



Strasbourg, 22/07/2022

CEPEJ(2022)1REV2

Part 1

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

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

### Data collection 2020

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

## Part 1 – Comparative tables and graphs for all Eastern Partnership beneficiaries with summary overview per indicator

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## Methodological Note

### Summary

The methodology used for this report is fully based on the methodology used by the CEPEJ for its biennial evaluation cycles, using a questionnaire to be filled by the CEPEJ's Dashboard correspondents (main contact point within judicial systems of beneficiaries for this exercise), whose responses are statistically processed, analyzed and validated under the supervision of the evaluation working group (CEPEJ-GT-EVAL). The CEPEJ works in full transparency with all beneficiaries during the whole process.

### Data collection, validation and analysis

Numbers indicated between brackets following the letter Q (for example Q12) refer to the questions of the CEPEJ Justice Dashboard Eastern Partnership questionnaire.

The CEPEJ Secretariat is collecting quantitative and qualitative data, as well as comments under each question to provide additional information on the specificities of each judicial system and to better contextualize the data.

From a methodological point of view, and with a commitment to quality, consistency and comparability of the data supplied, data collection is primarily assigned to the CEPEJ's Dashboard correspondents. The Dashboard correspondents are the unique interlocutors of the Secretariat when collecting new data. Beneficiaries providing such data are liable for the quality of data used in the survey.

According to CEPEJ methodology, an extensive work is carried out by the CEPEJ Secretariat to verify the quality of the data submitted by the correspondents. This quality check process requires a certain time in order to guarantee the reliability of the quantitative and qualitative data to be finally presented to EU.

The report is based on data from 2020. Evolutions and comparisons using 2018 data from the CEPEJ Evaluation cycle are presented when relevant. Aside for this Methodological Note, the report is composed of three parts:

Part 1 - Comparative tables and graphs for all Eastern Partnership beneficiaries with summary overview per indicator (1 file).

Part 2 - Beneficiary profiles (5 files). There is one beneficiary profile per beneficiary, each is divided in a Part A and a Part B.

Part 3 - Condensed version of the key findings and analyses.

It should be noted that, concerning the Beneficiary profiles, the content is elaborated by the CEPEJ Secretariat and the Greco Secretariat (with the assistance of one expert) each one using its own methodology.

### The quality of data

The reader should bear in mind and always interpret statistical figures presented in the light of their attached narrative comments.

The validation has been made according to CEPEJ's methodology. However, the full reliability of data depends mostly on the data providers. It should be kept in mind that the accuracy of some entries can be confirmed by Dashboard correspondents without specific explanation on potential discrepancies with data from the previous cycle.

The CEPEJ Secretariat processes and presents only the data which offers a high level of quality and accountability: it disregards figures which are too different from one beneficiary to another or from one exercise to another, or which does not present sufficient guarantees of reliability. For some issues covered by this report, no data could be provided. This could mean that none were available, that the data could not be collected as such or that no data meeting these requirements had been provided within the deadline set.

Regarding Ukraine, the Dashboard correspondent was able to complete partially the questionnaire in the evening before the Russian aggression. All those data have been validated by the CEPEJ Secretariat and are presented in this report. However, due to the war, the rest of the data entry could not be finalised and for some of the indicators there is therefore no data presented for Ukraine (marked with "-"). At the date of the first delivery, the CEPEJ Secretariat is in regular contact with the Dashboard correspondent for Ukraine to identify potential ways forward.

### **Methodological disclaimers**

1) The comparisons of data between beneficiaries with various geographical, economic and legal situations is a delicate task and should be approached with great caution. In order to do such comparisons, the specificities of each system, which might explain some differences in data, must be borne in mind (different judicial structures, the approach of the courts organisation, use of statistical tools to evaluate the systems, etc.).

2) Some of the data might be updated or changed after each delivery, according to eventual comments made by the beneficiaries. According to CEPEJ methodology, only the final version of the report can be disseminated, after those eventual comments from the beneficiaries. Before the final version of the deliverables, all the data collected remains confidential.

3) Amendments provided by beneficiaries after the delivery of this report may appear in future reports, as the information in the CEPEJ's COLLECT platform can be subject to changes upon justified requests by the beneficiaries.

4) It should also be noted that the minimum, maximum, average/EaP average and median values presented in this report are calculated with quantified data (excluding answers "NA" or "NAP"). Considering that the tables include only 5 beneficiaries in case data is available for only one or two beneficiaries the statistics are not relevant and consequently not presented and marked with "-".

5) When using data provided by the CEPEJ in public reports, EC should always mention "Source: CEPEJ data".

### **Definitions and abbreviations**

NA: data not available

NAP: data non applicable.

CR: Clearance Rate. The Clearance rate is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage.

DT: Disposition Time. The Disposition Time is the ratio between pending cases and resolved cases (in days). It shows the theoretical duration for a court to solve all the pending cases.

CMS Index: The Case management system (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the 5 questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarised while the deployment rate is multiplied as a weight. In this way, if the system is not fully deployed the value is decreased even if all features are included, to provide an adequate evaluation.

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Table 0.0.1 General information (Q1, Q2, Q3 and Q14)

Beneficiaries	Population			GDP per capita			Exchange rate Local currency vs Euro			Average gross annual salary		
	2018	2020	Variation 2018 - 2020 (%)	2018	2020	Variation 2018 - 2020 (%)	2018	2020	Variation 2018 - 2020 (%)	2018	2020	Variation 2018 - 2020 (%)
Armenia	2 962 000	2 963 300	0,0%	3 544 €	3 739 €	5,5%	554,80	641,11	15,6%	3 840 €	4 237 €	10,3%
Azerbaijan	9 898 100	10 067 100	1,7%	4 174 €	3 477 €	-16,7%	1,95	2,09	7,3%	3 354 €	4 066 €	21,2%
Georgia	3 723 500	3 728 600	0,1%	3 587 €	3 812 €	6,3%	3,06	4,02	31,5%	NA	3 552 €	NA
Republic of Moldova	2 686 064	2 626 942	-2,2%	3 518 €	3 839 €	9,1%	19,52	21,13	8,2%	3 898 €	4 928 €	26,4%
Ukraine	42 153 201	41 418 717	-1,7%	2 655 €	3 262 €	22,9%	31,71	30,79	-2,9%	3 355 €	4 520 €	34,7%
<b>Average</b>	12 284 573	12 160 932	-0,4%	3 496 €	3 626 €	5,4%	122,21	139,83	11,9%	3 612 €	4 261 €	23,2%
<b>Median</b>	3 723 500	3 728 600	0,0%	3 544 €	3 739 €	6,3%	19,52	21,13	8,2%	3 598 €	4 237 €	23,8%
<b>Minimum</b>	2 686 064	2 626 942	-2,2%	2 655 €	3 262 €	-16,7%	1,95	2,09	-2,9%	3 354 €	3 552 €	10,3%
<b>Maximum</b>	42 153 201	41 418 717	1,7%	4 174 €	3 839 €	22,9%	554,80	641,11	31,5%	3 898 €	4 928 €	34,7%
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

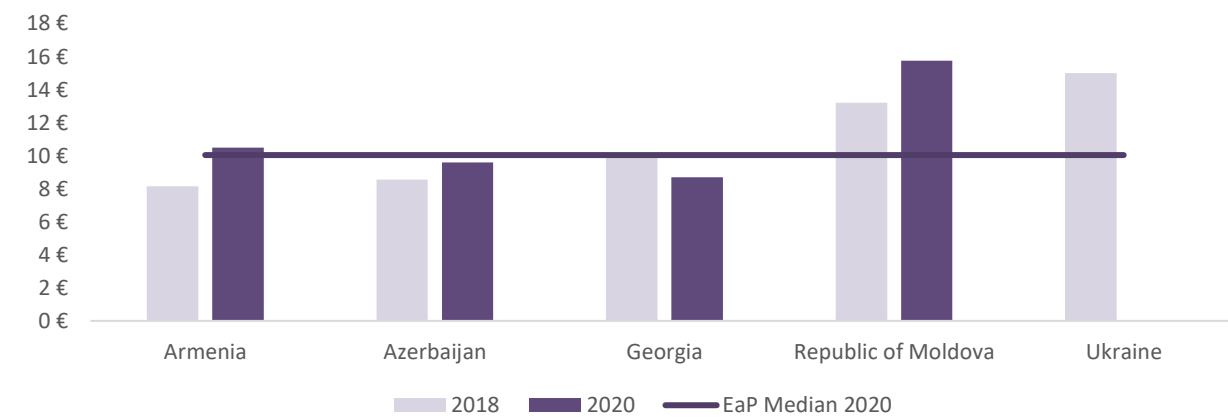
# 1. Budget - Overview

## ● Implemented budget allocated to the judicial system (courts, prosecution services and legal aid)

Judicial system budget - per capita (Table no. 1.1.7)

	2018	2020	% variation 2018-2020
Armenia	8,2 €	10,5 €	28,5%
Azerbaijan	8,5 €	9,6 €	12,2%
Georgia	10,1 €	8,7 €	-13,6%
Republic of Moldova	13,2 €	15,7 €	19,0%
Ukraine	15,0 €	NA	NA
<b>EaP Median</b>	<b>10,1 €</b>	<b>10,0 €</b>	<b>15,6%</b>

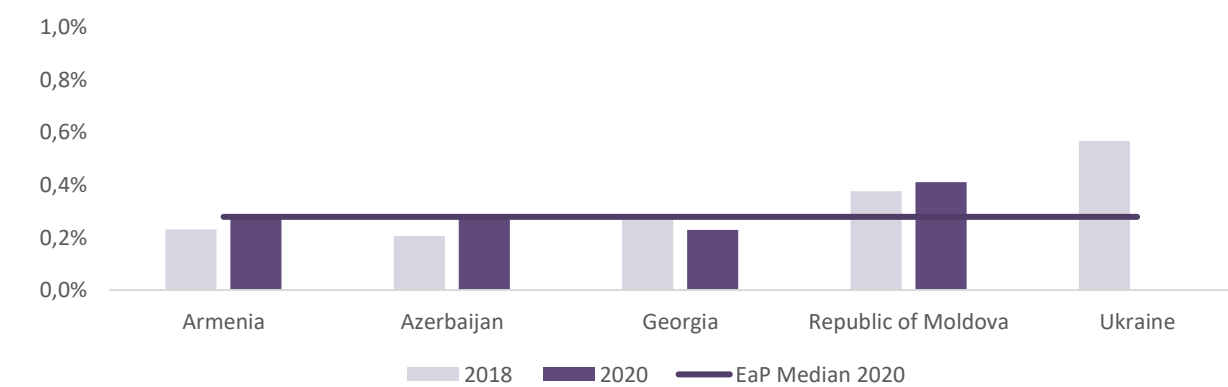
Judicial system budget - per capita (Table no. 1.1.7)



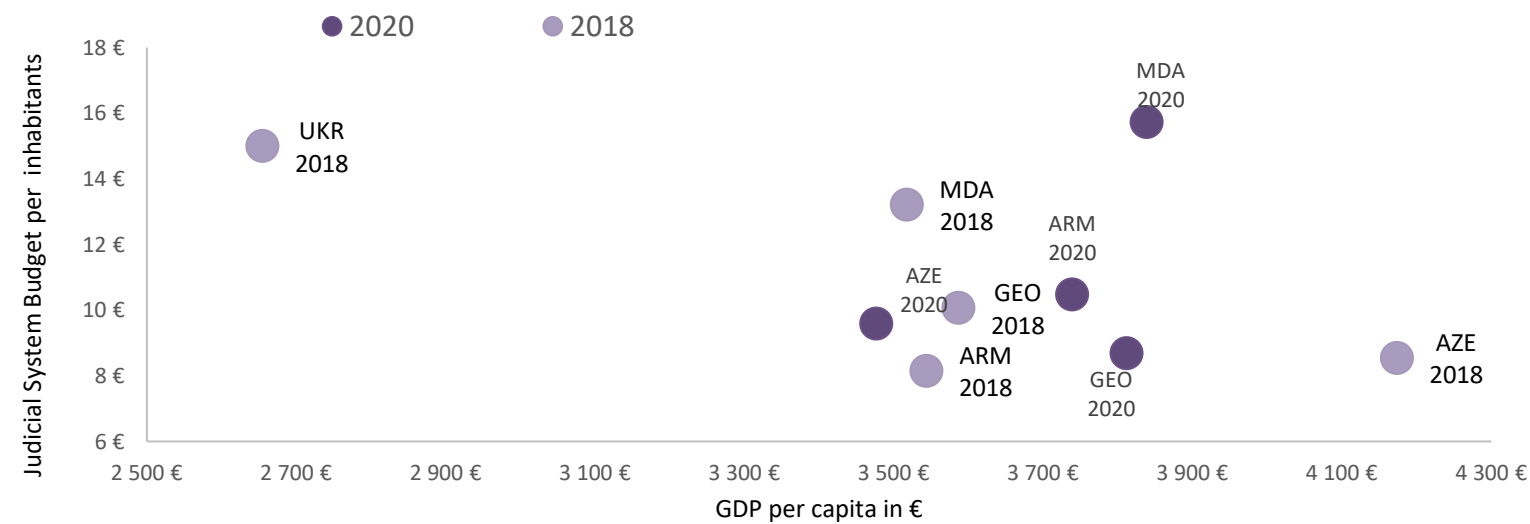
Judicial system budget - as % of GDP (Table no. 1.1.6)

	2018	2020	% variation 2018-2020
Armenia	0,23%	0,28%	21,8%
Azerbaijan	0,20%	0,28%	34,7%
Georgia	0,28%	0,23%	-18,7%
Republic of Moldova	0,38%	0,41%	9,1%
Ukraine	0,56%	NA	NA
<b>EaP Median</b>	<b>0,28%</b>	<b>0,28%</b>	<b>15,4%</b>

Judicial system budget - as % of GDP (Table no. 1.1.6)



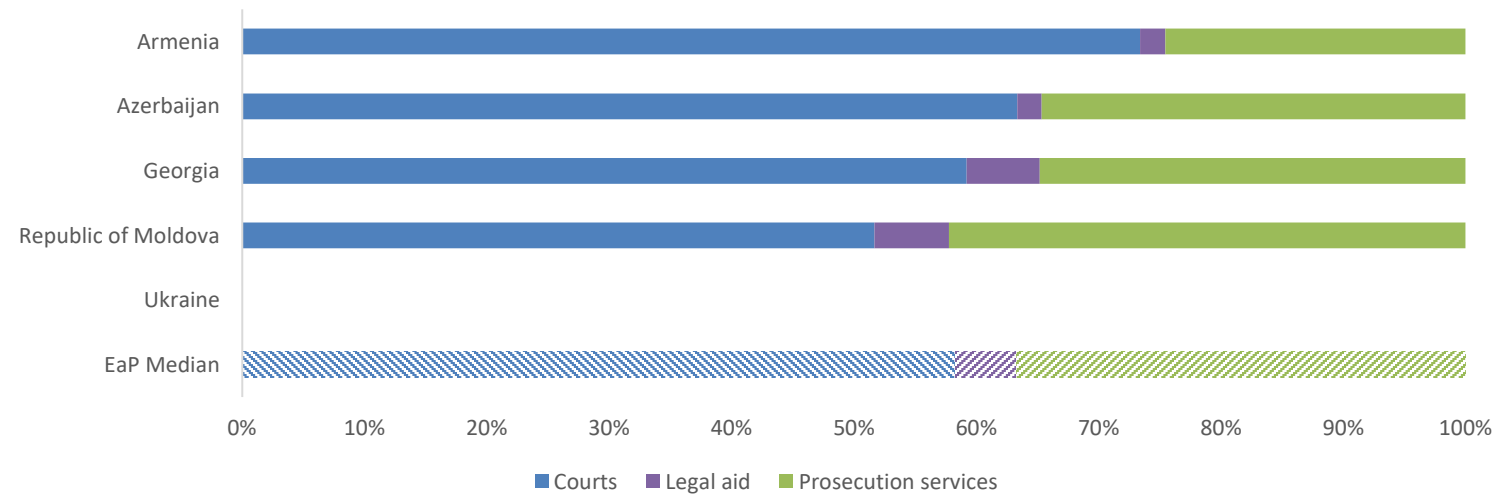
Judicial system Budget per inhabitants compared with the GDP per capita in 2018 and 2020



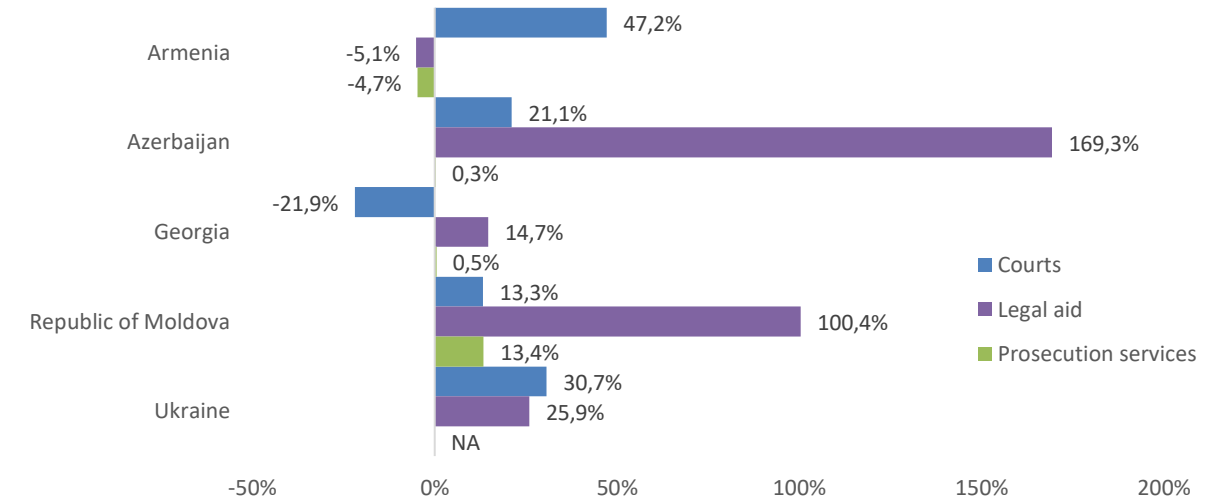
Judicial system budget between 2018 and 2020 (Table no. 1.1.6 and 1.1.8)

	2018			2020			% Variation 2018-2020		
	Courts	Legal aid	Prosecution services	Courts	Legal aid	Prosecution services	Courts	Legal aid	Prosecution services
Armenia	15 473 539 €	679 762 €	7 989 991 €	22 769 625 €	645 383 €	7 616 351 €	47,2%	-5,1%	-4,7%
Azerbaijan	50 514 672 €	709 093 €	33 368 729 €	61 175 891 €	1 909 585 €	33 452 535 €	21,1%	169,3%	0,3%
Georgia	24 553 167 €	1 698 042 €	11 220 165 €	19 182 652 €	1 947 081 €	11 275 060 €	-21,9%	14,7%	0,5%
Republic of Moldova	18 849 497 €	1 252 865 €	15 383 329 €	21 355 077 €	2 511 204 €	17 447 392 €	13,3%	100,4%	13,4%
Ukraine	396 967 949 €	16 359 666 €	218 799 218 €	518 902 495 €	20 599 935 €	NA	30,7%	25,9%	NA
<b>EaP Median</b>	<b>24 553 167 €</b>	<b>1 252 865 €</b>	<b>15 383 329 €</b>	<b>22 769 625 €</b>	<b>1 947 081 €</b>	<b>14 361 226 €</b>	<b>21,1%</b>	<b>25,9%</b>	<b>0,4%</b>

Judicial system budget - distribution in 2020



Judicial system budget - % variation between 2018 and 2020

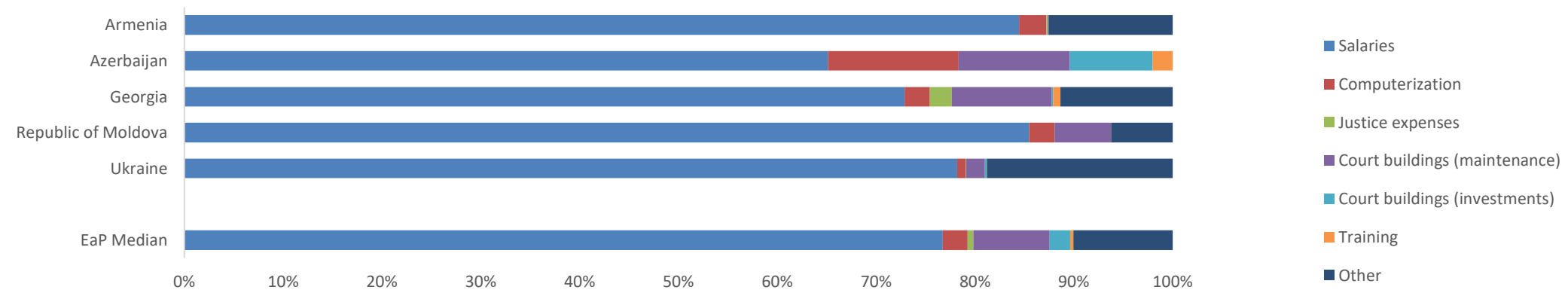


● Budget of courts

2020 - Courts' implemented budget per category (Table 1.1.1)

	Salaries	Computerization	Justice expenses	Court buildings (maintenance)	Court buildings (investments)	Training	Other
Armenia	19 232 510 €	630 909 €	36 726 €	11 697 €	NAP	NAP	2 857 781 €
Azerbaijan	39 845 298 €	8 087 643 €	NAP	6 887 884 €	5 122 068 €	1 232 998 €	NAP
Georgia	13 984 696 €	485 426 €	429 108 €	1 936 934 €	27 509 €	142 128 €	2 176 852 €
Republic of Moldova	18 259 226 €	546 705 €	NAP	1 222 891 €	0 €	1 418 €	1 324 837 €
Ukraine	405 775 972 €	4 548 213 €	151 699 €	9 923 683 €	1 006 382 €	15 415 €	97 481 131 €
EaP Median	19 232 510 €	630 909 €	151 699 €	1 936 934 €	516 946 €	78 772 €	2 517 317 €

2020 - Courts' implemented budget per category (Table 1.1.1)





## 1. Budget - Tables

Table 1.1.0 Approved court budget in 2020 in € (Q4)

Table 1.1.1 Implemented court budget in 2020 in € (Q4)

Table 1.1.2 Distribution of annual implemented court budget in 2020 (Q4)

Table 1.1.3 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.4 Evolution of the approved budget of the judicial system in € per capita between 2018 and 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.5 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.6 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q6 and Q13)

Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita in 2018 and 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.8 Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2020 (Q1, Q2, Q4, Q5, Q6 and Q13)

Table 1.1.9 Implemented amount from external donors and estimated percentage from the total implemented budget in 2020 (Q10 and Q11)

Table 1.1.10 Whole justice system budget and its elements in 2020 (Q7, Q8 and Q9)

Table 1.1.11 Evolution of the whole justice system budget in € per capita in 2018 and 2020 (Q1 and Q7)

Table 1.1.0 Approved court budget in 2020 in € (Q4)

Beneficiaries	2020 - Annual approved court budget									
	Salaries	Computerisation	Investments in computerisation	Maintenance of the IT equipment	Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other	Total approved budget for Courts
<b>Armenia</b>	19 244 191 €	653 327 €	619 608 €	33 718 €	97 799 €	15 978 €	NAP	NAP	3 121 338 €	23 132 635 €
<b>Azerbaijan</b>	43 908 953 €	8 092 973 €	7 555 756 €	537 217 €	NAP	7 377 954 €	5 122 068 €	1 470 287 €	NAP	65 972 235 €
<b>Georgia</b>	16 274 412 €	518 643 €	354 798 €	163 845 €	565 433 €	2 064 464 €	648 890 €	183 512 €	2 462 380 €	22 717 734 €
<b>Republic of Moldova</b>	18 435 625 €	623 706 €	298 993 €	324 713 €	NAP	1 411 489 €	506 493 €	17 768 €	1 443 233 €	22 438 314 €
<b>Ukraine</b>	412 532 059 €	4 876 854 €	4 213 796 €	663 057 €	168 121 €	11 113 049 €	1 006 820 €	20 975 €	102 755 227 €	532 473 105 €
<b>Average</b>	102 079 048 €	2 953 101 €	2 608 590 €	344 510 €	277 118 €	4 396 587 €	1 821 068 €	423 136 €	27 445 545 €	133 346 805 €
<b>Median</b>	19 244 191 €	653 327 €	619 608 €	324 713 €	168 121 €	2 064 464 €	827 855 €	102 244 €	2 791 859 €	23 132 635 €
<b>Minimum</b>	16 274 412 €	518 643 €	298 993 €	33 718 €	97 799 €	15 978 €	506 493 €	17 768 €	1 443 233 €	22 438 314 €
<b>Maximum</b>	412 532 059 €	8 092 973 €	7 555 756 €	663 057 €	565 433 €	11 113 049 €	5 122 068 €	1 470 287 €	102 755 227 €	532 473 105 €
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	40%	0%	20%	20%	20%	0%

**Table 1.1.1 Implemented court budget in 2020 in € (Q4)**

Beneficiaries	2020 - Annual implemented court budget									
	Salaries	Computerization	Investments in computerisation	Maintenance of the IT equipment	Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other	Total implemented budget for Courts
<b>Armenia</b>	19 232 510 €	630 909 €	597 546 €	33 362 €	36 726 €	11 697 €	NAP	NAP	2 857 781 €	22 769 625 €
<b>Azerbaijan</b>	39 845 298 €	8 087 643 €	7 553 164 €	537 217 €	NAP	6 887 884 €	5 122 068 €	1 232 998 €	NAP	61 175 891 €
<b>Georgia</b>	13 984 696 €	485 426 €	322 206 €	163 219 €	429 108 €	1 936 934 €	27 509 €	142 128 €	2 176 852 €	19 182 652 €
<b>Republic of Moldova</b>	18 259 226 €	546 705 €	296 604 €	250 101 €	NAP	1 222 891 €	0 €	1 418 €	1 324 837 €	21 355 077 €
<b>Ukraine</b>	405 775 972 €	4 548 213 €	4 113 934 €	434 279 €	151 699 €	9 923 683 €	1 006 382 €	15 415 €	97 481 131 €	518 902 495 €
<b>Average</b>	99 419 540 €	2 859 779 €	2 576 691 €	283 636 €	205 844 €	3 996 618 €	1 538 990 €	347 990 €	25 960 150 €	128 677 148 €
<b>Median</b>	19 232 510 €	630 909 €	597 546 €	250 101 €	151 699 €	1 936 934 €	516 946 €	78 772 €	2 517 317 €	22 769 625 €
<b>Minimum</b>	13 984 696 €	485 426 €	296 604 €	33 362 €	36 726 €	11 697 €	0 €	1 418 €	1 324 837 €	19 182 652 €
<b>Maximum</b>	405 775 972 €	8 087 643 €	7 553 164 €	537 217 €	429 108 €	9 923 683 €	5 122 068 €	1 232 998 €	97 481 131 €	518 902 495 €
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	40%	0%	20%	20%	20%	0%

**Table 1.1.2 Distribution of annual implemented court budget in 2020 (Q4)**

Beneficiaries	Distribution of annual implemented court budget								
	Salaries	Computerisation	Investments in computerisation	Maintenance of the IT equipment	Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
<b>Armenia</b>	84,5%	2,8%	2,6%	0,1%	0,2%	0,1%	NAP	NAP	12,6%
<b>Azerbaijan</b>	65,1%	13,2%	12,3%	0,9%	NAP	11,3%	8,4%	2,0%	NAP
<b>Georgia</b>	72,9%	2,5%	1,7%	0,9%	2,2%	10,1%	0,1%	0,7%	11,3%
<b>Republic of Moldova</b>	85,5%	2,6%	1,4%	1,2%	NAP	5,7%	0,0%	0,0%	6,2%
<b>Ukraine</b>	78,2%	0,9%	0,8%	0,1%	0,0%	1,9%	0,2%	0,0%	18,8%
<b>Average</b>	77,2%	4,4%	3,8%	0,6%	0,8%	5,8%	2,2%	0,7%	12,2%
<b>Median</b>	78,2%	2,6%	1,7%	0,9%	0,2%	5,7%	0,2%	0,4%	11,9%
<b>Minimum</b>	65,1%	0,9%	0,8%	0,1%	0,0%	0,1%	0,0%	0,0%	6,2%
<b>Maximum</b>	85,5%	13,2%	12,3%	1,2%	2,2%	11,3%	8,4%	2,0%	18,8%
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	40%	0%	20%	20%	20%

**Table 1.1.3 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q5, Q6, Q12)**

Beneficiaries	2020							
	Annual approved budget (absolute value)				Annual approved budget (standardised)			
	€ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system (1) + (2) + (3)	Courts per capita	Courts as % of GDP	Judicial system per capita	Judicial system as % of GDP
<b>Armenia</b>	23 132 635 €	651 191 €	7 654 793 €	31 438 619 €	7,8 €	0,21%	10,6 €	0,28%
<b>Azerbaijan</b>	65 972 235 €	2 652 202 €	35 113 920 €	103 738 357 €	6,6 €	0,19%	10,3 €	0,30%
<b>Georgia</b>	22 717 734 €	2 115 546 €	12 266 476 €	37 099 756 €	6,1 €	0,16%	10,0 €	0,26%
<b>Republic of Moldova</b>	22 438 314 €	3 036 422 €	18 322 489 €	43 797 225 €	8,5 €	0,22%	16,7 €	0,43%
<b>Ukraine</b>	532 473 105 €	21 971 257 €	252 254 173 €	806 698 535 €	12,9 €	0,39%	19,5 €	0,60%
<b>Average</b>	133 346 805 €	6 085 324 €	65 122 370 €	204 554 498 €	8,4 €	0,23%	13,4 €	0,37%
<b>Median</b>	23 132 635 €	2 652 202 €	18 322 489 €	43 797 225 €	7,8 €	0,21%	10,6 €	0,23%
<b>Minimum</b>	22 438 314 €	651 191 €	7 654 793 €	31 438 619 €	6,1 €	0,16%	10,0 €	0,23%
<b>Maximum</b>	532 473 105 €	21 971 257 €	252 254 173 €	806 698 535 €	12,9 €	0,39%	19,5 €	0,23%
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 1.1.4 Evolution of the approved budget of the judicial system in € per capita between 2018 and 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)**

Beneficiaries	(1) Courts per capita		(2) Legal aid per capita		(3) Public prosecution system per capita		Judicial system (1) + (2) + (3) per capita	
	2018	2020	2018	2020	2018	2020	2018	2020
Armenia	5,5 €	7,8 €	0,23 €	0,22 €	2,7 €	2,6 €	8,4 €	10,6 €
Azerbaijan	5,3 €	6,6 €	0,07 €	0,26 €	3,4 €	3,5 €	8,8 €	10,0 €
Georgia	6,7 €	6,1 €	0,55 €	0,57 €	3,0 €	3,3 €	10,3 €	10,0 €
Republic of Moldova	7,3 €	8,5 €	0,47 €	1,16 €	6,5 €	7,0 €	14,3 €	16,7 €
Ukraine	10,5 €	12,9 €	0,39 €	0,53 €	5,3 €	6,1 €	16,1 €	19,5 €
<b>Average</b>	7,1 €	8,4 €	0,3 €	0,5 €	4,2 €	4,5 €	11,6 €	13,4 €
<b>Median</b>	6,7 €	7,8 €	0,4 €	0,5 €	3,4 €	3,5 €	10,3 €	10,6 €
<b>Minimum</b>	5,3 €	6,1 €	0,1 €	0,2 €	2,7 €	2,6 €	8,4 €	10,0 €
<b>Maximum</b>	10,5 €	12,9 €	0,6 €	1,2 €	6,5 €	7,0 €	16,1 €	19,5 €
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 1.1.5 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2020 (Q1, Q2, Q4, Q5, Q6, Q12)**

Beneficiaries	% Variation of the annual approved budget			
	(1) Courts	(2) Legal aid	(3) Public prosecution system	Judicial system (1) + (2) + (3)
	2018 - 2020	2018 - 2020	2018 - 2020	2018 - 2020
Armenia	42,9%	-4,2%	-4,2%	26,4%
Azerbaijan	24,8%	274,0%	4,6%	19,1%
Georgia	-9,0%	2,9%	8,3%	-3,3%
Republic of Moldova	14,5%	139,9%	5,1%	14,4%
Ukraine	20,8%	33,8%	14,0%	18,9%
<b>Average</b>	18,8%	89,3%	5,5%	15,1%
<b>Median</b>	20,8%	33,8%	5,1%	18,9%
<b>Minimum</b>	-9,0%	-4,2%	-4,2%	-3,3%
<b>Maximum</b>	42,9%	274,0%	14,0%	26,4%
<b>Nb of values</b>	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%

**Table 1.1.6 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q5, Q6 and Q13)**

Beneficiaries	2020							
	Annual implemented budget (absolute value)				Annual implemented budget (standardised)			
	(1) Courts	(2) Legal aid	(3) Public prosecution system	Judicial system (1) + (2) + (3)	Courts per capita	Courts as % of GDP	Judicial system per capita	Judicial system as % of GDP
Armenia	22 769 625 €	645 383 €	7 616 351 €	31 031 359 €	7,7 €	0,21%	10,5 €	0,28%
Azerbaijan	61 175 891 €	1 909 585 €	33 452 535 €	96 538 011 €	6,1 €	0,17%	9,6 €	0,28%
Georgia	19 182 652 €	1 947 081 €	11 275 060 €	32 404 793 €	5,1 €	0,13%	8,7 €	0,23%
Republic of Moldova	21 355 077 €	2 511 204 €	17 447 392 €	41 313 673 €	8,1 €	0,21%	15,7 €	0,41%
Ukraine	518 902 495 €	20 599 935 €	NA	NA	12,5 €	0,38%	NA	NA
<b>Average</b>	128 677 148 €	5 522 638 €	17 447 835 €	50 321 959 €	7,9 €	0,22%	11,1 €	0,30%
<b>Median</b>	22 769 625 €	1 947 081 €	14 361 226 €	36 859 233 €	7,7 €	0,21%	10,0 €	0,28%
<b>Minimum</b>	19 182 652 €	645 383 €	7 616 351 €	31 031 359 €	5,1 €	0,13%	8,7 €	0,23%
<b>Maximum</b>	518 902 495 €	20 599 935 €	33 452 535 €	96 538 011 €	12,5 €	0,38%	15,7 €	0,41%
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	20%	20%	0%	0%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%



**Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita in 2018 and 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)**

Beneficiaries	(1) Courts per capita		(2) Legal aid per capita		(3) Public prosecution system per capita		Judicial system (1) + (2) + (3) per capita	
	2018	2020	2018	2020	2018	2020	2018	2020
Armenia	5,2 €	7,7 €	0,23 €	0,22 €	2,7 €	2,6 €	8,2 €	10,5 €
Azerbaijan	5,1 €	6,1 €	0,07 €	0,19 €	3,4 €	3,3 €	8,5 €	9,6 €
Georgia	6,6 €	5,1 €	0,46 €	0,52 €	3,0 €	3,0 €	10,1 €	8,7 €
Republic of Moldova	7,0 €	8,1 €	0,47 €	0,96 €	5,7 €	6,6 €	13,2 €	15,7 €
Ukraine	9,4 €	12,5 €	0,39 €	0,50 €	5,2 €	NA	15,0 €	NA
<b>Average</b>	6,7 €	7,9 €	0,32 €	0,48 €	4,0 €	3,9 €	11,0 €	11,1 €
<b>Median</b>	6,6 €	7,7 €	0,39 €	0,50 €	3,4 €	3,2 €	10,1 €	10,0 €
<b>Minimum</b>	5,1 €	5,1 €	0,07 €	0,19 €	2,7 €	2,6 €	8,2 €	8,7 €
<b>Maximum</b>	9,4 €	12,5 €	0,47 €	0,96 €	5,7 €	6,6 €	15,0 €	15,7 €
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	20%	0%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 1.1.8 Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2020 (Q1, Q2, Q4, Q5, Q6 and Q13)**




Beneficiaries	% Variation of the annual implemented budget			
	(1) Courts	(2) Legal aid	(3) Public prosecution system	Judicial system (1) + (2) + (3)
	2018 - 2020	2018 - 2020	2018 - 2020	2018 - 2020
Armenia	47,2%	-5,1%	-4,7%	28,5%
Azerbaijan	21,1%	169,3%	0,3%	11,0%
Georgia	-21,9%	14,7%	0,5%	-13,5%
Republic of Moldova	13,3%	100,4%	13,4%	16,4%
Ukraine	30,7%	25,9%	NA	NA
<b>Average</b>	18,1%	61,1%	2,4%	10,6%
<b>Median</b>	21,1%	25,9%	0,4%	13,7%
<b>Minimum</b>	-21,9%	-5,1%	-4,7%	-13,5%
<b>Maximum</b>	47,2%	169,3%	13,4%	28,5%
<b>Nb of values</b>	5	5	5	5
<b>% of NA</b>	0%	0%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%

**Table 1.1.9 Implemented amount from external donors and estimated percentage from the total implemented budget in 2020 (Q10 and Q11)**

Beneficiaries	Implemented amount from external donors				Estimated percentage from the total implemented budget (%)			
	2020				2020			
	Courts	Legal aid	Public prosecution system	Whole Justice system	Courts	Legal aid	Public prosecution system	Whole Justice system
Armenia	0 €	0 €	0 €	NA	0,0%	0,0%	0,0%	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	NAP	29 694 €	NAP	NAP	1,0%	NAP	NAP
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	-	-	-	-	-	-	-	-
<b>Average</b>	-	-	14 847 €	-	-	1%	-	-
<b>Median</b>	-	-	14 847 €	-	-	1%	-	-
<b>Minimum</b>	-	-	0 €	-	-	0%	-	-
<b>Maximum</b>	-	-	29 694 €	-	-	1%	-	-
<b>Nb of values</b>	4	4	4	4	4	4	4	4
<b>% of NA</b>	50%	50%	50%	75%	50%	50%	50%	75%
<b>% of NAP</b>	25%	25%	0%	25%	25%	0%	25%	25%

Table 1.1.10 Whole justice system budget and its elements in 2020 (Q7, Q8 and Q9)

Beneficiaries	Whole justice system budget		Elements of the judicial system budget				Other elements of the whole justice system																
	Approved	Implemented	Number of elements	Courts	Legal aid	Public prosecution services	Prison system	Probation services	High Judicial Council	Hight Prosecutorial Council	Constitutional court	Judicial management body	State advocacy	Enforcement services	Notariat	Forensic services	Judicial protection of juveniles	Functioning of the Ministry of Justice	Refugees and asylum seekers services	Immigration Service	Some police services	Other	
Armenia	65 172 411 €	63 452 466 €	11																				
Azerbaijan	245 648 742 €	187 571 452 €	11																				
Georgia	74 049 909 €	69 288 567 €	6																				
Republic of Moldova	106 883 648 €	79 496 159 €	12																				
Ukraine	3 119 329 887 €	NA	18																				
<b>Average</b>	722 216 919 €	99 952 161 €																					
<b>Median</b>	106 883 648 €	74 392 363 €																					
<b>Minimum</b>	65 172 411 €	63 452 466 €																					
<b>Maximum</b>	3 119 329 887 €	187 571 452 €																					
<b>Nb of values</b>				5	5	5	5	5	5	2	3	3	0	3	2	4	2	4	1	1	1	2	

Yes   
 Element not included in the whole justice system (No or NAP)   
 Data is not available (NA) 

**Table 1.1.11 Evolution of the whole justice system budget in € per capita in 2018 and 2020 (Q1 and Q7)**

Beneficiaries	Approved whole justice system budget per capita		Implemented whole justice system budget per capita	
	2018	2020	2018	2020
Armenia	15,6 €	22,0 €	15,2 €	21,4 €
Azerbaijan	15,6 €	24,4 €	15,3 €	18,6 €
Georgia	24,0 €	19,9 €	23,7 €	18,6 €
Republic of Moldova	27,8 €	40,7 €	25,5 €	30,3 €
Ukraine	120,6 €	75,3 €	NA	NA
<b>Average</b>	40,7 €	36,5 €	19,9 €	22,2 €
<b>Median</b>	24,0 €	24,4 €	19,5 €	20,0 €
<b>Minimum</b>	15,6 €	19,9 €	15,2 €	18,6 €
<b>Maximum</b>	120,6 €	75,3 €	25,5 €	30,3 €
<b>Nb of values</b>	5	5	5	5
<b>% of NA</b>	0%	0%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%

## Indicator 1 - Budget

by country

*Question 4 - Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.*

*Question 5 - If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:*

*Question 6 - Annual (approved and implemented) public budget allocated to the public prosecution services, in €.*

*Question 7 - Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 8 and other elements of the justice system - see 9).*

*Question 8 - Elements of the judicial system budget (Q4, Q5, Q6, Q12)*

*Question 9 - Other budgetary elements*

*Question 10 - If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.*

*Question 11 - If you cannot provide the amount of external donor's contribution (specified in question 10), please provide an estimation of the ratio of this amount within the total implemented budget:*

*Question 12 - Annual approved public budget allocated to legal aid, in €.*

*Question 13 - Annual implemented public budget allocated to legal aid in €.*

*Question 013-1 - Does legal aid include:*

*Question 013-2 - Do legal aid budgets indicated in Q12 and Q13 include:*

*Question 14 - Average gross annual salary (in €) for the reference year*

### Armenia

**Q004 (2020):** There has been an increase of the approved and implemented budget spent on salaries due to the establishment of the Bankruptcy Court on January 1, 2019. Also starting from 2019, the remuneration of the work included allocations of about 30% of the total salary fund for bonuses, monetary incentives and special payments. There has also been an increase of the approved and implemented budget allocated to computerisation due to allocations from the state budget for the modernization of computer equipment, which has not been implemented until 2018.

Are included in the category "other":

7.1 The reserve fund of courts -283 742 -242 536

7.2 Providing social packages of employees of state's institution and organization-345 953----293 691

7.3 Annual public budget allocated to other equipment -----319 358-----246 367

7.4 Maintenance of courts of RA----2 172 283-----2 075 185

It should be noted that in Armenia social packages for employees (7.2) are not included in the category of salaries. The mentioned measures are allocated separately within the framework of the "Providing employees of state institutions and organizations with a social package" program of budget. The same point applies to the maintenance of courts (7.4) mentioned in the section "other" as it does not include annual public budget allocated to court buildings, but it is allocated to ensure the normal functioning of the courts and their staff and is intended for other expenses. It is not possible to perform accurate recalculation to include those elements respectively within categories 6.1 Salaries and 6.4 Budget allocated to court buildings.

**Q004 (2018):** The reserve fund of courts: approved-311666.4, implemented-120655.5 Providing social packages of employees of state's institution and organization: approved-294814.4, implemented-244576.3

Maintenance of courts of RA: approved-2522876.5, implemented-2259797.7

The change in some figures is due to the change in needs and change in prices for different services.

For this year, the funding of Academy of Justice is included in the budget allocated to the functioning of the Ministry of Justice. Previously, the Ministry of Finance had no a practice of providing funds to ensure technical furnishment of the courts. However, in 2018 funding was provided to procure Rapiscan X-ray technology for court buildings to ensure the security and social order during court proceedings. That is the reason behind the raise of budget for computerization. At the same time, in 2018 the demand for translation in judicial proceedings has declined, which resulted in decrease of expenses.

The discrepancy between 2016 and 2018 regarding implemented budget for court buildings is due to the fact that no procurement for court building reconstruction was implemented for this cycle.

**Q006 (2020):** The budget of the RA Prosecutor's Office is formed exclusively at the expense of the state budget. As for the budget allocated for training, the allocations for the training of prosecutors at the expense of the state budget are provided to the RA Academy of Justice.

**Q006 (2018):** Please see the budget for training in the budget of the Academy of Justice.

**Q007 (2020):** There has been an increase in the budget allocated to the whole justice system due to the establishment of the Bankruptcy Court on January 1, 2019 and to the inclusion in the work remuneration of allocations of about 30% of the total salary fund for bonuses, monetary incentives and special payments since 2019.

**Q007 (2018):** 1) The approved budget includes: apart from courts, prosecutor services and legal aid budget already introduced in the above questions: prison services-14692969, Enforcement service-2444608, Forensic service-396900, functioning of the Ministry of Justice (including Probation)-3727311,

2) The implemented budget-prison services-14488059, Enforcement service-2406073, Forensic service-396900, functioning of the Ministry of Justice (including Probation)-3653535

**Q008 (2018):** Please see the budget for the courts, prosecution and legal aid in the previous section.

**Q009 (2018):** There is no public budget for Notariat. As regards the judicial protection of juveniles, if legal aid is meant, it is included in general legal aid budget. In addition, there is a dedicated agency under the Ministry of Justice that deals with legal education and rehabilitation programs targeting also juveniles. In any case, there is no specific budget allocated for the judicial protection of juveniles.

**Q013-1 (2020):** No exemption is defined directly for legal aid beneficiaries, although some court fee exemptions may include those having right to legal aid. For example, pensioners, who live alone, can get a legal aid, and simultaneously all pensioners are exempted from court fees.

**Q014 (2020):** The average monthly nominal wage has been increased since the last data collection EUR ~353 (AMD 189.716) was the average monthly nominal wage for 2020, the average annual salary is EUR~4237.

The basis for calculations was the exchange rate 537.26.

**Q014 (2018):** EUR ~320 (AMD 172.727) was the average monthly nominal wage for 2018, the average annual salary is EUR~3840.

The basis for calculations was the exchange rate 554.8~555 (please see the next question).

The slight decrease is due to fluctuations in the exchange rate and a small decrease in average monthly nominal wage.

## Azerbaijan

**Q004 (2020):** The budget allocated to the functioning of all courts increased significantly. The main changes were related with salary increasing, investment in technologies and court buildings modernization and maintenance. Regarding the reason of increase of salaries' budget in the year of 2020 comparing to the year of 2018, it needs to be mentioned the Presidential Decree "On Deepening of the Reforms in the Judicial-Legal System" of April 3, 2019. The paragraph 3.4 of the decree implies the essential increase of judges' salaries in order to improve their social protection. The increase of budget allocated to court building was also foreseen in the same Presidential decree of April 3, 2019, according to which the additional funds should be allocated for clerical work and proceedings maintenance related needs. In addition, funds were allocated to cover new buildings' operational expenses (such as public utilities etc.). As to decrease of the budget related to investments in new court buildings, there were no construction of new court buildings planned in 2020, though such investments are planned in near future.

**Q004 (2018):** Annual budget allocated to the functioning of all courts is being increased yearly (reference made to 2016 - up to date). It is related to judicial reforms and new facilities commencement. Discrepancy between approved and implemented budget occurred due to optimization of planned expenditures. Also, approved budget always contain contingency, the implementation of which is not always obligatory. The computerization budget is growing yearly which a result of new technologies development. Comparing to reference year (2016) the budget has been increased by 31% despite the currency devaluations, market fluctuations and economy shocks. The discrepancy between approved and implemented budgets is tiny (<1%), so budget fulfilled successfully. The discrepancy of annual budgets allocated to court buildings comparing to reference year is huge (5-fold difference), which is related to judicial reforms and special care by government in terms of improvement work conditions. The budget is fulfilled accurately, there is almost no discrepancy. Annual public budget allocations to investment in new court buildings also showing grow by almost 19%. The budget allocated and implemented is same. Although the e-court system and IT requirements are increasing yearly, the annual budget allocations to training has increase by 50% comparing to reference year which is result of special programs and reforms on study best international practice, etc.

**Q005 (2020):** The budget allocated to the functioning of all courts increased significantly. The main changes were related with salary increasing, investment in technologies and court buildings modernization and maintenance. The increase in the amount of the public budget implemented for legal aid is explained by the increase of the service fee for the legal aid. According to the decision of the Cabinet of the Ministries, payment for each hour to a lawyer increased three times.



**Q006 (2020):** There has been an increase in the budget allocated to public prosecution services since 2018 and proportionally an increase of the budget allocated to training.

**Q007 (2020):** The budget allocated to the whole justice system increased significantly. The main changes were related with salary increasing, investment in technologies, court buildings modernization and maintenance and legal aid. The reason of the difference between allocated (approved) and implemented budget is in limited operation in all directions and a break in conducting events due to Sars Cov-19 related quarantine measures in 2020.

**Q007 (2018):** The budget allocated to the whole justice system decreased because of reforms of the system as well as the necessity of investment in targeted directions such as notary services, etc fell away.

**Q009 (2018):** No comment

**Q010 (2020):** In Azerbaijan most of the international projects are financed partly by state budget and partly by loan (to be repaid), as only some are financed by international organisations.

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

**Q012 (2020):** The increase in the amount of the public budget implemented for legal aid is explained by the increase of the service fee for the legal aid. According to the decision of the Cabinet of the Ministries, payment for each hour to a lawyer increased three times.

**Q013 (2020):** The main reason for the difference between the public budget actually implemented for legal aid and the annual approved public budget allocated to legal aid is in the reduction of the number of applications. The reason of SARS Covid-19 related lock-down and operation restrictions.

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

**Q014 (2020):** Following the world trends (Due to the SARS Covid-19) Azerbaijan had not avoided some depression in economic processes. However, the average gross annual salary has increased"

## Georgia

**Q004 (2020):** The savings received as a result of conducted tender; Remained unused funds from signed service contracts during the year, The construction of the new building of the Tbilisi City Court has not started, No bonus was paid to employees.

Other - Business trip, Goods & Services for Office, Uniform, Vehicle Fuel, Repair & Insurance, Judges' Apartment Rent, Funds allocated from the budget for the High School of Justice in addition to the funds provided for training).

**Q004 (2018):** The difference between the approved and implemented budget every year can be explained by the savings received as a result of conducted tender; remained unused funds from signed service contracts during the year.

Regarding increase of 88% of the approved budget for computerization, and of 107% of the implemented one, also increase of 217% for investments in new court buildings: this is because there was a need to build additional buildings for Tbilisi City Court and few other regional courts. The Parliament approved increased budget to build these new buildings and to purchase computers for new buildings, as well as furniture and other items that fall in the category "other", which include vehicle insurance, costs for purchasing official vehicles, costs for Social security of court employees, furniture, health insurance, technical, business trip, establishment salary, transport expenses and other office expenses.

**Q005 (2020):** GENERAL COURTS DEPARTMENT

HCOJ

**Q006 (2020):** The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it. See the numbers above. The implemented budget is different from the approved budget because of not conducting certain planned activities in 2020, due to the COVID-19 pandemic. The information on the budget of the Prosecution Service of Georgia (PSG) was mistakenly provided in GEL. In EUR the approved budget is 12 266 476, while the implemented budget is 11 275 060.

**Q006 (2018):** In comparison to 2016 the 2018 budget of the Prosecution Service of Georgia (PSG) is increased for GEL 1 000 000. However, due to the recent devaluation of GEL it appears less than 2016 budget in EUR. The difference between the approved and implemented budget is within the limit stipulated by the legislation of Georgia exceeding of which requires explanation. Nevertheless, PSG can provide additional information if needed.

**Q013 (2020):** Due to the fact that the Public Advocates of the Legal Aid Service receive a monthly salary, it is therefore impossible to calculate the cost of each case or consultation.

**Q013-1 (2020):** According to the law on "State Fees" (art. 5, par. 1, 11), the socially vulnerable parties registered in the database are exempt from the court fees.

**Q013-2 (2020):** The costs of the process are court costs (fees) and extra judicial costs (lawyer services), the beneficiaries of the legal aid service are socially vulnerable persons who are exempt from paying the fees, and the lawyer costs are reimbursed by the service.

Please see <http://www.legalaid.ge/en> By the legislation of Georgia, costs of the process are court costs (fee), and extra judicial costs (lawyer services). According to the Law of Georgia On State duty (Article 5, paragraph 1 , sub-paragraph U), institutions (organizations) whose costs are financed only from the state budget (such as Legal Aid Service of Georgia) are exempt from paying any fee. Beneficiaries of the Legal Aid Service are fully exempted from paying the state fee for civil and administrative cases.

Free legal aid implies that all costs are covered by the state, but while covering these costs, there is no actual transfer of funds from Legal Aid Service budget. Legal Aid Service does not have to pay any funds in the form of state fees, therefore these costs are not calculated when planning the budget of the Service.

## Republic of Moldova

**Q004 (General Comment):** The annual public budget allocated for training includes the costs of professional training of judges and personnel of the instance. It subsumes only the amount allocated to judicial bodies for the training of entrants, excluding the budget of the National Institute of Justice. According to point 21 of the Government Decision no. 231 from 13.04.2012, the decentralized financing is made from the financial means provided in the annual budget of each public authority, amounting to at least 2% of the salary fund.

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants, heads of the secretariat and judges. In this way, other categories of staff have the possibility to receive continuous training courses from financial resources allocated from the court budget.

**Q004 (2020):** An upward trend of the budget allocated and implemented to computerization is due to the implementation of a new ICMS version in all courts and the videoconference tool which required to renew and adjust the equipment that several courts were using. The approved amount for investment in new court buildings was due to the implementation of court reorganization reform and necessity to build new court premises. The amount allocated was not spent due to different factors including the COVID pandemic situation.

The amount allocated to training increased due to the necessities presented by courts. The amount allocated to training and the implemented one for 2020 is due to the fact that many additional trainings for court staff were organized by different cooperation projects with outsourced financial assistance. As a result the courts spent the allocated financial means to training on other necessities.

The category “other” includes expenses related to telecommunication and mail services, transportation, periodicals, equipment, protocol expenses and missions, etc.

**Q004 (2018):** Regarding the increase of the budget allocated to salaries, according with the new Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector, at the end of the reference year the quantum of the salaries of judges and court staff changed due to a different salary formula. The salaries discrepancy in 2018 compared with the 2016 data is also due to a different average of the exchange rate in 2018 compared with 2016. Budget for computerization decreased in 2018 as a result of participation in a cooperation project with outsourced financial assistance. A new version of ICMS has been developed in this regard.

The discrepancies of the amount of the budget allocated to court buildings in 2018 compared with 2016 data are due to the court map reorganization and the necessity to create working conditions. The lower amount of the annual public budget allocated to investments in new court buildings in 2018 compared with 2016 data is due to the first phase of the implementation of the court map optimization reform. Or, the main objectives in the reference period were to identify and register the land plots for new court buildings and did not require any financial means. The allocated amounts were spent for finishing to build the Ungheni first instance court.

The annual public budget allocated for training includes the costs of professional training of judges and personnel of the instance. It subsumes only the amount allocated to judicial bodies for the training of entrants, excluding the budget of the National Institute of Justice. According to point 21 of the Government Decision no. 231 from 13.04.2012, the decentralized financing is made from the financial means provided in the annual budget of each public authority, amounting to at least 2% of the salary fund.

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants, heads of the secretariat and judges. In this way, other categories of staff have the possibility to receive continuous training courses from financial resources allocated from the court budget.

The low amount allocated to training (1853 euros) and the implemented one (1589 euros) for 2018 is due to the fact that many additional trainings for court staff were organized by different cooperation projects with outsourced financial assistance, and as a result the courts spent the allocated financial means to training on other necessities.

**Q006 (2020):** The prosecution system benefited from continuous training organized on-line by the National Institute of Justice. The budget allocated for internal training was not spent.

**Q006 (2018):** The upward trends in 2018 can be explained by an increase of prosecutor and non-prosecutor staff salaries.

**Q009 (2020):** The sum also includes the budget allocated for the following authorities: the Center for Legal Information, the National Institute of Justice.

**Q009 (2018):** The sum also includes the budget allocated for the following authorities: the Center for the Harmonization of Legislation, the Center for Legal Information, the National Institute of Justice.

**Q010 (2020):** In 2020 external funds were allocated by USAID, UNDP, and CoE (CEPEJ) for implementing projects aimed at improving functioning of judiciary, such as trainings of judges and court staff on different topics, implementation of new IT solutions ( refining the ICMS, electronic statistics, procuring videoconference equipment and licenses, refining the national courts portal) in judiciary, submitting studies, recommendations in this concern). All procurements linked to the external assistance (experts, equipment) were not a part of the national budget and were organized by the development partners. In this regard the national justice actors are not keeping a complete evidence on the implemented amount of the international donor assistance.

**Q011 (2020):** There is a specific menu dedicated to the external assistance on the Ministry of Finance webpage. There is also functional a national aid management platform <http://www.amp.gov.md/portal>. The Ministry of Finance publishes an annual Report on external assistance on its webpage which divides the external assistance received by sectors. According to the 2020 Report, the external assistance for Good Governance sector (including justice) constituted 12,7% from the total external assistance received by Moldova in 2020. The disaggregated data on justice are not available for the related period.

**Q012 (General Comment):** The primary legal aid is granted pursuant to Law No. 198 of 26 July 2007 on legal aid guaranteed by the State, by paralegals and specialised social associations in the granting of legal aid. It involves the sharing of information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the effective exercise of rights by legal action or extrajudicial mean; the granting of advice in relation to legal issues; the assistance in the drafting of legal documents; any other form of assistance which is not part of the qualified legal assistance category.

**Q012 (2018):** The upward trends in this respect in comparison with 2016 data are due to the expansion of the legal aid system, the diversification of the range of services and suppliers of legal aid, the promotion of the system.

**Q013 (2020):** The upward trends in this respect in comparison with 2018 data are due to the expansion of the legal aid system, the diversification of the range of services and beneficiaries of legal aid, the promotion of the system. The increase in remuneration for the legal aid services constituted the main strategic objective needed to be achieved starting with 2018, which continued in 2020. In particular, it was proposed to bring the conventional unit for lawyers remuneration from 20 to 50 MDL (1.01-2.53 EUR), in three stages. The process is planned to be completed in 2021.

In 2020, the categories of legal aid beneficiaries regardless of income level were extended, including victims of domestic violence; victims of trafficking in human beings; victims of torture and ill-treatment; asylum seekers and a concept which allows 24/24 assistance for victims of domestic violence and sexual offenses was implemented. Starting with 2020, legal aid is also granted to legal entities on several criminal cases. Despite it the volume of legal aid provided it was decreasing in 2020 due to pandemic restrictions.

We can not distinguish the data on the budget for criminal cases and other cases on paralegals because they provide assistance on all types of cases. In the above tables there are reflected amounts referring only to the National Legal Aid Council expenditure (the payments for judicial services), but the total approved budget is 3 194 357 euro and the executed budget is 2 702 505 euro. The differences are constituting administrative and maintenance expenditures for institutions within the

**Q013 (2018):** The upward trends in this respect in comparison with 2016 data are due to the expansion of the legal aid system, the diversification of the range of services and suppliers of legal aid, the promotion of the system.

We can not distinguish the data on the budget for criminal cases and other cases on paralegals because they provide assistance on all types of cases.

In the above tables there are reflected amounts referring only to the National Legal Aid Council expenditure (the payments for judicial services), but the total approved budget is 1 514 034 euro and the executed budget is 1 457 655 euro. The differences are constituting administrative and maintenance expenditures for institutions within the system.

**Q014 (2018):** Average gross annual salary increased due to the economic growth and to the state policy in this regard. The difference is also due to a fluctuation of average of the exchange rate of the national currency in Euro from 2016 to 2018.

## Ukraine

**Q004 (2020):** With regards to the budget in 2020 compared to the budget in 2018:

TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7): the increase was caused by including in 2020 cycle the budget of the Supreme Court (in previous cycles it was reflected in Q 15-3) and the High Anti-Corruption Court (the new court which began its functioning in 2019). In fact, if to compare the budgeting of local general courts and appeal courts (which was subject of reflection in Q006 in previous cycles) in 2018 and 2020, it stayed almost the same (2020: approved budget – 444 697 317 euro; implemented budget – 443 630 715 euro). So the discrepancy occurred due to the new calculating methodology applied for the 2020 cycle.

1. Annual public budget allocated to (gross) salaries: the discrepancy was caused by increasing funds for salaries of judges. The Law of Ukraine “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and some laws of Ukraine on the activities of judicial authorities” № 193-IX (adopted on October 16, 2019) evened out the salaries of judges who had not undergone the qualification evaluation with those already successfully passed (before the amendments the salary of the latter had been higher).

2. Annual public budget allocated to computerization (2.1 + 2.2): costs were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.): the increase was caused by the increase of market prices. 4. Annual public budget allocated to court buildings (maintenance, operating costs): the increase was caused by the increase of market prices.

5. Annual public budget allocated to investments in new (court) buildings: costs were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

6. Annual public budget allocated to training: costs assumably were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

7. Other (please specify): costs assumably were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

Reasons of divergence between approved and implemented budget in 2020: 1. Divergence was caused by changes in the actual number of employees. 2.1. and 2.2. Divergence was caused by changes in costs as a result of tender purchases. 3. Divergence was caused by the variability of indicators that form the total cost of services. 4. Divergence was caused by changes in costs as a result of tender purchases. 5. Divergence was caused by actual costs of construction (purchase) according to the acts of work performed. 6. Divergence was caused by fluctuation of the costs and number of persons who needed to undergo study or improve skills. 7. Divergence was caused by the variability of indicators which form the total cost of services, fluctuation of the costs, changes in costs as a result of tender purchases. The answer is based on the information, provided by the State Judicial Administration of Ukraine, Supreme Court and High Anti-Corruption Court.

**Q004 (2018):** Discrepancies between 2016 and 2018 cycles were caused by rise of expenditures for judicial system within judicial reform and were caused by changes in the legislation concerning the amount of judicial remuneration, rising of social standards and consumer price index, improving the accessibility conditions of court users to the courts, increasing the cost of payment for goods and services etc.

Here are some explanations in respect of increased court system budget expenditures in 2018:

Item 1: the discrepancy is caused by planned budgeting raise for salaries for judges and court staff almost in 1,6 times in 2017 compared to 2016, and almost 1,5 times increase in 2018 comparing to 2017.

Item 2: the increase in funding is caused by equipping the court buildings with videoconference equipment for local and appellate courts in connection with the introduction of such an option for court users. Item 3: the raise of funding is caused by increased prices for state postal services (e.g. for sending the request for summons) and by the spending for translation from Russian to Ukrainian in court proceedings.

Item 4: the budgeting was raised because of the need of court buildings renovation (305 court premises); the funds were spent for rising the accessibility of courts for disabled people through appropriate equipping of court building; Item 5: the funds were spent on the purchase of new 5 court buildings;

Item 7: the increase of funding was caused by the need of purchase of accommodation (more than 17000 square meters) for 295 judges and court staff in connection to their transfer to other courts from Donetsk and Luhansk regions, Autonomous Republic of Crimea, Sevastopol City (city located in the Autonomous Republic of Crimea with a special status).

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

**Q006 (2020):** These amounts include expenditures approved in the budget to ensure the performance of the functions of the public prosecution services, including the Specialized Anti-Corruption Prosecutor's Office.

For the purposes of answering the Q 013, the budget of the Training Center of Prosecutors of Ukraine was excluded from the total annual public budget allocated to the public prosecution services. According to the CEPEJ Explonatory note recommendations, the respective budget was presented separately in Q131-0.

**Q006 (2018):** From 2016 to 2018 the State Budget for General's Prosecutor Office was increasing sequentially. It is caused by lasting reform of prosecution service. In late 2017, basing on the Strategy for Reforming of the Judiciary, the System of Justice, and Ancillary Legal Institutions for 2015-2020, General Prosecutor adopted Road Map on reforming prosecution bodies. The said document prescribed a series of activities dedicated to ensure the independence of prosecutors during the fulfillment of their duties as well as bodies of prosecutor self-governance and to create additional anti-corruption safeguards. For implementation of the said Road Map, in early 2018 the Prosecutor General of Ukraine by an order established the Working Group for implementation of the said Road Map in part of the development of a system for evaluating the performance of prosecutors. Furthermore, within implementation of Section 4 of the said Road Map the System of electronic document circulation of the Prosecutor's Office of Ukraine was put into operation from 01/01/2019.

