances and % of decisions subject to appeal in Azerbaijan in 2021.

However, some information were provided on the maximum legal duration of cases. According to Civil Procedural Code of Azerbaijan, a case must be considered no later than 4 months after the application is received by the court. Cases on employment, alimony, shall be considered and resolved within 2 months; the cases on mortgage and bankruptcy within 3 months. 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. An appeal shall be considered within 3 months from the date of its receipt by the court and a cassation appeal within 2 months from the date of its receipt.

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

In Azerbaijan there are quality standards determined for the judicial system at national level. Both courts and public prosecution services have specialised personnel entrusted with implementation of these national level quality standards.

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

In Azerbaijan, there is a regular monitoring of courts and prosecution offices based on the indicators selected below. Moreover both courts and public prosecutions offices are annually evaluated based on the monitored indicators. This evaluation is then used for the allocation of resources within the courts and prosecution offices by identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

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

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

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	Yes

The Monitoring Dashboard of the "Azemis" e-court information system allows to track procedural and/or reasonable timeframes and notify in case of delays.

• Quantitative targets for each judge and prosecutor

Existence of quantitative targets for:		Judges	Prosecutors	Consequences for not meeting the targets	
Responsibility for setting up quantitative targets for judges				For judges	For public prosecutors
Executive power (for example the Ministry of Justice)	✗	✓	Executive power (for example the Ministry of Justice)	✗	✗
Legislative power	✓	✓	Prosecutor General /State public prosecutor	✗	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓	✓	Public prosecutorial Council	✗	✗
President of the court	✗	✓	Head of the organisational unit or hierarchical superior public prosecutor	✗	✗
Other:	✗	✓	Other	✗	✗
				Reflected in the individual assessment	✓
				Other	✗
				No consequences	✗
					✓

In Azerbaijan there are quantitative targets defined for both judges and prosecutors. The targets for judges are defined by the legislative and by the judicial power while the targets for prosecutors are defined by the Prosecutor General. If the targets are not met it is reflected in the individual assessments of judges, while there are no consequences for prosecutors.

• Qualitative targets for each judge and prosecutor

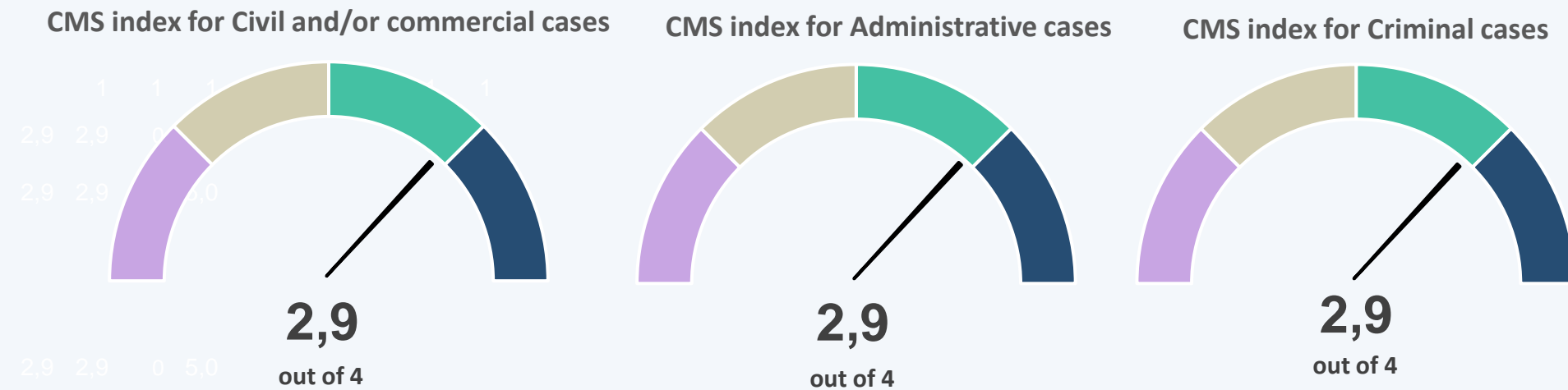
Existence of qualitative targets for:		Judges	Prosecutors	Frequency of this assessment	
Responsibility for setting up the criteria qualitative targets for judges				For judges	For public prosecutors
Executive power (for example the Ministry of Justice)	✗	✓	Executive power (for example the Ministry of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

In Azerbaijan there is a qualitative assessment of judges' work which is conducted at least every five years. The criteria for this assessment are set up by the Judicial Power.

There is also a qualitative assessment of prosecutors' work. Evaluation of the activities of prosecutor's office workers is carried out in accordance with the procedure established by the Law of the Republic of Azerbaijan "On Civil Service". The Collegium of the Prosecutor General's Office of the Republic of Azerbaijan is responsible for setting criteria while the procedure for the attestation is determined by the General Prosecutor. It is not permissible to ask questions of the certified prosecutor's office that are not directly related to his service activity, as well as to evaluate them based on their political views and beliefs. The results of the attestation as well as the questions and answers given during the attestation, are written on the attestation sheet, drawn up in one copy, signed by the chairman, secretary and other members of the attestation commission who participated in the voting.

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

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



• Electronic case management system

In Azerbaijan, there is no IT Strategy for the judiciary. However, there are plans for a significant change in the present IT system in the judiciary notably with the development of new version of the "Mobile court" application.

There is a case management system (CMS), eg software used for registering judicial proceedings and their management. In 2011, the application of the "Electronic Court" system was started in pilot mode. The official application of this System was started with the Decree of the President of the Republic of Azerbaijan on the creation of the "Electronic court" information system dated February 13, 2014.

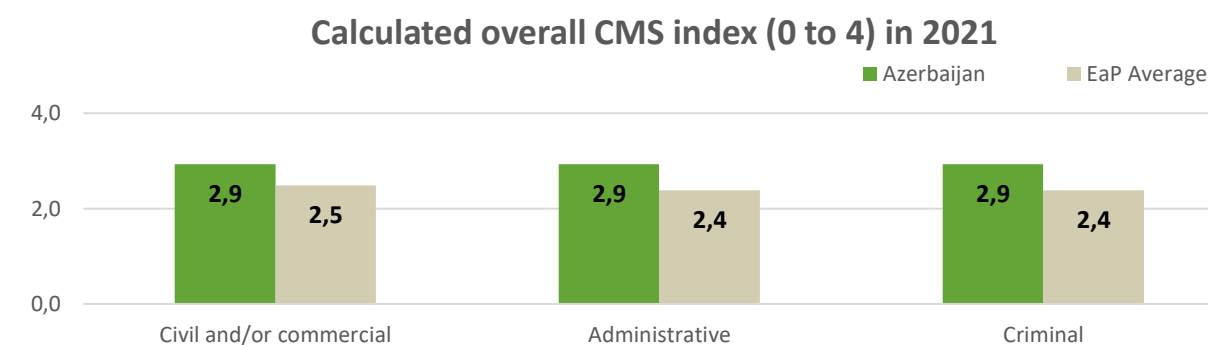
The CMS is deployed in most of the courts (50-99% deployment rate) and the data is stored on a database consolidated at national level. There are early warning signals available and a statistical tool is integrated.

The CMS index for Azerbaijan is 2.9 for each type of cases which is higher than the Eastern Partnership Averages (2,5 for civil and/or commercial cases; 2.4 for administrative and for criminal cases).

Case management system and its modalities					
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool
Civil and/or commercial	50-99%	Both	✓	✓	Integrated
Administrative	50-99%	Both	✓	✓	Integrated
Criminal	50-99%	Both	✓	✓	Integrated

Both = Accessible to parties & Publication of decision online

	Overall CMS Index in 2021	
	Azerbaijan	EaP Average
Civil and/or commercial	2,9	2,5
Administrative	2,9	2,4
Criminal	2,9	2,4



• **Centralised national database of court decisions**

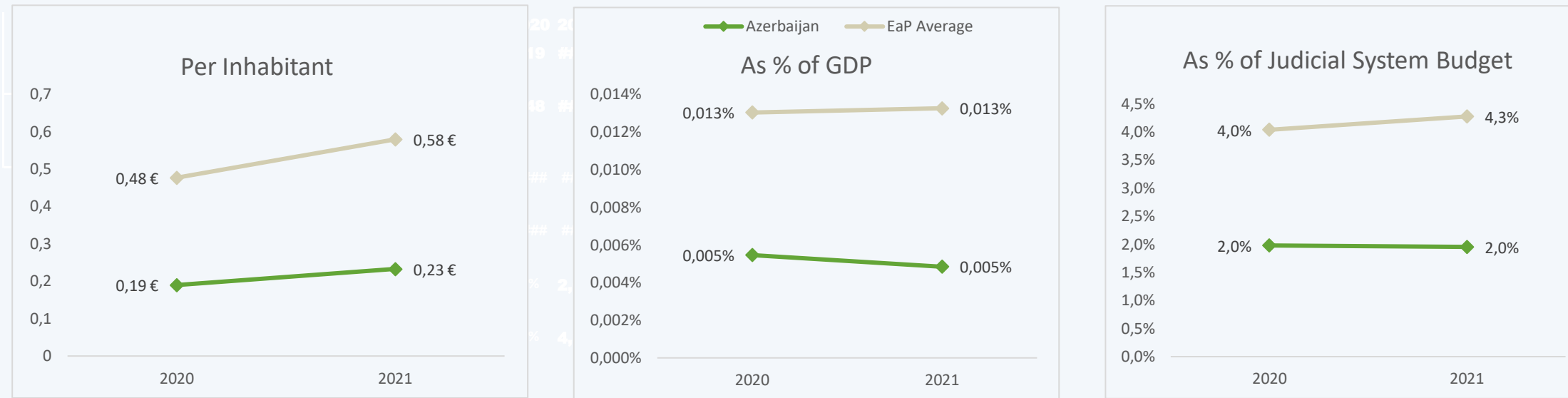
In Azerbaijan, there is a centralised national database of court decisions in which judgments for all instances are collected, with anonymised data.

This case-law database is available for free online but not in open data. There is no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

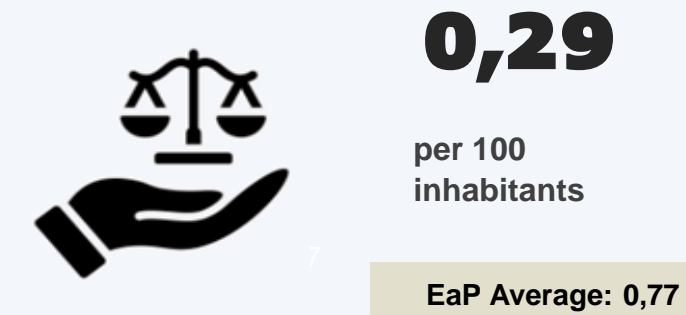
	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	Yes all judgements	Yes all judgements	Yes all judgements	✗	✓	✓	✗
Administrative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

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

Total implemented budget for Legal Aid in 2021



Number of cases for which LA has been granted



In 2021, the implemented budget for legal aid spent by Azerbaijan was 0,23€ per inhabitant (below the EaP Average of 0,58€). This was equal to 0,005% of the GDP, whereas the EaP Average was 0,013%.

• Organisation of the legal aid system

Legal aid is applied to:

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

In Azerbaijan, legal aid is available in the form of provided representation in court at the expense of the State for low-income persons (LIP) in criminal cases and in other than criminal cases at the third instance only. According to a proposed new draft law, it is envisaged to make legal aid available for LIP in civil cases for all instances. Lawyers are appointed for low-income persons on the basis of a court decision. During the investigation, lawyers are appointed based on the decision of the institution conducting the investigation.

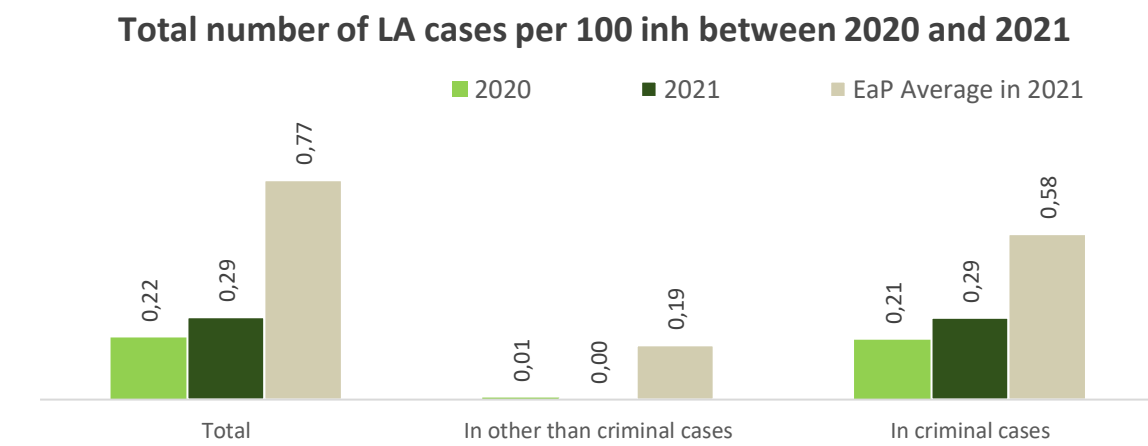
Regarding the assessment of low-income people, the persons belonging to certain categories defined by law are considered as low-income. Also, persons in addition to these categories may receive legal assistance at the expense of the state, depending on the actual circumstances of the case. Courts can obtain the information by submitting an electronic request to government agencies and verify whether someone is a low-income person.

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

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of judicial system budget	
	Total (a+b)	% Variation 2020 - 2021	Cases brought to court (a)	Cases not brought to court (b)	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
Total (1+2)	2 356 190 €	23,4%	2 356 190 €	NAP	0,23 €	0,58	0,005%	0,013%	2,0%	4,3%
In other than criminal cases (1)	NA	NA	NA	NAP						
In criminal cases (2)	NA	NA	NA	NAP						

In 2021, Azerbaijan spent 2 356 190€ on the total implemented budget for legal aid, which was 23,4% more compared to 2020. This represents 0,23€ per inhabitant which is lower than the EaP average of 0,58€. Regarding legal aid for cases not brought to court no funds are allocated from the budget since legal assistance in those cases is provided by lawyers on a voluntary basis.

	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2020 - 2021					
Total (1+2)	29 344	0,29	32,2%	21 296	8 048	80,3 €	110,6 €	NA
In other than criminal cases (1)	215	0,00	-73,1%	215	0	NA	NA	NA
In criminal cases (2)	29 129	0,29	36,2%	21 081	8 048	NA	NA	NA



In 2021, the number of cases for which legal aid was granted was 29 344 (0,29 per 100 inhabitants), which was 32,2% more compared to 2020. This increase is explained by the lifting of all Covid-19 restrictions. The vast majority of those cases were criminal cases (29 129 criminal cases/only 215 other than criminal cases); and were cases brought to court (21 296 cases brought to court/ 8 048 cases not brought to court). On average, Azerbaijan spent 80,3€ per case, which is higher than the EaP average of 75,76€.

