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PART 2

## EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2023

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

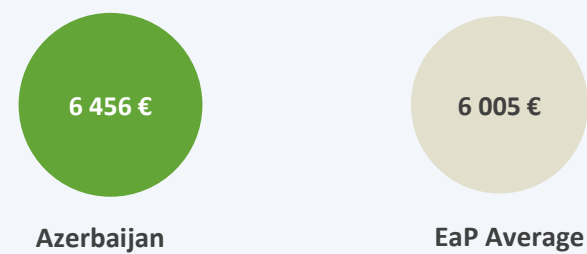
## Part 2 (A) - Beneficiary profile - Azerbaijan

## Executive Summary - Azerbaijan in 2023

### Population in 2023



### GDP per capita in 2023



### Average annual salary in 2023



### Judicial Organisation

There is a three-tier judicial organisation in Azerbaijan. Courts are of general (total of 92) and specialised jurisdiction (total of 24). Courts of general jurisdiction deal with all matters that are not assigned to specialised courts, which are assigned competence over specific subjects, such as commercial, administrative and grave crimes.

### Budget

In 2023, Azerbaijan spent 161 263 982€ on the implemented judicial system budget (budgets for all courts, prosecution services, and legal aid). This means that Azerbaijan spent **15,9€ per inhabitant**, which is less than the EaP Average of 18,4€. **52,7% was spent for courts, 45,7% for prosecution services, 1,7% for legal aid.** Compared to 2022, Azerbaijan has spent, per inhabitant, 20,7% less for courts, 7,3% more for prosecution services, and 20,6% less for legal aid. The budgets spent for courts and legal aid per inhabitant were lower than the EaP Averages (respectively 8,4€ and 0,26€ with EaP Averages of 10,8€ and 0,8€), while the budget spent for prosecution services was slightly higher (7,3€ with an EaP Average at 7€)

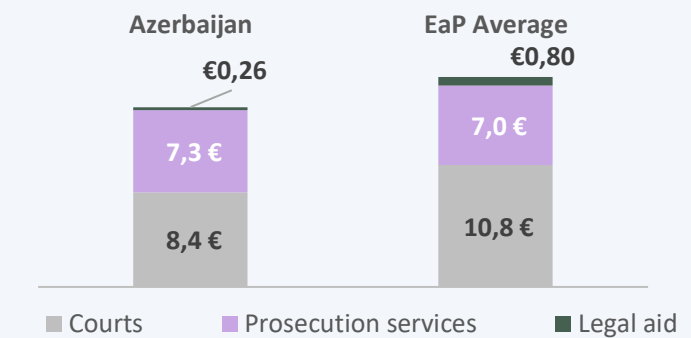
### Legal aid

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, according to new changes to law.

**In 2023, legal aid was granted in 39 830 cases, which represented 0,39 cases per 100 inhabitants.** The vast majority of those cases were criminal cases (39 696 criminal cases/only 134 other than criminal cases); and were cases brought to court (26 563 cases brought to court/ 13 267 cases not brought to court). On average, Azerbaijan spent **66,9€ per case.**

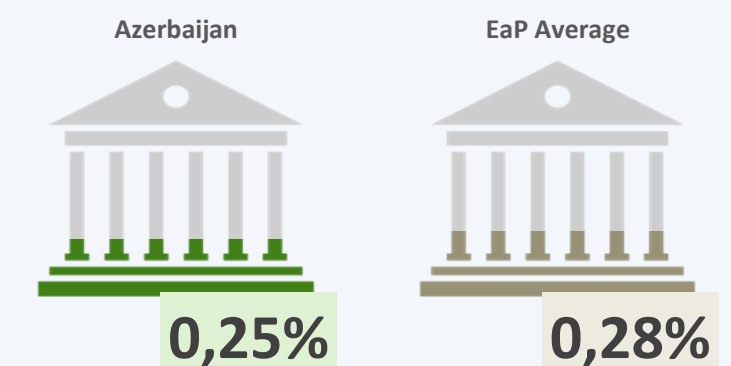
### Budget of the Judicial System

#### Implemented Judicial System Budget per inhabitant in 2023



Implemented Judicial System Budget as % of GDP in 2023

#### Implemented Judicial System Budget as % of GDP in 2023



### Efficiency\*

For the purpose of this Profile, the data of only the 1st and 2nd instance courts is analysed. In 2023, there was a slight decrease in efficiency compared to 2022. Indeed, aside from administrative cases in first instance, there was a decrease in Clearance Rates and an increase in Disposition Times for civil and commercial litigious cases and criminal law cases. As a result, with the exception of second instance civil and commercial litigious cases and total criminal law cases, there were more pending cases at the end of the year in 2023 compared to 2022. Even if the CR increased and DT decreased in administrative cases, compared to 2022, the pending cases at the end of the year in first instance in administrative cases increased by 25,2%. It is to be noted that Azerbaijan had a 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 in first instance. Second instance courts appear to perform at levels close to 2022. Nevertheless in administrative cases in second instance, the number of pending cases at the end of the year showed an increase by 29,1% compared to 2022. The highest Clearance rates (CR) for Azerbaijan were in the second instance Civil and commercial litigious cases and Criminal Law cases, with a CR of 100% in each. However, it seems that courts were not able to deal as efficiently with the first instance Administrative cases (CR of 91%). The second instance total Criminal law cases (DT of 64 days), and civil and commercial litigious cases (DT of 65 days in each instance) were resolved faster than the other types of cases. The DT in administrative cases continued to be the highest with 188 days in first instance and 134 days in second instance. Conversely, courts dealt better with civil and commercial litigious cases, showing the highest Clearance Rates and shortest Disposition times.

In both instances, courts in Azerbaijan had Clearance rates close to EaP Averages, showing a slightly higher Clearance Rate in administrative cases. The data seems to indicate that particular attention is to be given to the way administrative cases in both instances, and criminal law cases in first instance are dealt with by courts in Azerbaijan.

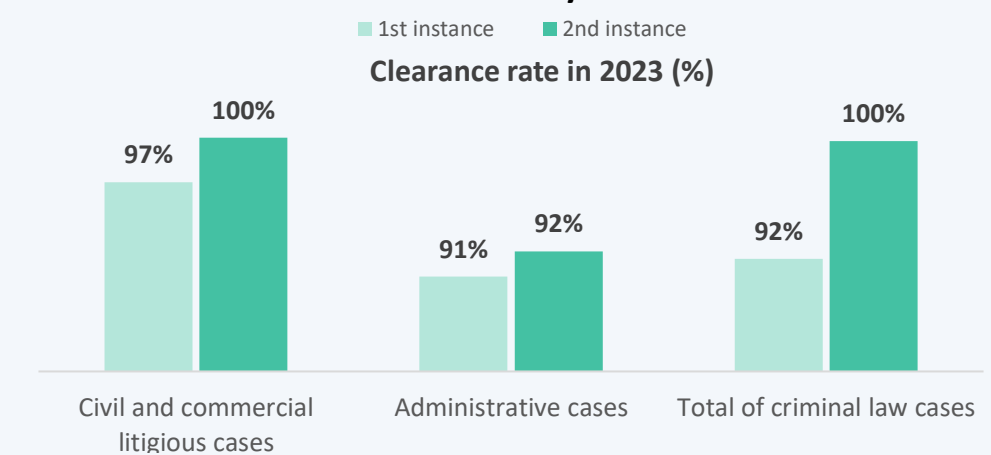
In Azerbaijan, there are quality standards determined for the judicial system at national level. Monitoring of the pending cases and backlog is done for all three types of analysed cases. Monitoring of waiting time is done both in courts and prosecution services.

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

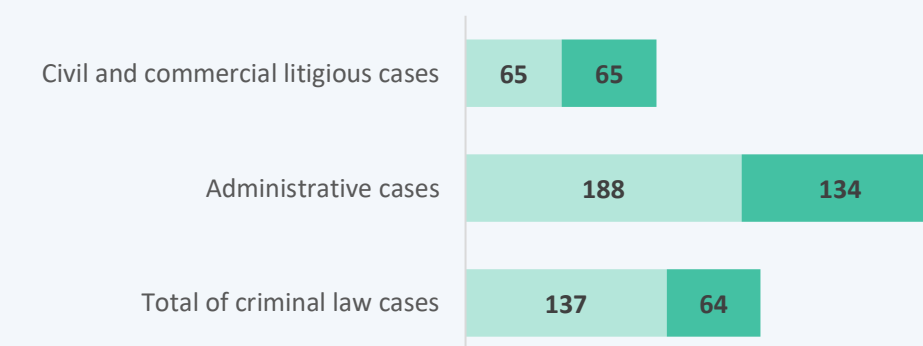
**Clearance Rate (CR)** is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless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

### Efficiency



#### Disposition time in 2023 (days)



### ICT Deployment indices (scale 0-10)

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



### ICT indices

In Azerbaijan, the overall maximum score among the three ICT indexes is achieved by the **CMS index** (9,2); while overall lowest score was calculated for the Courts decisions DB index (3,1). Thus, the CMS index is the same in all categories of cases (9,2) and the DB index is the same again in all categories of cases (3,1). Regarding the Statistical tools index, all three matters scored 6,3 in 2023. The Judiciary has one CMS, which has been developed between 5 and 10 years ago.

In Azerbaijan, there was no overall Information and Communication Technology (ICT) strategy in the judicial system reported for 2023. In terms of plans for a significant change in the present IT system in the judiciary in the next year, authorities reported that a new version based on modern technologies is being prepared and these works are planned to be completed at the end of June 2024.

### Trainings

In 2023, 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 **0,53€ per inhabitant**, which is above the EaP Average (0,3 € per inhabitant).

In 2023, 5 487 participants (of which 2 136 judges and 2 367 prosecutors) were trained in **348 live trainings** (in-person, hybrid or video conferences). The average number of participants per training was 15,8, which is lower than the EaP Average of 22,2. The data on internet-based trainings (not-live) provided on the e-learning platform of the training institution for judges and prosecutors was not available in 2023, whereas a total of **16 trainings were completed by justice professionals on other e-learning platforms** (HELP, EJTN, UN, etc.). The total number of participants on these was 63 (28 judges and 35 prosecutors).

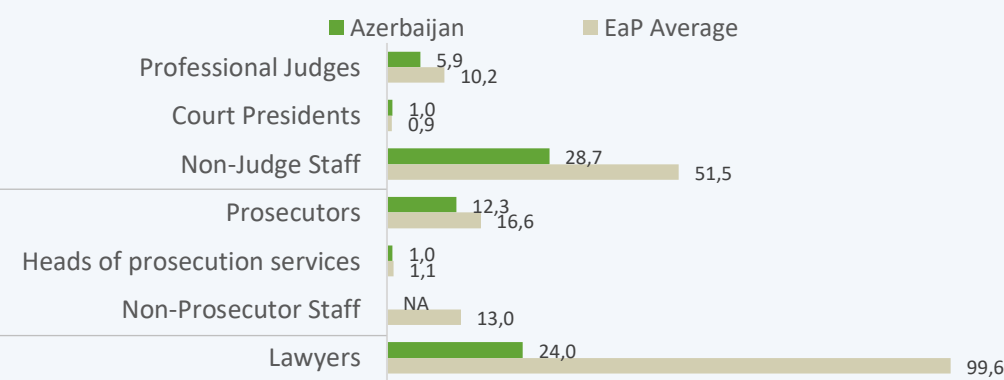
### ADR (Alternative Dispute Resolution)

**Court related mediation was introduced by the Law "On Mediation" adopted in 2019.** There is no mandatory court-related mediation in Azerbaijan. However since 26 July 2021 (upon entry into force of relevant provisions of the Law "On Mediation") there is mandatory participation in initial mediation sessions for family, labour and commercial disputes. The data on number of court-related mediations continued to be unavailable in 2023 which precludes an analysis of the demand for these services.

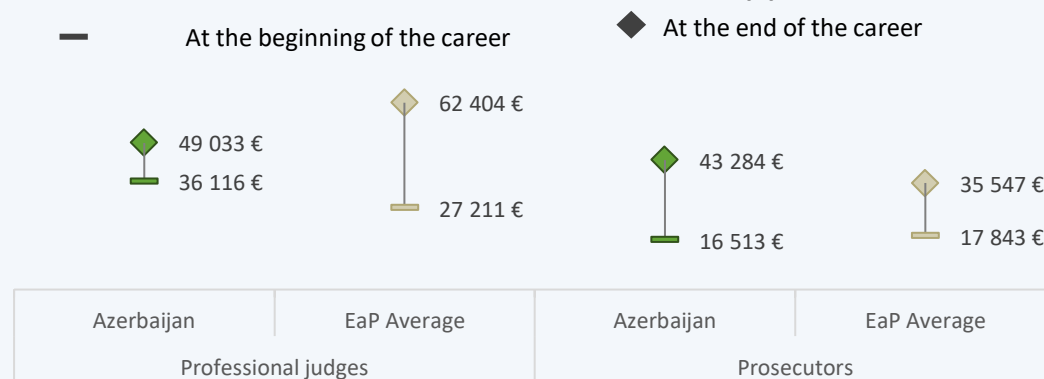
In Azerbaijan, court related mediations are provided by private mediators for all types of cases where court-related mediation is available (civil and commercial cases, family cases, administrative cases, labour cases, consumer cases). In 2023, the total number of accredited mediators in Azerbaijan was 304, which increased from 273 in 2021. Despite this increase, the **number of mediators per 100 000 inhabitants was 3**, which is less than the EaP average of 13,2 in 2023. Only 25,3% were female mediators.

### Professionals of Justice

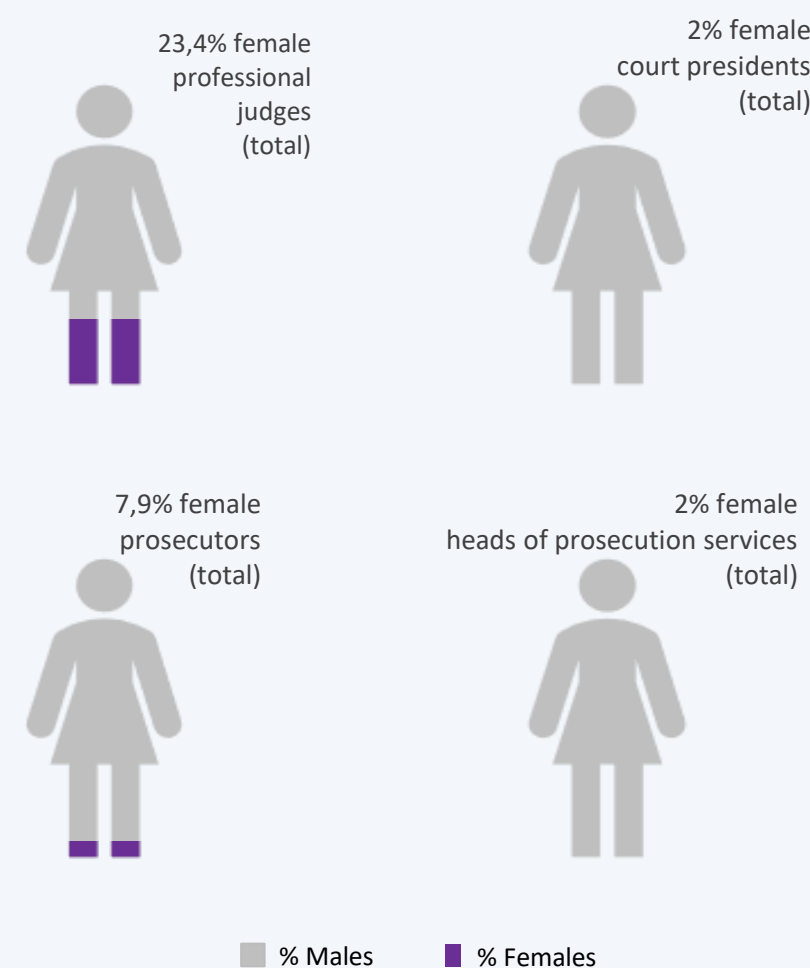
Total number of professionals per 100 000 inhabitants in 2023



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



### Gender Balance



### Professionals and Gender Balance

In 2023, Azerbaijan had 5,9 professional judges and 12,3 prosecutors per 100 000 inhabitants. Both figures were below the EaP Averages of 10,2 and 16,6, respectively.

As of 2023, data became available on the number of heads of prosecution offices. Yet, it remains unavailable in respect of non-prosecution staff.

Regarding gender balance, while there is a slight improvement, in 2023, women continue to be hardly represented in the legal professions. The percentages of female in judicial professions were below 50% and below all EaP Averages on all categories. The profession with the highest percentage of females was non-judge staff (48,8%) while the ones with the lowest were court president and heads of prosecution offices.

### ECHR

In 2023, for Azerbaijan, there were 438 applications allocated to a judicial formation of the European Court of Human Rights (49 more than in 2022). 38 judgments found at least one violation (including 10 regarding the right to a fair trial), and 32 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, administrative and criminal procedures.

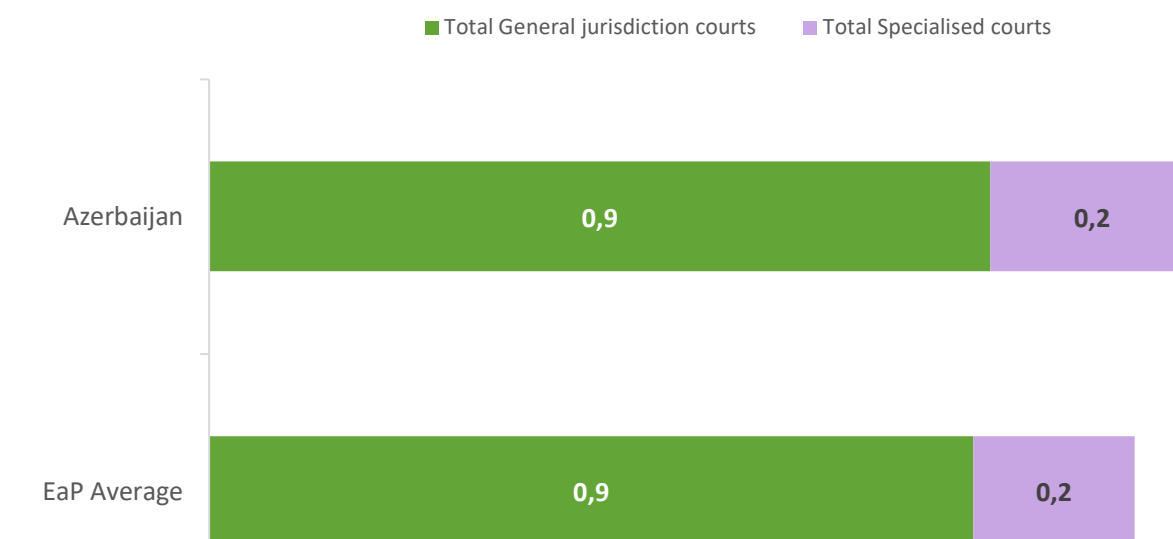
## Judicial organisation in Azerbaijan in 2023 (Indicator 2.0)

The Law on Courts and Judges provides for a three-tier judicial organisation in Azerbaijan. Courts are of general (total of 92) and specialised jurisdiction (total of 24). Courts of general jurisdiction deal with all matters that are not assigned to specialised courts, which are assigned competence over specific subjects, such as commercial, administrative and grave crimes along with military courts.

### • Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		116	1,1	1,0
General jurisdiction	Total General jurisdiction courts (1)	92	0,9	0,9
	1st instance	85	0,8	0,8
	2nd instance	6	0,1	0,1
	Highest instance	1	0,0	0,0
Specialised courts	Total Specialised courts (2)	24	0,2	0,2
	1st instance	24	0,2	0,2
	Higher instance	NAP	NAP	-

Number of all courts - legal entities per 100 000 inhabitants in 2023



In Azerbaijan the number of general jurisdiction courts (0,9) and the number of total specialised courts (0,2) is the same as the respective EaP Averages for 2023 per 100 000 inhabitants.

## • Specialised courts

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	24	NAP
Commercial courts (excluded insolvency courts)	6	NAP
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	NAP	NAP
Internet related disputes	NAP	NAP
Administrative courts	6	NAP
Insurance and / or social welfare courts	NAP	NAP
Military courts	6	NAP
Juvenile courts	NAP	NAP
Other specialised courts	6	NAP

In Azerbaijan, courts are specialised only at the first instance level for commercial, administrative, military and grave crimes matters (the later being reported under Other specialised courts).

The commercial and administrative courts were established according to the Decree "On deepening the reforms in the judicial system" approved by the President of the Republic of Azerbaijan in 2019. Since 2021, several judicial map developments took place: a new regional court, the Sumgayit Court for Grave Crimes, was established. The specialisation of courts is only as first instance level. In 2022 two general jurisdiction courts, namely the Ganja Kapaz District Court and the Ganja Nizami District Court, were merged to form a single court known as the Ganja District Court. Equally as of 2022, there are 6 grave crime courts.

## • Number of courts - geographic locations

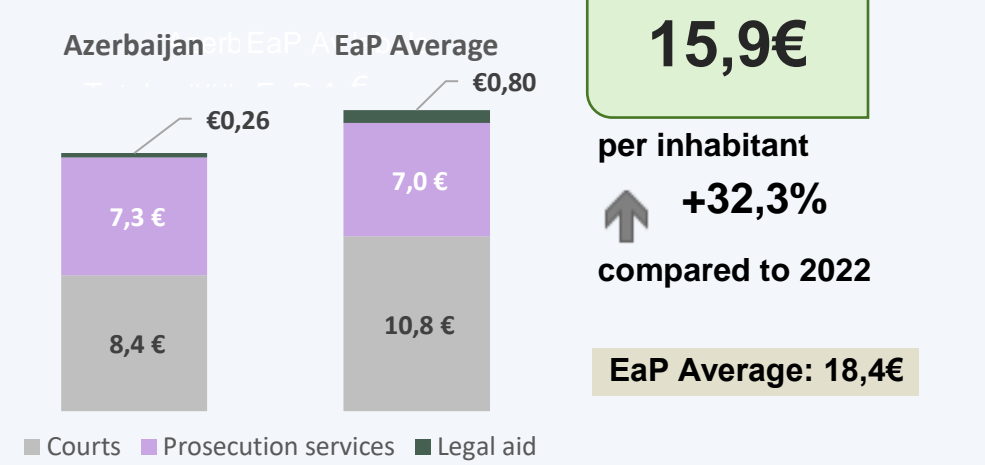
Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number	116	1,1	1,4
1st instance courts	109	1,1	1,3

In Azerbaijan, there are slightly less geographic locations for courts than the respective EaP Averages per 100 000 inhabitants, both in total number of courts and in the number of first instance courts.