The two aforementioned novelties are only few examples which caused the raise of expenditures for prosecution as part of reform. If to study the raise of budget expenditures in 2017 and then in 2018, the situation was the following. Expenditures from the approved budget for 2017 compared to the budget for 2016 have risen by around 76% in absolute figures. Almost the same situation is observed in the 2018 compared to 2017 period. However, expenditures from the approved budget have risen by around 23%.

Increased budget allocations from the State Budget are caused by increasing costs for:

- implementation of prosecutorial investigative activities, training and advanced training of prosecutors;
- the functioning of Specialized Anti-Corruption Prosecutor's Office;
- consumption costs;
- labor costs;
- utilities and energy;
- development costs. The difference between the amounts of an approved annual budget of prosecution bodies and actually implemented budget appeared due to accumulation of funds for redistribution between budgetary programs of Prosecutor General's Office of Ukraine, which was not implemented, and due to saving funds, foreseen for:
  - utilities and energy through energy conservation measures and favorable weather conditions;
  - court fees, since it is not possible to schedule the exact number of violations detected, which should be subject to representative measures

includes:

the total annual public budget allocated to all courts (local and appeal courts, High Anti-Corruption Court, Supreme Court); total annual public budget allocated to legal aid; public budget allocated to public prosecution services, including the Training Center for Prosecutors of Ukraine; prison system (State Criminal and Enforcement Service of Ukraine); High Council of Justice; High Qualification Commission of Judges of Ukraine; National School of Judges of Ukraine; Constitutional Court; State Judicial Administration of Ukraine and its territorial offices; Ministry of Justice of Ukraine; Ministry of Temporarily Occupied Territories and Internally Displaced Persons; State Migrational Service of Ukraine; National Police of Ukraine (having pre-trial investigation function); National Anti-Corruption Bureau of Ukraine (having pre-trial investigation function); State Bureau of Investigation (having pre-trial investigation function); State Fiscal Service of Ukraine (having pre-trial investigation function); Security Service of Ukraine (having pre-trial investigation function); Secretariat of Ukrainian Parliament Commissioner for Human Rights.



**Q007 (2020):** The difference in the sum of the approved annual public budget allocated to the whole justice system for 2020 compared to the 2018 one is caused by the inclusion of the fewer budgets during calculation for the 2020 cycle.

**Q007 (2018):** The discrepancy is caused by the change of the methodology for this cycle.

**Q009 (2020):** High Qualification Commission of Judges of Ukraine; National School of Judges of Ukraine; National Anti-Corruption Bureau of Ukraine; State Bureau of Investigations; State Fiscal Service of Ukraine; Security Service of Ukraine; Ukrainian Parliament Commissioner for Human Rights (Secretariat).

The difference in the approved annual public budget allocated to the whole justice system for 2020 compared to the 2018 one is caused by the inclusion of the fewer budgets during calculation for the 2020 cycle.

**Q009 (2018):** National Anti-Corruption Bureau of Ukraine; National Agency for Corruption Prevention; State Bureau of Investigation; High Qualification Commission of Judges of Ukraine; National School of Judges of Ukraine; National Prosecution Academy of Ukraine; Secretariat of Ukrainian Parliament Commissioner for Human Rights.

**Q012 (2020):** 2020 became a year of radical change in the area of free legal aid services in Ukraine. The issue of access to free legal aid has always been important, but in the context of the COVID-19 pandemic, it has become even more relevant. Ukrainian free legal aid system quickly adapted to new challenges, in particular through the active use of digital technologies for the provision of free legal aid, and assistance in providing clients with access to mediation. Thus, the Supervisory Board of the Coordination Center for Legal Aid was established, the categories of persons entitled to secondary free legal aid were expanded, a pilot project on restorative justice for juveniles was extended to the whole territory of Ukraine, and a project to accelerate private investment in the rural economy of Ukraine was begun. Now the person can send requests for legal information, consultations, and clarifications to the free legal aid system remotely through various communication channels - e-mail, Viber, Telegram, Facebook, mobile application "Free Legal Aid", through the feedback form on the official website of the free legal aid systems. There is also "WikiLegalAid" webpage (a Legal Advice Reference and Information Platform)

**Q012 (2018):** There are several reasons concerning the increasing of expenses from the State budget of Ukraine for free legal aid in this cycle comparing the previous cycle:

1. Increase in the amount of legal aid lawyer's hourly work, which is connected with amendments to Cabinet of Minister's Decree dated 17.09.2014 No.465 "Issues of payment for services and reimbursement of lawyers providing free secondary legal aid". Starting 01.01.2018 the amount of payment per hour of a lawyer who provides legal aid was increased from 2.5% to 5% of the subsistence minimum, approved for able-bodied persons at the time of submission by the lawyer of the act. Besides, in 2018 comparing with 2016 the entire level of subsistence minimum approved for able-bodied persons was increased.

2. The number of cases under which the free legal aid was granted, has increased, including the following reasons:

a. The number of cases subject to secondary legal aid in criminal cases has increased from 77 233 in 2016 to 91 120 in 2018;

b. The number of cases subject to secondary legal aid in other cases (civil and administrative) has increased from 37 953 in 2016 to 75 311 in 2018. c. There has been an increase in providing legal aid for legal consultations, drafting legal documents (except procedural documents) from 239 164 in 2016 to 553 301 in 2018.

Increasing number of cases subject to legal aid in civil and administrative cases, including legal consultations in 2018 comparing 2016 took place due to increased access to services of legal aid as result of establishment of legal aid Bureau, which began working throughout Ukraine starting September 01, 2016. It resulted into increase of the number of requests to receive legal aid more than 4 times.

**Q013 (2018):** Due to the ongoing justice sector reform in Ukraine, the judicial system obtains a higher budget for its needs.

**Q014 (2018):** The average gross annual salary for the current cycle is equal to EUR 3355 which is higher for approx. 40% than the annual salary for the previous cycle EUR 2376. This is a result of systematic raising by Ukrainian Government the minimum wages, started from 2017. The largest nominal increase in salaries was observed in the following activities: public administration and defense, obligatory social insurance; professional, scientific and technical activities, electricity, gas, steam, and air conditioning supplies; financial and insurance activities; information and telecommunications.

## Indicator 1 - Budget

by question No.

*Question 4 - Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.*

*Question 5 - If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:*

*Question 6 - Annual (approved and implemented) public budget allocated to the public prosecution services, in €.*

*Question 7 - Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 8 and other elements of the justice system - see 9).*

*Question 8 - Elements of the judicial system budget (Q4, Q5, Q6, Q12)*

*Question 9 - Other budgetary elements*

*Question 10 - If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.*

*Question 11 - If you cannot provide the amount of external donor's contribution (specified in question 10), please provide an estimation of the ratio of this amount within the total implemented budget:*

*Question 12 - Annual approved public budget allocated to legal aid, in €.*

*Question 13 - Annual implemented public budget allocated to legal aid in €.*

*Question 013-1 - Does legal aid include:*

*Question 013-2 - Do legal aid budgets indicated in Q12 and Q13 include:*

*Question 14 - Average gross annual salary (in €) for the reference year*

### Question 004

#### Armenia

**(2020):** There has been an increase of the approved and implemented budget spent on salaries due to the establishment of the Bankruptcy Court on January 1, 2019. Also starting from 2019, the remuneration of the work included allocations of about 30% of the total salary fund for bonuses, monetary incentives and special payments. There has also been an increase of the approved and implemented budget allocated to computerisation due to allocations from the state budget for the modernization of computer equipment, which has not been implemented until 2018.

Are included in the category "other":

7.1 The reserve fund of courts -283 742 -242 536

7.2 Providing social packages of employees of state's institution and organization-345 953----293 691

7.3 Annual public budget allocated to other equipment -----319 358-----246 367

7.4 Maintenance of courts of RA----2 172 283-----2 075 185

It should be noted that in Armenia social packages for employees (7.2) are not included in the category of salaries. The mentioned measures are allocated separately within the framework of the "Providing employees of state institutions and organizations with a social package" program of budget. The same point applies to the maintenance of courts (7.4) mentioned in the section "other" as it does not include annual public budget allocated to court buildings, but it is allocated to ensure the normal functioning of the courts and their staff and is intended for other expenses. It is not possible to perform accurate recalculation to include those elements respectively within categories 6.1 Salaries and 6.4 Budget allocated to court buildings.

**(2018):** The reserve fund of courts: approved-311666.4, implemented-120655.5 Providing social packages of employees of state's institution and organization: approved-294814.4, implemented-244576.3

Maintenance of courts of RA: approved-2522876.5, implemented-2259797.7

The change in some figures is due to the change in needs and change in prices for different services.

For this year, the funding of Academy of Justice is included in the budget allocated to the functioning of the Ministry of Justice. Previously, the Ministry of Finance had no a practice of providing funds to ensure technical furnishment of the courts. However, in 2018 funding was provided to procure Rapiscan X-ray technology for court buildings to ensure the security and social order during court proceedings. That is the reason behind the raise of budget for computerization. At the same time, in 2018 the demand for translation in judicial proceedings has declined, which resulted in decrease of expenses.

The discrepancy between 2016 and 2018 regarding implemented budget for court buildings is due to the fact that no procurement for court building reconstruction was implemented for this cycle.

## Azerbaijan

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

**(2018):** Annual budget allocated to the functioning of all courts is being increased yearly (reference made to 2016 - up to date). It is related to judicial reforms and new facilities commencement. Discrepancy between approved and implemented budget occurred due to optimization of planned expenditures. Also, approved budget always contain contingency, the implementation of which is not always obligatory. The computerization budget is growing yearly which a result of new technologies development. Comparing to reference year (2016) the budget has been increased by 31% despite the currency devaluations, market fluctuations and economy shocks. The discrepancy between approved and implemented budgets is tiny (<1%), so budget fulfilled successfully. The discrepancy of annual budgets allocated to court buildings comparing to reference year is huge (5-fold difference), which is related to judicial reforms and special care by government in terms of improvement work conditions. The budget is fulfilled accurately, there is almost no discrepancy. Annual public budget allocations to investment in new court buildings also showing grow by almost 19%. The budget allocated and implemented is same. Although the e-court system and IT requirements are increasing yearly, the annual budget allocations to training has increase by 50% comparing to reference year which is result of special programs and reforms on study best international practice, etc.

## Georgia

**(2020):** The savings received as a result of conducted tender; Remained unused funds from signed service contracts during the year, The construction of the new building of the Tbilisi City Court has not started, No bonus was paid to employees.

Other - Business trip, Goods & Services for Office, Uniform, Vehicle Fuel, Repair & Insurance, Judges' Apartment Rent, Funds allocated from the budget for the High School of Justice in addition to the funds provided for training).

**(2018):** The difference between the approved and implemented budget every year can be explained by the savings received as a result of conducted tender; remained unused funds from signed service contracts during the year.

Regarding increase of 88% of the approved budget for computerization, and of 107% of the implemented one, also increase of 217% for investments in new court buildings: this is because there was a need to build additional buildings for Tbilisi City Court and few other regional courts. The Parliament approved increased budget to build these new buildings and to purchase computers for new buildings, as well as furniture and other items that fall in the category "other", which include vehicle insurance, costs for purchasing official vehicles, costs for Social security of court employees, furniture, health insurance, technical, business trip, establishment salary, transport expenses and other office expenses.

## Republic of Moldova

**(General Comment):** The annual public budget allocated for training includes the costs of professional training of judges and personnel of the instance. It subsumes only the amount allocated to judicial bodies for the training of entrants, excluding the budget of the National Institute of Justice. According to point 21 of the Government Decision no. 231 from 13.04.2012, the decentralized financing is made from the financial means provided in the annual budget of each public authority, amounting to at least 2% of the salary fund.

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants, heads of the secretariat and judges. In this way, other categories of staff have the possibility to receive continuous training courses from financial resources allocated from the court budget.

**(2020):** An upward trend of the budget allocated and implemented to computerization is due to the implementation of a new ICMS version in all courts and the videoconference tool which required to renew and adjust the equipment that several courts were using. The approved amount for investment in new court buildings was due to the implementation of court reorganization reform and necessity to build new court premises. The amount allocated was not spent due to different factors including the COVID pandemic situation.

The amount allocated to training increased due to the necessities presented by courts. The amount allocated to training and the implemented one for 2020 is due to the fact that many additional trainings for court staff were organized by different cooperation projects with outsourced financial assistance. As a result the courts spent the allocated financial means to training on other necessities.

The category “other” includes expenses related to telecommunication and mail services, transportation, periodicals, equipment, protocol expenses and missions, etc.

**(2018):** Regarding the increase of the budget allocated to salaries, according with the new Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector, at the end of the reference year the quantum of the salaries of judges and court staff changed due to a different salary formula. The salaries discrepancy in 2018 compared with the 2016 data is also due to a different average of the exchange rate in 2018 compared with 2016.

Budget for computerization decreased in 2018 as a result of participation in a cooperation project with outsourced financial assistance. A new version of ICMS has been developed in this regard.

The discrepancies of the amount of the budget allocated to court buildings in 2018 compared with 2016 data are due to the court map reorganization and the necessity to create working conditions. The lower amount of the annual public budget allocated to investments in new court buildings in 2018 compared with 2016 data is due to the first phase of the implementation of the court map optimization reform. Or, the main objectives in the reference period were to identify and register the land plots for new court buildings and did not require any financial means. The allocated amounts were spent for finishing to build the Ungheni first instance court.

The annual public budget allocated for training includes the costs of professional training of judges and personnel of the instance. It subsumes only the amount allocated to judicial bodies for the training of entrants, excluding the budget of the National Institute of Justice. According to point 21 of the Government Decision no. 231 from 13.04.2012, the decentralized financing is made from the financial means provided in the annual budget of each public authority, amounting to at least 2% of the salary fund.

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants, heads of the secretariat and judges. In this way, other categories of staff have the possibility to receive continuous training courses from financial resources allocated from the court budget.

The low amount allocated to training (1853 euros) and the implemented one (1589 euros) for 2018 is due to the fact that many additional trainings for court staff were organized by different cooperation projects with outsourced financial assistance, and as a result the courts spent the allocated financial means to training on other necessities.

## **Ukraine**

**(2020):** With regards to the budget in 2020 compared to the budget in 2018:

TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7): the increase was caused by including in 2020 cycle the budget of the Supreme Court (in previous cycles it was reflected in Q 15-3) and the High Anti-Corruption Court (the new court which began its functioning in 2019). In fact, if to compare the budgeting of local general courts and appeal courts (which was subject of reflection in Q006 in previous cycles) in 2018 and 2020, it stayed almost the same (2020: approved budget – 444 697 317 euro; implemented budget – 443 630 715 euro). So the discrepancy occurred due to the new calculating methodology applied for the 2020 cycle.

1. Annual public budget allocated to (gross) salaries: the discrepancy was caused by increasing funds for salaries of judges. The Law of Ukraine “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and some laws of Ukraine on the activities of judicial authorities” № 193-IX (adopted on October 16, 2019) evened out the salaries of judges who had not undergone the qualification evaluation with those already successfully passed (before the amendments the salary of the latter had been higher).

2. Annual public budget allocated to computerization (2.1 + 2.2): costs were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.): the increase was caused by the increase of market prices. 4. Annual public budget allocated to court buildings (maintenance, operating costs): the increase was caused by the increase of market prices.

5. Annual public budget allocated to investments in new (court) buildings: costs were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

6. Annual public budget allocated to training: costs assumably were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

7. Other (please specify): costs assumably were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

Reasons of divergence between approved and implemented budget in 2020: 1. Divergence was caused by changes in the actual number of employees. 2.1. and 2.2. Divergence was caused by changes in costs as a result of tender purchases. 3. Divergence was caused by the variability of indicators that form the total cost of services. 4. Divergence was caused by changes in costs as a result of tender purchases. 5. Divergence was caused by actual costs of construction (purchase) according to the acts of work performed. 6. Divergence was caused by fluctuation of the costs and number of persons who needed to undergo study or improve skills. 7. Divergence was caused by the variability of indicators which form the total cost of services, fluctuation of the costs, changes in costs as a result of tender purchases. The answer is based on the information, provided by the State Judicial Administration of Ukraine, Supreme Court and High Anti-Corruption Court.



**(2018):** Discrepancies between 2016 and 2018 cycles were caused by rise of expenditures for judicial system within judicial reform and were caused by changes in the legislation concerning the amount of judicial remuneration, rising of social standards and consumer price index, improving the accessibility conditions of court users to the courts, increasing the cost of payment for goods and services etc.

Here are some explanations in respect of increased court system budget expenditures in 2018:

Item 1: the discrepancy is caused by planned budgeting raise for salaries for judges and court staff almost in 1,6 times in 2017 compared to 2016, and almost 1,5 times increase in 2018 comparing to 2017.

Item 2: the increase in funding is caused by equipping the court buildings with videoconference equipment for local and appellate courts in connection with the introduction of such an option for court users. Item 3: the raise of funding is caused by increased prices for state postal services (e.g. for sending the request for summons) and by the spending for translation from Russian to Ukrainian in court proceedings.

Item 4: the budgeting was raised because of the need of court buildings renovation (305 court premises); the funds were spent for rising the accessibility of courts for disabled people through appropriate equipping of court building; Item 5: the funds were spent on the purchase of new 5 court buildings;

Item 7: the increase of funding was caused by the need of purchase of accommodation (more than 17000 square meters) for 295 judges and court staff in connection to their transfer to other courts from Donetsk and Luhansk regions, Autonomous Republic of Crimea, Sevastopol City (city located in the Autonomous Republic of Crimea with a special status).

#### Question 005

##### Azerbaijan

**(2020):** The budget allocated to the functioning of all courts increased significantly. The main changes were related with salary increasing, investment in technologies and court buildings modernization and maintenance. The increase in the amount of the public budget implemented for legal aid is explained by the increase of the service fee for the legal aid. According to the decision of the Cabinet of the Ministries, payment for each hour to a lawyer increased three times.

##### Georgia

**(2020):** GENERAL COURTS DEPARTMENT

HCOJ

#### Question 006

##### Armenia

**(2020):** The budget of the RA Prosecutor's Office is formed exclusively at the expense of the state budget. As for the budget allocated for training, the allocations for the training of prosecutors at the expense of the state budget are provided to the RA Academy of Justice.

**(2018):** Please see the budget for training in the budget of the Academy of Justice.

## **Azerbaijan**

**(2020):** There has been an increase in the budget allocated to public prosecution services since 2018 and proportionally an increase of the budget allocated to

## **Georgia**

**(2020):** The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it. See the numbers above. The implemented budget is different from the approved budget because of not conducting certain planned activities in 2020, due to the COVID-19 pandemic. The information on the budget of the Prosecution Service of Georgia (PSG) was mistakenly provided in GEL. In EUR the approved budget is 12 266 476, while the implemented budget is 11 275 060.

**(2018):** In comparison to 2016 the 2018 budget of the Prosecution Service of Georgia (PSG) is increased for GEL 1 000 000. However, due to the recent devaluation of GEL it appears less than 2016 budget in EUR. The difference between the approved and implemented budget is within the limit stipulated by the legislation of Georgia exceeding of which requires explanation. Nevertheless, PSG can provide additional information if needed.

## **Republic of Moldova**

**(2020):** The prosecution system benefited from continuous training organized on-line by the National Institute of Justice. The budget allocated for internal training was not spent.

**(2018):** The upward trends in 2018 can be explained by an increase of prosecutor and non-prosecutor staff salaries.

## **Ukraine**

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

**(2020):** These amounts include expenditures approved in the budget to ensure the performance of the functions of the public prosecution services, including the Specialized Anti-Corruption Prosecutor's Office.

For the purposes of answering the Q 013, the budget of the Training Center of Prosecutors of Ukraine was excluded from the total annual public budget allocated to the public prosecution services. According to the CEPEJ Explonatory note recommendations, the respective budget was presented separately in Q131-0.

**(2018):** From 2016 to 2018 the State Budget for General's Prosecutor Office was increasing sequentially. It is caused by lasting reform of prosecution service. In late 2017, basing on the Strategy for Reforming of the Judiciary, the System of Justice, and Ancillary Legal Institutions for 2015-2020, General Prosecutor adopted Road Map on reforming prosecution bodies. The said document prescribed a series of activities dedicated to ensure the independence of prosecutors during the fulfillment of their duties as well as bodies of prosecutor self-governance and to create additional anti-corruption safeguards. For implementation of the said Road Map, in early 2018 the Prosecutor General of Ukraine by an order established the Working Group for implementation of the said Road Map in part of the development of a system for evaluating the performance of prosecutors. Furthermore, within implementation of Section 4 of the said Road Map the System of electronic document circulation of the Prosecutor's Office of Ukraine was put into operation from 01/01/2019.

The two aforementioned novelties are only few examples which caused the raise of expenditures for prosecution as part of reform. If to study the raise of budget expenditures in 2017 and then in 2018, the situation was the following. Expenditures from the approved budget for 2017 compared to the budget for 2016 have risen by around 76% in absolute figures. Almost the same situation is observed in the 2018 compared to 2017 period. However, expenditures from the approved budget have risen by around 23%.

Increased budget allocations from the State Budget are caused by increasing costs for:

- implementation of prosecutorial investigative activities, training and advanced training of prosecutors;
- the functioning of Specialized Anti-Corruption Prosecutor's Office;
- consumption costs;
- labor costs;
- utilities and energy;
- development costs. The difference between the amounts of an approved annual budget of prosecution bodies and actually implemented budget appeared due to accumulation of funds for redistribution between budgetary programs of Prosecutor General's Office of Ukraine, which was not implemented, and due to saving funds, foreseen for:
  - utilities and energy through energy conservation measures and favorable weather conditions;
  - court fees, since it is not possible to schedule the exact number of violations detected, which should be subject to representative measures

## Question 007

### Armenia

**(2020):** There has been an increase in the budget allocated to the whole justice system due to the establishment of the Bankruptcy Court on January 1, 2019 and to the inclusion in the work remuneration of allocations of about 30% of the total salary fund for bonuses, monetary incentives and special payments since 2019.

**(2018): 1)** The approved budget includes: apart from courts, prosecutor services and legal aid budget already introduced in the above questions: prison services-14692969, Enforcement service-2444608, Forensic service-396900, functioning of the Ministry of Justice (including Probation)-3727311,  
2) The implemented budget-prison services-14488059, Enforcement service-2406073, Forensic service-396900, functioning of the Ministry of Justice (including Probation)-3653535

### **Azerbaijan**

**(2020):** The budget allocated to the whole justice system increased significantly. The main changes were related with salary increasing, investment in technologies, court buildings modernization and maintenance and legal aid. The reason of the difference between allocated (approved) and implemented budget is in limited operation in all directions and a break in conducting events due to Sars Cov-19 related quarantine measures in 2020.

**(2018):** The budget allocated to the whole justice system decreased because of reforms of the system as well as the necessity of investment in targeted directions such as notary services, etc fell away.

### **Ukraine**

**(General Comment):** In connection with the judicial reform, Ukraine raised annual approved public budget allocated to the whole justice system and it includes: the total annual public budget allocated to all courts (local and appeal courts, High Anti-Corruption Court, Supreme Court); total annual public budget allocated to legal aid; public budget allocated to public prosecution services, including the Training Center for Prosecutors of Ukraine; prison system (State Criminal and Enforcement Service of Ukraine); High Council of Justice; High Qualification Commission of Judges of Ukraine; National School of Judges of Ukraine; Constitutional Court; State Judicial Administration of Ukraine and its territorial offices; Ministry of Justice of Ukraine; Ministry of Temporarily Occupied Territories and Internally Displaced Persons; State Migrational Service of Ukraine; National Police of Ukraine (having pre-trial investigation function); National Anti-Corruption Bureau of Ukraine (having pre-trial investigation function); State Bureau of Investigation (having pre-trial investigation function); State Fiscal Service of Ukraine (having pre-trial investigation function); Security Service of Ukraine (having pre-trial investigation function); Secretariat of Ukrainian Parliament Commissioner for Human Rights.

**(2020):** The difference in the sum of the approved annual public budget allocated to the whole justice system for 2020 compared to the 2018 one is caused by the inclusion of the fewer budgets during calculation for the 2020 cycle.

**(2018):** The discrepancy is caused by the change of the methodology for this cycle.

### **Question 008**

#### **Armenia**

**(2018):** Please see the budget for the courts, prosecution and legal aid in the previous section.

#### Question 009

##### Armenia

**(2018):** There is no public budget for Notariat. As regards the judicial protection of juveniles, if legal aid is meant, it is included in general legal aid budget. In addition, there is a dedicated agency under the Ministry of Justice that deals with legal education and rehabilitation programs targeting also juveniles. In any case, there is no specific budget allocated for the judicial protection of juveniles.

##### Azerbaijan

**(2018):** No comment

##### Republic of Moldova

**(2020):** The sum also includes the budget allocated for the following authorities: the Center for Legal Information, the National Institute of Justice.

**(2018):** The sum also includes the budget allocated for the following authorities: the Center for the Harmonization of Legislation, the Center for Legal Information, the National Institute of Justice.

##### Ukraine

**(2020):** High Qualification Commission of Judges of Ukraine; National School of Judges of Ukraine; National Anti-Corruption Bureau of Ukraine; State Bureau of Investigations; State Fiscal Service of Ukraine; Security Service of Ukraine; Ukrainian Parliament Commissioner for Human Rights (Secretariat).  
The difference in the approved annual public budget allocated to the whole justice system for 2020 compared to the 2018 one is caused by the inclusion of the fewer budgets during calculation for the 2020 cycle.

**(2018):** National Anti-Corruption Bureau of Ukraine; National Agency for Corruption Prevention; State Bureau of Investigation; High Qualification Commission of Judges of Ukraine; National School of Judges of Ukraine; National Prosecution Academy of Ukraine; Secretariat of Ukrainian Parliament Commissioner for Human Rights.

#### Question 010

##### Azerbaijan

**(2020):** In Azerbaijan most of the international projects are financed partly by state budget and partly by loan (to be repaid), as only some are financed by international organisations.

The projects currently implemented in Azerbaijan are as follows: The CEPEJ project Strengthening the efficiency and quality of the judicial system in Azerbaijan (2019-2022), regional project “Support for a better evaluation of the result of the judicial reform efforts in the Eastern Partnership Project” (“Justice Dashboard EaP”/”Project”) (2021-2024), “Support further Development of Alternative Dispute Resolution Services and Specialized Courts in Azerbaijan” (2020-2022), Judicial Services and Smart Infrastructure Project of the World Bank (2014-2024).

### **Republic of Moldova**

**(2020):** In 2020 external funds were allocated by USAID, UNDP, and CoE (CEPEJ) for implementing projects aimed at improving functioning of judiciary, such as trainings of judges and court staff on different topics, implementation of new IT solutions ( refining the ICMS, electronic statistics, procuring videoconference equipment and licenses, refining the national courts portal) in judiciary, submitting studies, recommendations in this concern). All procurements linked to the external assistance (experts, equipment) were not a part of the national budget and were organized by the development partners. In this regard the national justice actors are not keeping a complete evidence on the implemented amount of the international donor assistance.

### **Question 011**

### **Republic of Moldova**

**(2020):** There is a specific menu dedicated to the external assistance on the Ministry of Finance webpage. There is also functional a national aid management platform <http://www.amp.gov.md/portal>. The Ministry of Finance publishes an annual Report on external assistance on its webpage which divides the external assistance received by sectors. According to the 2020 Report, the external assistance for Good Governance sector (including justice) constituted 12,7% from the total external assistance received by Moldova in 2020. The disaggregated data on justice are not available for the related period.

### **Question 012**

### **Azerbaijan**

**(2020):** The increase in the amount of the public budget implemented for legal aid is explained by the increase of the service fee for the legal aid. According to the decision of the Cabinet of the Ministries, payment for each hour to a lawyer increased three times.

### **Republic of Moldova**

**(General Comment):** The primary legal aid is granted pursuant to Law No. 198 of 26 July 2007 on legal aid guaranteed by the State, by paralegals and specialised social associations in the granting of legal aid. It involves the sharing of information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the effective exercise of rights by legal action or extrajudicial mean; the granting of advice in relation to legal issues; the assistance in the drafting of legal documents; any other form of assistance which is not part of the qualified legal assistance category.

**(2018):** The upward trends in this respect in comparison with 2016 data are due to the expansion of the legal aid system, the diversification of the range of services and suppliers of legal aid, the promotion of the system.

## Ukraine

**(2020):** 2020 became a year of radical change in the area of free legal aid services in Ukraine. The issue of access to free legal aid has always been important, but in the context of the COVID-19 pandemic, it has become even more relevant. Ukrainian free legal aid system quickly adapted to new challenges, in particular through the active use of digital technologies for the provision of free legal aid, and assistance in providing clients with access to mediation. Thus, the Supervisory Board of the Coordination Center for Legal Aid was established, the categories of persons entitled to secondary free legal aid were expanded, a pilot project on restorative justice for juveniles was extended to the whole territory of Ukraine, and a project to accelerate private investment in the rural economy of Ukraine was begun. Now the person can send requests for legal information, consultations, and clarifications to the free legal aid system remotely through various communication channels - e-mail, Viber, Telegram, Facebook, mobile application "Free Legal Aid", through the feedback form on the official website of the free legal aid systems. There is also "WikiLegalAid" webpage (a Legal Advice Reference and Information Platform)

cycle:

1. Increase in the amount of legal aid lawyer's hourly work, which is connected with amendments to Cabinet of Minister's Decree dated 17.09.2014 No.465 "Issues of payment for services and reimbursement of lawyers providing free secondary legal aid". Starting 01.01.2018 the amount of payment per hour of a lawyer who provides legal aid was increased from 2.5% to 5% of the subsistence minimum, approved for able-bodied persons at the time of submission by the lawyer of the act. Besides, in 2018 comparing with 2016 the entire level of subsistence minimum approved for able-bodied persons was increased.
2. The number of cases under which the free legal aid was granted, has increased, including the following reasons:
  - a. The number of cases subject to secondary legal aid in criminal cases has increased from 77 233 in 2016 to 91 120 in 2018;
  - b. The number of cases subject to secondary legal aid in other cases (civil and administrative) has increased from 37 953 in 2016 to 75 311 in 2018. c. There has been an increase in providing legal aid for legal consultations, drafting legal documents (except procedural documents) from 239 164 in 2016 to 553 301 in 2018. Increasing number of cases subject to legal aid in civil and administrative cases, including legal consultations in 2018 comparing 2016 took place due to increased access to services of legal aid as result of establishment of legal aid Bureau, which began working throughout Ukraine starting September 01, 2016. It resulted into increase of the number of requests to receive legal aid more than 4 times.

## Question 013

## **Azerbaijan**

**(2020):** The main reason for the difference between the public budget actually implemented for legal aid and the annual approved public budget allocated to legal aid is in the reduction of the number of applications. The reason of SARS Covid-19 related lock-down and operation restrictions.

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

## **Georgia**

**(2020):** Due to the fact that the Public Advocates of the Legal Aid Service receive a monthly salary, it is therefore impossible to calculate the cost of each case or consultation.

## **Republic of Moldova**

**(2020):** The upward trends in this respect in comparison with 2018 data are due to the expansion of the legal aid system, the diversification of the range of services and beneficiaries of legal aid, the promotion of the system. The increase in remuneration for the legal aid services constituted the main strategic objective needed to be achieved starting with 2018, which continued in 2020. In particular, it was proposed to bring the conventional unit for lawyers remuneration from 20 to 50 MDL (1.01-2.53 EUR), in three stages. The process is planned to be completed in 2021.

In 2020, the categories of legal aid beneficiaries regardless of income level were extended, including victims of domestic violence; victims of trafficking in human beings; victims of torture and ill-treatment; asylum seekers and a concept which allows 24/24 assistance for victims of domestic violence and sexual offenses was implemented. Starting with 2020, legal aid is also granted to legal entities on several criminal cases. Despite it the volume of legal aid provided it was decreasing in 2020 due to pandemic restrictions.

We can not distinguish the data on the budget for criminal cases and other cases on paralegals because they provide assistance on all types of cases. In the above tables there are reflected amounts referring only to the National Legal Aid Council expenditure (the payments for judicial services), but the total approved budget is 3 194 357 euro and the executed budget is 2 702 505 euro. The differences are constituting administrative and maintenance expenditures for institutions within the

**(2018):** The upward trends in this respect in comparison with 2016 data are due to the expansion of the legal aid system, the diversification of the range of services and suppliers of legal aid, the promotion of the system.

We can not distinguish the data on the budget for criminal cases and other cases on paralegals because they provide assistance on all types of cases.

In the above tables there are reflected amounts referring only to the National Legal Aid Council expenditure (the payments for judicial services), but the total approved budget is 1 514 034 euro and the executed budget is 1 457 655 euro. The differences are constituting administrative and maintenance expenditures for institutions within the system.



## Ukraine

**(2018):** Due to the ongoing justice sector reform in Ukraine, the judicial system obtains a higher budget for its needs.

## Question 013-1

### Armenia

**(2020):** No exemption is defined directly for legal aid beneficiaries, although some court fee exemptions may include those having right to legal aid. For example, pensioners, who live alone, can get a legal aid, and simultaneously all pensioners are exempted from court fees.

### Georgia

**(2020):** According to the law on 'State Fees" (art. 5, par. 1, 11), the socially vulnerable parties registered in the database are exempt from the court fees.

## Question 013-2

### Georgia

**(2020):** The costs of the process are court costs (fees) and extra judicial costs (lawyer services), the beneficiaries of the legal aid service are socially vulnerable persons who are exempt from paying the fees, and the lawyer costs are reimbursed by the service.

Please see <http://www.legalaid.ge/en> By the legislation of Georgia, costs of the process are court costs (fee), and extra judicial costs (lawyer services). According to the Law of Georgia On State duty (Article 5, paragraph 1, sub-paragraph U), institutions (organizations) whose costs are financed only from the state budget (such as Legal Aid Service of Georgia) are exempt from paying any fee. Beneficiaries of the Legal Aid Service are fully exempted from paying the state fee for civil and administrative cases.

Free legal aid implies that all costs are covered by the state, but while covering these costs, there is no actual transfer of funds from Legal Aid Service budget. Legal Aid Service does not have to pay any funds in the form of state fees, therefore these costs are not calculated when planning the budget of the Service.

## Question 014

### Armenia

**(2020):** The average monthly nominal wage has been increased since the last data collection EUR ~353 (AMD 189.716) was the average monthly nominal wage for 2020, the average annual salary is EUR~4237.

The basis for calculations was the exchange rate 537.26.

**(2018):** EUR ~320 (AMD 172.727) was the average monthly nominal wage for 2018, the average annual salary is EUR~3840.

The basis for calculations was the exchange rate 554.8~555 (please see the next question).

The slight decrease is due to fluctuations in the exchange rate and a small decrease in average monthly nominal wage.

#### **Azerbaijan**

**(2020):** Following the world trends (Due to the SARS Covid-19) Azerbaijan had not avoided some depression in economic processes. However, the average gross annual salary has increased”

#### **Republic of Moldova**

**(2018):** Average gross annual salary increased due to the economic growth and to the state policy in this regard. The difference is also due to a fluctuation of average of the exchange rate of the national currency in Euro from 2016 to 2018.

#### **Ukraine**

**(2018):** The average gross annual salary for the current cycle is equal to EUR 3355 which is higher for approx. 40% than the annual salary for the previous cycle EUR 2376. This is a result of systematic raising by Ukrainian Government the minimum wages, started from 2017. The largest nominal increase in salaries was observed in the following activities: public administration and defense, obligatory social insurance; professional, scientific and technical activities, electricity, gas, steam, and air conditioning supplies; financial and insurance activities; information and telecommunications.

## 2. Professionals - Overview

### 2.1 Average gross salary of professional judges and prosecutors

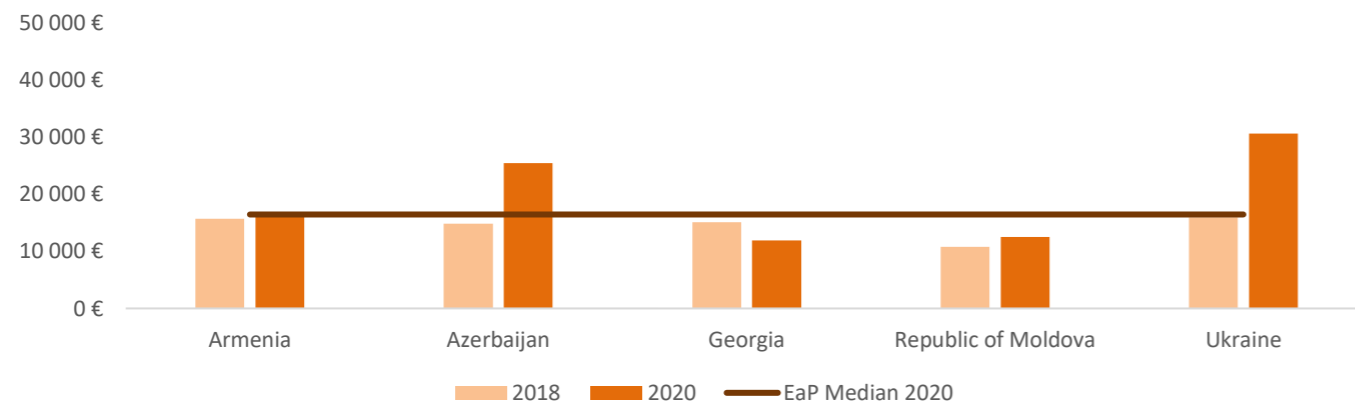
#### Average gross salary of professional judges (Tables no. 2.1.1)

Beneficiaries	At the beginning of the career		At the Supreme Court		2020- Ratio with average gross annual national salary	
	2020	% Variation 2018 - 2020	2020	% Variation 2018 - 2020	At the beginning of the career	At the Supreme Court
Armenia	16 453 €	4,9%	24 325 €	5,8%	3,9	5,7
Azerbaijan	25 476 €	71,8%	39 004 €	62,6%	6,3	9,6
Georgia	11 928 €	-20,9%	22 404 €	-1,0%	3,4	6,3
Republic of Moldova	12 551 €	16,3%	18 631 €	7,9%	2,5	3,8
Ukraine	30 619 €	91,4%	97 838 €	-7,4%	6,8	21,6
<b>EaP Median</b>	16 453 €	16,3%	24 325 €	5,8%	3,88	6,31

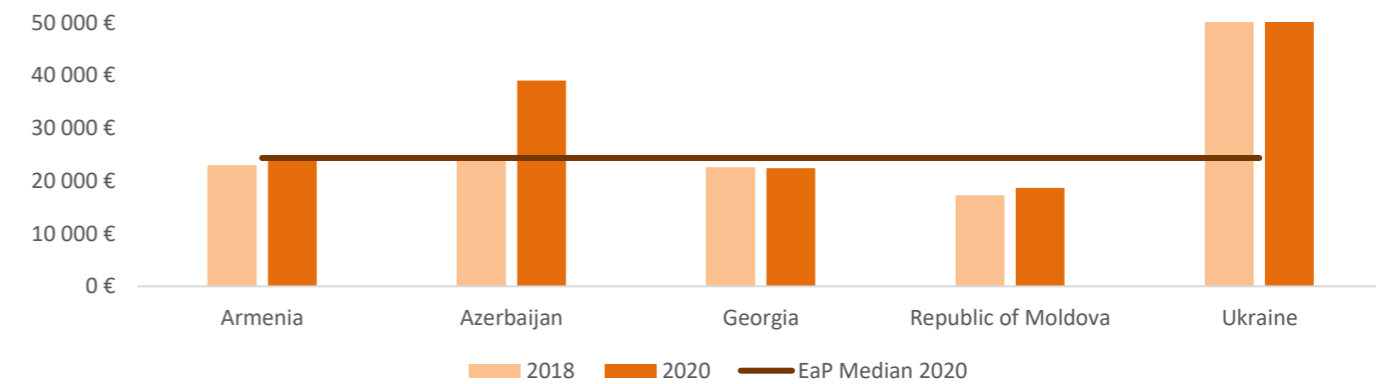
Ratio of the average gross salary of professional judges with the average gross annual national salary in 2020



Average gross salary of professional judges at the beginning of the career between 2018 and 2020



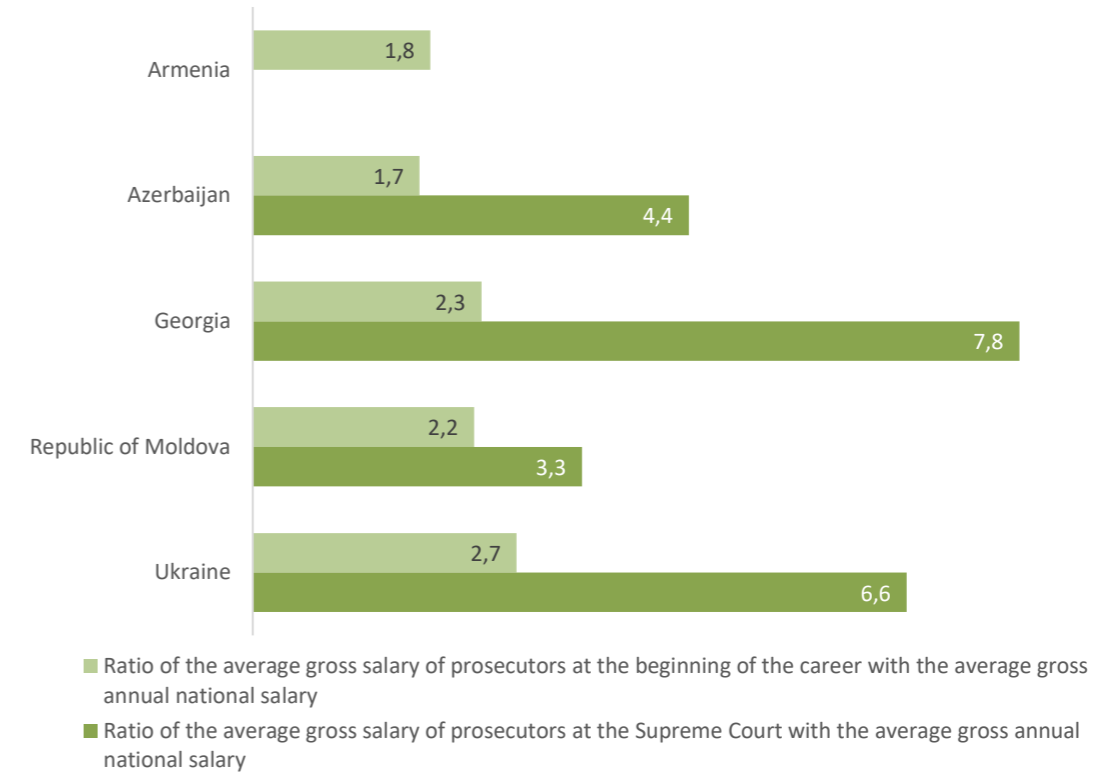
Average gross salary of professional judges at the Supreme Court between 2018 and 2020



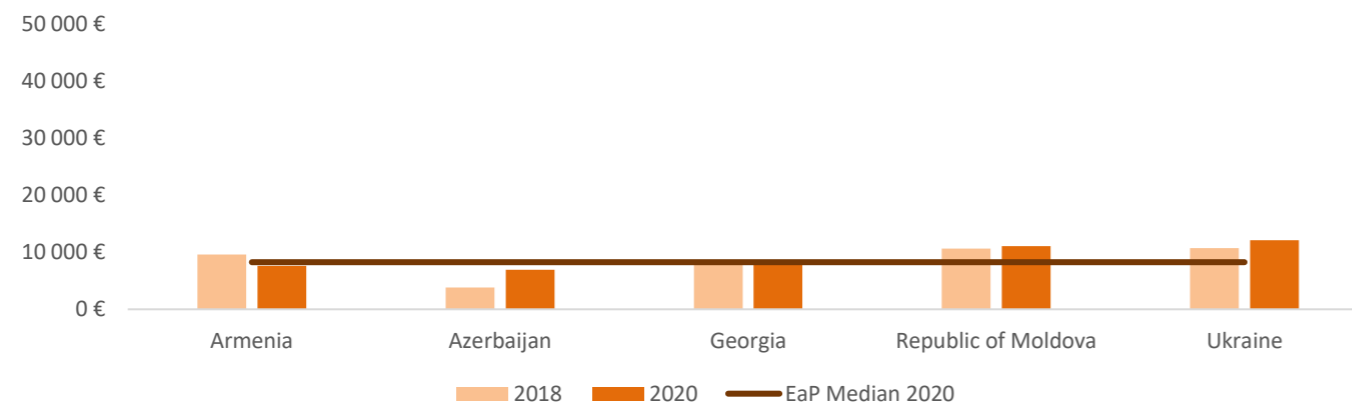
Average gross salary of prosecutors (Table no. 2.1.3)

Beneficiaries	At the beginning of the career		At the Supreme Court		2020- Ratio with average gross annual national salary	
	2020	% Variation 2018 - 2020	2020	% Variation 2018 - 2020	At the beginning of the career	At the Supreme Court
Armenia	7 651 €	-20,1%	NA	NA	1,8	NA
Azerbaijan	6 893 €	80,4%	18 014 €	61,5%	1,7	4,4
Georgia	8 247 €	0,0%	27 656 €	0,0%	2,3	7,8
Republic of Moldova	11 080 €	4,4%	16 489 €	-5,7%	2,2	3,3
Ukraine	12 118 €	13,4%	30 023 €	72,6%	2,7	6,6
<b>EaP Median</b>	<b>8 247 €</b>	<b>4,4%</b>	<b>22 835 €</b>	<b>30,8%</b>	<b>2,25</b>	<b>5,54</b>

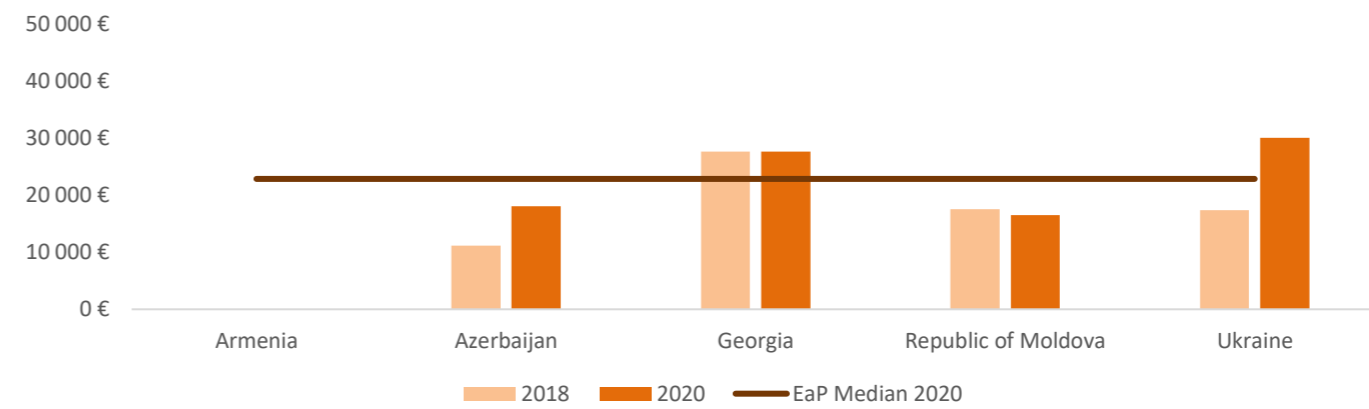
Ratio of the average gross salary of prosecutors with the average gross annual national salary in 2020



Average gross salary of prosecutors at the beginning of the career between 2018 and 2020



Average gross salary of prosecutors at the Supreme Court between 2018 and 2020

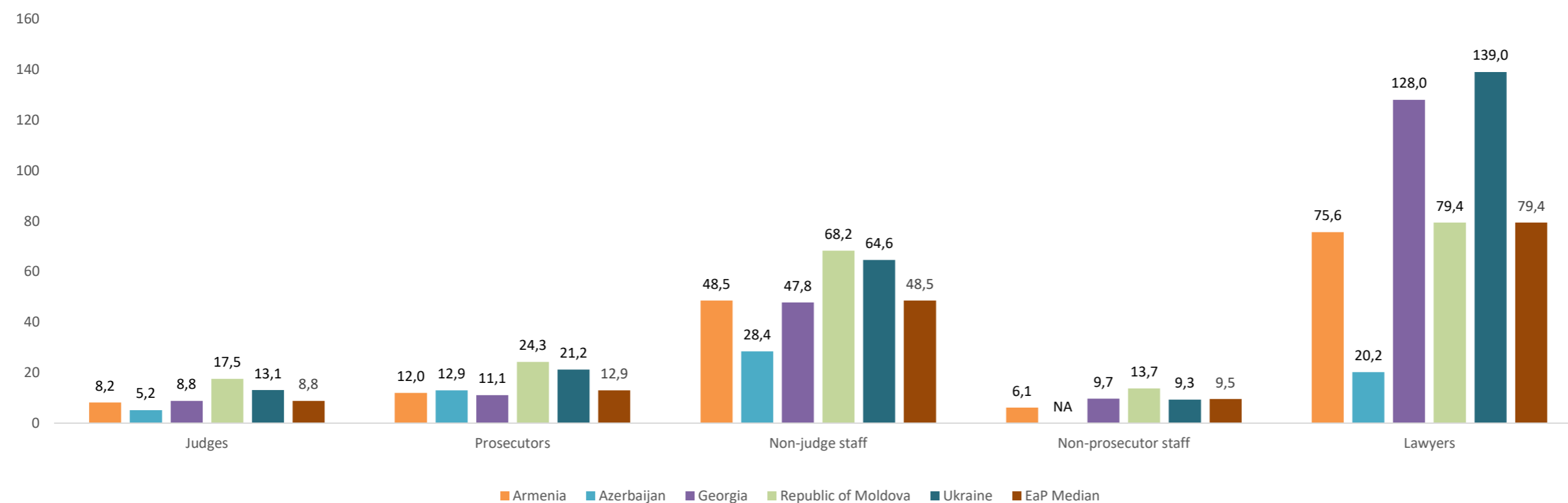


## 2.2 Number of justice professionals

Justice professionals per 100 000 inhabitants in 2018 and 2020 (Tables no. 2.2.3, 2.2.6, 2.2.9, 2.2.11 and 2.2.13)

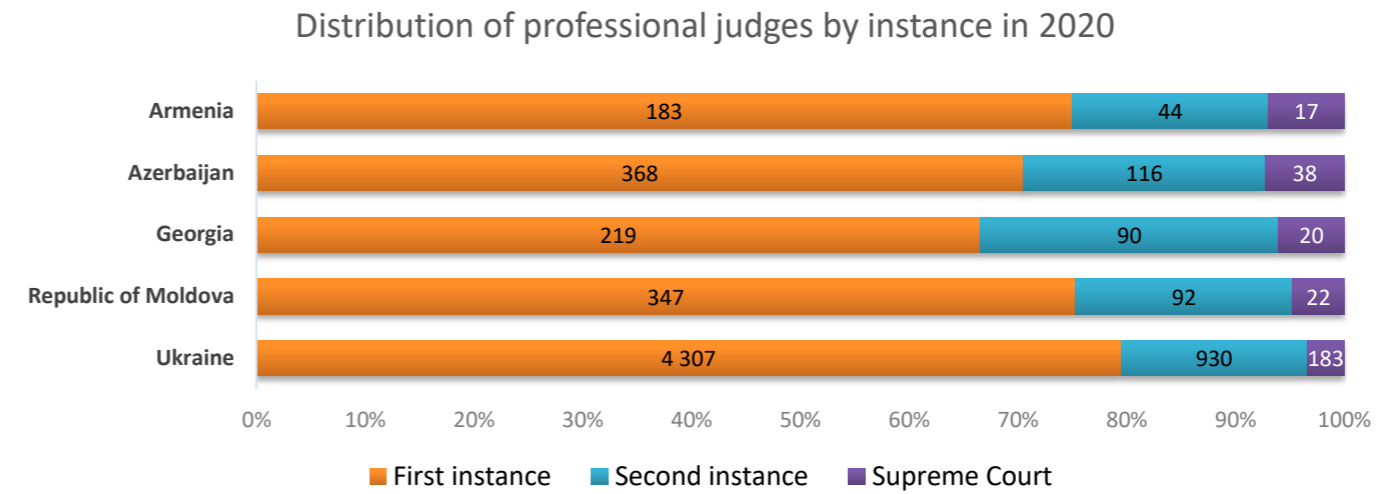
Beneficiaries	Judges		Prosecutors		Non-judge staff		Non-prosecutor staff		Lawyers	
	2018	2020	2018	2020	2018	2020	2018	2020	2018	2020
Armenia	8,0	8,2	11,1	12,0	25,9	48,5	10,6	6,1	72,2	75,6
Azerbaijan	5,7	5,2	12,0	12,9	26,7	28,4	NA	NA	15,7	20,2
Georgia	8,2	8,8	11,3	11,1	40,4	47,8	9,9	9,7	123,0	128,0
Republic of Moldova	16,4	17,5	24,1	24,3	62,8	68,2	17,2	13,7	78,7	79,4
Ukraine	12,8	13,1	25,1	21,2	62,7	64,6	8,7	9,3	107,6	139,0
<b>EaP Median</b>	<b>8,2</b>	<b>8,8</b>	<b>12,0</b>	<b>12,9</b>	<b>40,4</b>	<b>48,5</b>	<b>10,2</b>	<b>9,5</b>	<b>78,7</b>	<b>79,4</b>

Justice professionals per 100 000 inhabitants in 2020



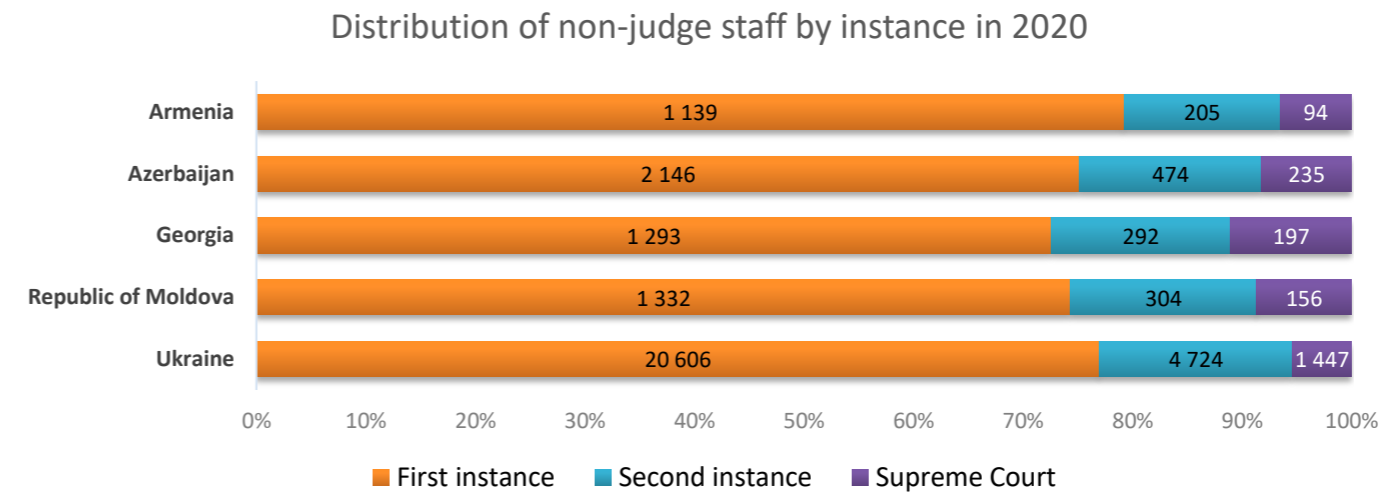
### Number of professional Judges (Tables no. 2.2.1 and 2.2.3)

Beneficiaries	2020		% Variation 2018 - 2020
	Absolute number	per 100 000 inh.	
Armenia	244	8,2	3,4%
Azerbaijan	522	5,2	-7,3%
Georgia	329	8,8	7,9%
Republic of Moldova	461	17,5	4,8%
Ukraine	5420	13,1	0,2%
<b>EaP Median</b>	461	8,8	3,4%



### Number of non-judge staff (Tables no. 2.2.8 and 2.2.9)

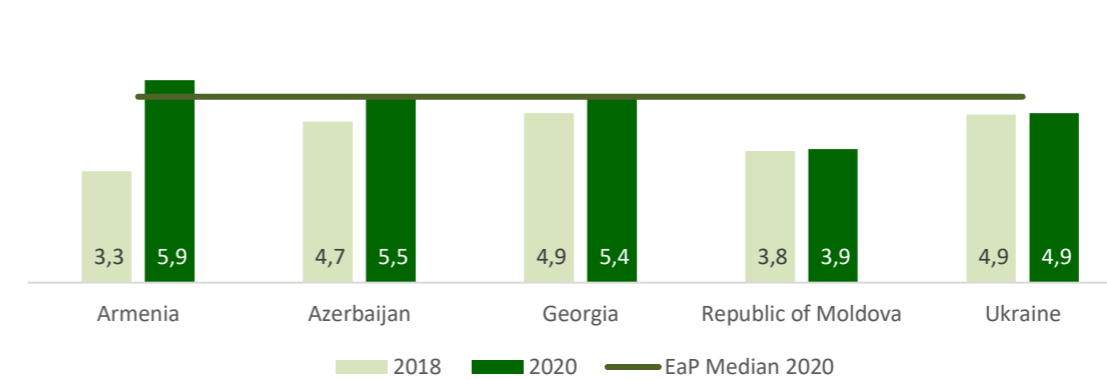
Beneficiaries	2020		% Variation 2018 - 2020
	Absolute number	per 100 000 inh.	
Armenia	1 438	48,5	87,5%
Azerbaijan	2 855	28,4	8,0%
Georgia	1 782	47,8	18,4%
Republic of Moldova	1 792	68,2	6,2%
Ukraine	26 777	64,6	1,3%
<b>EaP Median</b>	1 792	48,5	8,0%



### Ratio non-judge staff and professional judges (Table no. 2.2.10)

Beneficiaries	2020	% Variation 2018 - 2020
Armenia	5,9	81,3%
Azerbaijan	5,5	16,5%
Georgia	5,4	9,8%
Republic of Moldova	3,9	1,3%
Ukraine	4,9	1,0%
<b>EaP Median</b>	5,4	9,8%

### Ratio non-judge staff and professional judges between 2018 and 2020



### Number of prosecutors (Tables no. 2.2.5 and 2.2.6)

Beneficiaries	2020		% Variation 2018 - 2020
	Absolute number	per 100 000 inh.	
Armenia	355	12,0	7,9%
Azerbaijan	1 303	12,9	10,1%
Georgia	414	11,1	-1,4%
Republic of Moldova	638	24,3	-1,5%
Ukraine	8 800	21,2	-16,7%
<b>EaP Median</b>	<b>638</b>	<b>12,9</b>	<b>-1,4%</b>

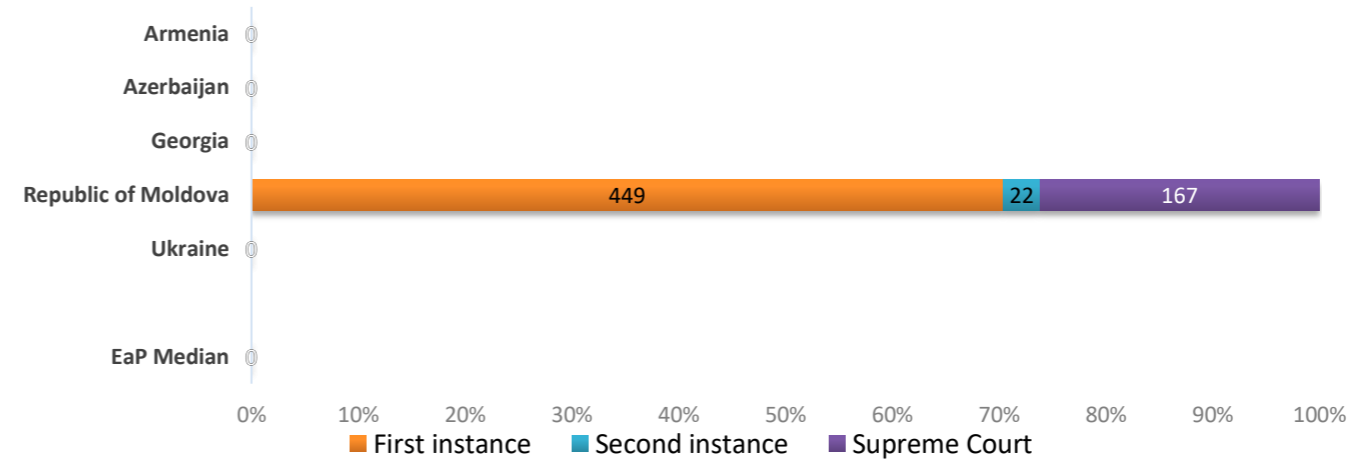
### Number of non-prosecutors staff (Table no. 2.2.11)

Beneficiaries	2020		% Variation 2018 - 2020
	Absolute number	per 100 000 inh.	
Armenia	182	6,1	42,0%
Azerbaijan	NA	NA	NA
Georgia	363	9,7	-1,4%
Republic of Moldova	360	13,7	22,1%
Ukraine	3 864	9,3	4,9%
<b>EaP Median</b>	<b>362</b>	<b>9,5</b>	<b>-11,7%</b>

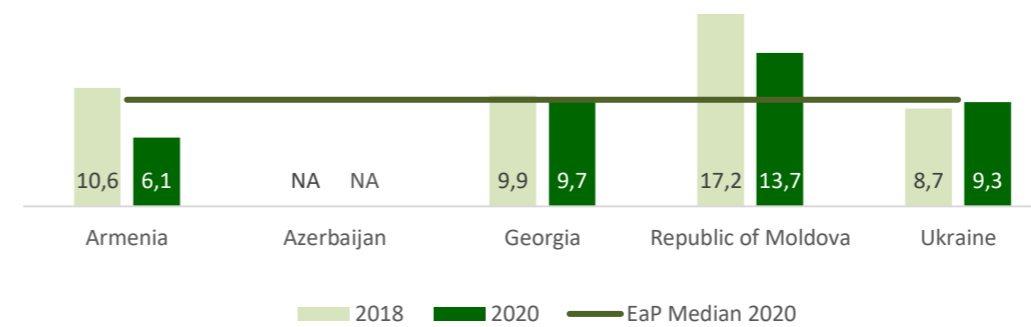
### Ratio non-prosecutor staff and prosecutors (Table no. 2.2.12)

Beneficiaries	2020	% Variation 2018 - 2020
Armenia	0,5	-46,3%
Azerbaijan	NA	NA
Georgia	0,9	0,1%
Republic of Moldova	0,6	-20,9%
Ukraine	0,4	25,9%
<b>EaP Median</b>	<b>0,5</b>	<b>-10,4%</b>

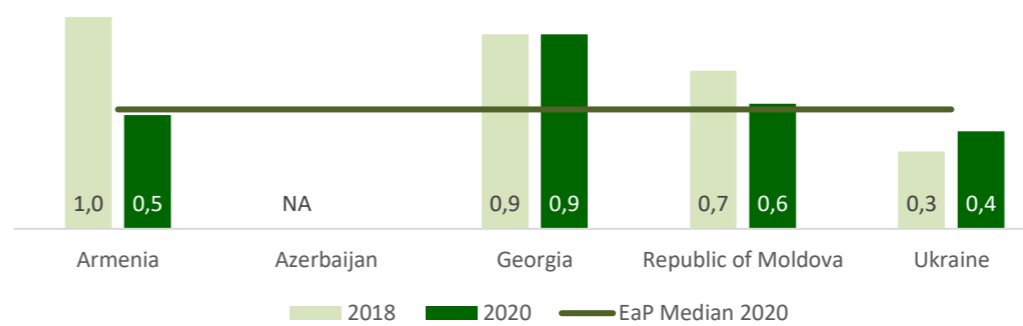
### Distribution of prosecutors by instance in 2020