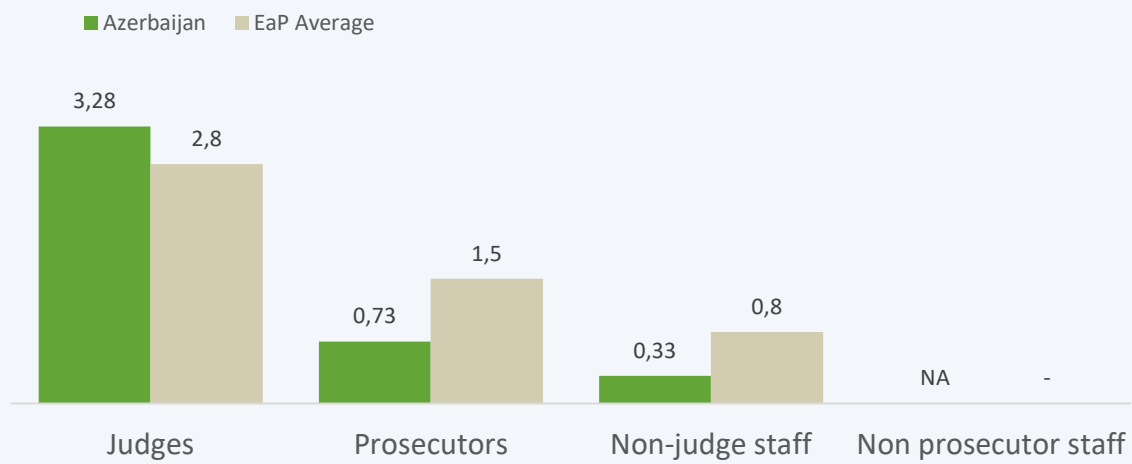
In 2021, Azerbaijan allocated an amount per case close to the average of the region, for a smaller number of cases benefiting from legal aid.

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

Total budget for Training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



In 2021, the total budget for training of judges, prosecutors and other justice professionals (budget spent by the training institutions, the courts and the public prosecution services on training) in Azerbaijan was 0,33€ per inhabitant, which is above the EaP Average (0,19€ per inhabitant).

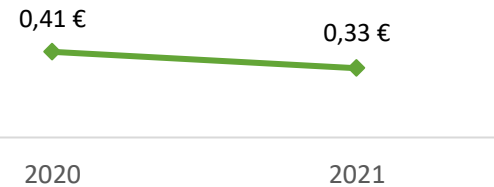
In 2021, 3 628 participants (of which 1 776 judges and 881 prosecutors) were trained in 544 live trainings (in-person, hybrid or video conferences). The average number of participants per training was 6,7, which was less than the EaP Average (15,2). Regarding the internet-based trainings (not-live), no training was provided on the e-learning platform of the training institutions, whereas a total of 17 trainings were completed by 44 justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). This shows that the participation in live trainings was much more dominant than the participation in online trainings.

In Azerbaijan each judge participated on average in 3,3 live trainings in 2021, which was higher than the EaP Average (2,8) while each prosecutor participated in 0,7 live trainings, less than the EaP Average (1,5).

In Azerbaijan, both judges and prosecutors are required to attend a minimum of one training topic per year, and a maximum of 15.

Budget for Trainings

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)				
			Absolute Number	Evolution of training budget per inhabitant			EaP Average per inhabitant
				2020	2021	% Variation 2020 - 2021	
Total	1 546 416 €	1 816 854 €	3 363 270 €	0,41 €	0,33 €	-19,1%	0,19 €
Judges	1 094 594 €	1 365 032 €	2 459 626 €				
Prosecutors	451 822 €	451 822 €	903 644 €				
One single institution for both judges and prosecutors	NAP		NAP				



In total, the training institutions, courts and public prosecution services in Azerbaijan spent 3 363 270€ for training for judges, prosecutors and other justice professionals in 2021. This represents 0,33€ per inhabitant (above the EaP Average of 0,19€ per inhabitant).

Between 2020 and 2021 there was a decrease of 19,1% of this training budget. This is due to a decision to decrease the budget of the training institution for prosecutors in the post-pandemic period. It was indicated that in the next period, training needs will be analyzed and the issue will be reconsidered.

Number of in-service live trainings and participants

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

	Live (in-person, hybrid, video conference) trainings (2021)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Azerbaijan	EaP Average	Azerbaijan	EaP Average
Total	370	544	563	3 628	1,0 <	1,8	6,7 <	15,2
Judges	268	390	405	1 776	1,0 <	1,4	4,6 <	15,2
Prosecutors	22	37	40	881	1,1 <	1,8	23,8 >	12,9
Non-judge staff	73	108	108	937	1,0 <	1,3	8,7 <	39,2
Non-prosecutor staff	7	9	10	34	1,1 <	3,0	3,8 <	13,7

CEPEJ distinguish these types of trainings:

“A live” training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).

“Internet-based” trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

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

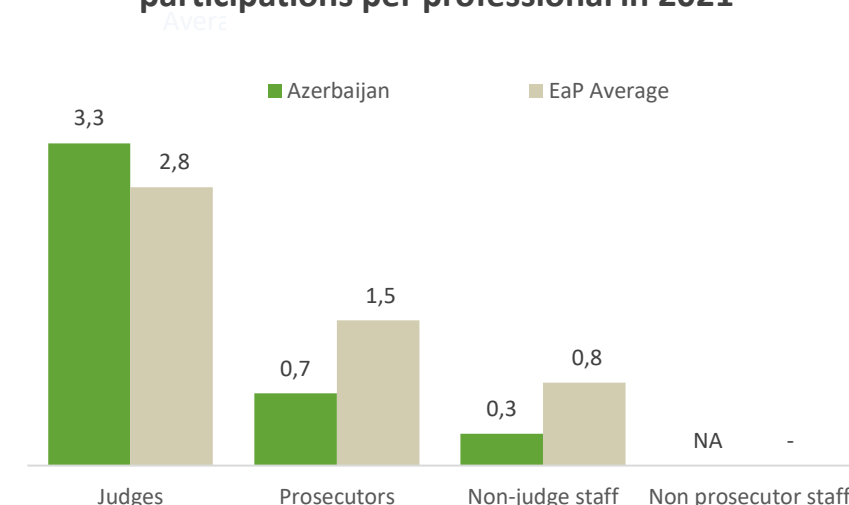
In 2021 in Azerbaijan 544 live trainings were organised over a total of 563 days. The average duration of trainings for judges in Azerbaijan was 1 day (below the EaP Average of 1,4). During the same period, the average duration of training for prosecutors was 1,1 days, which was also below of the EaP Average of 1,8 days.

There was on average 4,6 judges participants per training which is well below the EaP average (15,2) but 23,8 prosecutors per training which is well above the average (12,9).

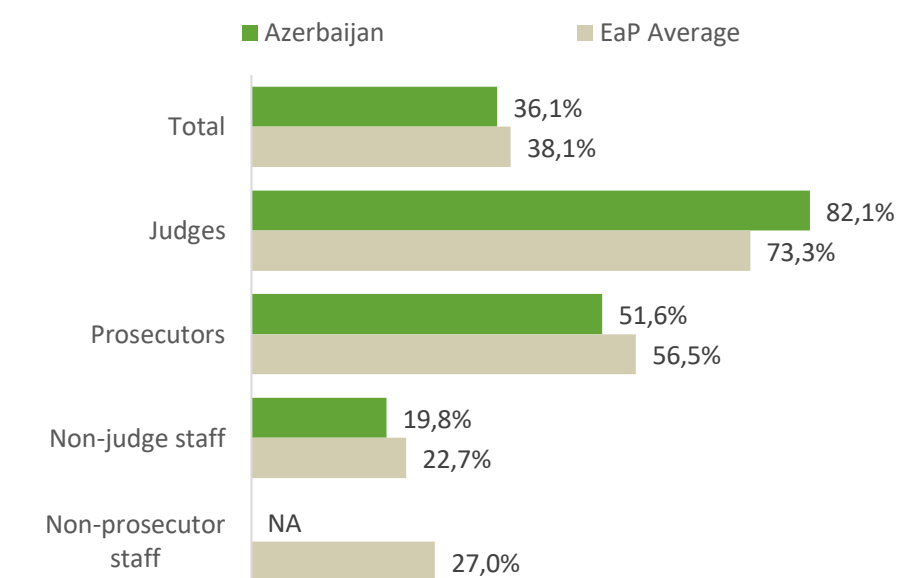
Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Azerbaijan	EaP Average	Number	% of total professionals per category	
				Azerbaijan	EaP Average
Total	0,8 <	1,2	1 668	36,1% <	38,1%
Judges	3,3 >	2,8	444	82,1% >	73,3%
Prosecutors	0,7 <	1,5	619	51,6% <	56,5%
Non-judge staff	0,3 <	0,8	571	19,8% <	22,7%
Non-prosecutor staff	NA	-	34	NA	27,0%

Average number of live training participations per professional in 2021



Percentage of professionals attending at least one training in 2021



Average number of live training participations per professional

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

In Azerbaijan the highest number of training delivered was for judges (3,3 live training participations per judge). Hence, compared to the other professionals, Azerbaijan gave priority to the trainings for judges, like the rest of the region (the EaP Average number of participations per judge on live trainings was 2,8). In 2021, 82,1% of judges in Azerbaijan attended at least one training. This is the highest percentage of trained professionals per category.

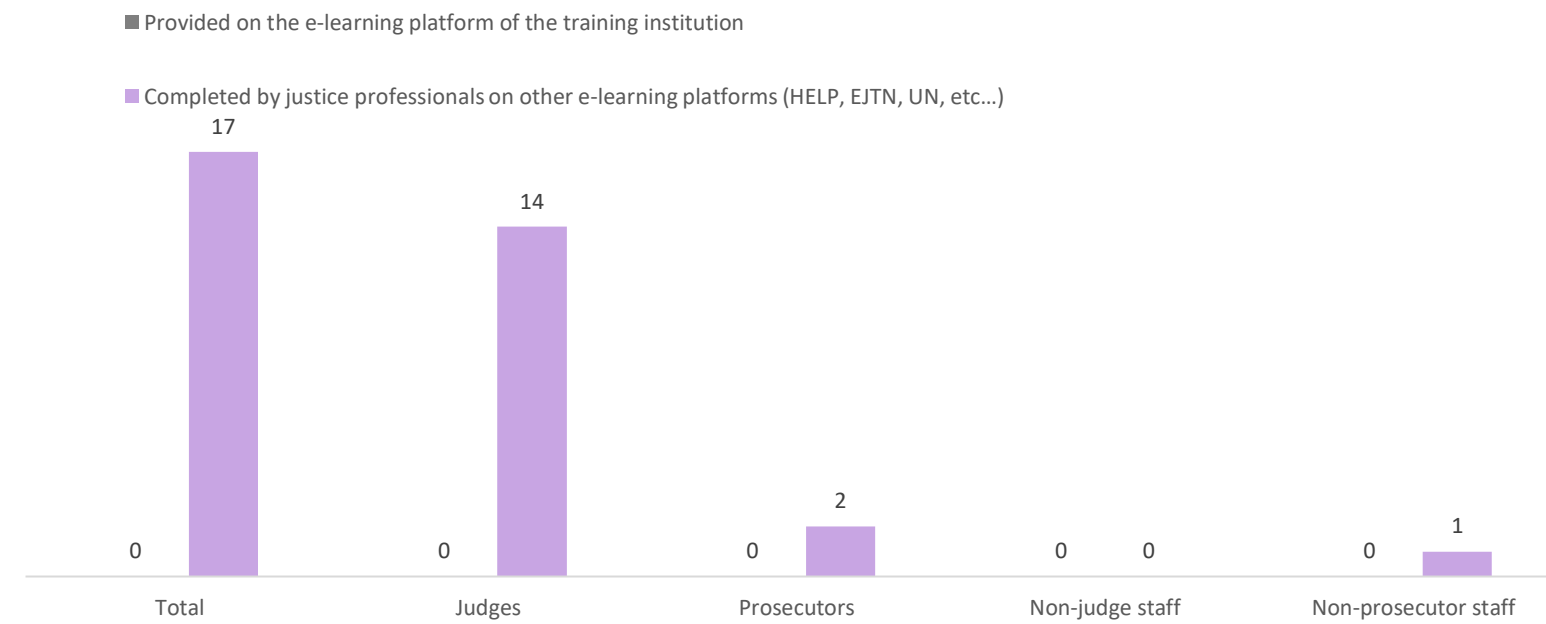
The highest number of individual participants was for prosecutors with 619 prosecutors trained in 2021 but this represented only 51,6% of the total number of prosecutors in the country. Overall, 36,1% of justice professionals for the presented categories were trained in 2021 (slightly below the EaP Average of 38,1%).

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

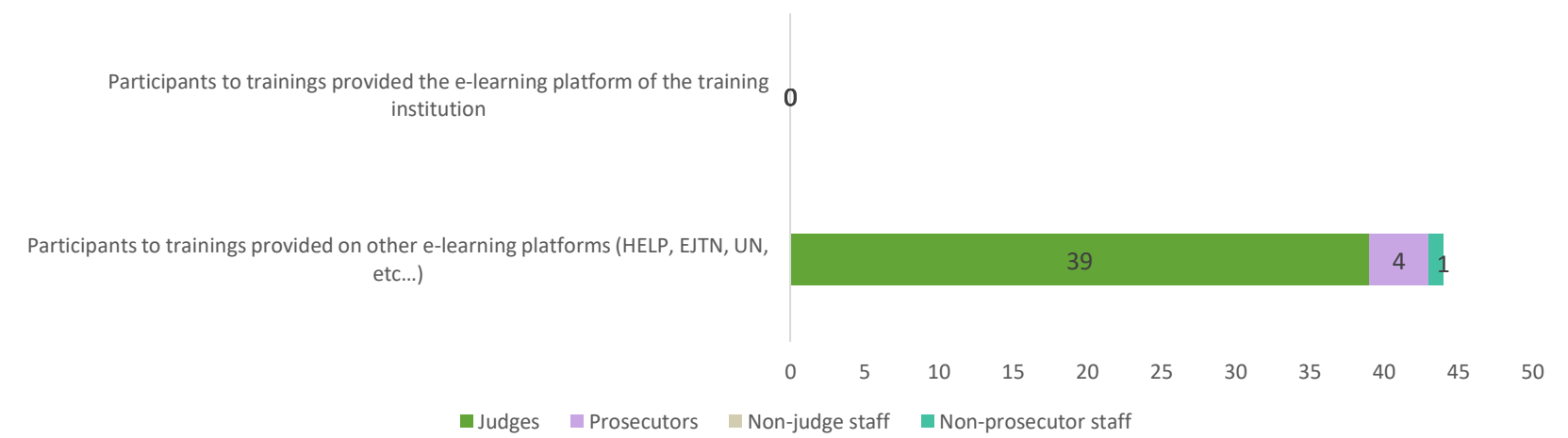
	Internet-based trainings (not live) in 2021			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	0	0	17	44
Judges	0	0	14	39
Prosecutors	0	0	2	4
Non-judge staff	0	0	0	0
Non-prosecutor staff	0	0	1	1

In 2021, there was no internet-based trainings provided on the e-learning platform of the trainings institutions. But 17 trainings were completed on e-learning platforms of other institutions. The majority of those trainings (14) were followed by judges (39 judges). There was also 2 trainings followed by prosecutors (a total of 4 participants) and 1 training followed by a non-prosecutor staff.