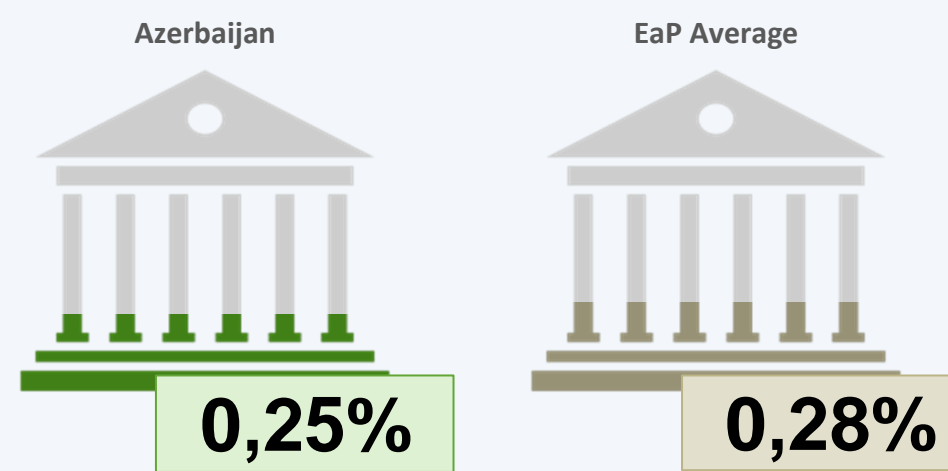


## Budget of the judicial system in Azerbaijan in 2023 (Indicator 1)

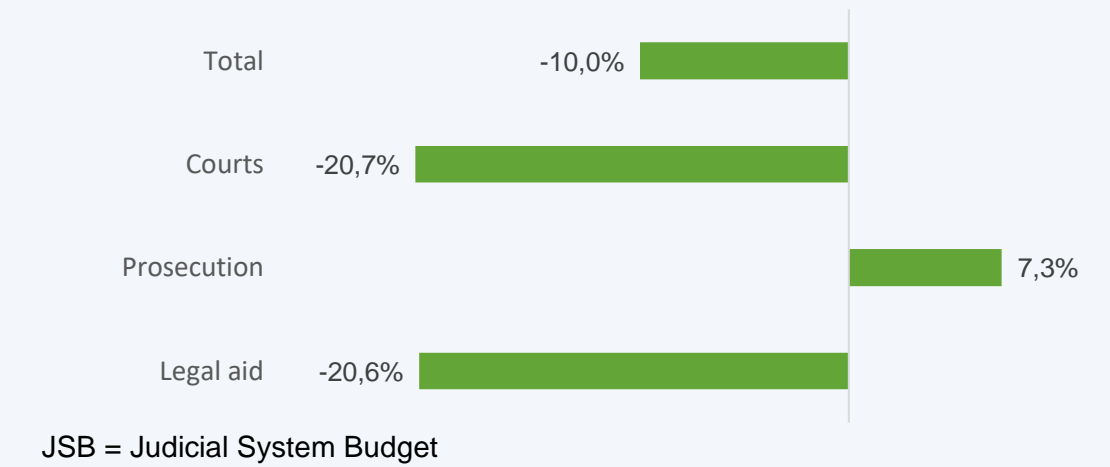
### Implemented Judicial System Budget per inhabitant



### Implemented Judicial System Budget as % of GDP



### Variation of the JSB per inhabitant between 2022 - 2023



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2023, the implemented JSB for Azerbaijan was 15,9€ per inhabitant (+32,3% compared to 2022). It was lower than the EaP Average of 18,4€. 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)

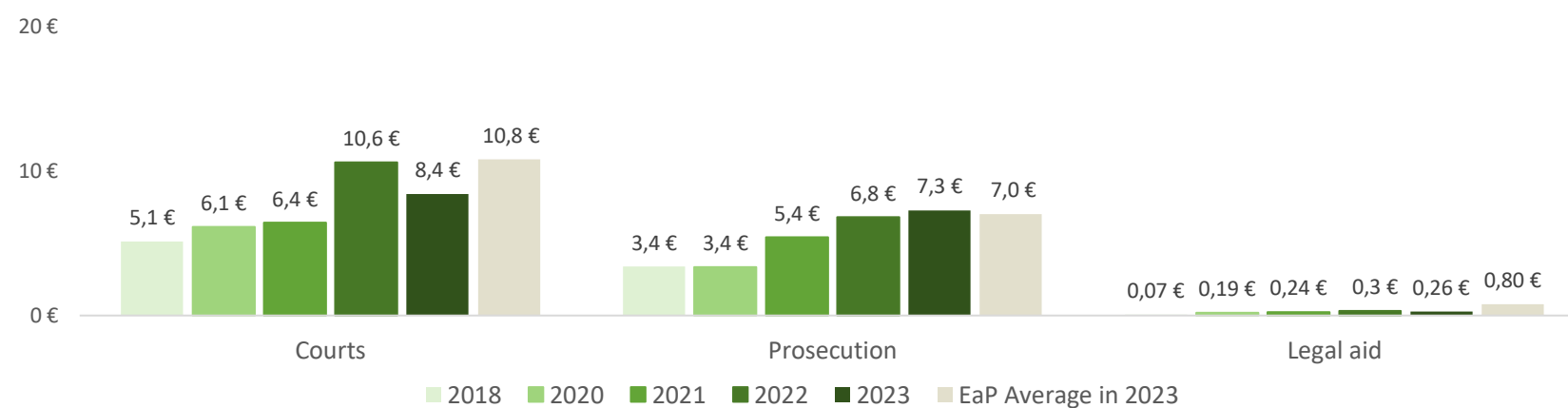
In 2023, Azerbaijan spent 161 263 982€ on the implemented judicial system budget. This means that Azerbaijan spent 15,9€ per inhabitant, which is less than the EaP Average of 18,4€. 52,7% was spent for courts, 45,7% for prosecution services, 1,7% for legal aid.

Compared to 2022, Azerbaijan has spent, per inhabitant, 31,1% more for courts, 34,6% more for prosecution services, and 12% more for legal aid.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	EaP Average in 2023	% Variation between 2018 - 2023	% Variation between 2022 - 2023	As % of GDP	EaP Average in 2023	Variation (in ppt) 2018 -2023	Variation (in ppt) 2022 - 2023
<b>Total</b>	170 611 768 €	161 263 982 €	15,9 €	18,4 €	86,3%	-10,0%	0,25%	0,28%	0,04	0,006
<b>Courts</b>	92 284 182 €	84 979 056 €	8,4 €	10,8 €	64,4%	-20,7%	0,13%	0,16%	0,01	-0,014
<b>Prosecution</b>	75 641 922 €	73 620 542 €	7,3 €	7,0 €	115,6%	7,3%	0,11%	0,13%	0,03	0,020
<b>Legal aid</b>	2 685 664 €	2 664 384 €	0,3 €	0,8 €	267,2%	-20,6%	0,004%	0,01%	0,002	0,000

PPT = Percentage points

### Evolution of the implemented judicial system budget per inhabitant between 2018 and 2023 (€)



On a per inhabitant basis, the budget of all three components of the JSB increased over the period of 5 years. In 2023, the per inhabitant budget for courts (8,4€) was below the EaP Average, the budget for prosecution (7,3€) was slightly above the EaP Average, while the budget for legal aid (0,26€) was considerably below the EaP Average.

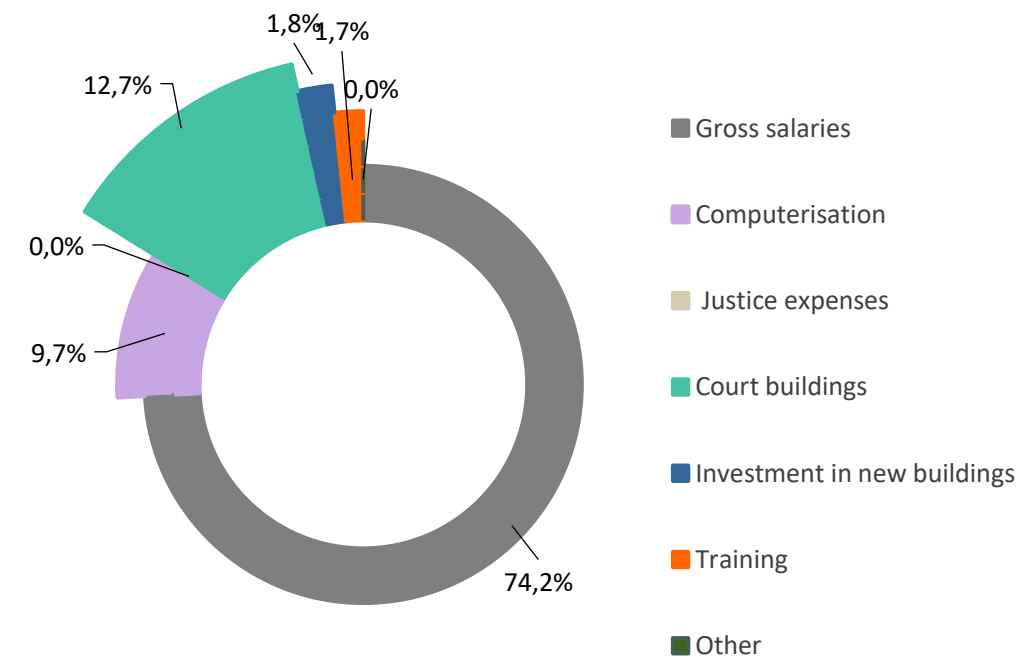
## Budget allocated to the functioning of the courts - Categories

In 2023, Azerbaijan spent 84 979 056€ on the implemented budget for courts. 74,2% was spent for gross salaries, 12,7% for court buildings, 9,7% for computerisation, 1,8% for investment in new buildings.

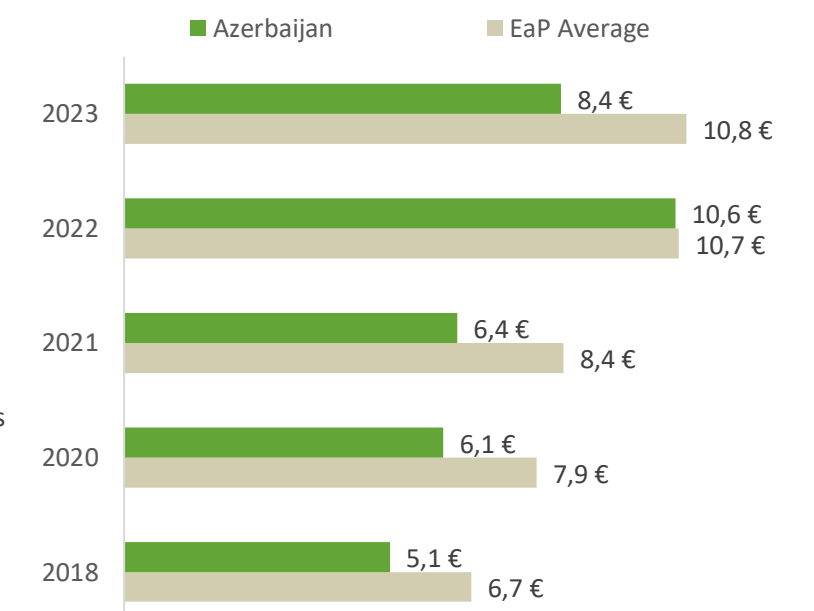
Between 2022 and 2023, the implemented budget for courts has decreased by -20,2%. The computerisation programme in courts has been largely completed by the beginning of 2023, which explains the decrease in both approved and implemented budgets in 2023 on this line. Linked to the advancement in computerisation, as trainings for users have been largely completed by the first half of 2023, the budget for trainings has decreased compared to 2022. A new court has been built in 2023, which explains the increase in Investments in courts buildings.

	2023		% Variation between 2018 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
<b>Total (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	92 284 182 €	84 979 056 €	74,6%	68,2%	-15,7%	-20,2%
<b>1. Gross salaries</b>	68 979 278 €	63 028 906 €	222,6%	230,6%	6,2%	0,9%
<b>2. Computerisation (2.1 + 2.2)</b>	8 381 757 €	8 210 939 €	17,9%	15,5%	-69,7%	-70,2%
2.1 Investment in computerisation	6 315 411 €	6 310 922 €			-75,4%	-75,4%
2.2 Maintenance of the IT equipment of courts	2 066 346 €	1 900 018 €			6,1%	-1,4%
<b>3. Justice expenses</b>	NAP	NAP	NAP	NAP	NAP	NAP
<b>4. Court buildings</b>	11 062 874 €	10 763 508 €	248,4%	240,0%	2,4%	1,2%
<b>5. Investment in new buildings</b>	2 160 823 €	1 551 796 €	-89,1%	-92,1%	682,8%	462,2%
<b>6. Training</b>	1 699 450 €	1 423 907 €	18,4%	-0,8%	-70,5%	-74,5%
<b>7. Other</b>	NAP	NAP	NAP	NAP	NAP	NAP

Distribution of the Implemented budget allocated to the courts in 2023 (%)



Implemented budget allocated to the courts per inhabitant between 2018 and 2023 (€)



## Budget received from external donors

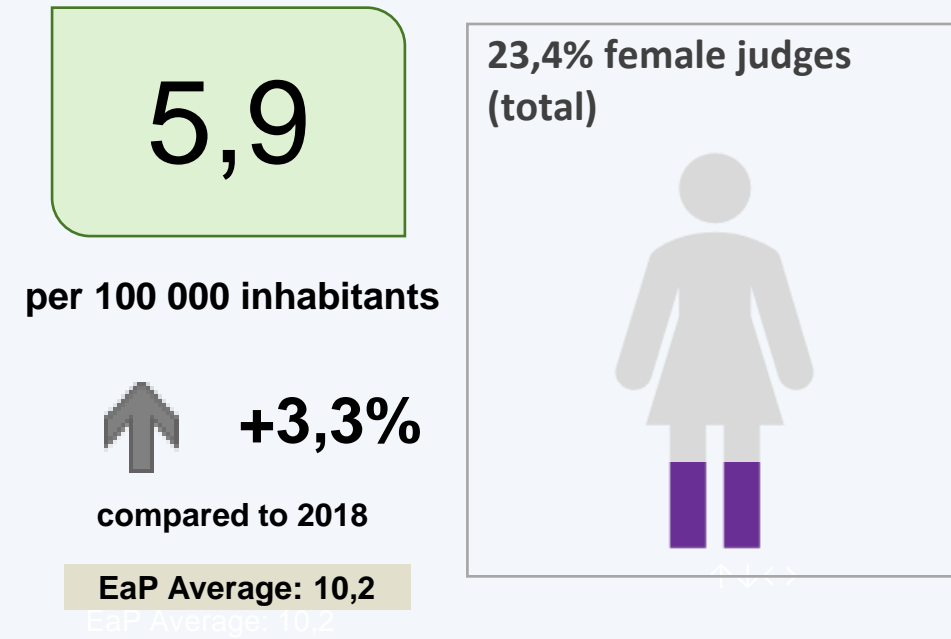
	Absolute value	Calculated as %
Courts	NA	NA
Prosecution services	NA	NA
Legal aid	NA	NA
Whole justice system	NA	NA

There was no data available in 2023 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.

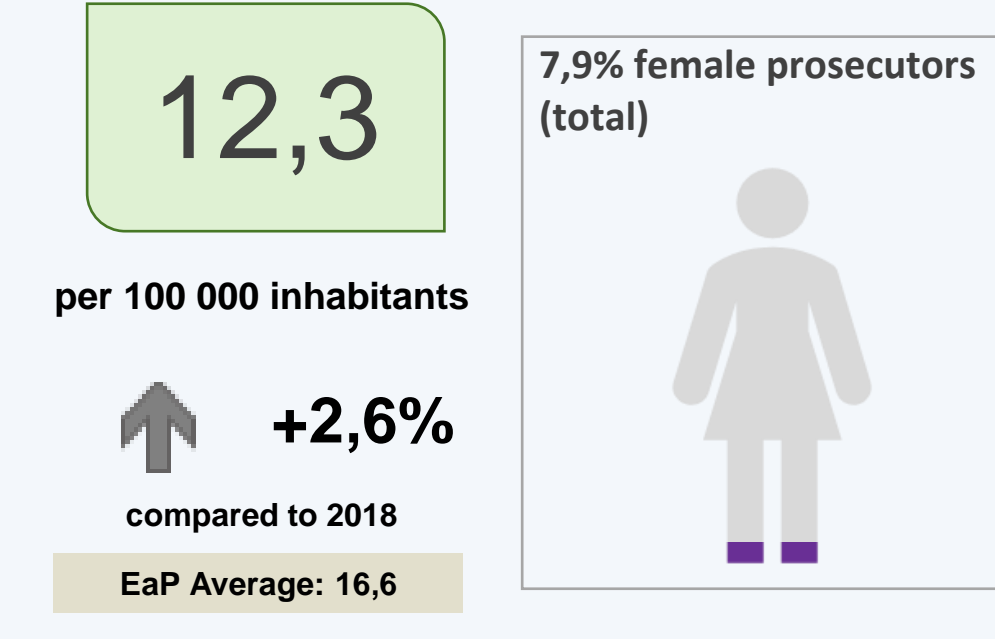
The following information was shared by authorities in respect of projects implemented in Azerbaijan : The project "Fostering mediation in Azerbaijan" (funded by the European Union and the Council of Europe and implemented by the Council of Europe within the Partnership for Good Governance III Programme) (2023-2026); regional project "Support for a better evaluation of the result of the judicial reform efforts in the Eastern Partnership Project" ("Justice Dashboard EaP"/" Project") (2021-2025); Judicial Services and Smart Infrastructure Project of the World Bank (2014-2024).

## Professionals and Gender Balance in judiciary in Azerbaijan in 2023 (Indicators 2 and 12)

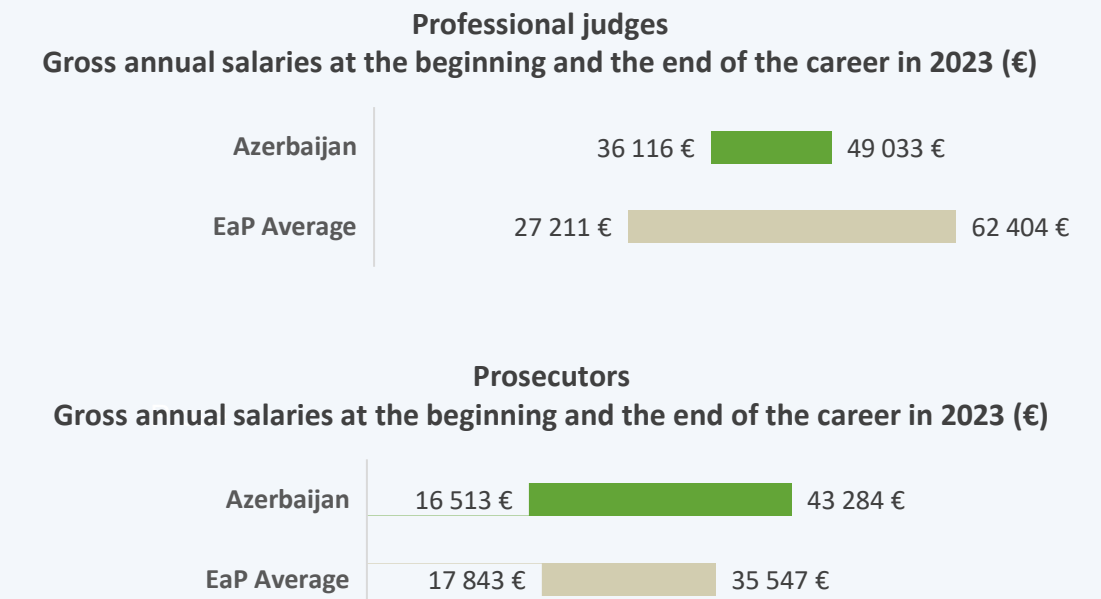
### Professional Judges



### Prosecutors



### Salaries of judges and prosecutors

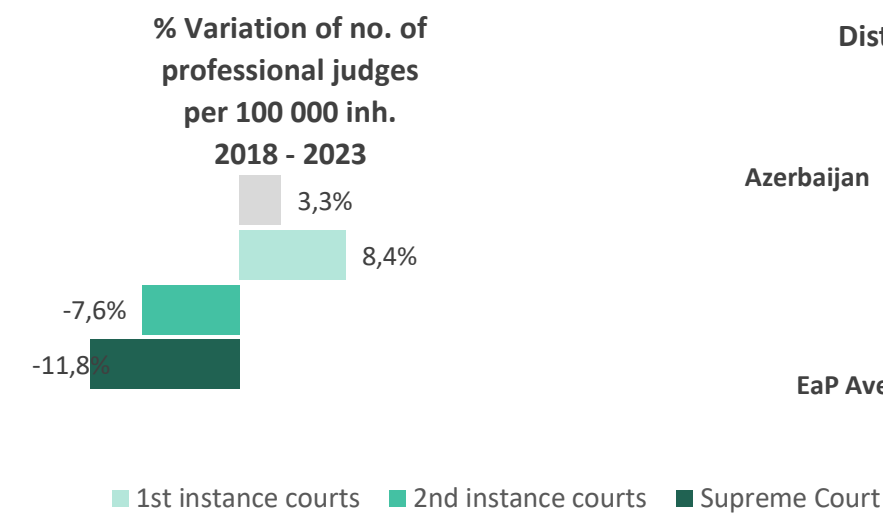


In 2023, Azerbaijan had 5,9 professional judges per 100 000 inhabitants and 12,3 prosecutors per 100 000 inhabitants. Both figures were below the EaP Average of 10,2 and 16,6, respectively. In Azerbaijan, 23,4% of professional judges and 7,9% of prosecutors were women (the EaP Average was 43,1% and 27,5%, respectively).

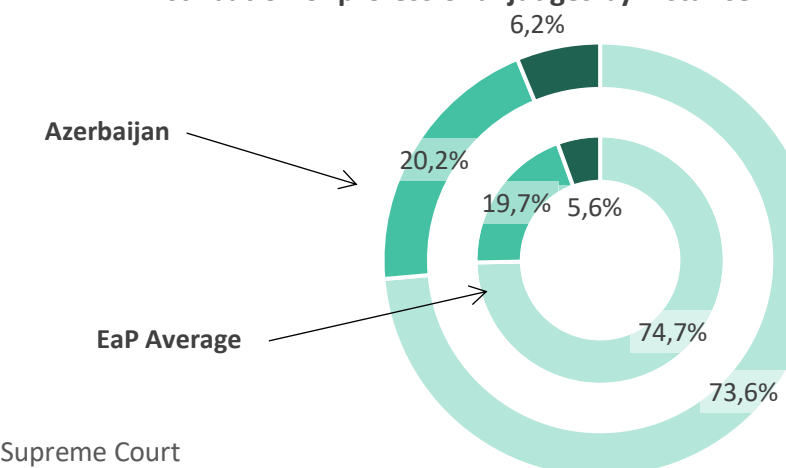
### Professional Judges

	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	595	100,0%	5,9	10,2
1st instance courts	438	73,6%	4,3	7,6
2nd instance courts	120	20,2%	1,2	2,0
Supreme Court	37	6,2%	0,4	0,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.



### Distribution of professional judges by instance in 2023 (%)



In 2023, the absolute number of professional judges in Azerbaijan was 595 (i.e. 5,9 per 100 000 inhabitants, which was significantly lower than the EaP Average of 10,2).