### Non-prosecutor staff per 100 000 inhabitants between 2018 and 2020

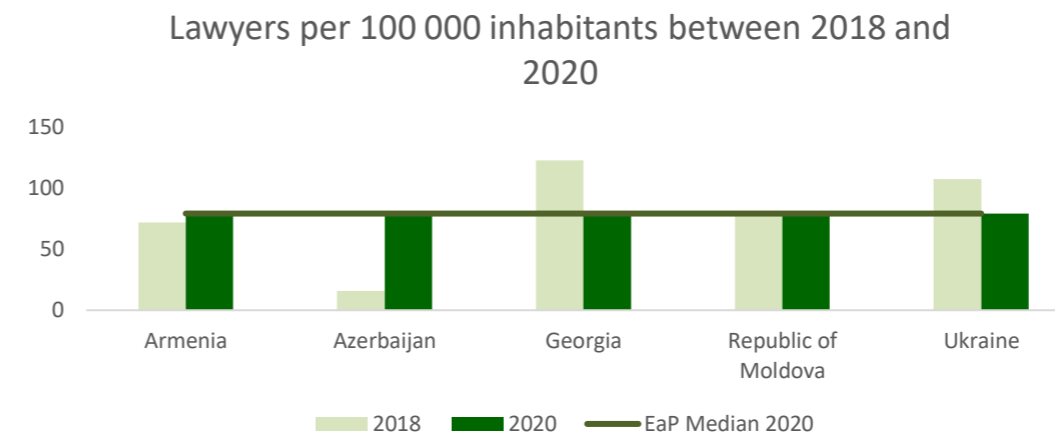


### Ratio non-prosecutor staff prosecutors between 2018 and 2020



**Number of lawyers (Table no. 2.2.13)**

Beneficiaries	2020		% Variation 2018 - 2020
	Absolute number	per 100 000 inh.	
Armenia	2 240	75,6	4,8%
Azerbaijan	2 031	20,2	30,7%
Georgia	4 772	128,0	4,2%
Republic of Moldova	2 086	79,4	-1,4%
Ukraine	57 591	139,0	26,9%
<b>EaP Median</b>	<b>2 240</b>	<b>79,4</b>	<b>4,8%</b>





## 2. Professionals - Tables

Table 2.1.1 Gross annual salaries of judges (in €) in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.2 Net annual salaries of judges (in €) in 2018 and 2020 (Q15)

Table 2.1.3 Gross annual salaries of prosecutors (in €) in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.4 Net annual salaries of prosecutors (in €) in 2018 and 2020 (Q15)

Table 2.1.5 Salaries of judges and prosecutors in € in 2020 (Q15)

Table 2.1.5LC Salaries of judges and prosecutors in local currency in 2020 (Q15)

Table 2.1.6 Additional benefits and productivity bonuses for judges and prosecutors in 2020 (Q16 and Q18)

Table 2.2.1 Number of professional judges by instance in 2018 and 2020 (Q19)

Table 2.2.2 Distribution of professional judges by instance in 2018 and 2020 (Q19)

Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance in 2018 and 2020 (Q19)

Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2020 (Q20, Q21, Q22, Q23, Q24)

Table 2.2.5 Number of court presidents by instance in 2018 and 2020 (Q19)

Table 2.2.6 Number of court presidents per 100 000 inhabitants by instance in 2018 and 2020 (Q19-1)

Table 2.2.7 Number of non-judge staff by type in 2018 and 2020 (Q26)

Table 2.2.8 Number and distribution of non-judge staff by instance in 2018 and 2020 (Q27)

Table 2.2.9 Total number of non-judge staff (absolute number and per 100 000 inhabitants) in 2018 and 2020 (Q27)

Table 2.2.10 Ratio of non-judge staff and professional judges in 2018 and 2020 (Q19 and Q27)

Table 2.2.11 Number of prosecutors by instance in 2018 and 2020, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Table 2.2.12 Number of prosecutors per 100 000 inhabitants by instance in 2018 and 2020 (Q28)

Table 2.2.13 Number of heads of prosecution services by instance in 2018 and 2020 (Q28-1)

Table 2.2.14 Number of heads of prosecution services per 100 000 inhabitants by instance in 2018 and 2020 (Q28-1)

Table 2.2.15 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) in 2018 and 2020 (Q32)

Table 2.2.16 Ratio of non-prosecutor staff and prosecutors in 2018 and 2020 (Q28 and Q32)

Table 2.2.17 Number of lawyers (absolute number and per 100 000 inhabitants) in 2018 and 2020 (Q33 and Q34)

Table 2.2.18 Number of professional judges and lawyers per 100 000 inhabitants in 2018 and 2020 (Q19 and Q33)

**Table 2.1.1 Gross annual salaries of judges (in €) in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)**

Beneficiaries	Gross annual salary of judges, in €							
	At the beginning of the career			At the Supreme Court			2020- Ratio with average gross annual national salary	
	2018	2020	% Variation 2018 - 2020	2018	2020	% Variation 2018 - 2020	At the beginning of the career	At the Supreme Court
<b>Armenia</b>	15 685 €	16 453 €	4,9%	22 999 €	24 325 €	5,8%	3,9	5,7
<b>Azerbaijan</b>	14 830 €	25 476 €	71,8%	23 984 €	39 004 €	62,6%	6,3	9,6
<b>Georgia</b>	15 081 €	11 928 €	-20,9%	22 621 €	22 404 €	-1,0%	3,4	6,3
<b>Republic of Moldova</b>	10 794 €	12 551 €	16,3%	17 272 €	18 631 €	7,9%	2,5	3,8
<b>Ukraine</b>	15 997 €	30 619 €	91,4%	105 667 €	97 838 €	-7,4%	6,8	21,6
<b>Average</b>	14 477 €	19 405 €	32,7%	38 509 €	40 440 €	13,6%	4,6	9,4
<b>Median</b>	15 081 €	16 453 €	16,3%	22 999 €	24 325 €	5,8%	3,9	6,3
<b>Minimum</b>	10 794 €	11 928 €	-20,9%	17 272 €	18 631 €	-7,4%	2,5	3,8
<b>Maximum</b>	15 997 €	30 619 €	91,4%	105 667 €	97 838 €	62,6%	6,8	21,6
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.1.2 Net annual salaries of judges (in €) in 2018 and 2020 (Q15)**

Beneficiaries	Net annual salary of judges, in €					
	At the beginning of the career			At the Supreme Court		
	2018	2020	% Variation 2018 - 2020	2018	2020	% Variation 2018 - 2020
<b>Armenia</b>	10 878 €	12 668 €	16,5%	16 144 €	18 730 €	16,0%
<b>Azerbaijan</b>	12 014 €	22 162 €	84,5%	19 429 €	34 667 €	78,4%
<b>Georgia</b>	12 065 €	9 540 €	-20,9%	17 909 €	17 928 €	0,1%
<b>Republic of Moldova</b>	8 502 €	10 041 €	18,1%	13 603 €	14 905 €	9,6%
<b>Ukraine</b>	12 958 €	24 648 €	90,2%	85 058 €	78 760 €	-7,4%
<b>Average</b>	11 283 €	15 812 €	37,7%	30 429 €	32 998 €	19,3%
<b>Median</b>	12 014 €	12 668 €	18,1%	17 909 €	18 730 €	9,6%
<b>Minimum</b>	8 502 €	9 540 €	-20,9%	13 603 €	14 905 €	-7,4%
<b>Maximum</b>	12 958 €	24 648 €	90,2%	85 058 €	78 760 €	78,4%
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

**Table 2.1.3 Gross annual salaries of prosecutors (in €) in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)**

Beneficiaries	Gross annual salary of prosecutors, in €							
	At the beginning of the career			At the Supreme Court			2020- Ratio with average gross annual national salary	
	2018	2020	% Variation 2018 - 2020	2018	2020	% Variation 2018 - 2020	At the beginning of the career	At the Supreme Court
<b>Armenia</b>	9 576 €	7 651 €	-20,1%	NAP	NA	NA	1,8	NA
<b>Azerbaijan</b>	3 822 €	6 893 €	80,4%	11 151 €	18 014 €	61,5%	1,7	4,4
<b>Georgia</b>	8 247 €	8 247 €	0,0%	27 656 €	27 656 €	0,0%	2,3	7,8
<b>Republic of Moldova</b>	10 612 €	11 080 €	4,4%	17 493 €	16 489 €	-5,7%	2,2	3,3
<b>Ukraine</b>	10 689 €	12 118 €	13,4%	17 390 €	30 023 €	72,6%	2,7	6,6
<b>Average</b>	8 589 €	9 198 €	15,6%	18 423 €	23 046 €	32,1%	2,2	5,6
<b>Median</b>	9 576 €	8 247 €	4,4%	17 442 €	22 835 €	30,8%	2,2	5,5
<b>Minimum</b>	3 822 €	6 893 €	-20,1%	11 151 €	16 489 €	-5,7%	1,7	3,3
<b>Maximum</b>	10 689 €	12 118 €	80,4%	27 656 €	30 023 €	72,6%	2,7	7,8
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	20%	20%	0%	20%
<b>% of NAP</b>	0%	0%	0%	20%	0%	0%	0%	0%

**Table 2.1.4 Net annual salaries of prosecutors (in €) in 2018 and 2020 (Q15)**

Beneficiaries	Net annual salary of prosecutors, in €					
	At the beginning of the career			At the Supreme Court		
	2018	2020	% Variation 2018 - 2020	2018	2020	% Variation 2018 - 2020
<b>Armenia</b>	6 629 €	5 597 €	-15,6%	NAP	NA	-
<b>Azerbaijan</b>	3 248 €	6 066 €	86,8%	9 591 €	15 556 €	62,2%
<b>Georgia</b>	6 872 €	6 872 €	0,0%	23 049 €	23 049 €	0,0%
<b>Republic of Moldova</b>	7 960 €	8 872 €	11,5%	13 104 €	13 491 €	3,0%
<b>Ukraine</b>	8 605 €	9 755 €	13,4%	14 006 €	24 168 €	72,6%
<b>Average</b>	6 663 €	7 432 €	19,2%	14 938 €	19 066 €	34,4%
<b>Median</b>	6 872 €	6 872 €	11,5%	13 555 €	19 303 €	32,6%
<b>Minimum</b>	3 248 €	5 597 €	-15,6%	9 591 €	13 491 €	0,0%
<b>Maximum</b>	8 605 €	9 755 €	86,8%	23 049 €	24 168 €	72,6%
<b>Nb of values</b>	5	5	5	5	5	4
<b>% of NA</b>	0%	0%	0%	0%	20%	0%
<b>% of NAP</b>	0%	0%	0%	20%	0%	0%

**Table 2.1.5 Salaries of judges and prosecutors in € in 2020 (Q15)**

Beneficiaries	Gross annual salary, in €				Net annual salary, in €			
	Judges		Prosecutors		Judges		Prosecutors	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
<b>Armenia</b>	16 453 €	24 325 €	7 651 €	NA	12 668 €	18 730 €	5 597 €	NA
<b>Azerbaijan</b>	25 476 €	39 004 €	6 893 €	18 014 €	22 162 €	34 667 €	6 066 €	15 556 €
<b>Georgia</b>	11 928 €	22 404 €	8 247 €	27 656 €	9 540 €	17 928 €	6 872 €	23 049 €
<b>Republic of Moldova</b>	12 551 €	18 631 €	11 080 €	16 489 €	10 041 €	14 905 €	8 872 €	13 491 €
<b>Ukraine</b>	30 619 €	97 838 €	12 118 €	30 023 €	24 648 €	78 760 €	9 755 €	24 168 €
<b>Average</b>	19 405 €	40 440 €	9 198 €	23 046 €	15 812 €	32 998 €	7 432 €	19 066 €
<b>Median</b>	16 453 €	24 325 €	8 247 €	22 835 €	12 668 €	18 730 €	6 872 €	19 303 €
<b>Minimum</b>	11 928 €	18 631 €	6 893 €	16 489 €	9 540 €	14 905 €	5 597 €	13 491 €
<b>Maximum</b>	30 619 €	97 838 €	12 118 €	30 023 €	24 648 €	78 760 €	9 755 €	24 168 €
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	20%	0%	0%	0%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.1.5LC Salaries of judges and prosecutors in local currency in 2020 (Q15)**

Beneficiaries	Currency	Gross annual salary, in local currency				Net annual salary, in local currency			
		Judges		Prosecutors		Judges		Prosecutors	
		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
<b>Armenia</b>	AMD (Dram)	8 598 200	12 712 423	4 904 940	NA	6 620 614	9 788 571	3 588 180	NA
<b>Azerbaijan</b>	AZN (Manat)	53 220	81 480	14 400	37 632	46 296	72 420	12 672	32 496
<b>Georgia</b>	GEL (Lari)	48 000	72 000	26 208	87 888	38 400	57 600	21 840	73 248
<b>Republic of Moldova</b>	MDL (Leu)	247 800	367 848	218 760	325 560	198 240	294 278	175 175	266 367
<b>Ukraine</b>	UAH (Hryvnia)	942 747	3 012 430	373 104	924 416	758 911	2 425 006	300 349	744 155
<b>Nb of values</b>		5	5	5	5	5	5	5	5
<b>% of NA</b>		0%	0%	0%	20%	0%	0%	0%	20%
<b>% of NAP</b>		0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.1.6 Additional benefits and productivity bonuses for judges and prosecutors in 2020 (Q16 and Q18)**

Beneficiaries	Judges					Prosecutors					
	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses	Total number of benefits	Reduced taxation	Special pension	Housing	Other financial benefit	Total number of benefits
Armenia						2					2
Azerbaijan						1					1
Georgia						3					3
Republic of Moldova						2					2
Ukraine						2					2

<b>Nb of Yes</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>3</b>
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Yes   
 NA 

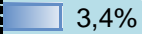



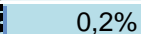
**Comment in case of other additional benefits**

<b>Armenia</b>	<p>According to Article 65 of the RA Law on the Prosecutor's Office, the Prosecutor may be granted a one-time financial assistance in the amount prescribed by the Prosecutor General within the salary fund, and according to Article 66 of the same law: Property damage caused to the prosecutor or his / her family members due to the fulfillment of obligations shall be compensated by the state in the manner prescribed by law.</p> <p>The state provides free examinations and treatment of prosecutors. The examination and treatment of the prosecutor's health condition is carried out in the medical institutions mentioned in the list approved by the Police of the Republic of Armenia and the Ministry of Defense of the Republic of Armenia.</p>
<b>Azerbaijan</b>	NAP
<b>Georgia</b>	<p>The other benefits are:  <input type="checkbox"/> Medical insurance for judges and prosecutors; <input type="checkbox"/> fuel and cell deposit for prosecutors.</p> <p>Pursuant to the first paragraph of Article 69 of the Organic Law of Georgia on Common Courts, a judge's salary consists of a salary and a supplement. The monthly salary of a judge is determined by the same article of the Organic Law of Georgia on Common Courts, and the supplement is determined by the decree of the High Council of Justice of Georgia on determining the supplement for judges of common courts.</p> <p>The remuneration of prosecutors includes salary and bonus (salary increment). The Prosecutor General determines the latter from the allocated remuneration funds, in view of the overtime work and/or additional functions, as well as particularly important responsibilities of a prosecutor. Respectively, bonus falls in the regime of remuneration.</p>
<b>Republic of Moldova</b>	<p>According with the new Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector, all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity.</p> <p>So, the cumulative amount of the bonuses granted to a judge or prosecutor during a budget year can not exceed the official salary of the judge/prosecutor.</p>
<b>Ukraine</b>	NAP





**Table 2.2.1 Number of professional judges by instance in 2018 and 2020 (Q19)**

Beneficiaries	2018				2020				% Variation of total number
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2020
<b>Armenia</b>	236	175	44	17	244	183	44	17	 3,4%
<b>Azerbaijan</b>	563	395	127	41	522	368	116	38	 -7,3%
<b>Georgia</b>	305	225	69	11	329	219	90	20	 7,9%
<b>Republic of Moldova</b>	440	322	91	27	461	347	92	22	 4,8%
<b>Ukraine</b>	5 409	4 224	1 067	118	5 420	4 307	930	183	 0,2%
<b>Average</b>	1 391	1 068	280	43	1 395	1 085	254	56	1,8%
<b>Median</b>	440	322	91	27	461	347	92	22	3,4%
<b>Minimum</b>	236	175	44	11	244	183	44	17	-7,3%
<b>Maximum</b>	5 409	4 224	1 067	118	5 420	4 307	930	183	7,9%
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.2.2 Distribution of professional judges by instance in 2018 and 2020 (Q19)**

Beneficiaries	Distribution of professional judges					
	2018			2020		
	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court
<b>Armenia</b>	74,2%	18,6%	7,2%	75,0%	18,0%	7,0%
<b>Azerbaijan</b>	70,2%	22,6%	7,3%	70,5%	22,2%	7,3%
<b>Georgia</b>	73,8%	22,6%	3,6%	66,6%	27,4%	6,1%
<b>Republic of Moldova</b>	73,2%	20,7%	6,1%	75,3%	20,0%	4,8%
<b>Ukraine</b>	78,1%	19,7%	2,2%	79,5%	17,2%	3,4%
<b>Average</b>	73,9%	20,8%	5,3%	73,4%	20,9%	5,7%
<b>Median</b>	73,8%	20,7%	6,1%	75,0%	20,0%	6,1%
<b>Minimum</b>	70,2%	18,6%	2,2%	66,6%	17,2%	3,4%
<b>Maximum</b>	78,1%	22,6%	7,3%	79,5%	27,4%	7,3%
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%





**Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance in 2018 and 2020 (Q19)**

Beneficiaries	2018				2020			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
<b>Armenia</b>	8,0	5,9	1,5	0,6	8,2	6,2	1,5	0,6
<b>Azerbaijan</b>	5,7	4,0	1,3	0,4	5,2	3,7	1,2	0,4
<b>Georgia</b>	8,2	6,0	1,9	0,3	8,8	5,9	2,4	0,5
<b>Republic of Moldova</b>	16,4	12,0	3,4	1,0	17,5	13,2	3,5	0,8
<b>Ukraine</b>	12,8	10,0	2,5	0,3	13,1	10,4	2,2	0,4
<b>Average</b>	10,2	7,6	2,1	0,5	10,6	7,9	2,2	0,6
<b>Median</b>	8,2	6,0	1,9	0,4	8,8	6,2	2,2	0,5
<b>Minimum</b>	5,7	4,0	1,3	0,3	5,2	3,7	1,2	0,4
<b>Maximum</b>	16,4	12,0	3,4	1,0	17,5	13,2	3,5	0,8
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2020 (Q20, Q21, Q22, Q23, Q24 and Q25)**

Beneficiaries	Professional judges on occasional basis		Non-professional judges		Trial by jury with the participation of citizens		
	Gross figure	Full-time equivalents	Gross figure	Full-time equivalents	Included in the system	For which type of cases	
						Criminal cases	Other than criminal cases
Armenia	NAP	NAP	NAP	NAP	No	NAP	NAP
Azerbaijan	NAP	NAP	NAP	NAP	No	NAP	NAP
Georgia	NAP	NAP	NAP	NAP	Yes	Yes	No
Republic of Moldova	NAP	NAP	NAP	NAP	No	NAP	NAP
Ukraine	NAP	NAP	NAP	NAP	Yes	Yes	Yes
Average	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%
% of NAP	100%	100%	100%	100%	0%	60%	60%

**Table 2.2.5 Number of court presidents by instance in 2018 and 2020 (Q19)**

Beneficiaries	2018				2020				Variation of total number
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2020
Armenia	15	11	3	1	16	12	3	1	 6,7%
Azerbaijan	111	104	6	1	102	95	6	1	 -8,1%
Georgia	25	22	2	1	20	17	2	1	 -20,0%
Republic of Moldova	20	15	4	1	20	15	4	1	0,0%
Ukraine	585	547	37	1	613	575	37	1	 4,8%
<b>Average</b>	151	140	10	1	154	143	10	1	-3,3%
<b>Median</b>	25	22	4	1	20	17	4	1	0,0%
<b>Minimum</b>	15	11	2	1	16	12	2	1	-20,0%
<b>Maximum</b>	585	547	37	1	613	575	37	1	6,7%
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.2.6 Number of court presidents per 100 000 inhabitants by instance in 2018 and 2020 (Q19-1)**

Beneficiaries	2018				2020			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
<b>Armenia</b>	0,506	0,371	0,101	0,034	0,540	0,405	0,101	0,034
<b>Azerbaijan</b>	1,121	1,051	0,061	0,010	1,013	0,944	0,060	0,010
<b>Georgia</b>	0,671	0,591	0,054	0,027	0,536	0,456	0,054	0,027
<b>Republic of Moldova</b>	0,745	0,558	0,149	0,037	0,761	0,571	0,152	0,038
<b>Ukraine</b>	1,388	1,298	0,088	0,002	1,480	1,388	0,089	0,002
<b>Average</b>	0,886	0,774	0,090	0,022	0,866	0,753	0,091	0,022
<b>Median</b>	0,745	0,591	0,088	0,027	0,761	0,571	0,089	0,027
<b>Minimum</b>	0,506	0,371	0,054	0,002	0,536	0,405	0,054	0,002
<b>Maximum</b>	1,388	1,298	0,149	0,037	1,480	1,388	0,152	0,038
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.2.7 Number of non-judge staff by type in 2018 and 2020 (Q26)**

Beneficiaries	2018						2020					
	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff
<b>Armenia</b>	1 976	NAP	767	139	409	641	1 438	NAP	262	692	484	NAP
<b>Azerbaijan</b>	2 643	NAP	1 156	1 133	354	NAP	2 855	NAP	1 235	1 244	376	NAP
<b>Georgia</b>	1 505	4	641	82	778	NAP	1 585	3	710	80	792	NAP
<b>Republic of Moldova</b>	1 688	NAP	835	528	325	NAP	1 792	NAP	900	573	319	NAP
<b>Ukraine</b>	26 445	NAP	6 586	15 708	3 640	511	26 777	NAP	6 910	15 534	NA	NA
<b>Average</b>	6 851	-	1 997	3 518	1 101	-	6 889	-	2 003	3 625	493	-
<b>Median</b>	1 976	-	835	528	409	-	1 792	-	900	692	430	-
<b>Minimum</b>	1 505	-	641	82	325	-	1 438	-	262	80	319	-
<b>Maximum</b>	26 445	-	6 586	15 708	3 640	-	26 777	-	6 910	15 534	792	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%
<b>% of NAP</b>	0%	80%	0%	0%	0%	60%	0%	80%	0%	0%	0%	80%



**Table 2.2.8 Number and distribution of non-judge staff by instance in 2018 and 2020 (Q27)**

Beneficiaries	2018				2020			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
<b>Armenia</b>	767	596	126	45	1 438	1 139	205	94
<b>Azerbaijan</b>	2 643	1 946	475	222	2 855	2 146	474	235
<b>Georgia</b>	1 505	1 123	254	128	1 782	1 293	292	197
<b>Republic of Moldova</b>	1 688	1 216	304	168	1 792	1 332	304	156
<b>Ukraine</b>	26 445	20 507	4 792	1 146	26 777	20 606	4 724	1 447
<b>Average</b>	6 610	5 078	1 190	342	6 929	5 303	1 200	426
<b>Median</b>	1 688	1 216	304	168	1 792	1 332	304	197
<b>Minimum</b>	767	596	126	45	1 438	1 139	205	94
<b>Maximum</b>	26 445	20 507	4 792	1 146	26 777	20 606	4 724	1 447
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.2.9 Total number of non-judge staff (absolute number and per 100 000 inhabitants) in 2018 and 2020 (Q27)**




Beneficiaries	2018		2020		Variation of absolute number
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2020
Armenia	767	25,9	1 438	48,5	87,5%
Azerbaijan	2 643	26,7	2 855	28,4	8,0%
Georgia	1 505	40,4	1 782	47,8	18,4%
Republic of Moldova	1 688	62,8	1 792	68,2	6,2%
Ukraine	26 445	62,7	26 777	64,6	1,3%
<b>Average</b>	6 610	44	6 929	51,5	24,3%
<b>Median</b>	1 688	40	1 792	48,5	8,0%
<b>Minimum</b>	767	26	1 438	28,4	1,3%
<b>Maximum</b>	26 445	63	26 777	68,2	87,5%
<b>Nb of values</b>	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%

**Table 2.2.10 Ratio of non-judge staff and professional judges in 2018 and 2020 (Q19 and Q27)**

Beneficiaries	2018	2020	% Variation of the ratio
			2018-2020
Armenia	3,3	5,9	81,3%
Azerbaijan	4,7	5,5	16,5%
Georgia	4,9	5,4	9,8%
Republic of Moldova	3,8	3,9	1,3%
Ukraine	4,9	4,9	1,0%
<b>Average</b>	4,3	5,1	22,0%
<b>Median</b>	4,7	5,4	9,8%
<b>Minimum</b>	3,3	3,9	1,0%
<b>Maximum</b>	4,9	5,9	81,3%
<b>Nb of values</b>	5	5	5
<b>% of NA</b>	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%

**Table 2.2.11 Number of prosecutors by instance in 2018 and 2020, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)**

Beneficiaries	2018				2020				Variation of total number	Persons with similar duties as prosecutors		
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2020	Persons with similar duties as prosecutors	If yes, how many (in FTE)	Is this number included in the count?
Armenia	329	NAP	NAP	NAP	355	NAP	NAP	NAP	7,9%			
Azerbaijan	1 183	NA	NA	NA	1 303	NA	NA	NA	10,1%			
Georgia	420	NAP	NAP	NAP	414	NAP	NAP	NAP	-1,4%			
Republic of Moldova	648	448	21	179	638	449	22	167	-1,5%			
Ukraine	10 561	NAP	NAP	NAP	8 800	NAP	NAP	NAP	-16,7%			
<b>Average</b>	2 628	-	-	-	2 302	-	-	-	-0,3%			
<b>Median</b>	648	-	-	-	638	-	-	-	-1,4%			
<b>Minimum</b>	329	-	-	-	355	-	-	-	-16,7%			
<b>Maximum</b>	10 561	-	-	-	8 800	-	-	-	10,1%			
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	20%	20%	20%	0%	20%	20%	20%	0%	0%	0%	0%
<b>% of NAP</b>	0%	60%	60%	60%	0%	60%	60%	60%	0%	0%	100%	100%

Yes   
 No/NAP   
 NA 

**Table 2.2.12 Number of prosecutors per 100 000 inhabitants by instance in 2018 and 2020 (Q28)**

Beneficiaries	2018				2020			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
<b>Armenia</b>	11,1	NA	NA	NA	12,0	NA	NA	NA
<b>Azerbaijan</b>	12,0	NA	NA	NA	12,9	NA	NA	NA
<b>Georgia</b>	11,3	NA	NA	NA	11,1	NA	NA	NA
<b>Republic of Moldova</b>	24,1	16,7	0,8	6,7	24,3	17,1	0,8	6,4
<b>Ukraine</b>	25,1	NA	NA	NA	21,2	NA	NA	NA
<b>Average</b>	16,7	-	-	-	16,3	-	-	-
<b>Median</b>	12,0	-	-	-	12,9	-	-	-
<b>Minimum</b>	11,1	-	-	-	11,1	-	-	-
<b>Maximum</b>	25,1	-	-	-	24,3	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	80%	80%	80%	0%	80%	80%	80%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.2.13 Number of heads of prosecution services by instance in 2018 and 2020 (Q28-1)**

Beneficiaries	2018				2020				Variation of total number
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2020
Armenia	28	NAP	NAP	NAP	42	NAP	NAP	NAP	50,0%
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	-
Georgia	50	NAP	NAP	NAP	55	NAP	NAP	NAP	10,0%
Republic of Moldova	42	36	3	3	45	39	3	3	7,1%
Ukraine	219	NAP	NAP	NAP	157	NAP	NAP	NAP	-28,3%
<b>Average</b>	85	-	-	-	75	-	-	-	9,7%
<b>Median</b>	46	-	-	-	50	-	-	-	8,6%
<b>Minimum</b>	28	-	-	-	42	-	-	-	-28,3%
<b>Maximum</b>	219	-	-	-	157	-	-	-	50,0%
<b>Nb of values</b>	5	5	5	5	5	5	5	5	4
<b>% of NA</b>	20%	20%	20%	20%	20%	20%	20%	20%	0%
<b>% of NAP</b>	0%	60%	60%	60%	0%	60%	60%	60%	0%

**Table 2.2.14 Number of heads of prosecution services per 100 000 inhabitants by instance in 2018 and 2020 (Q28-1)**




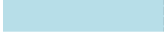
Beneficiaries	2018				2020			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
<b>Armenia</b>	0,95	NA	NA	NA	1,42	NA	NA	NA
<b>Azerbaijan</b>	NA	NA	NA	NA	NA	NA	NA	NA
<b>Georgia</b>	1,34	NA	NA	NA	1,48	NA	NA	NA
<b>Republic of Moldova</b>	1,56	1,34	0,11	0,11	1,71	1,48	0,11	0,11
<b>Ukraine</b>	0,52	NA	NA	NA	0,38	NA	NA	NA
<b>Average</b>	1,09	-	-	-	1,25	-	-	-
<b>Median</b>	1,14	-	-	-	1,45	-	-	-
<b>Minimum</b>	0,52	-	-	-	0,38	-	-	-
<b>Maximum</b>	1,56	-	-	-	1,71	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	80%	80%	80%	20%	80%	80%	80%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%

**Table 2.2.15 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) in 2018 and 2020 (Q32)**

Beneficiaries	2018		2020		Variation of absolute number 2018-2020
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	
Armenia	314	10,6	182	6,1	-42,0%
Azerbaijan	NA	NA	NA	NA	NA
Georgia	368	9,9	363	9,7	-1,4%
Republic of Moldova	462	17,2	360	13,7	-22,1%
Ukraine	3 684	8,7	3 864	9,3	4,9%
<b>Average</b>	1 207	11,6	1 192	9,7	-15,1%
<b>Median</b>	415	10,2	362	9,5	-11,7%
<b>Minimum</b>	314	8,7	182	6,1	-42,0%
<b>Maximum</b>	3 684	17,2	3 864	13,7	4,9%
<b>Nb of values</b>	5	5	5	5	5
<b>% of NA</b>	20%	20%	20%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%

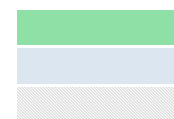


**Table 2.2.16 Ratio of non-prosecutor staff and prosecutors in 2018 and 2020 (Q28 and Q32)**

Beneficiaries	2018	2020	Variation of the ratio	
				2018-2020
Armenia	1,0	0,5		-46,3%
Azerbaijan	NA	NA		NA
Georgia	0,9	0,9		0,1%
Republic of Moldova	0,7	0,6		-20,9%
Ukraine	0,3	0,4		25,9%
<b>Average</b>	0,7	0,6		-10,3%
<b>Median</b>	0,8	0,5		-10,4%
<b>Minimum</b>	0,3	0,4		-46,3%
<b>Maximum</b>	1,0	0,9		25,9%
<b>Nb of values</b>	5	5		5
<b>% of NA</b>	20%	20%		20%
<b>% of NAP</b>	0%	0%		0%

**Table 2.2.17 Number of lawyers (absolute number and per 100 000 inhabitants) in 2018 and 2020 (Q33 and Q34)**

Beneficiaries	2018		2020		Variation of absolute 2018 - 2020	Does these figures include legal advisors?
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants		
Armenia	2 138	72,2	2 240	75,6	4,8%	No
Azerbaijan	1 554	15,7	2 031	20,2	30,7%	No
Georgia	4 580	123,0	4 772	128,0	4,2%	No
Republic of Moldova	2 115	78,7	2 086	79,4	-1,4%	No
Ukraine	45 370	107,6	57 591	139,0	26,9%	No
<b>Average</b>	11 151	79,5	13 744	88,4	13,0%	
<b>Median</b>	2 138	78,7	2 240	79,4	4,8%	
<b>Minimum</b>	1 554	15,7	2 031	20,2	-1,4%	
<b>Maximum</b>	45 370	123,0	57 591	139,0	30,7%	
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%



**Table 2.2.18 Number of professional judges and lawyers per 100 000 inhabitants in 2018 and 2020 (Q19 and Q33)**

Beneficiaries	2018		2020	
	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants
Armenia	8,0	72,2	8,2	75,6
Azerbaijan	5,7	15,7	5,2	20,2
Georgia	8,2	123,0	8,8	128,0
Republic of Moldova	16,4	78,7	17,5	79,4
Ukraine	12,8	107,6	13,1	139,0
<b>Average</b>	10,2	79,5	10,6	88,4
<b>Median</b>	8,2	78,7	8,8	79,4
<b>Minimum</b>	5,7	15,7	5,2	20,2
<b>Maximum</b>	16,4	123,0	17,5	139,0
<b>Nb of values</b>	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%

## Indicator 2 - Profile of the judiciary

by country

*Question 14 - Average gross annual salary (in €) for the reference year*

*Question 15 - Salaries of judges and public prosecutors on 31 December of the reference year:*

*Question 16 - Do judges and public prosecutors have additional benefits?*

*Question 17 - If “other financial benefit”*

*Question 18 - Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?*

*Question 19 - Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)*

*Question 019-1 - Number of court presidents (professional judges).*

*Question 20 - Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):*

*Question 21 - Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?*

*Question 22 - Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):*

*Question 23 - If such non-professional judges exist at first instance in your country, please specify for which types of cases:*

*Question 24 - Does your judicial system include trial by jury with the participation of citizens?*

*Question 25 - If yes, for which type(s) of case(s)?*

*Question 26 - Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)*

*Question 27 - Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)*

*Question 28 - Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).*

*Question 28-1 - Number of heads of prosecution offices.*

*Question 29 - Do other persons have similar duties to those of public prosecutors?*

*Question 30 - If yes please provide the number (full-time equivalent)*

*Question 31 - If yes, is their number included in the number of public prosecutors that you have indicated under question 28?*

*Question 32 - Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).*

*Question 33 - Total number of lawyers practicing in your country:*

*Question 34 - Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?*

## **Armenia**

**Q014 (2020):** The average monthly nominal wage has been increased since the last data collection EUR ~353 (AMD 189.716) was the average monthly nominal wage for 2020, the average annual salary is EUR~4237.

The basis for calculations was the exchange rate 537.26.

**Q014 (2018):** EUR ~320 (AMD 172.727) was the average monthly nominal wage for 2018, the average annual salary is EUR~3840.

The basis for calculations was the exchange rate 554.8~555 (please see the next question).

The slight decrease is due to fluctuations in the exchange rate and a small decrease in average monthly nominal wage.

**Q015 (2020):** Special fee for judges is 30% of their salary (the special fee is an additional remuneration which is not based on performance/other criteria and mainly it is the same for all judges).

Thus, we have the following picture.

First instance professional judge at the beginning of his/her career- all with special fees

Gross annual salary- 21,009, net annual- 16,177, gross salary 10,979,240, net annual 8,454,015.

Judge of the Supreme Court or the Highest Appellate Court-

Gross annual salary- 31,062., net annual- 23,917, gross salary 16,232,791, net annual 12,499,255.

**Q015 (2018):** The slight decrease of salaries of judges is due to the fact that the number of young professionals with less work experience within the judiciary is increasing, which results in a slight decrease of the average salary because the salary is counted based on also years of experience.

**Q016 (2020):** A judge or a prosecutor appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place.

The additional salary includes supplements and surcharges. It must be noted, however, that the 2019-2023 Strategy of Judicial and Legal Reforms provides for increase of salaries for judges, their staff and prosecutors.

**Q016 (2018):** According to RA Law on Remuneration of State Employees, Article 6, salaries of public officials are composed of the basic salary, additional salaries and bonuses established by law. The additional salary includes supplements and surcharges. It must be noted, however, that the 2019-2023 Strategy of Judicial and Legal Reforms provides for increase of salaries for judges, their staff and prosecutors.

**Q019 (2018):** It must be noted that the 2019-2023 Strategy of Judicial and Legal Reforms envisages the increase of the number of judges and their staff. Also, as of 27.12.2019 the number of judges has increased up to 241 and there are 3 vacant positions for the first instance general jurisdiction courts.

**Q019-1 (2020):** The Cassation court has two Chambers, which also have presidents- the head of criminal chamber and the head of civil and administrative chamber. In 2021 the head of the Cassation court is a woman, the president of the Civil court of Appeal was appointed a woman, and several women were appointed as heads of different first instance courts.

**Q026 (2020):** It should be noted that the difference between numbers inserted in categories for last data collection and this year may be resulted by using different methodology for determining categories in 2018 while inserting the information. So there were no reorganizations made.

**Q027 (2020):** Information is provided by the Judicial department.

It should be noted that the difference between numbers inserted in categories for last data collection and this year may be resulted by using different methodology for determining categories in 2018 while inserting the information. So there were no reorganizations made.

**Q028 (2020):** All 355 prosecutors work for full time. In Armenia there is no separation of prosecutors for the first or other instance courts.

**Q028 (2018):** It must be noted that the 2019-2023 Strategy of Judicial and Legal Reforms provides for increase in number of prosecutors.

**Q028-1 (2020):** There has been an increase of the number of heads of public prosecution offices due to legislative amendments to the Law on Prosecutor's Office. Previously the heads of the departments in the RA Prosecutor General's Office or the prosecutor of the administrative district of Yerevan were not considered as superior prosecutors, now according to the new legislative regulations they are also considered as such (for more details see Article 31 of the Law).

**Q028-1 (2018):** It is worth to note that the Prosecutor General is not involved in the number mentioned above. If we count him, the answer to question will be 28+1, that is 29.

**Q032 (2018):** In previous circle only the number of civil servants was provided. The number provided this year also includes the technical support staff.

## **Azerbaijan**

**Q014 (2020):** Following the world trends (Due to the SARS Covid-19) Azerbaijan had not avoided some depression in economic processes. However, the average gross annual salary has increased”

**Q015 (2020):** In order to improve the quality and efficiency of justice, on 3 April 2019, The President of Azerbaijan signed the Decree “On Deepening Reforms in the Judicial and Legal System”. According to the Decree one of the item stipulated substantial increase of the salary of judges. Accordingly the salary of prosecutes was increased as well.

**Q015 (2018):** According to the amendments made on May 4, 2018 in the Law of the Azerbaijan Republic on Courts and Judges the salary of judges was increased approximately for more than 20%. The similar changes have been made in the legislation for prosecutors.

**Q019 (2018):** Among the new judge candidades in 2018 the number of women increased comparing a reference year (2016).

**Q019-1 (2020):** There has been a decrease of one female court president of first instance since the last data collection cycle, due to a retirement

**Q026 (General Comment):** The establishment of the new position “assistant to judge”, the increase of the number of IT consultants in courts etc., are among measures aimed at increasing the productivity of judges. This process is on-going and should result in the increase of the number of non-judge staff from 3 to 4 per one professional judge.

**Q028 (2018):** No comment

**Q033 (2020):** In 2017 there has been change to the national legislation where the monopoly of the lawyers over court representation was enshrined, which mean that no one except the members of the Azerbaijani Bar Association may represent a person at the court, except close relatives. However prior that time not only members of the Bar Association, but also person who was not the member to the Association may represent any person at courts by only getting PoA from a person who wants to be represented at the court. Therefore after the changes in the legislation there was a case with the lack of the lawyers. In order to change the situation the Azerbaijani Bar Association begun to hold admission exams on regular basis that led to the rise up in the number of lawyer. This process continues.

**Q033 (2018):** In 2017 there has been change to the national legislation where the monopoly of the lawyers over court representation was enshrined, which mean that no one except the members of the Azerbaijani Bar Association may represent a person at the court, except close relatives. However prior that time not only members of the Bar Association, but also person who was not the member to the Association may represent any person at courts by only getting PoA from a person who wants to be represented at the court. Therefore after the changes in the legislation there was a case with the lack of the lawyers. In order to change the situation the Azerbaijani Bar Association begun to hold admission exams on regular basis that led to the rise up in the number of lawyer. Even now the number is more than 1700. This proses continues.

## **Georgia**

**Q015 (2020):** PSG is not organised according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead.

Inflation of the local currency in relation to Euro.

**Q015 (2018):** PSG is not organised according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead.

**Q018 (General Comment):** Judge, apart from salary, may receive additional financial benefits after taking into consideration his/her monthly performance.

**Q019 (2020):** An increase of number of judges of the second instance courts and the Supreme Court of Georgia was a result of filling of vacancies which existed in the system.

Between 2018 and 2020 there were only 8 judges at the Supreme Court of Georgia and 20 places were vacant. Total number of judges at the Supreme Court of Georgia is 28.

**Q019-1 (2020):** The number of chairpersons was reduced due to the fact that chairpersons in specific courts were re-appointed in other courts (Ozurgeti, Gori, Mtskheta), and one of the chairpersons was elected as a judge in the Constitutional Court. No chairman of that court was appointed for the reporting period. This led to this difference.

**Q025 (2020):** According to Article 226.1 of the Code of Criminal Procedure, a case falls within the jurisdiction of the jury in case of: Murder; Murder under aggravating circumstances; Intentional infliction of grave injury that has caused death; Intentional grave bodily injury in relation to the official or public duties of the victim or the victim's close relative, or related to hostage taking or in a manner that intentionally endangers the life or health of other persons or aimed at concealing or facilitating any other crime which has caused the loss of life; Intentional grave bodily injury caused by the offender knowingly to a pregnant women or by the offender knowingly to a minor or a helpless person or with hooligan motives or due to racial, religious, national or ethnic intolerance or by more than one person that caused the loss of life; Intentional grave bodily injury to two or more persons or with the extreme cruelty or for mercenary purposes or by contract or aimed at transplanting or otherwise using an organ, part of an organ or tissue of the victim's body or repeatedly (except for the murders provided for by Articles 110-114 of this Code) or by a person who has previously committed the murder that caused the loss of life; Certain cases of violence; Trade in human organs; Certain cases of unlawful imprisonment; Taking a hostage; Certain cases of threat of torture; Malicious criminal prosecution of innocent persons accompanied by a charge of a serious or a particularly serious crime; Intentional illegal detention or arrest; Illegal placement or detention in a psychiatric hospital; Certain falsification; Manufacturing, import or sale of products hazardous to human life or health that caused the death of the victim or resulted in other grave consequences; and

**Q026 (2020):** Trainees are not included.

One of them was appointed as a judge on December 1, 2020. As of December 31, 2020 (data filled according to the positions of existing employees as of that date) no new employee has been hired for this position.

**Q027 (2020):** Trainees are not included in the number of employees indicated in questions 52 and 52-1.

Total number of non-judge staff at the Supreme Court increased because number of new judges were appointed and court requires additional staff.

**Q028 (General Comment):** Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

**Q028 (2020):** PSG is not organised according to the court instances. Its structure is as follows: District Prosecutor's Offices; Regional Prosecutor's Offices; Tbilisi Prosecutor's Office; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; and the General Prosecutor's Office

Each structural body of PSG has prosecutors and management subordinated to the General Prosecutor and other prosecutors in the hierarchy.

**Q028-1 (General Comment):** Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

**Q028-1 (2018):** Please see the comment on question 55.

**Q029 (General Comment):** Pursuant to Article 2 (a) of the Law of Georgia on Prosecution Service, the term "prosecutor" also includes PSG interns. Accordingly, those interns are considered as prosecutors, rather than other persons with similar duties.

## **Republic of Moldova**

**Q014 (2018):** Average gross annual salary increased due to the economic growth and to the state policy in this regard. The difference is also due to a fluctuation of average of the exchange rate of the national currency in Euro from 2016 to 2018.

**Q015 (2018):** In December 2013, the Parliament adopted the Law n°328 on the remuneration of judges, which entered into force in 2014. In August 2016 entered into force the new edition of the above-mentioned law that regulates the terms and conditions of judges and prosecutors remuneration, including the quantum of their salaries, by instituting a unitary system of remuneration based on the average salary of the previous year. The salary of a judge and a prosecutor is set based on the level of the court/prosecutor office, the activity and the seniority. The reform resulted in a considerable increase of the judges and prosecutors salaries at the beginning, as well as at the end of their career.

Also, according with the new Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector, at the end of the reference year the quantum of the salaries of judges and prosecutors changed due to a different salary formula. The salaries discrepancy in 2018 compared with the 2016 data is also due to a different average of the exchange rate in 2018 compared with 2016.



**Q017 (General Comment):** According with the Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity. So, the cumulative amount of the bonuses granted to a judge or prosecutor during a budgetary year can not exceed the official salary of the judge/prosecutor.

**Q019 (2018):** The indicated numbers reflect all active judges who have been worked in 2018.

**Q019-1 (2018):** According to the Law no. 76 on the reorganization of the courts, approved by the Parliament on 21.04.2016, starting with January 1, 2017, the judiciary has been reorganized into 15 first instance courts.

**Q020 (2018):** There are no professional judges sitting in courts on an occasional basis.

**Q026 (2020):** The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant amount of work.

**Q026 (2018):** Discrepancies of 2018 data in comparison with 2016 data can be explained by the staff flow. The decrease in the number of men staff in charge of different administrative tasks is also due to staff flow caused by low salaries and high workload. Also, this kind of staff decreased due to the court reorganization reform.

An increase of 2018 of females employed as technical staff in courts in comparison with 2016 data is not very significant and can be explained by the staff flow. Also,

**Q027 (2020):** The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant amount of work.

**Q027 (2018):** The big difference between the number of non-judge staff working in courts at first instance level and the number of non-judge staff working in courts of appeal and the number of non-judge staff working in courts at Supreme Court level may be explained by a different number of courts at each level. There are 4 courts of appeal in comparison with 15 first instance courts and there is just one Supreme Court.

**Q028 (2020):** There were approved 720 prosecutor's posts in 2020. In row 3 is reflected the number of prosecutors in the Office of the Prosecutor General and the specialized prosecutor's offices.

**Q028 (2018):** Row no. 1 indicates, the number of prosecutors within the regional prosecutor's offices, with the exception of Chisinau, Balti and Cahul.

Row 2 reflects the number of prosecutors in Chisinau, Balti and Cahul which have the status of second instance prosecutor's offices.

In row 3 is reflected the number of prosecutors in the Office of the Prosecutor General and the specialized prosecutor's offices.

On 25.12.2016, the Parliament of the Republic of Moldova adopted the Public Prosecutor's Act. The latter presents a new conception of the organization and functioning of the Public Prosecutor's Office: the structure of the administration, the status of the prosecutor, the role of the self-administration organs. Similarly, the law provides for the establishment of a new specialized prosecutor's office for special cases and establishes new mechanisms for the selection, career and evaluation of prosecutors. So, the 2018 data are comparable with the previous 2016 data provided in this regard.

**Q028-1 (General Comment):** Number of heads of prosecution offices at supreme court level reflects the number of heads of the Office of the Prosecutor General and of the specialized prosecutor's offices.

**Q028-1 (2020):** In row 3 is reflected the number of prosecutors in the Office of the Prosecutor General and the specialized prosecutor's offices.

**Q028-1 (2018):** Row no. 1 shows the number of heads of the regional prosecutor's offices.

Row no. 2 presents the heads of specialized prosecutor's offices: Anticorruption Prosecutor's Office and Prosecutor's Office for Combating Organized Crime and Special Cases.

Row no. 3 shows the number of heads of the Office of the Prosecutor General and of the specialized prosecutor's offices.

**Q032 (2020):** The numbers do not include trainees.

**Q032 (2018):** A specific tool to increase the efficiency of the specialized prosecutor's offices in 2018, was the inclusion in the structure of these entities of detached staff for 5 years from the subdivisions of the Ministry of Internal Affairs or National Anti-Corruption Center (Criminal Investigation Officers, Investigation Officers and specialists), which are subordinated functionally to the chief prosecutor of the specialized prosecutor's offices. Also, more prosecutor consultants have been employed in 2018.

## Ukraine

**Q014 (2018):** The average gross annual salary for the current cycle is equal to EUR 3355 which is higher for approx. 40% than the annual salary for the previous cycle EUR 2376. This is a result of systematic raising by Ukrainian Government the minimum wages, started from 2017. The largest nominal increase in salaries was observed in the following activities: public administration and defense, obligatory social insurance; professional, scientific and technical activities, electricity, gas, steam, and air conditioning supplies; financial and insurance activities; information and telecommunications.

**Q015 (2020):** Judges: The increase in salaries of the first instance judges assumably is caused by the adoption of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and some laws of Ukraine on the activities of judicial authorities" № 193-IX (adopted on October 16, 2019), which evened out the salaries of judges who had not undergone the qualification evaluation with those already successfully passed. A decrease in salaries at the Supreme Court level presumably was a result of temporary measures during the COVID-19 lockdown period (starting from April 2020) on limitation of judicial and other public servants groups salaries which mostly affected the judges of the higher instances. Prosecutors: Salaries of the prosecutors increased as a result of the adoption of the Law of Ukraine "On amendments to certain legislative acts of Ukraine concerning priority measures to reform the prosecutor's office" № 113-IX (adopted by the Parliament on September 19, 2019). The Law envisaged increasing the basic salary of the prosecutor from 12 to 15 subsistence minimums for able-bodied persons.

**Q015 (2018):** The salaries of judges and prosecutors are raised in the framework of judicial and prosecution reform respectively.

**Q019 (2020):** A significant change in the number of judges of the Supreme Court is explained by the fact that in the summer of 2018 the High Qualifications Commission of Judges announced the second competition for judges of the Courts of Cassation in the Supreme Court. As a result, in March 2019, the Commission filed 78 recommendations to the High Council of Justice on the appointment of candidates for judges of the Courts of Cassation in the Supreme Court.

**Q019 (2018):** The difference in the number of judges for 2016 and 2018 is partially caused by measures taken by the judicial reform, according to which all Ukrainian judges are subject to undergo the qualification evaluation. Part of judges failed to pass it or resigned by their own will which influenced on the number of judges. The dramatic change regarding the number of Supreme Court judges is caused by the creation of the new Supreme Court as part of the reform (with another number of judges). In 2018 after the reformation the Court consisted of 4 Courts of Cassation: Administrative Cassation Court, Commercial Cassation Court, Criminal Cassation Court and Civic Cassation Court (up to 200 judges). In 2017 118 judges were selected within the first competition to the Supreme Court. In 2018-2019 the second competition to the Supreme Court was held and as a result in March 2019 additional 78 judges were selected.

**Q019-1 (2018):** For explanations regarding the differences with the previous cycle please see the comments to the Q046

**Q020 (General Comment):** In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

**Q022 (2018):** In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

**Q025 (2020):** After amendments to the Criminal and Civil Procedural Codes of Ukraine in 2017, now the jurisdiction of the jury expands on cases subject to life imprisonment and civil court cases regarding restriction of an individual's civil capacity, recognition of an individual having no legal capacity, renewal of an individual's civil capacity, recognition by a court to be missing or presumed dead, adoption, assigning psychiatric care, compulsory hospitalization to antituberculous institutions.

**Q025 (2018):** After amendments to the Criminal and Civil Procedural Codes of Ukraine in 2017, now the jurisdiction of the jury expands on cases subject to life imprisonment and civil court cases regarding restriction of an individual's civil capacity, recognition of an individual having no legal capacity, renewal of an individual's civil capacity, recognition by a court to be missing or presumed dead, adoption, assigning psychiatric care, compulsory hospitalization to antituberculous

**Q026 (2018):** Other non-judge staff means staff of the departments of maintenance of the President and the Vice-President of the Supreme Court and of the Presidents and Vice-Presidents of the Courts of Cassation, departments of support of activity of the head of the apparatus and deputy heads of the apparatus.

**Q028 (General Comment):** Ukrainian legislation does not provide prosecutors at the first instance, second instance, and at the supreme court level. The only separation is for regional, district, specialized anticorruption prosecution offices and prosecutors of the General Prosecutor's Office.

**Q028 (2020):** In pursuance of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office", the Procedure for Prosecutors to pass attestation, approved by the Prosecutor General's Order № 221 of October 3, 2019, the process of attestation of prosecutors of local prosecutor's offices, military prosecutor's offices of garrisons (on the rights of local) began. The attestation process is the same for all prosecutors and is identical to the attestation procedure for prosecutors of the General Prosecutor's Office and regional prosecutor's offices. After the attestation, the number of prosecutors decreased significantly.

**Q028-1 (2020):** The difference in the numbers in 2020 compared with 2018 is caused by the optimization of the organizational structure, attestation of prosecutors, and reducing the number of employees in the prosecutor's office as part of the reform of the prosecutor's office.

**Q032 (2020):** There are two categories of staff (non-public prosecutors) attached to the public prosecution services in Ukraine: public servants (total 2258) and other employees (1606). The gender-disaggregated data is available at the Prosecutor General's Office only for public servants, hence it is not possible to provide the disaggregated data for the entire staff.

The category of trainees was not included in the data provided. The traineeship has only educational character within the prosecution bodies of Ukraine.

**Q033 (General Comment):** Only lawyers with attorney's certificate have a right to represent client in a court. To get this certificate a person should have a higher legal education, appropriate experience and pass the exam.

**Q033 (2020):** The increase in the number of attorneys can be caused by the existence of the attorneys' monopoly regime for representing the client in court. It forces many lawyers to get an attorney's certificate. There are also new lawyers that got this profession and want to work as attorneys in the future.

**Q033 (2018):** The increase in the number of lawyers with attorney's certificate is caused by introduction of attorneys' monopoly to represent the client in court (in result of Constitutional amendments in part of justice of 2016). These circumstances forced many lawyers to get an attorney's certificate.

## Indicator 2 - Profile of the judiciary

by question No.

*Question 14 - Average gross annual salary (in €) for the reference year*

*Question 15 - Salaries of judges and public prosecutors on 31 December of the reference year:*

*Question 16 - Do judges and public prosecutors have additional benefits?*

*Question 17 - If “other financial benefit”*

*Question 18 - Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?*

*Question 19 - Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)*

*Question 019-1 - Number of court presidents (professional judges).*

*Question 20 - Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):*

*Question 21 - Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?*

*Question 22 - Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):*

*Question 23 - If such non-professional judges exist at first instance in your country, please specify for which types of cases:*

*Question 24 - Does your judicial system include trial by jury with the participation of citizens?*

*Question 25 - If yes, for which type(s) of case(s)?*

*Question 26 - Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)*

*Question 27 - Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)*

*Question 28 - Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).*

*Question 28-1 - Number of heads of prosecution offices.*

*Question 29 - Do other persons have similar duties to those of public prosecutors?*

*Question 30 - If yes please provide the number (full-time equivalent)*

*Question 31 - If yes, is their number included in the number of public prosecutors that you have indicated under question 28?*

*Question 32 - Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).*

*Question 33 - Total number of lawyers practicing in your country:*

*Question 34 - Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?*

## Question 014

### Armenia

**(2020):** The average monthly nominal wage has been increased since the last data collection EUR ~353 (AMD 189.716) was the average monthly nominal wage for 2020, the average annual salary is EUR~4237.

The basis for calculations was the exchange rate 537.26.

**(2018):** EUR ~320 (AMD 172.727) was the average monthly nominal wage for 2018, the average annual salary is EUR~3840.

The basis for calculations was the exchange rate 554.8~555 (please see the next question).

The slight decrease is due to fluctuations in the exchange rate and a small decrease in average monthly nominal wage.

### Azerbaijan

**(2020):** Following the world trends (Due to the SARS Covid-19) Azerbaijan had not avoided some depression in economic processes. However, the average gross annual salary has increased”

### Republic of Moldova

**(2018):** Average gross annual salary increased due to the economic growth and to the state policy in this regard. The difference is also due to a fluctuation of average of the exchange rate of the national currency in Euro from 2016 to 2018.

### Ukraine

**(2018):** The average gross annual salary for the current cycle is equal to EUR 3355 which is higher for approx. 40% than the annual salary for the previous cycle EUR 2376. This is a result of systematic raising by Ukrainian Government the minimum wages, started from 2017. The largest nominal increase in salaries was observed in the following activities: public administration and defense, obligatory social insurance; professional, scientific and technical activities, electricity, gas, steam, and air conditioning supplies; financial and insurance activities; information and telecommunications.

## Question 015

### Armenia

**(2020):** Special fee for judges is 30% of their salary (the special fee is an additional remuneration which is not based on performance/other criteria and mainly it is the same for all judges).

Thus, we have the following picture.

First instance professional judge at the beginning of his/her career- all with special fees

Gross annual salary- 21,009, net annual- 16,177, gross salary 10,979,240, net annual 8,454,015.

Judge of the Supreme Court or the Highest Appellate Court-

Gross annual salary- 31,062., net annual- 23,917, gross salary 16,232,791, net annual 12,499,255.

**(2018):** The slight decrease of salaries of judges is due to the fact that the number of young professionals with less work experience within the judiciary is increasing, which results in a slight decrease of the average salary because the salary is counted based on also years of experience.

### **Azerbaijan**

**(2020):** In order to improve the quality and efficiency of justice, on 3 April 2019, The President of Azerbaijan signed the Decree “On Deepening Reforms in the Judicial and Legal System”. According to the Decree one of the item stipulated substantial increase of the salary of judges. Accordingly the salary of prosecutes was increased as well.

**(2018):** According to the amendments made on May 4, 2018 in the Law of the Azerbaijan Republic on Courts and Judges the salary of judges was increased approximately for more than 20%. The similar changes have been made in the legislation for prosecutors.

### **Georgia**

**(2020):** PSG is not organised according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead.

Inflation of the local currency in relation to Euro.

**(2018):** PSG is not organised according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead.

### **Republic of Moldova**

**(2018):** In December 2013, the Parliament adopted the Law n°328 on the remuneration of judges, which entered into force in 2014. In August 2016 entered into force the new edition of the above-mentioned law that regulates the terms and conditions of judges and prosecutors remuneration, including the quantum of their salaries, by instituting a unitary system of remuneration based on the average salary of the previous year. The salary of a judge and a prosecutor is set based on the level of the court/prosecutor office, the activity and the seniority. The reform resulted in a considerable increase of the judges and prosecutors salaries at the beginning, as well as at the end of their career.

Also, according with the new Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector, at the end of the reference year the quantum of the salaries of judges and prosecutors changed due to a different salary formula. The salaries discrepancy in 2018 compared with the 2016 data is also due to a different average of the exchange rate in 2018 compared with 2016.

## **Ukraine**

**(2020):** Judges: The increase in salaries of the first instance judges assumably is caused by the adoption of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and some laws of Ukraine on the activities of judicial authorities" № 193-IX (adopted on October 16, 2019), which evened out the salaries of judges who had not undergone the qualification evaluation with those already successfully passed. A decrease in salaries at the Supreme Court level presumably was a result of temporary measures during the COVID-19 lockdown period (starting from April 2020) on limitation of judicial and other public servants groups salaries which mostly affected the judges of the higher instances. Prosecutors: Salaries of the prosecutors increased as a result of the adoption of the Law of Ukraine "On amendments to certain legislative acts of Ukraine concerning priority measures to reform the prosecutor's office" № 113-IX (adopted by the Parliament on September 19, 2019). The Law envisaged increasing the basic salary of the prosecutor from 12 to 15 subsistence minimums for able-bodied persons.

**(2018):** The salaries of judges and prosecutors are raised in the framework of judicial and prosecution reform respectively.

## **Question 016**

### **Armenia**

**(2020):** A judge or a prosecutor appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place.

The additional salary includes supplements and surcharges. It must be noted, however, that the 2019-2023 Strategy of Judicial and Legal Reforms provides for increase of salaries for judges, their staff and prosecutors.



**(2018):** According to RA Law on Remuneration of State Employees, Article 6, salaries of public officials are composed of the basic salary, additional salaries and bonuses established by law. The additional salary includes supplements and surcharges. It must be noted, however, that the 2019-2023 Strategy of Judicial and Legal Reforms provides for increase of salaries for judges, their staff and prosecutors.

#### Question 017

##### Republic of Moldova

**(General Comment):** According with the Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity. So, the cumulative amount of the bonuses granted to a judge or prosecutor during a budgetary year can not exceed the official salary of the judge/prosecutor.

#### Question 018

##### Georgia

**(General Comment):** Judge, apart from salary, may receive additional financial benefits after taking into consideration his/her monthly performance.

#### Question 019

##### Armenia

**(2018):** It must be noted that the 2019-2023 Strategy of Judicial and Legal Reforms envisages the increase of the number of judges and their staff. Also, as of 27.12.2019 the number of judges has increased up to 241 and there are 3 vacant positions for the first instance general jurisdiction courts.

##### Azerbaijan

**(2018):** Among the new judge candidades in 2018 the number of women increased comparing a refference year (2016).

##### Georgia

system.

Between 2018 and 2020 there were only 8 judges at the Supreme Court of Georgia and 20 places were vacant. Total number of judges at the Supreme Court of Georgia is 28.

### **Republic of Moldova**

**(2018):** The indicated numbers reflect all active judges who have been worked in 2018.

### **Ukraine**

**(2020):** A significant change in the number of judges of the Supreme Court is explained by the fact that in the summer of 2018 the High Qualifications Commission of Judges announced the second competition for judges of the Courts of Cassation in the Supreme Court. As a result, in March 2019, the Commission filed 78 recommendations to the High Council of Justice on the appointment of candidates for judges of the Courts of Cassation in the Supreme Court.

**(2018):** The difference in the number of judges for 2016 and 2018 is partially caused by measures taken by the judicial reform, according to which all Ukrainian judges are subject to undergo the qualification evaluation. Part of judges failed to pass it or resigned by their own will which influenced on the number of judges. The dramatic change regarding the number of Supreme Court judges is caused by the creation of the new Supreme Court as part of the reform (with another number of judges). In 2018 after the reformation the Court consisted of 4 Courts of Cassation: Administrative Cassation Court, Commercial Cassation Court, Criminal Cassation Court and Civic Cassation Court (up to 200 judges).

In 2017 118 judges were selected within the first competition to the Supreme Court. In 2018-2019 the second competition to the Supreme Court was held and as a result in March 2019 additional 78 judges were selected.

### **Question 019-1**

#### **Armenia**

**(2020):** The Cassation court has two Chambers, which also have presidents- the head of criminal chamber and the head of civil and administrative chamber. In 2021 the head of the Cassation court is a woman, the president of the Civil court of Appeal was appointed a woman, and several women were appointed as heads of different first instance courts.

#### **Azerbaijan**

**(2020):** There has been a decrease of one female court president of first instance since the last data collection cycle, due to a retirement

## Georgia

**(2020):** The number of chairpersons was reduced due to the fact that chairpersons in specific courts were re-appointed in other courts (Ozurgeti, Gori, Mtskheta), and one of the chairpersons was elected as a judge in the Constitutional Court. No chairman of that court was appointed for the reporting period. This led to this

## Republic of Moldova

**(2018):** According to the Law no. 76 on the reorganization of the courts, approved by the Parliament on 21.04.2016, starting with January 1, 2017, the judiciary has been reorganized into 15 first instance courts.

## Ukraine

**(2018):** For explanations regarding the differences with the previous cycle please see the comments to the Q046

## Question 020

### Republic of Moldova

**(2018):** There are no professional judges sitting in courts on an occasional basis.

### Ukraine

**(General Comment):** In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

## Question 022

### Ukraine

**(2018):** In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

## Question 025

## Georgia

**(2020):** According to Article 226.1 of the Code of Criminal Procedure, a case falls within the jurisdiction of the jury in case of: Murder; Murder under aggravating circumstances; Intentional infliction of grave injury that has caused death; Intentional grave bodily injury in relation to the official or public duties of the victim or the victim's close relative, or related to hostage taking or in a manner that intentionally endangers the life or health of other persons or aimed at concealing or facilitating any other crime which has caused the loss of life; Intentional grave bodily injury caused by the offender knowingly to a pregnant women or by the offender knowingly to a minor or a helpless person or with hooligan motives or due to racial, religious, national or ethnic intolerance or by more than one person that caused the loss of life; Intentional grave bodily injury to two or more persons or with the extreme cruelty or for mercenary purposes or by contract or aimed at transplanting or otherwise using an organ, part of an organ or tissue of the victim's body or repeatedly (except for the murders provided for by Articles 110-114 of this Code) or by a person who has previously committed the murder that caused the loss of life; Certain cases of violence; Trade in human organs; Certain cases of unlawful imprisonment; Taking a hostage; Certain cases of threat of torture; Malicious criminal prosecution of innocent persons accompanied by a charge of a serious or a particularly serious crime; Intentional illegal detention or arrest; Illegal placement or detention in a psychiatric hospital; Certain falsification; Manufacturing, import or sale of products hazardous to human life or health that caused the death of the victim or resulted in other grave consequences; and

## Ukraine

**(2020):** After amendments to the Criminal and Civil Procedural Codes of Ukraine in 2017, now the jurisdiction of the jury expands on cases subject to life imprisonment and civil court cases regarding restriction of an individual's civil capacity, recognition of an individual having no legal capacity, renewal of an individual's civil capacity, recognition by a court to be missing or presumed dead, adoption, assigning psychiatric care, compulsory hospitalization to antituberculous institutions.