Number of internet-based trainings (not live) in 2021

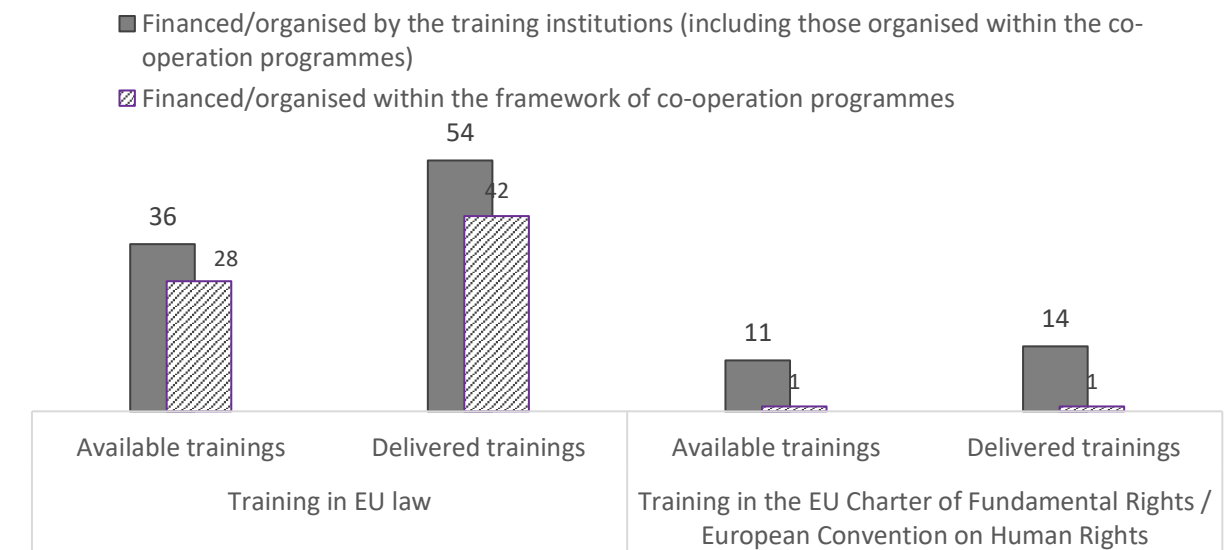


Number of participants to the internet-based trainings (not live) in 2021



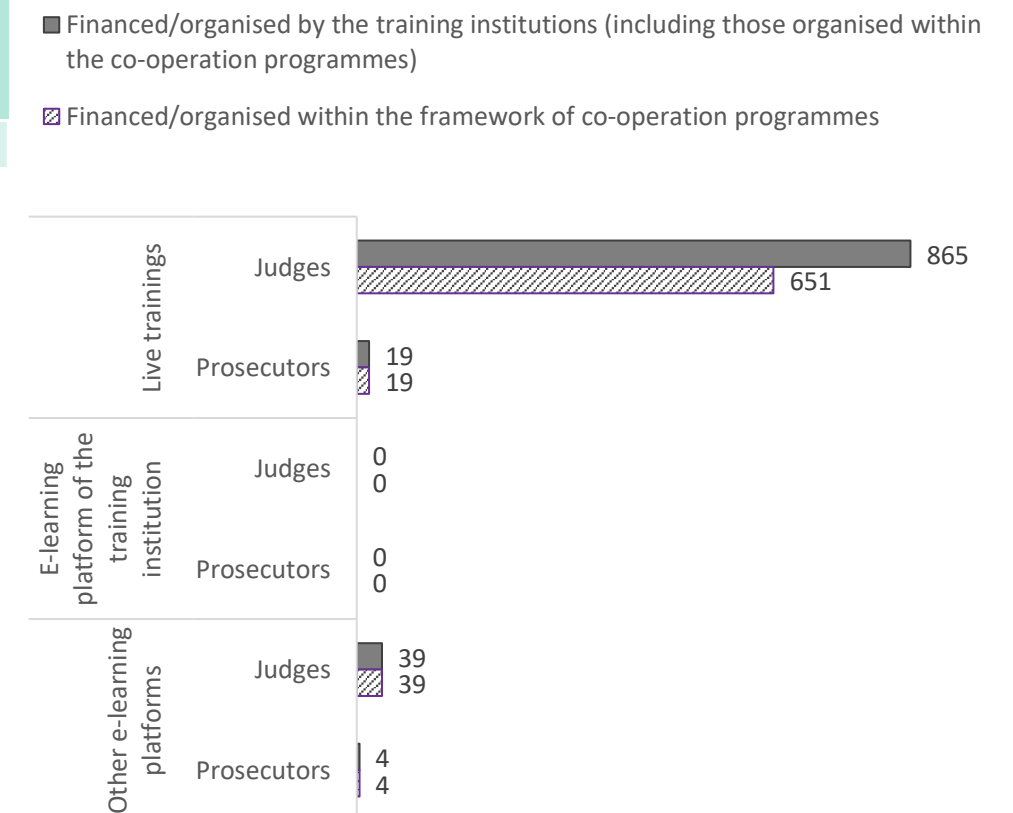
• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2021)				
Number of available live trainings	36	28	11	1
Number of delivered live trainings	54	42	14	1
Number of delivered live training in days	65	53	14	1
Internet-based trainings(2021)				
Provided on the e-learning platform of the training institution (not live)	0	0	0	0
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	3	3	1	1



Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	865	19	383	19	0	0	39	4
Within the framework of co-operation programmes	651	19	290	19	0	0	39	4

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



In 2021, there were 54 delivered live trainings in EU Law, out of which 42 were organised in the framework of co-operation programmes; and 14 live trainings organised on the EU Charter of Fundamental rights and/or European Convention of Human Rights out of which 1 was organised in the framework of co-operation programmes. In total, counting both trainings organised by the trainings institutions and in the framework of co-operation programmes, 383 individual judges (some of whom participated to several trainings as 865 participations were recorded) and 19 individual prosecutors followed those trainings.

Regarding internet-based trainings, 3 trainings on EU Law and 1 on the EU Charter of Fundamental rights and/or European Convention of Human Rights were completed by justice professionals on e-learning platforms of other organisations in the framework of co-operation programmes. 39 judges and 4 prosecutors followed those trainings.

The organisations that co-organised/financed the trainings are the European Union and the Council of Europe.

• **Type and frequency of trainings**

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

In Azerbaijan, judges and prosecutors have to undergo compulsory in-service training solely dedicated to the prevention of corruption and conflicts of interest. This training lasts 2-3 days and throughout their careers they need to participate to it more than once on an ad hoc basis.

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

• **Minimum number of compulsory trainings**

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	NAP	120	1	NAP
Prosecutors	NAP	NAP	1	NAP

Regarding the initial training, there is a minimum number of days of 120 for judges. For prosecutors, according to the amendments made to the Law on serving in Prosecutor's Offices in 2021, candidates who have successfully passed the competition to be admitted to the Prosecutor's Office for the first time are involved in compulsory training at the Science and Education Center of the Prosecutor General's Office of the Republic of Azerbaijan (before that, such training was held at the Academy of Justice). Although it is not directly stipulated in the legislation, the duration of compulsory training is defined as 2-3 weeks in practice.

Regarding in-service training, there is a minimum number of one topic per year for both judges and prosecutors, and a maximum of 15.

In Azerbaijan, no sanction is foreseen if judges and prosecutors do not attend the compulsory training sessions. However, participation in training is indicated on the scoreboard for judges and taken into account when they are promoted.

• Quality of judicial training

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

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

The frequency of the assessment is annual.

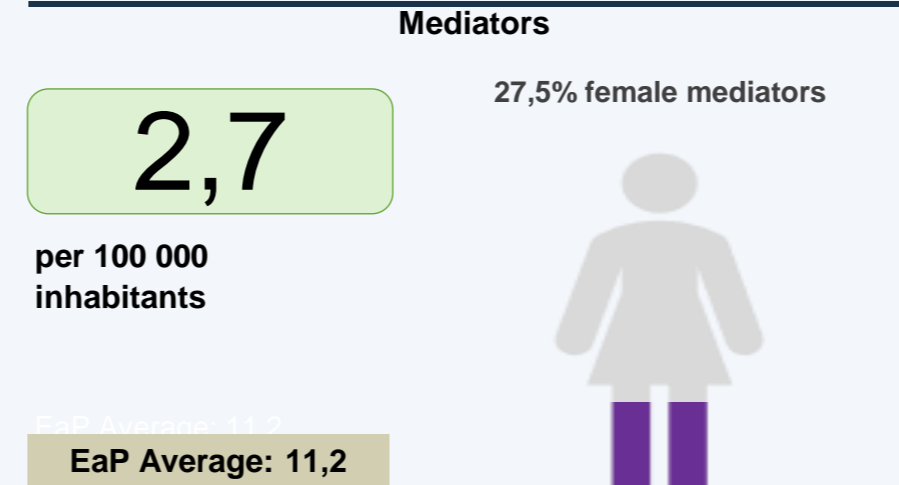
In Azerbaijan, in-service trainings are evaluated immediately after the training is delivered, using a Kirkpatrick training evaluation model.

The feedback of the training evaluation process is used:

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

Alternative Dispute Resolution in Azerbaijan in 2021 (Indicator 9)

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



In Azerbaijan, court related mediation was introduced by the Law "On Mediation" (adopted on 29.03.2019). In 2020 a small number of cases were considered on a pilot basis but in 2021 there was no court related mediations. The judicial system does not provide for mandatory mediation, an "agreement of the application of the mediation process" must be concluded between the parties after the court or one of the parties has offered to settle the dispute through mediation. However, since 2021, preliminary sessions with a mediator are mandatory in family, labor and commercial disputes.

Court related mediations are provided by mediators. In 2021, there were 2,17 mediators per 100 000 inhabitants which was below the EaP Average (11,2 per 100 000 inhabitants). Only 27,5% were female mediators.

• Court related mediation procedures

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

In Azerbaijan, according to the Law "On Mediation" (adopted on 29.03.2019), 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.

Regarding the provision of court-related mediations free of charge, the procedure for payment of mediation services at the expense of the state is envisaged by 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 on August 16, 2019.

There are no mandatory mediation in Azerbaijan. However since 2021 (relevant provisions of the Law "On Mediation" came into force on 26.07.2021) there is a mandatory participation in initial mediation sessions for family, labor and commercial disputes.

• Other ADR methods



• Mediators and court-related mediations

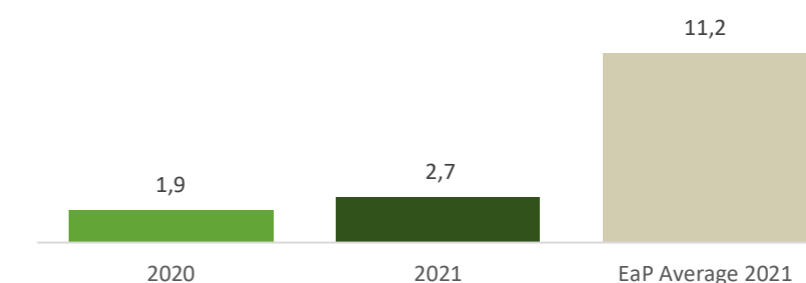
Requirements and procedure to become an accredited or registered mediator:

According to Article 10 (Requirements for Mediator) of the Law on Mediation, the person who wants to get the title of mediator must: have a higher education degree; not be younger than 25 ; have at least 3 years of work experience ; complete training on mediators' initial preparation program and obtain the certificate. In accordance with the Law on Mediation, the issuance of certificates is carried out by the Academy of Justice.

Accredited/registered mediators for court-related mediation			% Variation between 2020 and 2021
Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	
273	2,7	11,2	40,0%

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

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



In 2021, the total number of mediators in Azerbaijan was 273, which is 40% more than in 2020. This increase is due to the fact that in 2021, mediation trainers were prepared with the involvement of international experts at the Academy of Justice, and taking into account the needs, more mediation candidates obtained the mediator status by taking preparatory courses. Despite this increase the number of mediators per 100 000 inhabitants was 2,7, which is less than the EaP average of 11,2.

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	0	0	0				
1. Civil and commercial cases	0	0	0	✓	✗	✗	✗
2. Family cases	0	0	0	✓	✗	✗	✗
3. Administrative cases	0	0	0	✓	✗	✗	✗
4. Labour cases incl. employment dismissals	0	0	0	✓	✗	✗	✗
5. Criminal cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP
6. Consumer cases	0	0	0	✓	✗	✗	✗
7. Other cases	NAP	NAP	NAP				

In Azerbaijan, court related mediations are provided by private mediators for all types of cases where court-related mediation is available (civil and commercial cases, family cases, administrative cases, labour cases, consumer cases).

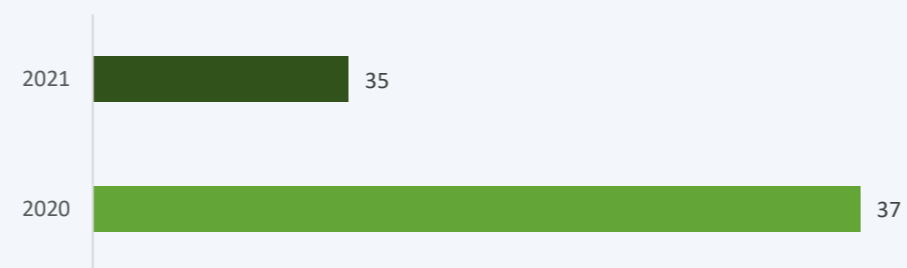
In 2020, the authorities had reported that a small number of cases were considered on a pilot basis. However in 2021, there was no court related mediations.

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

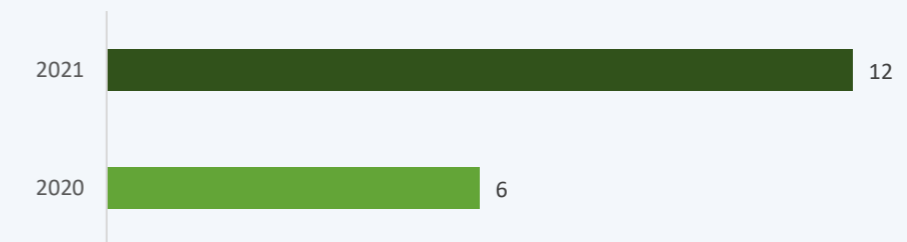
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

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

Judgements finding at least one violation**



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



• ECHR

In Azerbaijan, there is no monitoring system for violations related to Article 6 of the ECHR but there is a possibility to review a case after a decision on violation of human rights of the ECtHR.