Compared to 2018, the total number of professional judges per 100 000 inhabitants increased by 3,3%. 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 1,1 percentage points between the percentage of judges in the first instance (73,61%) and the EaP Average (74,7%)

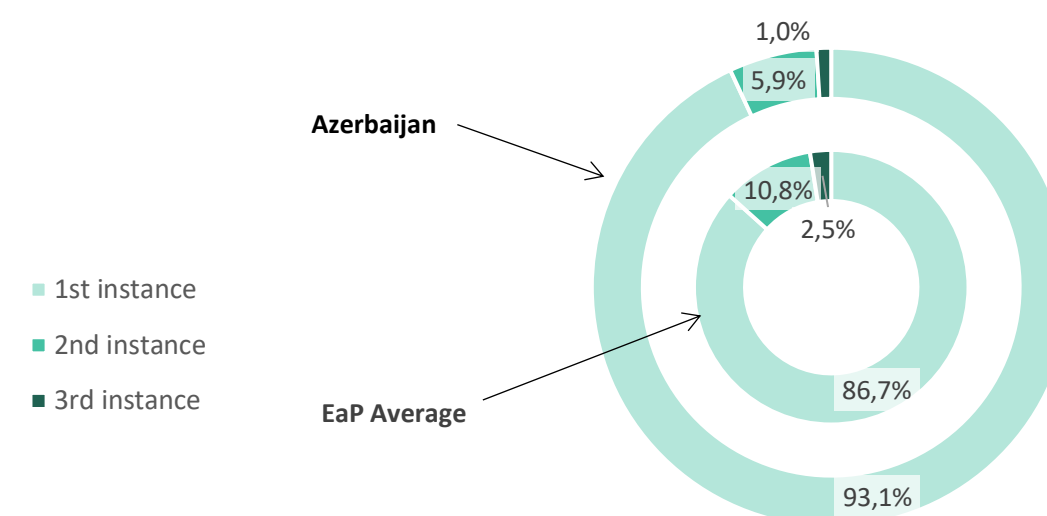


## • Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	101	100,0%	1,0	0,9
1st instance courts	94	93,1%	0,9	0,8
2nd instance courts	6	5,9%	0,1	0,1
Supreme Court	1	1,0%	0,0	0,0

The absolute number of court presidents in Azerbaijan in 2023 was 101 ( i.e. 1 per 100 000 inhabitants, which was very close to the EaP Average of 0,9).

Distribution of court presidents by instance in 2023 (%)



## • Non-judge staff

The absolute total number of non-judge staff in Azerbaijan was 2 902, which increased by 9,8% between 2018 and 2023. The number of non-judge staff per 100 000 inhabitants was 28,7, which was considerably below EaP Average of 51,5.

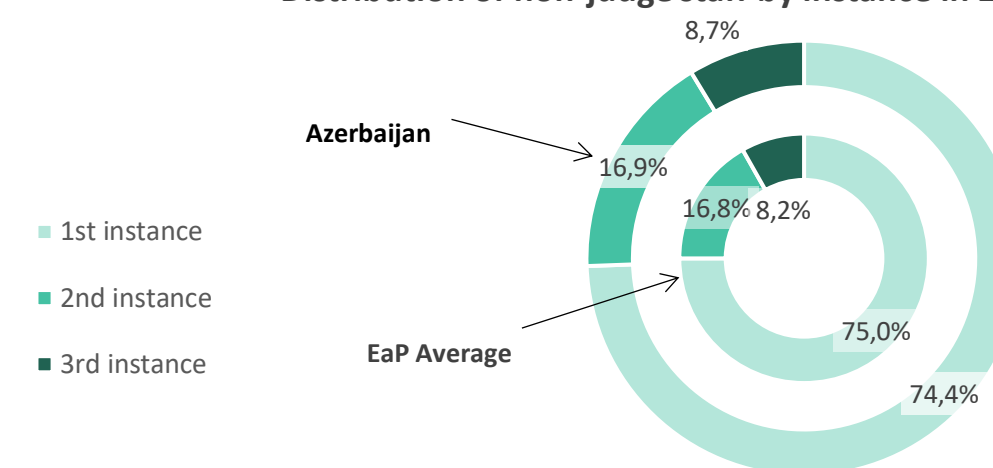
The largest categories of non-judge staff were staff in charge of administrative tasks and staff assisting the judge. They each represented 42,9% of the total. Since 2018, there was no significant variation in the distribution of non-judge staff by category.

	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	2 902	100,0%	28,7	51,5
1st instance courts	2 160	74%	21,3	38,6
2nd instance courts	490	17%	4,8	8,7
Supreme Court	252	9%	2,5	4,2

For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	2 902	100,0%	28,7	51,5
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	1 246	42,9%	12,3	21,1
In charge of administrative tasks	1 246	42,9%	12,3	14,8
Technical staff	410	14,1%	4,0	11,4
Other	NAP	NAP	NAP	-

Distribution of non-judge staff by instance in 2023



Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2023



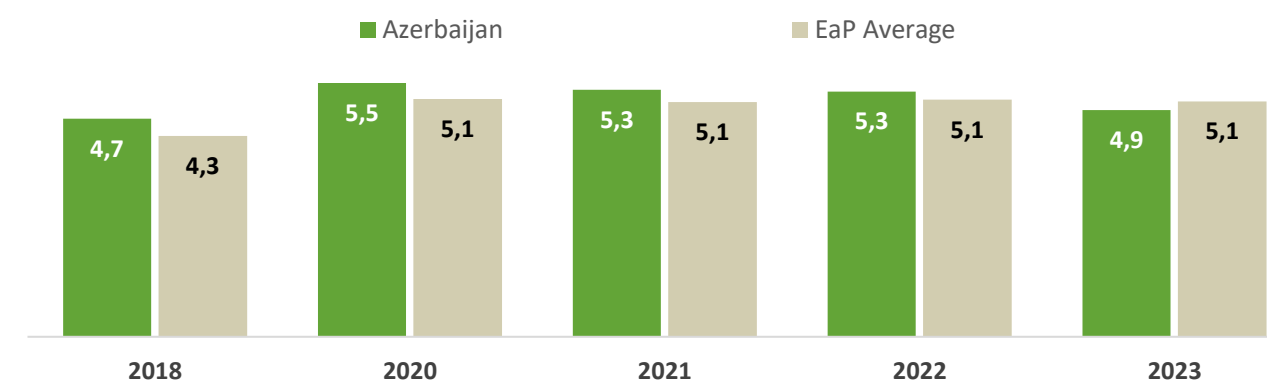
## • Ratio between non-judge staff and professional judges

In Azerbaijan, the ratio of non-judge staff per professional judge was 4,9 in 2023, whereas the EaP Average was 5,1. This increased since 2018 by 0,2 points.

	Ratio in 2023		% Variation between 2018 and 2023
	Azerbaijan	EaP Average	Azerbaijan
<b>Total</b>	4,9	5,1	3,9%
1st instance courts	4,9	5,2	0,1%
2nd instance courts	4,1	4,4	9,2%
Supreme Court	6,8	8,1	25,8%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2018 and 2023



## Prosecutors

	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	1 242	100,0%	12,3	16,6
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

% Variation of no. of prosecutors per 100 000 inh. 2018 - 2023

2,6%

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

In 2023, the absolute number of prosecutors in Azerbaijan was 1 242 (i.e. 12,3 per 100 000 inhabitants, which was lower than the EaP Average of 16,6). The total number of prosecutors per 100 000 inhabitants increased by 2,6% between 2018 and 2023.

In the data on prosecutors are included prosecutors, prosecutor's office investigators, prosecutor's office operatives, and prosecutor's office interns. 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 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	100	100,0%	1,0	1,1
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

In 2023, the absolute number of heads of prosecution services in Azerbaijan was 100 (i.e. 1 per 100 000 inhabitants, which was slightly lower than the EaP Average of 1,1).

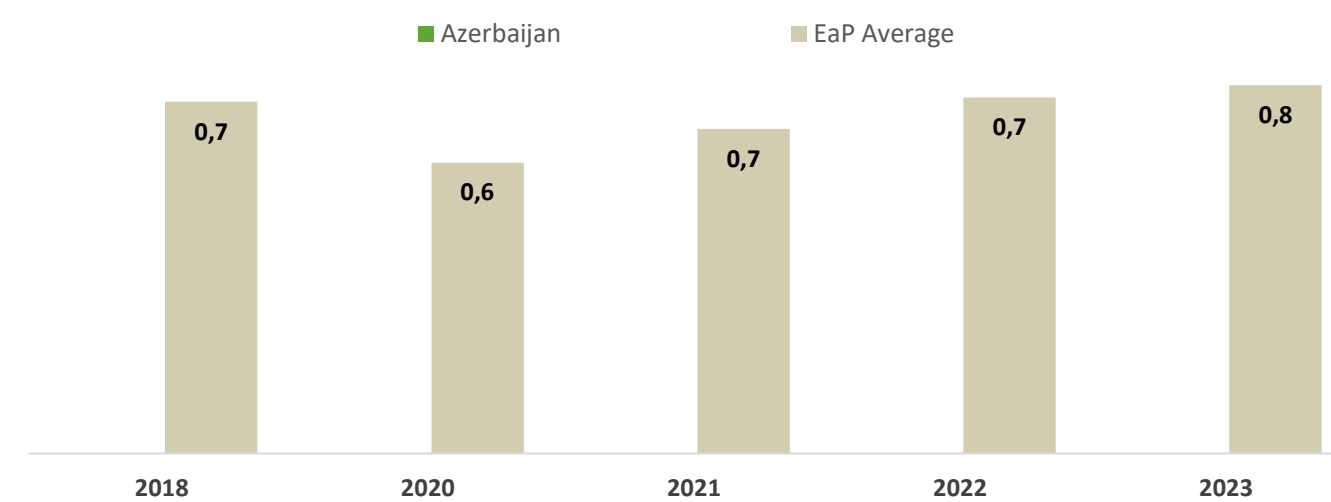
## Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2018 - 2023
	Azerbaijan	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan
<b>Total</b>	NA	NA	13,0	NA	0,8	NA

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

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 and the variation since 2018.

Ratio between non-prosecutor staff and prosecutors between 2018 and 2023



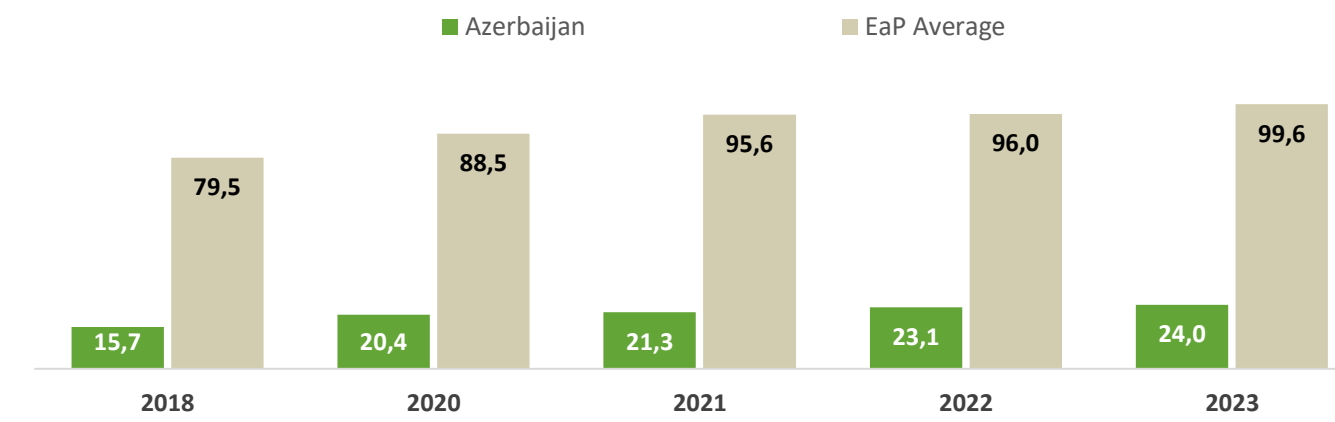
• Lawyers

	Number of lawyers in 2023			% Variation 2018 - 2023
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Azerbaijan
<b>Total</b>	2 431	24,0	99,6	52,9%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 24 per 100 000 inhabitants, which was remarkably lower than the EaP Average (99,6). Nevertheless, there was an increase in the number of lawyers by 52,9% per 100 000 inhabitants between 2018 and 2023. Since the monopoly given to lawyers over court representation 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 2018 and 2023



## Salaries of professional judges and prosecutors

In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Azerbaijan was 6, which was more than the EaP Average (4,1).

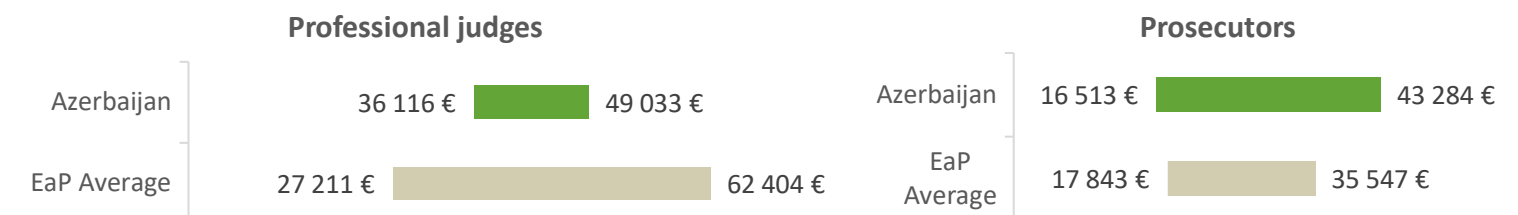
At the end of career, judges were paid more than at the beginning of career by 35,8%, which was less than the variation noted for the EaP Average (143%).

In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Azerbaijan was 2,8, which was slightly more than the EaP Average (2,7).

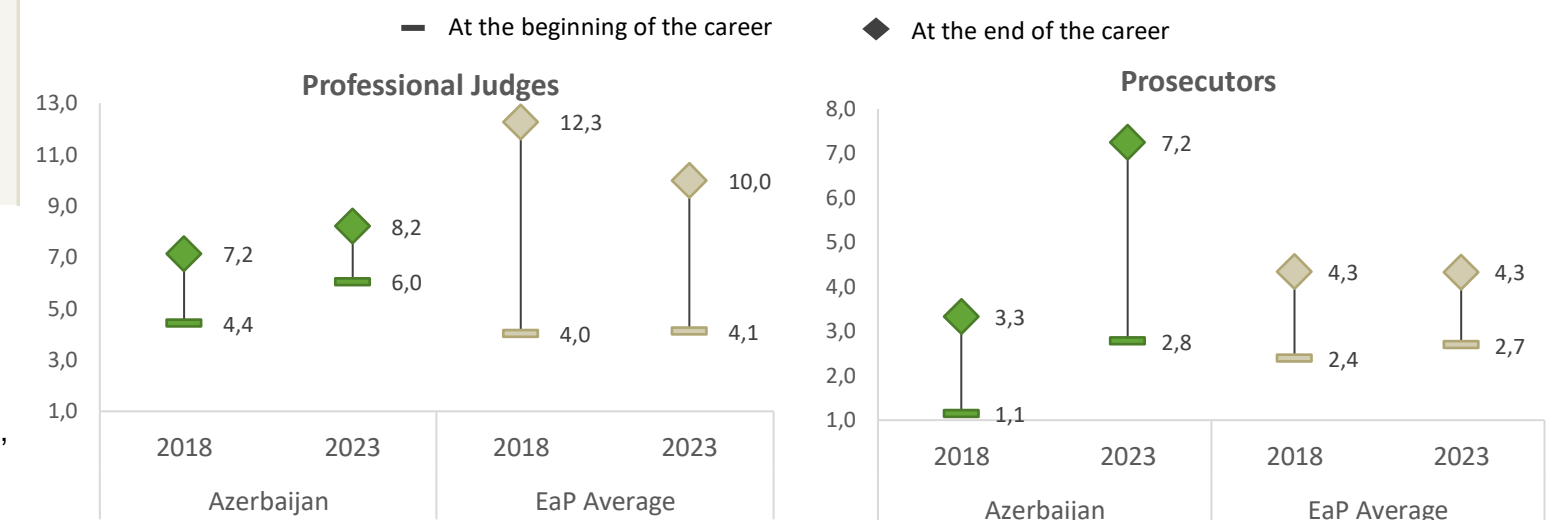
At the end of career, prosecutors were paid more than at the beginning of career by 162,1%, which was more than the variation noted for the EaP Average (112,9%).

		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2018 - 2023	Net annual salary in €	Azerbaijan	EaP Average ratio
Professional judge	At the beginning of his/her career	36 116	▲ 143,5%	31 781	6,0	4,1
	Of the Supreme Court or the Highest Appellate Court	49 033	■ 0,0%	42 296	8,2	
Public prosecutor	At the beginning of his/her career	16 513	▲ 332,1%	14 727	2,8	2,7
	Of the Supreme Court or the Highest Appellate Court	43 284	▲ 288,2%	38 425	7,2	

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at



For reference only: the 2022 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

- professional judges' salary at the beginning of career: 1,9
- prosecutors' salary at the beginning of career: 1,7
- professional judges' salary at the end of career: 4,3
- prosecutors' salary at the end of career: 3,3

By the Decree of the President of the Republic of Azerbaijan of 2021, the social protection of the employees of the Prosecutor's Office was strengthened, also salaries of all employees were increased. In accordance with the "National Action Plan for 2022-2026 to Strengthen the Fight Against Corruption," which was approved on 4 April 2022, measures have been defined to incrementally increase the salaries of judges with the aim of enhancing the social security of judges and strengthening efforts to prevent corruption. Consequently, a law enacted on 29 June 2022, led to an increase in the judges' salaries.

## Additional benefits and bonuses for professional judges and prosecutors

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



**Gender Balance**

	% Female in 2023		Variation of the % females between 2018 - 2023 (in ppt)
	Azerbaijan	EaP Average	Azerbaijan
Professional Judges	23,4%	43,1%	▲ 9,0
Court Presidents	2,0%	22,4%	■ 20,4
Non-Judge Staff	48,8%	69,4%	▲ 0,9
Prosecutors	7,9%	27,5%	▲ 1,5
Heads of Prosecution Services	2,0%	7,3%	■ 5,3
Non-Prosecutor Staff	NA	64,0%	NA
Lawyers	17,9%	36,1%	▲ 1,9

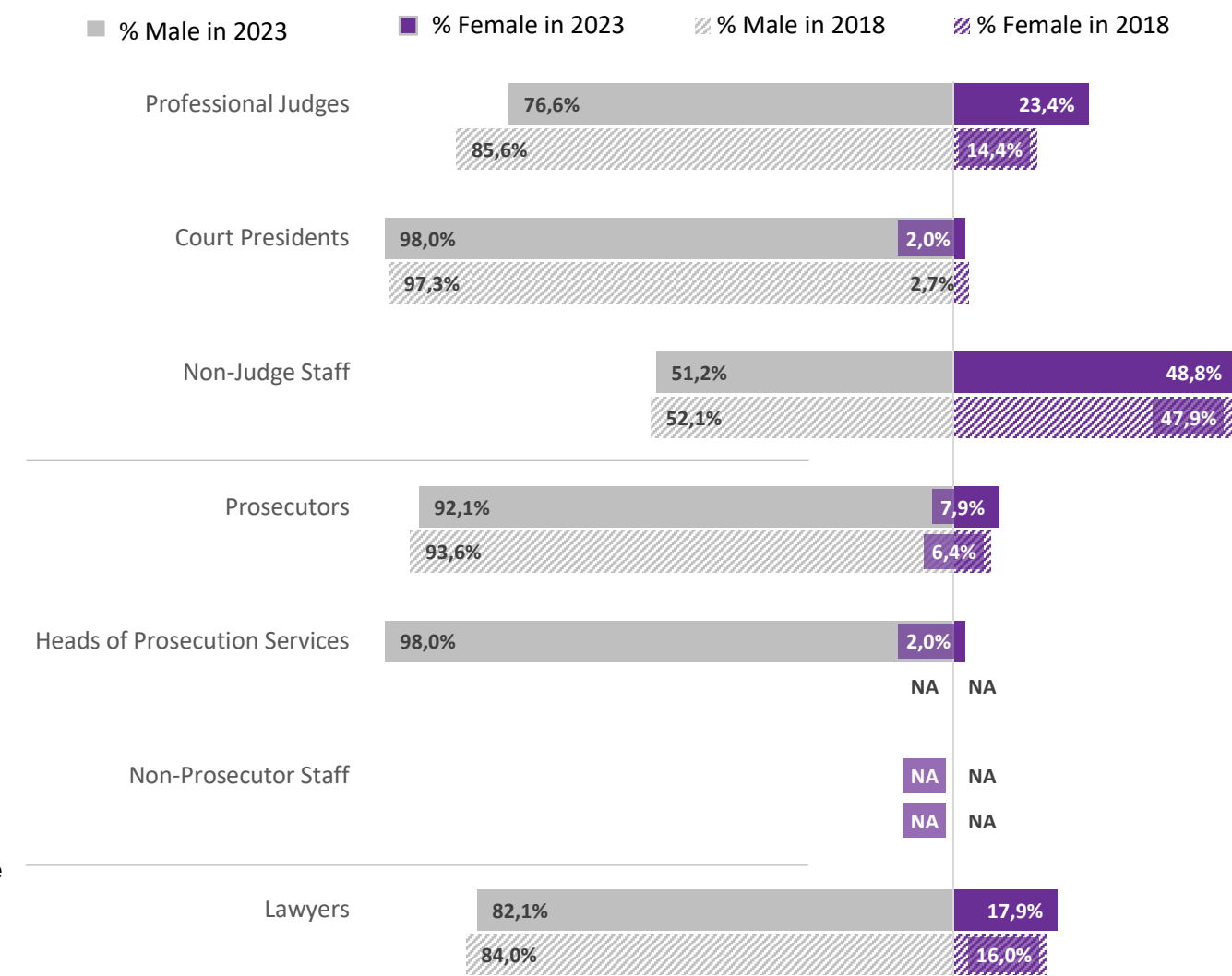
PPT= Percentage points

For reference only: the 2022 EU medians on gender among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

In 2023, women continue to be hardly represented in the legal professions. The percentages of female in judicial professions were below 50% and below all EaP Averages: 23,4% of professional judges (43,1% for EaP Average), 2% of court presidents (22,4% for EaP Average), 48,8% of non-judge staff (69,4% for EaP Average); 7,9% of prosecutors (27,5% for EaP Average), 2% of heads of prosecution services (7,3% for EaP Average); 17,9% of lawyers (36,1% for EaP Average). Women rank highest in the category on non-judge staff and lowest in the categories of court presidents and heads of prosecution offices.

The most notable increase since 2018 in the number of women is among professional judges from 14,4% in 2018 to 23,4% in 2023. Authorities report having put in place gender equality policies, which explain the increase, while also focusing on the continuation of the trend.