**(2018):** After amendments to the Criminal and Civil Procedural Codes of Ukraine in 2017, now the jurisdiction of the jury expands on cases subject to life imprisonment and civil court cases regarding restriction of an individual's civil capacity, recognition of an individual having no legal capacity, renewal of an individual's civil capacity, recognition by a court to be missing or presumed dead, adoption, assigning psychiatric care, compulsory hospitalization to antituberculous

## Question 026

### Armenia

**(2020):** It should be noted that the difference between numbers inserted in categories for last data collection and this year may be resulted by using different methodology for determining categories in 2018 while inserting the information. So there were no reorganizations made.

### Azerbaijan

**(General Comment):** The establishment of the new position “assistant to judge”, the increase of the number of IT consultants in courts etc., are among measures aimed at increasing the productivity of judges. This process is on-going and should result in the increase of the number of non-judge staff from 3 to 4 per one professional judge.

### **Georgia**

**(2020):** Trainees are not included.

One of them was appointed as a judge on December 1, 2020. As of December 31, 2020 (data filled according to the positions of existing employees as of that date) no new employee has been hired for this position.

### **Republic of Moldova**

**(2020):** The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant amount of work.

**(2018):** Discrepancies of 2018 data in comparison with 2016 data can be explained by the staff flow. The decrease in the number of men staff in charge of different administrative tasks is also due to staff flow caused by low salaries and high workload. Also, this kind of staff decreased due to the court reorganization reform. An increase of 2018 of females employed as technical staff in courts in comparison with 2016 data is not very significant and can be explained by the staff flow. Also, this kind of staff was not affected by court reorganization reform.

### **Ukraine**

**(2018):** Other non-judge staff means staff of the departments of maintenance of the President and the Vice-President of the Supreme Court and of the Presidents and Vice-Presidents of the Courts of Cassation, departments of support of activity of the head of the apparatus and deputy heads of the apparatus.

### **Question 027**

#### **Armenia**

**(2020):** Information is provided by the Judicial department.

It should be noted that the difference between numbers inserted in categories for last data collection and this year may be resulted by using different methodology for determining categories in 2018 while inserting the information. So there were no reorganizations made.

#### **Georgia**

**(2020):** Trainees are not included in the number of employees indicated in questions 52 and 52-1.

Total number of non-judge staff at the Supreme Court increased because number of new judges were appointed and court requires additional staff.

### **Republic of Moldova**

**(2020):** The numbers do not include trainees. Trainees are assisting the staff with different activities for short periods but are not conducting a significant amount of work.

**(2018):** The big difference between the number of non-judge staff working in courts at first instance level and the number of non-judge staff working in courts of appeal and the number of non-judge staff working in courts at Supreme Court level may be explained by a different number of courts at each level. There are 4 courts of appeal in comparison with 15 first instance courts and there is just one Supreme Court.

### **Question 028**

#### **Armenia**

**(2020):** All 355 prosecutors work for full time. In Armenia there is no separation of prosecutors for the first or other instance courts.

**(2018):** It must be noted that the 2019-2023 Strategy of Judicial and Legal Reforms provides for increase in number of prosecutors.

#### **Azerbaijan**

**(2018):** No comment

#### **Georgia**

**(General Comment):** Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

**(2020):** PSG is not organised according to the court instances. Its structure is as follows: District Prosecutor's Offices; Regional Prosecutor's Offices; Tbilisi Prosecutor's Office; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; and the General Prosecutor's Office. Each structural body of PSG has prosecutors and management subordinated to the General Prosecutor and other prosecutors in the hierarchy.

## Republic of Moldova

**(2020):** There were approved 720 prosecutor's posts in 2020. In row 3 is reflected the number of prosecutors in the Office of the Prosecutor General and the specialized prosecutor's offices.

**(2018):** Row no. 1 indicates, the number of prosecutors within the regional prosecutor's offices, with the exception of Chisinau, Balti and Cahul.

Row 2 reflects the number of prosecutors in Chisinau, Balti and Cahul which have the status of second instance prosecutor's offices.

In row 3 is reflected the number of prosecutors in the Office of the Prosecutor General and the specialized prosecutor's offices.

On 25.12.2016, the Parliament of the Republic of Moldova adopted the Public Prosecutor's Act. The latter presents a new conception of the organization and functioning of the Public Prosecutor's Office: the structure of the administration, the status of the prosecutor, the role of the self-administration organs. Similarly, the law provides for the establishment of a new specialized prosecutor's office for special cases and establishes new mechanisms for the selection, career and evaluation of prosecutors. So, the 2018 data are comparable with the previous 2016 data provided in this regard.

## Ukraine

**(General Comment):** Ukrainian legislation does not provide prosecutors at the first instance, second instance, and at the supreme court level. The only separation is for regional, district, specialized anticorruption prosecution offices and prosecutors of the General Prosecutor's Office.

**(2020):** In pursuance of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office", the Procedure for Prosecutors to pass attestation, approved by the Prosecutor General's Order № 221 of October 3, 2019, the process of attestation of prosecutors of local prosecutor's offices, military prosecutor's offices of garrisons (on the rights of local) began. The attestation process is the same for all prosecutors and is identical to the attestation procedure for prosecutors of the General Prosecutor's Office and regional prosecutor's offices. After the attestation, the number of prosecutors decreased significantly.

## Question 028-1

### Armenia

**(2020):** There has been an increase of the number of heads of public prosecution offices due to legislative amendments to the Law on Prosecutor's Office. Previously the heads of the departments in the RA Prosecutor General's Office or the prosecutor of the administrative district of Yerevan were not considered as superior prosecutors, now according to the new legislative regulations they are also considered as such (for more details see Article 31 of the Law).

**(2018):** It is worth to note that the Prosecutor General is not involved in the number mentioned above. If we count him, the answer to question will be 28+1, that is

## Georgia

**(General Comment):** Within the Georgian prosecutor's office there is no division of prosecutors according to court instances. The Prosecution Service of Georgia (PSG) is structured in the following way: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors, being higher in the hierarchy.

**(2018):** Please see the comment on question 55.

## Republic of Moldova

**(General Comment):** Number of heads of prosecution offices at supreme court level reflects the number of heads of the Office of the Prosecutor General and of the specialized prosecutor's offices.

**(2020):** In row 3 is reflected the number of prosecutors in the Office of the Prosecutor General and the specialized prosecutor's offices.

**(2018):** Row no. 1 shows the number of heads of the regional prosecutor's offices.

Row no. 2 presents the heads of specialized prosecutor's offices: Anticorruption Prosecutor's Office and Prosecutor's Office for Combating Organized Crime and Special Cases.

Row no. 3 shows the number of heads of the Office of the Prosecutor General and of the specialized prosecutor's offices.

## Ukraine

**(2020):** The difference in the numbers in 2020 compared with 2018 is caused by the optimization of the organizational structure, attestation of prosecutors, and reducing the number of employees in the prosecutor's office as part of the reform of the prosecutor's office.

## Question 029

### Georgia

**(General Comment):** Pursuant to Article 2 (a) of the Law of Georgia on Prosecution Service, the term "prosecutor" also includes PSG interns. Accordingly, those interns are considered as prosecutors, rather than other persons with similar duties.

## Question 032

### Armenia



**(2018):** In previous circle only the number of civil servants was provided. The number provided this year also includes the technical support staff.

#### **Republic of Moldova**

**(2020):** The numbers do not include trainees.

**(2018):** A specific tool to increase the efficiency of the specialized prosecutor's offices in 2018, was the inclusion in the structure of these entities of detached staff for 5 years from the subdivisions of the Ministry of Internal Affairs or National Anti-Corruption Center (Criminal Investigation Officers, Investigation Officers and specialists), which are subordinated functionally to the chief prosecutor of the specialized prosecutor's offices. Also, more prosecutor consultants have been

#### **Ukraine**

**(2020):** There are two categories of staff (non-public prosecutors) attached to the public prosecution services in Ukraine: public servants (total 2258) and other employees (1606). The gender-disaggregated data is available at the Prosecutor General's Office only for public servants, hence it is not possible to provide the disaggregated data for the entire staff.

The category of trainees was not included in the data provided. The traineeship has only educational character within the prosecution bodies of Ukraine.

#### **Question 033**

#### **Azerbaijan**

**(2020):** In 2017 there has been change to the national legislation where the monopoly of the lawyers over court representation was enshrined, which mean that no one except the members of the Azerbaijani Bar Association may represent a person at the court, except close relatives. However prior that time not only members of the Bar Association, but also person who was not the member to the Association may represent any person at courts by only getting PoA from a person who wants to be represented at the court. Therefore after the changes in the legislation there was a case with the lack of the lawyers. In order to change the situation the Azerbaijani Bar Association begun to hold admission exams on regular basis that led to the rise up in the number of lawyer. This process continues.

**(2018):** In 2017 there has been change to the national legislation where the monopoly of the lawyers over court representation was enshrined, which mean that no one except the members of the Azerbaijani Bar Association may represent a person at the court, except close relatives. However prior that time not only members of the Bar Association, but also person who was not the member to the Association may represent any person at courts by only getting PoA from a person who wants to be represented at the court. Therefore after the changes in the legislation there was a case with the lack of the lawyers. In order to change the situation the Azerbaijani Bar Association begun to hold admission exams on regular basis that led to the rise up in the number of lawyer. Even now the number is more than 1700. This proses continues.

## Ukraine

**(General Comment):** Only lawyers with attorney's certificate have a right to represent client in a court. To get this certificate a person should have a higher legal education, appropriate experience and pass the exam.

**(2020):** The increase in the number of attorneys can be caused by the existence of the attorneys' monopoly regime for representing the client in court. It forces many lawyers to get an attorney's certificate. There are also new lawyers that got this profession and want to work as attorneys in the future.

**(2018):** The increase in the number of lawyers with attorney's certificate is caused by introduction of attorneys' monopoly to represent the client in court (in result of Constitutional amendments in part of justice of 2016). These circumstances forced many lawyers to get an attorney's certificate.

### 3.Efficiency - Overview

#### Performance indicators: Clearance Rate and Disposition Time

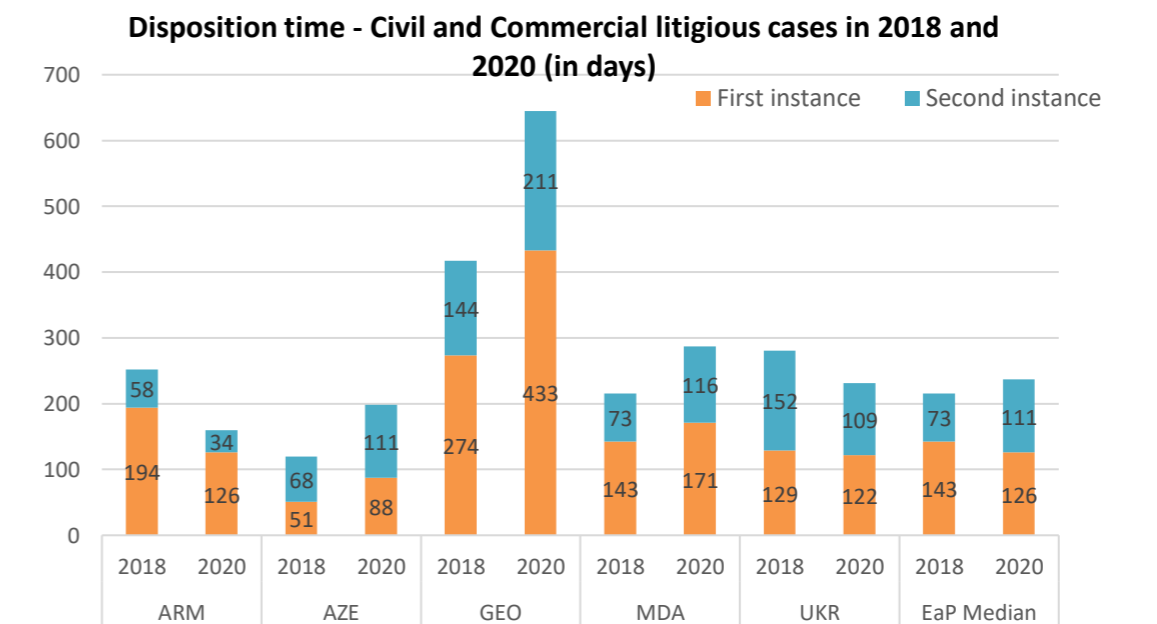
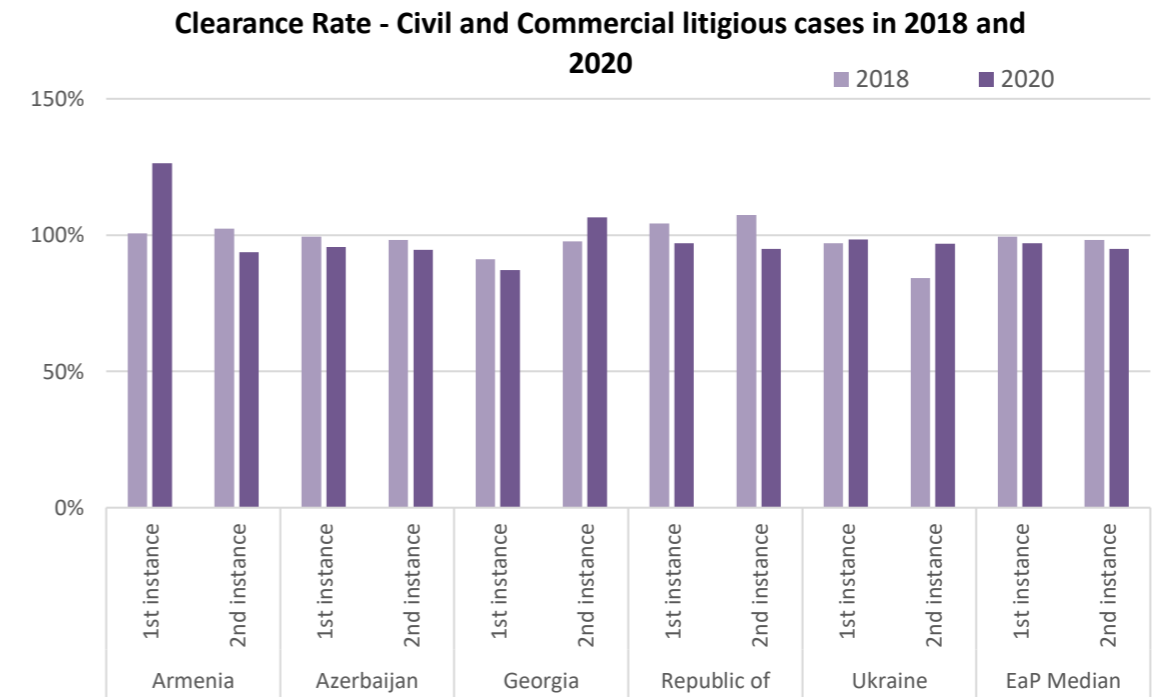
Civil (and commercial) litigious cases between 2018 and 2020 (Tables no. 3.1.4 and 3.1.14)

1st instance	Civil and Commercial litigious	
	2018	2020
<b>Clearance Rate</b>		
Armenia	101%	126%
Azerbaijan	99%	96%
Georgia	91%	87%
Republic of Moldova	104%	97%
Ukraine	97%	98%
<b>EaP Median</b>	99%	97%

2nd instance	Civil and Commercial litigious	
	2018	2020
<b>Clearance Rate</b>		
Armenia	102%	94%
Azerbaijan	98%	95%
Georgia	98%	106%
Republic of Moldova	107%	95%
Ukraine	84%	97%
<b>EaP Median</b>	98%	95%

1st instance	Civil and Commercial litigious	
	2018	2020
<b>Disposition Time</b>		
Armenia	194	126
Azerbaijan	51	88
Georgia	274	433
Republic of Moldova	143	171
Ukraine	129	122
<b>EaP Median</b>	143	126

2nd instance	Civil and Commercial litigious	
	2018	2020
<b>Disposition Time</b>		
Armenia	58	34
Azerbaijan	68	111
Georgia	144	211
Republic of Moldova	73	116
Ukraine	152	109
<b>EaP Median</b>	73	111



**Total criminal law cases between 2018 and 2020 (Tables no. 3.1.9 and 3.1.19)**

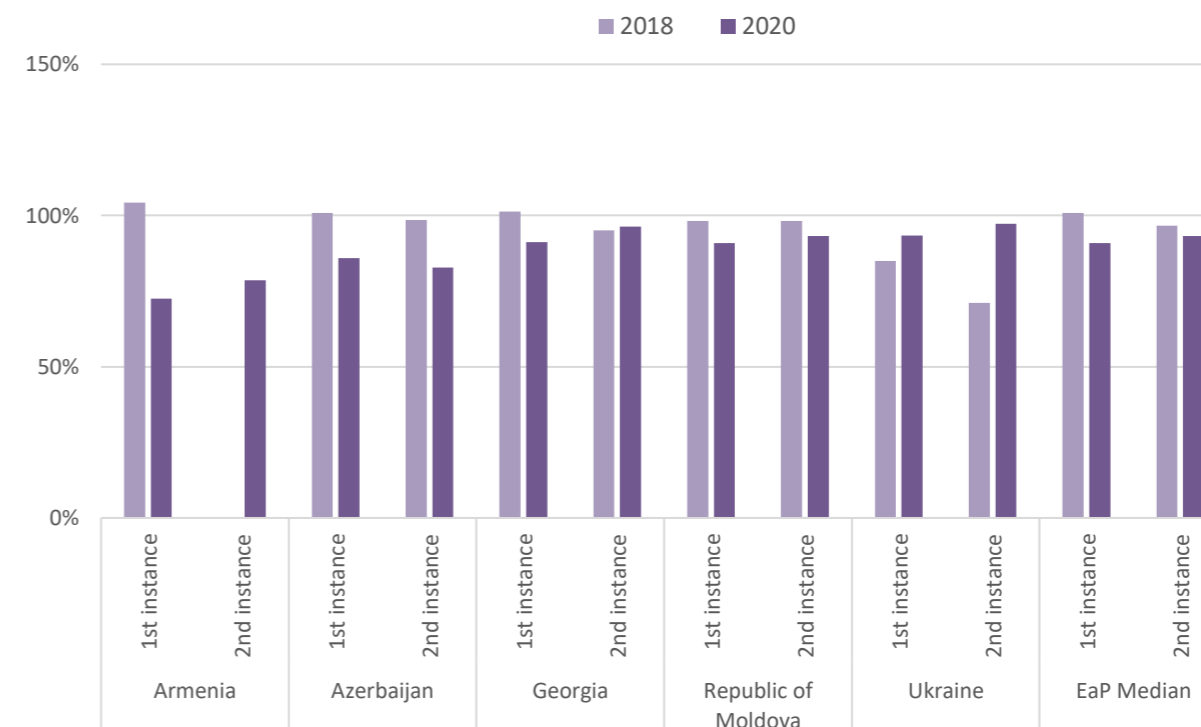
1st instance	Criminal	
	2018	2020
<b>Clearance Rate</b>		
Armenia	104%	73%
Azerbaijan	101%	86%
Georgia	101%	91%
Republic of Moldova	98%	91%
Ukraine	85%	93%
<b>EaP Median</b>	<b>101%</b>	<b>91%</b>

2nd instance	Criminal	
	2018	2020
<b>Clearance Rate</b>		
Armenia	NA	79%
Azerbaijan	99%	83%
Georgia	95%	96%
Republic of Moldova	98%	93%
Ukraine	71%	97%
<b>EaP Median</b>	<b>97%</b>	<b>93%</b>

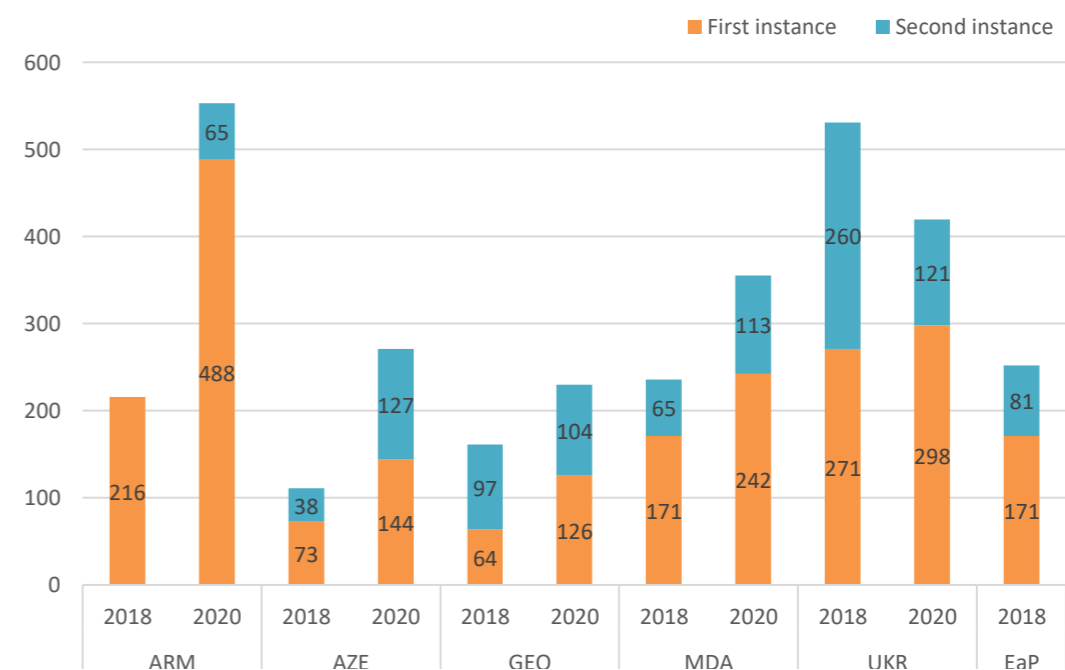
1st instance	Criminal	
	2018	2020
<b>Disposition Time</b>		
Armenia	216	488
Azerbaijan	73	144
Georgia	64	126
Republic of Moldova	171	242
Ukraine	271	298
<b>EaP Median</b>	<b>171</b>	<b>242</b>

2nd instance	Criminal	
	2018	2020
<b>Disposition Time</b>		
Armenia	NA	65
Azerbaijan	38	127
Georgia	97	104
Republic of Moldova	65	113
Ukraine	260	121
<b>EaP Median</b>	<b>81</b>	<b>113</b>

**Clearance Rate - Criminal cases in 2018 and 2020**



**Disposition time - Criminal cases in 2018 and 2020 (in days)**



### Administrative law cases in 2018 and 2020 (Tables no. 3.1.4 and 3.1.14)

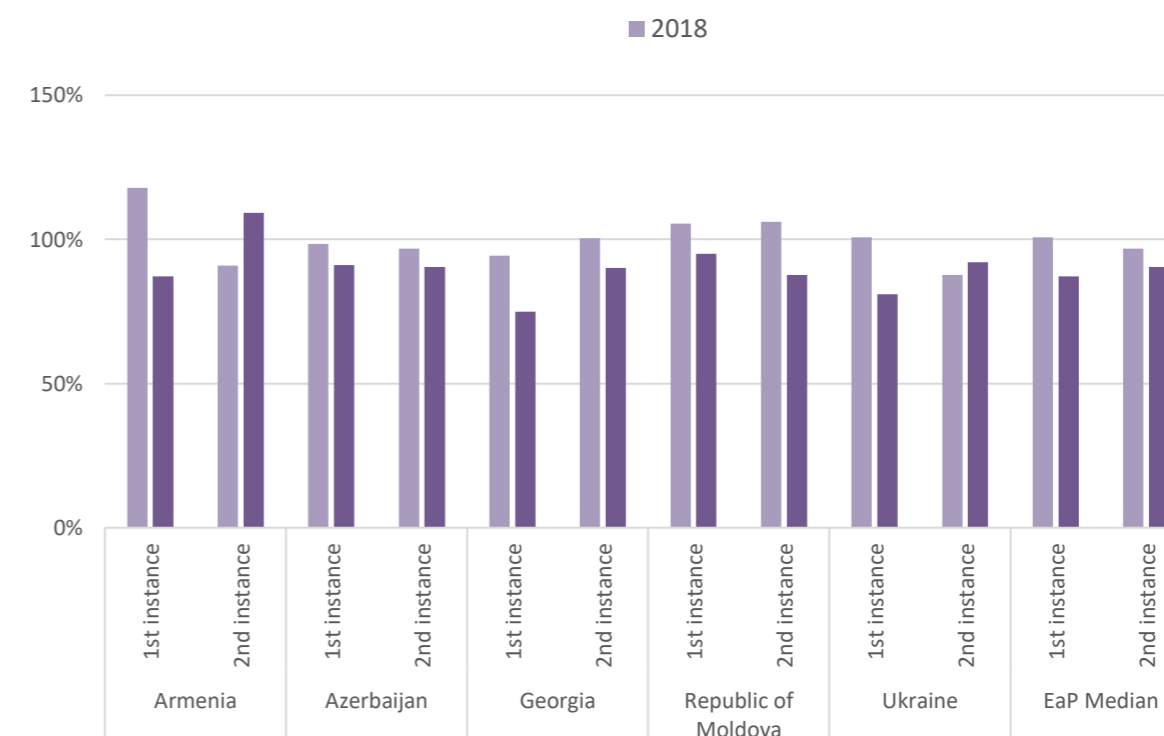
1st instance	Administrative	
	2018	2020
<b>Clearance Rate</b>		
Armenia	118%	87%
Azerbaijan	98%	91%
Georgia	94%	75%
Republic of Moldova	106%	95%
Ukraine	101%	81%
<b>EaP Median</b>	101%	87%

2nd instance	Administrative	
	2018	2020
<b>Clearance Rate</b>		
Armenia	91%	109%
Azerbaijan	97%	90%
Georgia	100%	90%
Republic of Moldova	106%	88%
Ukraine	88%	92%
<b>EaP Median</b>	97%	90%

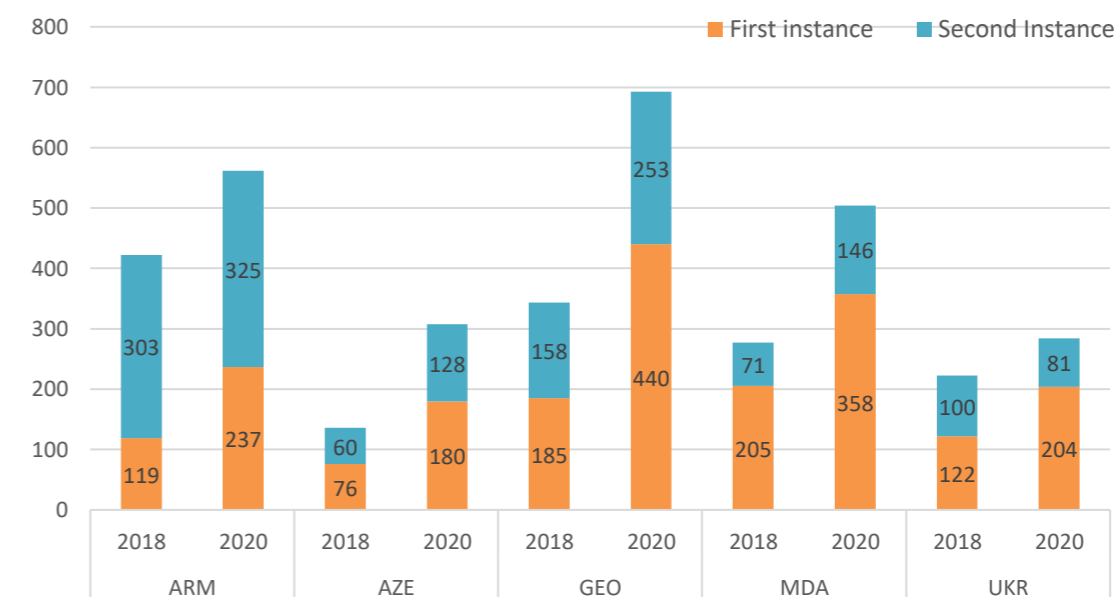
1st instance	Administrative	
	2018	2020
<b>Disposition Time</b>		
Armenia	119	237
Azerbaijan	76	180
Georgia	185	440
Republic of Moldova	205	358
Ukraine	122	204
<b>EaP Median</b>	122	237

2nd instance	Administrative	
	2018	2020
<b>Disposition Time</b>		
Armenia	303	325
Azerbaijan	60	128
Georgia	158	253
Republic of Moldova	71	146
Ukraine	100	81
<b>EaP Median</b>	100	146

### Clearance Rate - Administrative cases in 2018 and 2020



### Disposition time - Administrative cases in 2018 and 2020 (in days)

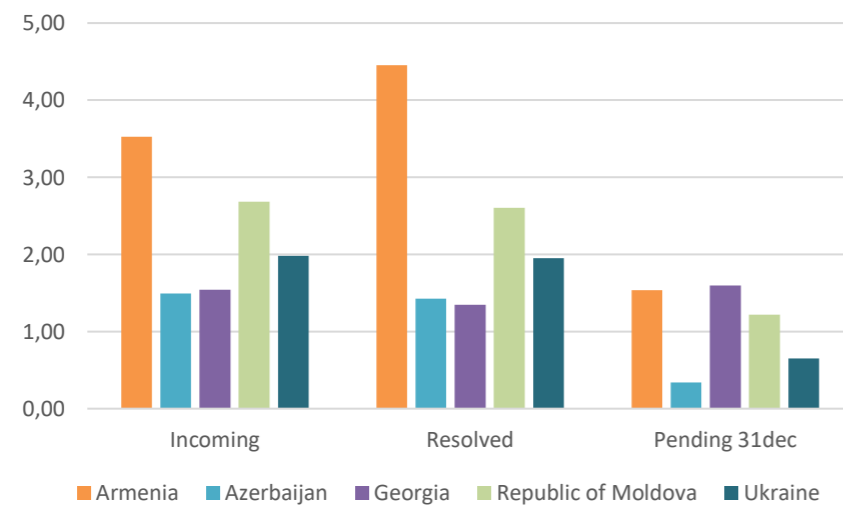


## Number of first instance cases per 100 inhabitants in 2020

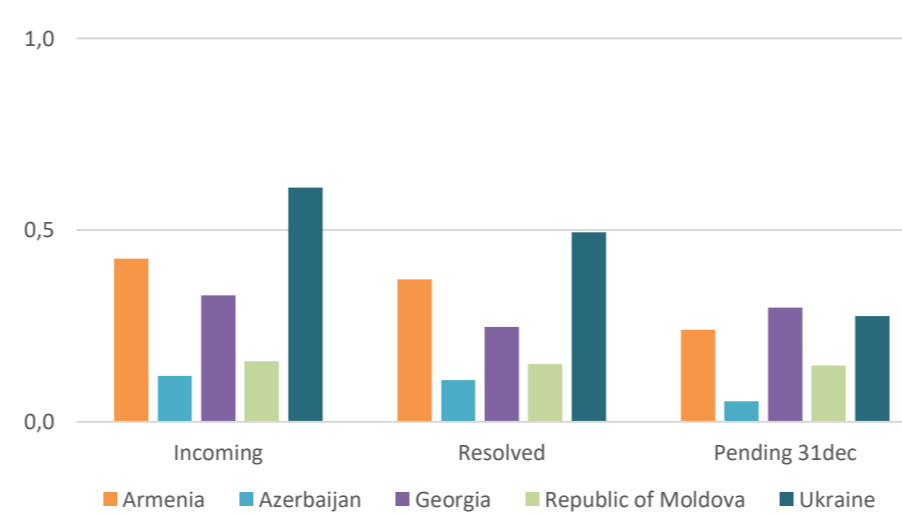
Tables no. 3.1.3 and 3.1.8

	Civil and Commercial litigious cases			Administrative cases			Criminal		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	3,53	4,46	1,54	0,43	0,37	0,24	0,13	0,09	0,12
Azerbaijan	1,49	1,43	0,34	0,12	0,11	0,05	0,12	0,11	0,04
Georgia	1,54	1,34	1,60	0,33	0,25	0,30	0,37	0,34	0,12
Republic of Moldova	2,69	2,61	1,22	0,16	0,15	0,15	1,41	1,28	0,85
Ukraine	1,98	1,95	0,65	0,61	0,49	0,28	0,32	0,30	0,24
<b>EaP Median</b>	1,98	1,95	1,22	0,33	0,25	0,24	0,32	0,30	0,12

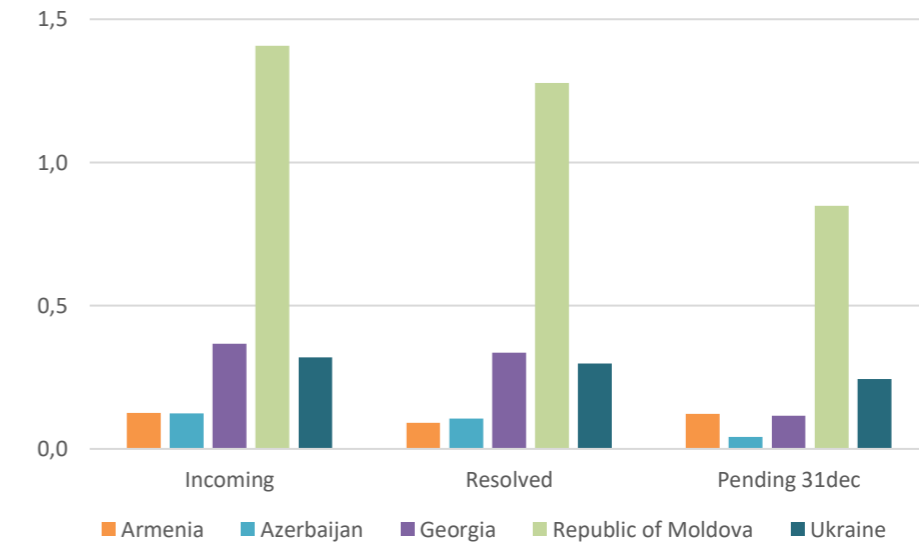
Civil (and commercial) litigious cases - number of first instance cases per 100 Inhabitants in 2020



Administrative cases number of first instance cases per 100 Inhabitants in 2020



Total criminal cases - number of first instance cases per 100 Inhabitants in 2020

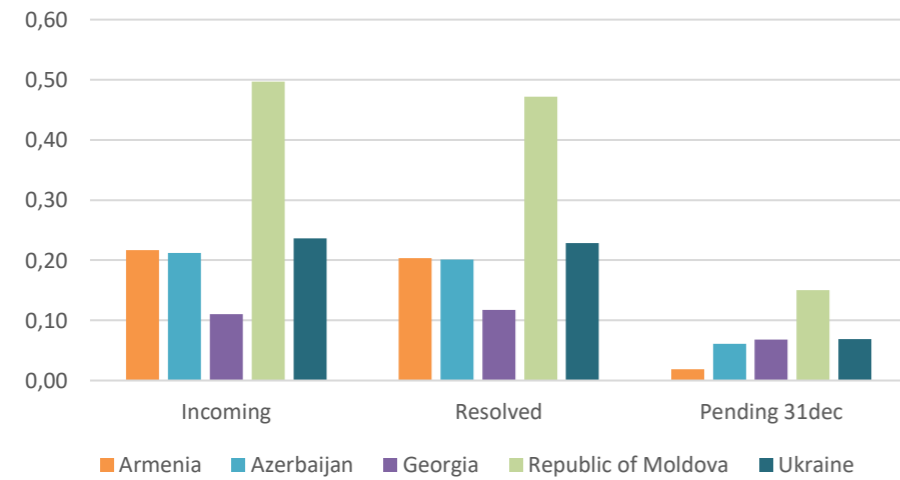


## Number of second instance cases per 100 inhabitants in 2020

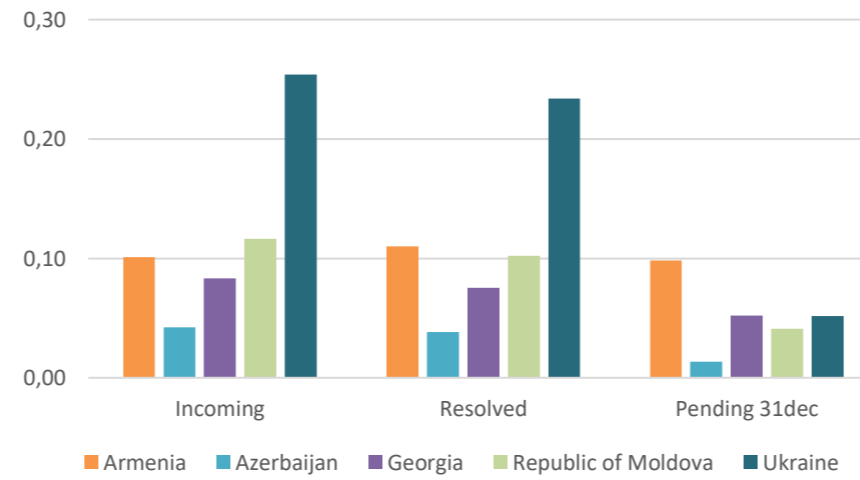
Tables no. 3.1.13 and 3.1.18

	Civil & Commercial litigious cases			Administrative cases			Criminal cases		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,22	0,20	0,02	0,10	0,11	0,10	0,15	0,12	0,02
Azerbaijan	0,21	0,20	0,06	0,04	0,04	0,01	0,04	0,04	0,01
Georgia	0,11	0,12	0,07	0,08	0,08	0,05	0,07	0,07	0,02
Republic of Moldova	0,50	0,47	0,15	0,12	0,10	0,04	0,44	0,41	0,13
Ukraine	0,24	0,23	0,07	0,25	0,23	0,05	0,07	0,07	0,02
<b>EaP Median</b>	0,22	0,20	0,07	0,10	0,10	0,05	0,07	0,07	0,02

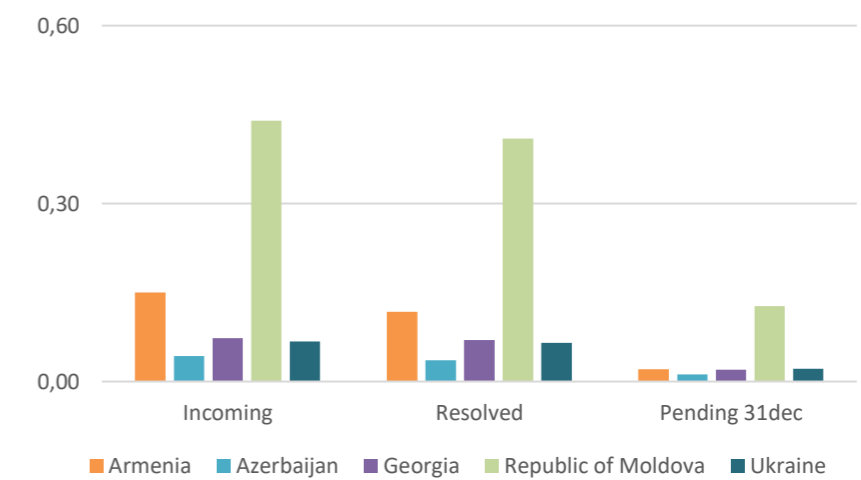
**Civil (and commercial) litigious cases - number of second instance cases per 100 Inhabitants in 2020**



**Administrative law cases - number of second instance cases per 100 Inhabitants in 2020**



**Criminal law cases - number of second instance cases per 100 Inhabitants in 2020**

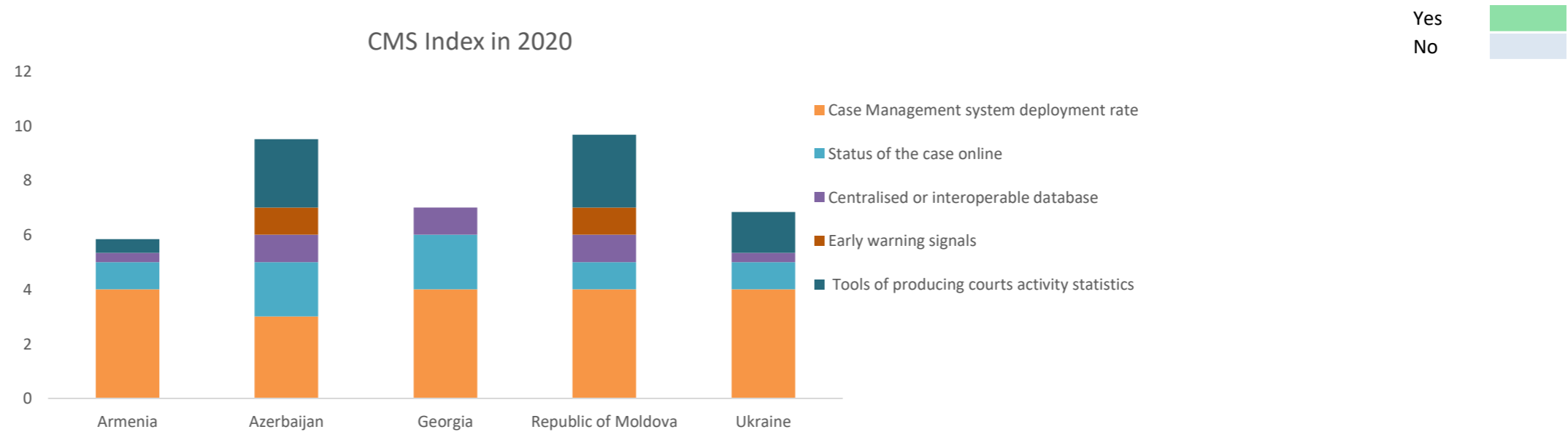


## Case Management System (CMS) Index

Table no. 3.4.2

	Case Management system deployment rate				Status of the case online				Centralised or interoperable database				Early warning signals				Tools of producing courts activity statistics				Total (12 max)
	Civil and/or commercial	Criminal	Administrative	Index (4 max)	Civil and/or commercial	Criminal	Administrative	Index (3 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (3max)	
Armenia	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1				0,3				0,0	Not integrated but connected	Not connected at all	Not connected at all	0,5	5,8
Azerbaijan	50-99%	50-99%	50-99%	3,0	Both	Both	Both	2,0				1,0				1,0	Integrated	Integrated	Integrated	2,5	9,5
Georgia	100%	100%	100%	4,0	Both	Both	Both	2,0				1,0				0,0	Not connected at all	Not connected at all	Not connected at all	0,0	7,0
Republic of Moldova	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				1,0				1,0	Integrated	Integrated	Fully integrated including BI	2,7	9,7
Ukraine	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				0,3				0,0	Not integrated but connected	Not integrated but connected	Not integrated but connected	1,5	6,8

Both = Accessible to parties  
Publication of decision online





## 3.Efficiency - Tables

Table 3.1.1 First instance courts: number of other than criminal law cases in 2020 (Q35)

Table 3.1.2 First instance courts: percentage variation of number of other than criminal law cases between 2018 and 2020 (Q35)

Table 3.1.3 First instance courts: number of other than criminal law cases per 100 inhabitants in 2020 (Q35)

Table 3.1.4 First instance courts: Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q35)

Table 3.1.5 First instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q38)

Table 3.1.6 First instance courts: number of criminal law cases in 2020 (Q38)

Table 3.1.7 First instance courts: percentage variation of the number of criminal law cases between 2018 and 2020 (Q38)

Table 3.1.8 First instance courts: number of criminal law cases per 100 inhabitants in 2020 (Q38)

Table 3.1.9 First instance courts: Criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q38)

Table 3.1.10 First instance Criminal Law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q38)

Table 3.1.11 Second instance courts (appeal): Number of “other than criminal law” cases in 2020 (Q39)

Table 3.1.12 Second instance courts (appeal): percentage variation of the number of “other than criminal law” cases between 2018 and 2020 (Q39)

Table 3.1.13 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2020 (Q39)

Table 3.1.14 Second instance courts (appeal): Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2020 (Q39)

Table 3.1.15 Second instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q39)

Table 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2020 (Q40)

Table 3.1.17 Second instance courts (appeal): percentage variation in number of criminal law cases between 2018 and 2020 (Q40)

Table 3.1.18 Second instance courts (appeal): Number of criminal law cases per 100 inhabitants in 2020 (Q40)

Table 3.1.19 Second instance (appeal), criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal law cases in 2020 (Q40)

Table 3.1.20 Second instance (appeal), criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q38)

Table 3.1.21 Average length of proceedings in days for Civil and commercial litigious cases and Litigious divorce cases in 2020 (Q41)

Table 3.1.22 Average length of proceedings in days for Employment dismissal cases and Insolvency cases in 2020 (Q41)

Table 3.1.23 Average length of proceedings in days for Robbery cases and Intentional homicide cases in 2020 (Q41)

Table 3.1.24 Average length of proceedings in days for Bribery cases and Trading in influence cases in 2020 (Q41)

Table 3.1.25 Open questions in Indicator 3.1 (Q36 and Q37)

Table 3.2.1 Role and powers of the public prosecutor in the criminal procedure in 2020 (Q41-1)

Table 3.2.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2020 (Q41-2)

Table 3.2.3: Public prosecution: Total number of first instance criminal cases in 2020 (Q41-3, Q41-5)

Table 3.2.4: Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2020 (Q41-3)

Table 3.2.5: Public prosecution: Distribution of different categories of processed cases within all processed cases in 2020 (Q41-3)

Table 3.2.6 Number of cases concluded with the guilty plea procedure in 2020 (Q41-4)

Table 3.3.1 National policies applied in courts and public prosecution services and personnel entrusted in 2020 (Q42 and Q43)

Table 3.3.2 Performance and quality objectives at court level in 2020 (Q44 and Q45)

Table 3.3.3 Performance and quality objectives at public prosecution services level in 2020 (Q46 and Q47)

Table 3.3.4 Evaluation of performance at court level in 2020 (Q48, Q49, Q50, Q51 and Q56)

Table 3.3.5 Evaluation of performance at public prosecution services level in 2020 (Q52, Q53, Q54, Q55 and Q57)

Table 3.3.6 Measuring courts' activity in 2020 (Q58)

Table 3.3.7 Measuring public prosecution services' activity in 2020 (Q59)

Table 3.3.8 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2020 (Q60 and Q61)

Table 3.3.9 Information regarding courts and public prosecution services' activity in 2020 (Q62, Q63, Q64, Q65, Q66, Q67, Q68, Q69, Q70 and Q71)

Table 3.3.10 Courts administration in 2020 (Q72 and Q73)

Table 3.3.11 Performance and evaluation of judges in 2020 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Table 3.3.12 Performance and evaluation of public prosecutors in 2020 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

Table 3.4.1 IT Strategy and Case management system in 2020 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.4.2 CMS Index in 2020 (Q83)

Table 3.4.3 Centralised national database of court decisions in 2020 (Q84, Q85)

Table 3.1.1 First instance courts: number of other than criminal law cases in 2020 (Q35)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative law cases					4. Other cases					
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	
Armenia	NA	NA	NA	NA	NA	73 146	104 465	132 028	45 583	NA	NA	NA	NA	NA	NA	5 508	12 622	11 001	7 129	NA	NAP	NAP	NAP	NAP	NAP	NA
Azerbaijan	32 260	162 150	154 544	39 866	765	27 932	150 130	143 588	34 474	726	NAP	NAP	NAP	NAP	NAP	4 328	12 020	10 956	5 392	39	NAP	NAP	NAP	NAP	NAP	NA
Georgia	62 044	94 056	83 252	72 848	15 775	52 105	57 551	50 141	59 515	15 196	1 891	4 542	4 227	2 206	100	8 048	12 313	9 234	11 127	479	NA	19 650	19 650	NA	NA	
Republic of Moldova	46 416	100 425	100 015	46 826	5 186	29 920	70 551	68 439	32 032	2 577	5 091	11 305	12 253	4 143	0	3 657	4 153	3 945	3 865	452	7 748	14 416	15 378	6 786	2 157	
Ukraine	390 906	2 151 428	2 064 620	477 714	NA	257 186	821 099	808 004	270 281	NA	12 444	234 435	228 537	18 342	NA	65 979	253 167	204 805	114 341	322	55 297	842 727	823 274	74 750	NA	
Average	132 907	627 015	600 608	159 314	7 242	88 058	240 759	240 440	88 377	6 166	6 475	83 427	81 672	8 230	-	17 504	58 855	47 988	28 371	323	-	292 264	286 101	-	-	
Median	54 230	131 288	127 280	59 837	5 186	52 105	104 465	132 028	45 583	2 577	5 091	11 305	12 253	4 143	-	5 508	12 313	10 956	7 129	387	-	19 650	19 650	-	-	
Minimum	32 260	94 056	83 252	39 866	765	27 932	57 551	50 141	32 032	726	1 891	4 542	4 227	2 206	-	3 657	4 153	3 945	3 865	39	-	14 416	15 378	-	-	
Maximum	390 906	2 151 428	2 064 620	477 714	15 775	257 186	821 099	808 004	270 281	15 196	12 444	234 435	228 537	18 342	-	65 979	253 167	204 805	114 341	479	-	842 727	823 274	-	-	
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
% of NA	20%	20%	20%	20%	40%	0%	0%	0%	0%	40%	20%	20%	20%	20%	40%	0%	0%	0%	0%	20%	20%	0%	0%	20%	60%	
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%	0%	0%	0%	0%	0%	40%	40%	40%	40%	20%	

Table 3.1.2 First instance courts: percentage variation of number of other than criminal law cases between 2018 and 2020 (Q35)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	NA	NA	NA	NA	NA	60%	24%	56%	1%	NA	NA	NA	NA	NA	NA	-30%	-9%	-33%	33%	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	-6%	-35%	-37%	11%	55%	-9%	-35%	-37%	7%	58%	NAP	NAP	NAP	NAP	NAP	30%	-32%	-37%	50%	18%	NAP	NAP	NAP	NAP	NAP
Georgia	25%	-21%	-26%	28%	308%	22%	-20%	-24%	21%	348%	12%	-47%	-50%	21%	488%	56%	1%	-19%	91%	4%	NA	-25%	-25%	NA	NA
Republic of Moldova	29%	4%	5%	25%	NA	5%	12%	4%	24%	110%	201%	-34%	-32%	475%	NA	12%	-17%	-25%	30%	132%	194%	26%	147%	-14%	NA
Ukraine	25%	34%	31%	39%	NA	17%	16%	18%	12%	NA	NAP	NAP	NAP	NAP	NA	29%	71%	37%	129%	-13%	34%	11%	10%	40%	NA
<b>Average</b>	18%	-5%	-7%	26%	-	19%	-1%	3%	13%	172%	-	-	-	-	-	20%	3%	-15%	67%	35%	-	4%	44%	-	-
<b>Median</b>	25%	-9%	-10%	27%	-	17%	12%	4%	12%	110%	-	-	-	-	-	29%	-9%	-25%	50%	11%	-	11%	10%	-	-
<b>Minimum</b>	-6%	-35%	-37%	11%	-	-9%	-35%	-37%	1%	58%	-	-	-	-	-	-30%	-32%	-37%	30%	-13%	-	-25%	-25%	-	-
<b>Maximum</b>	29%	34%	31%	39%	-	60%	24%	56%	24%	348%	-	-	-	-	-	56%	71%	37%	129%	132%	-	26%	147%	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	20%	20%	60%	0%	0%	0%	0%	40%	20%	20%	20%	20%	60%	0%	0%	0%	0%	20%	20%	0%	0%	20%	80%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%	40%	40%	40%	20%	0%	0%	0%	0%	0%	40%	40%	40%	40%	20%

Table 3.1.3 First instance courts: number of other than criminal law cases per 100 inhabitants in 2020 (Q35)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1.Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	NA	NA	NA	NA	NA	2,47	3,53	4,46	1,54	NA	NA	NA	NA	NA	NA	0,19	0,43	0,37	0,24	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	0,32	1,61	1,54	0,40	0,01	0,28	1,49	1,43	0,34	0,01	NAP	NAP	NAP	NAP	NAP	0,04	0,12	0,11	0,05	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	1,66	2,52	2,23	1,95	0,42	1,40	1,54	1,34	1,60	0,41	0,05	0,12	0,11	0,06	0,00	0,22	0,33	0,25	0,30	0,01	NA	0,53	0,53	NA	NA
Republic of Moldova	1,77	3,82	3,81	1,78	0,20	1,14	2,69	2,61	1,22	0,10	0,19	0,43	0,47	0,16	0,00	0,14	0,16	0,15	0,15	0,02	0,29	0,55	0,59	0,26	0,08
Ukraine	0,94	5,19	4,98	1,15	NA	0,62	1,98	1,95	0,65	NA	0,03	0,57	0,55	0,04	NA	0,16	0,61	0,49	0,28	0,00	0,13	2,03	1,99	0,18	NA
Average	1,17	3,29	3,14	1,32	0,21	1,18	2,25	2,36	1,07	0,17	0,09	0,37	0,38	0,09	-	0,15	0,33	0,27	0,20	0,01	-	1,04	1,03	-	-
Median	1,30	3,17	3,02	1,47	0,20	1,14	1,98	1,95	1,22	0,10	0,05	0,43	0,47	0,06	-	0,16	0,33	0,25	0,24	0,01	-	0,55	0,59	-	-
Minimum	0,32	1,61	1,54	0,40	0,01	0,28	1,49	1,34	0,34	0,01	0,03	0,12	0,11	0,04	-	0,04	0,12	0,11	0,05	0,00	-	0,53	0,53	-	-
Maximum	1,77	5,19	4,98	1,95	0,42	2,47	3,53	4,46	1,60	0,41	0,19	0,57	0,55	0,16	-	0,22	0,61	0,49	0,30	0,02	-	2,03	1,99	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	40%	0%	0%	0%	0%	40%	20%	20%	20%	20%	40%	0%	0%	0%	0%	20%	20%	0%	0%	20%	60%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%	0%	0%	0%	0%	0%	40%	40%	40%	40%	20%

**Table 3.1.4 First instance courts: Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q35)**

Beneficiaries	Total of other than criminal law cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative law cases			4. Other cases		
	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years
<b>Armenia</b>	NA	NA	NA	126%	126	NA	NA	NA	NA	87%	237	NA	NAP	NAP	NA
<b>Azerbaijan</b>	95%	94	2%	96%	88	2%	NAP	NAP	NAP	91%	180	1%	NAP	NAP	NAP
<b>Georgia</b>	89%	319	22%	87%	433	26%	93%	190	5%	75%	440	4%	100%	NA	NA
<b>Republic of Moldova</b>	100%	171	11%	97%	171	8%	108%	123	0%	95%	358	12%	107%	161	32%
<b>Ukraine</b>	96%	84	NA	98%	122	NA	97%	29	NA	81%	204	0%	98%	33	NA
<b>Average</b>	95%	167	12%	101%	188	12%	100%	114	-	86%	283	4%	101%	-	-
<b>Median</b>	96%	133	11%	97%	126	8%	97%	123	-	87%	237	3%	100%	-	-
<b>Minimum</b>	89%	84	2%	87%	88	2%	93%	29	-	75%	180	0%	98%	-	-
<b>Maximum</b>	100%	319	22%	126%	433	26%	108%	190	-	95%	440	12%	107%	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	40%	0%	0%	40%	20%	20%	40%	0%	0%	20%	0%	20%	60%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	20%	20%	20%	0%	0%	0%	40%	40%	20%

**Table 3.1.5 First instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q38)**

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020														
	Total of other than criminal law cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative law cases			4. Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	NA	NA	NA	25,7	-35,1%	NA	NA	NA	NA	-30,8	98,7%	NA	NAP	NAP	NA
Azerbaijan	-4,0	78,0%	0,5	-3,8	71,3%	0,7	NAP	NAP	NAP	-7,3	136,3%	-0,2	NAP	NAP	NAP
Georgia	-5,5	71,8%	14,9	-4,0	58,4%	18,7	-5,4	140,5%	3,6	-19,4	137,3%	-3,6	-0,2	NA	NA
Republic of Moldova	0,9	19,7%	NA	-7,2	19,6%	3,3	2,7	746,0%	NA	-10,5	74,1%	5,1	52,2	-65,0%	NA
Ukraine	-2,1	6,1%	NA	1,3	-5,1%	NA	NAP	NAP	NA	-19,9	66,9%	-0,5	-0,7	27,1%	NA
<b>Average</b>	-2,7	43,9%	-	2,4	21,8%	7,5	-	-	-	-17,6	102,7%	0,2	17,1	-	-
<b>Median</b>	-3,1	45,7%	-	-3,8	19,6%	3,3	-	-	-	-19,4	98,7%	-0,3	-0,2	-	-
<b>Minimum</b>	-5,5	6,1%	-	-7,2	-35,1%	0,7	-	-	-	-30,8	66,9%	-3,6	-0,7	-	-
<b>Maximum</b>	0,9	78,0%	-	25,7	71,3%	18,7	-	-	-	-7,3	137,3%	5,1	52,2	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	60%	0%	0%	40%	20%	20%	60%	0%	0%	20%	0%	20%	80%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	40%	40%	20%	0%	0%	0%	40%	40%	20%

Table 3.1.6 First instance courts: number of criminal law cases in 2020 (Q38)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	2 600	3 743	2 714	3 629	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	2 454	12 414	10 663	4 205	184	525	2 082	1 599	1 008	63	1 929	10 332	9 064	3 197	121	NAP	NAP	NAP	NAP	NAP
Georgia	3 118	13 717	12 513	4 322	177	1 490	4 470	4 321	1 639	90	1 628	9 247	8 192	2 683	87	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	18 911	36 954	33 566	22 299	2 407	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	92 152	132 577	123 699	101 036	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Average	23847	39881	36631	27098	923	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	3118	13717	12513	4322	184	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	2454	3743	2714	3629	177	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	92152	132577	123699	101036	2407	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%	80%	80%



Table 3.1.7 First instance courts: percentage variation of the number of criminal law cases between 2018 and 2020 (Q38)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	34%	27%	11%	101%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	-6%	0%	15%	68%	55%	5%	20%	-8%	105%	7%	-9%	-3%	16%	59%	102%	NA	NA	NA	NA	NA
Georgia	12%	-7%	16%	66%	62%	10%	12%	18%	16%	18%	44%	-4%	14%	25%	64%	NA	NA	NA	NA	NA
Republic of Moldova	9%	-6%	13%	23%	86%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	46%	1%	11%	22%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	19%	3%	-9%	56%	68%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	12%	0%	-13%	66%	62%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-6%	-7%	-16%	22%	55%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	46%	27%	11%	101%	86%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	100%	100%	100%	100%	100%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Table 3.1.8 First instance courts: number of criminal law cases per 100 inhabitants in 2020 (Q38)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	0,09	0,13	0,09	0,12	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0,02	0,12	0,11	0,04	0,00	0,01	0,02	0,02	0,01	0,00	0,02	0,10	0,09	0,03	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,08	0,37	0,34	0,12	0,00	0,04	0,12	0,12	0,04	0,00	0,04	0,25	0,22	0,07	0,00	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,72	1,41	1,28	0,85	0,09	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,22	0,32	0,30	0,24	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Average	0,23	0,47	0,42	0,27	0,03	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	0,09	0,32	0,30	0,12	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	0,02	0,12	0,09	0,04	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	0,72	1,41	1,28	0,85	0,09	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%	80%	80%

**Table 3.1.9 First instance courts: Criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q38)**

Beneficiaries	All criminal law cases			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	73%	488	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	86%	144	4%	77%	230	6%	88%	129	4%	NAP	NAP	NAP
Georgia	91%	126	4%	97%	138	5%	89%	120	3%	NAP	NAP	NAP
Republic of Moldova	91%	242	11%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	93%	298	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Average	87%	260	6%	-	-	-	-	-	-	-	-	-
Median	91%	242	4%	-	-	-	-	-	-	-	-	-
Minimum	73%	126	4%	-	-	-	-	-	-	-	-	-
Maximum	93%	488	11%	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	40%	60%	60%	60%	60%	60%	60%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%

**Table 3.1.10 First instance Criminal Law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q38)**

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020											
	All criminal law cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
#REF!	-31,8	126,3%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	-15,0	98,0%	-0,4	-23,7	123,2%	-5,7	-13,3	89,9%	0,8	NAP	NAP	NAP
Georgia	-10,0	97,8%	-0,1	-8,1	42,8%	0,1	-10,8	163,6%	0,5	NAP	NAP	NAP
Republic of Moldova	-7,4	41,9%	3,6	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	8,3	10,1%	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
<b>Average</b>	-11,2	74,8%	1,0	-	-	-	-	-	-	-	-	-
<b>Median</b>	-10,0	97,8%	-0,1	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	8,3	126,3%	3,6	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	-31,8	10,1%	-0,4	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	40%	60%	60%	60%	60%	60%	60%	20%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%

**Table 3.1.11 Second instance courts (appeal): Number of “other than criminal law” cases in 2020 (Q39)**

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
<b>Armenia</b>	NA	NA	NA	NA	NA	790	6 417	6 020	556	NA	NA	NA	NA	NA	NA	3 329	2 988	3 265	2 909	NA	NAP	NAP	NAP	NAP	NA
<b>Azerbaijan</b>	5 911	25 633	24 070	7 474	163	4 969	21 382	20 223	6 128	146	NAP	NAP	NAP	NAP	NAP	942	4 251	3 847	1 346	17	NAP	NAP	NAP	NAP	NAP
<b>Georgia</b>	4 583	8 857	8 886	4 554	389	2 808	4 119	4 386	2 541	200	NAP	29	29	NAP	NAP	1 639	3 110	2 805	1 944	189	136	1 599	1 666	69	NAP
<b>Republic of Moldova</b>	4 214	17 437	16 395	5 256	0	3 288	13 045	12 391	3 942	0	NAP	NAP	NAP	NAP	NAP	700	3 058	2 682	1 076	0	226	1 334	1 322	238	0
<b>Ukraine</b>	40 396	225 665	212 730	53 331	NA	25 254	97 742	94 623	28 373	NA	NAP	NAP	NAP	NAP	NAP	13 035	105 156	96 788	21 403	NA	2 107	22 767	21 319	3 555	NA
<b>Average</b>	13 776	69 398	65 520	17 654	184	7 422	28 541	27 529	8 308	115	-	-	-	-	-	3 929	23 713	21 877	5 736	69	823	8 567	8 102	1 287	-
<b>Median</b>	5 247	21 535	20 233	6 365	163	3 288	13 045	12 391	3 942	146	-	-	-	-	-	1 639	3 110	3 265	1 944	17	226	1 599	1 666	238	-
<b>Minimum</b>	4 214	8 857	8 886	4 554	0	790	4 119	4 386	556	0	-	-	-	-	-	700	2 988	2 682	1 076	0	136	1 334	1 322	69	-
<b>Maximum</b>	40 396	225 665	212 730	53 331	389	25 254	97 742	94 623	28 373	200	-	-	-	-	-	13 035	105 156	96 788	21 403	189	2 107	22 767	21 319	3 555	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	20%	20%	40%	0%	0%	0%	0%	40%	20%	20%	20%	20%	20%	0%	0%	0%	0%	40%	0%	0%	0%	0%	40%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	60%	60%	80%	80%	0%	0%	0%	0%	0%	40%	40%	40%	40%	40%

**Table 3.1.12 Second instance courts (appeal): percentage variation of the number of “other than criminal law” cases between 2018 and 2020 (Q39)**