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



Monitoring system for violations related to Article 6 of ECHR

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

In 2021, for Azerbaijan, there were 425 applications allocated to a judicial formation of the European Court of Human Rights (-100 less than the previous year). 35 judgments found at least one violation (including 7 regarding the right to a fair trial), whereas there were 37 in 2020.

The number of cases considered as closed after a judgement of the ECtHR and the execution of judgements process was 12 in 2021; whereas they were 6 in 2020.

	2020	2021
Applications allocated to a judicial formation of the Court**	525	425
Judgements finding at least one violation**	37	35
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	7
	Length of proceedings	0
	Non-enforcement	3

** Source: ECHR

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

	2020	2021
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	6	12

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

Reforms in Azerbaijan in 2021

	Yes (planned)	Yes (adopted)	Yes (implemented during 2022)	Comment
(Comprehensive) reform plans	✔	✔	✔	<p>The Decree of the head of state "On the deepening of reforms in the judicial-legal system" dated April 3, 2019 stipulated the transition of judicial activity to a qualitatively new stage. As part of the implementation of the decree, access to courts has been improved, the application of the "Electronic court" information system has been expanded, and important changes have been made to the legislation on ensuring flexibility and transparency in court proceedings. The establishment of new institutions such as private expertise and mediation, as well as the creation of additional mechanisms for detection of systemic defects, and ensuring of a uniform judicial practice has significant impact on functioning of judiciary.</p> <p>As part of the implementation of the decree, new, more advanced Rules for evaluating the performance of judges were also adopted. In the past period, the activity of more than 300 judges was evaluated based on those transparent rules. The judicial selection process has been improved as well.</p> <p>In accordance with the tasks arising from the 13 February 2014 Presidential Order "On Establishing the "Electronic Court" information system", the 3 April 2019 Presidential Decree "On Deepening Reforms in the Judicial and Legal System", as well as the "2019-2023 State Program for the Development of Azerbaijan Justice", substantial measures were taken in the country to ensure the principle of transparency in the activities of courts, to facilitate people's access to justice, and to modernize the court infrastructure, the "Electronic Court" information system was created, and the courts were provided with modern equipment.</p> <p>In the courts connected to the "Electronic Court" system, the admission of e-claims through personal accounts and electronic court proceedings have been carried out, electronic circulation of documents and electronic signatures have been applied in court activities. At present, commercial litigation is being conducted only electronically, and such an option has been granted for the consideration of other civil disputes. In order to facilitate access to justice, the "Mobile Electronic Court" software was developed; in 2019, extensive public presentations were held thereof and it was made available to citizens.</p> <p>In addition, a number of works have been carried out in the framework of the implementation of the 3 April 2019 Presidential Decree, being of particular importance in improving the judiciary and strengthening measures in the fight against corruption, including a Hotline set up in the Council to receive relevant information aimed at ensuring the independence of judges, eliminating interference in the work of courts and other negative aspects, and an anti-corruption body established therein, in accordance with the requirements of the criminal and civil procedural legislation, appropriate equipment was installed in the courts for the organization of audio and video recording of the proceedings and its conduction, and anonymous publication of court decisions was arranged.</p> <p>By the Decree of the President of Azerbaijan dated July 19, 2019, new commercial and separate administrative courts were established in Nakhchivan Autonomous Republic, Baku, Ganja, Sumgayit, Shirvan and Sheki by abolishing existing administrative-economic courts. Measures have been taken to determine the jurisdiction of those courts, which began operating on January 1, 2020, to provide them with appropriate buildings, equipment, and other organizational and technical means, to form judicial apparatuses, and the courts have been staffed with judges who have deeper legal knowledge and experience in the relevant field. Also, electronic acceptance of claims and electronic document circulation have been established for flexible processing of commercial cases, and the number of commercial cases has increased by 50% as a result of effective determination of accessibility.</p> <p>Another important issue is the humanization of penal policy. Thus, about 500 changes were made to the criminal legislation, dozens of criminal acts were decriminalized, new alternative types of punishment were established, and it can be said that every seventh convict was released from punishment or his sentence was reduced.</p>
Budget	✘	✘	✘	-

	Yes (planned)	Yes (adopted)	Yes (implemented during 2021)	Comment
Courts and public prosecution services	✓	✓	✓	<p>Decree No. 2476 dated February 3, 2021 "On the organization of the Sumgayit Court of Serious Crimes" was adopted by the president. In order to determine the territorial jurisdiction of the Sumgayit Serious Crimes Court, to provide necessary conditions for the operation of the court, to take measures to provide it with buildings, equipment, communication, transport and other organizational and technical means, as well as to increase the total number of employees of judicial staff in courts.</p> <p>In addition, by Presidential Decree No. 3226 dated April 25, 2022, the Kepaz District Court of Ganja and the Nizami District Court of Ganja were abolished and the Ganja City Court was established in Ganja. In connection with the organization of the Ganja City Court, it is envisaged to make appropriate changes in the territorial jurisdiction of the courts, to determine the number of judges and to provide the court with building, equipment, communication, transport and other organizational and technical means in order to create the necessary conditions for the operation of the court.</p> <p>The role of information technologies in court administration is no less important. The system we have developed in this regard allows us to prepare various analytical reports based on electronic statistics, evaluate the activity of courts and judges, and determine the productivity of their work. Our experience in this field has attracted international interest and has been awarded a special award.</p>
Access to justice and legal aid	✓	✓	✗	In civil cases, to this day, a lawyer can be appointed at the expense of the state on the basis of Court (Appellate or Supreme) decision for a low income persone (LIP) in connection with a cassation appeal only to the Supreme Court. According to the proposed new draft law, by the decision of the Court, it is envisaged to make legal aid available for LIP in civil cases for all instances.
High Judicial Council and High Prosecutorial Council	✗	✗	✗	-
Legal professionals	✗	✗	✗	-
Gender equality	✓	✓	✗	The authorities reported that some efforts were made to improve gender equality in the judiciary and that the analysis done on the basis of statistical data, apositive trend in this direction is observed in all judicial areas. According to the authorities, 50% of the candidates who successfully passed the exams held for judges in the last 3 years and were appointed to the respective positions of judges, including 60% of the candidates who were appointed to the positions of judges last time as a result of such competitions, are women.
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✓	✓	✗	-

	Yes (planned)	Yes (adopted)	Yes (implemented during 2021)	Comment
Mediation and other ADR	✓	✓	✓	<p>The Law of the Republic of Azerbaijan "On Mediation" was adopted March 29, 2019. The purposes and principles of mediation, the scope of the mediation process, including the initial mediation session, the rules of implementation, the grounds for applying the mediation process, the procedure for the implementation of the reconciliation agreement concluded as a result of mediation, and other issues are regulated in that Law.</p> <p>Pursuant to the above-mentioned Law, the relevant decisions of the Cabinet of Ministers "Regulation on maintaining the mediation register", "Regulation on training for training and improving the qualifications of mediators", "Regulation on professional ethical behavior of mediators", "Regulation on the implementation of the mediation process" were approved.</p> <p>In addition, a new draft law "On Arbitration" is being prepared in order to promote the institution of arbitration in our country.</p> <p>On June 30, 2021, the Board of the Mediation Council was established. On September 13, 2021, the Disciplinary Commission of the Mediation Council was established. In order to accept state-registered mediation organizations as members of the Mediation Council, a Special Commission was established to determine their compliance with the requirements established by the Law of the Republic of Azerbaijan "On Mediation" and to carry out the necessary monitoring of their future activities. – (2021, December 12)</p> <p>The procedure for paying mediation costs from the state budget has been changed. According to Article 36.7 of the Law of the Republic of Azerbaijan "On Mediation", the payment of the mediation costs of any party that does not have sufficient funds to cover the costs of mediation is carried out at the expense of the state budget. At the same time, by Resolution No. 360 of the Cabinet of Ministers of the Republic of Azerbaijan dated August 16, 2019, the "Rule of payment of mediation costs from the state budget funds" was approved, and by the Resolution of the Cabinet of Ministers dated February 26, 2022, the said Rules were amended and sufficient to cover mediation costs. Members of families receiving targeted state social assistance and persons registered as unemployed in the relevant local institutions of the State Employment Agency and "DOST" centers under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan have been defined as natural persons without funds. Clause 1.3 of the Rule states that the Rule does not apply if one of the parties does not attend the initial mediation session without an excuse. In such a case, the circle of subjects defined in the Rules is obliged to pay the cost of mediation due to the non-participation of the other party when applying for mediation and cannot use the mentioned privilege of the Law. Clause 1.3 of the Regulation has been repealed in order to eliminate the existing inconsistency. (https://nk.gov.az/az/article/2538/) (2022, Avg 19)</p> <p>A Consultative Commission was established under the Mediation Council in order to develop mediation activities in our country and to ensure the coordinated cooperation of all parties who may participate in the mediation process. (6 April 2022)</p> <p>An Internal Audit and Ethics Committee was established for the purpose of checking the activities of mediation organizations and mediators.</p> <p>In order to further expand the application of the principles of openness, transparency and accountability, increase financial transparency, increase the means of ensuring the rights to access information, support civil society institutions and strengthen public control, and ensure the continuity of measures taken to promote open government "National Action Plan for the Promotion of Open Government for 2020-2022" was approved by Decree No. 1859 dated February 27, 2020. Measures related to preventing corruption and strengthening transparency in the activities of state bodies, ensuring financial transparency, improving public services, expanding the activities of civil society members, increasing public control and public participation, as well as other areas are defined in the document.</p>
Fight against corruption and accountability mechanisms	✓	✓	✓	<p>In addition, further increasing transparency in the activities of state institutions, prevention of situations that create conditions for corruption, further strengthening of accountability of state bodies to the public, further improvement and electronicization of services provided by state institutions to the population, as well as ensuring the continuity of measures taken in the fight against corruption, the "National Action Plan for strengthening the fight against corruption for 2022-2026" was approved by Decree No. 3199 of the President of the country dated April 4, 2022. In the National Action Plan, measures related to the improvement of the legislative framework for the fight against corruption, strengthening the prevention of corruption and transparency, ensuring financial transparency, combating the legalization of money or other property obtained through crime and the financing of terrorism, and the improvement of public services and management mechanisms are envisaged.</p>

	Yes (planned)	Yes (adopted)	Yes (implemented during 2021)	Comment
Domestic violence	✓	✓	✓	In order to adapt the measures for the prevention of domestic violence in the country to international standards, to provide them with timely and comprehensive assistance for the sake of strengthening families, to implement and increase the efficiency of the measures provided for in the normative legal acts in the field of combating domestic violence, the President of the Republic of Azerbaijan 2020- "The National Action Plan for the fight against domestic violence in the Republic of Azerbaijan for the years 2020-2023" was approved by Decree No. 2307 dated November 27. The National Action Plan envisages prevention of domestic violence and promotion of non-violence, detection and early identification of persons subjected to domestic violence, provision of assistance centers and shelters to those persons, as well as formation of their effective protection system and other issues.
New information and communication technologies	✓	✓	✓	<p>It is planned to develop a new version of the "Electronic management system of court cases". The new version of this system envisages increasing the level of automation of court decisions and procedural measures, developing accountability and many other elements using the most modern technologies.</p> <p>The Ministry of Justice, which is an active participant in the "Electronic Government" system, provides more than 30 different electronic services to citizens.</p> <p>As for the innovative services created by the Ministry, it is currently possible to provide notary services online 24 hours a day through the electronic justice kiosk. The next step in the digitization of the notary is the creation of electronic notary offices for the on-the-spot formalization of notarial actions directly in banks and social services.</p> <p>The new system was developed in this regard allows us to prepare various analytical reports based on electronic statistics, evaluate the activity of courts and judges, and determine the productivity of their work. This experience in this field has attracted international interest and has been awarded a special award.</p>

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection 2021

Part 2 (B) - Beneficiary Profile – Azerbaijan

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

Level of implementation of GRECO recommendations in October 2020 (adoption of the GRECO Addendum to the Second Compliance Report on Azerbaijan)

	JUDGES	PROSECUTORS
Implemented	57,00%	80,00%
partially implemented	29,00%	10,00%
not implemented	14,00%	10,00%

Selection and recruitment of judges and prosecutors

• Procedure of recruitment of judges

Recruitment requirements are regulated by the Constitution (Article 126, para. 1) and the Law on Courts and Judges (hereinafter: LCJ) and are as follows: citizenship of Azerbaijan;; have the right to vote; a university degree in law; a clean criminal record; and at least 5 years' work experience in the legal field. As a rule, senior judicial posts (appeal, two Supreme Courts and the Constitutional Court) may be filled by persons with at least five years' work experience as a first instance court judge (Article 93-4, LCJ), while persons prominent in the legal field, with 20 years' experience as law practitioners and high moral qualities can be subject to special recruitment and appointed directly (without having to pass exams and undergo training at the Justice Academy) to senior posts on a proposal by the JLC.

Judges are appointed by the President of the Republic upon proposal of the Judicial Legal Council (hereinafter: JLC). The President of the Republic has a right to appoint some and reject some among the proposed candidates.

Recruitment procedure is regulated in the LCJ (Article 93-3) and in the Rules for selection of non-judge candidates to vacant judicial posts adopted by the JLC in 2005. Initial recruitment is overseen by a Judges' Selection Committee appointed by the JLC for a five-year term. It consists of 11 members: two Supreme Court judges, three appeal court judges, one NAR Supreme Court judge and one representative of the Ministry of Justice, the General Prosecutor's Office, the JLC staff, the Bar and the academia respectively. Members of the Committee who are not judges must have a university degree in law and more than five years' work experience in the legal field. To have a quorum, the presence of seven members is required. Decisions are taken by an open simple majority vote and can be appealed to the JLC.

The initial recruitment (together with the entry criteria) is publicly advertised and comprises written and oral exams. Candidates who have successfully sat the tests must undergo a one-year training programme in the Justice Academy. At the end of the training, following another round of tests and an interview, the applicants are shortlisted according to merit and grades achieved, and successful candidatures are forwarded to the JLC for the final interview and appointment proposal to be made to the President of the Republic.

To ensure transparency of the interviews, minutes are taken and a standardised questionnaire as well as a standardised point system are used for the candidates.

The list of pre-selected candidates is published on internet. Non pre-selected candidates may appeal the decision of the Judges' Selection Committee to the JLC and against the JLC's decision to the Plenum of the Supreme Court, on the correctness of the application of the legislation on legal issues within twenty days from the date of submission of these decisions by the JLC.

The integrity of candidate judges is checked by the Justice Academy which reports to the Judges' Selection Committee the results of the training (including degree of success participation in training, conduct of candidates) (Rules on the selection of non-judicial candidates to vacant judicial posts).