**Gender Balance in Azerbaijan in 2018 and 2023**

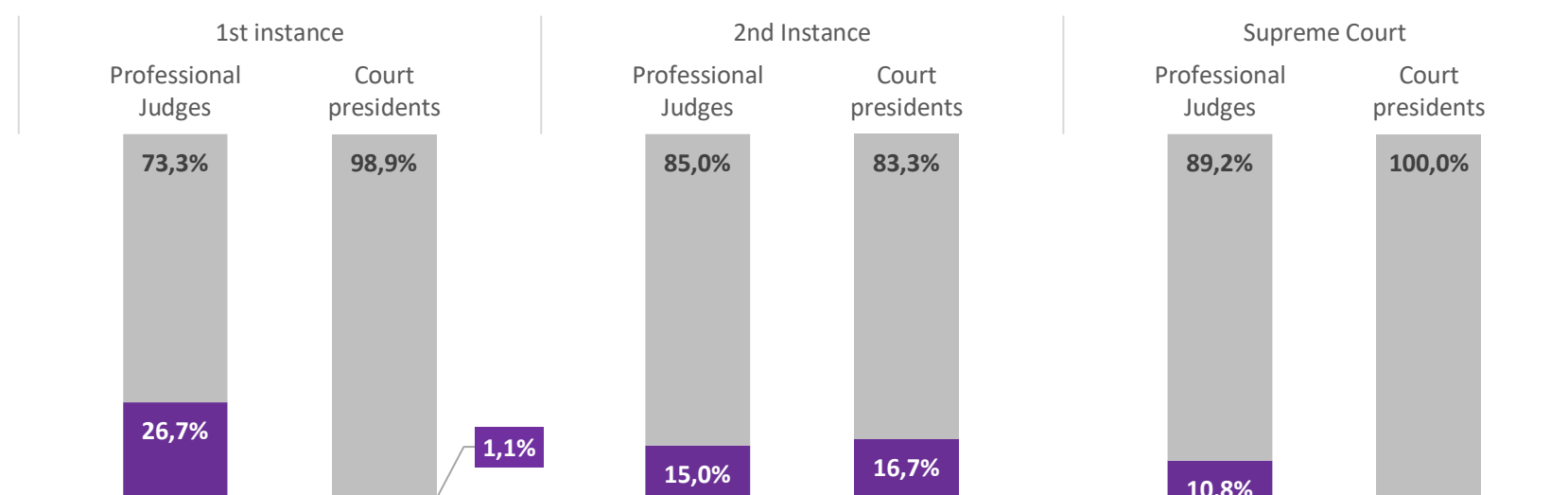


	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
1st instance	26,7%	45,4%	1,1%	21,8%	NAP	-	NAP	-
2nd instance	15,0%	37,5%	16,7%	11,9%	NAP	-	NAP	-
Supreme Court	10,8%	32,4%	0,0%	60,0%	NAP	-	NAP	-

**Gender Balance by instance in 2023**

■ % Females ■ % Males

**Professional Judges and Court Presidents**



For judges, a diminution of the percentage of female can be observed from first to third instance, which is similar to the diminution in the EaP averages. In the first instance there are 26,7% of women judges; in the second instance - 15% of women judges. In the Supreme Court only 10,8 % are women. In 2023, there is one woman court president in first instance courts and one in second instance courts

• 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	✘			✘		

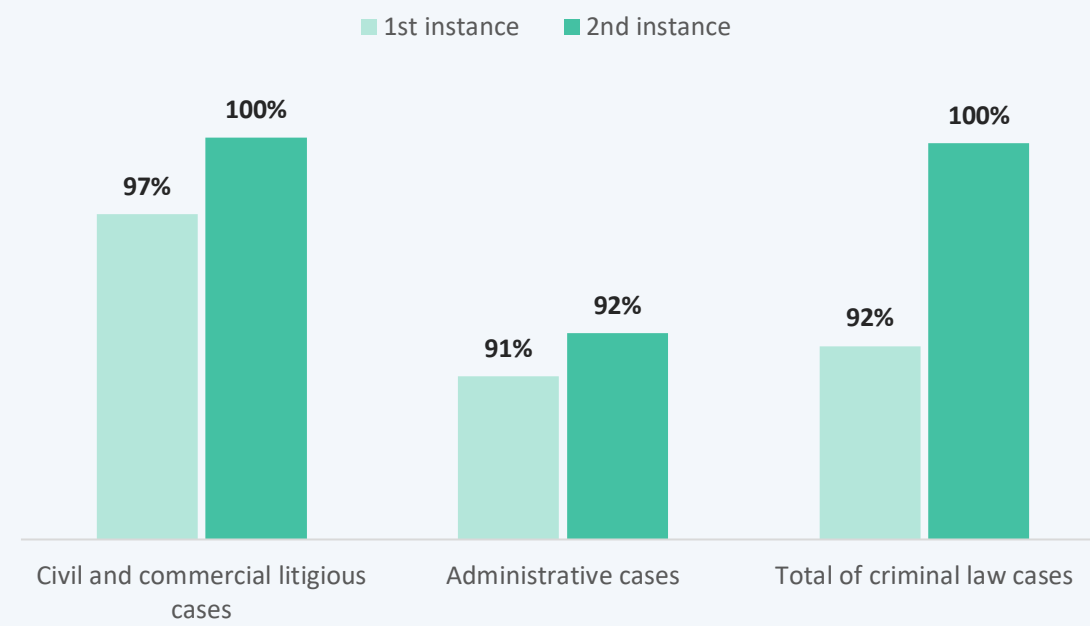
In Azerbaijan there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

There are no specific provisions for facilitating gender equality regarding the recruitment and promotion of justice professionals. However, on 10 October 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 Law is to ensure 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 (available at the following link: <http://e-qanun.az/framework/12424>). Furthermore, as a result of the implementation of gender policies, national and international legislation, cooperation with relevant organisations, gender audits reported by authorities, the number of women in the judiciary has increased and the tendency continues. Reportedly, up to 50% of the candidates who successfully passed the exams held for judges in the last 3 years and were appointed to the respective positions of judges are women. Thus, the number of female judges in the judicial system has been increasing. In 2023 the nr of women judges in the first instance courts increased by 98% and in second instance courts increased by 20% compared to 2018, according to authorities. More information is provided in the reports as per following links: AZ-  
[https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi\\_3224EN](https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224EN)  
[https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi\\_3224](https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihsi_3224)

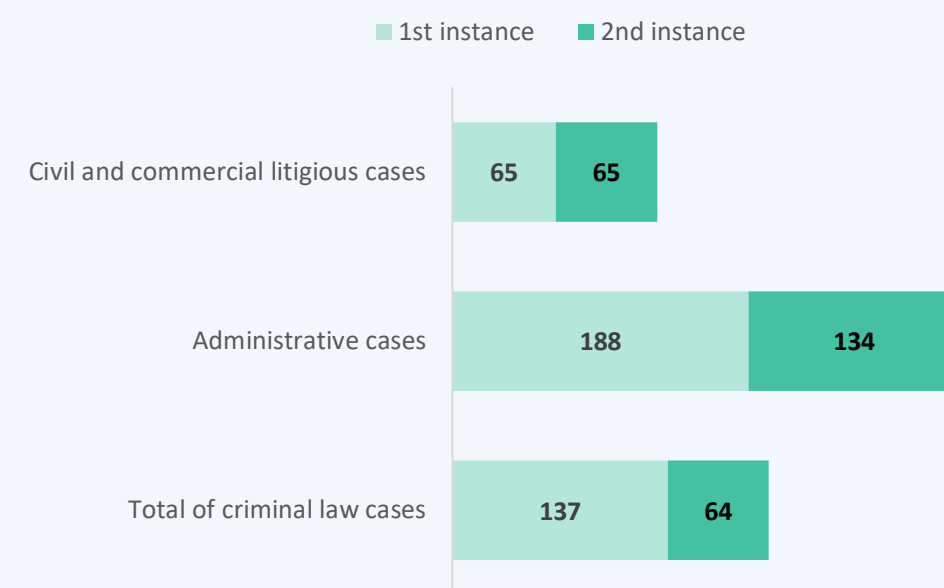
At the court or public prosecution services level, there are no persons (e.g. an equal opportunities commissioner) or institutions specifically dedicated to ensure the respect of gender equality in the organisation of judicial work. However the State committee for Family, Women, and Children Affairs (according to the article 8.12 of its Statue) is supervising the ensurance of gender equality in all areas.

## Efficiency in Azerbaijan in 2023 (Indicators 3.1 and 3.2)

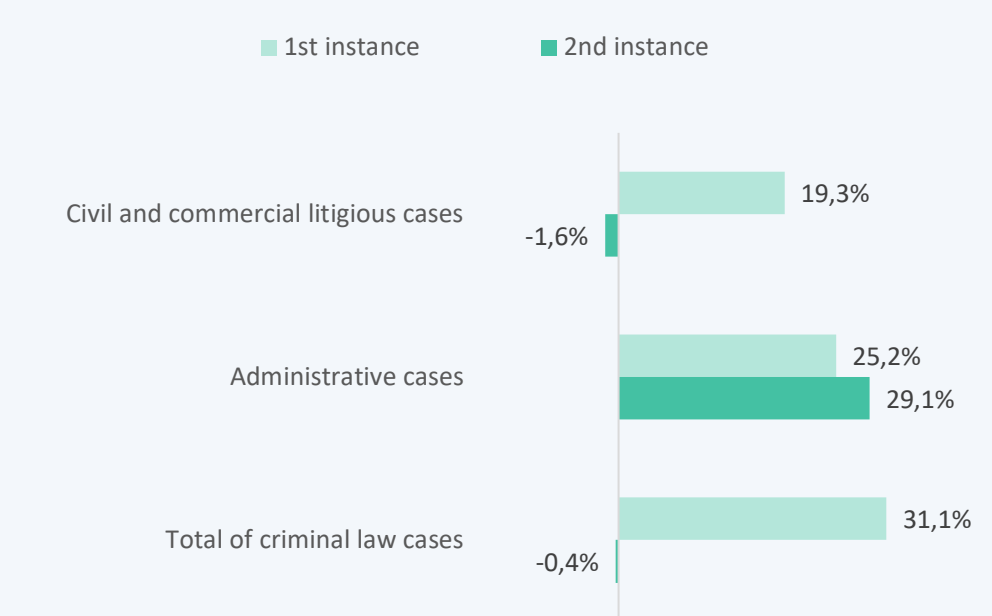
### Clearance Rate in 2023



### Disposition Time in 2023 (in days)



### % Variation of pending cases at the end of year between 2022 and 2023



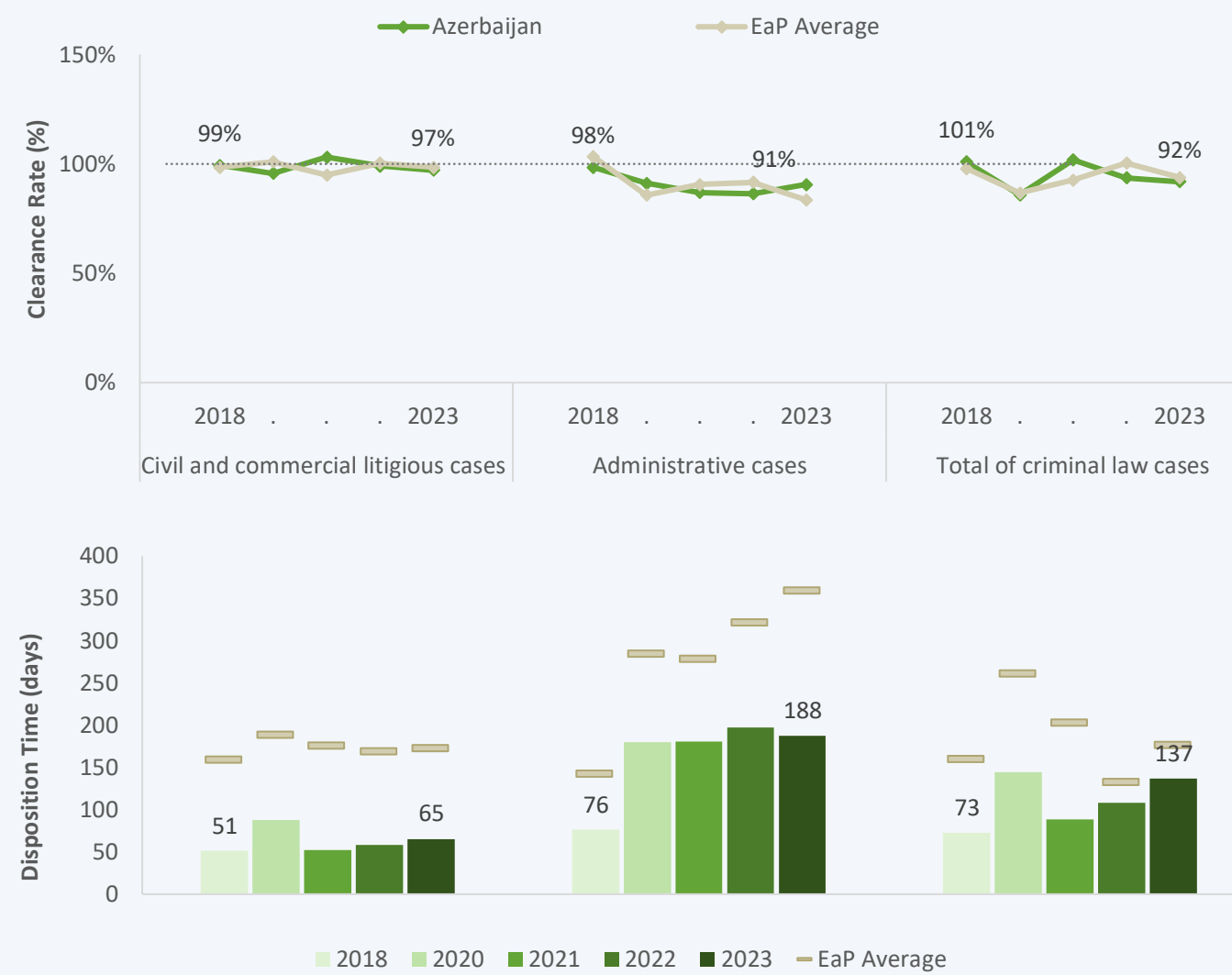
For the purpose of this Profile, the data of only the 1st and 2nd instance courts is analysed.

In 2023, there was a slight decrease in efficiency compared to 2022. Indeed, aside from administrative cases in first instance, there was a decrease in Clearance Rates and an increase in Disposition Times for civil and commercial litigious cases and criminal law cases. As a result, compared to 2022, the pending cases at the end of year in first instance increased for civil and commercial litigious cases (19,3%) and Criminal law cases (31,1%). Even if the CR increased and DT decreased in administrative cases, compared to 2022, the pending cases at the end of the year in first instance still show an increase by 25,2%. It is to be noted that Azerbaijan had a lower number of incoming cases standardised per 100 inhabitants lower than the EaP Averages, for all types of cases in first instance. Second instance courts appear to perform at levels close to 2022. Nevertheless in administrative cases in second instance, the number of pending cases at the end of the year showed an increase by 29,1% compared to 2022. The highest Clearance rates (CR) for Azerbaijan were in the second instance Civil and commercial litigious cases and Criminal Law cases, with a CR of 100% in each. However, it seems that Azerbaijan was not able to deal as efficiently with the first instance Administrative cases (CR of 91%). The second instance total Criminal law cases (DT of 64 days), and civil and commercial litigious cases (DT of 65 days in each instance) were resolved faster than the other types of cases. The DT in administrative cases continued to be the highest with 188 days in first instance and 134 days in second instance. Conversely, courts dealt better with civil and commercial litigious cases, showing the highest Clearance Rates and shortest Disposition times.

In 2023, in both instances, courts in Azerbaijan had Clearance rates close to EaP Averages, showing a slightly higher Clearance Rate in administrative cases. The data seems to indicate that particular attention is to be given to the way administrative cases in both instances, and criminal law cases in first instance are dealt with by courts in Azerbaijan.

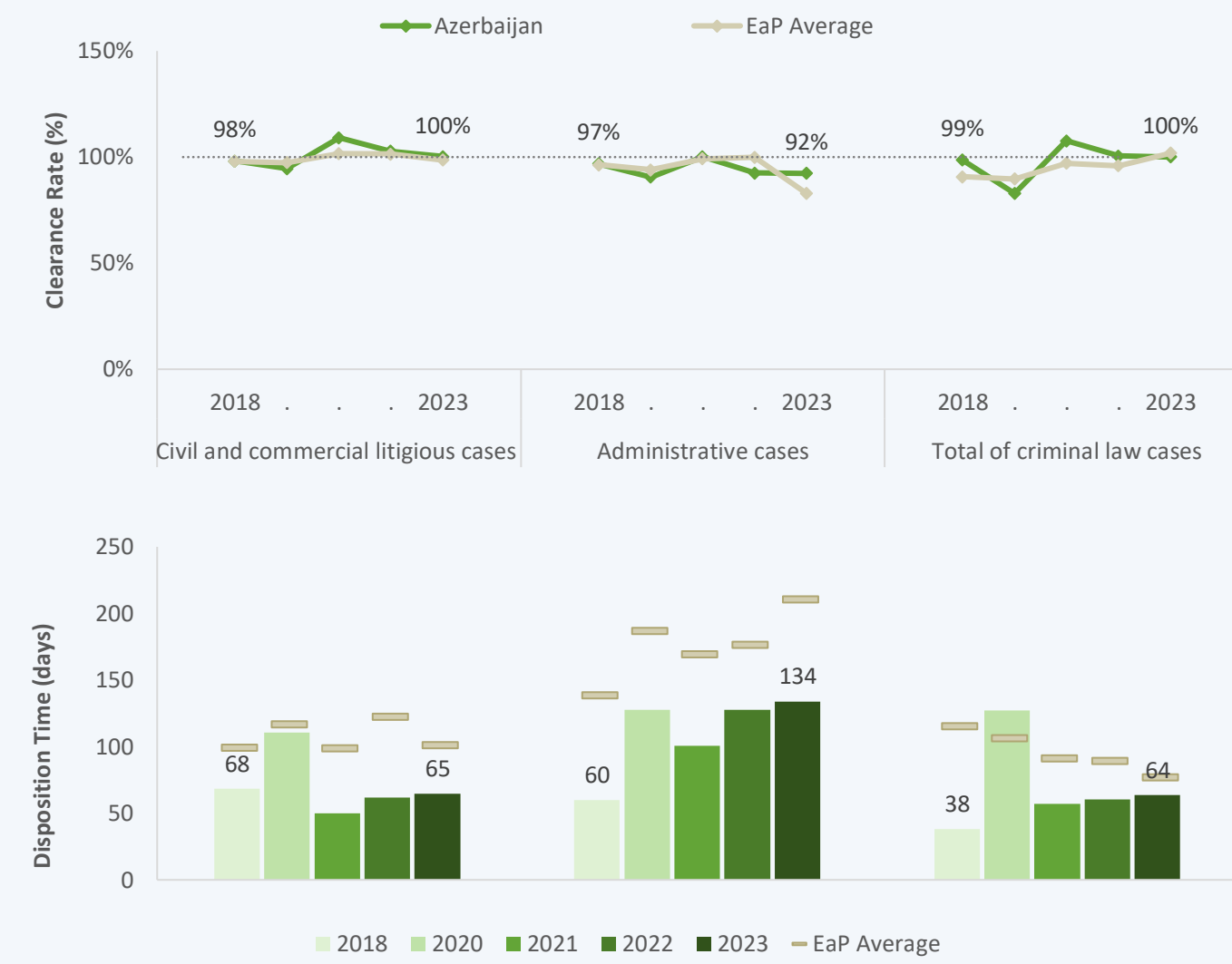
### First instance cases

#### Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2023



### Second instance cases

#### Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2023



#### First instance courts

The Clearance rates appear to have decreased over the 5-year period in all categories of cases. In 2023, the CR is close to the EaP averages in civil and commercial litigious cases and criminal law cases, while in administrative cases it is slightly above the EaP average.

Similarly, there seems to be a general trend in increasing of DT over the 5-year period in all categories of cases, perhaps the most noticeable in administrative and criminal law cases.

#### Second instance courts

The Clearance rates appear to have slightly improved over the 5 year period, except in administrative cases. In 2023, the CR is nevertheless above the EaP Average in administrative case, whereas in the other two categories it is close to the EaP Averages.

Over the 5-year period, the DT decreased only in civil and commercial litigious cases, where it increased most notably in administrative cases. The DT in 2023 nevertheless remains below the EaP Averages in all categories of cases.

**First instance cases - Other than criminal law cases**

1st instance cases in 2023 (absolute values)	Azerbaijan (2023)				% Variation between 2022 and 2023			
	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)	237 028	228 441	49 800	1 154	10,2%	8,7%	20,8%	59,8%
1 Civil and commercial litigious cases	207 659	201 828	36 119	819	8,3%	6,3%	19,3%	45,7%
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	29 369	26 613	13 681	335	25,5%	31,7%	25,2%	109,4%
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 2023, there were 207 659 incoming civil and commercial litigious cases (2,05 per 100 inhabitants vs the EaP Average of 3,08). This represents an increase by 8,3% compared to 2022. 201 828 cases were resolved (1,99 per 100 inhabitants), which is also an increase by 6,3% compared to 2022. In 2023, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 97% (slightly below the EaP Average of 98%). This decreased by -1,8 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 65 days in 2023 (below the EaP Average of 172 days). This increased by 12,2% over the 2022-2023 period.

In 2023, there were 29 369 incoming administrative cases (i.e. 0,29 per 100 inhabitants vs the EaP Average of 0,59). They increased by 25,5% compared to the previous year and it is attributable to the rise in certain categories of cases, such as those related to real estate and social benefits (calculation of pensions and others), which, in turn, are influenced by specific legislative changes in this field. In 2023, the courts resolved 26 613 cases (0,26 per 100 inhabitants, below of the EaP Average of 0,51). Between 2022 and 2023, the number of resolved administrative increased by 31,7%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 91% (above the EaP Average (84%). The CR increased by 4,3 percentage points compared to the previous year.