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
<b>Armenia</b>	NA	NA	NA	NA	NA	-1%	51%	38%	-20%	NA	NA	NA	NA	NA	NA	25%	-25%	-10%	-4%	NA	NAP	NAP	NAP	NAP	NA
<b>Azerbaijan</b>	2%	-30%	-33%	14%	72%	-2%	30%	-33%	9%	59%	NAP	NAP	NAP	NAP	NAP	29%	-26%	-31%	48%	467%	NAP	NAP	NAP	NAP	NAP
<b>Georgia</b>	10%	-26%	-25%	6%	227%	21%	36%	-30%	3%	63%	NAP	123%	123%	NAP	NAP	-9%	-24%	-32%	9%	340%	127%	14%	19%	13%	NAP
<b>Republic of Moldova</b>	0%	13%	1%	57%	-100%	0%	15%	1%	61%	-100%	NAP	NAP	NAP	NAP	NAP	-26%	-13%	-28%	48%	-	-	163%	303%	32%	-
<b>Ukraine</b>	18%	-2%	7%	-19%	NA	19%	11%	2%	-26%	NA	NAP	NAP	NAP	NAP	NAP	16%	11%	16%	-7%	NA	10%	-7%	-3%	-18%	NA
<b>Average</b>	7%	-11%	-12%	14%	66%	8%	-2%	-4%	5%	41%	-	-	-	-	-	7%	-16%	-17%	19%	403%	68%	57%	106%	9%	-
<b>Median</b>	6%	-14%	-12%	10%	72%	0%	-11%	1%	3%	59%	-	-	-	-	-	16%	-24%	-28%	9%	403%	68%	14%	19%	13%	-
<b>Minimum</b>	0%	-30%	-33%	-19%	-100%	-2%	-36%	-33%	-26%	-100%	-	-	-	-	-	-26%	-26%	-32%	-7%	340%	10%	-7%	-3%	-18%	-
<b>Maximum</b>	18%	13%	7%	57%	227%	21%	51%	38%	61%	163%	-	-	-	-	-	29%	11%	16%	48%	467%	127%	163%	303%	32%	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	4	4	5	5	5	4
<b>% of NA</b>	20%	20%	20%	20%	40%	0%	0%	0%	0%	40%	20%	20%	20%	20%	20%	0%	0%	0%	0%	50%	0%	0%	0%	0%	50%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	60%	60%	80%	80%	0%	0%	0%	0%	0%	50%	40%	40%	40%	50%

Table 3.1.13 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2020 (Q39)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	NA	NA	NA	NA	NA	0,03	0,22	0,20	0,02	NA	NA	NA	NA	NA	NA	0,11	0,10	0,11	0,10	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	0,06	0,25	0,24	0,07	0,00	0,05	0,21	0,20	0,06	0,00	NAP	NAP	NAP	NAP	NAP	0,01	0,04	0,04	0,01	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,12	0,24	0,24	0,12	0,01	0,08	0,11	0,12	0,07	0,01	NAP	0,00	0,00	NAP	NAP	0,04	0,08	0,08	0,05	0,01	0,00	0,04	0,04	0,00	NAP
Republic of Moldova	0,16	0,66	0,62	0,20	0,00	0,13	0,50	0,47	0,15	0,00	NAP	NAP	NAP	NAP	NAP	0,03	0,12	0,10	0,04	0,00	0,01	0,05	0,05	0,01	0,00
Ukraine	0,10	0,54	0,51	0,13	NA	0,06	0,24	0,23	0,07	NA	NAP	NAP	NAP	NAP	NAP	0,03	0,25	0,23	0,05	NA	0,01	0,05	0,05	0,01	NA
Average	0,11	0,43	0,40	0,13	0,00	0,07	0,25	0,24	0,07	0,00	-	-	-	-	-	0,04	0,12	0,11	0,05	0,00	0,01	0,05	0,05	0,01	-
Median	0,11	0,40	0,38	0,13	0,00	0,06	0,22	0,20	0,07	0,00	-	-	-	-	-	0,03	0,10	0,10	0,05	0,00	0,01	0,05	0,05	0,01	-
Minimum	0,06	0,24	0,24	0,07	0,00	0,03	0,11	0,12	0,02	0,00	-	-	-	-	-	0,01	0,04	0,04	0,01	0,00	0,00	0,04	0,04	0,00	-
Maximum	0,16	0,66	0,62	0,20	0,01	0,13	0,50	0,47	0,15	0,01	-	-	-	-	-	0,11	0,25	0,23	0,10	0,01	0,01	0,05	0,05	0,01	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	40%	0%	0%	0%	0%	40%	20%	20%	20%	20%	20%	0%	0%	0%	0%	40%	0%	0%	0%	0%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	60%	60%	80%	80%	0%	0%	0%	0%	0%	40%	40%	40%	40%	40%

**Table 3.1.14 Second instance courts (appeal): Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2020 (Q39)**

Beneficiaries	Total of other than criminal law cases (1+2+3)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative law cases			4. Other cases		
	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years
Armenia	NA	NA	NA	94%	34	NA	NA	NA	NA	109%	325	NA	NAP	NAP	NA
Azerbaijan	94%	113	2%	95%	111	2%	NAP	NAP	NAP	90%	128	1%	NAP	NAP	NAP
Georgia	100%	187	9%	106%	211	8%	100%	NAP	NAP	90%	253	10%	104%	15	NAP
Republic of Moldova	94%	117	0%	95%	116	0%	NAP	NAP	NAP	88%	146	0%	99%	66	0%
Ukraine	94%	92	NA	97%	109	NA	NAP	NAP	NAP	92%	81	NA	94%	61	NA
<b>Average</b>	96%	127	4%	97%	116	3%	-	-	-	94%	187	4%	99%	47	-
<b>Median</b>	94%	115	2%	95%	111	2%	-	-	-	90%	146	1%	99%	61	-
<b>Minimum</b>	94%	92	0%	94%	34	0%	-	-	-	88%	81	0%	94%	15	-
<b>Maximum</b>	100%	187	9%	106%	211	8%	-	-	-	109%	325	10%	104%	66	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	40%	0%	0%	40%	20%	20%	20%	0%	0%	40%	0%	0%	40%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	60%	80%	80%	0%	0%	0%	40%	40%	40%



**Table 3.1.15 Second instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q39)**

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020														
	Total of other than criminal law cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative law cases			4. Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
<b>Armenia</b>	NA	NA	NA	-8,6	-41,9%	NA	NA	NA	NA	18,4	7,4%	NA	NAP	NAP	NA
<b>Azerbaijan</b>	-4,1	69,2%	0,7	-3,6	61,9%	0,8	NAP	NAP	NAP	-6,4	113,7%	0,9	NAP	NAP	NAP
<b>Georgia</b>	1,4	40,2%	5,8	8,7	46,9%	4,8	0,0	NAP	NAP	-10,1	60,4%	7,3	4,3	-5,1%	NAP
<b>Republic of Moldova</b>	-11,7	55,8%	-2,6	-12,5	59,4%	-3,6	NAP	NAP	NAP	-18,3	104,9%	0,0	34,5	-67,2%	0,0
<b>Ukraine</b>	8,0	-24,5%	NA	12,6	-27,9%	NA	NAP	NAP	NAP	4,3	-19,5%	NA	3,6	-15,5%	NA
<b>Average</b>	-1,6	35,2%	1,3	-0,7	19,7%	0,7	-	-	-	-2,4	53,4%	2,7	14,1	-29,3%	-
<b>Median</b>	-1,3	48,0%	0,7	-3,6	46,9%	0,8	-	-	-	-6,4	60,4%	0,9	4,3	-15,5%	-
<b>Minimum</b>	-11,7	-24,5%	-2,6	-12,5	-41,9%	-3,6	-	-	-	-18,3	-19,5%	0,0	3,6	-67,2%	-
<b>Maximum</b>	8,0	69,2%	5,8	12,6	61,9%	4,8	-	-	-	18,4	113,7%	7,3	34,5	-5,1%	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	40%	0%	0%	40%	20%	20%	20%	0%	0%	40%	0%	0%	40%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	60%	80%	80%	0%	0%	0%	40%	40%	40%

**Table 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2020 (Q40)**

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
<b>Armenia</b>	488	4 439	3 487	619	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Azerbaijan</b>	506	4 335	3 592	1 249	22	180	1 094	873	401	12	326	3 241	2 719	848	10	NAP	NAP	NAP	NAP	NAP
<b>Georgia</b>	645	2 720	2 619	746	15	419	806	705	520	15	226	1 914	1 914	226	0	NAP	NAP	NAP	NAP	NAP
<b>Republic of Moldova</b>	2 540	11 551	10 761	3 330	0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
<b>Ukraine</b>	8 244	27 861	27 104	9 001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
<b>Average</b>	2 485	10 181	9 513	2 989	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Median</b>	645	4 439	3 592	1 249	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	488	2 720	2 619	619	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	8 244	27 861	27 104	9 001	22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	40%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	20%	20%	20%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%	80%	80%

Table 3.1.17 Second instance courts (appeal): percentage variation in number of criminal law cases between 2018 and 2020 (Q40)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	-2%	-26%	-37%	108%	-12%	-27%	-14%	-31%	64%	-14%	20%	29%	39%	138%	-9%	NAP	NAP	NAP	NAP	NAP
Georgia	24%	7%	9%	16%	0%	13%	-21%	-27%	22%	7%	53%	26%	32%	5%	-100%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	26%	-10%	-5%	48%	-	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	20%	-11%	21%	-43%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
<b>Average</b>	17%	-10%	-6%	32%	-6%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Median</b>	22%	-11%	-3%	32%	-6%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	-2%	-26%	-37%	-43%	-12%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	26%	7%	21%	108%	0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	4	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	20%	20%	50%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	20%	20%	20%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%	80%	80%

Table 3.1.18 Second instance courts (appeal): Number of criminal law cases per 100 inhabitants in 2020 (Q40)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Armenia	0,02	0,15	0,12	0,02	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0,01	0,04	0,04	0,01	0,00	0,00	0,01	0,01	0,00	0,00	0,00	0,03	0,03	0,01	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,02	0,07	0,07	0,02	0,00	0,01	0,02	0,02	0,01	0,00	0,01	0,05	0,05	0,01	0,00	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,10	0,44	0,41	0,13	0,00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,02	0,07	0,07	0,02	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Average	0,0	0,2	0,1	0,0	0,0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	0,0	0,1	0,1	0,0	0,0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	0,0	0,0	0,0	0,0	0,0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	0,1	0,4	0,4	0,1	0,0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%	80%	80%

**Table 3.1.19 Second instance (appeal), criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal law cases in 2020 (Q40)**

Beneficiaries	All criminal law cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years
Armenia	79%	65	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	83%	127	2%	80%	168	3%	84%	114	1%	NAP	NAP	NAP
Georgia	96%	104	2%	87%	269	3%	100%	43	0%	NAP	NAP	NAP
Republic of Moldova	93%	113	0%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	97%	121	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
<b>Average</b>	90%	106	1%	-	-	-	-	-	-	-	-	-
<b>Median</b>	93%	113	2%	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	79%	65	0%	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	97%	127	2%	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	40%	60%	60%	60%	60%	60%	60%	20%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	80%	80%

**Table 3.1.20 Second instance (appeal), criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020 (Q38)**

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2018 and 2020											
	All criminal law cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	NA	NA	NA	NA	-35,1%	NA	NA	NA	NA	NA	98,7%	NA
Azerbaijan	-15,7	78,0%	-2,4	-20,4	71,3%	-2,7	-14,2	-	-1,9	NAP	36,3%	NAP
Georgia	1,1	71,8%	-0,3	-7,1	58,4%	-0,4	4,5	40,5%	-0,5	NAP	37,3%	NAP
Republic of Moldova	-5,0	19,7%	0,0	NA	19,6%	NA	NA	46,0%	NA	NAP	74,1%	NAP
Ukraine	26,1	6,1%	NA	NA	-5,1%	NA	NA	NA	NA	NAP	66,9%	NAP
<b>Average</b>	1,6	0,4	-0,9	-	0,2	-	-	4,4	-	-	1,0	-
<b>Median</b>	-1,9	0,5	-0,3	-	0,2	-	-	4,4	-	-	1,0	-
<b>Minimum</b>	-15,7	0,1	-2,4	-	-0,4	-	-	1,4	-	-	0,7	-
<b>Maximum</b>	26,1	0,8	0,0	-	0,7	-	-	7,5	-	-	1,4	-
<b>Nb of values</b>	5	5	5	5	5	5	5	4	5	5	5	5
<b>% of NA</b>	20%	20%	40%	60%	0%	60%	60%	50%	60%	20%	0%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	80%	0%	80%

**Table 3.1.21 Average length of proceedings in days for Civil and commercial litigious cases and Litigious divorce cases in 2020 (Q41)**

Beneficiaries	Civil and commercial litigious cases						Litigious divorce cases					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	1%	184	142	271	961	30,0%	1,0%	126	123	187	709	37,0%
Republic of Moldova	12%	NA	NA	NA	NA	4,0%	4,0%	NA	NA	NA	NA	2,0%
Ukraine	NA	115	84	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Median</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	60%	60%	60%	80%	80%	60%	60%	80%	80%	80%	80%	60%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Table 3.1.22 Average length of proceedings in days for Employment dismissal cases and Insolvency cases in 2020 (Q41)**

Beneficiaries	Employment dismissal cases						Insolvency cases					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	17%	120	182	271	993	52%	52%	525	15	0	527	0%
Republic of Moldova	63%	NA	NA	NA	NA	5%	33%	NA	NA	NA	NA	20%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	60%	80%	80%	80%	80%	60%	60%	80%	80%	80%	80%	60%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%



**Table 3.1.23 Average length of proceedings in days for Robbery cases and Intentional homicide cases in 2020 (Q41)**

Beneficiaries	Robbery case						Intentional homicide					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	36%	186	218	175	540	30%	56%	263	215	164	604	8,0%
Republic of Moldova	42%	NA	NA	NA	NA	10%	76%	NA	NA	NA	NA	12,0%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Median</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	60%	80%	80%	80%	80%	60%	60%	80%	80%	80%	80%	60%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Table 3.1.24 Average length of proceedings in days for Bribery cases and Trading in influence cases in 2020 (Q41)**


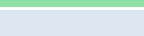

Beneficiaries	Bribery cases						Trading in influence					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	0,0%	117	213	270	463	0,0%	0,0%	0	0	0	0	0,0%
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	4	4	4	4	4	4	4	4	4	4	4	4
% of NA	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Table 3.1.25 Open questions in Indicator 3.1 (Q36 and Q37)**

Beneficiaries	Details on categories of cases specified in question 35 for other than criminal cases	
	Question 036. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:	Question 037. Please indicate the case categories included in the category “other cases”:
<b>Armenia</b>	Regarding the case categories, which are included in civil (and commercial) non-litigious cases, it should be noted that according to the statistics provided by the Judicial department the following cases are included: statement for recognition of sui juris (emancipated), cases on declaring a citizen as having no active legal capacity or limiting the active legal capacity of a citizen, cases on involuntary hospitalization of the citizen in the psychiatric organization, cases on recognition of the citizen as missing or dead, cases on finding out the inaccuracies in the records of civil acts, cases on considering property as ownerless, cases on confirmation of the facts having legal value, cases on recovery of the rights on the lost bearer securities or order securities.	NAP
<b>Azerbaijan</b>	No comment	No comment
<b>Georgia</b>	-	see question 91
<b>Republic of Moldova</b>	<p>derived from an authenticated legal act</p> <ul style="list-style-type: none"> <li>- resulted from a legal act concluded through a simple document, if the law does not stipulate other method</li> <li>- based on bill protest regarding non-payment, non-acceptance of the acceptance bill, authenticated by a notary</li> <li>- Taking into account the child support of the minor that does not require the establishment of paternity, the challenge of paternity (maternity) or the attraction of other interested persons</li> <li>-Following salary or other entitlements calculated but not paid to the employee</li> <li>- Submitted by the police, the fiscal body, or the enforcement body of the court proceedings, in order to recover the costs of seeking the defendant or the debtor or his property or the child taken from the debtor by virtue of a court decision, as well as the cost of keeping the property seized by to the debtor and to the property of the debtor who was evicted from house.</li> <li>- resulted from purchase of goods in credit</li> <li>- resulted failure to return the books borrowed from the library;</li> <li>- resulted from economic agent's failure to pay the Social Fund debt</li> <li>- resulted from tax arrears or state social insurance</li> <li>- Following the forfeiture and forced sale of the pledge object (movable or immovable property)</li> <li>- Other cases</li> </ul>	<p>cases for reviewing a civil and commercial proceeding</p> <p>case transfer requests according to competence</p> <p>requests for resolving conflicts of jurisdiction</p> <p>appeals against deeds processed by a bailiff</p> <p>recusal requests</p> <p>insolvency cases</p>
<b>Ukraine</b>	<p>Writ proceedings</p> <p>Civil cases: the court order may be issued if:</p> <ol style="list-style-type: none"> <li>1) a claim has been filed for recovery of the amount of salary and average earnings accrued but not paid to the employee during the delay in payment;</li> <li>2) a claim for compensation for the costs of searching for the defendant, the debtor, the child, or the debtor's vehicles;</li> <li>3) a claim for recovery of debt for housing and communal services, telecommunication services, television and radio services, taking into account the inflation index and 3 percent per annum for a debt, accrued by the applicant;</li> <li>4) the requirement to collect alimony in the amount of one child - one quarter, for two children - one third, for three or more children - half of the earnings (income) of the alimony payer, but not more than ten subsistence minimums for a child of the appropriate age, if this requirement is not related to the establishing or challenging of paternity (maternity) and the need to involve other persons concerned;</li> <li>5) a claim for child support in a fixed amount of 50 percent of the subsistence minimum for a child of the appropriate age if this requirement is not related to establishing or challenging paternity (maternity) and the need to involve other persons concerned;</li> <li>6) a claim for the return of the value of goods of improper quality if there is a court decision that has entered into force, establishing the fact of sale of goods of improper quality, adopted in favor of an indefinite number of consumers;</li> <li>7) a claim is filed against a legal entity or a natural person - entrepreneur, to collect debts under a contract (for other than housing and communal services, telecommunication services, television and radio services), concluded in writing (including electronic), if the amount requirements do not exceed one hundred subsistence minimum for able-bodied persons.</li> </ol> <p>The Commercial Procedure Code of Ukraine establishes the following requirements for the issuance of court order:</p> <ul style="list-style-type: none"> <li>- no dispute over the right;</li> <li>- the debt collection requirement arises on the basis of a written agreement;</li> <li>- the amount of debt does not exceed 100 subsistence minimum for able-bodied persons (as for December 2020, the amount is 227000 UAH - 7373 EURO)</li> </ul> <p>Cancellation of this type of court order shall be made by submitting the statement on the cancellation of the order to the court having issued the respective order.</p>	<p>Item 4 'Other cases' includes the cases on administrative offenses, a separate type of cases according to Ukrainian procedural law.</p> <p>An administrative offense (misdeed) is an illegal, culpable (intentional or negligent) act or omission that encroaches on public order, property, rights, and freedoms of citizens, the established order of governance, and for which the law provides for administrative liability.</p> <p>Administrative liability for offenses under the Code of Ukraine on Administrative Offences occurs if these violations by their nature do not entail criminal liability in accordance with the law.</p> <p>The examples of the administrative offenses are the following: violation of labor legislation and labor security requirements; violation by the driver of the driving rules, the rules of using seat belts or helmets; violation of animal quarantine rules and other veterinary and sanitary requirements; violation of the rules of trade and provision of services; violation of the procedure for termination of a legal entity or entrepreneurial activity by a natural person – entrepreneur, etc.)</p>

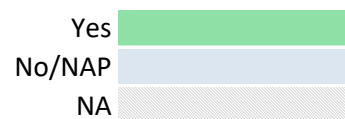
Table 3.2.1 Role and powers of the public prosecutor in the criminal procedure in 2020 (Q41-1)

Beneficiaries	Role and powers of the public prosecutor in the criminal procedure											Number of roles of prosecutors in criminal procedure (out of 11)
	To conduct or supervise police investigation	To conduct investigations	When necessary, to request investigation measures from the judge	To charge	To present the case in the court	To propose a sentence to the judge	To appeal	To supervise the enforcement procedure	To discontinue a case without needing a decision by a judge	To end the case by imposing or negotiating a penalty or measure	Other significant powers	
Armenia	Yes	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	8
Azerbaijan	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	7
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP	9
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP	9
Ukraine	Yes	No/NAP	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	No/NAP	No/NAP	7
<b>Nb of Yes</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>1</b>	

Yes   
 No/NAP   
 NA 

**Table 3.2.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2020 (Q41-2)**

Beneficiaries	Public prosecutors also have a role in:		
	Civil cases	Administrative cases	Insolvency cases
Armenia	Yes	Yes	Yes
Azerbaijan	Yes	Yes	No/NAP
Georgia	Yes	Yes	No/NAP
Republic of Moldova	Yes	Yes	No/NAP
Ukraine	Yes	Yes	No/NAP
<b>Nb of Yes</b>	<b>5</b>	<b>5</b>	<b>1</b>



**Table 3.2.3: Public prosecution: Total number of first instance criminal cases in 2020 (Q41-3, Q41-5)**

Beneficiaries	1. Pending cases on 1 Jan.	2. Incoming/ received cases	3. Processed cases (3.1+3.2+3.3 +3.4)	3.1. Discontinued during the reference year (3.1.1+3.1.2 +3.1.3+3.1.4)	3.1.1 Discontinued by the public prosecutor because the offender could not be identified	3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	3.1.3 Discontinued by the public prosecutor for reasons of opportunity	3.1.4 Discontinued for other reasons	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases closed by the public prosecutor for other reasons	3.4. Cases brought to court	4. Pending cases on 31 Dec.	Figures provided include traffic offence cases
Armenia	4 811	29 923	26 497	7 857	NA	NA	NA	66	NAP	NA	3 702	8 237	
Azerbaijan	5 295	24 472	24 683	8 665	5 221	1 172	2 272	NAP	NAP	4 883	11 135	5 084	
Georgia	NA	NA	NA	19 120	2 795	14 037	1 885	403	1 518	NA	NA	NA	
Republic of Moldova	12 457	27 443	30 614	10 300	NAP	0	2 465	7 835	2 556	4 671	13 087	9 286	
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
<b>Average</b>	7 521	27 279	27 265	11 486	-	5 070	2 207	2 768	-	-	9 308	7 536	
<b>Median</b>	5 295	27 443	26 497	9 483	-	1 172	2 272	403	-	-	11 135	8 237	
<b>Minimum</b>	4 811	24 472	24 683	7 857	-	0	1 885	66	-	-	3 702	5 084	0
<b>Maximum</b>	12 457	29 923	30 614	19 120	-	14 037	2 465	7 835	-	-	13 087	9 286	0
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	40%	40%	40%	20%	40%	40%	40%	20%	20%	60%	40%	40%	0%
<b>% of NAP</b>	0%	0%	0%	0%	20%	0%	0%	20%	40%	0%	0%	0%	0%

**Table 3.2.4: Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2020 (Q41-3)**

Beneficiaries	1. Pending cases on 1 Jan.	2. Incoming/ received cases	3. Processed cases (3.1+3.2+3.3 +3.4)	3.1. Discontinued during the reference year (3.1.1+3.1.2 +3.1.3+3.1.4 .)	3.1.1 Discontinued by the public prosecutor because the offender could not be identified	3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	3.1.3 Discontinued by the public prosecutor for reasons of opportunity	3.1.4 Discontinued for other reasons	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases closed by the public prosecutor for other reasons	3.4. Cases brought to court	4. Pending cases on 31 Dec.
Armenia	0,16	1,01	0,89	0,27	NA	NA	NA	0,00	NAP	NA	0,12	0,28
Azerbaijan	0,05	0,24	0,25	0,09	0,05	0,01	0,02	NAP	NAP	0,05	0,11	0,05
Georgia	NA	NA	NA	0,51	0,07	0,38	0,05	0,01	0,04	NA	NA	NA
Republic of Moldova	0,47	1,04	1,17	0,39	NAP	0,00	0,09	0,30	0,10	0,18	0,50	0,35
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	0,23	0,77	0,77	0,31	-	0,13	0,06	0,10	-	-	0,24	0,23
<b>Median</b>	0,16	1,01	0,89	0,33	-	0,01	0,05	0,01	-	-	0,12	0,28
<b>Minimum</b>	0,05	0,24	0,25	0,09	-	0,00	0,02	0,00	-	-	0,11	0,05
<b>Maximum</b>	0,47	1,04	1,17	0,51	-	0,38	0,09	0,30	-	-	0,50	0,35
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	40%	40%	40%	20%	40%	40%	40%	20%	20%	60%	40%	40%
<b>% of NAP</b>	0%	0%	0%	0%	20%	0%	0%	20%	40%	0%	0%	0%

**Table 3.2.5: Public prosecution: Distribution of different categories of processed cases within all processed cases in 2020 (Q41-3)**

Beneficiaries	Distribution in % of different categories of processed cases within all processed cases							
	% of discontinued cases within all processed cases	% of discontinued cases because the offender could not be identified within all discontinued cases	% of discontinued cases due to the lack of an established offence or a specific legal situation within all discontinued cases	% of discontinued cases for reasons of opportunity within all discontinued cases	% of discontinued cases for other reasons within all discontinued cases	% of concluded cases by a penalty or a measure imposed or negotiated by the public prosecutor within all processed cases	% of cases closed by the public prosecutor for other reasons within all processed cases	% of cases brought to court within all processed cases
Armenia	30%	NA	NA	NA	1%	NAP	NA	14%
Azerbaijan	35%	60%	14%	26%	NAP	NAP	20%	45%
Georgia	NA	15%	73%	10%	2%	NA	NA	NA
Republic of Moldova	34%	NAP	0%	24%	76%	8%	15%	43%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	33%	37%	29%	20%	26%	8%	18%	34%
<b>Median</b>	34%	37%	14%	24%	2%	8%	18%	43%
<b>Minimum</b>	30%	15%	0%	10%	1%	8%	15%	14%
<b>Maximum</b>	35%	60%	73%	26%	76%	8%	20%	45%
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	40%	40%	40%	40%	20%	40%	60%	40%
<b>% of NAP</b>	0%	20%	0%	0%	20%	40%	0%	0%

The distribution of processed cases is shown with dark blue bars whereas the distribution of discontinued cases is shown with light blue bars.



**Table 3.2.6 Number of cases concluded with the guilty plea procedure in 2020 (Q41-4)**

Beneficiaries	Total			Before the main trial			During the main trial		
	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
<b>Armenia</b>	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA
<b>Azerbaijan</b>	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
<b>Georgia</b>	7 666	3 183	4 483	5 360	1 575	3 785	2 306	1 608	698
<b>Republic of Moldova</b>	318	NA	NA	189	NA	NA	129	NA	NA
<b>Ukraine</b>	7 887	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	5 290	-	-	-	-	-	-	-	-
<b>Median</b>	7 666	-	-	-	-	-	-	-	-
<b>Minimum</b>	318	-	-	-	-	-	-	-	-
<b>Maximum</b>	7 887	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	60%	60%	20%	40%	40%	40%	60%	60%
<b>% of NAP</b>	20%	20%	20%	40%	40%	40%	20%	20%	20%

**Table 3.3.1 National policies applied in courts and public prosecution services and personnel entrusted in 2020 (Q42 and Q43)**

Beneficiaries	Quality standards of judicial systems on national level	Specialised personnel entitled to implement these standards	
		within the courts	within the public prosecution services
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			
<b>Nb of Yes</b>	<b>3</b>	<b>1</b>	<b>1</b>

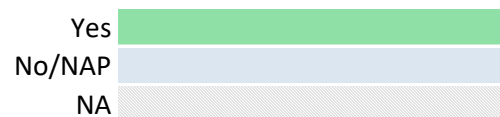

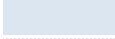



Table 3.3.2 Performance and quality objectives at court level in 2020 (Q44 and Q45)

Beneficiaries	Concerning court activities, have you defined performance and quality indicators?	If yes, please select the main performance and quality indicators that have been defined for courts:													
		Number of incoming cases	Length of proceedings	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction of users	Costs of the judicial procedures	Number of appeals	Appeal ratio	Clearance rate	Disposition time	Other
Armenia															
Azerbaijan															
Georgia															
Republic of Moldova															
Ukraine															
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>1</b>

Yes   
 No/NAP   
 NA 

**Table 3.3.3 Performance and quality objectives at public prosecution services level in 2020 (Q46 and Q47)**

Beneficiaries	Performance and quality indicators	Main performance and quality indicators for the public prosecution services :												
		Number of incoming cases	Length of proceedings	Number of resolved cases	Number of pending cases	Backlogs	Productivity of prosecutors and prosecution staff	Satisfaction of prosecution staff	Satisfaction of users	Costs of the judicial procedures	Clearance rate	Disposition time	Percentage of convictions and acquittals	Other
Armenia														
Azerbaijan														
Georgia														
Republic of Moldova														
Ukraine														
<b>Nb of Yes</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>




Yes   
 No/NAP   
 NA 

Table 3.3.4 Evaluation of performance at court level in 2020 (Q48, Q49, Q50, Q51 and Q56)

Beneficiaries	Do you have a system to evaluate regularly court performance based primarily on the defined indicators?	If yes, please specify the frequency			Is this evaluation of the court activity used for the later allocation of resources within this court?	If yes, which courses of action are taken				Who is responsible for evaluating the performance of the courts					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance (treatment))	Reengineering of internal procedures to increase efficiency (treatment)	Other	Judicial Council	Ministry of justice	Inspection authority	Supreme court	External audit body	Other
Armenia	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Azerbaijan	Yes	Yes	No/NAP	No/NAP	Yes	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Georgia	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Republic of Moldova	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Ukraine	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes
<b>Nb of Yes</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>





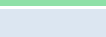

Yes   
 No/NAP   
 NA 

Table 3.3.5 Evaluation of performance at public prosecution services level in 2020 (Q52, Q53, Q54, Q55 and Q57)

Beneficiaries	Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?	If yes, please specify the frequency			Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?	If yes, which courses of action are taken				Who is responsible for evaluating the performance of the public prosecution services					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance (treatment))	Reengineering of internal procedures to increase efficiency (treatment)	Other	Public prosecutorial Council	Ministry of Justice	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	External audit body	Other
Armenia															
Azerbaijan	Yes	Yes			Yes	Yes	Yes	Yes					Yes		
Georgia	Yes	Yes			Yes	Yes	Yes	Yes							Yes
Republic of Moldova	Yes			Yes	Yes	Yes	Yes	Yes				Yes	Yes		
Ukraine	Yes			Yes	Yes				Yes			Yes	Yes		Yes
<b>Nb of Yes</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 3.3.6 Measuring courts' activity in 2020 (Q58)**

Beneficiaries	Regular monitoring of courts' activities (performance and quality) concerning:													
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction of users	Costs of the judicial procedures	Number of appeals	Appeal ratio	Clearance rate	Disposition time	Other
Armenia	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP	No/NAP
Georgia	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	No/NAP	Yes	Yes	No/NAP
<b>Nb of Yes</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>


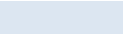


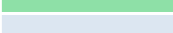

Yes   
 No/NAP   
 NA 

Table 3.3.7 Measuring public prosecution services' activity in 2020 (Q59)

Beneficiaries	Regular monitoring of public prosecution activities (performance and quality) concerning:												
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of prosecutors and prosecution staff	Satisfaction of prosecution staff	Satisfaction of users (regarding the services delivered by the by the public prosecution)	Costs of the judicial procedures	Clearance rate	Disposition time	Percentage of convictions and acquittals	Other
Armenia	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No	Yes	Yes
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	No	Yes	No
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	No
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	No
Ukraine	No	No	No	No	No	No	No	No	No	No	No	No	Yes
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>2</b>

Yes   
 No/NAP   
 NA 



**Table 3.3.8 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2020 (Q60 and Q61)**

Beneficiaries	Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs)			Monitoring the waiting time during judicial proceedings	
	Civil law cases	Criminal law cases	Administrative law cases	Within the courts	Within the public prosecution services
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					
<b>Nb of Yes</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>1</b>

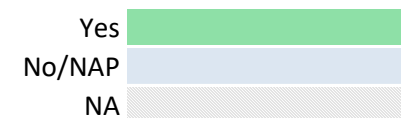





Table 3.3.9 Information regarding courts and public prosecution services' activity in 2020 (Q62, Q63, Q64, Q65, Q66, Q67, Q68, Q69, Q70 and Q71)

Beneficiaries	Centralised institution responsible for collecting statistical data regarding the functioning of the courts	Publication of statistics on the functioning of each court by this institution			Centralised institution responsible for collecting statistical data regarding the functioning of the public prosecution services	Publication of statistics on the functioning of each public prosecution service by this institution			Individual courts required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:			Public prosecution services required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:		
		Yes, on internet	No, only internally (in an intranet website)	No		Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Armenia																						
Azerbaijan																						
Georgia																						
Republic of Moldova																						
Ukraine																						
<b>Nb of Yes</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 3.3.10 Courts administration in 2020 (Q72 and Q73)**

Beneficiaries	Existence of a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts	Existence of a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters
Armenia		
Azerbaijan		
Georgia		
Republic of Moldova		
Ukraine		

<b>Nb of Yes</b>		
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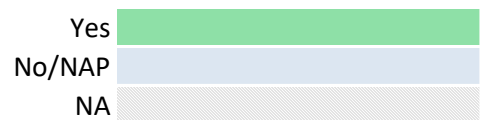


Table 3.3.11 Performance and evaluation of judges in 2020 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Beneficiaries	Existence of quantitative performance targets defined for each judge	Body responsible for setting the individual targets for each judge					Consequences for a judge if quantitative targets are not met					Existence of a system of qualitative individual assessment of the judges' work	Body responsible for setting the criteria for qualitative assessment of the judges' work					Frequency of this assessment		
		Executive power	Legislative power	Judicial power	President of the court	Other	Warning by court's president	Disciplinary procedure	Temporary salary reduction	Other	No consequences		Executive power	Legislative power	Judicial power	President of the court	Other	Annual	Less frequent	More frequent
Armenia																				
Azerbaijan																				
Georgia																				
Republic of Moldova																				
Ukraine							-	-	-	-	-									
<b>Nb of Yes</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>1</b>





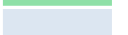

Yes   
 No/NAP   
 NA 

Table 3.3.12 Performance and evaluation of public prosecutors in 2020 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

Beneficiaries	Existence of quantitative performance targets defined for each public prosecutor	Body responsible for setting the individual targets for each public prosecutor					Consequences for a prosecutor if quantitative targets are not met					Existence of a system of qualitative individual assessment of the public prosecutors' work	Body responsible for setting the criteria for qualitative assessment of the public prosecutors' work					Frequency of this assessment		
		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Warning by head of prosecution	Disciplinary procedure	Temporary salary reduction	Other	No consequences		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Annual	Less frequent	More frequent
Armenia																				
Azerbaijan																				
Georgia																				
Republic of Moldova																				
Ukraine							-	-	-	-	-									
<b>Nb of Yes</b>	1	0	1	0	0	0	0	0	0	0	1	4	0	2	2	0	1	1	2	1

Yes   
 No/NAP   
 NA 

**Table 3.4.1 IT Strategy and Case management system in 2020 (Q82-0, Q82, Q82-1 and Q82-2)**

Beneficiaries	Existence of an IT strategy for the judiciary	Existence of a Case Management System (CMS)	Development of the running CMS or major redevelopment					Plans for a significant change in the present IT system in the judiciary in the next year
			In the last 2 years	Between 2 and 5 years	Between 5 and 10 years	More than 10 years	Other	
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine		-						
<b>Nb of Yes</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>3</b>


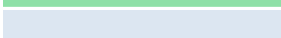

Yes   
 No/NAP   
 NA 

Table 3.4.2 CMS Index in 2020 (Q83)

Beneficiaries	Case Management system deployment rate				Status of the case online				Centralised or interoperable database				Early warning signals				Tools of producing courts activity statistics				Total (12 max)
	Civil and/or commercial	Criminal	Administrative	Index (4 max)	Civil and/or commercial	Criminal	Administrative	Index (3 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (3max)	
Armenia	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1				0,3				0,0	Not integrated but connected	Not connected at all	Not connected at all	0,5	5,8
Azerbaijan	50-99%	50-99%	50-99%	3,0	Both	Both	Both	2,0				1,0				1,0	Integrated	Integrated	Integrated	2,5	9,5
Georgia	100%	100%	100%	4,0	Both	Both	Both	2,0				1,0				0,0	Not connected at all	Not connected at all	Not connected at all	0,0	7,0
Republic of Moldova	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				1,0				1,0	Integrated	Integrated	Fully integrated including BI	2,7	9,7
Ukraine	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				0,3				0,0	Not integrated but connected	Not integrated but connected	Not integrated but connected	1,5	6,8

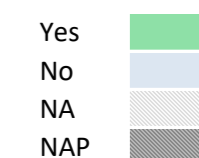
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% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Both = Accessible to parties  
Publication of decision online

Yes  
No  
NA  
NAP

**Table 3.4.3 Centralised national database of court decisions in 2020 (Q84, Q85)**

Beneficiaries	Existence	First instance			Second instance			Final instance			Link with ECHR case law			Data anonymised			Case-law database available free online			Case-law database available in open data		
		Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative
<b>Armenia</b>		Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements												
<b>Azerbaijan</b>		Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements												
<b>Georgia</b>		No	No	No	No	No	No	No	No	No												
<b>Republic of Moldova</b>		Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements												
<b>Ukraine</b>		Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements												
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%





## Indicator 3 - Efficiency and productivity

by country

*Question 35 - First instance courts: number of other than criminal law cases.*

*Question 38 - First instance courts: number of criminal law cases.*

*Question 39 - Second instance courts (appeal): Number of "other than criminal law" cases.*

*Question 40 - Second instance courts (appeal): Number of criminal law cases.*

*Question 41 - Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.*

*Question 41-1 - Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):*

*Question 41-2 - Does the public prosecutor also have a role in:*

*Question 41-3 - Public prosecutors: Total number of 1st instance criminal cases.*

*Question 41-4 - If the guilty plea procedure exists, how many cases were concluded by this procedure?*

*Question 41-5 - Do the figures provided in Q41-3 include traffic offence cases?*

*Question 42 - Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?*

*Question 43 - Do you have specialised personnel entrusted with implementation of these national level quality standards?*

*Question 44 - Concerning court activities, have you defined performance and quality indicators?*

*Question 45 - If yes, please select the main performance and quality indicators that have been defined for courts:*

*Question 46 - Concerning public prosecution activities, have you defined performance and quality indicators?*

*Question 47 - If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:*

*Question 48 - Do you have a system to evaluate regularly court performance based primarily on the defined indicators?*

*Question 49 - If yes, please specify the frequency:*

*Question 50 - Is this evaluation of the court activity used for the later allocation of resources within this court?*

*Question 51 - If yes, which courses of action are taken (multiple replies possible)?*

*Question 52 - Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?*

*Question 53 - If yes, please specify the frequency:*

*Question 54 - Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?*

*Question 55 - If yes, which courses of action are taken (multiple replies possible)?*

*Question 56 - Who is responsible for evaluating the performance of the courts (multiple replies possible):*

*Question 57 - Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):*

*Question 58 - Do you regularly monitor court activities (performance and quality) concerning:*

*Question 59 - Do you regularly monitor public prosecution activities (performance and quality) concerning:*

Question 60 - Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

Question 61 - Do you monitor waiting time during judicial proceedings?

Question 62 - Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Question 63 - Are the statistics on the functioning of each court published:

Question 64 - Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Question 65 - Are the statistics on the functioning of each public prosecution service published?

Question 66 - Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Question 67 - If yes, please specify in which form this report is released:

Question 68 - If yes, please, indicate the periodicity at which the report is released:

Question 69 - Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Question 70 - If yes, please specify in which form this report is released:

Question 71 - If yes, please, indicate the periodicity at which the report is released:

Question 72 - Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Question 73 - Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Question 74 - Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Question 75 - Who is responsible for setting the individual targets for each judge?

Question 75-1 - What are the consequences for a judge if quantitative targets are not met?

Question 76 - Is there a system of qualitative individual assessment of the judges' work?

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

Question 77 - If yes, please specify the frequency of this assessment:

Question 78 - Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Question 79 - Who is responsible for setting the individual targets for each public prosecutor

Question 79-1 - What are the consequences for a prosecutor if quantitative targets are not met?

Question 80 - Is there a system of qualitative individual assessment of the public prosecutors' work?

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

Question 81 - If yes, please specify the frequency of this assessment:

Question 82-0 - Is there a IT strategy for the judiciary?

Question 82 - Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

Question 82-1 - When was the running CMS developed (or in case of major redevelopment when it was redesigned)?

Question 82-2 - Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)

*Question 83 - Please specify the following information:*

*Question 84 - Is there a centralised national database of court decisions (case-law, etc.)?*

*Question 85 - If yes, please specify the following information:*

## **Armenia**

**Q035 (2020):** There is no analysis which would examine the reasons for the increases or decreases on the case flow. But it should be noted that significant increases on the case flow for civil and commercial litigious cases is due to the addition of insolvency cases. The reason for the increase may also be the raising of the legal awareness of individuals. As for the increase of the resolved cases, it should be noted that it may be due to the legislative amendments and adoption of rules of simplified procedures, as these amendments led to a shortening of the proceedings for some cases.

**Q035 (2018):** There is a big increase of civil and litigious and other cases. The reasons are mixture not only a legal reasons but also, social, economic, etc. There is no official report on that issue prepared by the Government of RA. Increase of insolvency cases that are included in "Other" could be the main reason for the increase. For that reason, the specialized Insolvency Court was established in 1 January 2019. The vast majority of cases in the first instance general jurisdiction courts relate to requests on forfeiture of money. In 2018 simplified procedure for small money forfeiture cases was introduced. As a result the number of resolved cases raised. Finally, the number of incoming administrative cases is due to the number of applications requesting to invalidate decisions of administrative bodies (state and municipal bodies and their officials) that has raised since last cycle.

**Q038 (General Comment):** According to the Criminal Code, the willful acts, for the committal of which this Code envisages maximal imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment, are considered not very grave crimes. Medium-gravity crimes are those willful acts for which this Code envisages a maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Particularly grave crimes are those willful acts for which this Code envisages a maximal imprisonment for more than ten years or for life.

**Q038 (2018):** The increase in criminal cases might be due to a relatively low clearance rate.

**Q039 (2020):** There may be different reasons for growth of civil (and commercial) litigious cases, inter alia, increase of public awareness on administrative issues, social- economic situation within the country, etc. It should be noted that there is no official analysis which would examine the reasons for the increases or decreases on the case flow.

Also in 2020 because of COVID less cases were examined and resolved. It should be noted that courts have not been closed during pandemic, but court staff was working by remote. Also, some documents (actions, applications, complaints, and responses to actions etc.) were submitted by electronic means to prevent the spread of the pandemic. Regarding how the pandemic affected the case flow data it should be noted that there is no official report on that issue.

Regarding the horizontal discrepancies it should be noted that while calculating data there are also cases which have been suspended, resumed, or sent to other courts if the case was submitted to the court which has no general or territorial jurisdiction.

**Q039 (2018):** The data on appeal of payment orders and insolvency cases is included in the civil cases statistics.

There are different reasons for growth of administrative cases, inter alia, increase of public awareness on administrative issues, social-economic situation within the country, etc.

**Q040 (2020):** Regarding the horizontal discrepancies it should be noted that while calculating data there are also cases which have been suspended, resumed, or sent to other courts if the case was submitted to the court which has no general or territorial jurisdiction.

**Q040 (2018):** The longer disposition time in criminal cases might be due to wide practice of appealing a number of non-final decisions of the court, prosecutor and investigator (for example, decisions on detention, extension of detention term, etc.)

**Q041-1 (General Comment):** According to article 176 of the Constitution of the Republic of Armenia, the Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:

- (1) instigate criminal prosecution;
- (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
- (3) pursue a charge at court;
- (4) appeal against the civil judgments, criminal judgments and decisions of courts;
- (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.

The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests. It should be noted that the powers of the prosecutor at the pre-trial proceedings of the criminal case, and also powers during consideration of the criminal case or materials in the court are prescribed by the Criminal Procedure Code (Articles 53 and 54). Also according to the law on "Confiscation of Property of Illegal Origin" (which defines all the main legal procedures and functions of confiscation of property of illegal origin) the responsible subdivision of the Prosecutor General's Office of the Republic of Armenia is an authorized body in the proceedings of confiscation of property of illegal origin (the authorized body carries out examination, collects information containing confidential information protected by law and performs other powers during examination and also is authorized to bring an action for the confiscation of property).

**Q041-1 (2020):** In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority.

However, if saying "police investigation" we should understand police operative-investigative activities, than in accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary investigation.

**Q041-1 (2018):** In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority.

However, if saying "police investigation" we should understand police operative-investigative activities, than in accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary

**Q041-2 (General Comment):** According to Article 176 of the Constitution of the Republic of Armenia, The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

According to the Article 29 of "Law on Prosecutor's office of RA":

1.The filing by a prosecutor of a claim for the protection of state interests shall include:

- 1) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of civil procedure;
- 2) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of administrative procedure; 3) Filing a claim for compensation of pecuniary damage inflicted upon the state as a direct consequence of a crime in the frameworks of criminal procedure; and
- 4) Filing a claim for confiscation of property on the basis of the "Law on Confiscation of Property of Illegal Origin".

2. The prosecutor shall file a claim for the protection of state interests only if:

- 1) During the exercise of his powers, the prosecutor finds that a state or local government body that had the right to file a claim on such matters related to the protection of state interests, having knowledge of the violation of state interests, did not file such a claim in a reasonable period or did not file such a claim after receiving the prosecutor's suggestion to do so, or
- 2) The state interests were violated in respect of matters for which no state or local government body has the right, under the legislation, to file a claim, or
- 3) According to the results of the study conducted on the basis of the "Law On Confiscation of Property of Illegal Origin", there are grounds to file a lawsuit for confiscation of property.

**Q041-2 (2018):** One of the constitutional powers of the prosecutor is protecting state property interests.

**Q041-3 (2020):** 7857 cases have been discontinued in the reference year, 3380 on justifying grounds, 4477 on non-justifying grounds.

The reasons mentioned in 3.1.4 are grounds established by the Article 35 (1) of the Criminal Procedure Code. Thus, according to the Article 35 (1) of the Criminal Procedure Code: Criminal case can not be instituted, and criminal prosecution may not be started, and the instituted criminal case shall be dismissed:

- 1) in the absence of any criminal act; 2) if the alleged act contains no corpus delicti;
- 3) if the alleged act, which has resulted in damages, is legitimate under criminal law;
- 4) in the event of absence of a complaint of the injured, in cases prescribed by this Code; 5) in the event of reconciliation of the injured party and the suspect or the accused, in cases prescribed by this Code; 6) the prescription has expired; 7) against the person and upon a cause, with respect to whom and upon which cause the court has already passed a judgment and such judgment has entered into legal force, or any other enforceable judicial decision is available to exclude criminal prosecution; 8) against the person and upon the same charge, with respect to whom and upon which charge the agency for inquest, the investigator, or the prosecutor has already made a decision denying criminal prosecution, and such decision is still in force;
- 9) At the moment of commitment of the crime the person had not reached the age punishable by law, as established by law;
- 10) The person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or to resume the case on occasion of new circumstances with regard to other persons; 11) The person refused to complete the crime of one's own accord, if the action already committed has no other formal elements of crime;
- 12) The person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia. 13) Amnesty act has been adopted. The mentioned data was calculated by collecting the data received from the subdivisions of the RA Prosecutor's Office.

Regarding increase in the number of incoming cases it should be noted that 34.734 cases were investigated in 2020, and 4811 of these cases were transferred from the previous year (2019). It should be noted that there is no analysis which would examine the reasons for the increases or decreases on the case flow.

Referring to the terminology “justifying grounds” and “non justifying grounds” it should be noted that this terminology was suggested by the Cassation court of RA. Thus, grounds which are mentioned in the Article 35, part 1, points 1-3 and part 2 of the Criminal Procedure Code of RA, are considered as “justifying grounds”. As for the grounds mentioned in the Article 35, part 1, points 4-13, they are considered as “non justifying grounds”.

**Q041-4 (2020):** The guilty plea procedure exists in Armenia, the relevant provisions came into force in 27.07.2021, that is why there is no statistics of the number of guilty plea procedures.

**Q041-4 (2018):** There is no guilty plea procedure as such. However, 1263 (in 2018) cases were examined in the scope of speedy examination pursuant to Chapter 45.1 of the Criminal Procedure Code where the prosecutor's consent is mandatory for that procedure to proceed. The draft Criminal Procedure Code provides for a plea bargaining regulations.

**Q041-5 (2020):** The cases are not differentiated, the information is provided by the Prosecutor General's Office for all cases.

**Q041-5 (2018):** The figures include only those traffic offences that are prescribed in the Criminal Code and constitute criminal offences.

**Q042 (2020):** A monitoring and evaluation mechanism for the implementation of Judicial and Legal reforms Strategy and Action Plans for 2019-2023 is envisaged in the strategy.

**Q042 (2018):** A monitoring and evaluation mechanism for the implementation of Judicial and Legal reforms Strategy and Action Plans for 2019-2023 is envisaged in the strategy.

**Q044 (2020):** There are no such indicators for courts as such, however there is a procedure in place for evaluation of performance of individual judges by the Commission for Performance Evaluation of Judges .

**Q044 (2018):** There are no such indicators for courts as such, however there is a procedure in place for evaluation of performance of individual judges by the Supreme Judicial Council.

**Q047 (2020):** Currently work is underway to clarify a quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation. The attestation process is regulated by Article 50 of the "Law on the Prosecutor's Office". Particularly, the immediate supervisor shall present an assessment of the prosecutor at least two weeks prior to the attestation. The assessment shall contain information about the prosecutor, his practical and personal features, and a justified evaluation of his official performance. The assessment shall be based on the opinions of the immediate supervisor formed on the basis of reports presented to him by the prosecutor annually about the prosecutor's performance during the period since the previous attestation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of restraint, the number of satisfied and rejected motions must be attached to the assessment.

**Q058 (2018):** There is no specific monitoring mechanism, however above mentioned data is revealed through statistics.

**Q059 (2020):** Each year, before April 1, the Prosecutor General submits a report on the activities of the Prosecutor's Office to the National Assembly of the Republic of Armenia. The report shall include information on the activities carried out by the Prosecutor's Office during the previous year in relation to each of the powers defined by Article 4 of this Law, statistical data, comparative analyzes and conclusions.

**Q062 (General Comment):** Judicial Department of RA ([www.court.am](http://www.court.am)); Armenia, 0010, Yerevan, Vazgen Sargisian 5

**Q064 (General Comment):** The relevant subdivision of the Republic of Armenia Prosecutor's Office, the Department of Statistics and Analysis. Address: 5 Vazgen Sargsyan, Yerevan, Armenia

**Q064 (2018):** 5 Vazgen Sargsyan, Yerevan, Armenia

**Q065 (2020):** The statistics on the functioning of each public prosecution service are not published, but the general statistics formed as a result of it are published on the official website of the Prosecutor's Office.

**Q066 (General Comment):** The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

**Q066 (2018):** The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

**Q068 (2020):** Twice a year

**Q068 (2018):** Twice a year

**Q069 (2018):** It is submitted to the National Assembly

**Q070 (2020):** It is submitted to the National Assembly.

**Q070 (2018):** both internet and hard copy

**Q074 (General Comment):** The cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the relevant legislation.

**Q074 (2018):** There are quantitative performance targets as such, the cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the relevant legislation.

**Q075 (2018):** NAP

**Q076 (General Comment):** Chapter 18 of Judicial Code provides for regular (once in five years) and extraordinary evaluation of the performance of individual judges. Pursuant to Article 138, Criteria for evaluation of the quality and professionalism of the work of a judge shall be: (1)ability to justify the judicial act; (2)ability to preside over the court session.

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

(1)effective workload management skill and work planning;

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

(3)observance by a judge of time limits prescribed by law for the performance of individual procedural actions; (4)ability to ensure an efficient working environment.

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

(1)observance of the rules of ethics;

(2)contribution to the public perception of the court and to the confidence therein; (3)attitude towards other judges and the staff of the court.

**Q076 (2018):** Chapter 18 of Judicial Code provides for regular (once in five years) and extraordinary evaluation of the performance of individual judges. Pursuant to Article 138, Criteria for evaluation of the quality and professionalism of the work of a judge shall be:

(1)ability to justify the judicial act;

(2)ability to preside over the court session.

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

(1)effective workload management skill and work planning;

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

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

(4)ability to ensure an efficient working environment.

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

(1)observance of the rules of ethics;

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

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

**Q076-1 (2020):** Criteria for evaluation of the quality and professionalism of the work of a judge are mentioned in the Judicial Code of RA (Article 138). It should be noted that according to the Article 139: the Supreme Judicial Council shall prescribe the methodology of the performance evaluation of judges, the procedure for collecting data necessary for the evaluation and other details necessary for the performance evaluation of judges.

**Q078 (2020):** Process is currently underway to introduce a quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation. Relationships related to attestation are regulated in Article 50 of the Law on the Prosecutor's Office, in particular, at least two weeks before the attestation, the immediate superior prosecutor submits the prosecutor's assessment. The assessment shall contain information about the prosecutor, his practical and personal features, and a justified evaluation of his official performance. The assessment shall be based on the opinions of the immediate supervisor formed on the basis of reports presented to him by the prosecutor annually about the prosecutor's performance during the period since the previous attestation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of restraint, the number of satisfied and rejected motions must be attached to the assessment.



**Q080 (General Comment):** Qualification Commission functions in attachment to the Prosecutor General. The Qualification Commission has nine members, and in case of an open competition for filling the list of candidates for prosecutors performing functions envisaged by “Law on Confiscation of property of illegal Origin” it has eleven members. The Qualification Commission is governed by the Deputy Prosecutor General. The members of the Qualification Commission are independent. Any interference with their activities is prohibited

**Q080 (2018):** The system of qualitative individual assessment been created by the new Law on Prosecution adopted in 2017.

**Q081 (General Comment):** Prosecutors are evaluated (attestation) every three years. A person holding the position of a prosecutor for the first time passes the attestation three years after being appointed to the position. The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years’ professional activities of the prosecutor concerned submitted to his/her direct supervisor.

**Q081 (2018):** Once in three years.

The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years’ professional activities of the prosecutor concerned submitted to his/her direct supervisor.

**Q082-0 (2020):** It should be noted that the Strategy of Judicial and Legal Reforms of 2019-2023 contains provisions regarding modernization of the electronic management systems in the courts

**Q082 (2018):** CMS(CAST management Centre operates in the judicial department, which centralizes the entered data in the court and residence data centers (operating with distributed principles) and also provides management and analytics functions. CMS also fulfills the functions of storage and parallel processing of large amount of data. The CMS also provides automatic case allocation to judges.

**Q083 (2020):** CMS(CAST management Centre) operates in the judicial department, which centralizes the entered data in the court and residence data centers (operating with distributed principles) and also provides management and analytics functions. CMS also fulfills the functions of storage and parallel processing of large amount of data. The CMS also provides automatic case allocation to judges.

**Q085 (2020):** www.datalex.am is the national portal of court decisions. The portal is based on Cast court management system which includes over 2 million files of court cases. Datalex portal consists of civil, criminal, administrative, bankruptcy and payment order cases.

There are some judgments which are not published.

-Judicial acts concluding the proceedings at the relevant judicial instance and, in cases provided for by law or by the decision of the Supreme Judicial Council, also other judicial acts shall be subject to mandatory publication on the official website of the judiciary.

-Where the judicial proceedings, or part of them, are held behind closed doors, the concluding part of the conclusive judicial act shall be published on the official website of the judiciary, provided that said concluding part does not contain a secret protected by law.

-Information on the case and its progress shall be published on the official website of the judiciary, the list and procedure for publication of such information to be defined by the Supreme Judicial Council.

-Judicial acts containing data on private life, personal biometric and personal special category data, as well as personal data on a child, shall be published on the official website of the judiciary in a depersonalised manner. The Supreme Judicial Council may prescribe other cases of depersonalisation of personal data. The procedure for depersonalisation shall be defined by the Supreme Judicial Council.

**Q085 (2018):** www.datalex.am is the national portal of court decisions. The portal is based on Cast court management system which includes over 2 million files of court cases. Datalex portal consists of civil, criminal, administrative, bankruptcy and payment order cases.

### **Azerbaijan**

**Q035 (2020):** Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved civil and commercial litigious cases and administrative case. There were severe restrictions on the work of the courts for about 4 months during the year of 2020. It was recommended to temporarily postpone the consideration of the cases except the cases that need to be considered urgently or not require a court hearing (i.e., selection, prolongation, changing and lifting of judicial sanctions, cases of administrative detention, enforcement of lawsuits, order proceedings, simplified proceedings on small claims, special proceedings on some categories, etc.). To provide efficiency and access to justice, it was recommended to widely use the “Electronic Court” information system by the courts, especially on civil and commercial disputes, as well as consider administrative cases by the consent of the parties without oral hearings. All cases related to early release from custody, as well as issues of extending the period of arrest are considered using a remote video conference system. Also, it is planned to launch an application for some types of civil cases, which will ensure virtual participation of the parties at the court hearings. All citizens were notified and asked to sue or file other documents electronically only. Every court provided a separate telephone number which would be active for citizens consulting on their specific questions related to activity of court during quarantine or provide answers on general topics.

**Q035 (2018):** The decrease in civil cases is closely related to the devaluation of Azeri currency (devaluation coincided with the previous cycle's reference year) as the result of the processes in global economy. The mentioned impacts had effect on disputes related to the loans taken by population became insolvent. As the market has stabilized and currency is stable since then, the number of civil cases also dropped significantly.

**Q038 (2020):** Due to SARS Covid-19 related lock-down and operation restrictions, there has been an increase of pending criminal law cases at the end of the year. There were severe restrictions on the work of the courts for about 4 months during the year of 2020. It was recommended to temporarily postpone the consideration of the cases except the cases that need to be considered urgently or not require a court hearing (i.e., selection, prolongation, changing and lifting of judicial sanctions, cases of administrative detention, enforcement of lawsuits, order proceedings, simplified proceedings on small claims, special proceedings on some categories, etc.). To provide efficiency and access to justice, it was recommended to widely use the “Electronic Court” information system by the courts, especially on civil and commercial disputes, as well as consider administrative cases by the consent of the parties without oral hearings. All cases related to early release from custody, as well as issues of extending the period of arrest are considered using a remote video conference system. Also, it is planned to launch an application for some types of civil cases, which will ensure virtual participation of the parties at the court hearings. All citizens were notified and asked to sue or file other documents electronically only. Every court provided a separate telephone number which would be active for citizens consulting on their specific questions related to activity of court during quarantine or provide answers on general topics.

**Q039 (2020):** Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved civil and commercial litigious cases and administrative cases

**Q039 (2018):** The number of cases increased for the following reasons: Increase of the level of legal awareness of citizens, the level of legal assistance provided improved, and citizen more effectively use their rights.

**Q040 (2020):** Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved criminal law cases as well as an increase of cases pending at the end of the year

**Q040 (2018):** As a result of measures aimed at humanization of the criminal policy and decriminalization of crimes within the framework of judicial and legal reforms in the country, convicted and accused persons appealed to the court more often.

No particular explanation could be provided in respect of the decrease in the number of severe criminal cases pending on 31 December 2018.

**Q041 (2020):** According to Civil Procedural Code of Azerbaijan case must be considered no later than 3 months after the application is received by the court. Cases on employment, alimony, adoption, incorrect decisions, actions (or inactions) of state bodies, public associations, officials shall be considered and resolved within 1 month. According to the Family Code, if one of the parties does not agree to the dissolution of the marriage, the court may adjourn the case by setting a period of 3 months for the couple to reconcile. The appeal shall be considered within 3 months from the date of its receipt by the court and the cassation appeal within 2 months from the date of its receipt.

**Q041-3 (2020):** « Cases closed by the public prosecutor for other reasons» where most of the closed cases consist of cases where the proceedings are combined or sent accordingly (cases redirected to the appropriate prosecutor's office based on its territorial and/or specialization focus).

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

**Q061 (2018):** Monitoring Dashboard of the "Azemis" e-court information system allows to track procedural and/or reasonable timeframes and notify in case of

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

**Q064 (General Comment):** General Prosecutor Office

**Q064 (2018):** General prosecutor Office

**Q080-1 (2020):** Collegium of the Prosecutor General's Office of the Republic of Azerbaijan is responsible for setting criteria. But decisions of this structure should be approved by the General Prosecutor before getting into force.

**Q085 (2020):** As a result of the improvement of the "Electronic Court" information system, court decisions on criminal and administrative cases have been placed in the electronic database of judicial acts. At the same time after making amendment to the legislation in 2018, all court decisions were disseminated anonymously. Court judgements on civil and commercial cases are also placed anonymously in the system.

## Georgia

**Q035 (2020):** The accounting methodology has changed.

In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

**Q035 (2018):** The increase in the number of pending cases is directly related to the increase in the number of incoming cases. Without significant increase in the number of judges it is impossible to increase the number of finished cases. The number of incoming cases is increasing permanently. In 2016 it was 54747, in 2017 it was 62209, in 2018 it was 74562, which means that during 2 years number of incoming cases has increased by 19815 case. It must be taken into account that during the same period the number of judges has increased only by 16 judge. Regarding the number of pending cases for more than 2 years, since 2016 there is a significant increase in the number of cases related to credits issued by the micro finance organizations. In this category of cases very often it is a problem to locate the respondent. Also in big city courts the increase in such category of cases causes the overload of specialized judges and chambers. In 2016 incoming cases in this particular category were 26656 while in 2018 the number is 40777. The raise in the number of pending cases for more than 2 years is related to significant increase in incoming cases, 52% increase in cases related to the micro finance organizations, which number of judges remains almost same.

"Other non-litigious cases" involves cases that are not disputed between parties or are dealt by simplified procedure. Regarding administrative cases, the number of resolved cases dropped by 34% between the 2 cycles. This might be a result in decrease of incoming administrative cases. In 2016 it was 16379, in 2018 12139. Less by 4240 cases.

Finally, the category "other cases" include administrative offences. There is no explanation for the increase of the number of pending cases on December 31st.

**Q038 (General Comment):** The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

**Q038 (2020):** Please see comment under Question 091

**Q038 (2018):** Decrease in backlog for criminal and misdemeanour cases might be a result of decrease in incoming cases. In 2016 the number has decreased by 800 case. At the same time in 2018 number of finished cases increased by 1045 case, which also affected the backlog.

**Q039 (2020):** The accounting methodology has changed.

In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

**Q039 (2018):** administrative infractions (offences).

**Q040 (2020):** The numbers are accurate.

**Q040 (2018):** The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

**Q041 (2018):** It has to be noted, that in 2018 more incoming cases from the last year in the category “litigious divorce” has been cleared than in 2016, which in turn affects the data regarding the average length.

Regarding the increase of average length in 1st instance for employment dismissal, because of the high case flow in the Civil law cases, the number of residue cases has increased, which in turn results in increased average length.

For insolvency cases: a) In the courts of first instance in 2016 108 insolvency cases have been heard, while in 2018 the amount of heard insolvency cases has decreased to 60, while in the courts of appeal in 2018 there were more appealed cases than in 2016, thus the number of appeals have increased. b) In 2018 in Tbilisi city court significant amount of cases heard from the mentioned category have been in court from 2015, 2016 and/or 2017, which, as a result, has increased the average length of proceedings in 2018.

Regarding robbery cases, From the cases heard in the first instance in 2018 significant amount of cases have been in court from 2017, 2016, 2015 and 2013, which resulted in the increased average length.

**Q041-1 (2020):** During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor’s motion based on the existing criteria.

According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfill the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

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**Q041-2 (2020):** Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecutor’s Office.

**Q041-2 (2018):** Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecutor’s Office.

**Q041-3 (2018):** The difference observed in the number of cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor is caused by the use of different methodologies during the provision of the above-mentioned statistical data. Namely, unlike previous reporting, during the last reporting the number of cases where plea agreements had been approved by court was not included in the said statistics. Are only included cases in which persons were diverted from prosecution, as cases concluded by measure imposed or negotiated by the public prosecutor.