District court judges are appointed by the President of the Republic, on the recommendation of the JLC. Judges of the Constitutional Court, the Supreme Court, the NAR Supreme Court and courts of appeal are appointed by the Milli Majlis (Parliament) on the recommendation of the President of the Republic. Presidents of the two Supreme, appellate and serious crime courts are appointed directly by the President, while all other court presidents, their deputies and presidents of court collegiums are appointed by the President of the Republic on the proposal of the JLC. As a rule, court presidents have a five-year tenure which is renewable once (see [the GRECO Evaluation Report on Azerbaijan](#), para. 58).

In the NAR (Nakhchivan Autonomous Republic), judges of the general and specialised courts are appointed by the President of the Republic on the basis of a proposal by the Chair of the NAR Supreme Council (Parliament). As for judges of the NAR Supreme Court, they are appointed by the National Assembly (Milli Majlis) having been presented by the President of the Republic on the basis of a proposal by the Chair of the NAR Supreme Council (see [the GRECO Evaluation Report on Azerbaijan](#), para. 56).

GRECO Recommendation vi. GRECO recommended that judicial independence be further strengthened by i) increasing the role of the Judicial Legal Council in the appointment of all categories of judges and court presidents; and ii) substantially reducing the five-year probation period for judges and making permanent appointments to the post of judge subject to clear, objective and transparent criteria.

In [the Evaluation Report](#) (see para. 59), GRECO noted that an independent judiciary presided over by judges free of any taint of corruption, political pressure or interference was a requirement imposed by the laws of Azerbaijan. Nevertheless, the information gathered by the GET strongly suggested that the executive branch wielded significant powers over the judges' appointment, giving rise to suspicions of political favouritism and undue influence permeating the process. The appointments were made either by the President of the Republic alone (presidents of appeal, serious crime and the two Supreme courts), or on the recommendation of the JLC (all district/city court judges and other court presidents, their deputies and presidents of court collegiums), which since its inception in 2005 had been chaired by the Minister of Justice and relies on the majority appointed by branches of power other than the judiciary. Where judicial appointments were in the hands of the parliament (appeal, two Supreme and Constitutional court judges), they were made on the recommendation of the President without consulting a judicial body, their legitimacy being reduced by the absence of an effective parliamentary opposition capable of challenging inappropriate nominations. The judicial appointments system therefore needed to be re-examined so as to ensure that it was predominantly led by the judiciary itself and that safeguards were in place to shield the appointment process from any undue influence, within the overall system of checks and balances. The GET also noted with concern that judges were initially appointed for a five-year term. Such a lengthy probation period could undermine their independence, since judges might feel under pressure to decide cases in a particular way. Furthermore, objective and transparent criteria for the evaluation of judges specifically for the purpose of permanent appointment appeared to be lacking. Consequently, GRECO issued the recommendation vi (see above).

In the compliance procedure ([the Compliance Report](#), see para. 37-41, [the Second Compliance Report](#), see para. 36-40, and [the Addendum to the Second Compliance Report](#), para. 23-27) authorities reported on the increased role of the JLC in the selection of judges since, due to legislative amendments, the President of the Republic appoints all the judges only upon recommendation of the JLC, except the Supreme Court Chief Justice. Amendments to the LJLC in 2014 provided for the appointment of the presidents of the serious crimes courts and appellate courts by the President of the Republic only on the proposal of the JLC. The authorities also demonstrated the systematic endorsement of JLC proposals for appointment of chairs of the Supreme Court, of appeal courts, judges of the supreme and appeal courts and first instance court judges by the President of the Republic in the past year. Nevertheless, GRECO regretted the lack of progress in ensuring that the JLC be involved in the appointment of all categories of judges (first part of the recommendation). With regard to the second part of the recommendation, the authorities reported on reducing the probation period of newly recruited judges from five to three years. However, no clear, objective and transparent criteria for permanent appointments to the post of judge have been presented to GRECO. GRECO therefore assessed this recommendation to be partly implemented.

• Mandate of judges

Initial appointments of district judges are made for a three-year term, at the end of which the performance of a judge is evaluated by the JLC and, if satisfactory, his/her mandate is prolonged until the retirement age (66 – for the judges of the first and second instance courts, or 68 – for judges of the Supreme Court, or 70 in case of Constitutional Court justices). If the judge has not been assessed as having completed a three-year probation period satisfactorily, s/he has a right to appeal against the JLC's decision.

Other grounds for termination of a judge's mandate include: 1. resignation; 2. dismissal; 3. physical incapacity established by court; 4. death; 5. a court ruling establishing disappearance or death; 6. failure to meet recruitment requirements; 7. incompatibilities; 8. renouncement of citizenship; acquisition of citizenship or taking up of obligations in respect of a foreign state; 9. inability to fulfil duties due to sickness for more than six months established by a special medical commission under the JLC; 10. disciplinary offences on two occasions in any calendar year; and 11. multiple gross violations of law while reviewing a case.

• Procedure of recruitment of prosecutors

Recruitment of prosecutors is regulated in the Constitution, the Prosecutor's Office Act (POA) and the Act on Service in the Prosecutor's Office (POSA).

Recruitment requirements for a prosecutor are laid down in Articles 29 POA and 4 POSA.

Applicants must be citizens of Azerbaijan, with a university degree in law, voting rights and relevant professional skills. As a rule, persons with at least five years' experience in the Prosecutor's Office may be appointed prosecutor, and appointments to senior posts are reserved for those over 30 years of age.

The recruitment procedure is governed by Decree No. 50965 of the President of the Republic on “Rules for the recruitment of employees into the Prosecutor’s Office”, Ordinance No. 10/01-11/410- k 66 of the Prosecutor General on “Rules for the competitive recruitment of candidates to the Prosecutor’s Office” and Ordinance No. 10/72-11/540-K endorsing the Rules for Competitive Filling of Vacant Positions in the Prosecutor’s Office (relating to 3rd-8th categories of staff out of 9 categories). The provisions of the Civil Service Act, notably on competitive and transparent recruitment and regular evaluation, also apply (Article 2.2, POSA).

Vacancies at the entry level (also at the medium and senior levels) are announced in the media (together with entry criteria). The initial selection is overseen by a special Competition Commission composed of seven members, including prominent lawyers and academics, appointed by the Prosecutor General with the involvement of the Collegial Board. The Competition Commission may deliberate if five members are present. It adopts decisions by open vote and majority of votes. The chairman is the last to vote. Dissenting opinions are attached to the final decision. The Competition Commission participates in all stages of the competition.

The competition comprises four stages and, among them, two written tests and an interview with those candidates who successfully passed the qualification exams (tests and written exams). To ensure transparency of the interviews, minutes are taken and a standardised questionnaire is used for the candidates. Successful candidates undergo mandatory one-year training in the Scientific-Educational Centre under the Prosecutor General’s Office and six months internship period within the Prosecutor’s Office, following which they become eligible for recruitment with probation period of three months if given a positive opinion by the head of the prosecutor’s office. At the end of probation period, candidates that successfully pass attestation are appointed to a permanent position. Those candidates with more than 5 years of experience in the legal profession may be recruited without internship period. There is no list of preselected candidates made and no possibility to appeal for non pre-selected candidates. At the recruitment stage, checks are made for criminal records and on previous work experience, to ascertain candidates’ integrity, and, during the traineeship, they may be subject to monitoring by the Internal Security Service of the Anti-Corruption Directorate. The candidates are assessed and ranked on the basis of the following criteria: a) the level of professionalism; b) efficiency; c) results of work; and d) moral qualities.

Some of the candidates employed by the Prosecutor’s Office (approx. 1%) are recruited by the Examination Commission directly from other law enforcement bodies (Ministry of Taxes, the police) to enhance the capacities of the prosecution services (the financial investigation capabilities, operational capacities etc.). In order to have objective and transparent criteria and procedure for such recruitment in place, the Prosecutor General adopted the Order 10/65 of 13/07/2015 by which the Rules for Appointment of Other Law Enforcement Staff to The Prosecutor’s Office were approved. The rules are published on the website of the Prosecutor’s Office (see [the GRECO Evaluation Report on Azerbaijan](#), para. 93 and [the GRECO Compliance Report on Azerbaijan](#), para. 73).

Appointments are made by the General's Prosecutor Office of the Republic of Azerbaijan. S/he has a right to appoint some and reject some among the selected candidates by the Competition Commission.

The Prosecutor General is appointed by the President subject to endorsement by the Assembly (Article 133 (III) of the Constitution). His/her deputies, chief specialised prosecutors and the chief NAR prosecutor are appointed by the President on recommendation of the Prosecutor

General; territorial and specialised prosecutors are appointed by the Prosecutor General with the consent of the President (Article 133 (IV-V) of the Constitution). The tenure of appointments is five years renewable once (see [the GRECO Evaluation Report on Azerbaijan](#), para. 94).

The non-selected candidates have a right to appeal against the decision of appointment to court (based on Article 14.0.8 of the Law on Citizens' Appeals).

• Mandate of prosecutors

Prosecutors are appointed with no limitation on their term in office, until they reach the retirement age of 60, which may be prolonged until 65 years of age by the Prosecutor General. This rule however does not apply to prosecutors appointed by the President of the Republic with regard to whom the age limit has not been prescribed (Article 32.3, POSA).

A probation period of three months (reduced from 1 year to three months in 2021) is envisaged in the law for prosecutors before being appointed "for life" (Article 5.3 of the Law on Service in the Prosecutor's Office). The Higher Attestation Commission of the Prosecutor General's Office decides if the probation period was successful.

Promotion for judges and prosecutors

• Promotion of judges

Promotion of judges is regulated in Law on the Judicial Legal Council (LJLC). It is carried out by the JLC based on results of the performance evaluation to which a judge is subject to not less than every five years.

Judge's performance evaluation is carried out in accordance with Article 13, LJLC and the Rules for the Evaluation of Judges' Performance which have been approved by the JLC in 2020. It takes into account the opinion of relevant court presidents, including presidents of superior courts, and information collected by the Ministry of Justice and the JLC (Article 12, LJLC).

There is no special procedure prescribed for promotion of judges.

Evaluation criteria have been determined by the JLC, which also include years of experience, professional activity, communication skills and compliance with requirements of the Code of Judges' Ethical Conduct.

There is possibility to appeal the decision on promotion to the Presidium of the Supreme Court.

• Promotion of Prosecutors

Promotion of prosecutors is regulated in the Prosecutor's Office Act (POA), the Act on Service in the Prosecutor's Office (POSA) and the Civil Service Act, according to which performance appraisal constitutes one of the key principles of the civil service, to which all prosecutors belong.

Prosecutors have the right to be promoted, following successful service in a particular grade for one to two years, on average (Article 32, POA).

Vacancies are publicly advertised, also at the medium and senior level.

Applications to any vacant position are managed by the Personnel Department of the Prosecutor General's Office that makes relevant submissions to the Prosecutor General, based on the performance indicators of the applicant and his/her superiors' references. Performance indicators for promotion within the grade include: 1. diligence; 2. professional qualifications; 3. work results; and 4. personal qualities (Article 11.3, POSA).

All prosecutors, including senior ones (employees of the Prosecutor's Office holding positions corresponding to the 3rd-9th grade, except the Prosecutor General, his/her first deputy, deputies, the Director of the Anti-Corruption Directorate, Military Prosecutor and Prosecutor of Nakhchivan Autonomous Republic who hold positions corresponding to the 1st and 2nd grade) undergo performance evaluation every five

years by Attestation Commissions composed of prosecutors representing the Prosecutor General's Office, the Military Prosecutor's Office, the Baku Prosecutor's Office and the NAR Prosecutor's Office, respectively. Evaluation is conducted via interview.

The evaluation is based on 39 criteria, including: 1. the internal division of tasks; 2. the level of criminality in a district/city; 3. the crime prevention dynamics; 4. the results of prosecution in court; 5. the work plan implementation; 6. the quality of quarter/semi-annual/annual reports; 7. the implementation of the Prosecutor General's orders; 8. the registration and review of complaints; 9. the registration and handling of crime-related information; 10. the quality of oversight over inquiries; 11. compliance with ethical principles and rules of conduct prescribed by the Prosecutorial Code of Ethical Behaviour, etc. Optional attestations can be conducted in cases of early promotion, demotion, impossibility to exercise one's duties, negligent attitude to work, or upon request. The Prosecutor's Office is furthermore subject to internal inspections by the Internal Security Service of the Anti-Corruption Directorate, which is primarily responsible for investigating internal corruption and which is to pass relevant information to the Organisational-Analytical Department of the Prosecutor General's Office.

Any change in position (promotion, transfer, demotion or dismissal) is to be formalised in a written and reasoned order issued by the Prosecutor General.

There is a possibility to appeal the decision on promotion to court.

Confidence and satisfaction of the public with their justice system

• Compensation of users of the judicial system

The system for compensating users in cases of wrongful convictions, illegal detentions or in cases where persons' rights have been unlawfully restricted otherwise in criminal proceedings, may seek compensation according to the Criminal Procedure Code (Article 36.2). Compensation for the damage caused as a result of the error or abuse made by a body conducting criminal proceeding shall be awarded (article 56.0.5) in a civil court proceeding (article 63). Rules on awarding compensation are prescribed by the Law "On compensation of damage caused to natural persons as a result of illegal actions of investigation, preliminary investigation, prosecutor's office and judicial authorities". Compensation is decided upon by court in a civil court proceeding. Compensation is paid for damages incurred with regard to deprivation of wages, pensions, allowances and other income, as well as incurred due to confiscation of investigative bodies, property damage caused due to arrest, paid court costs, physical and moral damage, amounts paid in relation to provision of legal assistance etc.

There is no legislation providing for direct compensation due to excessive length of proceedings and non-execution of court decisions. Nevertheless, according to article 4.1 of the MPM individuals and legal entities have a right to use court protection in order to protect and secure their rights and freedoms as well as interests protected by law. Every person has a right to file a claim for compensation of material and moral damage for the reasons stated above.

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

According to Article 63 of the Code of Criminal Procedure of the Republic of Azerbaijan, the rules for payment of damage caused by the error or abuse of the body implementing the criminal process after the completion of criminal prosecution proceedings are carried out in the order of civil court proceedings.

Also, according to Article 36.7 of the Code of Civil Procedure of the Republic of Azerbaijan, the restoration of labor, pension and housing rights in connection with the compensation of damages caused to an individual by being illegally convicted, brought to criminal liability, detained as a preventive measure, or by administrative punishment in the form of arrest, claims for the return of property or its value can also be filed based on the claimant's place of residence.

• Procedure to challenge a judge

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. A challenge must be reasoned. According to Article 107.3.3 of the Criminal Procedure Code of the Republic of Azerbaijan, any participant of the criminal process can challenge the judge only before the court investigation has begun, or after the court investigation has begun if the grounds for objection have appeared during the court review and if this is proven.