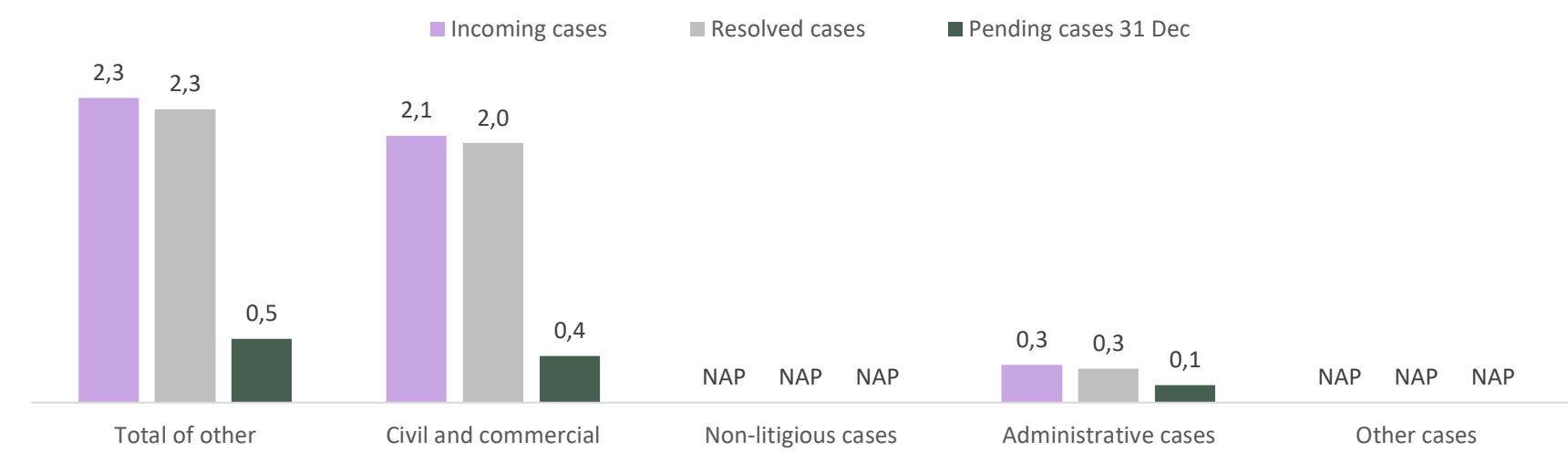
Finally, the Disposition Time for administrative cases was approximately 188 days in 2023. This has decreased by -4,9% compared to 2022 and it was below the EaP Average (359 days).

1st instance cases in 2023 (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)	2,3	<	4,8	2,3	<	4,7	0,5	<	1,8	0,01	<	0,27
1 Civil and commercial litigious cases	2,1	<	3,1	2,0	<	3,1	0,4	<	1,4	0,01	<	0,22
2 Non-litigious cases**	NAP		0,8	NAP		0,8	NAP		0,1	NAP		-
3 Administrative cases	0,3	<	0,6	0,3	<	0,5	0,1	<	0,3	0,00	<	0,05
4 Other cases	NAP		-	NAP		-	NAP		-	NAP		-

For reference only: the 2022 EU Median was as follows:  
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;  
 - 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 2023



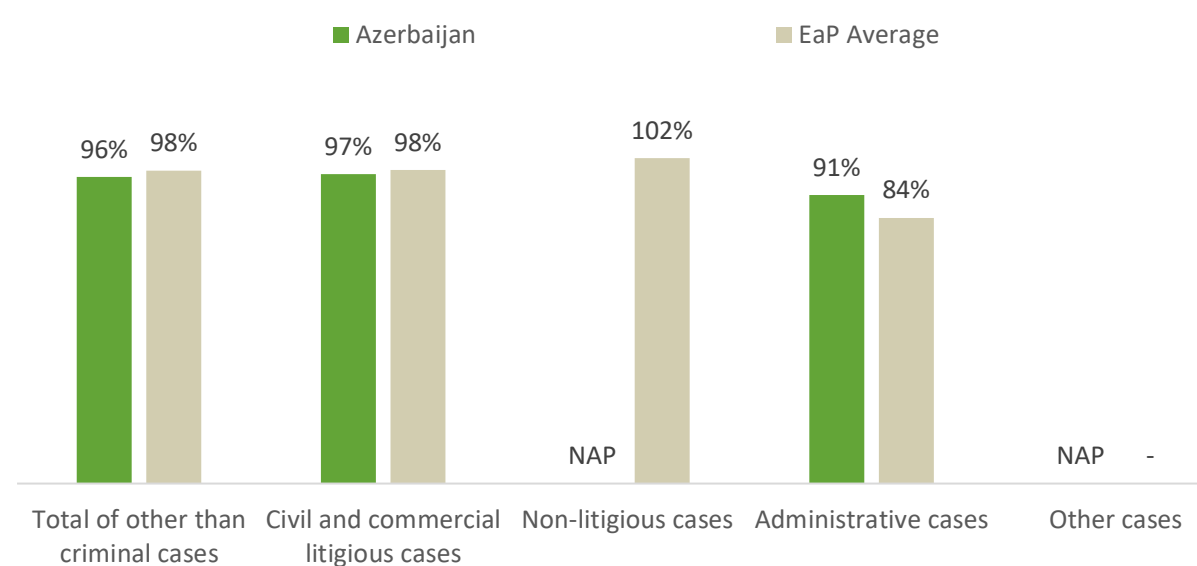
1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	96%	98%	80	160	-1,3	11,1%
1 Civil and commercial litigious cases	97%	98%	65	172	-1,8	12,2%
2 Non-litigious cases**	NAP	102%	NAP	74	NAP	NAP
3 Administrative cases	91%	84%	188	359	4,3	-4,9%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

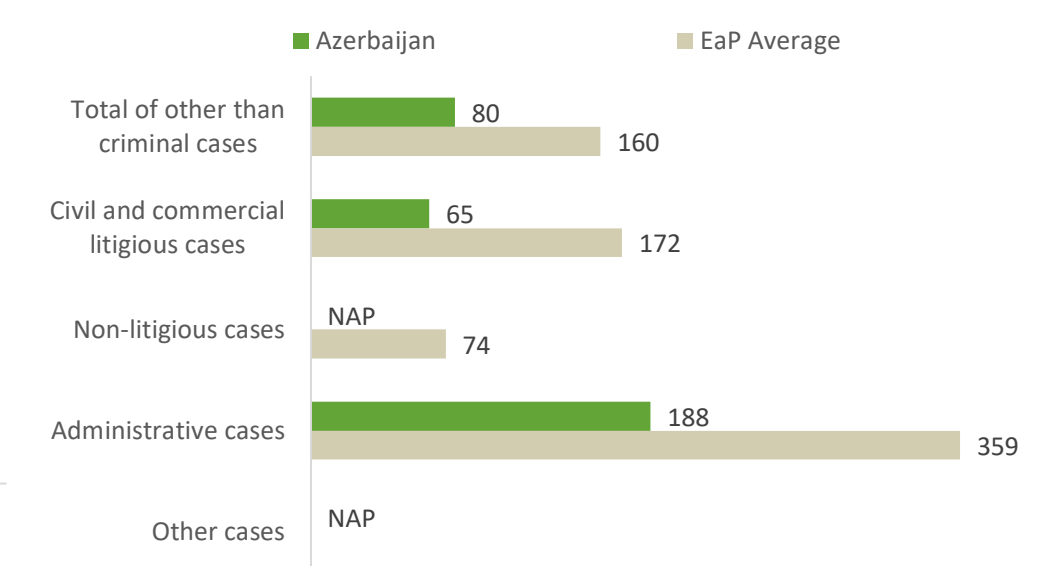
For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:  
 - Clearance rate: 100,5%; - Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:  
 - Clearance rate: 98,8%; - Disposition time: 288 days.

Clearance Rate for first instance Other than criminal cases in 2023 (%)



Disposition Time for first instance Other than criminal cases in 2023 (in days)





**First instance cases - Criminal law cases**

1st instance cases in 2023 (absolute values)		Azerbaijan (2023)				% Variation between 2022 and 2023			
		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)		19 326	17 750	6 644	133	5,7%	3,7%	31,1%	-9,5%
1	Severe criminal cases	3 996	2 923	2 569	59	17,8%	-5,0%	71,7%	-4,8%
2	Misdemeanour and / or minor criminal cases	15 330	14 827	4 075	74	3,0%	5,6%	14,1%	-12,9%
3	Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In 2023, there were 19 326 incoming total criminal cases (0,19 per 100 inhabitants vs the EaP Average of 0,99). They increased by 5,7% between 2022 and 2023. The increase of incoming cases is attributed to the fight against crime, including illegal drug trafficking. The courts resolved 17 750 cases (0,18 per 100 inhabitants). Between 2022 and 2023, they increased by 3,7%. The number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 92% (below the EaP Average of 93,8%). This decreased by -1,8 percentage points compared to 2022. At the same time, authorities explained the decrease in the number of cases pending for more than 2 years by the fact that the Supreme Court and the Judicial Council regularly conduct monitoring of criminal cases that have been under consideration for an extended period of time, and the reasons for this are investigated and addressed.

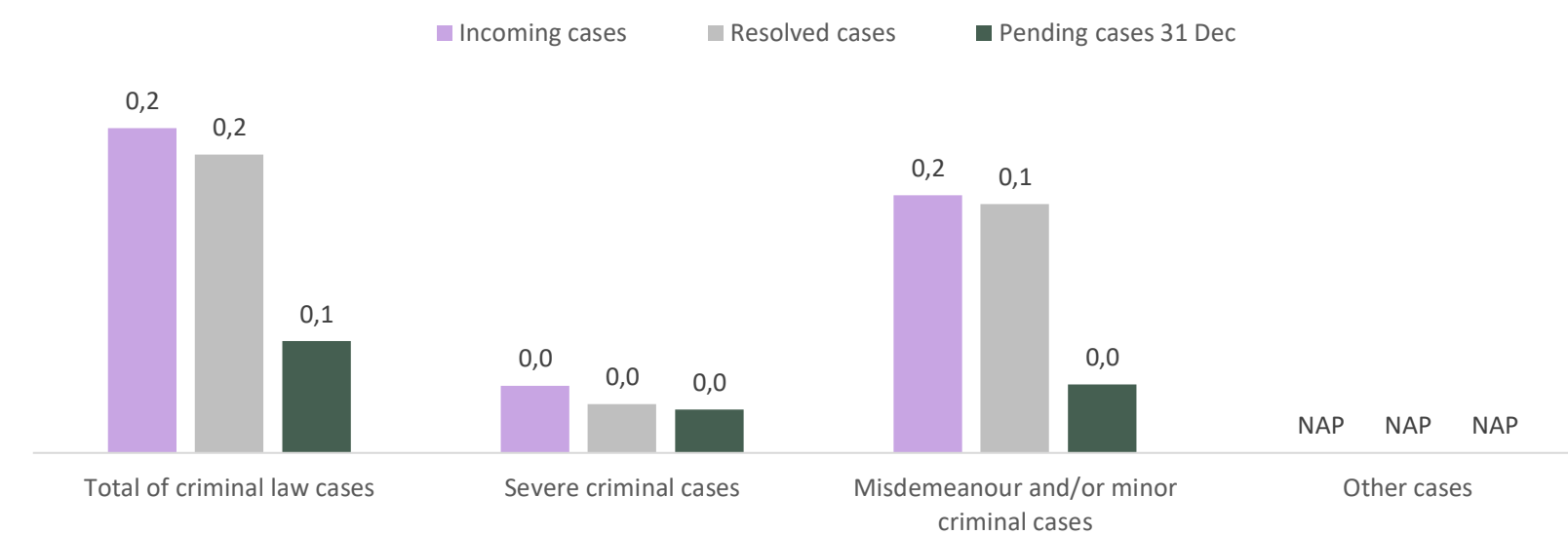
The Disposition Time for total criminal cases was approximately 137 days in 2023 (below the EaP Average of 176 days). This increased by 26,4% over the 2022-2023 period.

1st instance cases in 2023 (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)		0,2	< 1,0	0,2	< 1,0	0,1	< 0,3	0,00	< 0,03
1	Severe criminal cases	0,0	< 0,1	0,0	< 0,1	0,0	< 0,1	0,00	-
2	Misdemeanour and / or minor criminal cases	0,2	-	0,1	-	0,0	-	0,00	-
3	Other cases	NAP	-	NAP	-	NAP	-	NAP	-

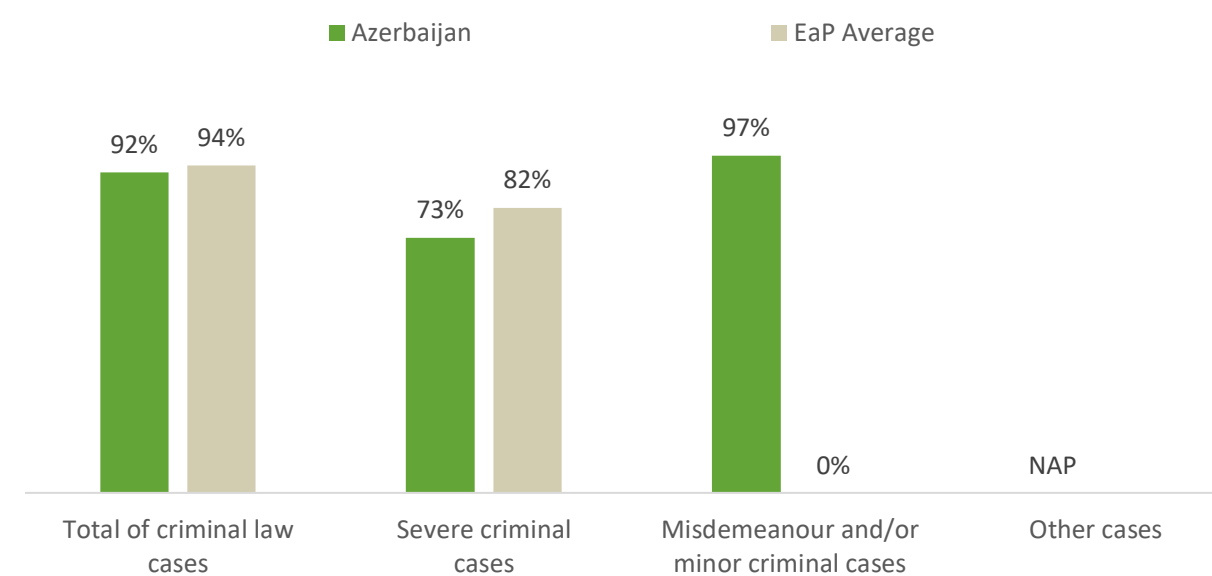
For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
 - Incoming cases per 100 inhabitants: 1,7.

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

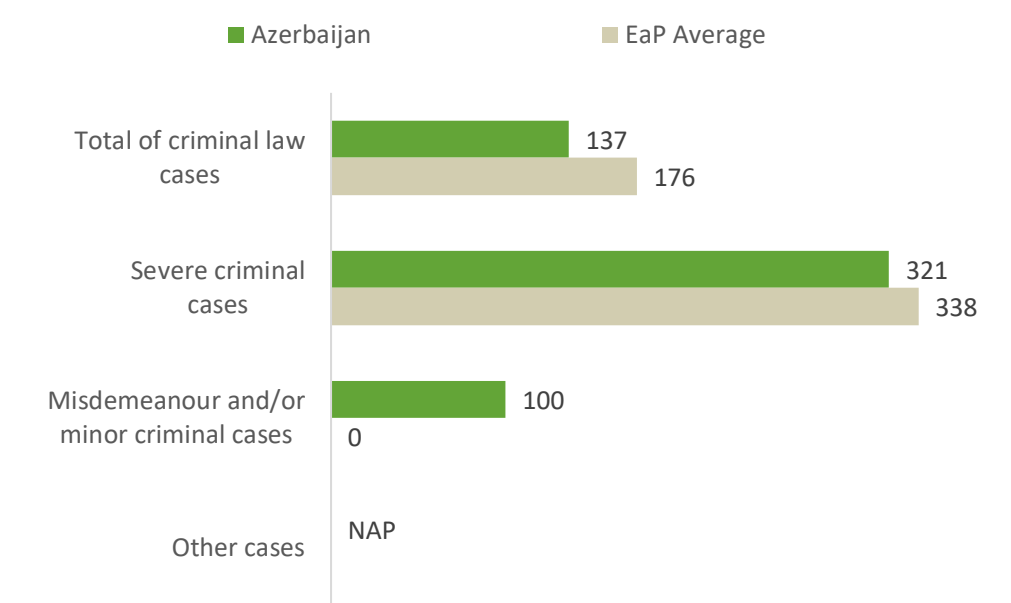
First instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for first instance Criminal Law cases in 2023 (%)



Disposition Time for first instance Criminal Law cases in 2023 (in days)



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		92%	94%	137	176	-1,8	26,4%
1	Severe criminal cases	73%	82%	321	338	-17,6	80,8%
2	Misdemeanour and / or minor criminal cases	97%	-	100	-	2,4	8,0%
3	Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
 - Clearance rate: 100%;  
 - Disposition time: 136 days.



**Second instance cases - Other than criminal law cases**

2nd instance cases in 2023 (absolute values)	Azerbaijan (2023)				% Variation between 2022 and 2023			
	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)	24 894	24 438	5 488	89	2,3%	0,0%	9,1%	-43,7%
1 Civil and commercial litigious cases	18 241	18 293	3 236	74	-3,7%	-6,0%	-1,6%	-45,2%
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	6 653	6 145	2 252	15	23,5%	23,3%	29,1%	-34,8%
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 2023, there were 18 241 incoming civil and commercial litigious cases (0,18 per 100 inhabitants vs the EaP Average of 0,27). They decreased by -3,7% between 2022 and 2023. The courts resolved 18 293 cases (0,18 per 100 inhabitants). Between 2022 and 2023, they decreased by -6%. The number of resolved cases was slightly higher than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 100% (slightly above the EaP Average of 99%). This decreased by -2,4 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 65 days in 2023 (below the EaP Average of 101 days). This increased by 4,7% over the 2022-2023 period.

There were 6 653 incoming administrative cases in 2023 (i.e. 0,07 per 100 inhabitants vs the EaP Average of 0,41). They increased by 23,5% compared to the previous year, for the same reason explained under 1st instance courts. The courts resolved 6 145 cases (0,06 per 100 inhabitants, below of the EaP Average of 0,18). Between 2022 and 2023, the number of resolved administrative increased by 23,3%. The number of incoming cases was higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 92% (above the EaP Average (83%). The CR decreased by -0,1 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 134 days in 2023. This has increased by 4,7% compared to 2022 and it was below the EaP Average (210 days) in 2023.

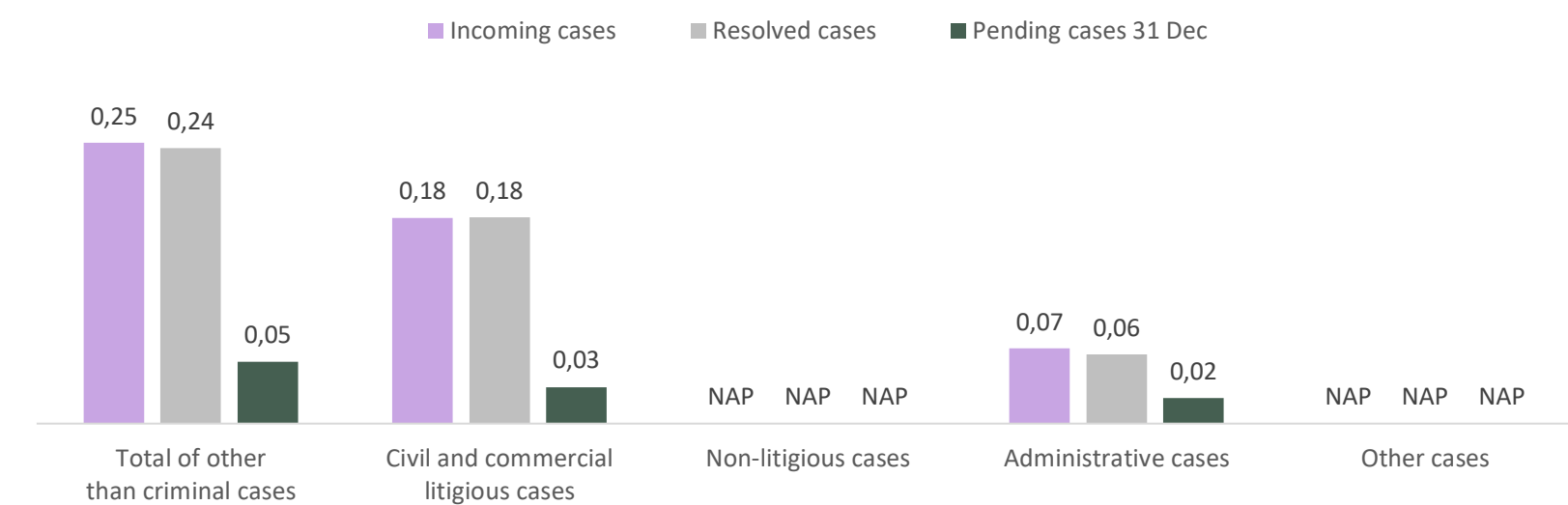
2nd instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average	Azerbaijan	EaP Average
Total of other than criminal law cases (1+2+3+4)	0,25	< 0,37	0,24	< 0,36	0,05	< 0,12	0,00	= 0,00
1 Civil and commercial litigious cases	0,18	< 0,27	0,18	< 0,27	0,03	< 0,07	0,00	= 0,00
2 Non-litigious cases**	NAP	-	NAP	-	NAP	-	NAP	-
3 Administrative cases	0,07	< 0,41	0,06	< 0,18	0,02	< 0,12	0,00	< 0,00
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the 2022 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;
- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

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

Second instance Other than criminal cases per 100 inhabitants in 2023



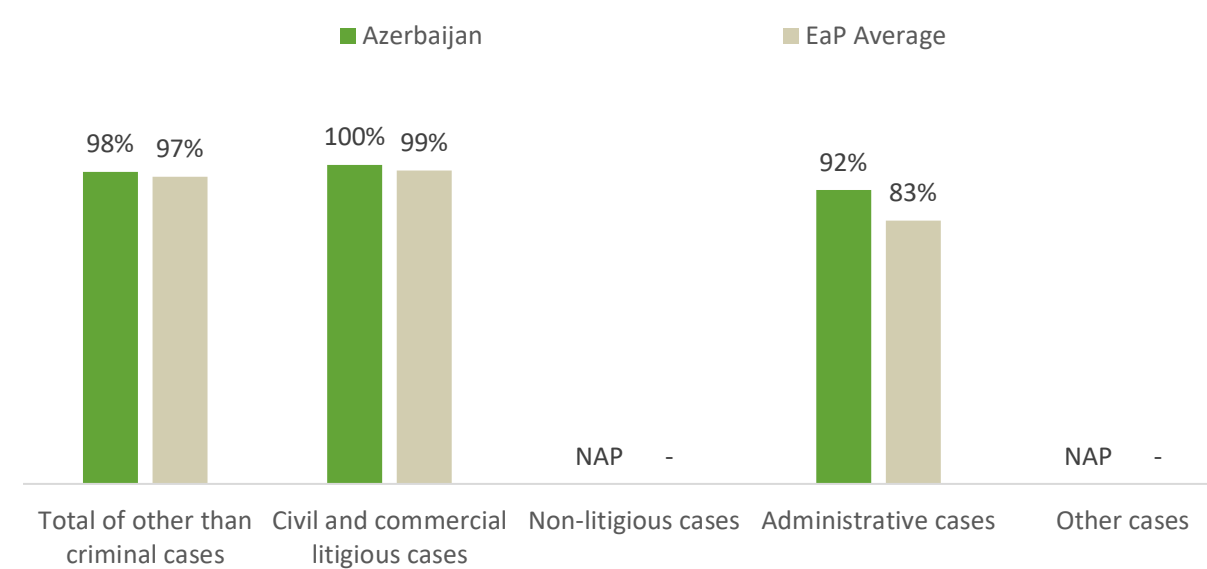
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	98%	97%	82	122	-2,3	9,1%
1 Civil and commercial litigious cases	100%	99%	65	101	-2,4	4,7%
2 Non-litigious cases**	NAP	-	NAP	-	NAP	NAP
3 Administrative cases	92%	83%	134	210	-0,1	4,7%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