**Q042 (2020):** The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the Courts of Appeal and the Supreme Court that are available on the website of High Council of Justice.

**Q042 (2018):** High Council of Justice of Georgia adopted the Effective Communication Standards for the court staff, for the improvement of the functioning of Judiciary. Moreover, HCOJ also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in Court of Appeal and Supreme Court which are available on the web site of High Council of Justice.

The Supreme Court of Georgia has adopted guidelines for judges on the general principles of communication during trials. According to the Judicial Strategy 2017-2021 and Action Plan for years 2017-2018 development of the Judicial quality standards is of the activities that the high council of justice should carry out.

**Q047 (2020):** Overall quality of prosecutorial activities.

The PSG introduced the performance appraisal system of prosecutors in 2017, based on the Order of the Chief Prosecutor. Since December 2018, it is enshrined in the Organic Law of Georgia on Prosecution Service. The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The PSG takes into account the performance appraisal results for deciding the matters of promoting, incentivising and grading prosecutors (see also the answers to questions 063-7-1 and Q 119-2).

**Q051 (2020):** The data regarding the court activity is always used when the means are allocated to the court.

**Q051 (2018):** the data regarding the court activity is always used when the means are allocated to the court

**Q057 (2020):** The Department for Supervision of Prosecutor Activities and Strategic Development at the Office of the Prosecutor General of Georgia.

**Q057 (2018):** Department for Supervision of Prosecutor Activities and Strategic Development at the Office of the Prosecutor General of Georgia.

**Q061 (2020):** The High Council of Justice studies the reasons of waiting time in courts based on the data submitted by the courts as well as by performing visits on site.

Regarding the monitoring of waiting time, it should be noted that the answer given in 2018 - no - was a technical defect and as indicated in the commentary, the

**Q064 (2018):** The Analytical Unit of the Office of the Prosecutor General of Georgia is responsible for collecting statistics regarding the functioning of the Prosecution Service. Additionally, National Statistics Office of Georgia collects statistics on criminal prosecutions.

**Q067 (2020):** The common courts provide for the statistics and data regarding the number of judges and administrative staff, the activities of judges including the number of filed, processed and pending cases. The above mentioned data is public.

**Q067 (2018):** Courts report the statistics regarding the activities of judges including the number of filed and processed cases. The data is used for the periodic evaluation of effectiveness of judges. The data is not public and is sent only to the High Council of Justice.

**Q069 (2020):** Prosecution Service of Georgia.

**Q070 (2020):** The Report of the Prosecutor General is intended for the public. It concerns the results of implementation of the criminal justice policy, assessment of general crime situation in the country, including crime statistics, protection of human rights and freedoms, areas of priority as well as professional training and development programmes for prosecutors.

**Q070 (2018):** Annually, the General Prosecutor of Georgia presents Report to the Parliament containing the following information: results of the criminal justice policy implementation, assessment of general criminal situation in the country, including crime statistics together with their categories and trends, protection of human rights, priority areas for the Prosecution Service and programs for professional development and training of prosecutors. The Report does not include information on individual criminal cases. The Report is also uploaded on the website of the Prosecution Service of Georgia.

**Q074 (2018):** The activity of each court is studied every 6 months based on the data submitted. The evaluation is made taking into consideration the number of incoming cases and closed cases per judge, as well as the timeframes of the finalization of the cases and stability of the judgements adopted.

**Q076-1 (2020):** Judicial power (the High Judicial Council)

**Q079 (2020):** Setting individual performance targets for each prosecutor is not a commonly pursued practice under the current performance appraisal system.

**Q079 (2018):** NAP

**Q080 (2018):** once in every 2 years.

**Q085 (2020):** June 2019 the new webpage (<http://ecd.court.ge/>) had been launched for publication of all court decisions. By the law in force at the launching date, the HCJ had the obligation to publish the decisions with covered/redacted personal data. Therefore, the HCJ started uploading the redacted court decisions gradually. At the same time, in June 2019, the Constitutional Court of Georgia declared unconstitutional the aforementioned legislative provisions that limit the access to the court rulings made at an open hearing and the personal information contained within. The Court decided that court decisions are of particular public interest and access to them are crucial for controlling the judiciary, raising public trust towards the court system and ensuring a right to a fair trial and legal security. Therefore, the argued provisions have been declared invalid. As soon as the Parliament of Georgia adopts the new regulation in line with the decision of the Constitutional Court of Georgia, the HCJ will continue uploading court rulings in compliance with the legislative amendments.

## **Republic of Moldova**

**Q035 (2020):** By decisions no.1, 4 and 13 from 18, 24 March and 03 April 2020 of the Commission for Emergency Situation specific measures were established also in the justice sector on the period of the setting of the state of emergency. It was stipulated to temporarily postpone the consideration of the civil and criminal cases until 15 May 2020, except the cases that need to be considered urgently. For specific civil and criminal cases it was recommended to courts if possible to schedule hearings considering the use of video conference system and were asked to file/communicate the procedural acts or other documents electronically. Later on in the same period most of the planned hearings for matters considered not being urgent were postponed by courts and as a result the backlog at the end of the year increased. The data reported for 2018 were paper based statistics. In 2019 all courts started to fill and clean all data in the ICMS in order to obtain electronic records. For 2020 all courts (excepting Supreme Court of Justice) reported electronically.

**Q035 (2018):** The pending cases on 1 January 2018 (for the total number of cases other than criminal law cases, civil litigious cases and non litigious cases ) increased in comparison with pending cases on 1 January 2016 and pending cases on 1 January 2014 as a result of a decrease in the number of total resolved cases in 2016 in comparison with the number of resolved cases in 2014.

Regarding the decrease in the number of incoming non-litigious cases, general civil cases and administrative law cases, there is no specific explanation. Regarding the number of resolved cases, for non litigious cases and general civil non litigious cases, it decreased in comparison with resolved cases in 2016 (the total non litigious cases) due to a negative trend in the number of incoming cases in 2018 in comparison with 2016 and 2014.

The pending cases on 31 December 2018 (the total other than criminal law cases) increased in comparison with pending cases on 31 December 2016 and pending cases on 31 December 2014 due to a negative trend in the number of resolved cases in 2018 in comparison with 2016 and 2014. The total number of non litigious cases pending cases on 31 December 2018 decreased in comparison with pending cases on 31 December 2016 due to a negative trend in the number of incoming cases in 2018 in comparison with 2016 and 2014. The number of pending other non litigious cases on 31 December 2018 decreased in comparison with pending cases on 31 December 2016 due to an increased number of resolved cases in 2018 and 2016 in comparison with 2014.

Regarding the decrease in the number of civil litigious cases pending more than 2 years, it can be explained by a positive trend in examining older than 2 years cases in 2018. On the contrary, the increase in the number of administrative cases pending more than 2 years can be explained by a negative trend in examining older than 2 years cases in 2018 and by an increase of the pending cases at the end of the reference period.

Finally, there is general upward trend in the number of other cases due to an increased number of incoming insolvency cases in 2017 and 2018 in comparison with 2016 data that are very complex and take a lot of time.

**Q038 (General Comment):** In 2020 as well as in 2018, 2016 and 2014 but in contrast with 2010 and 2012, the total includes also administrative offences handled by judicial authorities in compliance with the Code of Misdemeanors. The 2020 data reflects criminal cases concerning natural and legal persons accused of committing an offence under the Criminal Code, without being classified according to the nature and the degree of the damage. Since 2012, according to article 16 of the Criminal Code, offences were classified as follows: minor offences - offences punishable by a deprivation of liberty for a maximum of 2 years; less serious offences - offences punishable by a deprivation of liberty for a maximum of 5 years; serious offences - offences punishable by deprivation of liberty for a maximum of 12 years; extremely serious offences - intentional breaches punishable by a deprivation of liberty exceeding 12 years; exceptionally serious offences - intentional breaches punishable by life imprisonment.

**Q038 (2018):** Pending criminal cases cases on 1 January 2018 and on 31 December 2018 increased in comparison with pending cases on 1 January 2016 and on 31 December 2014 due to a decrease of the number of resolved cases in 2018 in comparison with the reference years.

**Q039 (2020):** Insolvency cases

**Q039 (2018):** Until 2018 the insolvency cases were examined by courts of appeal as first instance courts and were reported as first instance courts workload. Since 2018 insolvency cases are examined by courts of appeal as a second instance. As a result, this category is reflected for 2018 in the answer "other cases" for second instance courts.



**Q040 (2018):** The judicial system of the Republic of Moldova attests a tendency of increasing of incoming criminal law cases in the last years. In the same context, the number of judges does not vary significantly from year to year and the judges are examining all categories of cases. As the number of incoming criminal law cases increased in 2018, the number of pending criminal law cases on 31 December 2018 increased in comparison with 2016. Data for 2018 are correctly reflected and calculated using the same methodology as in 2016 and 2014.

**Q041-1 (2020):** The role and powers of public prosecutor in the criminal procedure are stipulated by the Moldovan Criminal Procedure Code.

**Q041-2 (General Comment):** In civil matters, the public prosecutor takes part in the investigation of first instance if s/he her/himself filed a petition for legal action. The prosecutor may lodge a petition for compensation for the damage caused to public authorities by a criminal offence, as well as for the annulment of the acts that caused the damage, in the case of ceasing or non-commencement of the criminal prosecution under art. 275 (4), 5) and 9) of the Code of Criminal Procedure. The petition may be filed regardless of the consent of the public authority. The prosecutor who has brought an action has the applicant's rights and procedural obligations, except for the right to terminate the transaction and the obligation to pay the costs. The dismissal of the prosecutor's claim submitted in defence of the interests of the public authority does not deprive the prosecutor of the right to request the examination of the case. The dismissal of the public authority of the action brought by the prosecutor does not affect the examination of the case if the prosecutor requests that. The absence of the prosecutor legally summoned in court does not terminate the examination of the case if the public authority in whose interests the action was brought supports the examination of the case. The prosecutor is a subject with a right to appeal the administrative court under the terms of Article 5 of the Code of Civil Procedure in order to contest the acts issued by the public authorities.

**Q041-3 (General Comment):** In the category "Discontinued for other reasons" are included suspended cases. The prosecutor may suspend a case in Moldova, until the offender is being identified. It doesn't mean that the case is closed. Thus, the prosecutor orders suspension of the criminal investigation by a reasoned order. By law is mandatory that the prosecutor, before suspending the investigation, should do all actions that are possible in the absence of the accused, undertake all possible measures to identify the offender.

**Q041-4 (2020):** The reason that the guilty plea procedures decreased in 2020 in comparison with 2018 and 2016 data is the applicability of the simplified procedure based on the evidence administered at the stage of the criminal investigation (application of Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase).

**Q041-4 (2018):** The reason that the guilty plea procedures decreased in 2018 in comparison with 2016 data is the applicability of the simplified procedure based on the evidence administered at the stage of the criminal investigation (application of Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase).

**Q045 (General Comment):** According to the SCM Decision no.634 / 26 of 29.09.2016 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Clearance rate, Disposition time, Rate of the court staff per judge, Rate of canceled decisions, Rate of changed decisions, Examination of cases on time (refers to cases with the fixed terms provided by the legislation).

According to the SCM Decision no.854 / 37 of 19.12.2017 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislation).

**Q049 (2020):** According to the national legislation provisions the system is collecting and analyzing data every three months. In 2020 due to COVID pandemic the data were collected and analyzed twice (for 6 months and annual).

**Q049 (2018):** Quarterly

**Q053 (2020):** Monthly, Quarterly

**Q053 (2018):** Monthly, quarterly.

**Q058 (2018):** Since December 2017 the length of proceedings is monitored (how long a case was examined and the age of pending cases).

**Q061 (2020):** The waiting time is being monitored due to the implementation of the new version of ICMS in all courts.

**Q062 (General Comment):** The institutions responsible for collecting statistical data regarding the functioning of the courts and judiciary are the Superior Council of Magistracy and the Agency for Courts Administration.

According to art. 54 of the Law no. 514 on judicial organization, the courts present to the Superior Council of Magistracy and to the Agency for Courts Administration statistical information on the cases examined in civil, commercial, administrative, misdemeanor and criminal cases, as established by the courts. The Agency for Courts Administration has the following attributions in the field of judicial statistics:

a) develops the mechanism and rules for keeping of judicial statistics;

b) carries out the collection, analysis and systematization of data on judicial statistics;

c) verifies the correctness of the statistical reports produced by the courts, as well as the statistical reports generated by the Integrated Case Management Program;

d) ensures the keeping and storing of generalized statistical reports and related information submitted by the courts;

e) collects, checks, stores and keeps records of the statistical records of the defendants and of the checklists presented by the courts and their lists, as well as ensures the compliance of the number of records of the defendants with the number of convicted persons in the statistical reports;

f) collects and generalizes other information related to judicial statistics submitted by the courts;

g) provides methodological assistance and support to court personnel as regards the bookkeeping, generalization and analysis of judicial statistics;

h) examines requests and inquiries from interested institutions and representatives of civil society regarding the provision of statistical information;

i) prepares quarterly and annual reports on judicial statistics and submits them to the Supreme Court of Justice, the Superior Council of Magistracy and other interested bodies for information, as well as publishes them on the official website of the Ministry of Justice and on the Agency's webpage.

Therefore, two institutions are responsible for maintaining judicial statistics in the Republic of Moldova:

1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, [www.csm.md](http://www.csm.md) ;

2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfânt str., 124 B, et. 2, <http://aaij.justice.md> .

**Q062 (2020):** 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, [www.csm.md](http://www.csm.md) ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfânt str., 124 B, et. 2, <http://aaij.justice.md>

**Q062 (2018):** 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, [www.csm.md](http://www.csm.md) ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfânt str., 124 B, et. 2, <http://aaij.justice.md>

**Q064 (2020):** General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

**Q064 (2018):** General Prosecutor's Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

**Q067 (2020):** Due to the implementation of new ICMS functionalities in all courts, including electronic statistical reports, in 2020 the data are available for individual courts in the ICMS and are collected from the system at the local and central level.

**Q068 (General Comment):** The report is accessible to the general public, Agency for Courts Administration and Superior Council of Magistracy. The structure of the report is determined at the general level and contains information on the number of examined cases, the number of filed cases, the number of pending cases, the number of judges, the workload per judge. The report reflects the information on the activity of the court, including also the issued decisions, maintained decisions, quashed, modified decisions, etc.

**Q068 (2020):** Quarterly

In 2020 due to COVID 19 pandemic the periodicity at which the report was released was less frequent (every 6 months or annual for several courts).

**Q068 (2018):** Quarterly

**Q071 (2020):** Monthly, quarterly, every 6 months.

**Q071 (2018):** Monthly, quarterly, half-yearly.

**Q075 (General Comment):** All cases are randomly distributed by Integrated Case Management System based on case complexity and on a specific percentage of examination established by the Superior Council of Magistrates. The investigative judges examine specific criminal materials and 50% of other case categories. Just in case if the workload of a judge is too high, the president of the court is responsible for setting less case types to be distributed in order to balance the workload.

**Q076 (2020):** Once in 3 years

**Q076 (2018):** Once in 3 years

**Q081 (General Comment):** The prosecutors' performances are evaluated by the College of evaluation of the prosecutors' performances subordinated to the Superior Council of Prosecutors in order to assess the activity, the level of knowledge and professional skills of prosecutors, their correspondence with the positions held, as well as to stimulate the improvement of professional skills and increase their efficiency. The evaluation of the prosecutors' performances is carried out in two forms:

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

A prosecutor is subject to a periodic evaluation of the performance once in 4 years. The performance of a person who is first appointed in a position of prosecutor is evaluated after two years of activity.

A prosecutor is subject to an extraordinary performance evaluation:

- a) at his\her request, but not more often than once a year;
- b) in case of participating in a competition for the position of a chief prosecutor;
- c) in case of obtaining the "insufficient" qualification.

**Q081 (2020):** Once in 4 years

**Q083 (2020):** The new functionalities of early warning signals were developed as a part of the ICT reform programme and a new ICMS version.

## Ukraine

**Q035 (General Comment):** Such a number of cases pending on 31 December is caused by the overall lack of judges in the judicial system. After the introduction of certain measures aimed at raising the transparency and integrity of the work of Ukrainian judges in the framework of judicial reform the whole judicial corps had to go through a thorough evaluation procedure as part of the qualification evaluation of judges. One of its stages - interview with members of the High Qualification Commission of Judges of Ukraine - is broadcast online. In addition, the filling of the positions became possible only via the public transparent procedure on a competitive basis. Judges now have to file not only the financial declaration but also a declaration of family ties and a declaration of integrity. The judicial dossier (which, apart from personal data, are published online) within competitions was introduced. The additional stage of career procedures became psychological testing. The public society also takes part in the procedure of evaluation of the candidates through the Public Integrity Council (PIC), except for the competition to the High Anti-Corruption Court. If the judge or the candidate to judicial position gets the PIC's negative opinion, it had to be overruled by 11 votes of the Members of the High Qualification Commission of Judges of Ukraine (HQCJU). In case of competition to the High Anti-Corruption Court, the assistance to the HQCJU is exercised by the Public Council of International Experts.

After the introduction of reform novelties in 2016, around 20% of judges resigned on their own will. In 2017 this number reached about 30%. Simultaneously with this process, the judicial authorities initially took all the possible efforts to fill the vacant positions. The High Qualification Commission of Judges of Ukraine initiated career procedures for more than 1000 judicial vacancies, many of which were successfully finalized. But the rest remained pending. On November 7, 2019 according to the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193-IX dated October 16, 2019, the powers of members of the High Qualification Commission of Judges of Ukraine were terminated. From that day and as of October 2021 selection of the new HQCJU members has been pending, meaning that almost all career procedures are suspended until the new HQCJU composition will be selected (appointed).

**Q035 (2020):** In Ukraine, civil and commercial law are separate branches of law (for the purposes of this question they were summed up). The increase in the number of pending cases at the beginning and at the end of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments'). The increase in the number of pending cases at the end of 2020 could also be a result of the peculiarities of the trial during the COVID-19 quarantine.

measures aimed at raising the transparency and integrity of work of Ukrainian judges in the framework of judicial reform demanded by the Ukrainian society, the whole judicial corps had to go through a thorough evaluation procedure as part of either qualification evaluation of judges for compliance with the position held or competition for the vacant position. One of its stages - interview with a Members of the High Qualification Commission of Judges of Ukraine - is broadcast online. In addition, the filling of the positions became possible only via the public transparent procedure on a competitive basis. Furthermore, judges now have to file not only the financial declaration but also a declaration of family ties and declaration of integrity. Also, the judicial dossier (which also is open via the Internet for the public, except personal data) within competitions was introduced. The additional stage of career procedures became psychological testing, implemented by an international outsourcing company. The public society also takes part in the procedure of evaluation of the candidates, except the competition to the High Anti-Corruption Court, through the Public Integrity Council(PIC). If the judge or the candidate to judicial position get the PIC's negative opinion, it had to be overruled by 11 votes of the Members of the High Qualification Commission of Judges of Ukraine (HQCJU), which makes the public society a part of the administrative procedure. In case of competition to the High Anticorruption Court, the assistance to the HQCJU is exercised by the Public Council of International Experts. After the introduction of reform novelties in 2016, around 20% of judges resigned on their own will. In 2017 this number reached about 30%. Simultaneously with the process of "purification", the judicial authorities take all the possible efforts to fill the vacancies. For instance, from 2016 there has been held 2 competitions to the Supreme Court (120 and 78 positions accordingly), High Anti-Corruption Court and its Appellate Chamber (39 positions), selection for 600 vacant positions of judges and then the competition to local general courts for 505 positions. The HQCJU still has to complete the competition to the High Court for Intellectual Property and its Appellate Chamber (30 positions), competitions for 54 positions of local administrative courts and 22 positions of local commercial courts, competitions for 7 judicial positions in Donetsk and Luhansk regions, competition for 346 judicial positions of appellate courts, competition for 35 vacant judicial positions in local courts, which already have been initiated.

**Q038 (2020):** The increase in the number of pending cases at the beginning and at the end of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments' to Q 091). The increase in the number of pending cases at the end of 2020 could also be a result of the peculiarities of the trial during the COVID-19 quarantine.

The answer for the Q 094 for this cycle was also supplemented by data from the High Anti-Corruption Court (which began its functioning in 2019).

**Q038 (2018):** Regarding existing discrepancy with the previous cycle, please see the explanations about the reasons in the comments to the Q091.

**Q039 (General Comment):** With respect to the change of many items from NA to NAP, the previous cycle shall be harmonized with the 2016 cycle, because there were no changes in legislation in that respect.

To 'other cases' the data on the number of cases on administrative offenses is indicated (in both cycles).

Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. Plus, the difference in total numbers for 2014 compared with 2016 cycle was caused by the sharp increase in administrative cases number, the reasons of which is NA for now. That was an official statistics given by the State Judicial Administration of Ukraine which is documented.

With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). The reasons for that changes are NA for now.

**Q039 (2020):** In Ukraine, civil and commercial law are separate branches of law (for the purposes of the answer to this question they were summed up).

Item 4 'Other cases' includes the cases on administrative offenses, a separate type of cases according to Ukrainian procedural law.

**Q039 (2018):** The "Other cases" include the number of cases on administrative offences.

Regarding existing discrepancy with the previous cycle, please see the explanations about the reasons in the comments to the Q091.

**Q040 (General Comment):** The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanor and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanor/minor offences cases is not

**Q040 (2020):** The increase in the number of pending cases at the beginning of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments' to Q 091). The data for the Q 098 for this cycle was also supplemented by data from the Appellate Chamber of the High Anti-Corruption Court (which began its functioning in 2019).

**Q040 (2018):** Regarding existing discrepancy with the previous cycle, please see the explanations about the reasons in the comments to the Q091.

**Q041 (2020):** The civil and commercial law are separated branches of law in Ukraine; however, they have been summed up for the purposes of answering this

**Q041-1 (General Comment):** According to the amendments to the Constitution of Ukraine of June 2, 2016, Ukraine has a Prosecutor's office that organizes and manages procedural pre-trial investigations, resolves other issues in accordance with the law during criminal proceedings, supervises covert and other investigative actions of law enforcement agencies.

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

**Q041-2 (2020):** In accordance with paragraph 3 of Article 56 of the Code of Civil Procedure of Ukraine and paragraph 3 of Article 53 of the Code of Administrative Justice of Ukraine in cases specified by law, the prosecutor applies to the court with a statement of claim, participates in the consideration of cases on his/her claims, and may intervene on his\her own initiative in a case in which proceedings are opened on the claim of another person, before consideration of the case on the merits, files an appeal, cassation appeal, application for review of the court decision on newly discovered or exceptional circumstances.

**Q041-3 (2020):** In accordance with the provisions of Article 131 of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On Prosecutor's Office", Article 216 of the Criminal Procedure Code of Ukraine, prosecutors do not perform a pre-trial investigation in criminal proceedings, and therefore provide the requested information in this part is not possible.

The information on the results of pre-trial investigation of criminal proceedings by investigators (detectives) of pre-trial investigation bodies is summarized in the reporting forms "On the work of pre-trial investigation bodies of the National Police", pre-trial investigation bodies of the State Bureau of Investigation ", "On the work of pre-trial investigation bodies monitoring the observance of tax legislation ", " On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", "On the work of pre-trial security investigation bodies" (Security Service of Ukraine), approved by the joint order of the heads of law enforcement agencies dated July 28 №337/ 564/206/123/363/85, the indicators of which are formed automatically on the basis of information entered by registrars into the Unified register of pre-trial investigations, cumulative total from the beginning of the reporting period.

The administrator of these data is the relevant law enforcement agencies in which the pre-trial investigation is carried out.

In total, during 2020, prosecutors closed 1618 criminal proceedings (according to the reporting form of all law enforcement agencies). At the same time, the reporting does not provide for the separation of data on the grounds for closing such proceedings by the prosecutor.

**Q041-3 (2018):** The Prosecutor General's Office of Ukraine had prepared statistics of all the first instance cases and published them on official website.

**Q041-4 (General Comment):** The Criminal Procedure Code refers to criminal proceedings based on agreements. According to its Chapter 35, the following types of agreements may be concluded: reconciliation agreement between the victim and the suspect or the accused; plea agreement between the public prosecutor and the suspect or the accused about pleading guilty.

**Q041-4 (2020):** In 2020, prosecutors sent 7887 indictments to the court with a plea agreement (according to the reporting form of all law enforcement agencies)

**Q041-5 (2020):** The answer to this question is NA. Please consider this comment as a correct answer.

**Q042 (General Comment):** Starting from 2015 the "Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods (CPEF)" is applied in Ukraine. This system is aimed to evaluate the work of the court for improving the organization of their work, namely to increase the productivity, efficiency, and quality of court procedures. CPEF consists of basic indicators (recommended to be applied by the courts every 6 months; the results of the evaluation shall be published on the websites of the courts) and 4 following modules: "Judicial Administration", "Timeliness of Trial" (optional), "Judicial Decision" (optional), "Satisfaction of the court users with the work of the court" (optional). By its decision the Council of Judges of Ukraine recommended to the courts of Ukraine to apply CPEF to evaluate the work of the court both in full or its individual modules, depending on the managerial purpose and the tasks aimed at improving the work of the court.

CPEF was based on the instruments developed by the CEPEJ Working group on the quality of justice (Checklist for promoting the quality of justice and the courts (2008), Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe's Member States (2010), Questionnaire for collecting information on the organization and accessibility of Court premises (2013) etc.)

By decision of April 26, 2016, No. 26, the Council of Judges of Ukraine approved the methodological guide "Application of the Court Evaluation System" and the list of basic court performance indicators.

Also, the order of the State Judicial Administration of Ukraine dated June 28, 2018 No. 286 approved the Methodology for analyzing the activity of courts. The SJA of Ukraine is analyzing the activity of the courts to be used in making objective management decisions to improve the state of litigation and the rational use of budgetary funds.

In the process of analyzing the activities of the courts, two main aspects that characterize the activities of the court are examined, namely:

1) effectiveness of litigation;

**Q043 (2020):** The State Judicial Administration of Ukraine analyses the evaluation information published and sent by the courts.

**Q043 (2018):** The State Judicial Administration of Ukraine analyses the evaluation information published and sent by the courts.

**Q044 (General Comment):** CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6)

Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

**Q046 (General Comment):** The performance indicators regarding the work of the public prosecution activities are determined in the passports of the budget programs of the Prosecutor's General Office. Budget program passport is a document defining the purpose, objectives, directions of use of budget funds, responsible executors, performance indicators and other characteristics of the budget program in accordance with the budget purpose established by the law on the State Budget of Ukraine and the goals of state policy, which is provided by the chief administrator.

**Q047 (General Comment):** These performance indicators within budget program passports, for example, include but not limited to:

- the number of appeals to the prosecutor's office;
- the number of proceedings (cases) in which prosecutors took part in the courts;
- the number of considered requests for public information;
- the number of citizens received by prosecutors at a personal reception;
- the sum for which the interests of the state are protected by prosecutors in court;
- the number of documents of the prosecutor's response related to the executing of functions of the prosecutor's office to restrict the personal freedom of citizens;
- the number of processed appeals of foreign institutions for legal assistance;
- the number of appeals of Ukrainian institutions to the competent authorities of foreign countries for legal assistance.

**Q049 (2020):** The analysis is conducted every six months and every year according to basic indicators approved.

**Q049 (2018):** The analysis is conducted every six months and every year according to basic indicators approved.



**Q050 (General Comment):** The decision of the Council of Judges of Ukraine No. 61 of September 16, 2016 recommended applying the Regulation on the Procedure for Planning the Expenditure of Courts Based on the Expected Result approved by the Chairman of the State Judicial Administration of Ukraine. This planning methodology is based on understandable for society performance indicators of the judiciary, as well as the formula for determining them basing on the budget of the judiciary with the possibility of inverse modeling of performance depending on the allocated financial resources. If according to the results of statistical reporting in some courts deviation of the actual number of resolved model cases from their planned number is found out, by the initiative of the chief spending unit the budget (appropriations approved by the state budget schedule and estimates) are adjusted. Based on the results of statistical reporting on the consideration of court cases during the current budget year, the SJA calculates model budgets of consumption and adjusts expenditures for consumption. Based on the adjustments, the proportional redistribution of planned expenditures in terms of economic classification codes is carried out without changing the state budget outline.

**Q051 (2020):** According to the State Judicial Administration of Ukraine, the limited financial resources in 2020 for the functioning of the judiciary and the social budget (91% of budget allocations were aimed at remunerations and their accruals) made it impossible to apply the rules of the Planning methodology based on the expected result (please find more details on this methodology in general comments).

**Q052 (General Comment):** The performance evaluation of prosecutors is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

**Q053 (General Comment):** The report on the implementation of budget program passports is submitted annually to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic in the form.

At the same time, according to Article 6 of the Law of Ukraine 'On the Prosecutor's Office', the prosecutor's office also informs the public about its activities at least twice a year through media reports.

In accordance with the requirements of part two of this article, the Prosecutor General shall submit to the Parliament of Ukraine a report on the activities of the prosecutor's office by April 1 of each year, which shall contain the information provided for in this article.

The Prosecutor General personally reports on the activities of the prosecutor's office to the Verkhovna Rada of Ukraine at its plenary session. Heads of regional and district prosecutor's offices at an open plenary session of the relevant council, to which media representatives are invited, at least twice a year inform the society of the relevant administrative-territorial unit about the results of activities in this area by providing generalized statistical and analytical data.

Information on the activities of the prosecutor's office is published in national and local print media and on the official websites of the prosecutor's office.

In addition, the results of the work of the prosecutor's office, ways to improve the efficiency of their activities are periodically discussed at operational meetings with the heads of the prosecutor's office, where the priorities and main tasks for the next period is determined.

**Q053 (2018):** Prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

**Q054 (2018):** Currently, the main factor in budgeting within the prosecutor's office is the available financial resources and staffing.

**Q056 (General Comment):** The State Judicial Administration of Ukraine analyses the activities of the courts to take objective managerial decisions on improving consideration of court cases and rational use of budget funds.

**Q056 (2018):** The State Judicial Administration and the Council of Judges of Ukraine

**Q058 (General Comment):** CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6) Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

The system was developed with the international technical assistance provided by the USAID.

**Q058 (2020):** Surveys on the satisfaction of court staff and satisfaction of users are prescribed by procedure but their holding is optional for courts.

The difference in part of 'appeal ratio', 'cost of judicial procedures' and 'other' comparing to the 2018 answer was caused by different interpretation of the question. There is no information available about any systemic changes in this respect.

**Q059 (General Comment):** The performance indicators regarding the work of the public prosecution activities are determined in the passports of the budget programs of the Prosecutor's General Office. Budget program passport is a document defining the purpose, objectives, directions of use of budget funds, responsible executors, performance indicators and other characteristics of the budget program in accordance with the budget purpose established by the law on the State Budget of Ukraine and the goals of state policy, which is provided by the chief administrator.

These performance indicators within budget program passports, for example, include but not limited to:

- the number of appeals to the prosecutor's office;
- the number of proceedings (cases) in which prosecutors took part in the courts;
- the number of considered requests for public information;
- the number of citizens received by prosecutors at a personal reception;
- the sum for which the interests of the state are protected by prosecutors in court;
- the number of documents of the prosecutor's response related to the executing of functions of the prosecutor's office to restrict the personal freedom of citizens;
- the number of processed appeals of foreign institutions for legal assistance;
- the number of appeals of Ukrainian institutions to the competent authorities of foreign countries for legal assistance.

The report on the implementation of budget program passports is submitted (annually) to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic form.

The Chief Administrator annually publishes the results of the evaluation of the effectiveness of budget programs for the reporting budget period by posting them on its official website within two weeks after the submission of the annual budget reports.

The monitoring of prosecution activity is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

**Q059 (2020):** The difference in the data comparing to the 2018 answer was caused by different interpretation of the question. There is no information available about any systemic changes in this respect.

**Q059 (2018):** Reporting, in particular, includes information on the movement and results of the pre-trial investigation (number of criminal proceedings investigated, including indictments, motions and closed proceedings, data on the timing of the pre-trial investigation, detained and released persons, violations of constitutional rights, compensation for damages caused by criminal offenses)

**Q060 (2020):** In Ukraine there is a monitoring of indicators on the balances of pending cases and materials for the end of the reporting period, including those not considered for more than 1 year.

This issue is also monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

**Q060 (2018):** This issue is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

**Q061 (2020):** This issue is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

**Q061 (2018):** This issue is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

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

**Q064 (General Comment):** Pursuant to the Law of Ukraine "On State Statistics" and in accordance with the normative legal acts of the Prosecutor General's Office of Ukraine, the Prosecutor General's Office of Ukraine for the purpose of fulfilling its administrative duties and tasks, forms consolidated reports on the results of prosecutorial and investigative activities, as well as provides proper organization of the work of the prosecution bodies on these issues.

**Q064 (2020):** Based on the Law of Ukraine 'On State Statistics', and in accordance with the regulations of the Prosecutor General's Office, in order to perform its administrative duties and tasks, the Prosecutor General's Office forms a consolidated report in the Form № P 'On the work of a prosecutor', which reflects statistical data on the results of the work of the prosecution offices.

Upon the results of work each half a year and each year, one copy of the consolidated report is sent to the State Statistical Service of Ukraine (on the 35th day following the reporting period).

**Q065 (General Comment):** According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics Service of Ukraine.

In addition, in accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by posting on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by this order (within five days after their signature).

**Q065 (2020):** According to the Law of Ukraine 'On Access to Public Information' and in accordance with the order of the Prosecutor General's Office, statistical information upon the results of prosecutorial activities (taking into account the requirements for accounting documents containing restricted information) is made public by its publishing on the official website the Prosecutor General's and regional prosecution offices, and on the Unified portal of open data, in the terms and the order established by the legislation.

**Q066 (General Comment):** According to the Law of Ukraine "On the Judiciary and Status of Judges", the State Judicial Administration of Ukraine organizes work on conducting judicial statistics.

In order to report on the effectiveness of the administration of justice by local and appellate courts, ensuring the timely receipt of the information on the observance by courts of time for review of lawsuits, the adoption of sound management decisions and in accordance with designated powers, the State Judicial Administration of Ukraine develops forms of reporting on the implementation of legal proceedings, rules for filling out forms of state reporting the consideration of court cases and materials, as well as the procedure for their submission, which are approved by orders. The said orders are approved by the State Statistics Service of Ukraine in accordance with the established procedure. In addition, draft forms of reporting are agreed with the higher specialized courts and the Supreme Court of Ukraine. The reports contain data on the total number of cases pending before the courts, the results of their consideration by types of proceedings, as well as other applications, petitions, complaints handled by the courts of the first and appellate instances.

In the reports on civil, criminal and administrative cases, information is provided on cases dealt with in violation of the time limits established by the procedural law. The reports also contain information on criminal, administrative and civil cases in which proceedings are not completed at the end of the reporting period: more than 6 months to 1 year; more than 1 year to 2 years; more than 2 years.

**Q066 (2020):** There are two types of the report forms on the administration of justice by local and appellate courts, which are approved by the State Judicial Administration of Ukraine and calculated automatically on the basis of information entered into the automated document management system of the court. There are also basic indicators of the courts' work as part of the Court Performance Evaluation Framework (also used for the assessment of courts' activities).

**Q067 (2020):** The courts submit the information for reports via the automated document management system. The submitting requires certification through electronic digital signature by persons responsible. After the bringing the data together into the report, it is published on the official web portal 'Judiciary of Ukraine' in the section 'Judicial Statistics' ([https://court.gov.ua/inshe/sudova\\_statystyka/](https://court.gov.ua/inshe/sudova_statystyka/))

The basic indicators of the courts' work are published on the web-pages of the relevant courts.

**Q068 (2020):** The first type of reports is released every three, six, nine and twelve months.

Another one is developed once a year.

The basic indicators of the courts' work are released by each court every 6 months and every year.

**Q068 (2018):** Every 6 months and every year

**Q069 (General Comment):** The processing of the working results of the prosecutor (prosecution office) is carried out in accordance with the order of the Prosecutor General of Ukraine. This normative document defines the procedure for formation, submission of reports to higher-level prosecutor's offices, as well as the format and its content.

These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

**Q069 (2018):** These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

Reporting, in particular, includes information on the movement and results of the pre-trial investigation (number of criminal proceedings investigated, including indictments, motions and closed proceedings, data on the timing of the pre-trial investigation, detained and released persons, violations of constitutional rights, compensation for damages caused by criminal offenses)

**Q070 (General Comment):** In accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by publishing on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by the order (within five days after their signature).

**Q071 (General Comment):** The report on the work of the prosecutor is made quarterly (every 3 months), which is formed by the cumulative result from the beginning of the year. The report is generated in an automated mode using a software package - information and analytical system "Accounting and Statistics of the Prosecutor's Office" on the basis of primary accounting data entered into the system by prosecutors who performed the work being accounted for.

**Q071 (2018):** According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics Service of Ukraine.

**Q072 (General Comment):** The dialogue exists in a semi-formal form, when, for example, prosecutors and judges participate in some kind of round table that has a common theme for them.

Also, such a dialogue is carried out in the format of a preliminary hearing (preliminary proceedings) in criminal proceedings in a particular court case.

The organization of specific ad hoc meetings between these two parties with the clear goal of coordinating, adjusting or improving their work in the procedures in which they interact is not carried out in Ukraine.

**Q072 (2020):** The procedural and organizational issues can be subject to the preliminary proceedings.

**Q073 (General Comment):** The dialogue also exists in a semi-formal form, when, for example, prosecutors and judges participate in some kind of round table that has a common theme for them.

Also, such a dialogue is carried out in the format of a preliminary hearing (preliminary proceedings) in criminal proceedings in a particular court case.

The organization of specific ad hoc meetings between these two parties with the clear goal of coordinating, adjusting or improving their work in the procedures in which they interact is not carried out in Ukraine.

**Q073 (2020):** The procedural and organizational issues can be subject to the preliminary proceedings.

**Q074 (General Comment):** The quantitative factor is taken into account within the qualification assessment of judges, when the record of a judge is studied. According to the Law of Ukraine On the Judiciary and Status of Judges, the record of a judge shall include information on the effectiveness of judicial proceedings, in particular:

- a) the total number of cases considered;
- b) the number of canceled court decisions and the grounds for their cancellation;
- c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations;
- d) the number of amended court decisions and the reasons for their change;
- e) observance of terms of consideration of cases;
- e) average length of the text of the motivated decision;
- e) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the

**Q074 (2020):** However, there is a processing of the average number of cases considered per judge and the average number of cases and materials that were designated for consideration per a judge during the reporting period.

**Q076 (General Comment):** The qualitative individual assessment can be part of the qualification evaluation of judges in Ukraine.

**Q076-1 (2020):** The criteria for the qualitative assessment of the judges' work as part of the qualification assessment procedure are established in the Law of Ukraine "On Judiciary and the Status of Judges," and are the following: 1) competence (professional, personal, social, etc.), 2) professional ethics, 3) integrity (part 2 of the Article 83 of the Law).

Procedure and methodology of qualification assessment, containing the indicators of a judge's compliance with the qualification assessment criteria and means of establishing them, shall be approved by the High Council of Justice (para 13-1, part 1, Article 3 of the Law of Ukraine "On High Council of Justice" in the wording introduced by the Law № 193-IX of October 16, 2019).

**Q082-1 (General Comment):** The automated document management system of the court was introduced by the Regulation on the automated document management system of the court (approved by the decision of the Council of Judges of Ukraine of November 26, 2010 № 30 on the ensuring document circulation in courts of general jurisdiction) on January 1, 2011. Then it was several times redesigned and finally integrated in to the Unified Judicial Informational Telecommunication System (UJITS) as its subsystem.

**Q082-2 (2020):** In 2021 the judicial authorities of Ukraine announced about the phased implementation of the UJITS. Starting from October 5, 2021, 3 separate subsystems (modules) of the UJITS officially started functioning - "Electronic Cabinet"; "Electronic Court"; "Video Conferencing Subsystem". For more details on other subsystems that are expected to be introduced gradually in the coming year, please see the answer to Q 208-15.

**Q084 (2018):** <http://reyestr.court.gov.ua/>

## Indicator 3 - Efficiency and productivity

by question No.

*Question 35 - First instance courts: number of other than criminal law cases.*

*Question 38 - First instance courts: number of criminal law cases.*

*Question 39 - Second instance courts (appeal): Number of "other than criminal law" cases.*

*Question 40 - Second instance courts (appeal): Number of criminal law cases.*

*Question 41 - Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.*

*Question 41-1 - Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):*

*Question 41-2 - Does the public prosecutor also have a role in:*

*Question 41-3 - Public prosecutors: Total number of 1st instance criminal cases.*

*Question 41-4 - If the guilty plea procedure exists, how many cases were concluded by this procedure?*

*Question 41-5 - Do the figures provided in Q41-3 include traffic offence cases?*

*Question 42 - Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?*

*Question 43 - Do you have specialised personnel entrusted with implementation of these national level quality standards?*

*Question 44 - Concerning court activities, have you defined performance and quality indicators?*

*Question 45 - If yes, please select the main performance and quality indicators that have been defined for courts:*

*Question 46 - Concerning public prosecution activities, have you defined performance and quality indicators?*

*Question 47 - If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:*

*Question 48 - Do you have a system to evaluate regularly court performance based primarily on the defined indicators?*

*Question 49 - If yes, please specify the frequency:*

*Question 50 - Is this evaluation of the court activity used for the later allocation of resources within this court?*

*Question 51 - If yes, which courses of action are taken (multiple replies possible)?*

*Question 52 - Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?*

*Question 53 - If yes, please specify the frequency:*

*Question 54 - Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?*

*Question 55 - If yes, which courses of action are taken (multiple replies possible)?*

*Question 56 - Who is responsible for evaluating the performance of the courts (multiple replies possible):*

*Question 57 - Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):*

*Question 58 - Do you regularly monitor court activities (performance and quality) concerning:*

*Question 59 - Do you regularly monitor public prosecution activities (performance and quality) concerning:*

*Question 60 - Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:*



*Question 61 - Do you monitor waiting time during judicial proceedings?*

*Question 62 - Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?*

*Question 63 - Are the statistics on the functioning of each court published:*

*Question 64 - Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?*

*Question 65 - Are the statistics on the functioning of each public prosecution service published?*

*Question 66 - Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?*

*Question 67 - If yes, please specify in which form this report is released:*

*Question 68 - If yes, please, indicate the periodicity at which the report is released:*

*Question 69 - Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?*

*Question 70 - If yes, please specify in which form this report is released:*

*Question 71 - If yes, please, indicate the periodicity at which the report is released:*

*Question 72 - Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?*

*Question 73 - Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?*

*Question 74 - Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?*

*Question 75 - Who is responsible for setting the individual targets for each judge?*

*Question 75-1 - What are the consequences for a judge if quantitative targets are not met?*

*Question 76 - Is there a system of qualitative individual assessment of the judges' work?*

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

*Question 77 - If yes, please specify the frequency of this assessment:*

*Question 78 - Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?*

*Question 79 - Who is responsible for setting the individual targets for each public prosecutor*

*Question 79-1 - What are the consequences for a prosecutor if quantitative targets are not met?*

*Question 80 - Is there a system of qualitative individual assessment of the public prosecutors' work?*

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

*Question 81 - If yes, please specify the frequency of this assessment:*

*Question 82-0 - Is there a IT strategy for the judiciary?*

*Question 82 - Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)*

*Question 82-1 - When was the running CMS developed (or in case of major redevelopment when it was redesigned)?*

*Question 82-2 - Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)*

*Question 83 - Please specify the following information:*

*Question 84 - Is there a centralised national database of court decisions (case-law, etc.)?*

*Question 85 - If yes, please specify the following information:*

## Question 035

### Armenia

**(2020):** There is no analysis which would examine the reasons for the increases or decreases on the case flow. But it should be noted that significant increases on the case flow for civil and commercial litigious cases is due to the addition of insolvency cases. The reason for the increase may also be the raising of the legal awareness of individuals. As for the increase of the resolved cases, it should be noted that it may be due to the legislative amendments and adoption of rules of simplified procedures, as these amendments led to a shortening of the proceedings for some cases.

**(2018):** There is a big increase of civil and litigious and other cases. The reasons are mixture not only a legal reasons but also, social, economic, etc. There is no official report on that issue prepared by the Government of RA. Increase of insolvency cases that are included in "Other" could be the main reason for the increase. For that reason, the specialized Insolvency Court was established in 1 January 2019. The vast majority of cases in the first instance general jurisdiction courts relate to requests on forfeiture of money. In 2018 simplified procedure for small money forfeiture cases was introduced. As a result the number of resolved cases raised. Finally, the number of incoming administrative cases is due to the number of applications requesting to invalidate decisions of administrative bodies (state and municipal bodies and their officials) that has raised since last cycle.

### Azerbaijan

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

**(2018):** The decrease in civil cases is closely related to the devaluation of Azeri currency (devaluation coincided with the previous cycle's reference year) as the result of the processes in global economy. The mentioned impacts had effect on disputes related to the loans taken by population became insolvent. As the market has stabilized and currency is stable since then, the number of civil cases also dropped significantly.

## **Georgia**

**(2020):** The accounting methodology has changed.

In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

**(2018):** The increase in the number of pending cases is directly related to the increase in the number of incoming cases. Without significant increase in the number of judges it is impossible to increase the number of finished cases. The number of incoming cases is increasing permanently. In 2016 it was 54747, in 2017 it was 62209, in 2018 it was 74562, which means that during 2 years number of incoming cases has increased by 19815 case. It must be taken into account that during the same period the number of judges has increased only by 16 judge. Regarding the number of pending cases for more than 2 years, since 2016 there is a significant increase in the number of cases related to credits issued by the micro finance organizations. In this category of cases very often it is a problem to locate the respondent. Also in big city courts the increase in such category of cases causes the overload of specialized judges and chambers. In 2016 incoming cases in this particular category were 26656 while in 2018 the number is 40777. The raise in the number of pending cases for more than 2 years is related to significant increase in incoming cases, 52% increase in cases related to the micro finance organizations, which number of judges remains almost same.

"Other non-litigious cases" involves cases that are not disputed between parties or are dealt by simplified procedure. Regarding administrative cases, the number of resolved cases dropped by 34% between the 2 cycles. This might be a result in decrease of incoming administrative cases. In 2016 it was 16379, in 2018 12139. Less by 4240 cases.

Finally, the category "other cases" include administrative offences. There is no explanation for the increase of the number of pending cases on December 31st.

## **Republic of Moldova**

**(2020):** By decisions no.1, 4 and 13 from 18, 24 March and 03 April 2020 of the Commission for Emergency Situation specific measures were established also in the justice sector on the period of the setting of the state of emergency. It was stipulated to temporarily postpone the consideration of the civil and criminal cases until 15 May 2020, except the cases that need to be considered urgently. For specific civil and criminal cases it was recommended to courts if possible to schedule hearings considering the use of video conference system and were asked to file/communicate the procedural acts or other documents electronically. Later on in the same period most of the planned hearings for matters considered not being urgent were postponed by courts and as a result the backlog at the end of the year increased. The data reported for 2018 were paper based statistics. In 2019 all courts started to fill and clean all data in the ICMS in order to obtain electronic records. For 2020 all courts (excepting Supreme Court of Justice) reported electronically.

**(2018):** The pending cases on 1 January 2018 (for the total number of cases other than criminal law cases, civil litigious cases and non litigious cases ) increased in comparison with pending cases on 1 January 2016 and pending cases on 1 January 2014 as a result of a decrease in the number of total resolved cases in 2016 in comparison with the number of resolved cases in 2014.

Regarding the decrease in the number of incoming non-litigious cases, general civil cases and administrative law cases, there is no specific explanation. Regarding the number of resolved cases, for non litigious cases and general civil non litigious cases, it decreased in comparison with resolved cases in 2016 (the total non litigious cases) due to a negative trend in the number of incoming cases in 2018 in comparison with 2016 and 2014.

The pending cases on 31 December 2018 (the total other than criminal law cases) increased in comparison with pending cases on 31 December 2016 and pending cases on 31 December 2014 due to a negative trend in the number of resolved cases in 2018 in comparison with 2016 and 2014. The total number of non litigious cases pending cases on 31 December 2018 decreased in comparison with pending cases on 31 December 2016 due to a negative trend in the number of incoming cases in 2018 in comparison with 2016 and 2014. The number of pending other non litigious cases on 31 December 2018 decreased in comparison with pending cases on 31 December 2016 due to an increased number of resolved cases in 2018 and 2016 in comparison with 2014.

Regarding the decrease in the number of civil litigious cases pending more than 2 years, it can be explained by a positive trend in examining older than 2 years cases in 2018. On the contrary, the increase in the number of administrative cases pending more than 2 years can be explained by a negative trend in examining older than 2 years cases in 2018 and by an increase of the pending cases at the end of the reference period.

Finally, there is general upward trend in the number of other cases due to an increased number of incoming insolvency cases in 2017 and 2018 in comparison with 2016 data that are very complex and take a lot of time.

## Ukraine

**(General Comment):** Such a number of cases pending on 31 December is caused by the overall lack of judges in the judicial system. After the introduction of certain measures aimed at raising the transparency and integrity of the work of Ukrainian judges in the framework of judicial reform the whole judicial corps had to go through a thorough evaluation procedure as part of the qualification evaluation of judges. One of its stages - interview with members of the High Qualification Commission of Judges of Ukraine - is broadcast online. In addition, the filling of the positions became possible only via the public transparent procedure on a competitive basis. Judges now have to file not only the financial declaration but also a declaration of family ties and a declaration of integrity. The judicial dossier (which, apart from personal data, are published online) within competitions was introduced. The additional stage of career procedures became psychological testing. The public society also takes part in the procedure of evaluation of the candidates through the Public Integrity Council (PIC), except for the competition to the High Anti-Corruption Court. If the judge or the candidate to judicial position gets the PIC's negative opinion, it had to be overruled by 11 votes of the Members of the High Qualification Commission of Judges of Ukraine (HQCJU). In case of competition to the High Anti-Corruption Court, the assistance to the HQCJU is exercised by the Public Council of International Experts.

After the introduction of reform novelties in 2016, around 20% of judges resigned on their own will. In 2017 this number reached about 30%. Simultaneously with this process, the judicial authorities initially took all the possible efforts to fill the vacant positions. The High Qualification Commission of Judges of Ukraine initiated career procedures for more than 1000 judicial vacancies, many of which were successfully finalized. But the rest remained pending. On November 7, 2019 according to the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193-IX dated October 16, 2019, the powers of members of the High Qualification Commission of Judges of Ukraine were terminated. From that day and as of October 2021 selection of the new HQCJU members has been pending, meaning that almost all career procedures are suspended until the new HQCJU composition will be selected (appointed).

**(2020):** In Ukraine, civil and commercial law are separate branches of law (for the purposes of this question they were summed up).

The increase in the number of pending cases at the beginning and at the end of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments'). The increase in the number of pending cases at the end of 2020 could also be a result of the peculiarities of the trial during the COVID-19 quarantine.

aimed at raising the transparency and integrity of work of Ukrainian judges in the framework of judicial reform demanded by the Ukrainian society, the whole judicial corps had to go through a thorough evaluation procedure as part of either qualification evaluation of judges for compliance with the position held or competition for the vacant position. One of its stages - interview with a Members of the High Qualification Commission of Judges of Ukraine - is broadcast online. In addition, the filling of the positions became possible only via the public transparent procedure on a competitive basis. Furthermore, judges now have to file not only the financial declaration but also a declaration of family ties and declaration of integrity. Also, the judicial dossier (which also is open via the Internet for the public, except personal data) within competitions was introduced. The additional stage of career procedures became psychological testing, implemented by an international outsourcing company. The public society also takes part in the procedure of evaluation of the candidates, except the competition to the High Anti-Corruption Court, through the Public Integrity Council(PIC). If the judge or the candidate to judicial position get the PIC's negative opinion, it had to be overruled by 11 votes of the Members of the High Qualification Commission of Judges of Ukraine (HQCJU), which makes the public society a part of the administrative procedure. In case of competition to the High Anticorruption Court, the assistance to the HQCJU is exercised by the Public Council of International Experts. After the introduction of reform novelties in 2016, around 20% of judges resigned on their own will. In 2017 this number reached about 30%. Simultaneously with the process of "purification", the judicial authorities take all the possible efforts to fill the vacancies. For instance, from 2016 there has been held 2 competitions to the Supreme Court (120 and 78 positions accordingly), High Anti-Corruption Court and its Appellate Chamber (39 positions), selection for 600 vacant positions of judges and then the competition to local general courts for 505 positions. The HQCJU still has to complete the competition to the High Court for Intellectual Property and its Appellate Chamber (30 positions), competitions for 54 positions of local administrative courts and 22 positions of local commercial courts, competitions for 7 judicial positions in Donetsk and Luhansk regions, competition for 346 judicial positions of appellate courts, competition for 35 vacant judicial positions in local courts, which already have been initiated.

### Question 038

#### Armenia

**(General Comment):** According to the Criminal Code, the willful acts, for the committal of which this Code envisages maximal imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment, are considered not very grave crimes. Medium-gravity crimes are those willful acts for which this Code envisages a maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Particularly grave crimes are those willful acts for which this Code envisages a maximal imprisonment for more than ten years or for life.

**(2018):** The increase in criminal cases might be due to a relatively low clearance rate.

#### Azerbaijan

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

### **Georgia**

**(General Comment):** The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

**(2020):** Please see comment under Question 091

**(2018):** Decrease in backlog for criminal and misdemeanour cases might be a result of decrease in incoming cases. In 2016 the number has decreased by 800 cases. At the same time in 2018 number of finished cases increased by 1045 cases, which also affected the backlog.

### **Republic of Moldova**

**(General Comment):** In 2020 as well as in 2018, 2016 and 2014 but in contrast with 2010 and 2012, the total includes also administrative offences handled by judicial authorities in compliance with the Code of Misdemeanors. The 2020 data reflects criminal cases concerning natural and legal persons accused of committing an offence under the Criminal Code, without being classified according to the nature and the degree of the damage. Since 2012, according to article 16 of the Criminal Code, offences were classified as follows: minor offences - offences punishable by a deprivation of liberty for a maximum of 2 years; less serious offences - offences punishable by a deprivation of liberty for a maximum of 5 years; serious offences - offences punishable by deprivation of liberty for a maximum of 12 years; extremely serious offences - intentional breaches punishable by a deprivation of liberty exceeding 12 years; exceptionally serious offences - intentional breaches punishable by life imprisonment.

**(2018):** Pending criminal cases on 1 January 2018 and on 31 December 2018 increased in comparison with pending cases on 1 January 2016 and on 31 December 2014 due to a decrease of the number of resolved cases in 2018 in comparison with the reference years.

#### **Ukraine**

**(2020):** The increase in the number of pending cases at the beginning and at the end of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments' to Q 091). The increase in the number of pending cases at the end of 2020 could also be a result of the peculiarities of the trial during the COVID-19 quarantine.

The answer for the Q 094 for this cycle was also supplemented by data from the High Anti-Corruption Court (which began its functioning in 2019).

**(2018):** Regarding existing discrepancy with the previous cycle, please see the explanations about the reasons in the comments to the Q091.

#### **Question 039**

#### **Armenia**

**(2020):** There may be different reasons for growth of civil (and commercial) litigious cases, inter alia, increase of public awareness on administrative issues, social-economic situation within the country, etc. It should be noted that there is no official analysis which would examine the reasons for the increases or decreases on the case flow.

Also in 2020 because of COVID less cases were examined and resolved. It should be noted that courts have not been closed during pandemic, but court staff was working by remote. Also, some documents (actions, applications, complaints, and responses to actions etc.) were submitted by electronic means to prevent the spread of the pandemic. Regarding how the pandemic affected the case flow data it should be noted that there is no official report on that issue.

Regarding the horizontal discrepancies it should be noted that while calculating data there are also cases which have been suspended, resumed, or sent to other courts if the case was submitted to the court which has no general or territorial jurisdiction.

**(2018):** The data on appeal of payment orders and insolvency cases is included in the civil cases statistics.

There are different reasons for growth of administrative cases, inter alia, increase of public awareness on administrative issues, social-economic situation within the country, etc.

#### **Azerbaijan**

**(2020):** Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved civil and commercial litigious cases and administrative cases



**(2018):** The number of cases increased for the following reasons: Increase of the level of legal awareness of citizens, the level of legal assistance provided improved, and citizen more effectively use their rights.

### **Georgia**

**(2020):** The accounting methodology has changed.

In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

**(2018):** administrative infractions (offences).

### **Republic of Moldova**

**(2020):** Insolvency cases

**(2018):** Until 2018 the insolvency cases were examined by courts of appeal as first instance courts and were reported as first instance courts workload. Since 2018 insolvency cases are examined by courts of appeal as a second instance. As a result, this category is reflected for 2018 in the answer "other cases" for second instance courts.

### **Ukraine**

**(General Comment):** With respect to the change of many items from NA to NAP, the previous cycle shall be harmonized with the 2016 cycle, because there were no changes in legislation in that respect.

To 'other cases' the data on the number of cases on administrative offenses is indicated (in both cycles).

Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. Plus, the difference in total numbers for 2014 compared with 2016 cycle was caused by the sharp increase in administrative cases number, the reasons of which is NA for now. That was an official statistics given by the State Judicial Administration of Ukraine which is documented.

With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). The reasons for that changes are NA for now.

**(2020):** In Ukraine, civil and commercial law are separate branches of law (for the purposes of the answer to this question they were summed up). Item 4 'Other cases' includes the cases on administrative offenses, a separate type of cases according to Ukrainian procedural law.

**(2018):** The "Other cases" include the number of cases on administrative offences. Regarding existing discrepancy with the previous cycle, please see the explanations about the reasons in the comments to the Q091.

#### Question 040

##### Armenia

**(2020):** Regarding the horizontal discrepancies it should be noted that while calculating data there are also cases which have been suspended, resumed, or sent to other courts if the case was submitted to the court which has no general or territorial jurisdiction.

**(2018):** The longer disposition time in criminal cases might be due to wide practice of appealing a number of non-final decisions of the court, prosecutor and investigator (for example, decisions on detention, extension of detention term, etc.)

##### Azerbaijan

**(2020):** Due to SARS Covid-19 related lock-down and operation restrictions, there has been a decrease of incoming and resolved criminal law cases as well as an increase of cases pending at the end of the year

**(2018):** As a result of measures aimed at humanization of the criminal policy and decriminalization of crimes within the framework of judicial and legal reforms in the country, convicted and accused persons appealed to the court more often. No particular explanation could be provided in respect of the decrease in the number of severe criminal cases pending on 31 December 2018.

##### Georgia

**(2020):** The numbers are accurate.

**(2018):** The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

## Republic of Moldova

**(2018):** The judicial system of the Republic of Moldova attests a tendency of increasing of incoming criminal law cases in the last years. In the same context, the number of judges does not vary significantly from year to year and the judges are examining all categories of cases. As the number of incoming criminal law cases increased in 2018, the number of pending criminal law cases on 31 December 2018 increased in comparison with 2016. Data for 2018 are correctly reflected and calculated using the same methodology as in 2016 and 2014.

## Ukraine

**(General Comment):** The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanor and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanor/minor offences cases is not available.

**(2020):** The increase in the number of pending cases at the beginning of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments' to Q 091). The data for the Q 098 for this cycle was also supplemented by data from the Appellate Chamber of the High Anti-Corruption Court (which began its functioning in 2019).

**(2018):** Regarding existing discrepancy with the previous cycle, please see the explanations about the reasons in the comments to the Q091.

## Question 041

### Azerbaijan

**(2020):** According to Civil Procedural Code of Azerbaijan case must be considered no later than 3 months after the application is received by the court. Cases on employment, alimony, adoption, incorrect decisions, actions (or inactions) of state bodies, public associations, officials shall be considered and resolved within 1 month. According to the Family Code, if one of the parties does not agree to the dissolution of the marriage, the court may adjourn the case by setting a period of 3 months for the couple to reconcile. The appeal shall be considered within 3 months from the date of its receipt by the court and the cassation appeal within 2 months from the date of its receipt.

### Georgia

**(2018):** It has to be noted, that in 2018 more incoming cases from the last year in the category “litigious divorce” has been cleared than in 2016, which in turn affects the data regarding the average length.

Regarding the increase of average length in 1st instance for employment dismissal, because of the high case flow in the Civil law cases, the number of residue cases has increased, which in turn results in increased average length.

For insolvency cases: a) In the courts of first instance in 2016 108 insolvency cases have been heard, while in 2018 the amount of heard insolvency cases has decreased to 60, while in the courts of appeal in 2018 there were more appealed cases than in 2016, thus the number of appeals have increased. b) In 2018 in Tbilisi city court significant amount of cases heard from the mentioned category have been in court from 2015, 2016 and/or 2017, which, as a result, has increased the average length of proceedings in 2018.

Regarding robbery cases, From the cases heard in the first instance in 2018 significant amount of cases have been in court from 2017, 2016, 2015 and 2013, which resulted in the increased average length.

## Ukraine

**(2020):** The civil and commercial law are separated branches of law in Ukraine; however, they have been summed up for the purposes of answering this question.

## Question 041-1

### Armenia

**(General Comment):** According to article 176 of the Constitution of the Republic of Armenia, the Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:

- (1) instigate criminal prosecution;
- (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
- (3) pursue a charge at court;
- (4) appeal against the civil judgments, criminal judgments and decisions of courts;
- (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.

The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

It should be noted that the powers of the prosecutor at the pre-trial proceedings of the criminal case, and also powers during consideration of the criminal case or materials in the court are prescribed by the Criminal Procedure Code (Articles 53 and 54). Also according to the law on "Confiscation of Property of Illegal Origin" (which defines all the main legal procedures and functions of confiscation of property of illegal origin) the responsible subdivision of the Prosecutor General's Office of the Republic of Armenia is an authorized body in the proceedings of confiscation of property of illegal origin (the authorized body carries out examination, collects information containing confidential information protected by law and performs other powers during examination and also is authorized to bring an action for the confiscation of property).

**(2020):** In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority. However, if saying "police investigation" we should understand police operative-investigative activities, than in accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary investigation.

**(2018):** In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority. However, if saying "police investigation" we should understand police operative-investigative activities, than in accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary

## **Georgia**

**(2020):** During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria. According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfill the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

**(2018):** During hearing of case on the merits, prosecutor is not authorised to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria. According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

## **Republic of Moldova**

**(2020):** The role and powers of public prosecutor in the criminal procedure are stipulated by the Moldovan Criminal Procedure Code.

## Ukraine

**(General Comment):** According to the amendments to the Constitution of Ukraine of June 2, 2016, Ukraine has a Prosecutor's office that organizes and manages procedural pre-trial investigations, resolves other issues in accordance with the law during criminal proceedings, supervises covert and other investigative actions of law enforcement agencies.

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

## Question 041-2

## Armenia

**(General Comment):** According to Article 176 of the Constitution of the Republic of Armenia, The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

According to the Article 29 of "Law on Prosecutor's office of RA":

1. The filing by a prosecutor of a claim for the protection of state interests shall include:

- 1) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of civil procedure;
- 2) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of administrative procedure; 3) Filing a claim for compensation of pecuniary damage inflicted upon the state as a direct consequence of a crime in the frameworks of criminal procedure; and
- 4) Filing a claim for confiscation of property on the basis of the "Law on Confiscation of Property of Illegal Origin".

2. The prosecutor shall file a claim for the protection of state interests only if:

- 1) During the exercise of his powers, the prosecutor finds that a state or local government body that had the right to file a claim on such matters related to the protection of state interests, having knowledge of the violation of state interests, did not file such a claim in a reasonable period or did not file such a claim after receiving the prosecutor's suggestion to do so, or
- 2) The state interests were violated in respect of matters for which no state or local government body has the right, under the legislation, to file a claim, or
- 3) According to the results of the study conducted on the basis of the "Law On Confiscation of Property of Illegal Origin", there are grounds to file a lawsuit for confiscation of property.