No information is available on the ratio between the total number of initiated procedures of challenges and total number of finalised challenges for 2021.

• Instructions to prosecute or not addressed to public prosecutors

According to the Constitution, prosecution services are within the judicial branch and constitute an integral centralized body characterized by the subordination of territorial and specialized procurators to the General Procurator of the Azerbaijan Republic. As an authority, prosecutor's office is independent. The prosecutor's office may carry out procedural actions restricting the rights and freedoms of man and citizen, only on the basis of a court decision, as provided for by the Constitution of the Republic of Azerbaijan. No law or other regulation exist to prevent specific instructions to public prosecutors to prosecute or not. Specific instructions may be issued by a superior prosecutor or the head of prosecution office, however only in exceptional circumstances. Instructions should be given in writing and reasoned, are mandatory and should be recorded in the case file. The prosecutor cannot oppose/report the instruction to an independent body. However, in case of a disagreement with the instruction of a higher prosecutor on the prosecution (i.e. on whether to prosecute, on qualification of a crime, on scope of the charges, termination of a case or its referral to a court) the prosecutor in charge of the procedural supervision over preliminary investigation may send a motivated objection to a higher prosecutor.

Promotion of integrity and prevention of corruption

• Independence of judges

The principle of judicial independence is enshrined in the Constitution (article 127), the Law on Court and Judges (Article 8, 93) (LCJ) as well as relevant provisions of the Law on Judicial Legal Council (LJLC).

Judges are independent and bound only by the Constitution and laws (Article 127, the Constitution and Article 100 of the LCJ). Judges must be impartial, fair, act on the basis of facts and according to law (Article 127, Constitution; Article 8, LCJ). Direct or indirect interference in the administration of justice is prohibited (Article 127, Constitution). Judges may not be involved in political activity or join political parties and should cease their membership before taking up a position of a judge (Article 105, LCJ). Legal safeguards include irremovability during the term of office (Articles 97 and 100, LCJ), immunity (Article 101, LCJ), security and financial and social provision commensurate with the post (Articles 98, 102, LCJ). The JLC is competent to ensure independence of judges and court system in Azerbaijan as well as to take measures to ensure independence of judges and to prevent interference in their activity (Articles 1 and 11, LJLC). The budgets of the first instance courts are managed by the Ministry of Justice in consultation with the respective court presidents and the opinion of the Judicial Legal Council is solicited. Presidents of the Supreme and higher courts draw up their own budgetary proposals which are addressed directly to the Ministry of Finance.

• Independence of prosecutors

Independence of prosecutors is guaranteed by relevant provisions of the Constitution as well as Prosecutor's Office Act (POA), Act on Service in the Prosecutor's Office (POSA) and the Criminal Procedure Code.

Pursuant to Article 36 POA, prosecutors are independent in the exercise of their duties. Hierarchical relations within the Prosecutor's Office are governed by the Criminal Procedure Code, the POA and the POSA. Prosecutors may only receive instructions from their superiors as well as the Prosecutor General, and the execution of all lawful instructions is mandatory. Senior prosecutors may perform the functions of their subordinates and abrogate, recall, change or substitute their decisions or acts. The requirement for instructions to be reasoned and provided in writing is not prescribed by law but is said to be respected in practice. Verbal instructions are issued as well, and there is no need for them to be given in writing in addition. Direct or indirect restriction, influence, threats or illegal interference in the lawful activities of the Prosecutor's Office and of individual prosecutors are forbidden and incur liability according to law (Articles 7 and 36, POA). Engagement of prosecutors in political activities and membership of political parties are prohibited. The Criminal Procedure Code criminalises any interference in prosecutor's activities as well as attempt on his/her life, threats or bodily harm and damage of property when performing official duties.

GRECO Recommendation xii. GRECO recommended that i) the Prosecutor's Office Act be reviewed as to eliminate any undue influence and interference in the investigation of criminal cases in the exercise of statutory controls over the activities of the Prosecutor's Office; and ii) the setting up, closure and basic organisational structure of all prosecution offices be determined by law

In [the Evaluation Report](#) (see para. 85 and 90), GRECO noted that the Prosecutor General was accountable to the parliament and the President of the Republic: it informed the parliament annually of the Service's activities, except for criminal cases under investigation, and systematically informed the President (annually and upon request) of the same, including criminal cases under investigation. Furthermore, GRECO noted that the pivotal role that the President of the Republic played in the establishment, overall functioning of and control over the Prosecutor's Office was obvious and underscored even more by the fact that s/he appointed the Prosecutor General and all senior prosecutors. In this light, any additional powers vested with the President, such as the right to familiarise him/herself with the investigation and prosecution in specific cases, could be perceived as intervening in the autonomy of the Prosecutor's Office and the independence of individual prosecutors thus creating opportunities for improper influence, disguised orders or indirect pressure. Bearing in mind that the Prosecutor's Office in Azerbaijan was construed as an independent authority, it was essential, in the GET's view, that, in the performance of its duties, the Office was and was actually seen to be genuinely independent of the executive branch of power and that the influence on prosecutorial decisions by the executive was minimised; otherwise, credence could be given to allegations that political opponents in Azerbaijan were selectively targeted and due process in their regard was not followed. This was particularly important due to the fact that criminal investigations on passive and active bribery of an official (Article 311 and 312 of the Penal Code) fell within the remit of the Prosecutor's Office, which was also responsible for investigating charges against persons enjoying immunities (in this case, the investigation is in the hands of the Prosecutor General's Office) and charges concerning crimes committed by abuse of authority by the President, MPs, the Prime Minister, judges, police, security, tax and customs officials. Concerns for the effective autonomy also extended to issues, such as the setting up and closure of prosecution offices, which at the moment were regulated via presidential orders rather than laws. In view of the foregoing, GRECO issued the recommendation xii.

The recommendation was partly implemented in the compliance procedure, since the POA was amended in 2017 in respect of the interaction between the Prosecutor General and the legislative and executive powers. The term "oversight" was replaced by a notion of "information". Section 44 of the law now provides that the Prosecutor General shall inform the Head of State about the work of the Prosecutor's Office, except for pending investigations. A similar provision applies in relation to Parliament (first part of the recommendation). No progress was made with respect to the second part of the recommendation and GRECO's overall conclusion was that recommendation xii has been partly implemented (see [the Compliance Report](#), para. 65-71 ; [the Second Compliance Report](#), para. 45-49 ; and [the Addendum to the Second Compliance Report](#), para. 32-35).

• Breaches of integrity for judges

Different possible breaches of integrity of judges are described in LCJ. Article 111 states elements that may trigger a motion for initiating a disciplinary proceeding (e.g. complaint of a natural or legal person, information published in the media, statutory violations revealed in the

consideration of cases before the appellate and cassation courts, statutory violations reflected in the decisions of the European Court of Human Rights and the Constitutional Court of Azerbaijan, statutory violations revealed in the court of a judge's assessment, other information received by a person competent to submit a motion to initiate disciplinary proceeding against a judge). Grounds for disciplinary liability of judges are: 1. breach of the judicial ethics; 2. gross violations of law on labour or performance discipline; 3. failure to comply with financial requirements contained in Article 5.1 of the Fight Against Corruption Law; 4. commission of acts provided by Article 9 of the Fight Against Corruption Law; 5. commission of acts unworthy of the good name of a judge; and 11. gross violation or multiple violations of law while reviewing a case. Only the JLC may institute a disciplinary proceeding against a judge (Article 112, LCJ). The JLC may adopt a decision: 1. to reproof a judge; 2. to reprimand a judge; 3. to propose to the appointing body to demote a judge; 4. to propose to the appointing body to transfer a judge to another judicial post; 5. to propose to the appointing body to terminate a judge's mandate; or 6. to terminate the disciplinary proceeding.

• Breaches of integrity for prosecutors

Different possible breaches of integrity of prosecutors are described in the Code of Ethical Conduct for Employees of the Prosecutor's Office from 2008. The Code defines basic requirements for ethical conduct, requirements for the professional conduct of the prosecutor's office, prevention of illegal acquisition of material and intangible goods, privileges or concessions, requirements for out of office conduct of the prosecutor's office, enforcement of the requirements of the Code and responsibility of the prosecutor's office for violation of these requirements. These breaches invoke disciplinary proceedings against prosecutors.

According to Article 26, POSA, disciplinary sanctions that may be imposed on a prosecutor for violation of service discipline, improper performance of duties, as well as non-compliance with the requirements of the Code of Ethical Conduct for Employees of the Prosecutor's Office are: 1. remark; 2. rebuke; 3. severe rebuke; 4. transfer to the lower position; 5. demotion of rank; 6. dismissal from the position (in this case, the prosecutor may be at the disposal of up to three months, and during this period, if there are no grounds for exclusion from the prosecutor's office, s/he is appointed to work in the prosecutor's office); 7. dismissal from the prosecutor's office; and 8. dismissal from the prosecutor's office with deprivation of rank in cases prescribed by law.

• Breaches of integrity for staff of Courts

Different possible breaches of integrity of staff of the court are prescribed in the Law on Rules of Ethical Conduct of Civil Servants since staff of the court are civil servants as per provisions of the Law On Civil Service. The Law on Rules of Ethical Conduct of Civil Servants determines the norms, ethics and conduct applicable to civil servants and sets the legal mechanisms for following these norms. The law regulates service conduct, impermissibility of acquiring material and non-material gifts, privileges and concessions, prevention of corruption and conflicts of interests, control over compliance with guidelines of ethical conduct, responsibility for violation of ethical conduct guidelines and other matters. Law on Civil Service states that non-performance or unduly performance of the duties assigned to civil servants, as well as non-compliance with obligations determined by this Law shall constitute grounds for disciplinary proceedings, unless otherwise provided by the law. Certain

infringements of obligations stated in Articles 18 (Principal duties of civil servant), 20 (Limitations related to civil service) and 25.11 (If civil servant does not meet requirements set forth in article 5.1 of the Law of the Republic of Azerbaijan "On fighting against corruption" or violates law (unless they cause administrative or criminal responsibility) indicated in article 9 of the same law, then s/he must be called to the disciplinary responsibility) may be subject to the following sanctions: 1. rebuke; 2. reduction in salary from 5% up to 30% for a period of one year; 3. transfer to the same grade but less paid position; 4. transfer to the lower grade position; 5. demotion of professional rank; and 6. dismissal from the civil service.

- Number of criminal cases against judges and prosecutors**

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

	2021			
	Judges		Prosecutors	
	Abs	per 100	Abs	per 100
Number of initiated cases	1	0,18	0	0,00
Number of completed cases	0	0,00	0	0,00
Number of sanctions pronounced	0	0,00	0	0,00

- Existence of specific measures to prevent corruption**

Specific measures to prevent corruption among judges and prosecutors are in place, namely gift rules, specific training and safe complaints mechanisms. In addition, rotation of assignments of prosecutors and internal controls are envisaged to prevent corruption among prosecutors.

- In-service training on ethics**

Both judges and prosecutors have to undergo regularly compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest. This training is 2-3 days long.

• Codes of ethics for judges and prosecutors

Both judges and prosecutors have their respective codes of conduct adopted which are published on the website of the judiciary/prosecutor's office and are regularly updated.

The Code of Judges' Ethical Conduct was elaborated by judges and their professional associations and approved by the JLC in 2007. It represents a collection of ethical principles and standards of conduct and consists of four parts: general provisions, rules on judicial duties, rules on extra-judicial activities and the Code's relevance to the evaluation of judges' performance. Violation of judicial ethics is one of the grounds for instituting disciplinary procedure against a judge (the [GRECO Evaluation Report on Azerbaijan](#), para. 66 and 76).

The Code of Ethical Conduct for Employees of the Prosecutor's Office was endorsed by the Collegial Session of the Prosecutor General's Office in 2008, following a broad consultation. It consists of six parts: the objectives; the main requirements for ethical conduct; the requirements for behaviour while on duty; the inadmissibility of illegal receipt of material and immaterial goods, privileges and concessions; the requirements for out-of-office conduct; enforcement and liability. Its goal is to present the essence and lay down patterns for the ethical conduct expected of a prosecutor and to demonstrate that the prestige of the Prosecutor's Office and the citizens' trust in the criminal justice and law enforcement is conditional on there being high moral values and professional skills within the Prosecutor's Office. The requirements incumbent on prosecutors include serving as a model for others, avoiding conflicts of interest, refraining from using official power for personal gain and demonstrating impartiality, including specifically by withdrawing from proceedings. Violations of the standards of conduct - whether on or off duty – incur disciplinary liability (para. 34, 36.7 and 37 of the Code). Certain breaches may be subject to examination by the Supreme Attestation Commission, which may file a motion for instituting disciplinary proceedings directly with the Prosecutor General or compel the prosecutor concerned to make an apology in the media or to specific persons (the [GRECO Evaluation Report on Azerbaijan](#), para. 108).

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

• Bodies giving opinions on ethical questions

The Counselling Group was established in 2016 which operates on a continuous basis, providing counselling on ethical issues upon request and on a confidential basis. It is composed of three experienced judges, representing all court instances (district court, appellate court and Supreme Court) and genders ([the GRECO Compliance Report on Azerbaijan](#), para. 49). Its opinions are not publicly available.

The Ethics Commission which was established in the Prosecutor General's Office is competent to review information collected during official inspection on violations of ethical rules, conflict of interest, transparency and anti-corruption and to provide opinions on imposing disciplinary sanctions. The Ethics Commission submits its opinion to the Prosecutor General. They are not publicly available. It is composed of 7 members

(prosecutors and other legal professionals), appointed by the Prosecutor General from among candidates elected by the Board of the Prosecutor General's Office. Five members of the Commission are authorised to carry out disciplinary proceedings.

- **Established mechanisms to report influence/corruption on judges and prosecutors**

With regard to established mechanisms to report attempts on influence/corruption on judges, the authorities refer to article 100, LCJ which requires a judge to turn to the JLC in case of outside influence on his/her professional activities. According to Article 11, LJLC, the JLC takes measures to ensure independence of judges and to prevent interference in their professional activities. As per Article 286 of the Criminal Code, any form of interference in the judicial process in order to impede the administration of justice is a criminal offence. In addition, a special hotline was established in 2009 by the JLC to receive notifications from judges in case of interference with their activities. Pursuant to article 11-1 of the Law on Combating Corruption every person may provide information on corruption offences in writing or orally. A whistleblower may submit the relevant information to competent law enforcement bodies, such as the Anti-Corruption Directorate which is a specialised body in fighting corruption that receives and reviews information on corruption offences and other related misconduct. It also operates a special hotline 161 which has been established for the purpose of receiving complaints on corruption offences.

A mechanism to report attempts on influence/corruption on prosecutors is envisaged by the Code of Ethical Conduct for Employees of the Prosecutor's Office.