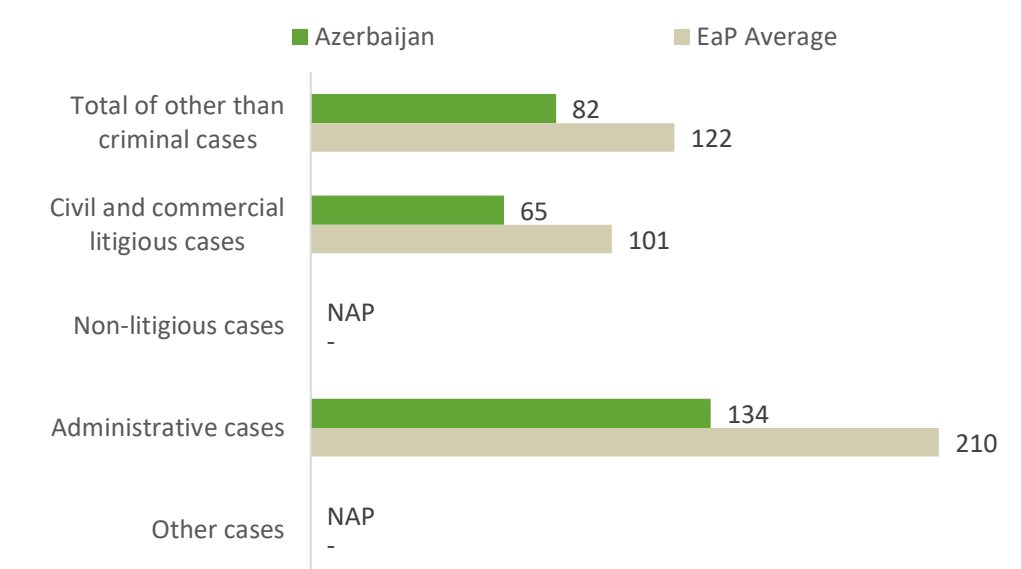
For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:  
- Clearance rate: 97,1%; - Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:  
- Clearance rate: 102,6%; - Disposition time: 277 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 2023 (absolute values)		Azerbaijan (2023)				% Variation between 2022 and 2023			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		4 758	4 761	830	16	-4,7%	-5,1%	-0,4%	-40,7%
1	Severe criminal cases	1 889	1 916	372	12	-9,0%	-8,5%	-6,8%	-14,3%
2	Misdemeanour and / or minor criminal cases	2 869	2 845	458	4	-1,7%	-2,7%	5,5%	-69,2%
3	Other cases	NAP	NAP	NAP	NAP	NA	NA	NA	NA

In 2023, there were 4 758 incoming total criminal cases (0,05 per 100 inhabitants vs the EaP Average of 0,28) and they decreased by -4,7%, compared to the previous year. The courts resolved 4 761 cases (0,05 per 100 inhabitants). Between 2022 and 2023, they decreased by -5,1%. In 2023, the number of resolved cases was thus higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were less than in 2022, attributed to the monitoring and investigation efforts conducted by the Judicial-Legal Council and the Supreme Court, aimed at addressing stagnant cases and identifying their root causes for resolution. Indeed, the 2023 Clearance rate for this type of cases was 100% (below the EaP Average of 102%). This decreased by -0,4 percentage points compared to 2022.

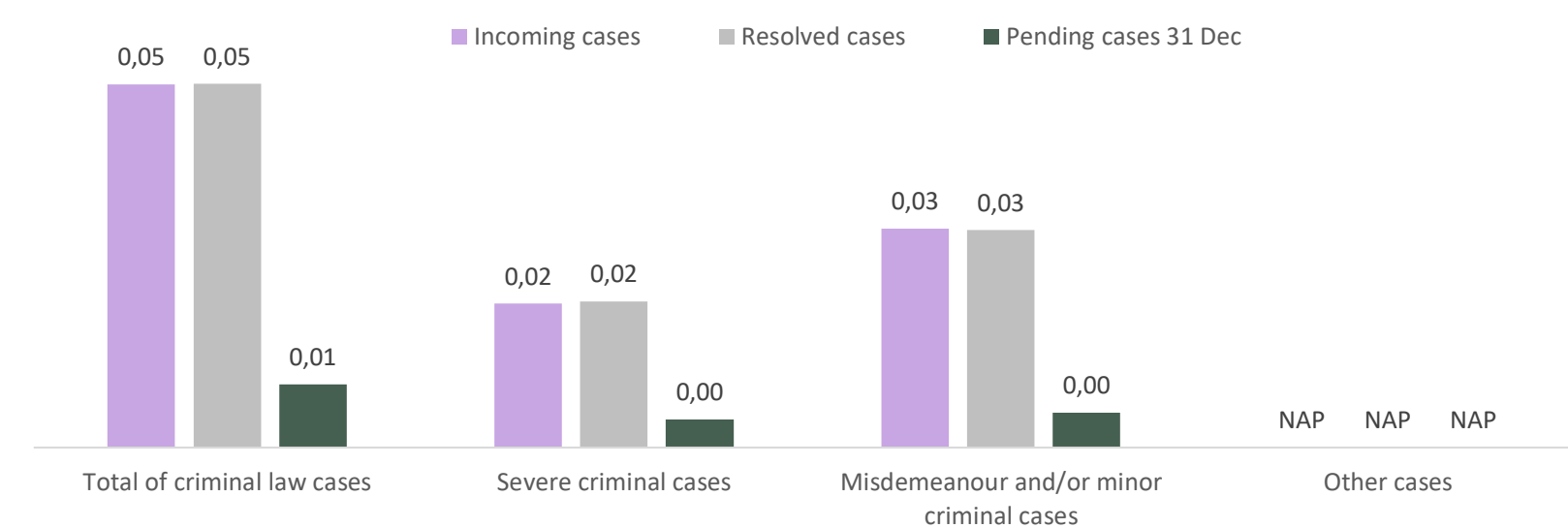
The Disposition Time for total criminal cases was approximately 64 days in 2023 (below the EaP Average of 77 days). This increased by 5% over the 2022-2023 period.

2nd instance cases in 2023 (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	< 0,28	0,01	< 0,07	0,00	< 0,01
1	Severe criminal cases	0,02	-	0,02	-	0,00	-	0,00	-
2	Misdemeanour and / or minor criminal cases	0,03	-	0,03	-	0,00	-	0,00	-
3	Other cases	NAP	-	NAP	-	NAP	-	NAP	-

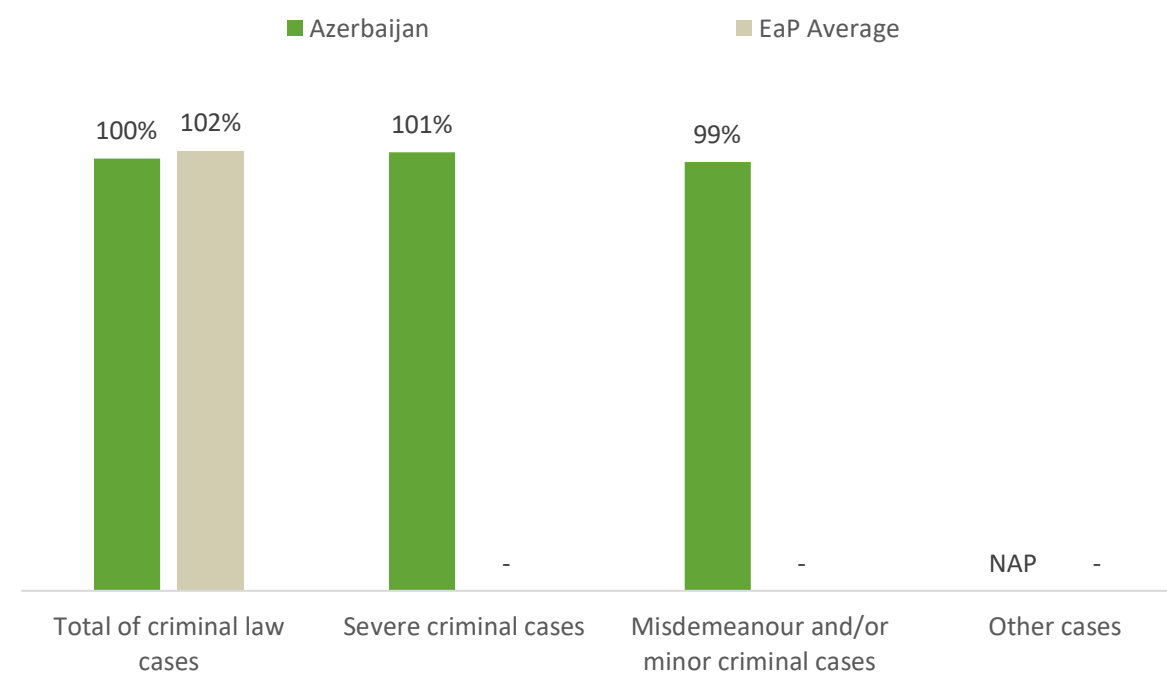
For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
 - Incoming cases per 100 inhabitants: 0,1.

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

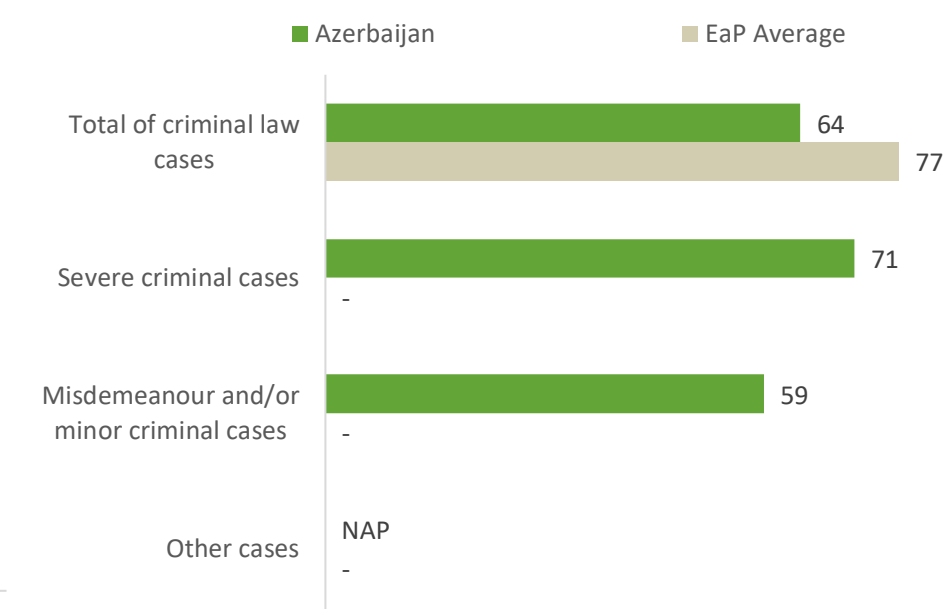
Second instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for second instance Criminal Law cases in 2023 (%)



Disposition Time for second instance Criminal Law cases in 2023 (in days)



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Azerbaijan	EaP Average	Azerbaijan	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		100%	102%	64	77	-0,4	5,0%
1	Severe criminal cases	101%	-	71	-	0,6	1,8%
2	Misdemeanour and / or minor criminal cases	99%	-	59	-	-1,0	8,5%
3	Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
 - Clearance rate: 99%;  
 - Disposition time: 135 days.

• Specific category cases

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

	Azerbaijan (2023)						% Variation between 2022 and 2023					
	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

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 2023. However, some information was provided on the maximum legal duration of case. 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 month, the cases on mortgage and bankruptcy within 3 month. According to the Family Code, if one of the parties does not agree to the dissolution of the marriage, the court may adjourn the case by setting a period of 3 months for the couple to reconcile. The appeal shall be considered within 3 months from the date of its receipt by the court and the cassation appeal within 3 months from the date of its receipt.

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

In Azerbaijan there are quality standards determined for the judicial system at national level. Also, 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 system to annually evaluate courts performance based on the monitored indicators listed below. This evaluation of the court activities is used for the allocation of resources within the courts 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.

In the same realm, there is an assessment system used for identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency within the prosecution offices.

	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** 

The responsibility for setting up quantitative targets for judges lies on:

Executive power (for example the Ministry of Justice)	
Legislative power	
Judicial power (for example the High Judicial Council, Supreme Court)	
President of the court	
Other:	

The responsibility for setting up quantitative targets for public prosecutors lies on:

Executive power (for example the Ministry of Justice)	
Prosecutor General /State public prosecutor	
Public prosecutorial Council	
Head of the organisational unit or hierarchical superior public prosecutor	
Other	

Consequences for not meeting the targets		For judges	For public prosecutors
Without disciplinary procedure	Warning by court's president/ head of prosecution		
	Temporary salary reduction		
	Reflected in the individual assessment		
	Other		
With disciplinary procedure	Warning by court's president/ head of prosecution		
	Temporary salary reduction		
	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-Legal Council, while the targets for prosecutors are defined by the Prosecutor General. If the targets are not met, this is reflected in the individual assessments of judges and prosecutors, respectively.



• System of individual evaluation of the judges and public prosecutors' work

	Judges	Prosecutors
Existence of a system of individual evaluation	✓	✓
Quantitative work	✓	✓
Qualitative work	✓	✓

Responsibility for setting up the criteria for the qualitative assessment for judges' work	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓
President of the court	✗
Other	✗

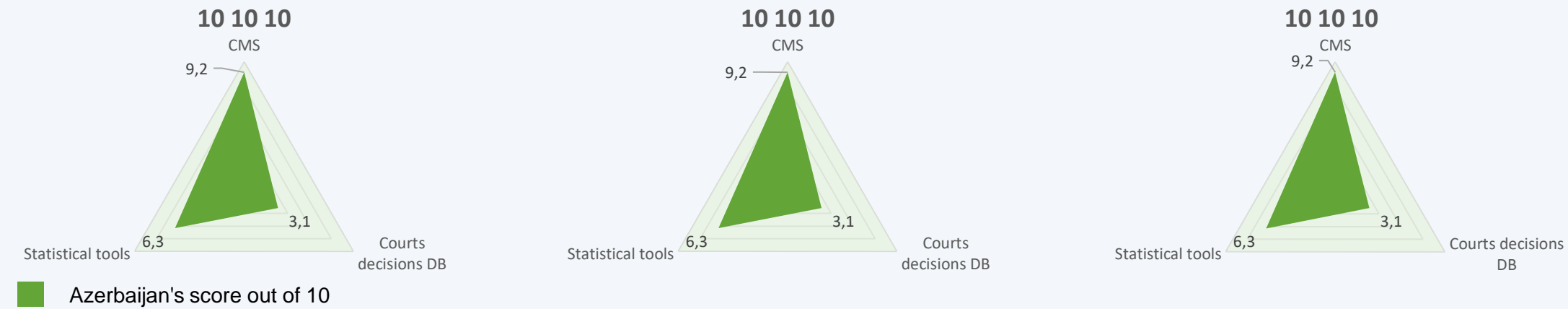
Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✓
Public prosecutorial Council	✗
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

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

The evaluation of judges and prosecutors' work is done in respect of both quantity and quality of work. The responsibility for setting up the criteria for the qualitative assessment for judges rests with the High Judicial Council and for prosecutors with the Prosecutor General. The frequency of this assessment differs for judges. Thus, the activity of judges appointed for a period of 3 years for the first time is evaluated by the Judicial-Legal Council at the end of that period, and the activity of other judges not less than once in five years.

### Information and communication technology tools in Azerbaijan in 2023 (Indicator 3.3)

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



In Azerbaijan, the overall maximum score among the three ICT indexes is achieved by the CMS index (9,2); while overall lowest score was calculated for the Courts decisions DB index (3,1). Thus, the CMS index is the same in all categories of cases (9,2) and the DB index is the same again in all categories of cases (3,1). Regarding the Statistical tools index, all three matters scored 6,3 in 2023.

In Azerbaijan, there was no overall Information and Communication Technology (ICT) strategy in the judicial system reported for 2023. In terms of plans for a significant change in the present IT system in the judiciary in the next year, authorities reported that a new version based on modern technologies is being formed and these works are planned to be completed at the end of June 2024.

The system has 1 case management system (CMS), eg software used for registering judicial proceedings and their management. It has been developed between 5 and 10 years.

#### • Electronic case management system

The CMS is developed in all courts (95-100% deployment rate) and for all court cases. The data is stored on a database consolidated at national level.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✓	NAP	✓	✓	✓	✓	✓	✓
Administrative	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✓	NAP	✓	✓	✓	✓	✓	✓
Criminal	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Other special functionality" means "early warning signals", "electronic audio-video recording of court proceedings".

## • Database of court decisions

The database of court decisions is available for all instances and matters and its deployment rate is 95-100%. The court decisions are published in internal database and the functionalities of the database include "automatic anonymisation" of court decisions, "free public online access", as well as "advanced search engine" for all matters.

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier	Other
Civil	95-100 %	Published in internal database	95-100 %	Published in internal database	95-100 %	Published in internal database	✓	✗	✓	✗	✗	✓	✗	✗	✗	✗	✗
Administrative	95-100 %	Published in internal database	95-100 %	Published in internal database	95-100 %	Published in internal database	✓	✗	✓	✗	✗	✓	✗	✗	✗	✗	✗
Criminal	95-100 %	Published in internal database	95-100 %	Published in internal database	95-100 %	Published in internal database	✓	✗	✓	✗	✗	✓	✗	✗	✗	✗	✗

## • Statistical tools

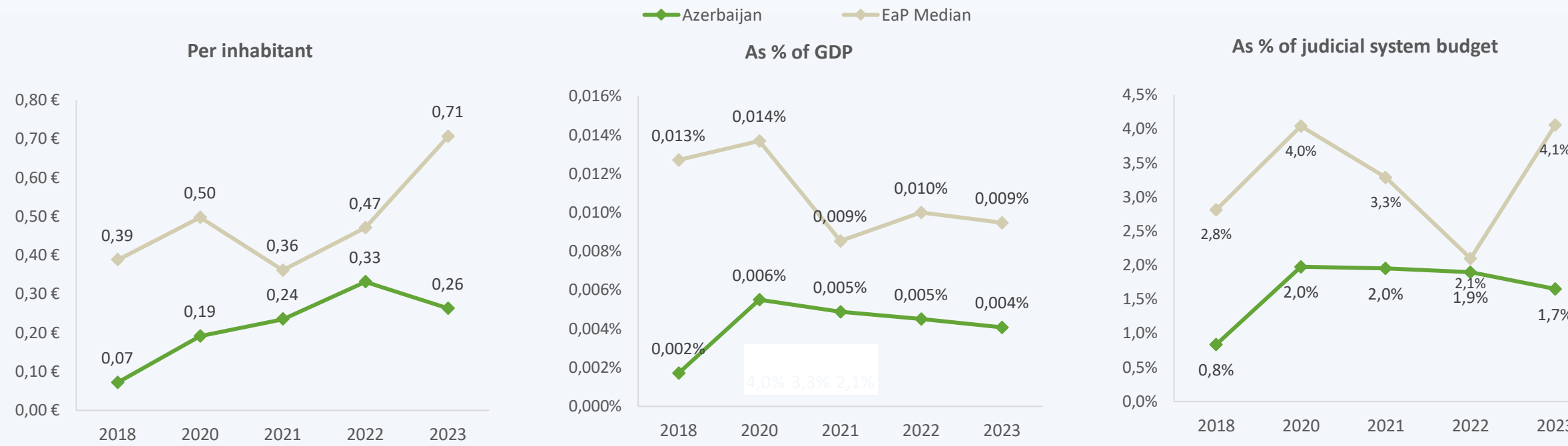
The statistical tools are developed in all courts (deployment rate is 95-100% for all matters). Among their functionalities, there is integration with the CMS, generation of predefined statistical reports, internal page/dashboard; real-time data availability. All inquired upon data is reported as available for statistical analysis, with the exception of case weights.

	Deployment rate	Functionalities									Data available for statistical analysis								
		Integration/ connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	95-100 %	✓	✗	✓	✗	✓	✗	✓	✗	✗	✓	✓	✓	✓	✗	✓	✓	✓	
Administrative	95-100 %	✓	✗	✓	✗	✓	✗	✓	✗	✗	✓	✓	✓	✓	✗	✓	✓	✓	
Criminal	95-100 %	✓	✗	✓	✗	✓	✗	✓	✗	✗	✓	✓	✓	✓	✗	✓	✓	✓	

## Legal Aid in Azerbaijan in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2018 and 2023

Number of cases for which LA has been granted in 2023



**0,39**  
per 100 inhabitants  
EaP Median: 0,72  
**EaP Median: 0,72**

In 2023, the implemented budget for legal aid in Azerbaijan was 2 664 384€ (1,7% of the judicial system budget). This means that an amount of 0,26€ was spent per inhabitant (below the EaP Median of 0,71€). The budget for legal aid was equal to 0,004% of the GDP, whereas the EaP Median was 0,009%. With 0,39 of cases for which legal aid has been granted, Azerbaijan is below the EaP Average in 2023.

### • Organisation of the legal aid system

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	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, with the following particularities. During the investigation, a low-income person (LIP) is provided with a lawyer at the expense of the State based on the decision of the institution conducting the investigation. In criminal cases, a lawyer is appointed for a LIP in court on the basis of a court decision. In civil cases, to this day, a lawyer can be appointed at the expense of the state on the basis of Court (Appellate or Supreme) decision for a LIP in connection with a cassation appeal only to the Supreme Court. According to the proposed new draft law, by the decision of the Court, in civil cases a lawyer will be appointed for a LIP in all court instances. The appointment of a lawyer for a LIP in court has commenced in accordance with decree of the President of the Republic of Azerbaijan dated 26 July, according to recent amendments to the Civil Procedure Code.

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 e-request to government agencies and verify whether someone is a LIP.