**(2018):** One of the constitutional powers of the prosecutor is protecting state property interests.

## Georgia

**(2020):** Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecutor's Office.

**(2018):** Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecutor's Office.

### **Republic of Moldova**

**(General Comment):** In civil matters, the public prosecutor takes part in the investigation of first instance if s/he her/himself filed a petition for legal action. The prosecutor may lodge a petition for compensation for the damage caused to public authorities by a criminal offence, as well as for the annulment of the acts that caused the damage, in the case of ceasing or non-commencement of the criminal prosecution under art. 275 (4), 5) and 9) of the Code of Criminal Procedure. The petition may be filed regardless of the consent of the public authority. The prosecutor who has brought an action has the applicant's rights and procedural obligations, except for the right to terminate the transaction and the obligation to pay the costs. The dismissal of the prosecutor's claim submitted in defence of the interests of the public authority does not deprive the prosecutor of the right to request the examination of the case. The dismissal of the public authority of the action brought by the prosecutor does not affect the examination of the case if the prosecutor requests that. The absence of the prosecutor legally summoned in court does not terminate the examination of the case if the public authority in whose interests the action was brought supports the examination of the case. The prosecutor is a subject with a right to appeal the administrative court under the terms of Article 5 of the Code of Civil Procedure in order to contest the acts issued by the public authorities.

### **Ukraine**

**(2020):** In accordance with paragraph 3 of Article 56 of the Code of Civil Procedure of Ukraine and paragraph 3 of Article 53 of the Code of Administrative Justice of Ukraine in cases specified by law, the prosecutor applies to the court with a statement of claim, participates in the consideration of cases on his/her claims, and may intervene on his\her own initiative in a case in which proceedings are opened on the claim of another person, before consideration of the case on the merits, files an appeal, cassation appeal, application for review of the court decision on newly discovered or exceptional circumstances.

### **Question 041-3**

### **Armenia**

**(2020):** 7857 cases have been discontinued in the reference year, 3380 on justifying grounds, 4477 on non-justifying grounds.

The reasons mentioned in 3.1.4 are grounds established by the Article 35 (1) of the Criminal Procedure Code. Thus, according to the Article 35 (1) of the Criminal Procedure Code: Criminal case can not be instituted, and criminal prosecution may not be started, and the instituted criminal case shall be dismissed:

- 1) in the absence of any criminal act; 2) if the alleged act contains no corpus delicti;
- 3) if the alleged act, which has resulted in damages, is legitimate under criminal law;
- 4) in the event of absence of a complaint of the injured, in cases prescribed by this Code; 5) in the event of reconciliation of the injured party and the suspect or the accused, in cases prescribed by this Code; 6) the prescription has expired; 7) against the person and upon a cause, with respect to whom and upon which cause the court has already passed a judgment and such judgment has entered into legal force, or any other enforceable judicial decision is available to exclude criminal prosecution; 8) against the person and upon the same charge, with respect to whom and upon which charge the agency for inquest, the investigator, or the prosecutor has already made a decision denying criminal prosecution, and such decision is still in force;
- 9) At the moment of commitment of the crime the person had not reached the age punishable by law, as established by law;
- 10) The person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or to resume the case on occasion of new circumstances with regard to other persons; 11) The person refused to complete the crime of one's own accord, if the action already committed has no other formal elements of crime;
- 12) The person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia. 13) Amnesty act has been adopted. The mentioned data was calculated by collecting the data received from the subdivisions of the RA Prosecutor's Office.

Regarding increase in the number of incoming cases it should be noted that 34.734 cases were investigated in 2020, and 4811 of these cases were transferred from the previous year (2019). It should be noted that there is no analysis which would examine the reasons for the increases or decreases on the case flow.

Referring to the terminology “justifying grounds” and “non justifying grounds” it should be noted that this terminology was suggested by the Cassation court of RA. Thus, grounds which are mentioned in the Article 35, part 1, points 1-3 and part 2 of the Criminal Procedure Code of RA, are considered as “justifying grounds”. As for the grounds mentioned in the Article 35, part 1, points 4-13, they are considered as “non justifying grounds”.

## **Azerbaijan**

**(2020):** « Cases closed by the public prosecutor for other reasons» where most of the closed cases consist of cases where the proceedings are combined or sent accordingly (cases redirected to the appropriate prosecutor's office based on its territorial and/or specialization focus).

## **Georgia**

**(2018):** The difference observed in the number of cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor is caused by the use of different methodologies during the provision of the above-mentioned statistical data. Namely, unlike previous reporting, during the last reporting the number of cases where plea agreements had been approved by court was not included in the said statistics. Are only included cases in which persons were diverted from prosecution, as cases concluded by measure imposed or negotiated by the public prosecutor.



## Republic of Moldova

**(General Comment):** In the category "Discontinued for other reasons" are included suspended cases. The prosecutor may suspend a case in Moldova, until the offender is being identified. It doesn't mean that the case is closed. Thus, the prosecutor orders suspension of the criminal investigation by a reasoned order. By law is mandatory that the prosecutor, before suspending the investigation, should do all actions that are possible in the absence of the accused, undertake all possible measures to identify the offender.

## Ukraine

**(2020):** In accordance with the provisions of Article 131 of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On Prosecutor's Office", Article 216 of the Criminal Procedure Code of Ukraine, prosecutors do not perform a pre-trial investigation in criminal proceedings, and therefore provide the requested information in this part is not possible.

The information on the results of pre-trial investigation of criminal proceedings by investigators (detectives) of pre-trial investigation bodies is summarized in the reporting forms "On the work of pre-trial investigation bodies of the National Police", pre-trial investigation bodies of the State Bureau of Investigation ", "On the work of pre-trial investigation bodies monitoring the observance of tax legislation ", " On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", "On the work of pre-trial security investigation bodies" (Security Service of Ukraine), approved by the joint order of the heads of law enforcement agencies dated July 28 №337/ 564/206/123/363/85, the indicators of which are formed automatically on the basis of information entered by registrars into the Unified register of pre-trial investigations, cumulative total from the beginning of the reporting period.

The administrator of these data is the relevant law enforcement agencies in which the pre-trial investigation is carried out.

In total, during 2020, prosecutors closed 1618 criminal proceedings (according to the reporting form of all law enforcement agencies). At the same time, the reporting does not provide for the separation of data on the grounds for closing such proceedings by the prosecutor.

**(2018):** The Prosecutor General's Office of Ukraine had prepared statistics of all the first instance cases and published them on official website.

## Question 041-4

### Armenia

**(2020):** The guilty plea procedure exists in Armenia, the relevant provisions came into force in 27.07.2021, that is why there is no statistics of the number of guilty plea procedures.

**(2018):** There is no guilty plea procedure as such. However, 1263 (in 2018) cases were examined in the scope of speedy examination pursuant to Chapter 45.1 of the Criminal Procedure Code where the prosecutor's consent is mandatory for that procedure to proceed. The draft Criminal Procedure Code provides for a plea bargaining regulations.

### **Republic of Moldova**

**(2020):** The reason that the guilty plea procedures decreased in 2020 in comparison with 2018 and 2016 data is the applicability of the simplified procedure based on the evidence administered at the stage of the criminal investigation (application of Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase).

**(2018):** The reason that the guilty plea procedures decreased in 2018 in comparison with 2016 data is the applicability of the simplified procedure based on the evidence administered at the stage of the criminal investigation (application of Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase).

### **Ukraine**

**(General Comment):** The Criminal Procedure Code refers to criminal proceedings based on agreements. According to its Chapter 35, the following types of agreements may be concluded: reconciliation agreement between the victim and the suspect or the accused; plea agreement between the public prosecutor and the suspect or the accused about pleading guilty.

**(2020):** In 2020, prosecutors sent 7887 indictments to the court with a plea agreement (according to the reporting form of all law enforcement agencies)

### **Question 041-5**

#### **Armenia**

**(2020):** The cases are not differentiated, the information is provided by the Prosecutor General's Office for all cases.

**(2018):** The figures include only those traffic offences that are prescribed in the Criminal Code and constitute criminal offences.

#### **Ukraine**

**(2020):** The answer to this question is NA. Please consider this comment as a correct answer.

### **Question 042**

#### **Armenia**

**(2020):** A monitoring and evaluation mechanism for the implementation of Judicial and Legal reforms Strategy and Action Plans for 2019-2023 is envisaged in the strategy.

**(2018):** A monitoring and evaluation mechanism for the implementation of Judicial and Legal reforms Strategy and Action Plans for 2019-2023 is envisaged in the strategy.

### **Georgia**

**(2020):** The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the Courts of Appeal and the Supreme Court that are available on the website of High Council of Justice.

**(2018):** High Council of Justice of Georgia adopted the Effective Communication Standards for the court staff, for the improvement of the functioning of Judiciary. Moreover, HCOJ also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in Court of Appeal and Supreme Court which are available on the web site of High Council of Justice.

The Supreme Court of Georgia has adopted guidelines for judges on the general principles of communication during trials. According to the Judicial Strategy 2017-2021 and Action Plan for years 2017-2018 development of the Judicial quality standards is of the activities that the high council of justice should carry out.

### **Ukraine**

**(General Comment):** Starting from 2015 the "Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods (CPEF)" is applied in Ukraine. This system is aimed to evaluate the work of the court for improving the organization of their work, namely to increase the productivity, efficiency, and quality of court procedures. CPEF consists of basic indicators (recommended to be applied by the courts every 6 months; the results of the evaluation shall be published on the websites of the courts) and 4 following modules: "Judicial Administration", "Timeliness of Trial" (optional), "Judicial Decision" (optional), "Satisfaction of the court users with the work of the court" (optional). By its decision the Council of Judges of Ukraine recommended to the courts of Ukraine to apply CPEF to evaluate the work of the court both in full or its individual modules, depending on the managerial purpose and the tasks aimed at improving the work of the court. CPEF was based on the instruments developed by the CEPEJ Working group on the quality of justice (Checklist for promoting the quality of justice and the courts (2008), Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe's Member States (2010), Questionnaire for collecting information on the organization and accessibility of Court premises (2013) etc.)

By decision of April 26, 2016, No. 26, the Council of Judges of Ukraine approved the methodological guide "Application of the Court Evaluation System" and the list of basic court performance indicators.

Also, the order of the State Judicial Administration of Ukraine dated June 28, 2018 No. 286 approved the Methodology for analyzing the activity of courts. The SJA of Ukraine is analyzing the activity of the courts to be used in making objective management decisions to improve the state of litigation and the rational use of budgetary funds.

In the process of analyzing the activities of the courts, two main aspects that characterize the activities of the court are examined, namely:

- 1) effectiveness of litigation;
- 2) efficient use of resources.

### Question 043

#### Ukraine

**(2020):** The State Judicial Administration of Ukraine analyses the evaluation information published and sent by the courts.

**(2018):** The State Judicial Administration of Ukraine analyses the evaluation information published and sent by the courts.

### Question 044

#### Armenia

**(2020):** There are no such indicators for courts as such, however there is a procedure in place for evaluation of performance of individual judges by the Commission for Performance Evaluation of Judges .

**(2018):** There are no such indicators for courts as such, however there is a procedure in place for evaluation of performance of individual judges by the Supreme Judicial Council.

## Ukraine

**(General Comment):** CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6)

Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

## Question 045

### Republic of Moldova

**(General Comment):** According to the SCM Decision no.634 / 26 of 29.09.2016 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Clearance rate, Disposition time, Rate of the court staff per judge, Rate of canceled decisions, Rate of changed decisions, Examination of cases on time (refers to cases with the fixed terms provided by the legislation).

According to the SCM Decision no.854 / 37 of 19.12.2017 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislation).

## Question 046

### Ukraine

**(General Comment):** The performance indicators regarding the work of the public prosecution activities are determined in the passports of the budget programs of the Prosecutor's General Office. Budget program passport is a document defining the purpose, objectives, directions of use of budget funds, responsible executors, performance indicators and other characteristics of the budget program in accordance with the budget purpose established by the law on the State Budget of Ukraine and the goals of state policy, which is provided by the chief administrator.

#### Question 047

##### Armenia

**(2020):** Currently work is underway to clarify a quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation. The attestation process is regulated by Article 50 of the "Law on the Prosecutor's Office". Particularly, the immediate supervisor shall present an assessment of the prosecutor at least two weeks prior to the attestation. The assessment shall contain information about the prosecutor, his practical and personal features, and a justified evaluation of his official performance. The assessment shall be based on the opinions of the immediate supervisor formed on the basis of reports presented to him by the prosecutor annually about the prosecutor's performance during the period since the previous attestation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of restraint, the number of satisfied and rejected motions must be attached to the assessment.

##### Georgia

**(2020):** Overall quality of prosecutorial activities.

The PSG introduced the performance appraisal system of prosecutors in 2017, based on the Order of the Chief Prosecutor. Since December 2018, it is enshrined in the Organic Law of Georgia on Prosecution Service. The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The PSG takes into account the performance appraisal results for deciding the matters of promoting, incentivising and grading prosecutors (see also the answers to questions 063-7-1 and Q 119-2).

##### Ukraine

**(General Comment):** These performance indicators within budget program passports, for example, include but not limited to:

- the number of appeals to the prosecutor's office;
- the number of proceedings (cases) in which prosecutors took part in the courts;
- the number of considered requests for public information;
- the number of citizens received by prosecutors at a personal reception;
- the sum for which the interests of the state are protected by prosecutors in court;
- the number of documents of the prosecutor's response related to the executing of functions of the prosecutor's office to restrict the personal freedom of citizens;
- the number of processed appeals of foreign institutions for legal assistance;
- the number of appeals of Ukrainian institutions to the competent authorities of foreign countries for legal assistance.

#### Question 049

##### Republic of Moldova

**(2020):** According to the national legislation provisions the system is collecting and analyzing data every three months. In 2020 due to COVID pandemic the data were collected and analyzed twice (for 6 months and annual).

**(2018):** Quarterly

##### Ukraine

**(2020):** The analysis is conducted every six months and every year according to basic indicators approved.

**(2018):** The analysis is conducted every six months and every year according to basic indicators approved.

#### Question 050

##### Ukraine

**(General Comment):** The decision of the Council of Judges of Ukraine No. 61 of September 16, 2016 recommended applying the Regulation on the Procedure for Planning the Expenditure of Courts Based on the Expected Result approved by the Chairman of the State Judicial Administration of Ukraine. This planning methodology is based on understandable for society performance indicators of the judiciary, as well as the formula for determining them basing on the budget of the judiciary with the possibility of inverse modeling of performance depending on the allocated financial resources. If according to the results of statistical reporting in some courts deviation of the actual number of resolved model cases from their planned number is found out, by the initiative of the chief spending unit the budget (appropriations approved by the state budget schedule and estimates) are adjusted. Based on the results of statistical reporting on the consideration of court cases during the current budget year, the SJA calculates model budgets of consumption and adjusts expenditures for consumption. Based on the adjustments, the proportional redistribution of planned expenditures in terms of economic classification codes is carried out without changing the state budget outline.

### Question 051

#### Georgia

**(2020):** The data regarding the court activity is always used when the means are allocated to the court.

**(2018):** the data regarding the court activity is always used when the means are allocated to the court

#### Ukraine

**(2020):** According to the State Judicial Administration of Ukraine, the limited financial resources in 2020 for the functioning of the judiciary and the social budget (91% of budget allocations were aimed at remunerations and their accruals) made it impossible to apply the rules of the Planning methodology based on the expected result (please find more details on this methodology in general comments).

### Question 052

#### Ukraine

**(General Comment):** The performance evaluation of prosecutors is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.



### Question 053

#### Republic of Moldova

**(2020):** Monthly, Quarterly

**(2018):** Monthly, quarterly.

#### Ukraine

**(General Comment):** The report on the implementation of budget program passports is submitted annually to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic in the form.

At the same time, according to Article 6 of the Law of Ukraine 'On the Prosecutor's Office', the prosecutor's office also informs the public about its activities at least twice a year through media reports.

In accordance with the requirements of part two of this article, the Prosecutor General shall submit to the Parliament of Ukraine a report on the activities of the prosecutor's office by April 1 of each year, which shall contain the information provided for in this article.

The Prosecutor General personally reports on the activities of the prosecutor's office to the Verkhovna Rada of Ukraine at its plenary session. Heads of regional and district prosecutor's offices at an open plenary session of the relevant council, to which media representatives are invited, at least twice a year inform the society of the relevant administrative-territorial unit about the results of activities in this area by providing generalized statistical and analytical data.

Information on the activities of the prosecutor's office is published in national and local print media and on the official websites of the prosecutor's office.

In addition, the results of the work of the prosecutor's office, ways to improve the efficiency of their activities are periodically discussed at operational meetings with the heads of the prosecutor's office, where the priorities and main tasks for the next period is determined.

**(2018):** Prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

### Question 054

#### Ukraine

**(2018):** Currently, the main factor in budgeting within the prosecutor's office is the available financial resources and staffing.

### Question 056

## **Ukraine**

**(General Comment):** The State Judicial Administration of Ukraine analyses the activities of the courts to take objective managerial decisions on improving consideration of court cases and rational use of budget funds.

**(2018):** The State Judicial Administration and the Council of Judges of Ukraine

## **Question 057**

## **Georgia**

**(2020):** The Department for Supervision of Prosecutor Activities and Strategic Development at the Office of the Prosecutor General of Georgia.

**(2018):** Department for Supervision of Prosecutor Activities and Strategic Development at the Office of the Prosecutor General of Georgia.

## **Question 058**

## **Armenia**

**(2018):** There is no specific monitoring mechanism, however above mentioned data is revealed through statistics.

## **Republic of Moldova**

**(2018):** Since December 2017 the length of proceedings is monitored (how long a case was examined and the age of pending cases).

## **Ukraine**

**(General Comment):** CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6) Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

The system was developed with the international technical assistance provided by the USAID.

**(2020):** Surveys on the satisfaction of court staff and satisfaction of users are prescribed by procedure but their holding is optional for courts.

The difference in part of 'appeal ratio', 'cost of judicial procedures' and 'other' comparing to the 2018 answer was caused by different interpretation of the question. There is no information available about any systemic changes in this respect.

## Question 059

### Armenia

**(2020):** Each year, before April 1, the Prosecutor General submits a report on the activities of the Prosecutor's Office to the National Assembly of the Republic of Armenia. The report shall include information on the activities carried out by the Prosecutor's Office during the previous year in relation to each of the powers defined by Article 4 of this Law, statistical data, comparative analyzes and conclusions.

### Ukraine

**(General Comment):** The performance indicators regarding the work of the public prosecution activities are determined in the passports of the budget programs of the Prosecutor's General Office. Budget program passport is a document defining the purpose, objectives, directions of use of budget funds, responsible executors, performance indicators and other characteristics of the budget program in accordance with the budget purpose established by the law on the State Budget of Ukraine and the goals of state policy, which is provided by the chief administrator.

These performance indicators within budget program passports, for example, include but not limited to:

- the number of appeals to the prosecutor's office;
- the number of proceedings (cases) in which prosecutors took part in the courts;
- the number of considered requests for public information;
- the number of citizens received by prosecutors at a personal reception;
- the sum for which the interests of the state are protected by prosecutors in court;
- the number of documents of the prosecutor's response related to the executing of functions of the prosecutor's office to restrict the personal freedom of citizens;
- the number of processed appeals of foreign institutions for legal assistance;
- the number of appeals of Ukrainian institutions to the competent authorities of foreign countries for legal assistance.

The report on the implementation of budget program passports is submitted (annually) to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic form.

The Chief Administrator annually publishes the results of the evaluation of the effectiveness of budget programs for the reporting budget period by posting them on its official website within two weeks after the submission of the annual budget reports.

The monitoring of prosecution activity is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

**(2020):** The difference in the data comparing to the 2018 answer was caused by different interpretation of the question. There is no information available about any systemic changes in this respect.

**(2018):** Reporting, in particular, includes information on the movement and results of the pre-trial investigation (number of criminal proceedings investigated, including indictments, motions and closed proceedings, data on the timing of the pre-trial investigation, detained and released persons, violations of constitutional rights, compensation for damages caused by criminal offenses)

## Question 060

## **Ukraine**

**(2020):** In Ukraine there is a monitoring of indicators on the balances of pending cases and materials for the end of the reporting period, including those not considered for more than 1 year.

This issue is also monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

**(2018):** This issue is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

## **Question 061**

### **Azerbaijan**

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

**(2018):** Monitoring Dashboard of the "Azemis" e-court information system allows to track procedural and/or reasonable timeframes and notify in case of delays.

### **Georgia**

**(2020):** The High Council of Justice studies the reasons of waiting time in courts based on the data submitted by the courts as well as by performing visits on site. Regarding the monitoring of waiting time, it should be noted that the answer given in 2018 - no - was a technical defect and as indicated in the commentary, the monitoring body is a council that periodically evaluates the periodicity of cases based on information received from common courts.

### **Republic of Moldova**

**(2020):** The waiting time is being monitored due to the implementation of the new version of ICMS in all courts.

### **Ukraine**

**(2020):** This issue is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

**(2018):** This issue is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

#### Question 062

##### Armenia

**(General Comment):** Judicial Department of RA ([www.court.am](http://www.court.am)); Armenia, 0010, Yerevan, Vazgen Sargisian 5

##### Azerbaijan

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

##### Republic of Moldova

**(General Comment):** The institutions responsible for collecting statistical data regarding the functioning of the courts and judiciary are the Superior Council of Magistracy and the Agency for Courts Administration.

According to art. 54 of the Law no. 514 on judicial organization, the courts present to the Superior Council of Magistracy and to the Agency for Courts Administration statistical information on the cases examined in civil, commercial, administrative, misdemeanor and criminal cases, as established by the courts. The Agency for Courts Administration has the following attributions in the field of judicial statistics:

- a) develops the mechanism and rules for keeping of judicial statistics;
- b) carries out the collection, analysis and systematization of data on judicial statistics;
- c) verifies the correctness of the statistical reports produced by the courts, as well as the statistical reports generated by the Integrated Case Management Program;
- d) ensures the keeping and storing of generalized statistical reports and related information submitted by the courts;
- e) collects, checks, stores and keeps records of the statistical records of the defendants and of the checklists presented by the courts and their lists, as well as ensures the compliance of the number of records of the defendants with the number of convicted persons in the statistical reports;
- f) collects and generalizes other information related to judicial statistics submitted by the courts;
- g) provides methodological assistance and support to court personnel as regards the bookkeeping, generalization and analysis of judicial statistics;
- h) examines requests and inquiries from interested institutions and representatives of civil society regarding the provision of statistical information;
- i) prepares quarterly and annual reports on judicial statistics and submits them to the Supreme Court of Justice, the Superior Council of Magistracy and other interested bodies for information, as well as publishes them on the official website of the Ministry of Justice and on the Agency's webpage.

Therefore, two institutions are responsible for maintaining judicial statistics in the Republic of Moldova:

1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, [www.csm.md](http://www.csm.md) ;
2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aij.justice.md> .

**(2020):** 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, [www.csm.md](http://www.csm.md) ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aij.justice.md>

**(2018):** 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, [www.csm.md](http://www.csm.md) ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aij.justice.md>

## Ukraine

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

## Question 064

## Armenia

**(General Comment):** The relevant subdivision of the Republic of Armenia Prosecutor's Office, the Department of Statistics and Analysis. Address: 5 Vazgen Sargsyan, Yerevan, Armenia

**(2018):** 5 Vazgen Sargsyan, Yerevan, Armenia

#### **Azerbaijan**

**(General Comment):** General Prosecutor Office

**(2018):** General prosecutor Office

#### **Georgia**

**(2018):** The Analytical Unit of the Office of the Prosecutor General of Georgia is responsible for collecting statistics regarding the functioning of the Prosecution Service. Additionally, National Statistics Office of Georgia collects statistics on criminal prosecutions.

#### **Republic of Moldova**

**(2020):** General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

**(2018):** General Prosecutor's Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

#### **Ukraine**

**(General Comment):** Pursuant to the Law of Ukraine "On State Statistics" and in accordance with the normative legal acts of the Prosecutor General's Office of Ukraine, the Prosecutor General's Office of Ukraine for the purpose of fulfilling its administrative duties and tasks, forms consolidated reports on the results of prosecutorial and investigative activities, as well as provides proper organization of the work of the prosecution bodies on these issues.

**(2020):** Based on the Law of Ukraine 'On State Statistics', and in accordance with the regulations of the Prosecutor General's Office, in order to perform its administrative duties and tasks, the Prosecutor General's Office forms a consolidated report in the Form № P 'On the work of a prosecutor', which reflects statistical data on the results of the work of the prosecution offices.

Upon the results of work each half a year and each year, one copy of the consolidated report is sent to the State Statistical Service of Ukraine (on the 35th day following the reporting period).



## Question 065

### Armenia

**(2020):** The statistics on the functioning of each public prosecution service are not published, but the general statistics formed as a result of it are published on the official website of the Prosecutor's Office.

### Ukraine

**(General Comment):** According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics Service of Ukraine.

In addition, in accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by posting on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by this order (within five days after their signature).

**(2020):** According to the Law of Ukraine 'On Access to Public Information' and in accordance with the order of the Prosecutor General's Office, statistical information upon the results of prosecutorial activities (taking into account the requirements for accounting documents containing restricted information) is made public by its publishing on the official website the Prosecutor General's and regional prosecution offices, and on the Unified portal of open data, in the terms and the order established by the legislation.

## Question 066

### Armenia

**(General Comment):** The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

**(2018):** The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

### Ukraine

**(General Comment):** According to the Law of Ukraine "On the Judiciary and Status of Judges", the State Judicial Administration of Ukraine organizes work on conducting judicial statistics.

In order to report on the effectiveness of the administration of justice by local and appellate courts, ensuring the timely receipt of the information on the observance by courts of time for review of lawsuits, the adoption of sound management decisions and in accordance with designated powers, the State Judicial Administration of Ukraine develops forms of reporting on the implementation of legal proceedings, rules for filling out forms of state reporting the consideration of court cases and materials, as well as the procedure for their submission, which are approved by orders. The said orders are approved by the State Statistics Service of Ukraine in accordance with the established procedure. In addition, draft forms of reporting are agreed with the higher specialized courts and the Supreme Court of Ukraine. The reports contain data on the total number of cases pending before the courts, the results of their consideration by types of proceedings, as well as other applications, petitions, complaints handled by the courts of the first and appellate instances.

In the reports on civil, criminal and administrative cases, information is provided on cases dealt with in violation of the time limits established by the procedural law. The reports also contain information on criminal, administrative and civil cases in which proceedings are not completed at the end of the reporting period: more than 6 months to 1 year; more than 1 year to 2 years; more than 2 years.

**(2020):** There are two types of the report forms on the administration of justice by local and appellate courts, which are approved by the State Judicial Administration of Ukraine and calculated automatically on the basis of information entered into the automated document management system of the court. There are also basic indicators of the courts' work as part of the Court Performance Evaluation Framework (also used for the assessment of courts' activities).

## Question 067

### Georgia

**(2020):** The common courts provide for the statistics and data regarding the number of judges and administrative staff, the activities of judges including the number of filed, processed and pending cases. The above mentioned data is public.

**(2018):** Courts report the statistics regarding the activities of judges including the number of filed and processed cases. The data is used for the periodic evaluation of effectiveness of judges. The data is not public and is sent only to the High Council of Justice.

### Republic of Moldova

**(2020):** Due to the implementation of new ICMS functionalities in all courts, including electronic statistical reports, in 2020 the data are available for individual courts in the ICMS and are collected from the system at the local and central level.

### Ukraine

**(2020):** The courts submit the information for reports via the automated document management system. The submitting requires certification through electronic digital signature by persons responsible. After the bringing the data together into the report, it is published on the official web portal 'Judiciary of Ukraine' in the section 'Judicial Statistics' ([https://court.gov.ua/inshe/sudova\\_statystyka/](https://court.gov.ua/inshe/sudova_statystyka/))

The basic indicators of the courts' work are published on the web-pages of the relevant courts.

### Question 068

#### Armenia

**(2020):** Twice a year

**(2018):** Twice a year

#### Republic of Moldova

**(General Comment):** The report is accessible to the general public, Agency for Courts Administration and Superior Council of Magistracy. The structure of the report is determined at the general level and contains information on the number of examined cases, the number of filed cases, the number of pending cases, the number of judges, the workload per judge. The report reflects the information on the activity of the court, including also the issued decisions, maintained decisions, quashed, modified decisions, etc.

**(2020):** Quarterly

In 2020 due to COVID 19 pandemic the periodicity at which the report was released was less frequent (every 6 months or annual for several courts).

**(2018):** Quarterly

#### Ukraine

**(2020):** The first type of reports is released every three, six, nine and twelve months.

Another one is developed once a year.

The basic indicators of the courts' work are released by each court every 6 months and every year.

**(2018):** Every 6 months and every year

### Question 069

## Armenia

**(2018):** It is submitted to the National Assembly

## Georgia

**(2020):** Prosecution Service of Georgia.

## Ukraine

**(General Comment):** The processing of the working results of the prosecutor (prosecution office) is carried out in accordance with the order of the Prosecutor General of Ukraine. This normative document defines the procedure for formation, submission of reports to higher-level prosecutor's offices, as well as the format and its content.

These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

**(2018):** These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

Reporting, in particular, includes information on the movement and results of the pre-trial investigation (number of criminal proceedings investigated, including indictments, motions and closed proceedings, data on the timing of the pre-trial investigation, detained and released persons, violations of constitutional rights, compensation for damages caused by criminal offenses)

## Question 070

### Armenia

**(2020):** It is submitted to the National Assembly.

**(2018):** both internet and hard copy

## Georgia

**(2020):** The Report of the Prosecutor General is intended for the public. It concerns the results of implementation of the criminal justice policy, assessment of general crime situation in the country, including crime statistics, protection of human rights and freedoms, areas of priority as well as professional training and development programmes for prosecutors.

**(2018):** Annually, the General Prosecutor of Georgia presents Report to the Parliament containing the following information: results of the criminal justice policy implementation, assessment of general criminal situation in the country, including crime statistics together with their categories and trends, protection of human rights, priority areas for the Prosecution Service and programs for professional development and training of prosecutors. The Report does not include information on individual criminal cases. The Report is also uploaded on the website of the Prosecution Service of Georgia.

## Ukraine

**(General Comment):** In accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by publishing on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by the order (within five days after their signature).

## Question 071

### Republic of Moldova

**(2020):** Monthly, quarterly, every 6 months.

**(2018):** Monthly, quarterly, half-yearly.

## Ukraine

**(General Comment):** The report on the work of the prosecutor is made quarterly (every 3 months), which is formed by the cumulative result from the beginning of the year. The report is generated in an automated mode using a software package - information and analytical system "Accounting and Statistics of the Prosecutor's Office" on the basis of primary accounting data entered into the system by prosecutors who performed the work being accounted for.

**(2018):** According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics

## Question 072

## Ukraine

**(General Comment):** The dialogue exists in a semi-formal form, when, for example, prosecutors and judges participate in some kind of round table that has a common theme for them.

Also, such a dialogue is carried out in the format of a preliminary hearing (preliminary proceedings) in criminal proceedings in a particular court case.

The organization of specific ad hoc meetings between these two parties with the clear goal of coordinating, adjusting or improving their work in the procedures in which they interest is not carried out in Ukraine.

**(2020):** The procedural and organizational issues can be subject to the preliminary proceedings.

## Question 073

### Ukraine

**(General Comment):** The dialogue also exists in a semi-formal form, when, for example, prosecutors and judges participate in some kind of round table that has a common theme for them.

Also, such a dialogue is carried out in the format of a preliminary hearing (preliminary proceedings) in criminal proceedings in a particular court case.

The organization of specific ad hoc meetings between these two parties with the clear goal of coordinating, adjusting or improving their work in the procedures in which they interest is not carried out in Ukraine.

**(2020):** The procedural and organizational issues can be subject to the preliminary proceedings.

## Question 074

### Armenia

**(General Comment):** The cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the relevant legislation.

**(2018):** There are quantitative performance targets as such, the cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the relevant legislation.

## Georgia

**(2018):** The activity of each court is studied every 6 months based on the data submitted. The evaluation is made taking into consideration the number of incoming cases and closed cases per judge, as well as the timeframes of the finalization of the cases and stability of the judgements adopted.

## **Ukraine**

**(General Comment):** The quantitative factor is taken into account within the qualification assessment of judges, when the record of a judge is studied. According to the Law of Ukraine On the Judiciary and Status of Judges, the record of a judge shall include information on the effectiveness of judicial proceedings, in particular:

- a) the total number of cases considered;
- b) the number of canceled court decisions and the grounds for their cancellation;
- c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations;
- d) the number of amended court decisions and the reasons for their change;
- e) observance of terms of consideration of cases;
- e) average length of the text of the motivated decision;
- e) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the

**(2020):** However, there is a processing of the average number of cases considered per judge and the average number of cases and materials that were designated for consideration per a judge during the reporting period.

## **Question 075**

### **Armenia**

**(2018):** NAP

### **Republic of Moldova**

**(General Comment):** All cases are randomly distributed by Integrated Case Management System based on case complexity and on a specific percentage of examination established by the Superior Council of Magistrates. The investigative judges examine specific criminal materials and 50% of other case categories. Just in case if the workload of a judge is too high, the president of the court is responsible for setting less case types to be distributed in order to balance the workload.

## Question 076

### Armenia

**(General Comment):** Chapter 18 of Judicial Code provides for regular (once in five years) and extraordinary evaluation of the performance of individual judges.

Pursuant to Article 138, Criteria for evaluation of the quality and professionalism of the work of a judge shall be: (1)ability to justify the judicial act;

(2)ability to preside over the court session.

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

(1)effective workload management skill and work planning;

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

(3)observance by a judge of time limits prescribed by law for the performance of individual procedural actions; (4)ability to ensure an efficient working environment.

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

(1)observance of the rules of ethics;

(2)contribution to the public perception of the court and to the confidence therein; (3)attitude towards other judges and the staff of the court.

**(2018):** Chapter 18 of Judicial Code provides for regular (once in five years) and extraordinary evaluation of the performance of individual judges. Pursuant to Article 138, Criteria for evaluation of the quality and professionalism of the work of a judge shall be:

(1)ability to justify the judicial act;

(2)ability to preside over the court session.

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

(1)effective workload management skill and work planning;

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

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

(4)ability to ensure an efficient working environment.

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

(1)observance of the rules of ethics;

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

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

### Republic of Moldova

**(2020):** Once in 3 years



**(2018):** Once in 3 years

#### **Ukraine**

**(General Comment):** The qualitative individual assessment can be part of the qualification evaluation of judges in Ukraine.

#### **Question 076-1**

#### **Armenia**

**(2020):** Criteria for evaluation of the quality and professionalism of the work of a judge are mentioned in the Judicial Code of RA (Article 138). It should be noted that according to the Article 139: the Supreme Judicial Council shall prescribe the methodology of the performance evaluation of judges, the procedure for collecting data necessary for the evaluation and other details necessary for the performance evaluation of judges.

#### **Georgia**

**(2020):** Judicial power (the High Judicial Council)

#### **Ukraine**

**(2020):** The criteria for the qualitative assessment of the judges' work as part of the qualification assessment procedure are established in the Law of Ukraine "On Judiciary and the Status of Judges," and are the following: 1) competence (professional, personal, social, etc.), 2) professional ethics, 3) integrity (part 2 of the Article 83 of the Law).

Procedure and methodology of qualification assessment, containing the indicators of a judge's compliance with the qualification assessment criteria and means of establishing them, shall be approved by the High Council of Justice (para 13-1, part 1, Article 3 of the Law of Ukraine "On High Council of Justice" in the wording introduced by the Law № 193-IX of October 16, 2019).

#### **Question 078**

#### **Armenia**

**(2020):** Process is currently underway to introduce a quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation. Relationships related to attestation are regulated in Article 50 of the Law on the Prosecutor's Office, in particular, at least two weeks before the attestation, the immediate superior prosecutor submits the prosecutor's assessment. The assessment shall contain information about the prosecutor, his practical and personal features, and a justified evaluation of his official performance. The assessment shall be based on the opinions of the immediate supervisor formed on the basis of reports presented to him by the prosecutor annually about the prosecutor's performance during the period since the previous attestation. The data on the number of motions submitted in the criminal cases under the supervision of the prosecutor as a measure of restraint, the number of satisfied and rejected motions must be attached to the assessment.

#### Question 079

##### Georgia

**(2020):** Setting individual performance targets for each prosecutor is not a commonly pursued practice under the current performance appraisal system.

**(2018):** NAP

#### Question 080

##### Armenia

**(General Comment):** Qualification Commission functions in attachment to the Prosecutor General. The Qualification Commission has nine members, and in case of an open competition for filling the list of candidates for prosecutors performing functions envisaged by "Law on Confiscation of property of illegal Origin" it has eleven members. The Qualification Commission is governed by the Deputy Prosecutor General. The members of the Qualification Commission are independent. Any interference with their activities is prohibited

**(2018):** The system of qualitative individual assessment been created by the new Law on Prosecution adopted in 2017.

##### Georgia

**(2018):** once in every 2 years.

#### Question 080-1

##### Azerbaijan

**(2020):** Collegium of the Prosecutor General's Office of the Republic of Azerbaijan is responsible for setting criteria. But decisions of this structure should be approved by the General Prosecutor before getting into force.

## Question 081

### Armenia

**(General Comment):** Prosecutors are evaluated (attestation) every three years. A person holding the position of a prosecutor for the first time passes the attestation three years after being appointed to the position. The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years' professional activities of the prosecutor concerned submitted to his/her direct supervisor.

**(2018):** Once in three years.

The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years' professional activities of the prosecutor concerned submitted to his/her direct supervisor.

### Republic of Moldova

**(General Comment):** The prosecutors' performances are evaluated by the College of evaluation of the prosecutors' performances subordinated to the Superior Council of Prosecutors in order to assess the activity, the level of knowledge and professional skills of prosecutors, their correspondence with the positions held, as well as to stimulate the improvement of professional skills and increase their efficiency. The evaluation of the prosecutors' performances is carried out in two forms:

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

A prosecutor is subject to a periodic evaluation of the performance once in 4 years. The performance of a person who is first appointed in a position of prosecutor is evaluated after two years of activity.

A prosecutor is subject to an extraordinary performance evaluation:

- a) at his\her request, but not more often than once a year;
- b) in case of participating in a competition for the position of a chief prosecutor;
- c) in case of obtaining the "insufficient" qualification.

**(2020):** Once in 4 years

## Question 082-0

### Armenia

**(2020):** It should be noted that the Strategy of Judicial and Legal Reforms of 2019-2023 contains provisions regarding modernization of the electronic management systems in the courts

### Question 082

#### Armenia

**(2018):** CMS(CAST management Centre operates in the judicial department, which centralizes the entered data in the court and residence data centers (operating with distributed principles) and also provides management and analytics functions. CMS also fulfills the functions of storage and parallel processing of large amount of data. The CMS also provides automatic case allocation to judges.

### Question 082-1

#### Ukraine

**(General Comment):** The automated document management system of the court was introduced by the Regulation on the automated document management system of the court (approved by the decision of the Council of Judges of Ukraine of November 26, 2010 № 30 on the ensuring document circulation in courts of general jurisdiction) on January 1, 2011. Then it was several times redesigned and finally integrated in to the Unified Judicial Informational Telecommunication System (UJITS) as its subsystem.

### Question 082-2

#### Ukraine

**(2020):** In 2021 the judicial authorities of Ukraine announced about the phased implementation of the UJITS. Starting from October 5, 2021, 3 separate subsystems (modules) of the UJITS officially started functioning - “Electronic Cabinet”; “Electronic Court”; “Video Conferencing Subsystem”. For more details on other subsystems that are expected to be introduced gradually in the coming year, please see the answer to Q 208-15.

### Question 083

#### Armenia

**(2020):** CMS(CAST management Centre) operates in the judicial department, which centralizes the entered data in the court and residence data centers (operating with distributed principles) and also provides management and analytics functions. CMS also fulfills the functions of storage and parallel processing of large amount of data. The CMS also provides automatic case allocation to judges.

## Republic of Moldova

**(2020):** The new functionalities of early warning signals were developed as a part of the ICT reform programme and a new ICMS version.

## Question 084

### Ukraine

**(2018):** <http://reyestr.court.gov.ua/>

## Question 085

### Armenia

**(2020):** [www.datalex.am](http://www.datalex.am) is the national portal of court decisions. The portal is based on Cast court management system which includes over 2 million files of court cases. Datalex portal consists of civil, criminal, administrative, bankruptcy and payment order cases.

There are some judgments which are not published.

-Judicial acts concluding the proceedings at the relevant judicial instance and, in cases provided for by law or by the decision of the Supreme Judicial Council, also other judicial acts shall be subject to mandatory publication on the official website of the judiciary.

-Where the judicial proceedings, or part of them, are held behind closed doors, the concluding part of the conclusive judicial act shall be published on the official website of the judiciary, provided that said concluding part does not contain a secret protected by law.

-Information on the case and its progress shall be published on the official website of the judiciary, the list and procedure for publication of such information to be defined by the Supreme Judicial Council.

-Judicial acts containing data on private life, personal biometric and personal special category data, as well as personal data on a child, shall be published on the official website of the judiciary in a depersonalised manner. The Supreme Judicial Council may prescribe other cases of depersonalisation of personal data. The procedure for depersonalisation shall be defined by the Supreme Judicial Council.

**(2018):** [www.datalex.am](http://www.datalex.am) is the national portal of court decisions. The portal is based on Cast court management system which includes over 2 million files of court cases. Datalex portal consists of civil, criminal, administrative, bankruptcy and payment order cases.

### Azerbaijan

**(2020):** As a result of the improvement of the “Electronic Court” information system, court decisions on criminal and administrative cases have been placed in the electronic database of judicial acts. At the same time after making amendment to the legislation in 2018, all court decisions were disseminated anonymously. Court judgements on civil and commercial cases are also placed anonymously in the system.

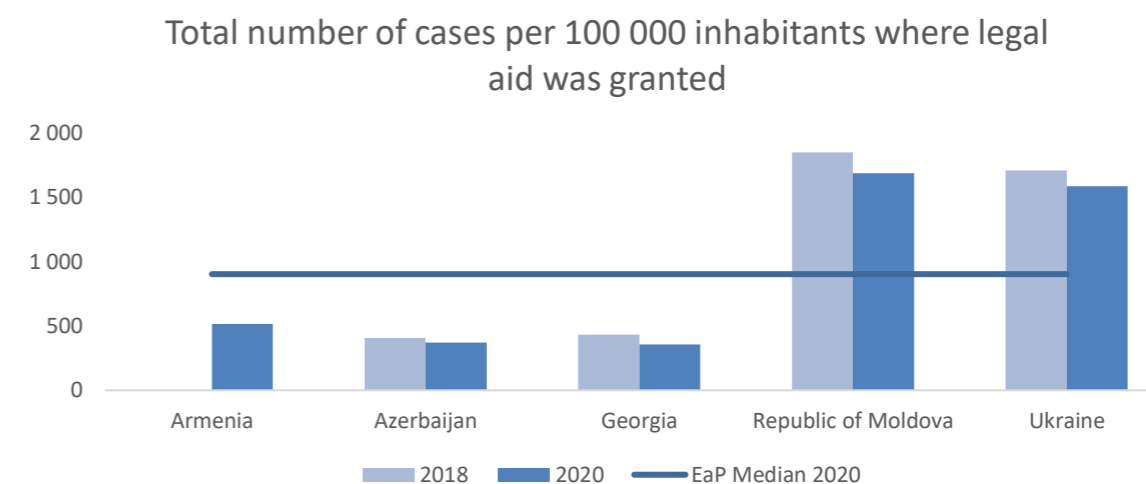
## Georgia

**(2020):** June 2019 the new webpage (<http://ecd.court.ge/>) had been launched for publication of all court decisions. By the law in force at the launching date, the HCJ had the obligation to publish the decisions with covered/redacted personal data. Therefore, the HCJ started uploading the redacted court decisions gradually. At the same time, in June 2019, the Constitutional Court of Georgia declared unconstitutional the aforementioned legislative provisions that limit the access to the court rulings made at an open hearing and the personal information contained within. The Court decided that court decisions are of particular public interest and access to them are crucial for controlling the judiciary, raising public trust towards the court system and ensuring a right to a fair trial and legal security. Therefore, the argued provisions have been declared invalid. As soon as the Parliament of Georgia adopts the new regulation in line with the decision of the Constitutional Court of Georgia, the HCJ will continue uploading court rulings in compliance with the legislative amendments.

## 4. Access to justice - legal aid - Overview

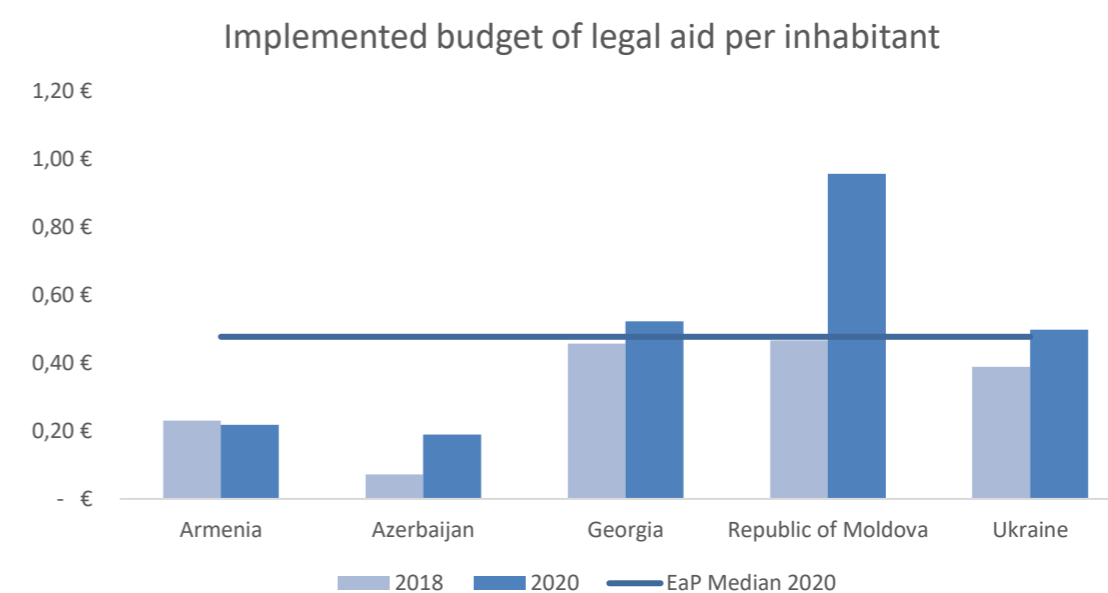
Total number of cases per 100 000 inhabitants where legal aid was granted in 2018 and 2020 (table 4.1.5)

Beneficiaries	2018			2020		
	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
Armenia	NA	NA	NA	516	NA	NA
Azerbaijan	406	230	176	370	218	152
Georgia	432	324	108	357	128	229
Republic of Moldova	1 850	NA	NA	1 685	NA	NA
Ukraine	1 707	395	1 313	1 584	353	1 232
<b>EaP Median</b>	<b>1 098,9</b>	<b>316,4</b>	<b>532,1</b>	<b>902,4</b>	<b>232,8</b>	<b>537,7</b>



Total implemented budget for legal aid per inhabitant in 2018 and 2020 (table 4.1.3)

Beneficiaries	2018			2020		
	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
Armenia	0,23 €	NA	NA	0,22 €	NA	NA
Azerbaijan	0,07 €	0,07 €	NAP	0,19 €	0,19 €	NAP
Georgia	0,46 €	NA	NA	0,52 €	NA	NA
Republic of Moldova	0,47 €	0,45 €	0,02 €	0,96 €	0,93 €	0,03 €
Ukraine	0,39 €	0,30 €	0,08 €	0,50 €	0,37 €	0,13 €
<b>EaP Median</b>	<b>0,3</b>	<b>0,3</b>	<b>0,1</b>	<b>0,5</b>	<b>0,5</b>	<b>0,1</b>



## 4. Access to justice - Tables

Table 4.1.1 Approved budget for legal aid and inclusion of court fees in 2020 (Q12, Q13-1 and Q13-2)

Table 4.1.2 Implemented budget for legal aid and inclusion of court fees in 2020 (Q13, Q13-1 and Q13-2)

Table 4.1.3 Implemented budget for legal aid per inhabitant and its distribution in 2020 (Q13, Q1)

Table 4.1.4 Access to justice - Number of cases for which legal aid was granted in 2020 (Q86)

Table 4.1.5 Number of cases for which legal aid was granted per 100 000 inhabitants in 2020 (Q86, Q1)

Table 4.1.6 Average cost per case in 2020 (Q13 and Q86)

Table 4.1.7 Income and assets evaluation for granting full or partial legal aid in 2020 (Q87, Q88)

Table 4.1.8 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2020 (Q88-1)



Table 4.1.1 Approved budget for legal aid and inclusion of court fees in 2020 (Q12, Q13-1 and Q13-2)

Beneficiaries	Total			Criminal cases			Other than criminal cases			Does legal aid include		Do legal aid budgets indicated in Q12 and Q13 include:	
	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court	Coverage of court fees	Exemption from court fees	Coverage of court fees	Exemption from court fees
Armenia	651 191 €	NA	NA	NA	NA	NA	NA	NA	NA				
Azerbaijan	2 652 202 €	2 652 202 €	NAP	NA	NA	NAP	NA	NA	NAP				
Georgia	2 115 546 €	NA	NA	NA	NA	NA	NA	NA	NA				
Republic of Moldova	3 036 422 €	2 944 914 €	91 508 €	NA	NA	NA	NA	NA	NA				
Ukraine	21 971 257 €	16 906 691 €	5 064 566 €	11 209 841 €	11 209 841 €	NAP	10 761 416 €	5 696 850 €	5 064 566 €				
Average	6 085 324 €	7 501 269 €	-	-	-	-	-	-	-				
Median	2 652 202 €	2 944 914 €	-	-	-	-	-	-	-				
Minimum	651 191 €	2 652 202 €	-	-	-	-	-	-	-				
Maximum	21 971 257 €	16 906 691 €	-	-	-	-	-	-	-				
Nb of values	5	5	5	5	5	5	5	5	5				
% of NA	0%	40%	40%	80%	80%	60%	80%	80%	60%			Yes	
% of NAP	0%	0%	20%	0%	0%	40%	0%	0%	20%			No	

Table 4.1.2 Implemented budget for legal aid and inclusion of court fees in 2020 (Q13, Q13-1 and Q13-2)

	Total			Criminal cases			Other than criminal cases			Does legal aid include		Do legal aid budgets indicated in Q12 and Q13 include:	
	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court	Coverage of court fees	Exemption from court fees	Coverage of court fees	Exemption from court fees
<b>Armenia</b>	645 383 €	NA	NA	NA	NA	NA	NA	NA	NA				
<b>Azerbaijan</b>	1 909 585 €	1 909 585 €	NAP	NA	NA	NAP	NA	NA	NAP				
<b>Georgia</b>	1 947 081 €	NA	NA	NA	NA	NA	NA	NA	NA				
<b>Republic of Moldova</b>	2 511 204 €	2 445 304 €	65 900 €	NA	NA	NA	NA	NA	NA				
<b>Ukraine</b>	20 599 935 €	15 295 485 €	5 304 450 €	9 958 103 €	9 958 103 €	NAP	10 641 832 €	5 337 382 €	5 304 450 €				
<b>Average</b>	5 522 638 €	6 550 125 €	-	-	-	-	-	-	-				
<b>Median</b>	1 947 081 €	2 445 304 €	-	-	-	-	-	-	-				
<b>Minimum</b>	645 383 €	1 909 585 €	-	-	-	-	-	-	-				
<b>Maximum</b>	20 599 935 €	15 295 485 €	-	-	-	-	-	-	-				
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5				
<b>% of NA</b>	0%	40%	40%	80%	80%	60%	80%	80%	60%				
<b>% of NAP</b>	0%	0%	20%	0%	0%	40%	0%	0%	20%				

**Table 4.1.3 Implemented budget for legal aid per inhabitant and its distribution in 2020 (Q13, Q1)**

	Total per inhabitant			Distribution of the budget		Distribution of the budget	
	Total	Cases brought to court	Cases not brought to court	Cases brought to court	Cases not brought to court	Criminal cases	Other than criminal cases
<b>Armenia</b>	0,22 €	NA	NA	NA	NA	NA	NA
<b>Azerbaijan</b>	0,19 €	0,19 €	NAP	100%	NAP	NA	NA
<b>Georgia</b>	0,52 €	NA	NA	NA	NA	NA	NA
<b>Republic of Moldova</b>	0,96 €	0,93 €	0,03 €	97%	3%	NA	NA
<b>Ukraine</b>	0,50 €	0,37 €	0,13 €	74%	26%	48%	52%
<b>Average</b>	0,48 €	0,50 €	-	91%	-	-	-
<b>Median</b>	0,50 €	0,37 €	-	97%	-	-	-
<b>Minimum</b>	0,19 €	0,19 €	-	74%	-	-	-
<b>Maximum</b>	0,96 €	0,93 €	-	100%	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5
<b>% of NA</b>	0%	40%	40%	40%	40%	80%	80%
<b>% of NAP</b>	0%	0%	20%	0%	20%	0%	0%

**Table 4.1.4 Access to justice - Number of cases for which legal aid was granted in 2020 (Q86)**

Beneficiaries	Number of cases for which legal aid has been granted								
	Total			In criminal cases			In other than criminal cases		
	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
<b>Armenia</b>	15 287	NA	NA	7 361	NA	NA	7 926	NA	NA
<b>Azerbaijan</b>	37 209	21 913	15 296	36 259	20 963	15 296	950	950	0
<b>Georgia</b>	13 324	4 769	8 555	9 755	1 774	7 981	3 569	2 995	574
<b>Republic of Moldova</b>	44 265	NA	NA	41 397	NA	NA	2 868	NA	NA
<b>Ukraine</b>	656 207	146 089	510 118	87 276	87 276	NAP	568 931	58 813	510 118
<b>Average</b>	153258	57590	177990	36410	36671	-	116849	20919	170231
<b>Median</b>	37209	21913	15296	36259	20963	-	3569	2995	574
<b>Minimum</b>	13324	4769	8555	7361	1774	-	950	950	0
<b>Maximum</b>	656207	146089	510118	87276	87276	-	568931	58813	510118
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	40%	40%	0%	40%	40%	0%	40%	40%
<b>% of NAP</b>	0%	0%	0%	0%	0%	20%	0%	0%	0%

**Table 4.1.5 Number of cases for which legal aid was granted per 100 000 inhabitants in 2020 (Q86, Q1)**

Beneficiaries	Number of cases for which legal aid has been granted per 100 000 inhabitants				
	Total	Cases brought to court	Cases not brought to court	Total criminal cases	Total other than criminal cases
<b>Armenia</b>	516	NA	NA	248	267
<b>Azerbaijan</b>	370	218	152	360	9
<b>Georgia</b>	357	128	229	262	96
<b>Republic of Moldova</b>	1 685	NA	NA	1 576	109
<b>Ukraine</b>	1 584	353	1 232	211	1 374
<b>Average</b>	902	233	538	531	371
<b>Median</b>	516	218	229	262	109
<b>Minimum</b>	357	128	152	211	9
<b>Maximum</b>	1685	353	1232	1576	1374
<b>Nb of values</b>	5	5	5	5	5
<b>% of NA</b>	0%	40%	40%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%

**Table 4.1.6 Average cost per case in 2020 (Q13 and Q86)**

Beneficiaries	Average amount per case				
	Total	Cases brought to court	Cases not brought to court	Criminal cases	Other than criminalcases
<b>Armenia</b>	42,22 €	NA	NA	NA	NA
<b>Azerbaijan</b>	51,32 €	87,14 €	NAP	NA	NA
<b>Georgia</b>	146,13 €	NA	NA	NA	NA
<b>Republic of Moldova</b>	56,73 €	NA	NA	NA	NA
<b>Ukraine</b>	31,39 €	104,70 €	10,40 €	114,10 €	18,70 €
<b>Average</b>	65,56 €	NA	NA	NA	NA
<b>Median</b>	51,32 €	NA	NA	NA	NA
<b>Minimum</b>	31,39 €	NA	NA	NA	NA
<b>Maximum</b>	146,13 €	NA	NA	NA	NA
<b>Nb of values</b>	5	5	5	5	5
<b>% of NA</b>	0%	60%	60%	80%	80%
<b>% of NAP</b>	0%	0%	20%	0%	0%

**Table 4.1.7 Income and assets evaluation for granting full or partial legal aid in 2020 (Q87, Q88)**

Beneficiaries	Income and assets evaluation for granting full or partial legal aid	Full legal aid				Partial legal aid			
		Criminal cases		Other than criminal cases		Criminal cases		Other than criminal cases	
		Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value
Armenia		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia		NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova		1 266 €	NAP	1 266 €	NAP	1 266 €	NAP	1 266 €	NAP
Ukraine		NA	NA	NA	NA	NAP	NAP	NAP	NAP
<b>Average</b>		-	-	-	-	-	-	-	-
<b>Median</b>		-	-	-	-	-	-	-	-
<b>Minimum</b>		-	-	-	-	-	-	-	-
<b>Maximum</b>		-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	40%	40%	40%	40%	20%	20%	20%	20%
<b>% of NAP</b>	0%	40%	60%	40%	60%	60%	80%	60%	80%

**Table 4.1.8 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2020 (Q88-1)**

Beneficiaries	Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request	
	Maximum duration prescribed in law/regulation (in days)	Actual average duration (in days)
Armenia	NAP	NA
Azerbaijan	NAP	NAP
Georgia	2	2
Republic of Moldova	3	1
Ukraine	10	NA
<b>Nb of values</b>	5	5
<b>% of NA</b>	0%	40%
<b>% of NAP</b>	40%	20%



## Indicator 4. Access to justice-legal aid

by country

*Question 86 - Please indicate the number of cases for which legal aid has been granted:*

*Question 87 - Does your country have an income and assets evaluation for granting full or partial legal aid?*

*Question 88 - If yes, please specify in the table:*

*Question 88-1 - Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:*

### Armenia

**Q086 (2020):** The Information is provided by the Chamber of Advocates.

**Q086 (2018):** There is no such consolidated data on the mentioned question.

**Q087 (General Comment):** Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. According to the Law on Advocacy, the Head of the PDO (Public Defender's office) has the right to make a decision on eligibility of persons for legal aid – to grant the services or to refuse them, based on the set of criteria established by Article 41 of the Law on Advocacy, listed under point 2.1. The Law gives the right to the Head of PDO to apply to state or local self-government bodies or economic entities to verify the insolvency of insolvent persons, as well as to obtain the necessary information to provide free legal aid.

It seems that in practice, however, the criterion of insolvency is difficult to check. The situation with checking the criteria for eligibility for state-guaranteed legal aid has not been made clearer nor easier since 2013. It is still identified as one of the main problems facing the PDO and unduly contributing to its heavy workload. Especially, this concerns the criteria of insolvency, as there is no system for quickly and reliably checking the income and property status of an applicant, through an electronic system or otherwise. It is still not possible to check information about criteria of eligibility for state-guaranteed legal aid (e.g., the unemployment status) by electronic means.

**Q087 (2018):** Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. However, those levels and scores are calculated by the Ministry of Labour and Social Affairs and not particularly for the purposes of legal aid.

**Q088 (General Comment):** The criterion that is taken into account for the granting of legal aid according to Law on Advocacy is that a person should be unable to pay, meaning that a person does not have enough income or does not live with someone who is employed or besides his own apartment does not have any property or does not possess automobile the cost of which does not exceed 1 000 000 AMD.

In addition to providing legal aid to the suspect or accused in criminal cases, free legal aid is provided to people fallen under the following category.

1) to the members of the families of military servicemen who perished (died) while defending the borders of the Republic of Armenia. 2) to the disabled of the 1-st and 2-nd groups. 3) to the convicted. 4) to the members of families who are registered in the system of family insolvency estimation and have insolvency units above 0. 5) To the participants of the Great Patriotic War and the participants of military actions during the defence of the borders of the Republic of Armenia. 6) to the unemployed. 7) to the living alone retired people. 8) to children who have remained without parental custody, as also to the ones belonging to the number of persons who have remained without parental custody. 9) to refugees. 10) to the ones who have received temporary defense in the Republic of Armenia. 11) to other insolvent individuals who present reliable data proving their insolvency. According to this point an insolvent is considered the individual who doesn't have sufficient income, a cohabit working member of a family, as also except for his private flat has no other property of his own or a vehicle exceeding in its price a thousand times the minimal salary. 12) to individuals having mental disorders and receiving medical treatment in an asylum. 13) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 14) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 15) Persons affected by torture for compensation in the manner prescribed by the Article 1087.3 of the Civil Code of the RA

Free legal aid can't be provided: 1) on cases of entrepreneurial character (including corporate quarrels).

2) on cases of property (sum) claims that exceed 1 000 000 AMD, with the exception of the cases where the individual comes out as defendant or the third party acting on behalf of the defendant.

3) if there is reliable factual evidence denying the insolvency of the applicant. The head of Public defender's office can also make inquiries about the financial status of applicant.

(Law on Advocacy: Article 41)

## **Azerbaijan**

**Q086 (General Comment):** The decrease in granted legal aid is explained by two factors: firstly, as mentioned before it is related to decrease in number of cases. secondly, it is also has correlation with the improvement of advocacy institute in general, as the number of qualified advocates increased and population started applying to them more often than before.

**Q086 (2020):** According to the Presidential Decree "On deepening reforms in the judicial system" dated 2019, in order to ensure accurate forecasting and centralized accounting of funds required for legal assistance under the state budget, it was decided to allocate these funds directly to the Bar Association of the Republic of Azerbaijan. Because before 2020, it was allocated to the relevant executive power, and there was no information about the work done, decisions, statistics. On the other hand, according to the decision of the Cabinet of Ministers, from November 2020, legal assistance under the state budget will be provided not only on the basis of a court decision, but also on the basis of a decision of the investigating authority. This is one of the reasons why there is a difference between the statistics and the amount of last year and this year.

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

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

**Q088-1 (2020):** There is no time limit in the legislation.

## Georgia

**Q086 (2020):** The decrease in the number of cases produced by the Legal Aid Service compared to previous years is due to the spread of the new Corona virus.

**Q087 (2020):** The Legal Aid Service provides full free legal aid to those who have the status of an accused, as well as in cases of compulsory defense provided by the Criminal Code.

Any person is able to enjoy free legal aid in civil and administrative cases, if he / she is insolvent and the case is important and difficult.

The categories of persons benefit from free legal aid (preparation of documents, representation in court) are as follows:

- Victims of violence against women and domestic violence
- Minors
- Individuals with disabilities
- Support recipients
- Asylum seekers and persons under international protection.

In exceptional cases, the Director of the Legal Aid Service is authorized to appoint a lawyer to the individual if the latter has severe social-economic conditions and meets the criteria set by the Legal Aid Service Board.

Legal aid can be granted to an insolvent defendant if he / she requests the appointment of a lawyer or there is a case of mandatory defense (Art.45 criminal procedure code of Georgia) and a private lawyer hired by the accused does not participate in the criminal case (protection by agreement).

Insolvent person means a person registered in the unified database of socially vulnerable households with the ranking score of 70 000 and less, as well as individuals falling under specific categories with the ranking score of 100 000 or less are eligible to free legal aid at the Legal Aid Service.

The change is caused by the amendments to the Law of Georgia on Legal Aid.

**Q088-1 (2020):** Georgian Law on Legal Aid stipulates that this procedure takes maximum 2 days.

## Republic of Moldova

**Q086 (General Comment):** The legal provisions on legal aid make a distinction between primary legal aid (providing information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the manner of realization and capitalization of judicial and extrajudicial rights; legal advice; providing assistance in drafting legal documents; providing other forms of assistance, which do not fall into the category of qualified legal assistance) and qualified legal aid (providing legal consultancy, representation and / or defense services in criminal investigation bodies, in courts, for criminal, misdemeanor, civil or administrative cases; providing representation before public administration authorities).