- **Transparency in distribution of court cases**

There is transparency in distribution of court cases ensured in the judicial system of Azerbaijan via random allocation (completely by random algorithm), with a possibility to exclude a judge from the allocation (due to judge's illness, business trip or vacation, in case a higher court sends the case back to a lower court for reconsideration or under exceptional circumstances). However, in case of repeated appeals to the court on returned or pending cases, the system provides for the transfer of these cases to the judge who returned the case or did not consider it (presiding in a collegial form), regardless of the number of cases filed in the current year. All interventions on the system with regard to distribution of cases are irreversibly registered/logged.

Cases' reassignments are all processed through the computerised distribution of cases, via random allocation (completely by random algorithm) and are irreversibly logged/registered. Different reasons for reassigning a case include conflict of interest declared by the judge; recusal of the judge or requested by the parties; physical unavailability (illness, longer absence). Some decisions on reassignment of cases have to be reasoned.

Declaration of assets for judges and for prosecutors

Law on Approval of Procedures for Submission of Financial Information by Public Officials (hereinafter: LAPSFI) and Law on Combatting Corruption (hereinafter: LCC) regulates submission of asset declarations of judges and prosecutors. For prosecutors, additional rules are contained in the Rules of work organisation at the Prosecutor General's Office. Submission (which is done in written form) and review of declarations submitted by public officials are carried out in accordance with the Procedures on submission of financial information by public officials. Furthermore, the authorities report on several ongoing reforms on asset and interest declarations regime, including establishment of an electronic system of online submission of financial declarations. The authorities report that this system has not been implemented also in 2021 due to the lack of approval of the declaration form (see below information from GRECO reports).

GRECO Recommendation ix. GRECO recommended that i) the format for asset disclosure by judges be established as a matter of priority and that the confidentiality in respect of asset disclosure by judges be lifted, with due regard being had to their and their relatives' privacy and security; and that ii) the asset disclosure regime applicable to judges be put into effect (including by allocating commensurate administrative and expert resources to the Commission on Combating Corruption), accompanied by adequate sanctions for non compliance with the rules and that details, including the underlying reasoning, of the sanctions imposed be made public.

No asset declaration form has been provided by the authorities due to its modernisation. In [its Evaluation Report](#) (see para. 75), GRECO noted that a well-functioning system of asset disclosure is a powerful tool in corruption prevention and detection, including specifically within the judiciary. It is therefore difficult to understand that the assets disclosure rules formally adopted in 2005 (that apply also to MPs) were still not operational for the mere reason that the Cabinet of Ministers has failed to reach an agreement on the appropriate format of the asset declaration form. In the GET's view, such a major delay not only casted doubts on the sincerity of the government's anti-corruption campaign but also deprived the Law on Combatting Corruption of its key component. In order to strengthen public trust in the judiciary and to increase transparency, the asset disclosure system not only needed to be introduced speedily, it also needed to provide public access to the annual declarations of all categories of judges. Also, the disciplinary penalties of reproof and reprimand could not qualify as being sufficiently proportionate and dissuasive for gross violations of the asset disclosure rules (e.g. non-submission of a declaration or concealing assets). Furthermore, since the relevant oversight body – the Commission on Combating Corruption – had been mandated, in addition to judges, to collect and verify asset declarations of a vast number of public officials (some 2 000 persons in total), supplying it with commensurate administrative and expert resources, enabling quality periodic checks, would be essential. In this light, GRECO issued the recommendation ix.

GRECO Recommendation xx. GRECO recommended that i) the format for asset disclosure by prosecutors be established as a matter of priority and the confidentiality in respect of asset disclosure by all prosecutors be lifted, with due regard being had to prosecutors' and their relatives privacy and security; and that ii) the asset disclosure regime applicable to prosecutors be put into effect, including through the designation of an effective oversight structure within the Prosecutor General Office.

As for prosecutors, who have to declare their assets, income, liabilities and interests, in the same scope and under the same terms as judges, GRECO noted that due to the lack of agreement on the format for the asset disclosure form, prosecutors, along with judges, have been affected by a long delay in the implementation of the LAPSFI, which is hard to justify. Its swift enforcement is fundamental and had to be accelerated, and its full implementation required the setting of the procedure and the development of a practice for the checking and in-depth verification of declarations, as well as regular reporting by the Prosecutor General to parliament of the success, or otherwise, of such measures. Since some prosecutors were to present their declarations to the Prosecutor General's Office, the latter was to designate an internal supervisory structure. At the time of the visit, this was a pending issue, and whether this function would be assigned to a newly created commission, or the existing Financial Department remained to be decided. Additionally, while the prime objective of asset disclosure is to promote transparency, accountability and public trust, the very strict confidentiality clause applicable to the declarations of all prosecutors appeared to pursue a contradictory goal, which could be detrimental to the forging of an immaculate image for the Prosecutor's Office and could cast doubts on the holding of assets by individual prosecutors, particularly at the senior level (also given the mode of their appointment). For all of these reasons, GRECO issued recommendation xx. Since the capacities of the Commission on Combatting Corruption, as the body in charge of monitoring the assets of senior prosecutors (as well as judges) is addressed in paragraph 75 GRECO refrained from making any further comments on this matter here (see [the Evaluation Report](#), para. 119).

In the compliance procedure, no progress has been made with regard to implementation of both recommendations. In [the Compliance Report](#) (see para. 53-56 and 103-106), GRECO noted information received from the authorities that implementation of these two recommendations has been linked to implementation of recommendation iv concerning parliamentarians. The Government of Azerbaijan had asked the Cabinet of Ministers and the Minister of Justice to take the necessary measures for the introduction of asset declarations for public officials, including in respect of parliamentarians, judges and prosecutors and any new developments would be reported to GRECO. No developments have been noted by GRECO in [the Second Compliance Report](#) (see para. 41-44 and 58-61) as well as in [the Addendum to the Second Compliance Report on Azerbaijan](#) (see para. 28-31 and 41-44).

The declarations are to include: 1. annual income (type, source and amount); 2. property calculated for tax purposes; 3. bank deposits, securities and other financial holdings; 4. participation and shares held in companies, funds and other entities as a shareholder or founder; 5. debts exceeding five thousand times the nominal financial unit (5 500 Manats/EUR 5 300); 6. other financial and property-related obligations exceeding one thousand times the nominal financial unit (Article 5, LCC).

Asset declarations have to be submitted within 30 days from taking up duties, by 30th January annually and one year after departure from office (Article 6, LAPSFI).

The reporting requirement also extends to family members of a judge/prosecutor: spouse, parents and children living in the same household (Article 5.1 of the LCC). The declaration for family members is the same as for the declarant.

Declaration of a judge is to be submitted to the Anti-Corruption Commission (Article 3, LAPSFI). The Prosecutor General, his/her deputies, city/district and military prosecutors are to submit their declarations to the Commission on Combatting Corruption, while all others to the General Prosecutor's Office (see [the GRECO Evaluation Report on Azerbaijan](#), para. 11).

Completeness and accuracy of the data submitted is verified. Unexplained financial discrepancies (unusual change in assets, liabilities, income, etc.) are also checked.

No register of declarations is kept, and the declarations are not published. The data contained in the declarations is considered private and is to be kept confidential (Article 9, LAPSFI). Exceptions exist when reasonable enquiries are made by the Commission on Combatting Corruption, prosecution office or courts in connection with corruption-related offences. Illegally collecting and distributing such information constitute a crime (Article 9.3, LAPSFI).

Article 10 of the LAPSFI refers to criminal, administrative and disciplinary liability in case of violations of the procedures of the law. Authorities report that a draft has been prepared to include a provision in the Code of Administrative Offences which will envisage administrative liability for officials in case of non-submission, later submission or false statement made in declarations by officials. In case of violating obligations set in Article 5, LCC, a fine or more serious administrative sanction will be prescribed. Violations of the asset disclosure requirement by a judge are subject to disciplinary measures of reproof and reprimand (according to Article 6.3 LCC, read in conjunction with Articles 111-1 and 112 Law on Courts and Judges). In case of prosecutors, violations of the reporting obligation are subject to disciplinary liability.

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

Azerbaijan	Judges						Prosecutors						
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced		
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	
2021	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

Conflict of interest for judges and for prosecutors

• Procedures and mechanisms for managing potential conflict of interest for judges

The legal framework for the prevention and the resolution of conflicts of interest applicable to judges is provided by the relevant provisions of: 1) the Constitution, regarding incompatibility of judicial office (Article 126); 2) the Ethical Code, as regards rules on recusal (Article 7) and rules on gifts (Article 18); 3) the Criminal and Civil Procedure Codes contain rules on recusal; 4) the Law on Courts and Judges (LCJ), which regulates incompatibilities and accessory activities (Article 104) and an obligation to recuse (Article 16); and 5) the Law on Combating Corruption (LCC), which prohibits acceptance of gifts (Article 8).

The Ethical Code obliges a judge to avoid any interference with his/her professional activity by relative, friends and familiars. In case a judge's family member or other relative has a private interest in the matter a judge is deciding upon or in case of a doubt in his/her impartiality, s/he must recuse himself/herself (Article 7).

Provisions of the Criminal and Civil Procedure Codes require a judge to withdraw from specific proceedings if his/her impartiality is put to doubt. In criminal cases, a judge is to recuse him/herself or is to be disqualified following a motion by a party if: 1. s/he was not lawfully appointed to the post of judge; 2. s/he does not have the required authority to hear the criminal case in accordance with law; 3. s/he is a victim, civil party, defendant to the civil claim or their representative or legal representative in the same case; 4. s/he is or can be questioned as a witness in the same case or in another prosecution matter related to it; 5. s/he has participated previously as a witness, court clerk, interpreter, specialist or expert in the same case or in another prosecution matter related to it; 6. s/he has participated as a judge in the hearing of the same case or another prosecution matter in the first, appeal or cassation instance on the basis of new circumstances; 7. s/he has any kinship or other dependent relationship with a party or his/her (legal) representatives; 8. if there are grounds for believing that s/he has a direct or indirect interest in the prosecution, or other circumstances put into doubt his/her impartiality (Criminal Procedure Code, Article 103). Similar rules apply in civil law cases (Article 19, civil Procedure Code) and are reflected in the Ethical Code.

A judge who has tried a case in the first, appeal or cassation court may not retry it in another instance, and if any doubts persist as regards his/her impartiality, s/he is to recuse him/herself from proceedings (Article 16, LCJ).

According to the LCC (Article 8), judges may not solicit or accept for themselves or others gifts that may influence or appear to influence the objective and impartial performance of duties or represent or appear to represent a reward, except for minor gifts and conventional hospitality not exceeding a total value of 55 Manats/EUR 60 during any twelve month period. Furthermore, judges may not obtain undue privileges or advantages in the exercise of their duties while entering into or performing civil contracts with any person. Violations of the LCC carry disciplinary, civil, administrative or criminal liability. According to Article 18 of the Ethical Code, a judge may not accept a gift, award, favour or benefit that is in connection with the case under his/her consideration and s/he will avoid accepting any services if they may affect the outcome of the case.

• Procedures and mechanisms for managing potential conflict of interest for prosecutors

The legal framework for the prevention and the resolution of conflicts of interest applicable to prosecutors is provided by the relevant provisions of: 1) the Code of Ethics of Prosecutors, regarding acceptance of gifts and other benefits (Articles 28-30); 2) the Prosecutor's Office Act (POA), regarding incompatibilities and accessory activities (article 30); 3) the Criminal and Civil Procedure Codes, rules on recusal; 4) the Rules for the ethical conduct of civil servants, regarding prevention of corruption and conflicts of interest; 5) the Law on Service in the Prosecutor's Office, regarding termination of office in case of performance of incompatible activity (Article 29); 6) the Law on Combating Corruption (LCC), which prohibits close relatives working together (Article 7) and imposes restrictions regarding gifts (Article 8); and 7) the Penal Code, which criminalises passive bribery (Article 311).

Within the criminal justice process, the case-by-case identification, registration and handling of prosecutors' private interests are regulated by the Criminal Procedure Code (CPC). It places an obligation on prosecutors to withdraw from specific proceedings in case of a conflict of interests and imposes a ban on a prosecutor who has carried out the investigation on a criminal case or been in charge of its procedural aspects from taking part in the court hearing as a public prosecutor (Article 109). A prosecutor may recuse him/herself or may be disqualified following a motion by a party. Article 112 CPC prescribes the procedure for a prosecutor's withdrawal or replacement, and each prosecution office (or court) keeps a register of such recusals/disqualifications and the re-assignment of cases.

Outside the criminal justice process, conflicts of interest of prosecutors are governed by the Law on Combatting Corruption (LCC) (receipt of gifts, assets disclosure, prohibition on employing a relative in a position of direct subordination). There are no restrictions on prosecutors holding financial interests.

By virtue of Article 8 LCC, prosecutors may not solicit or accept for themselves or others gifts that may influence or appear to influence the objective and impartial performance of duties or represent or appear to represent a reward, except for minor gifts and conventional hospitality not exceeding a total value of 55 Manats/EUR 60 during any twelve month period. Furthermore, prosecutors may not obtain undue privileges or advantages in the exercise of official duties while entering into or performing civil contracts with any person. Violations of the LCC carry disciplinary, civil, administrative or criminal liability. Similar requirements are contained in the "Rules for the ethical conduct of civil servants" Act and the Code of Ethics of Prosecutors. The former inter alia imposes a ban on acting or failing to act on making decisions with a view to obtaining illegal material or immaterial benefits, privileges or advantages, and requesting or accepting gifts which may affect or may seem to affect the impartial performance of duties, with the exception of token or hospitality gifts permitted under the LCC. In case of doubts on whether to accept or reject a gift, a prosecutor is to seek his/her superior's guidance.

The prohibition on accepting bribes under Article 311 of the Penal Code (passive bribery) also applies and carries a custodial sentence of up to twelve years with deprivation of the right to hold certain positions or engage in certain activities for up to three years as well as property confiscation. In the case of substantial damage to the public interest, non-compliance with the rules on incompatibilities and accessory activities gives rise to criminal liability under Article 309 of the Penal Code (abuse of official powers). In less serious cases, prosecutors are subject to disciplinary (suspension and dismissal) and civil liability.

- **Possibility for judges and prosecutors to perform additional activities**

According to the LCJ, being a judge is incompatible with any other public, private or political activity, or any other activity and remuneration thereof, except for research, pedagogical or creative work (Article 104, LCJ). Non-compliance triggers the disciplinary punishment of dismissal. There are no restrictions on judges holding financial interests. No authorisation is needed for a judge to perform accessory activities (teaching, research and publication, cultural functions) and no obligation to inform his/her hierarchy about these accessory activities.