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

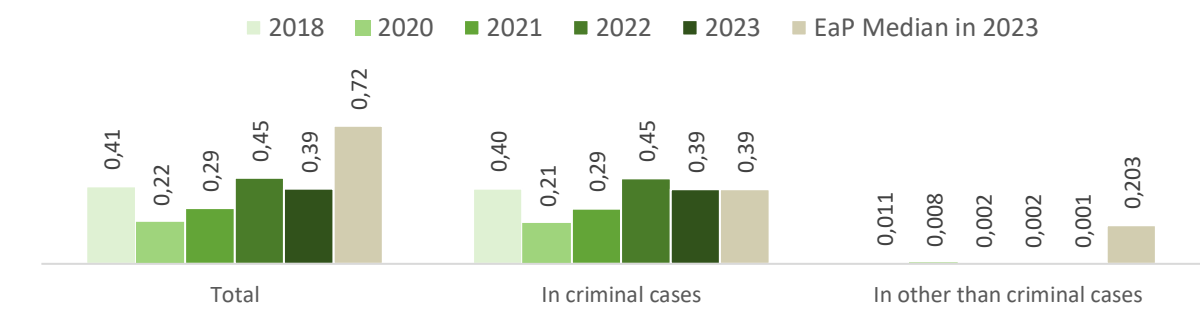
	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2018 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Azerbaijan	EaP Median	Azerbaijan	EaP Median	Azerbaijan	EaP Median
<b>Total (1+2)</b>	2 664 384 €	275,7%	2 664 384 €	NAP	0,26 €	0,71 €	0,004%	0,009%	1,7%	4,1%
<b>In criminal cases (1)</b>	2 655 879 €	NA	2 655 879 €	NAP						
<b>In other than criminal cases (2)</b>	8 505 €	NA	8 505 €	NAP						

In 2023, Azerbaijan spent 2 664 384€ on the total implemented budget for legal aid, which was 275,7% more compared to 2018. Still, it spent a remarkably lower amount per inhabitant compared to the EaP Median (0,26€ and 0,71€, respectively). For criminal cases, Azerbaijan spent 2 655 879€ while for other than criminal cases, it spent 8 505€.

For Cases not brought to court, no funds were allocated from the budget since legal assistance in those cases is provided by lawyers on a voluntary basis. Furthermore, according to the "Rules for payment of mediation expenses at the expense of the state budget" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 360 dated 16 August 2019, the procedure for payment of mediation services at the expense of the state is envisaged. Yet, it was not applied in 2023, hence - the NAP response.

	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 2018 - 2023					
<b>Total (1+2)</b>	39 830	0,39	-3,1%	26 563	13 267	66,9 €	100,3 €	NA
<b>In criminal cases (1)</b>	39 696	0,39	-0,9%	26 429	13 267	66,9 €	100,5 €	NA
<b>In other than criminal cases (2)</b>	134	0,00	-87,5%	134	0	63,5 €	63,5 €	NA

**Total number of LA cases per 100 inh between 2018 and 2023**



In 2023, the number of cases for which legal aid was granted was 39 830, which was -3,1% less compared to 2018. The number of criminal cases were 39 696, and the other than criminal cases were 134. The total cases brought to court were 26 563, while the total cases not brought to court were 13 267. On average, the amount granted per legal aid case was 66,9€.

In civil cases, legal aid is available only in cassation and additional cassation proceedings at the Supreme Court. According to the amendments to the Civil Procedure Code of 9 July 2021, Article 402 of the Civil Procedure Code (Right to file a cassation appeal), "a cassation appeal can be filed against the resolutions of the civil and commercial panels of the appeal courts, except for resolutions on property claims in the contested part of the resolution adopted in civil cases, the cost of the claim is less than five thousand manats, and in cases of commercial disputes less than ten thousand manats, respectively". In the previous version, these amounts were indicated as two thousand and five thousand manats, respectively. These amendments led to the return of many complaints in the period (due to change of threshold). This determined a decrease in the number of civil cassation cases for which there is mandatory legal aid.

**• Number of recipients of legal aid**

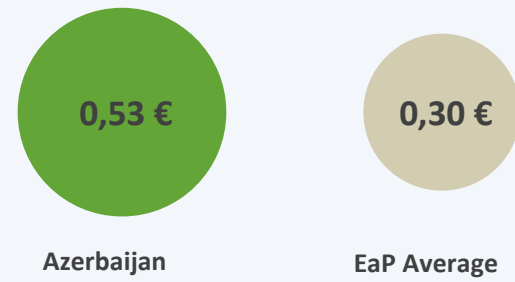
	Number of recipients of legal aid					Amount of LA granted per recipient (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	EaP Median					
<b>Total (1+2)</b>	NA	NA	1,16	NA	NA	NA	NA	NA
<b>In criminal cases (1)</b>	NA	NA	0,41	NA	NA	NA	NA	NA
<b>In other than criminal cases (2)</b>	NA	NA	0,47	NA	NA	NA	NA	NA

The data for the number of recipients of legal aid was not available for 2023.



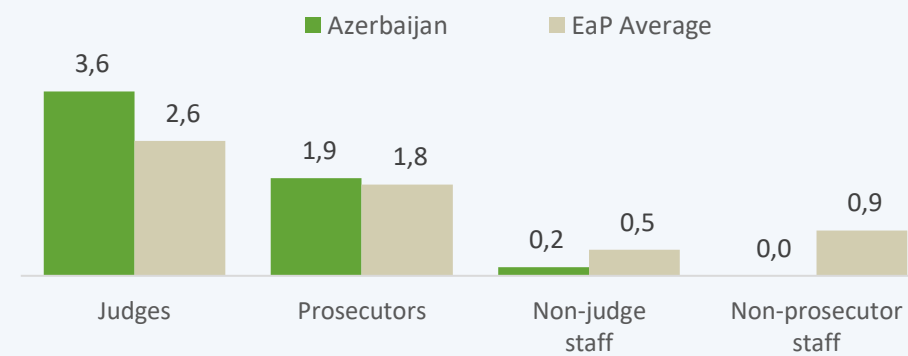
## Training of judges and prosecutors in Azerbaijan in 2023 (Indicator 7)

### Total budget for training per inhabitant



### Average number of live training participations per professional

Please see the definition of the indicator on page 2.



### Average number of participants per delivered training



The total budget for training of judges and prosecutors and other justice professionals (budget spent by the training institution, the courts, and the public prosecution services on training) in Azerbaijan was 0,53€ per inhabitant, which is above the EaP Average (0,3€ per inhabitant).

In 2023, 5 487 participants (of which 2 136 judges and 2 367 prosecutors) were trained in 348 live trainings (in-person, hybrid or video conferences).

The average number of participants per training was 15,8, which is lower than the EaP Average of 22,2.

In Azerbaijan, each judge participated, on average, to 3,6 live trainings in 2023, which was higher than the EaP Average (2,6) while each prosecutor participated, on average, to 1,9 live trainings, more than the EaP Average (1,8).

The data on internet-based trainings (not-live) provided on the e-learning platform of the training institution for judges and prosecutors was not available in 2023, whereas a total of 16 trainings were completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants on these was 63.

In Azerbaijan, both judges and prosecutors are required to attend at least one in-service compulsory training per year.

### Budget for training

This part analyses the budget of training institutions and the budgets of courts and prosecution services dedicated to training (when applicable)

	Budget of the training institution(s) (1)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)								
				Absolute Number	Evolution of training budget per inhabitant					% Variation 2018 - 2023	% Variation 2022 - 2023	EaP Average per inhabitant
					2018	2020	2021	2022	2023			
<b>Total</b>	2 672 664 €	0,0%	2 727 358 €	5 400 022 €	0,37 €	0,41 €	0,34 €	0,97 €	0,53 €	45,2%	-45,1%	0,30 €
<b>Judges</b>	1 369 213 €	0,0%	1 423 907 €	2 793 120 €								
<b>Prosecutors</b>	1 303 451 €	0,0%	1 303 451 €	2 606 902 €								
<b>One single institution for both judges and prosecutors</b>	NAP	NAP		NAP								

In 2023, Azerbaijan spent in total 5 400 022€ for training for judges, prosecutors and other justice sector professionals in 2023, which is 0,53€ per inhabitant (above the EaP average of 0,3€ per inhabitant).

The decrease in the training budget per inhabitant in 2023 compared to 2022 is explained by the fact that the trainings for users involved in the courts' computerisation have been largely completed by the first half of 2023.

**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 (2023)							
	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
<b>Total</b>	293	348	500	5 487	1,4 <	2,4	15,8 <	22,2
<b>Judges</b>	239	285	301	2 136	1,1 <	1,6	7,5 <	17,5
<b>Prosecutors</b>	27	25	103	2 367	4,1 >	3,3	94,7 >	33,2
<b>Non-judge staff</b>	25	33	33	501	1,0 <	2,9	15,2 <	31,4
<b>Non-prosecutor staff</b>	2	5	63	483	12,6 >	5,2	96,6 >	53,2

CEPEJ distinguishes 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 an e-training that is implemented according to participant's own pace and time of training.

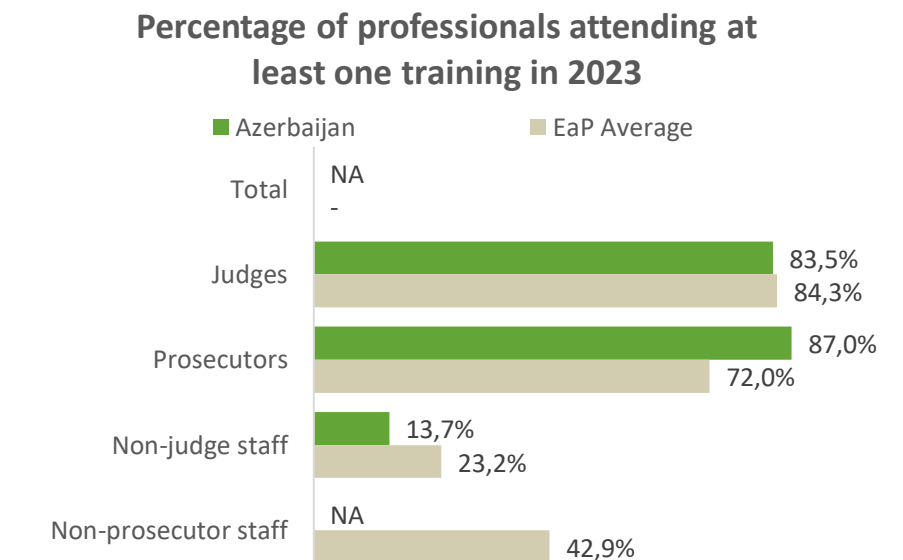
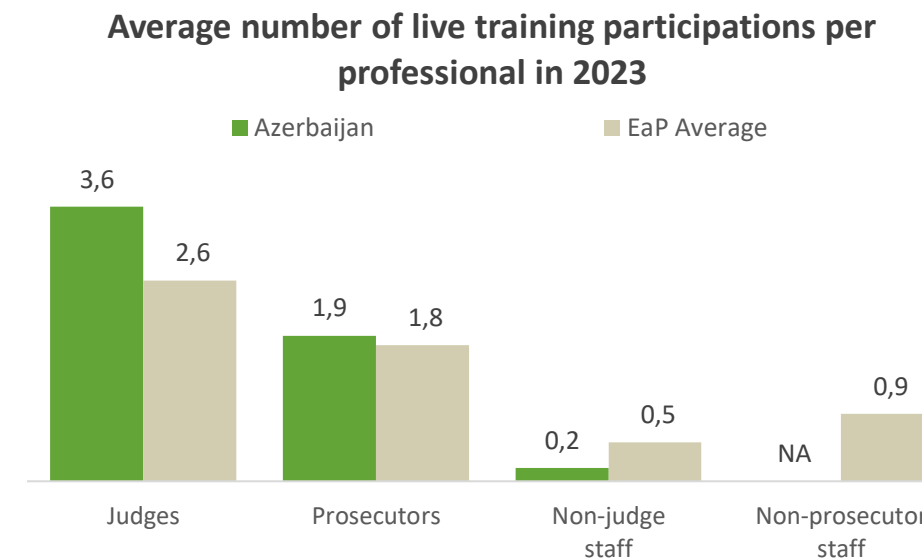
Key:	>	Higher than the EaP Average
	=	Equal to the EaP Average
	<	Lower than the EaP Average

In 2023, a total of 348 trainings have been organised. The average duration of trainings for judges in Azerbaijan was 1,1 days (well below the EaP Average of 1,6). During the same period, the average duration of training for prosecutors was 4,1 days, which was well above the EaP Average of 3,3 days.

There was an average of 7,5 judges participants per training, which is below the EaP Average of 17,5. At the same time, the number of prosecutors participants per training (96,9) was considerably above the EaP Average (53,2) in 2023.

**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 by category	
				Azerbaijan	EaP Average
<b>Total</b>	NA	1,0	2 276	NA	-
<b>Judges</b>	3,6 >	2,6	497	83,5% <	84,3%
<b>Prosecutors</b>	1,9 >	1,8	1 080	87,0% >	72,0%
<b>Non-judge staff</b>	0,2 <	0,5	398	13,7% <	23,2%
<b>Non-prosecutor staff</b>	NA	0,9	301	NA	42,9%



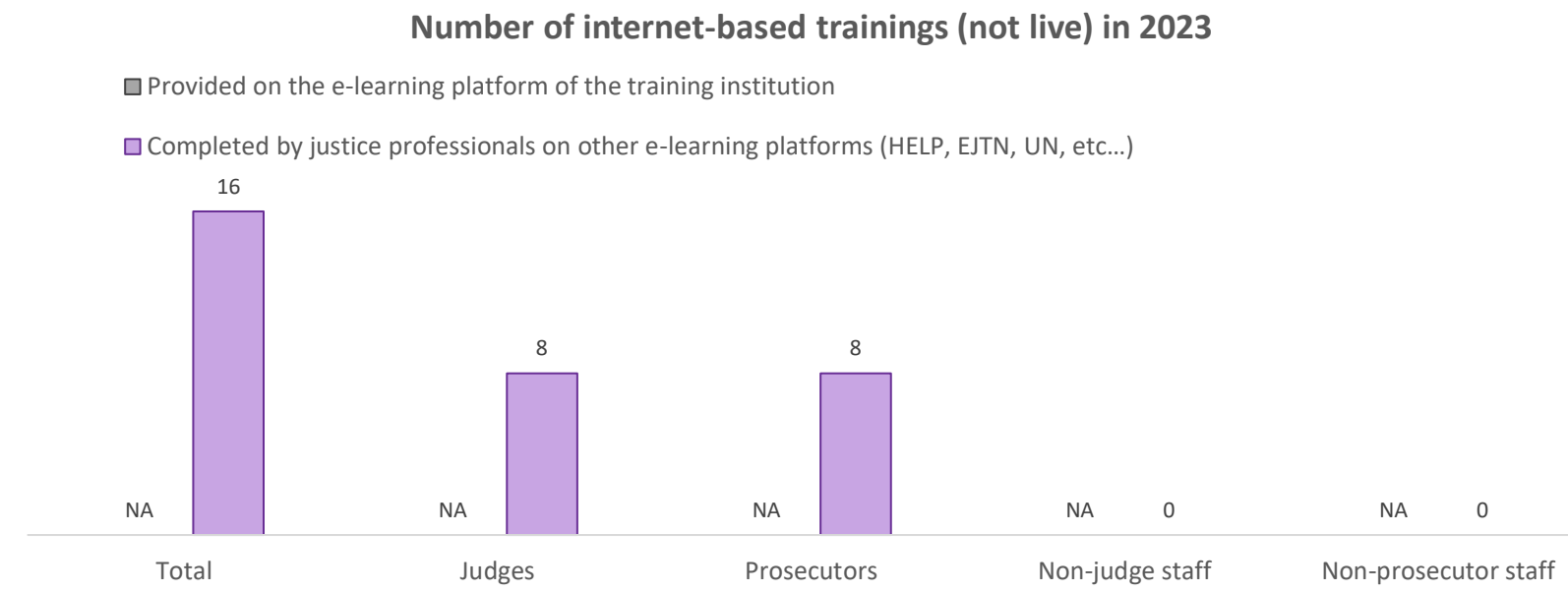
**Average number of live training participations per professional**

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 2,6. This means that, on average, each judge in the region participated to 2,6 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, 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.

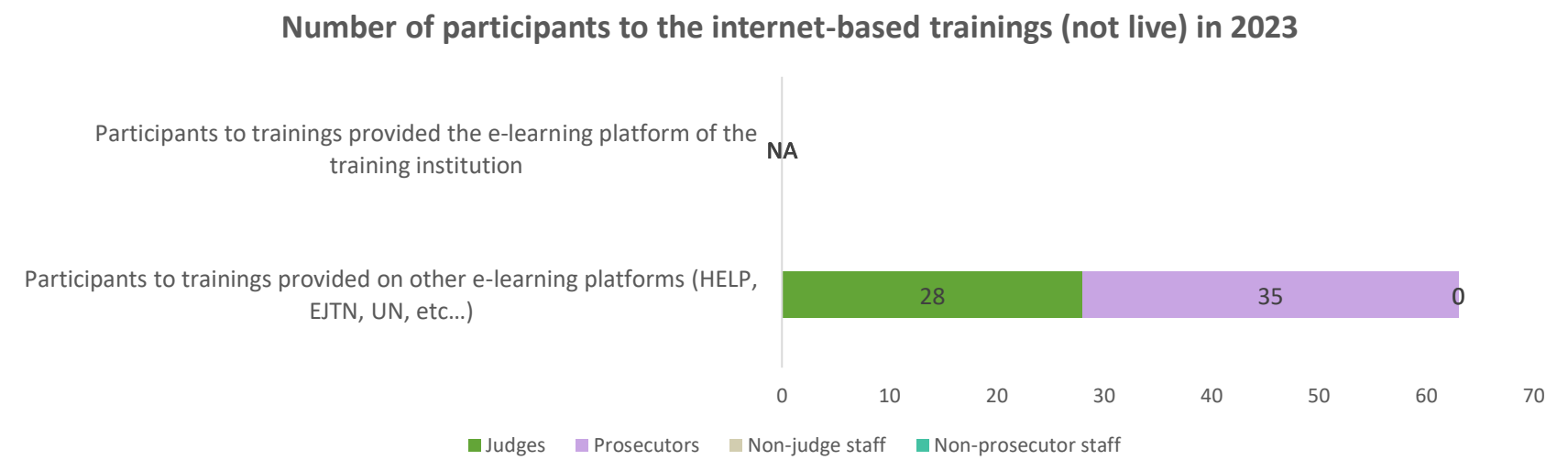
In Azerbaijan, the highest number of trainings delivered was for judges (3,6 live training participations per judge). Hence, compared to other justice professionals, Azerbaijan gave priority to the trainings for judges, like the rest of the region (the EaP Average number of participations per judge on live trainings was 2,6). Prosecutors followed suit with 1,9 live training participations per prosecutor (slightly above the EaP Average), which is also a category with the highest number of individual participants (1080 prosecutors). The generally high number of participants is explained by the authorities in the context of "continuous intake of documents for judicial appointments and appointments to prosecutor's offices, newly appointed judges, prosecutors, and staff members of the prosecutor's office have shown great interest in training sessions aimed at learning or improving their experience".

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

	Number of internet-based trainings (not live) in 2023			
	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
<b>Total</b>	NA	NA	16	63
<b>Judges</b>	NA	NA	8	28
<b>Prosecutors</b>	NA	NA	8	35
<b>Non-judge staff</b>	NA	NA	0	0
<b>Non-prosecutor staff</b>	NA	NA	0	0



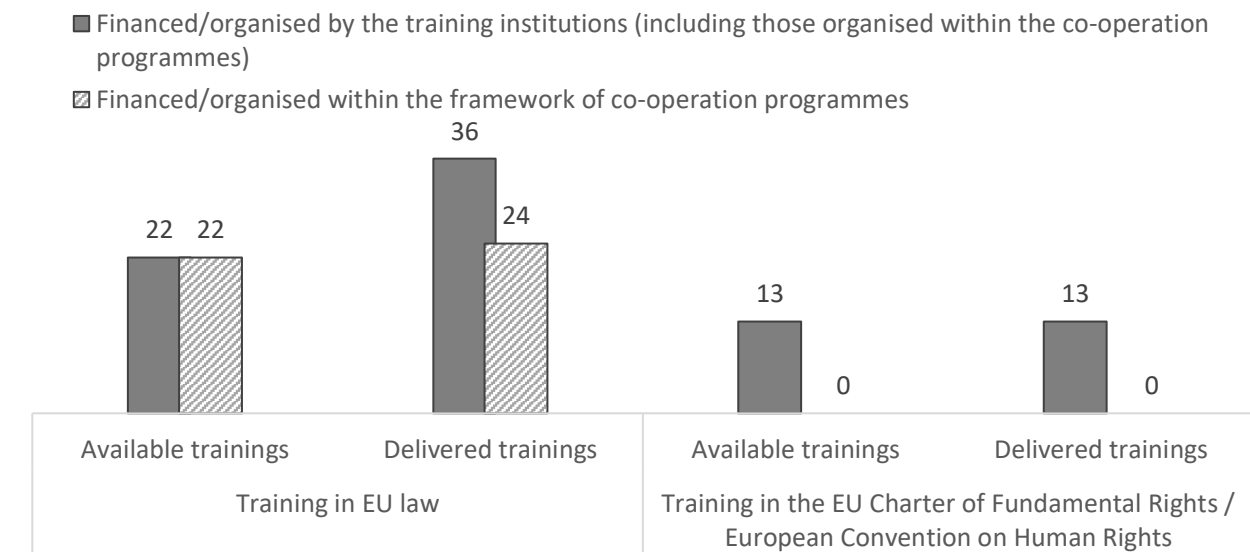
In 2023, the data for internet based trainings provided on the e-learning platform of the training institutions in Azerbaijan was reported as not available. At the same time, 16 trainings have been reported as completed by justice professionals on other e-learning platforms (35 prosecutors participants ) and (28 judges participants).



• Number of EU law training courses and participants

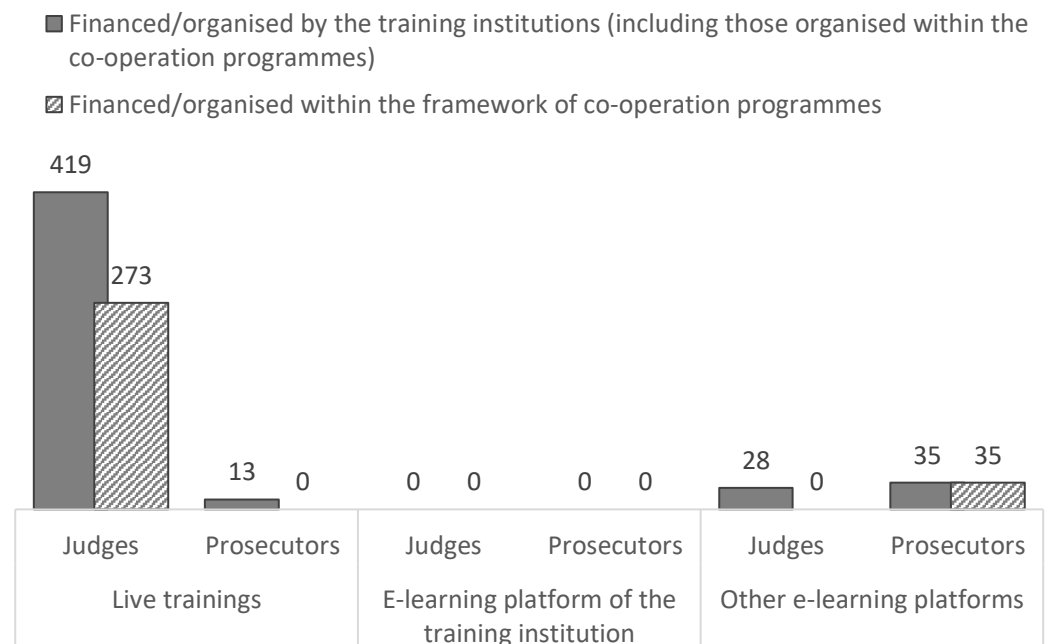
	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
<b>Live trainings (2023)</b>				
Number of available live trainings	22	22	13	0
Number of delivered live trainings	36	24	13	0
Number of delivered live training in days	52	41	13	0
<b>Internet-based trainings(2023)</b>				
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...)	-	1	-	1

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



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	419	13	231	13	0	0	28	35
Within the framework of co-operation programmes	273	0	165	0	0	0	0	35

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



In 2023, there were 22 delivered trainings in EU law all of which were organised within the framework of co-operation programmes; and 13 live trainings in EU Charter of Fundamental Rights and/or ECHR, organised by the training institutions of Azerbaijan. In total, counting both trainings organised by the trainings institutions and in the framework of co-operation programmes, 231 individual judges (some of whom participated in several trainings as 419 participations were recorded) and 13 individual prosecutors followed those trainings.