A prosecutor's office is incompatible with any other public, private, elected or political activity, or any other activity and related remuneration, except for academic, pedagogical or creative activity (Article 30, POA). For the latter, according to the Order 10/66 of 13/07/2015 of the Prosecutor General, the prosecutor concerned must obtain an official consent from the head of the office concerned and the Prosecutor General in consultation with the Department of Human Resources. The Rules on Accessory Activities in Prosecutorial Bodies in Substitutional Order (part of the Rules of Work Organisation at the Prosecutor General's Office) regulate conditions under which prosecutors may carry out accessory activities (e.g. when is involvement in accessory activities prohibited, consent to be obtained to carry out the activity, information to be provided to the prosecutor's office on the labour contract signed by a prosecutor, limitations imposed with regard to number of working hours spent for accessory activities etc.)(see [the GRECO Compliance Report on Azerbaijan](#), para. 100, and App. 6 to the Compliance Report)

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

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

- Breaches of rules on conflict of interest

Various laws and regulations regulate proceedings for breaches of rules on conflicts of interest in respect of judges, namely the Criminal Procedure Code, the Civil Procedure Code and the Ethical Code.

The procedure to sanctions these breaches is regulated in the Criminal Procedure Code, the Civil Procedure Code and the LCJ.

Law or regulation that regulates proceedings for breaches of rules on conflicts of interest in respect of prosecutors are the Code of Ethical Conduct for Employees of the Prosecution Authorities and the Act on Service in the Prosecutor's Office (POSA).

The procedure to sanction breaches of rules on conflicts of interest in respect of prosecutors is regulated in the Code of Ethical Conduct for Employees of the Prosecution Authorities.

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

Azerbaijan	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00

Discipline against judges and prosecutors

• Description of the disciplinary procedure against judges

Provisions on the disciplinary regime for judges are contained in the Law on Courts and Judges (hereinafter: LCJ).

According to article 111-1, LCJ, violation of judicial ethics is one of the grounds for instituting disciplinary procedures against a judge.

Judges are subject to disciplinary liability for: 1. gross or multiple infringements of law while adjudicating a case; 2. ethical breaches; 3. gross disciplinary violations; 4. failure to comply with the asset disclosure rules; 5. the commission of corruption-related offences stipulated in Article 9 LCC; and 6. acts damaging their reputation and good name.

Relevant sanctions are: 1. reproof (or “remark” in the table below); 2. reprimand; 3. demotion; 4. transfer; and 5. dismissal.

Disciplinary proceedings against judges may be initiated by the JLC, the Ministry of Justice (regarding violations committed by judges in court proceedings before first and second instance courts) as well as chairpersons of the Supreme Courts and courts of appeal.

According to Article 112, LCJ, only the JLC has the competence to institute disciplinary proceedings against judges and it has the sole disciplinary power over judges (only those JLC members who are judges, bar the Supreme Court president and the judge-rapporteur, have the right to vote).

Disciplinary procedures may be launched following a complaint from any person, information published in the media, statutory violations revealed during a judge’s evaluation or while preparing the summary of judicial practice, statutory violations identified by higher courts and those contained in the special decisions of higher courts in respect of a particular judge (e.g. in the case of a gross violation of procedural norms identified when reviewing a case), decisions of the Constitutional Court, the European Court of Human Rights and any other information obtained by persons authorised to file a motion with the JLC, i.e. presidents of the two Supreme and appeal courts and the Ministry of Justice. Furthermore, any person can send a complaint directly to the JLC (see [the GRECO Evaluation Report on Azerbaijan](#), para. 78).

For instituting a disciplinary proceeding, a limitation period of one year applies from the detection of a violation and three years from the moment it was committed. Whether to act on a motion is decided within two months and within a further three months the JLC is to examine the case in the presence of the judge concerned and a judge-rapporteur appointed from within the JLC’s ranks. The judge concerned has the possibility to be heard and to submit his/her statement, evidence in writing. The decisions are passed by a simple majority vote, and the JLC is considered quorate if at least five of its members with the right to vote are present. A JLC member whose impartiality is put into doubt may recuse him/herself or is to be withdrawn. The principle decision is to be announced immediately, and the substantiated decision has to be prepared within ten days. A similar decision-making process applies for the consideration of motions for dismissal and the institution of criminal proceedings against judges (see [the GRECO Evaluation Report on Azerbaijan](#), para. 79).

Within twenty days of the receipt of the JLC's decision, it can be challenged before the Plenary of the Supreme Court on points concerning the proper application of the law. The Supreme Court judges who participated in the JLC vote must withdraw from any vote on the same matter.

All JLC's decisions on disciplinary procedures are presented to the media and published in the Ministry of Justice's "Legality" journal. Decisions, including minority opinions, are published within one month from the moment they take effect (see [the GRECO Evaluation Report on Azerbaijan](#), para. 79).

A judge can be transferred to another court without his/her consent for disciplinary reasons but not for organisational reasons. However, in exceptional cases (i.e. reorganisation or liquidation of courts) this may happen. Such was the case in 2020 when administrative-economic courts were liquidated, and administrative and commercial courts established.

• Description of the disciplinary procedure against prosecutors

Provisions on the disciplinary regime for prosecutors are contained in the Act on Service in the Prosecutor's Office (hereinafter: POSA) and the Prosecutor's Office Act (hereinafter: POA).

According to Article 26, POSA, disciplinary sanctions that may be imposed on a prosecutor for violation of service discipline, improper performance of duties, as well as non-compliance with the requirements of the Code of Ethical Conduct for Employees of the Prosecutor's Office.

The applicable disciplinary sanctions are: 1. Reproof (or "remark" in the table below); 2. reprimand; 3. severe reprimand; 4. demotion; 5. demotion in special rank; 6. temporary dismissal; 7. dismissal; and 8. dismissal with deprivation of a special rank. A demotion in rank by one degree is also applicable for a disciplinary breach.

Procedures may be launched on the motion of a senior prosecutor or triggered by an external complaint (but not an anonymous one) or a news item in the media (see [the GRECO Evaluation Report on Azerbaijan](#), para. 120).

The disciplinary action against prosecutors may be launched within a month from the date of the detection of the misconduct (leave, travel, sickness, inspection or criminal investigation being excluded from this period) but not later than three years from the time of its commission (see [the GRECO Evaluation Report on Azerbaijan](#), para. 121).

Disciplinary procedures are carried out by the Prosecutor General and may be delegated, within certain limits, to the Military Prosecutor, the NAR prosecutor and the prosecutor of Baku (see [the GRECO Evaluation Report on Azerbaijan](#), para. 122).

Prosecutor concerned may be heard and submit in writing his/her statement and evidence.

The prosecutor concerned is notified in writing of the results which can be appealed against to the Prosecutor General (in case the Prosecutor General delegated the power to carry out disciplinary procedures to other prosecutors) or to court (in case the Prosecutor General exercised the disciplinary power). Certain procedures may bring about an internal inspection, the order and the contents of which are prescribed by the Prosecutor General. Although the Prosecutor General may discipline all prosecutors subordinate to him/her, the sanction of dismissal from office may be only imposed in respect of senior prosecutors by the President of the Republic (due to the mode of their appointment). In [the Evaluation Report](#) (see para. 122) GRECO noted that since there appears to be no legal means of ensuring that the President is bound by the findings and conclusions of the specific proceedings leading to a prosecutor's dismissal, it is essential that in each case of rejection to dismiss a senior prosecutor, relevant explanations are provided to the Prosecutor General.

The authorities furthermore indicate that gross violations of conflicts of interest rules leading to criminal cases are published on the web site of the Prosecutor General's Office and communicated to the media (see [the GRECO Evaluation Report on Azerbaijan](#), para. 123).

The table below presents the number of disciplinary proceedings initiated during the reference years, the number of cases completed in the reference year, and the number of sanctions pronounced during the reference year, against judges and prosecutors.

*The authorities explained that the notion of "professional incapacity" as a ground for initiating disciplinary proceeding against a judge refers to gross infringement of the requirement of legislation in the course of consideration of a case.

**The authorities explained that the notion of "professional incapacity" as a ground for initiating disciplinary proceeding against a prosecutor refers to violation of official disciplines and improper performance of official duties.

		2021			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	17	3,14	52	4,33
	1. Breach of professional ethics (including breach of integrity)	1	0,18	50	4,17
	2. Professional inadequacy	16*	2,96*	2**	0,17**
	3. Corruption	0	0,00	NAP	NAP
	4. Other criminal offence	NAP	NAP	NAP	NAP
	5. Other	NAP	NAP	NAP	NAP
Number of cases completed in the reference year	Total number (1 to 5)	12	2,22	52	4,33
	1. Breach of professional ethics (including breach of integrity)	1	0,18	50	4,17
	2. Professional inadequacy	11	2,03	2	0,17
	3. Corruption	0	0,00	NAP	NAP
	4. Other criminal offence	NAP	NAP	NAP	NAP
	5. Other	NAP	NAP	NAP	NAP
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	10	1,85	52	4,33
	1. Reprimand	8	1,48	30	2,50
	2. Suspension	NAP	NAP	5	0,42
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	NAP	NAP	NAP	NAP
	6. Position downgrade	NAP	NAP	0	0,00
	7. Transfer to another geographical (court) location	0	0,00	NAP	NAP
	8. Resignation	0	0,00	0	0,00
	9. Other (remark)	2	0,37	15	1,25
10. Dismissal	0	0,00	2	0,17	

• Council for the Judiciary

Only the judiciary has a self-governing body in Azerbaijan, the Judicial Legal Council (JLC). It is regulated by the Law on Judicial Legal Council (hereinafter: LJLC).

The 15 members of the JLC have a five-year tenure which is renewable once. Membership in the JLC is not a full-time position.

The JLC president has a renewable five-year term and is elected from within the JLC's ranks. Since the establishment of the JLC in 2005, it has been presided over by the Minister of Justice.

The JLC is composed of: 1. the Supreme Court Chief Justice (*ex officio* member); 2. a judge appointed by the Constitutional Court; 3. two Supreme Court justices appointed by that Court from among candidates proposed by the judges' associations; 4. two appeal court judges appointed by the JLC from among candidates proposed by the judges' associations; 5. two first instance court judges appointed by the JLC from among candidates proposed by the judges' associations; 6. a judge of the Nakhchivan Autonomous Republic (NAR) Supreme Court appointed by that Court from among candidates proposed by the judges' associations; 7. the Minister of Justice (*ex officio* member) and one person appointed by him/her; 8. one person appointed by the President of the Republic, the Parliament, and the Prosecutor General's Office respectively; and 9. a lawyer appointed by the Bar (Article 6, LJLC).

The election/appointment of members of the Council, both judge and non-judge members is regulated by Article 6 of the LJLC. According to this article, non-judge members of the JLC are appointed directly by the body they represent. As a rule, these bodies determine their representative by discussing them at the meetings. Associations of judges offer at least two candidates to one vacancy in the JLC. The list of candidates for members of the JLC could be rejected only once by the person who selects them. Subsequently, nominated persons shall be selected to the JLC.

The selection criteria for non-judge members of the JLC include high law education and more than five years of work experience.

Within its competence, the JLC (Article 1) ensures the organisation and operation of courts, ensures independence of judges and court system, proposes the number of judges per court, decides on the selection, evaluation, promotion, transfer and disciplinary measures against judges and implements self-governance functions of the judiciary. The decisions of the JLC are adopted, as a rule, by an open simple majority vote of at least eight members present, the presiding member always being the last one to vote.

Operational arrangements in place to avoid over-concentration of powers in the same hands concerning different functions to be performed by members of the JLC include regulation of rights and duties as well as matters regarding conflicts of interest in the LJLC. Members of the JLC are equal in their rights in resolving all issues pertaining to its functions (Article 9). Decisions are taken by open voting and by simple majority of the votes of the JLC's members present, except in cases prescribed by law. The presiding member will be the last to vote. When

deciding in the framework of disciplinary proceedings, except the Supreme Court Chief Justice and a judge-rapporteur, only judge members may vote. JLC forms the Judges' selection Committee in order to conduct selection of judges and members of the JLC cannot be members of the Committee.

Accountability is achieved through transparency of the JLC's activities, namely broadcasting of its sessions on national television, attendance of representatives of civil society and access to the minutes of the sessions and decisions taken on the JLC's official website (see [the GRECO Evaluation Report on Azerbaijan](#), para. 51). Decisions of the JLC are reasoned. Activity reports are also published.

In case it is evident there is a breach of the independence or the impartiality of a judge, a judge must apply to the JLC (Article 100, Law on Court and Judges). The JLC takes measures to ensure independence of judges and prevent interference in their activities (Article 11, LJLC). Any form of interference in the judicial process in order to impede the administration of justice is a criminal offence (Article 286, the Criminal Code). Additional guarantee for judges is a hotline introduced in 2019 at the JLC in order to receive applications from judges in case of interference with their activities.

Recommendation v. That i) the objectives of Safeguarding and strengthening judicial independence be explicitly stipulated in the mandate of the Judicial Legal Council (JLC); and ii) the role of the judiciary within the JLC be reinforced, notably by providing for not less than half of its members to be composed of judges who are directly elected or appointed by their peers and by ensuring that the JLC president is elected from among the JLC members who are judges.

In the Evaluation Report (see para. 52), GRECO noted that the setting up of an independent judicial council, endowed with guarantees for its composition, powers and autonomy, is an appropriate way of guaranteeing judicial independence and has been pursued by many GRECO member States. In Azerbaijan, however, the observance and strengthening of judicial independence had not been included amongst the JLC's objectives. Moreover, the pluralistic composition of the JLC was dominated by appointees from branches of power other than the judiciary (8 of the 15 members), even though, according to law, nine JLC members must be, and are, judges. This creates opportunities – real and perceived - for undue influence by the executive, which undermined the JLC's status as an independent institution capable of safeguarding the values and fundamental principles of justice. Such a perception was reinforced by the perennial chairmanship of the JLC by the Minister of Justice and the decisive involvement of the President of the Republic in judges' appointment. Given its influence on the selection, appointment, career and disciplinary measures against judges, the legitimacy and credibility of the JLC demanded that it be free from undue influence of other branches of power. This could be achieved by providing for the majority of the JLC members to consist of judges who are appointed or elected directly by their peers, as required by Recommendation CM/Rec(2010)12 of the Committee of Ministers on judges: independence, efficiency and responsibilities. In this light, the entire selection procedure, which was unnecessarily complex and multi-layered, would merit to be simplified and streamlined. Consequently, GRECO issued recommendation v.

In the GRECO compliance procedure, Azerbaijan was able to demonstrate some progress with regard to implementation of the first part of the recommendation since a new law on JLC was adopted in 2016 that explicitly extended the mandate of the JLC to preserve judicial independence. However, GRECO regretted that the JLC had not undergone a more clear-cut and ambitious reform with regard to its

composition. Although nine out of fifteen members of the JLC are judges (as it was at the time of adoption of the Evaluation Report), only a minority of them are appointed or elected by their peers. Furthermore, the JLC was still chaired by the Minister of Justice and not elected from among the JLC members who are judges, as it was recommended. GRECO considered that the second part of the recommendation remained to be addressed. Overall, this recommendation was assessed as partly implemented (see [the Compliance Report](#), para. 31-26; [the Second Compliance Report](#), para. 32-35; and [the Addendum to the Second Compliance Report](#), para. 19-22).