Regarding internet-based trainings (not live) one was completed in EU law and one in ECHR on other e-learning platforms. 28 judges and 35 prosecutors followed those trainings.

Participation shall be understood as one attendance of a person to a training.

• 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
	On gender equality	Compulsory	Regularly	Compulsory	Regularly
	On prevention of corruption	Compulsory	Regularly	Compulsory	Regularly
	On conflicts of interest	Compulsory	Regularly	Compulsory	Regularly
Other	Compulsory	Regularly	Compulsory	Regularly	

All listed trainings are reported as compulsory and regularly provided for both judges and prosecutors. In addition to the above, Prosecution offices have prosecutors trained in dealing with domestic violence and sexual violence involving minor victims.

• 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	1	20	1	NAP

Regarding the **initial trainings**, there is a minimum number of days (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 Centre 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 explicit in legislation, the duration of compulsory training is 2-3 weeks in practice.

Regarding **in-service training**, there is a minimum number of 1 training for both judges and prosecutors and their duration is not defined in days.

• **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			

Future in-service training needs are assessed annually.

In Azerbaijan, in-service trainings (seminars, workshops, round tables) are evaluated immediately and a year or more after the training has been delivered by using a combination Kirkpatrick and other training evaluation models.

The result 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 2023 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge



Court-related mediation procedures



Mandatory informative sessions with a mediator



Mandatory mediation with a mediator



### Mediators

3,0

per 100 000 inhabitants

EaP Average: 13,2

25,3% female



In Azerbaijan, court related mediation was introduced by the Law "On Mediation" (adopted on 29.03.2019). 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, labour and commercial disputes. For 2023, the data on the number of court-related mediations per types of cases was reported as not available. In 2023, the number of mediators was 3 per 100 000 inhabitants, which was considerably below the EaP Average (13,2 per 100 000 inhabitants). Only 25,3% 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 16 August 2019.

There is no mandatory court-related mediation in Azerbaijan. However since 26 July 2021 (upon entry into force of relevant provisions of the Law "On Mediation") there is mandatory participation in initial mediation sessions for family, labour and commercial disputes.

### • Other ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



The Law on Arbitration Law was adopted on 26 December 2023.

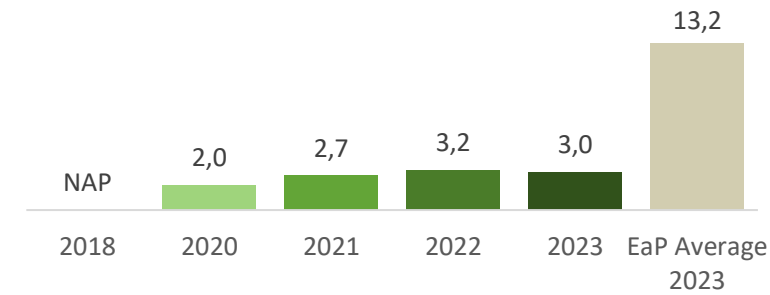
## • Mediators and court-related mediations

### 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 become a mediator must meet the following requirements: higher education degree; at least 25 years old; at least 3 years of work experience. Candidates must also complete the training in the mediators' initial preparation programme and obtain the respective certificate. In accordance with the Law on Mediation, certificates are issued by the Academy of Justice.

Accredited/registered mediators for court-related mediation			% Variation between 2018 and 2023
Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	
304	3,0	13,2	NAP

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2018 and 2023



For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

In 2023, the total number of mediators in Azerbaijan was 304. The number of mediators per 100 000 inhabitants was 3, which is considerably below the EaP Average of 13,2.

During the reference year, the number of mediators increased compared to 2021, as a result of trainings of trainers with the involvement of international experts at the Justice Academy, who provided preparatory courses for those wishing to become mediators.

	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
<b>Total (1 + 2 + 3 + 4 + 5+ 6)</b>	NA	NA	NA				
<b>1. Civil and commercial cases</b>	NA	NA	NA	✓	✗	✗	✗
<b>2. Family cases</b>	NA	NA	NA	✓	✗	✗	✗
<b>3. Administrative cases</b>	NA	NA	NA	✓	✗	✗	✗
<b>4. Labour cases incl. employment dismissals</b>	NA	NA	NA	✓	✗	✗	✗
<b>5. Criminal cases</b>	NAP	NAP	NAP	NAP	NAP	NAP	NAP
<b>6. Consumer cases</b>	NA	NA	NA	✓	✗	✗	✗
<b>7. Other cases</b>	NAP	NAP	NAP				

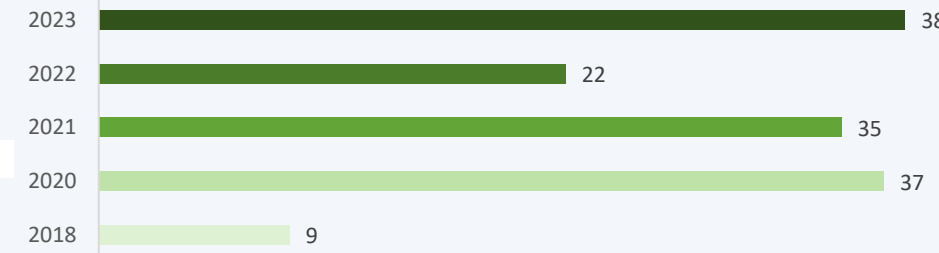
In Azerbaijan, court related mediations are provided by private mediators for all types of cases where court-related mediation is available (civil and commercial cases, family cases, administrative cases, labour cases, consumer cases). At the same time, it is possible to receive legal aid for court-related mediation or receive these services free of charge, according to the "Rules for payment of mediation expenses at the expense of the state budget" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 360 dated 16 August 2019, which envisages the procedure for payment of mediation services at the expense of the state.

## European Convention on Human Rights in Azerbaijan in 2023 (Indicator 10)

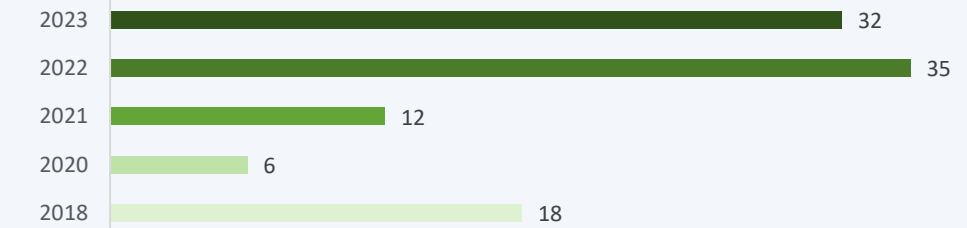
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

*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.

At the same time, authorities reported that there is a possibility to review a case after a decision on violation of human rights of the ECtHR in civil, criminal and administrative cases.

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
NAP	NAP	NAP

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

For civil cases	For criminal cases	For administrative cases
✓	✓	✓

In 2023, there were 438 applications allocated to a judicial formation\*\* for Azerbaijan (49 more than the previous year). 38 judgements found at least one violation (including 10 regarding the right to a fair trial), whereas there were 22 such judgements in 2022 (including 5 regarding the right to a fair trial).

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 32 in 2023; whereas there were 35 in 2022.

	2018	2020	2021	2022	2023	
Applications allocated to a judicial formation of the Court**	313	525	425	389	438	
Judgements finding at least one violation**	9	37	35	22	38	
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	18	7	5	10	
	Length of proceedings	0	0	0	1	0
	Non-enforcement	1	3	0	1	0

\*\* Source: ECHR

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










	2018	2020	2021	2022	2023
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	18	6	12	35	32

\*\*\* Source: Department for the Execution of Judgments of the ECHR

## Reforms in Azerbaijan in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
<b>(Comprehensive) reform plans</b>	✔	✔	✔	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.
<b>Budget</b>	NA	NA	NA	
<b>Courts and public prosecution services</b>	✘	✔	✔	By the Decree of the President of the Republic of Azerbaijan dated 3 March 2022, the Regulation on the "Electronic Prosecutor's Office" information system was approved and entered into force. The "Electronic Prosecutor's Office" information system, which ensures the application of modern information and communication technologies in the activities of the prosecutor's offices of the Republic of Azerbaijan, was established in accordance with the Decree of the President of the Republic of Azerbaijan dated 7 May 2021. "Regulation on the Electronic Prosecutor's Office" information system defines the legal, organizational and technological bases for the formation and operation of the mentioned system, integration with the information systems and resources of other institutions through the Electronic Government Information System, as well as the provision of protective measures related to the Information System. According to the Regulation, the application of the information system is aimed at protecting human and civil rights and freedoms, expanding the possibilities of applying to the prosecutor's office, increasing the efficiency and transparency of the prosecutor's office, preventing delays and abuse, raising the effectiveness of monitoring the activities of the prosecutor's office staff, electronic clerical process, and serves to ensure electronic document circulation.
<b>Access to justice and legal aid</b>	✔	✘	✘	In continuation of the ongoing progressive judicial reform in Azerbaijan, on 26 July, amendments were made to the Civil Procedure Code, providing for legal assistance at the state's expense for vulnerable segments of the population in the first and appeal instances in civil cases. Work is underway by the government, parliament, and the Azerbaijani Bar Association on the preparation of the "Free Legal Aid" draft law. This draft law envisages the provision of free legal aid services in all courts and state institutions in the Republic of Azerbaijan.
<b>High Judicial Council and High Prosecutorial Council</b>	✘	✔	✔	Within the framework of judicial reform in the reporting year, drafts aimed at expanding the powers of the Judicial-Legal Council have been prepared. According to the Law "On Amendments to the Law of the Republic of Azerbaijan 'On Courts and Judges'," a draft envisaging the transfer of a number of powers related to the activities of the courts to the Judicial-Legal Council has been presented to the Milli Mejlis (Parliament). As a continuation of judicial reforms in Azerbaijan, a new law was adopted on amendments to the Law on Judicial-Legal Council dated 9 June 2023, which determines the new composition of the Council. According to the law, the number of judge members in the Council is increased, the procedure for electing those members directly by their colleagues - by the judges' conference - is established. It is determined that the Chairman of the Council will be selected only from among the judge members. At the same time, the number of representatives of the executive power in the Council is reduced, the status of the Minister of Justice and the Chairman of the Supreme Court as an ex officio member of the Council is eliminated. In addition, a representative of the legal community and a legal scholar are included in the list of non-judge members.

## Reforms in Azerbaijan in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
<b>Legal professionals</b>				<p>According to the Law of the Republic of Azerbaijan dated 9 June 2023, "On Amendments to the Law of the Republic of Azerbaijan 'On the Judicial Legal Council'", the Judicial Legal Council and the Judges Selection Committee have been reformed and commenced operations with a new composition. Projects aimed at equipping judicial positions with young lawyers possessing high knowledge and moral qualities have been implemented, with corresponding initiatives focused on further expediting the judge selection process, reducing the number of examination stages, and creating more favourable conditions for their completion. Candidate profiles were prepared and discussed at Council meetings. By the decision of the Judicial Legal Council dated 31 August 2023, more than 20 significant amendments were made to the "Rules for the Selection of Candidates for Vacant Judicial Positions," resulting in a reduction of the examination stages from 6 to 4. These changes have established more favourable conditions for candidates, reflecting innovations in the selection process.</p> <p>Under the new rules, additional opportunities have been provided for candidates during the document acquisition process (documents can be obtained electronically, candidates must submit a copy of their employment record within 5 days after passing the second stage of the written exam at the latest), the option to apply to the Judges Selection Committee with a request for temporary suspension of participation in the selection process has been defined, and the publication of exam results is planned only with the indication of a personal code.</p> <p>Furthermore, in accordance with the amendments to the Rules, the written exam was conducted electronically, and for the first time, an experienced psychologist (expert-psychologist of the Forensic Expertise Centre of the Ministry of Justice) was engaged as an observer for oral examinations.</p> <p>Four and a half years ago, the Azerbaijani Bar Association established its own Legal Aid and Training Centre (hereafter the "Centre"), and one of its many spheres of operations is about the professional development and vocational training increase of its members as well as assistants of lawyers. Every week the Centre organizes a number of events including roundtables, seminars, workshops, webinars, trainings, discussions, and so forth on various topics with the participation of representatives of governmental and non-governmental organizations, legal entities and mass media (more information can be found on the official website: barassociation.az). Three years ago, the Centre launched the "Continuing Education" electronic platform, which aims at facilitating participation for everyone, in particular the members of the ABA who live far away from the capital.</p> <p>On the 20th of October 2023, Azerbaijani Bar Association established the Academy of the Bar Association and changed the name of Legal Aid and Training Centre to Legal Aid Centre.</p>
<b>Gender equality</b>	NA	NA	NA	
<b>Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities</b>				<p>Provisions on criminal proceedings in absentia have been added to the Code of Criminal Procedure of the Republic of Azerbaijan in accordance with the Law "On Amending the Criminal-Procedural Code of the Republic of Azerbaijan" which entered into force on January 26, 2024. Thus, according to Article 7.0.8-1, which was added to the Code, criminal proceedings in absentia means the criminal prosecution without the presence of the accused person, as well as the trials in absentia in the courts of first, appeal and cassation instances.</p>
<b>Mediation and other ADR</b>				<p>"The Strategy for Socio-Economic Development of the Republic of Azerbaijan for 2022-2026" was approved by the Decree of the President of the Republic of Azerbaijan in 2022. The action plan of the aforementioned Strategy includes the following objectives:</p> <ul style="list-style-type: none"> <li>• Expansion of the use of modern information technologies in resolving judicial cases, especially commercial disputes, including the adoption of additional measures in the field of conducting judicial proceedings using video conferencing systems.</li> <li>• Preparation and adoption of the draft Law of the Republic of Azerbaijan "On Arbitration" based on advanced international practices to expand alternative dispute resolution methods.</li> <li>• Facilitation of mediation work and implementation of mediation activities in disputes between small and medium-sized enterprises (SMEs).</li> <li>• Adoption of the Competition Code reflecting international experience and modern approaches.</li> </ul> <p>The majority of tasks have already been completed by 2024.</p> <p>Within the third phase of the joint program of the European Union and the Council of Europe titled "Partnership for Good Governance", a project called "Fostering Mediation in Azerbaijan" is being implemented. It builds on the results of the previous phases of the Partnership for Good Governance in the field of strengthening justice (Phase I 2015-2018 and Phase II 2019-2023).</p>



## Reforms in Azerbaijan in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
<b>Fight against corruption and accountability mechanisms</b>	✔	✔	✘	The National Action Plan to Strengthen the Fight Against Corruption 2022-2026 was approved by the Presidential Decree of April 4, 2022, № 319904. Paragraph 5 of the Decree, obliges the Cabinet of Ministers to coordinate the measures mentioned in the NAP 2022-2026. According to paragraph 11 of the Cabinet of Ministers' order No. 294s of May 13, 2022 on ensuring the implementation of the Decree No. 3199 of the President of the Republic of Azerbaijan dated April 4, 2022, coordination assigned to different departments of the Cabinet of Ministers depending on the action to be taken. At the same time, pursuant to paragraph 6 of the same Decree, the Anti-Corruption Commission shall evaluate of the implementation of the NAP 2022-2026.
<b>Domestic violence</b>	✔	✘	✘	There is a draft law on amending the Law of the Republic of Azerbaijan, "On Prevention of Domestic Violence," and on amending the Law of the Republic of Azerbaijan, "On Lawyers and Legal Practice". The draft law on amending the Law of the Republic of Azerbaijan "On Prevention of Domestic Violence" has been prepared with the aim of ensuring the implementation of the relevant decree of the President of the Republic of Azerbaijan, Ilham Aliyev, on the approval of the "National Action Plan for 2020-2023 on Combating Domestic Violence in the Republic of Azerbaijan", and improving the normative legal framework in the field of combating domestic violence. Based on the bill, the amendment to the Law "On Lawyers and Legal Practice" envisages the inclusion of individuals who have suffered from domestic violence in the category of persons receiving legal assistance at the expense of the state.
<b>New information and communication technologies</b>	✔	✔	✔	At the end of 2023, a presentation of the new website of the Judicial Legal Council took place. The new website has been significantly improved and enriched with new information both in terms of functionality and content compared to the previous version. In the reporting year, pursuant to the Decree of the President of the Republic of Azerbaijan dated 1 August 2023, "On Electronic Document Exchange between State Bodies (Institutions)" and the Apparatus of the Judicial Legal Council of the Republic of Azerbaijan, real-time interaction between the electronic document management systems of state bodies (institutions) within the infrastructure of the Electronic Government Information System has been recommended to be ensured after the formation of the electronic document management subsystem, facilitating secure integration of document flow and tracking document movement. It is recommended that document exchange with other state bodies (institutions) be conducted through this system by integrating into the subsystems of electronic document management systems. Taking into consideration the importance of combating corruption outlined in the "National Action Plan to Strengthen the Fight against Corruption for 2022-2026," approved by the Decree of the President of the Republic of Azerbaijan dated 4 April 2022, the Judicial Legal Authority of the Council is recommended to continue activities aimed at increasing and refining measures related to the implementation of the "Electronic Court" information system across all regions of the country. It is noteworthy that in 2023, the full implementation of the "Electronic Court" information system throughout the republic has been completed in accordance with the directives of the head of state regarding the facilitation of access to justice and the digitization of court activities. By creating an electronic cabinet for each citizen, this system enables access to information and documents regarding legal processes, allows for the submission of complaints, and facilitates other operations without the need to visit a court. "The Strategy for Socio-Economic Development of the Republic of Azerbaijan for 2022-2026" was approved by the Decree of the President of the Republic of Azerbaijan in 2022. The action plan of the aforementioned Strategy includes expansion of the use of modern information technologies in resolving judicial cases, especially commercial disputes, including the adoption of additional measures in the field of conducting judicial proceedings using video conferencing systems."





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PART 2

## EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

#### Data collection 2023

#### 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) – no change, procedure closed.

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

### • 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 candidates to vacant judicial posts adopted by the JLC in 2005 and amended on 31<sup>st</sup> August 2023. 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 Apparatus of the Milli Majlis (Parliament), the JLC staff, the advocacy 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, in total 4 examination stages. 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. According to the changes made to the rules on 31.08.2023, preference is given to those who have obtained equal results, to those who have completed a higher level of higher education, and if the level of education is the same, to those who have graduated from an educational institution with honours and who speak a foreign language. 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 candidates to vacant judicial posts). Also, one of recruitment requirements is a clean criminal record.

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, have a clean criminal record 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 3<sup>rd</sup>-8<sup>th</sup> 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 and 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 and on previous work experience, and during the interview they are asked specific questions, to ascertain candidates’ integrity. 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 3<sup>rd</sup>-9<sup>th</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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 unlawful 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			2022			2023		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA
Excessive length of proceedings	NA	NA	NA	NA	NA	NA	NA	NA	NA
Non-execution of court decisions	NA	NA	NA	NA	NA	NA	NA	NA	NA
Wrongful arrest/detention	NA	NA	NA	NA	NA	NA	NA	NA	NA

Wrongful conviction	NA	NA	NA	NA	NA	NA	NA	NA	NA
Other	NA	NA	NA	NA	NA	NA	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.



Information mechanisms, special arrangements in hearings and other specific arrangements are in place for: victims of sexual violence/rape; minors (witnesses or victims); victims of domestic violence; ethnic minorities; persons with disabilities and juvenile offenders. For victims of terrorism, special arrangements in hearings are in place.

As per the Criminal Procedure Code, all evidence revealing personal or family secrets as well as state's secrets, professional and commercial secrets are to be considered in closed session of court.

## 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				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	1	0,18	0	0,00	0	0,00	0	0,00
Number of completed cases	0	0,00	0	0,00	0	0,00	0	0,00
Number of sanctions pronounced	0	0,00	0	0,00	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.



## • 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 respectively.

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 opinions 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. On the other hand, the Guidelines on conflict of interest issued by the Anti-Corruption Directorate within the Prosecutor General are available.

#### • 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 established in 2009 by the JLC to receive notifications from judges in case of interference with their activities. Also a national anticorruption hotline is available 24/7 where persons may report cases of corruption to the National Anticorruption Center. 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.

The same national anticorruption hotline as mentioned above in respect of judges is available also in case of prosecutors.

#### • 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). In cases involving juveniles, cases are distributed among judges specialised in this field. 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 2023 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 30<sup>th</sup> 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 2023:

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	
2023	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
<b>Combine work with other functions/activities</b>	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 sanction 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 2023:

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
2023	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.



		2023			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	30	5,04	31	2,50
	1. Breach of professional ethics (including breach of integrity)	0	0,00	29	2,33
	2. Professional inadequacy	30*	5,04*	2**	0,16**
	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)	30	5,04	31	2,50
	1. Breach of professional ethics (including breach of integrity)	0	0,00	29	2,33
	2. Professional inadequacy	30	5,04	2	0,16
	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)	23	3,87	31	2,50
	1. Reprimand	15	2,52	21	1,69
	2. Suspension	0	0,00	7	0,56
	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)	8	1,34	1	0,08
	10. Dismissal	0	0,00	2	0,16

### • 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, amended on 9<sup>th</sup> June 2023, introducing changes in the composition of JLC (hereinafter: LJLC). These changes reduced the number of representatives of the executive power in the Council and the status of the Minister of Justice and the Chairperson of the Supreme Court as an ex officio member of the Council was eliminated. In addition, a representative of the legal community and a legal scholar are included in the list of non-judge members (see below).

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 among judge members.

The JLC is composed of:

1. three judges of the cassation instance court elected by the conference of judges;
2. three judges of appellate courts elected by the conference of judges;
3. three judges of first instance courts elected by the conference of judges;
4. Judge appointed by the Constitutional Court of the Republic of Azerbaijan;
5. A person appointed by the Milli Majlis (Parliament) of the Republic of Azerbaijan;
6. A person appointed by the relevant executive authority (Ministry of Justice) of the Republic of Azerbaijan;
7. A lawyer appointed by the Bar Association of the Republic of Azerbaijan;
8. Legal scholar appointed by the Azerbaijan National Academy of Sciences;
9. representative of the legal community elected by the conference of judges.

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.

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).