**Q086 (2020):** The lockdown caused postponement of court hearings including for criminal and contravention cases considered not being urgent matters. Perhaps these circumstances marked a downward trend of legal aid requests. The downward trend of the number of criminal and contravention cases for which legal aid was granted can be also a result of the increase of the number of refusals in granting legal aid.

**Q087 (2020):** Qualified legal aid is granted to applicants whose monthly average income is lower than the subsistence level per inhabitant in the country. In assessing the income of the applicant for legal aid, the monthly average income and the gains achieved in the six months preceding the month of application is taken into account. When the applicant needs urgent legal aid in the case of custody during a criminal trial, or a misdemeanor procedure or when the participation of the defendant turns out to be mandatory in a criminal or civil trial, qualified legal aid is granted regardless of the income of the person.

**Q087 (2018):** Qualified legal aid is granted to applicants whose monthly average income is lower than the subsistence level per inhabitant in the country. In assessing the income of the applicant for legal aid, the monthly average income and the gains achieved in the six months preceding the month of application is taken into account. When the applicant needs urgent legal aid in the case of custody during a criminal trial, or a misdemeanor procedure or when the participation of the defendant turns out to be mandatory in a criminal or civil trial, qualified legal aid is granted regardless of the income of the person.

**Q088-1 (2020):** According to art. 18 (2) of the Law no. 198 regarding the legal assistance guaranteed by the state, the primary legal assistance is granted immediately, at the moment of addressing. In case of impossibility to provide immediate assistance, the applicant will be notified of the date and time of the hearing which should be held within 3 days from the date of submission of the written or oral request.

## Ukraine

**Q086 (General Comment):** On September 1, 2016, more than 400 legal aid bureaus began its operation in districts and cities of regional importance throughout Ukraine. By contacting them, any resident of the local community is able to obtain free legal advice and use the electronic services of the Ministry of Justice. Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at the territorial community level.

**Q086 (2018):** The statistical reporting in the system of delivering free legal aid provides data collection on the number of events when the legal aid was granted, but not the number of cases for which legal aid has been granted. Due to sufficient budget allocated to legal aid, its bodies have a variety of opportunities to exercise their tasks and powers. The amount of cases for which the legal aid is granted has increased in 2018 from 115 186.00 to 166 431.00 Increasing number of cases of providing free legal aid in civil and administrative cases, including legal consultations in 2018 comparing 2016 took place due to increased access to services of free legal aid as result of establishment of Legal Aid Bureau, which began working throughout Ukraine starting September 01, 2016 results that the number of requests to receive free legal aid increased more than 4 times.

**Q087 (2020):** According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On the state legal aid” the following persons refer to subjects of law for receiving free secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsidence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsidence minimum for disabled persons. Subjects of law for receiving free secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On the state legal aid”, during submitting an application for receiving free secondary legal aid should provide documents confirming their respective level of income; such request is not foreseen for other categories of persons, who have the right for free secondary legal aid.

The financing of free secondary legal aid shall be covered by the State Budget of Ukraine. Mechanisms of partial payment for services of free secondary legal aid by the subject of law for such aid are not foreseen by legislation in the area of providing free secondary legal aid.

**Q088 (General Comment):** According to Ukrainian legislation, there is no any system of assets evaluation in case of primary legal aid. The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine “On the legal aid” have all individuals, who are under the jurisdiction of Ukraine. However, in case of secondary legal aid the system of assets evaluation applies in some cases. According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On free legal aid” the following persons refer to subjects of law for receiving secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsidence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsidence minimum for disabled persons. Subjects for receiving secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On legal aid”, during submitting an application for receiving secondary legal aid should provide documents confirming their respective level of income; At the same time, financial unsecured people is not the only group of people entitled to secondary legal aid. The legislation of Ukraine provides other groups (persons protected by the law of Ukraine “On refugees and persons in need of additional or temporarily protection”, veterans of war and persons covered by the law of Ukraine “On the status of war veterans, guarantees of their social protection” etc). Such other categories of persons, who have the right to secondary legal aid, shall not provide any confirmation of their level of income.

Mechanisms of partial payment for primary and secondary legal aid by the state are not foreseen by Ukrainian legislation.

**Q088-1 (2020):** According to Article 19 of the Law of Ukraine "On Free Legal Aid" in case of a person's application for one of the types of free secondary legal aid, the Center for Free Secondary Legal Aid is obliged to make a decision on providing free secondary legal aid within ten days from the date of receipt. If a person has applied for the provision of one of the types of legal services provided for in part two of Article 13 of this Law to a territorial body of justice, this body shall within three days from the date of application apply to the Center for Free Secondary Legal Aid, which activity extends to the territory of the relevant administrative-territorial unit. The Center for the provision of free secondary legal aid is obliged to make a decision on the provision of free secondary legal aid within seven days from the date of receipt of the person's application.

In case of application of the persons specified in paragraphs 3-6 of part one of Article 14 of this Law for free secondary legal aid or information on detained persons from close relatives and members of their families, the list of which is specified by the Criminal Procedure Code of Ukraine, the Center for Free Secondary legal aid is obliged to make a decision on the provision of free secondary legal aid from the moment of detention. The procedure for informing the centers for the provision of free secondary legal aid about cases of detention, administrative arrest, or the application of a preventive measure in the form of detention, approved by the resolution of the Cabinet of Ministers of Ukraine from 28.12.2011 № 1663.

In case of receipt of the resolution of the investigator, prosecutor, decision of the investigating judge, court on the involvement of defense counsel for the purpose of protection, or a separate procedural action, the Center for Free Secondary Legal Aid is obliged to immediately appoint a lawyer.

## Indicator 4. Access to justice-legal aid

by question No.

*Question 86 - Please indicate the number of cases for which legal aid has been granted:*

*Question 87 - Does your country have an income and assets evaluation for granting full or partial legal aid?*

*Question 88 - If yes, please specify in the table:*

*Question 88-1 - Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the request.*

### Question 086

#### Armenia

**(2020):** The Information is provided by the Chamber of Advocates.

**(2018):** There is no such consolidated data on the mentioned question.

#### Azerbaijan

**(General Comment):** The decrease in granted legal aid is explained by two factors: firstly, as mentioned before it is related to decrease in number of cases. secondly, i

**(2020):** According to the Presidential Decree "On deepening reforms in the judicial system" dated 2019, in order to ensure accurate forecasting and centralized accounting of funds required for legal assistance under the state budget, it was decided to allocate these funds directly to the Bar Association of the Republic of Azerbaijan. Because before 2020, it was allocated to the relevant executive power, and there was no information about the work done, decisions, statistics. On the other hand, according to the decision of the Cabinet of Ministers, from November 2020, legal assistance under the state budget will be provided not only on the basis of a court decision, but also on the basis of a decision of the investigating authority. This is one of the reasons why there is a difference between the statistics and the amount of last year and this year.

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

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

## **Georgia**

**(2020):** The decrease in the number of cases produced by the Legal Aid Service compared to previous years is due to the spread of the new Corona virus.

## **Republic of Moldova**

**(General Comment):** The legal provisions on legal aid make a distinction between primary legal aid (providing information on the legal system of the Republic of Mold

**(2020):** The lockdown caused postponement of court hearings including for criminal and contravention cases considered not being urgent matters. Perhaps these circ

## **Ukraine**

**(General Comment):** On September 1, 2016, more than 400 legal aid bureaus began its operation in districts and cities of regional importance throughout Ukraine. By contacting them, any resident of the local community is able to obtain free legal advice and use the electronic services of the Ministry of Justice.

Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at the territorial community level.

**(2018):** The statistical reporting in the system of delivering free legal aid provides data collection on the number of events when the legal aid was granted, but not the



## Question 087

### Armenia

**(General Comment):** Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. According to the Law on Advocacy, the Head of the PDO (Public Defender's office) has the right to make a decision on eligibility of persons for legal aid – to grant the services or to refuse them, based on the set of criteria established by Article 41 of the Law on Advocacy, listed under point 2.1. The Law gives the right to the Head of PDO to apply to state or local self-government bodies or economic entities to verify the insolvency of insolvent persons, as well as to obtain the necessary information to provide free legal aid.

It seems that in practice, however, the criterion of insolvency is difficult to check. The situation with checking the criteria for eligibility for state-guaranteed legal aid has not been made clearer nor easier since 2013. It is still identified as one of the main problems facing the PDO and unduly contributing to its heavy workload. Especially, this concerns the criteria of insolvency, as there is no system for quickly and reliably checking the income and property status of an applicant, through an electronic system or otherwise. It is still not possible to check information about criteria of eligibility for state-guaranteed legal aid (e.g., the unemployment status) by electronic means.

**(2018):** Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. However, those levels and score:

### Georgia

**(2020):** The Legal Aid Service provides full free legal aid to those who have the status of an accused, as well as in cases of compulsory defense provided by the Criminal Code.

Any person is able to enjoy free legal aid in civil and administrative cases, if he / she is insolvent and the case is important and difficult.

The categories of persons benefit from free legal aid (preparation of documents, representation in court) are as follows:

- Victims of violence against women and domestic violence
- Minors
- Individuals with disabilities
- Support recipients
- Asylum seekers and persons under international protection.

In exceptional cases, the Director of the Legal Aid Service is authorized to appoint a lawyer to the individual if the latter has severe social-economic conditions and meets the criteria set by the Legal Aid Service Board.

Legal aid can be granted to an insolvent defendant if he / she requests the appointment of a lawyer or there is a case of mandatory defense (Art.45 criminal procedure code of Georgia) and a private lawyer hired by the accused does not participate in the criminal case (protection by agreement).

Insolvent person means a person registered in the unified database of socially vulnerable households with the ranking score of 70 000 and less, as well as individuals falling under specific categories with the ranking score of 100 000 or less are eligible to free legal aid at the Legal Aid Service.

The change is caused by the amendments to the Law of Georgia on Legal Aid.

### **Republic of Moldova**

**(2020):** Qualified legal aid is granted to applicants whose monthly average income is lower than the subsistence level per inhabitant in the country. In assessing the in

**(2018):** Qualified legal aid is granted to applicants whose monthly average income is lower than the subsistence level per inhabitant in the country. In assessing the in

### **Ukraine**

**(2020):** According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On the state legal aid” the following persons refer to subjects of law for receiving free secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsidence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsidence minimum for disabled persons. Subjects of law for receiving free secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On the state legal aid”, during submitting an application for receiving free secondary legal aid should provide documents confirming their respective level of income; such request is not foreseen for other categories of persons, who have the right for free secondary legal aid.

The financing of free secondary legal aid shall be covered by the State Budget of Ukraine. Mechanisms of partial payment for services of free secondary legal aid by the subject of law for such aid are not foreseen by legislation in the area of providing free secondary legal aid.

## Question 088

### Armenia

**(General Comment):** The criterion that is taken into account for the granting of legal aid according to Law on Advocacy is that a person should be unable to pay, meaning that a person does not have enough income or does not live with someone who is employed or besides his own apartment does not have any property or does not possess automobile the cost of which does not exceed 1 000 000 AMD.

In addition to providing legal aid to the suspect or accused in criminal cases, free legal aid is provided to people fallen under the following category.

1) to the members of the families of military servicemen who perished (died) while defending the borders of the Republic of Armenia. 2) to the disabled of the 1-st and 2-nd groups. 3) to the convicted. 4) to the members of families who are registered in the system of family insolvency estimation and have insolvency units above 0. 5) To the participants of the Great Patriotic War and the participants of military actions during the defence of the borders of the Republic of Armenia. 6) to the unemployed. 7) to the living alone retired people. 8) to children who have remained without parental custody, as also to the ones belonging to the number of persons who have remained without parental custody. 9) to refugees. 10) to the ones who have received temporary defense in the Republic of Armenia. 11) to other insolvent individuals who present reliable data proving their insolvency. According to this point an insolvent is considered the individual who doesn't have sufficient income, a cohabit working member of a family, as also except for his private flat has no other property of his own or a vehicle exceeding in its price a thousand times the minimal salary. 12) to individuals having mental disorders and receiving medical treatment in an asylum. 13) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 14) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 15) Persons affected by torture for compensation in the manner prescribed by the Article 1087.3 of the Civil Code of the RA

Free legal aid can't be provided: 1) on cases of entrepreneurial character (including corporate quarrels).

2) on cases of property (sum) claims that exceed 1 000 000 AMD, with the exception of the cases where the individual comes out as defendant or the third party acting on behalf of the defendant.

3) if there is reliable factual evidence denying the insolvency of the applicant. The head of Public defender's office can also make inquiries about the financial status of applicant.

(Law on Advocacy: Article 41)

### Ukraine

**(General Comment):** According to Ukrainian legislation, there is no any system of assets evaluation in case of primary legal aid. The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine “On the legal aid” have all individuals, who are under the jurisdiction of Ukraine. However, in case of secondary legal aid the system of assets evaluation applies in some cases. According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On free legal aid” the following persons refer to subjects of law for receiving secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsidence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsidence minimum for disabled persons. Subjects for receiving secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On legal aid”, during submitting an application for receiving secondary legal aid should provide documents confirming their respective level of income; At the same time, financial unsecured people is not the only group of people entitled to secondary legal aid. The legislation of Ukraine provides other groups (persons protected by the law of Ukraine “On refugees and persons in need of additional or temporarily protection”, veterans of war and persons covered by the law of Ukraine “On the status of war veterans, guarantees of their social protection” etc). Such other categories of persons, who have the right to secondary legal aid, shall not provide any confirmation of their level of income.

Mechanisms of partial payment for primary and secondary legal aid by the state are not foreseen by Ukrainian legislation.

#### Question 088-1

##### Azerbaijan

**(2020):** There is no time limit in the legislation.

##### Georgia

**(2020):** Georgian Law on Legal Aid stipulates that this procedure takes maximum 2 days.

##### Republic of Moldova

**(2020):** According to art. 18 (2) of the Law no. 198 regarding the legal assistance guaranteed by the state, the primary legal assistance is granted immediately, at the n

##### Ukraine

**(2020):** According to Article 19 of the Law of Ukraine "On Free Legal Aid" in case of a person's application for one of the types of free secondary legal aid, the Center for Free Secondary Legal Aid is obliged to make a decision on providing free secondary legal aid within ten days from the date of receipt. If a person has applied for the provision of one of the types of legal services provided for in part two of Article 13 of this Law to a territorial body of justice, this body shall within three days from the date of application apply to the Center for Free Secondary Legal Aid, which activity extends to the territory of the relevant administrative-territorial unit. The Center for the provision of free secondary legal aid is obliged to make a decision on the provision of free secondary legal aid within seven days from the date of receipt of the person's application.

In case of application of the persons specified in paragraphs 3-6 of part one of Article 14 of this Law for free secondary legal aid or information on detained persons from close relatives and members of their families, the list of which is specified by the Criminal Procedure Code of Ukraine, the Center for Free Secondary legal aid is obliged to make a decision on the provision of free secondary legal aid from the moment of detention. The procedure for informing the centers for the provision of free secondary legal aid about cases of detention, administrative arrest, or the application of a preventive measure in the form of detention, approved by the resolution of the Cabinet of Ministers of Ukraine from 28.12.2011 № 1663.

In case of receipt of the resolution of the investigator, prosecutor, decision of the investigating judge, court on the involvement of defense counsel for the purpose of protection, or a separate procedural action, the Center for Free Secondary Legal Aid is obliged to immediately appoint a lawyer.

## 5 Appointment / recruitment / mandate of judges and prosecutors - Overview

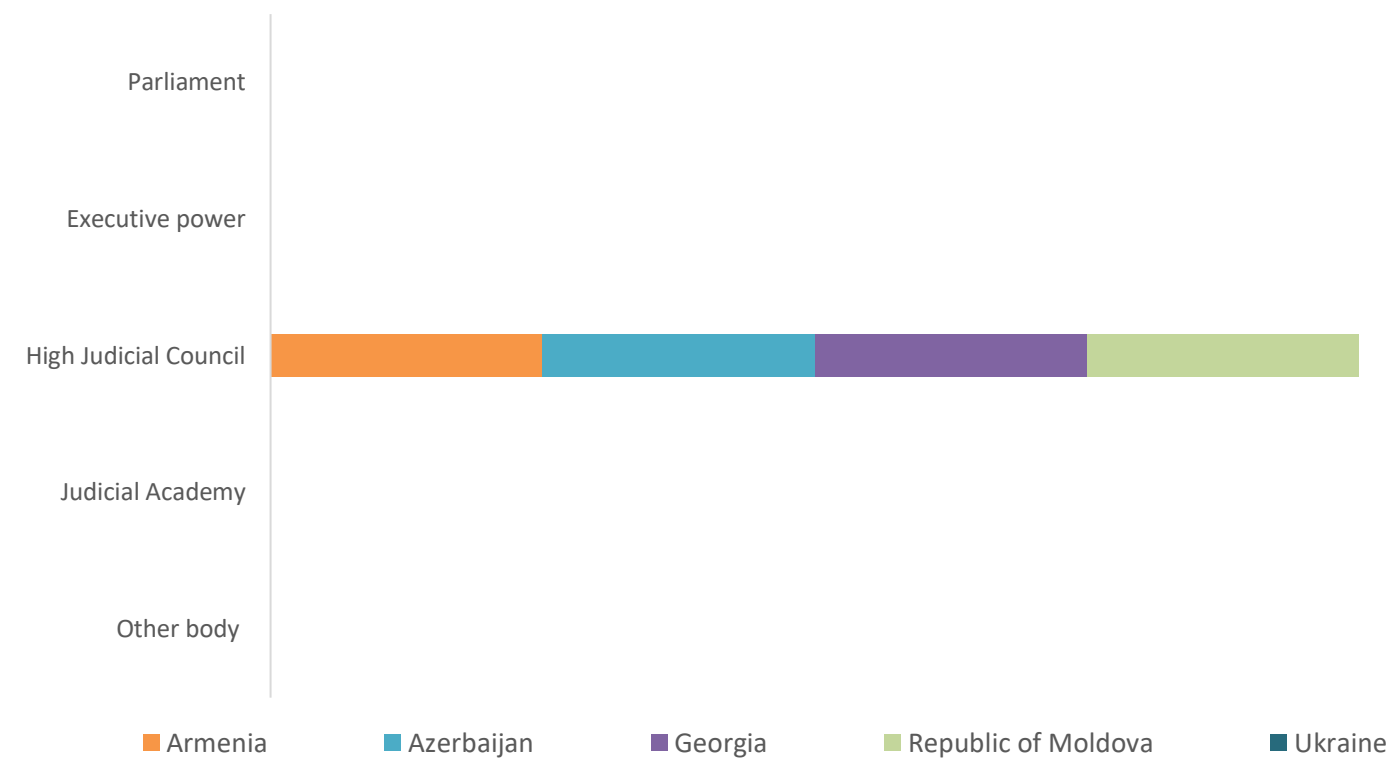
Authority competent for selection of judges and prosecutors in 2020 (Table no. 5.1.12)

Beneficiaries	Authority competent for the selection of judges in 2020					Authority competent for the selection of prosecutors in 2020					
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Armenia											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine	-	-	-	-	-	-	-	-	-	-	-

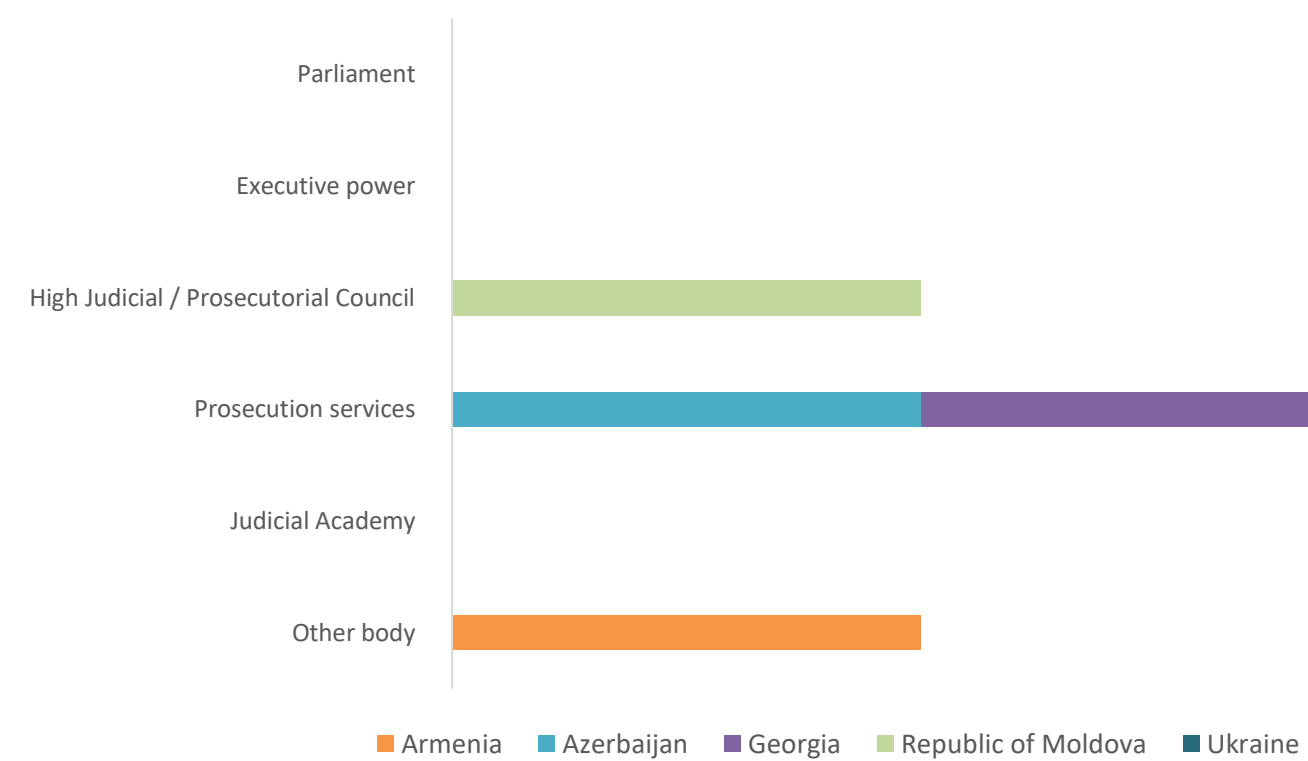
Yes

No

Authority competent for the selection of judges in 2020



Authority competent for the selection of prosecutors in 2020



**Authority competent for the final appointment of judges in 2020 (Table no. 5.1.13)**

Beneficiaries	Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine	-	-	-	-	-	-	-
					Yes		
					No		

**Comment on Executive power**

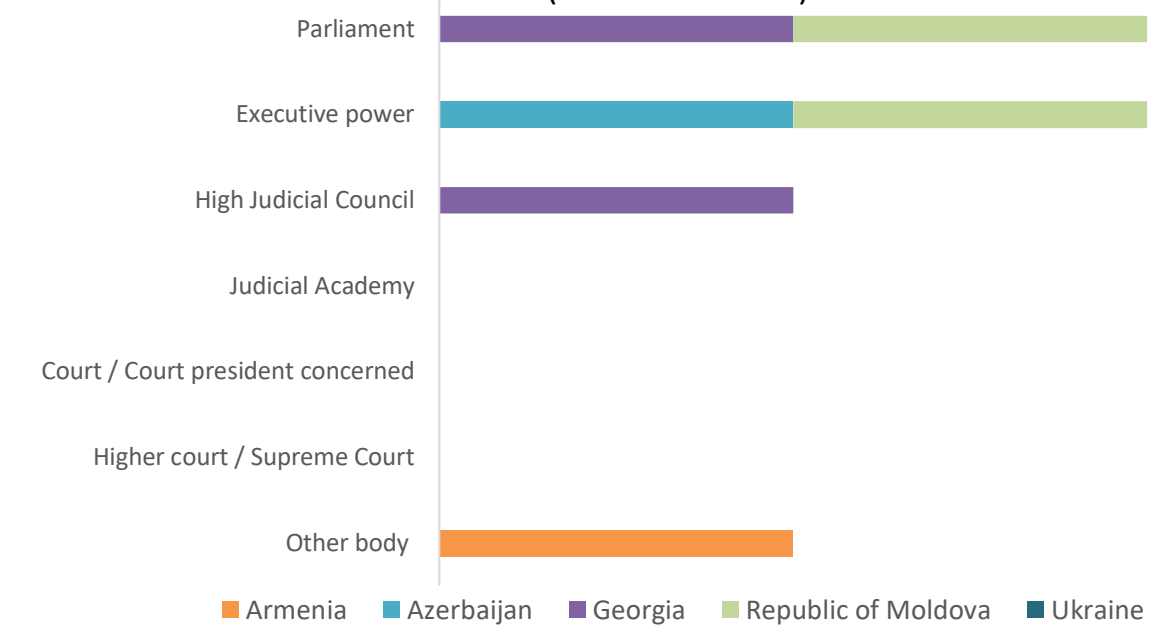
Azerbaijan	President
Republic of Moldova	The President of the Republic of Moldova appoints the judges from first instance courts and appellate courts.

**Comment on Other body**

Armenia	President
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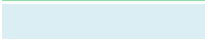
Beneficiaries	Authority's competences in the final appointment procedure
Armenia	Has the right to appoint some and reject some among the selected (proposed) candidates
Azerbaijan	Has the right to appoint some and reject some among the selected (proposed) candidates
Georgia	Has the right to appoint some and reject some among the selected (proposed) candidates
Republic of Moldova	Has the right to appoint some and reject some among the selected (proposed) candidates
Ukraine	-

**Authority competent for the final appointment of judges in 2020 (Table no. 5.1.13)**



**Authority competent for the final appointment of prosecutors in 2020 (Table no. 5.1.14)**

Beneficiaries	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Authority's competences in the final appointment procedure
Armenia						Has the right to appoint some and reject some among the selected (proposed) candidates
Azerbaijan						Has the right to appoint some and reject some among the selected (proposed) candidates
Georgia						Has the right to appoint some and reject some among the selected (proposed) candidates
Republic of Moldova						Has the right to appoint some and reject some among the selected (proposed) candidates
Ukraine	-	-	-	-	-	-

Yes   
 No 


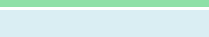
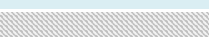
**Comment on Other body**

Armenia	The Prosecutor General
Azerbaijan	General's Prosecutor Office of the Republic of Azerbaijan
Georgia	The Prosecutor General
Republic of Moldova	The Prosecutor General

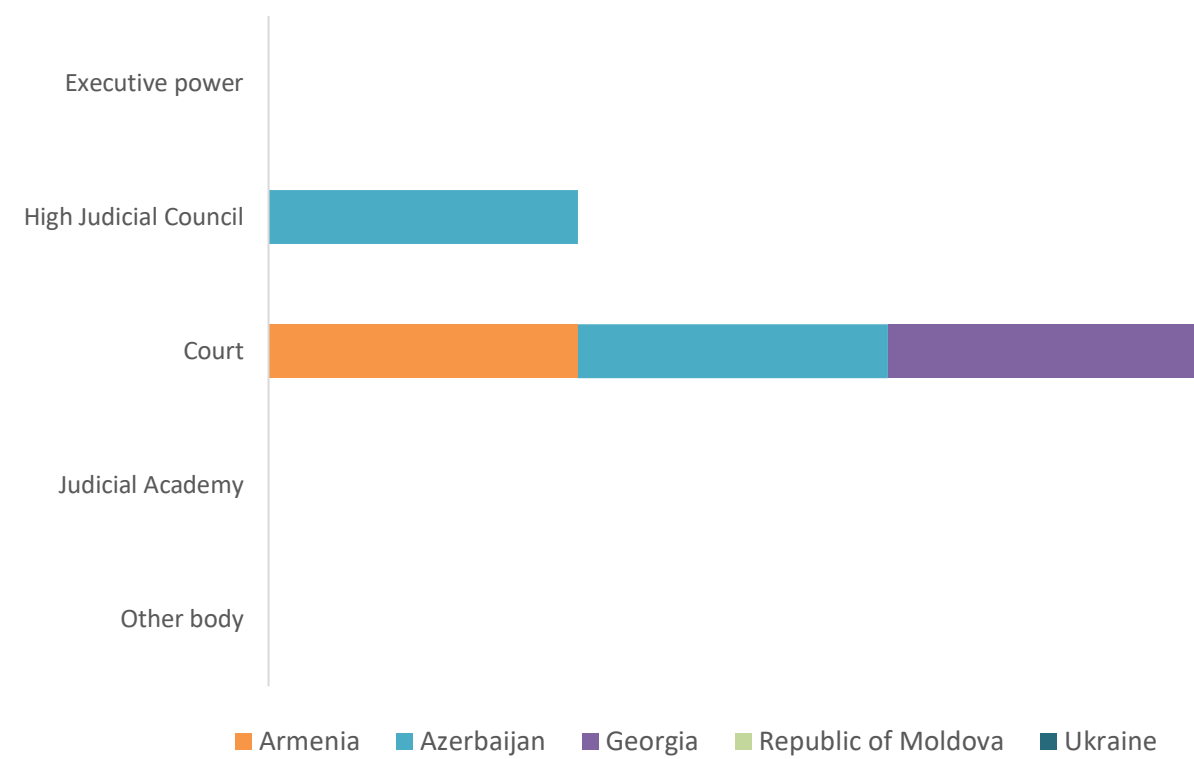


**Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Tables no. 5.1.15 and 5.1.16)**

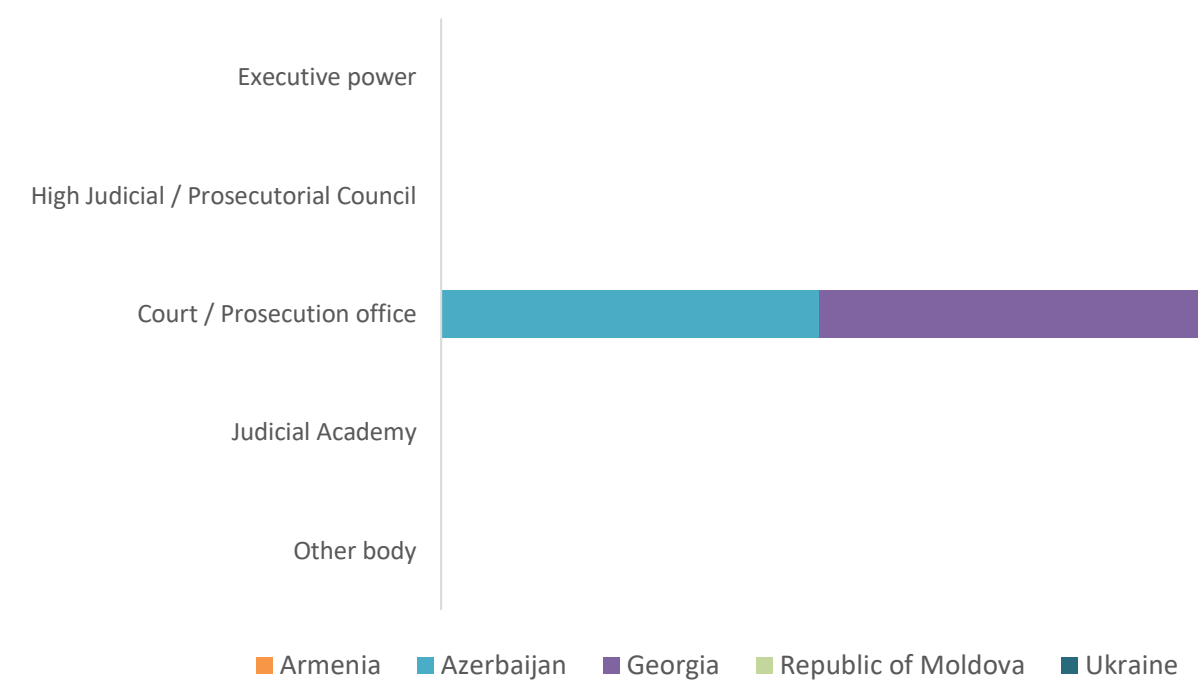
Beneficiaries	JUDGES							PROSECUTORS						
	Possibility for non-selected candidates to appeal against the decision of appointment	Competent body to appeal against decision of appointment						Possibility for non-selected candidates to appeal against the decision of appointment	Competent body to appeal against decision of appointment					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Armenia	Yes				Yes									
Azerbaijan	Yes			Yes	Yes			Yes				Yes		
Georgia	Yes				Yes			Yes				Yes		
Republic of Moldova														
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Yes   
 No   
 NAP 

**JUDGES - Competent body to appeal against decision of appointment**


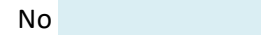


**PROSECUTORS - Competent body to appeal against decision of appointment**

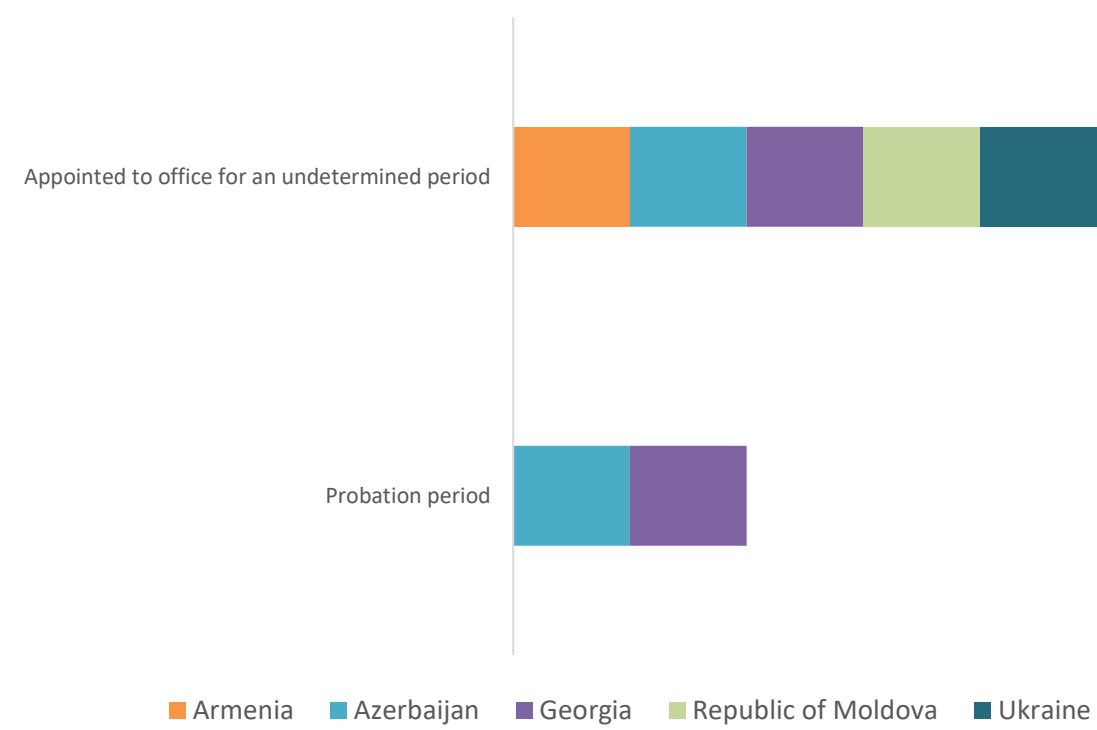


**Mandate of judges and prosecutors in 2020 (Tables no. 5.1.17, 5.1.18, 5.1.19 and 5.1.20)**

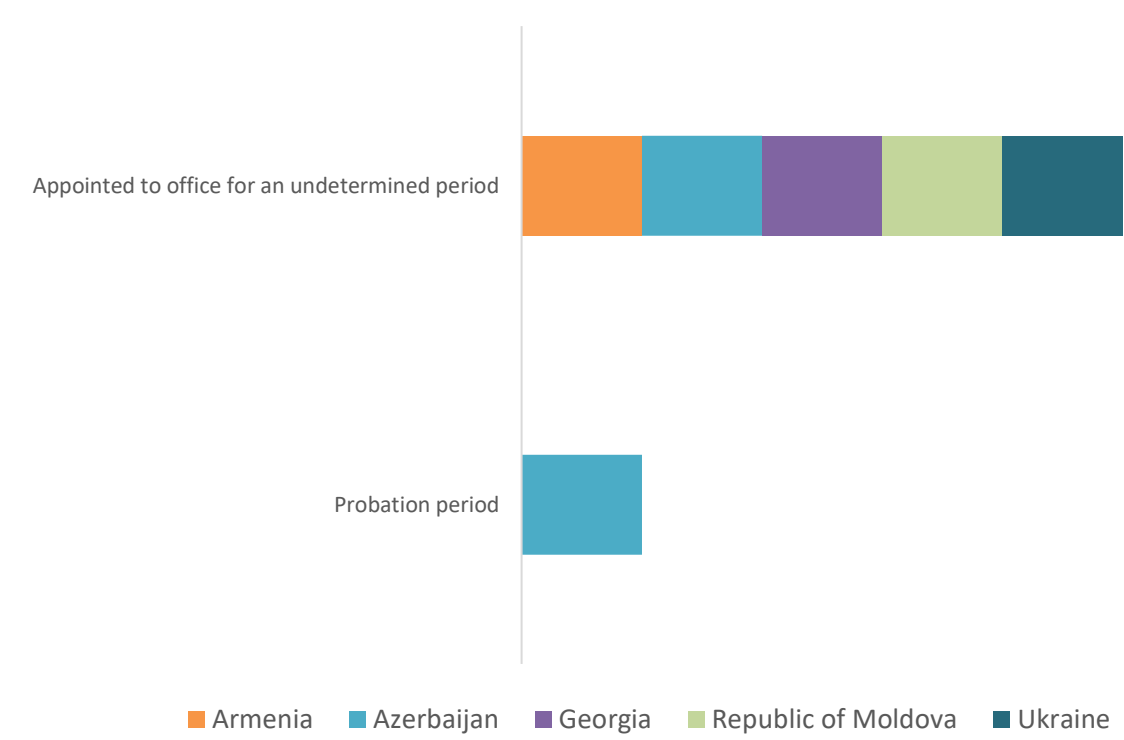
Beneficiaries	Mandate of judges and prosecutors			
	JUDGES		PROSECUTORS	
	Appointed to office for an undetermined period	Probation period	Appointed to office for an undetermined period	Probation period
Armenia	Yes	No	Yes	No
Azerbaijan	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	No
Republic of Moldova	Yes	No	Yes	No
Ukraine	Yes	No	Yes	No

Yes   
No 

**Mandate of judges**



**Mandate of prosecutors**



## 5 Appointment / recruitment / mandate of judges and prosecutors - Tables

Table 5.1.1 Recruitment of judges and prosecutors in 2020 (Q89 and Q111)

Table 5.1.2 Entry criteria to become a judge in 2020 (Q90)

Table 5.1.3 Entry criteria to become a prosecutor in 2020 (Q112)

Table 5.1.4 Authority competent during the entry selection of judges in 2020 (Q91)

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2020 (Q95 and Q96)

Table 5.1.6 Authority competent during the entry selection for prosecutors in 2020 (Q113)

Table 5.1.7 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2020 (Q117 and Q118)

Table 5.1.8 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2020 (Q92, Q93 and Q94)

Table 5.1.9 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2020 (Q114, Q115 and Q116)

Table 5.1.10 Criteria in selection procedure (after exam/interview, etc) for judges in 2020 (Q97)

Table 5.1.11 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2020 (Q119)

Table 5.1.12 Authority competent for selection of judges and prosecutors in 2020 (Q98 and Q120)

Table 5.1.13 Authority competent for the final appointment of judges in 2020 (Q99 and Q100)

Table 5.1.14 Authority competent for the final appointment of prosecutors in 2020 (Q121 and Q121-1)

Table 5.1.15 Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body in 2020 (Q101 and Q102)

Table 5.1.16 Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body in 2020 (Q122 and Q123)

Table 5.1.17 Mandate of judges in 2020 (Q104, Q108 and Q109)

Table 5.1.18 Mandate of prosecutors in 2020 (Q125, Q129 and Q130)

Table 5.1.19 Probation period for judges and institution responsible to decide if the probation period is successful in 2020 (Q105, Q106 and Q107)

Table 5.1.20 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2020 (Q126, Q127 and Q128)

Table 5.1.21 Open questions in the Indicator 5 (Q103 and Q124)

**Table 5.1.1 Recruitment of judges and prosecutors in 2020 (Q89 and Q111)**

Beneficiaries	JUDGES				PROSECUTORS			
	Competitive exam	Recruitment procedure for experienced legal professionals	Combination of both	Other	Competitive exam	Recruitment procedure for experienced legal professionals	Combination of both	Other
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								
<b>Nb of Yes</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>0</b>
							Yes	
							No	

**Table 5.1.2 Entry criteria to become a judge in 2020 (Q90)**

Beneficiaries	JUDGES									
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Clean criminal record	Foreign language knowledge	Entry test	Other
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine	-	-	-	-	-	-	-	-	-	-

Legend:

- None
- Via Judicial Academy
- Without Judicial Academy
- Both - Via & without Judicial Academy

**Table 5.1.3 Entry criteria to become a prosecutor in 2020 (Q112)**

Beneficiaries	PROSECUTORS									
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Clean criminal record	Foreign language knowledge	Entry test	Other
Armenia	Via Judicial Academy	Without Judicial Academy	None	None	Without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	None	Via Judicial Academy	Both - Via & without Judicial Academy
Azerbaijan	Without Judicial Academy	None	None	None	None	None	Without Judicial Academy	None	Without Judicial Academy	None
Georgia	Without Judicial Academy	None	Without Judicial Academy	Without Judicial Academy	None	None	Without Judicial Academy	None	Without Judicial Academy	None
Republic of Moldova	None	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Without Judicial Academy	Without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Via Judicial Academy	Both - Via & without Judicial Academy
Ukraine	-	-	-	-	-	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

**Table 5.1.4 Authority competent during the entry selection of judges in 2020 (Q91)**

Beneficiaries	JUDGES				
	Authority competent during the entry selection				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

**Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2020 (Q95 and Q96)**

Beneficiaries	JUDGES							
	Possibility for non pre-selected candidates to appeal		Body competent for appeal					
	Yes	No	Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Armenia	Both - Via & without Judicial Academy	None	None	None	None	None	Both - Via & without Judicial Academy	Via Judicial Academy
Azerbaijan	Both - Via & without Judicial Academy	None	None	None	Both - Via & without Judicial Academy	None	Both - Via & without Judicial Academy	None
Georgia	Both - Via & without Judicial Academy	None	None	None	None	None	Both - Via & without Judicial Academy	None
Republic of Moldova	Both - Via & without Judicial Academy	None	None	None	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	None	None
Ukraine	-	-	-	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy



**Table 5.1.6 Authority competent during the entry selection for prosecutors in 2020 (Q113)**

Beneficiaries	PROSECUTORS					
	Authority competent during the entry selection					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine	-	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

**Table 5.1.7 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2020 (Q117 and Q118)**

Beneficiaries	PROSECUTORS								
	Possibility for non pre-selected candidates to appeal		Body competent for appeal						
	Yes	No	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Court	Other body
Armenia	Both - Via & without Judicial Academy	None	None	None	None	None	None	Both - Via & without Judicial Academy	None
Azerbaijan	None	Without Judicial Academy	None	None	None	None	None	None	None
Georgia	Without Judicial Academy	None	None	None	None	None	None	Without Judicial Academy	None
Republic of Moldova	Both - Via & without Judicial Academy	None	None	None	Both - Via & without Judicial Academy	None	Both - Via & without Judicial Academy	None	None
Ukraine	-	-	-	-	-	-	-	-	-

Legend:

- None
- Via Judicial Academy
- Without Judicial Academy
- Both - Via & without Judicial Academy

**Table 5.1.8 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2020 (Q92, Q93 and Q94)**

Beneficiaries	JUDGES								
	Public call available for candidates	Entry criteria publicly available				Public list of pre-selected candidates			
		Yes, announced as part of the public call	Yes, announced separately	No	Other	Yes, published on the internet	No, sent only to participants in the competition	No	Other
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine	-	-	-	-	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

**Table 5.1.9 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2020 (Q114, Q115 and Q116)**

Beneficiaries	PROSECUTORS								
	Public call available for candidates	Entry criteria publicly available				Public list of pre-selected candidates			
		Yes, announced as part of the public call	Yes, announced separately	No	Other	Yes, published on the internet	No, sent only to participants in the competition	No	Other
Armenia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	None	None	None	None	None	None	None
Azerbaijan	Without Judicial Academy	None	None	None	None	None	None	Without Judicial Academy	None
Georgia	Without Judicial Academy	None	None	None	None	None	None	Without Judicial Academy	None
Republic of Moldova	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	None	None	Without Judicial Academy	None	None	None	None
Ukraine	-	-	-	-	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

**Table 5.1.10 Criteria in selection procedure (after exam/interview, etc) for judges in 2020 (Q97)**

Beneficiaries	JUDGES							
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Age	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine	-	-	-	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

**Table 5.1.11 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2020 (Q119)**

Beneficiaries	PROSECUTORS							
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Age	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine	-	-	-	-	-	-	-	-

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

Table 5.1.12 Authority competent for selection of judges and prosecutors in 2020 (Q98 and Q120)

Beneficiaries	JUDGES					PROSECUTORS					
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecutorial services	Judicial Academy	Other body
Armenia			Both - Via & without Judicial Academy								Both - Via & without Judicial Academy
Azerbaijan			Both - Via & without Judicial Academy						Without Judicial Academy		
Georgia			Both - Via & without Judicial Academy						Without Judicial Academy		
Republic of Moldova			Both - Via & without Judicial Academy					Both - Via & without Judicial Academy			
Ukraine	-	-	-	-	-	-	-	-	-	-	-

Legend:

- None
- Via Judicial Academy
- Without Judicial Academy
- Both - Via & without Judicial Academy

Table 5.1.13 Authority competent for the final appointment of judges in 2020 (Q99 and Q100)

Beneficiaries	JUDGES												
	Authority competent for the final appointment									Authority's competences in the final appointment procedure			
	Parliament	Executive power	Comment on Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	Comment on Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Armenia			-						President				
Azerbaijan			President						-				
Georgia			-						-				
Republic of Moldova			The President of the Republic of Moldova appoints the judges from first instance courts and appellate courts.						-				
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>2</b>	<b>2</b>		<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>		<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>


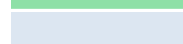
Yes   
 No 



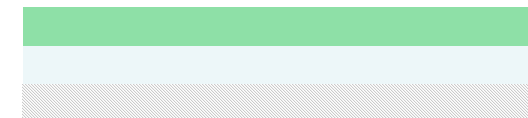
Table 5.1.14 Authority competent for the final appointment of prosecutors in 2020 (Q121 and Q121-1)

Beneficiaries	PROSECUTORS									
	Authority competent for the final appointment						Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Comment of Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Armenia						Prosecutor General				
Azerbaijan						General's Prosecutor Office of the Republic of Azerbaijan				
Georgia						Prosecutor General				
Republic of Moldova						The Prosecutor General				
Ukraine	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>		<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>
								Yes		
								No		

**Table 5.1.15 Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body in 2020 (Q101 and Q102)**

Beneficiaries	JUDGES							
	Possibility for non-selected candidates to appeal against the decision of appointment	Competent body to appeal against decision of appointment						Comment on Other body
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	
Armenia	Yes	No	No	No	Yes	No	No	-
Azerbaijan	Yes	No	No	Yes	Yes	No	No	-
Georgia	Yes	No	No	No	Yes	No	No	-
Republic of Moldova	No	NAP	NAP	NAP	NAP	NAP	NAP	-
Ukraine	No	No	No	No	No	No	No	-
<b>Nb of Yes</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	

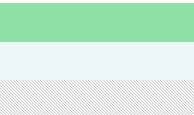
Yes  
No  
NAP



**Table 5.1.16 Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body in 2020 (Q122 and Q123)**

Beneficiaries	PROSECUTORS						
	Possibility for non-selected candidates to appeal against the decision of appointment	Competent body to appeal against decision of appointment					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>

Yes  
No  
NAP



**Table 5.1.17 Mandate of judges in 2020 (Q104, Q108 and Q109)**

Beneficiaries	JUDGES			
	Appointed to office for an undetermined period	Compulsory retirement age	Length of the mandate (if it is not undetermined)	Renewable mandate
Armenia		65		
Azerbaijan		66 or 68		
Georgia		65	10	
Republic of Moldova		65		
Ukraine		65		
<b>Nb of Yes</b>	<b>5</b>			<b>0</b>
		Yes		
		No		
		NAP		

**Table 5.1.18 Mandate of prosecutors in 2020 (Q125, Q129 and Q130)**

Beneficiaries	PROSECUTORS			
	Appointed to office for an undetermined period	Compulsory retirement age	Length of the mandate (if it is not undetermined)	Renewable mandate
Armenia		65		
Azerbaijan		60		
Georgia				
Republic of Moldova		65		
Ukraine		65		

<b>Nb of Yes</b>	<b>5</b>		<b>0</b>
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Yes	
No	
NAP	

Table 5.1.19 Probation period for judges and institution responsible to decide if the probation period is successful in 2020 (Q105, Q106 and Q107)

Beneficiaries	JUDGES									
	Probation period for judges	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	
Armenia										
Azerbaijan		3								
Georgia		3								
Republic of Moldova										
Ukraine										
<b>Nb of Yes</b>	<b>2</b>			<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

Yes   
 No   
 NAP 

Table 5.1.20 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2020 (Q126, Q127 and Q128)

Beneficiaries	PROSECUTORS									
	Probation period for prosecutor	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution office concerned	Court / Court president concerned	Higher prosecution office / Prosecutor general (State public prosecutor)	Other body	
Armenia										
Azerbaijan		1 year								
Georgia										
Republic of Moldova										
Ukraine										
<b>Nb of Yes</b>	<b>1</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

Yes  
No  
NAP

Table 5.1.21 Open questions in the Indicator 5 (Q103 and Q124)

Beneficiaries	How do you check the integrity of candidate judges?	How do you check the integrity of candidate prosecutors?
<b>Armenia</b>	The candidates should fill an integrity questionnaire and submit it to the Judicial Department. The Judicial Department shall submit the questionnaire to the Commission for the Prevention of Corruption for the purpose of receiving an advisory opinion within a one month period.	According to the part 2 of the Article 38.1 of the "Law on the Prosecutor's office": A person wishing to be included in the list of prosecutor candidates carrying out functions aimed at confiscating property of illegal origin or wants to become a Deputy Prosecutor General coordinating the field of the confiscation of property of illegal origin along with the documents defined in Part 3 of Article 38 of the Law, he / she submits a completed questionnaire on integrity provided by the "Law on the Commission for Prevention of Corruption" (hereinafter referred to as the questionnaire on integrity). The chairperson of the Qualification Commission submits the questionnaire on integrity to the Corruption Prevention Commission within one day for an advisory opinion, which must be provided within two weeks. After receiving the opinion, the chairperson of the Qualification Commission provides it to the members of the Qualification Commission at least three days before the sitting of the qualification commission. In case of a positive conclusion of There is no specific method in checking integrity. But all the candidates pass the interview during which they are checked verbally by asking specific questions.
<b>Azerbaijan</b>	According to Rules on Selection of non-judicial candidates to vacant judicial posts adopted by Judicial-Legal Council, training center (Justice Academy) reports to the Judge Selection Committee the results of the training stage (degree of success, participation, conduct of the candidates).	Chapter X of the Organic Law of Georgia on Prosecution Service prescribes general rules for assessing the integrity of candidates. According to the provisions of this chapter, the following information on a person shall be subject to an examination:
<b>Georgia</b>	Pursuant to the Organic Law of Georgia "on Common Courts", a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The High Council of Justice evaluates each candidate based on the characteristics concerned.	<ul style="list-style-type: none"> <li>•ā criminal record and a current administrative penalty;</li> <li>•information regarding income and financial liabilities;</li> <li>•information regarding the possession and disposal of shares in entrepreneurial and non-entrepreneurial legal entities;</li> <li>•Previous work experience.</li> </ul>
<b>Republic of Moldova</b>	At the moment of submitting the set of documents, the candidate for the position of judge is informed about the obligation to pass the polygraph test according to Law no. 269/2008 on the application of testing to the simulated behavior detector (polygraph). The candidate for the position of judge is obliged to present the written consent regarding the transfer of the test to the polygraph. According to the provisions of the article 9 of the Law of the status of the judge, after submitting the set of documents, the college for the selection and career of judges requests from the National Integrity Authority the integrity certificate and from the National Anticorruption Center the criminal record certificate regarding the professional integrity of the candidate for the positions of judge.	According to the provisions of the article 7 of the Law 269/2008 on the application of testing to the detector of simulated behavior (polygraph), the persons participating in the competition for appointment as a judge or prosecutor, the persons who are employed or who perform the service within the bodies of the Ministry of Internal Affairs, the National Anticorruption Center, the Intelligence and Security Service and the Customs Service are subject to mandatory testing to the polygraph.
<b>Ukraine</b>	-	-



## Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by country

*Question 89 - How are judges recruited?*

*Question 90 - What are the entry criteria to become a judge?*

*Question 91 - Which authority is competent during the entry selection procedure?*

*Question 92 - Is there a public call for candidates to become a judge?*

*Question 93 - Are the entry criteria to become a judge publicly available?*

*Question 94 - Is there a list of pre-selected candidates which is public?*

*Question 95 - Is there a possibility for non pre-selected candidates to appeal?*

*Question 96 - If yes, what body is competent to decide on appeal?*

*Question 97 - What are the criteria for the selection of judges?*

*Question 98 - Which authority is competent to select judges?*

*Question 99 - Which authority is competent for the final appointment of a judge?*

*Question 100 - Which competences has this authority in the final appointment procedure (multiple replies possible):*

*Question 101 - May non-selected candidates appeal against the decision of appointment?*

*Question 102 - If yes, what body is competent to decide on appeal?*

*Question 103 - How do you check the integrity of candidate judges?*

*Question 104 - Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?*

*Question 105 - Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?*

*Question 106 - If yes, which authority is competent to decide if the probation period is successful?*

*Question 107 - Is there a possibility to appeal against this decision?*

*Question 108 - If the mandate for judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?*

*Question 109 - Is it renewable?*

*Question 111 - How are public prosecutors recruited?*

*Question 112 - What are the entry criteria to become a prosecutor?*

*Question 113 - Which authority is competent during the entry selection procedure?*

*Question 114 - Is there a public call for candidates to become a prosecutor?*

*Question 115 - Are the entry criteria to become a prosecutor publicly available?*

*Question 116 - Is there a list of pre-selected candidates which is public?*

*Question 117 - Is there a possibility for non pre-selected candidates to appeal?*

*Question 118 - If yes, what body is competent to decide on appeal?*

*Question 119 - What are the criteria of selection of public prosecutor?*

*Question 120 - Which authority is competent during the selection procedure of a public prosecutor?*

*Question 121 - Which authority is competent for the final appointment of a prosecutor?*

*Question 121-1 - Which competences has this authority in the final appointment procedure ? (multiple replies possible):*

*Question 122 - May non-selected candidates appeal against the decision of appointment?*

*Question 123 - If yes, what body is competent to decide on appeal?*

*Question 124 - How do you check the integrity of candidate prosecutors?*

*Question 125 - Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?*

*Question 126 - Is there a probation period for public prosecutors? If yes, how long is this period?*

*Question 127 - If yes, which authority is competent to decide if the probation period is successful?*

*Question 128 - Is there a possibility to appeal against this decision?*

*Question 129 - If the mandate for public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?*

*Question 130 - Is it renewable?*

## **Armenia**

**Q089 (General Comment):** Competitive exam includes the following stages.

-written exam, -psychological test,

-interview.

Persons holding an academic degree in the field of law and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least five years during the last 10 years, shall have the right to submit an application to the Supreme Judicial Council in order to be included in the list of contenders for judge candidates. A contender holding an academic degree shall undergo the stage of interview of the qualification check

**Q089 (2018):** Candidate have to go through a competitive exam consisting of written exam and an interview. However, there is a requirement on professional experience for those who are willing to participate in the competition. Article 106 of the Judicial Code of 2018 states that a person who holds a scientific degree in law and who performed scientific work at scientific institution or taught law in a higher educational institution at least five out of the last eight years, and is compliant with the requirements set forth for a judge candidate, has a right to apply to be included in the list of applicants for judge. This means, that there is a general procedure, and there is a special procedure for legal scientists. However, the latter are required to participate in interview.

... , ...

A person may not be appointed to the position of a judge where:

- (1) He or she has been convicted of a crime and the conviction has not been expired or cancelled;
- (2) He or she has been convicted of an intentional crime or has served a custodial punishment regardless of whether or not the conviction has expired or cancelled;
- (3) He or she has a physical impairment or suffers a disease hindering his or her appointment to the position of a judge;
- (4) he has not undergone mandatory military service or alternative service and has not been exempt from mandatory military service as prescribed by law (where the person is male);
- (5) He or she has been declared as having no active legal capacity, having limited active legal capacity, missing or bankrupt by a civil judgment of the court having entered into legal force and the bankruptcy proceedings yet has not completed;
- (6) Criminal prosecution is initiated against him or her.

According to Article 97 of the Judicial Code of RA:

“Persons between the ages of 25 and 60, having the right of suffrage, may participate in the qualification check in order to be included in the list of contenders for judge candidates, where:

- 1) they hold the citizenship of only the Republic of Armenia;
- (2) they have obtained a Bachelor’s qualification degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or have obtained a relevant degree in a foreign state, the recognition and approval of equivalence of which have been carried out in the Republic of Armenia as prescribed by law;
- (3) they are proficient in the Armenian language;
- (4) they have knowledge of at least one language from among English, Russian, and French, the required level of which shall be prescribed by the Supreme Judicial Council and checked through standardised test systems;
- (5) only if they have a bachelor's degree in law or a corresponding degree in a foreign country, they have at least five years of professional experience, and if they have a bachelor's degree in law and a master's degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or corresponding degree in a foreign country, they have at least three years of professional experience;
- (6) there are no restrictions provided for by this Code on being appointed as a judge”.

It should be noted that specific criteria for judge candidates of courts of appeal, the Court of Cassation are defined by the Articles 123 and 132 of the Judicial Code, and the criteria to become a judge of the Constitutional Court are established by Article 4 of the “Law on the Constitutional Court”.

Armenia has the Academy of Justice (hereinafter the Academy), which is a state non-commercial organization, the founder of which is the Republic of Armenia, represented by the Government of the Republic of Armenia. The activities and functions of the Academy are regulated by the “Law on the Academy of Justice”.

**Q091 (2020):** The Supreme Judicial Council is responsible for interviews and the written exam stages if the candidate must attend the Academy of Justice.

**Q093 (2020):** The entry criteria are established by the Constitution and Judicial Code of RA. It should be noted that in practice the entry criteria are also mentioned in the public call. Public call is also published in court.am.

**Q096 (2020):** In cases when the candidate shall attend the Academy of Justice, according to parts 1 and 2 of the Article 105.1 of the Judicial Code of RA: “The results of the written examination may be appealed to the Appeals Commission within a 15-day time period upon publication thereof. The appeals commission for the relevant specialization shall be formed within a 5-day period upon receipt of the first appeal against the results of the examination for the specialization concerned, composed of two judges and one academic lawyer who are, by a drawing, elected by the composition of 5 academic lawyer candidates for the given specialization nominated by the Training Commission and at least 3 academic lawyer candidates in the relevant field of law nominated by the Authorized Body, upon their consent. Members of the evaluation commission may not be included in the composition of the Appeals Commission”. Moreover, according to part 5 of the Article 105.1 of the Judicial Code, the results of the written examination may be appealed in court on the basis of procedural violations, if they have been appealed to the Appeals Commission. The competent court is the administrative court. It should be noted that the Judicial code does not describe the appeal procedure neither of decisions made during interview and other stages of candidate selection, nor for the cases when the candidate is selected without attending to the Academy of Justice, but in practice it is not excluded the possibility to appeal to the Administrative court.

**Q098 (2020):** The Supreme Judicial Council shall include the contenders for judge candidates, having completed the training at the Academy of Justice, in the list of judge candidates according to the relevant specializations. In cases when the candidate shall not attend the Academy of Justice the list of judge candidates is compiled by the Supreme Judicial Council.

**Q099 (2020):** In case the candidate gives his or her consent, the Supreme Judicial Council shall propose his or her candidacy to the President of the Republic by introducing also his or her personal file, the documents submitted thereby in case he or she is not a judge and those acquired as a result of their check. In case the President of the Republic returns to the Supreme Judicial Council the proposal with the objections therein, the Supreme Judicial Council shall be obliged to convene a session.

The Supreme Judicial Council shall consider the issue of not accepting the objection of the President of the Republic and make a decision by secret ballot. Where the Supreme Judicial Council does not accept the objection of the President of the Republic, the President of the Republic shall, within a period of three days, adopt a decree on appointing the proposed candidate or apply to the Constitutional Court.

Where the Constitutional Court decides that the proposal complies with the Constitution, the President of the Republic shall adopt, within a period of three days, a decree on appointing the proposed candidate.

Where the President of the Republic fails to carry out, within a period of three days, the actions specified in parts 2, 4 or 5 of this Article, the decree of the President of the Republic on appointing the relevant candidate shall enter into force by virtue of law, whereon the Chairperson of the Supreme Judicial Council shall, within a period of three days, publish an announcement on the official website of the judiciary.

**Q100 (2020):** The President of the Republic shall, within a period of three days upon receipt of the proposal, adopt a decree on appointing the proposed candidate or return to the Supreme Judicial Council the proposal with the objections therein.

of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two consecutive terms. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General. The law may prescribe additional requirements for the Prosecutor General.

According to the Law on Prosecutor's Office, to be eligible for appointment to the position of a Deputy Prosecutor General, a person must meet the requirements prescribed in Article 33 part 1, holding citizenship of only the Republic of Armenia, with high professional qualities, and at least seven years of professional work experience after receiving higher legal education. If the candidate for Deputy Prosecutor General holds the position of prosecutor, he / she may be appointed by the Prosecutor General, after consultation with the Board of the Prosecutor General, without a competition held in accordance with this Article. In case of not being appointed by Prosecutor General as described, the candidates (candidate) for Deputy Prosecutor General shall be selected by the Qualification Commission through a competition held in accordance with the established procedure. The Qualification Commission makes a decision by secret ballot with at least six members of it. The Prosecutor General shall appoint one of the candidates as Deputy Prosecutor General. (Article 36)

For appointment to the position of a prosecutor a person must meet the requirements prescribed in Article 33 part 1. The list of prosecutor candidates shall be supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule, once a year, in January of each year. If so instructed by the Prosecutor General, a closed competition of candidates may be held during the year in order to supplement the list of prosecutor candidates. The Qualification Commission shall check the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by him with other requirements stipulated by law. The candidacies of applicants about whom the Qualification Commission issues a positive opinion shall be submitted to the Prosecutor General, who shall include the candidates acceptable to him in the list of prosecutor candidates. A person included in the list of prosecutor candidates shall complete a program of studies in the Academy of Justice and take a qualification exam. A person is relieved of the requirement to study and take a qualification exam, if he/she: has 3 years of professional work experience as a prosecutor, judge, investigator, or advocate, unless more than 5 years have passed since the person stopped performing such work; has 3 years of professional work experience as a prosecutor unless more than 10 years have passed since the person stopped performing such work and if he/she retired according to the specific grounds prescribed by law; has a PhD degree in Law and has 3 years of professional work experience; or has a PhD Candidate degree in law and 5 years of experience working as a lawyer. The grounds for exemption from training at the Academy of Justice do not apply to persons included in the list of candidates for prosecutors with the function of confiscating property of illegal origin.

**Q111 (2018):** The prosecutors are mainly recruited through a competition, however the candidates taking part in the competition must have at least two years of professional experience.

**Q112 (2020):** Relevance and duration of work experience, age compliance, as well as other requirements of Article 33 of the "Law on the Prosecutor's Office" are taken into account at the stage of accepting applications for candidates. Thus, according to Point 1 of the Article 33 of the law on the Prosecutor's office: "A citizen of the Republic of Armenia between the ages of 22 and 65 may be appointed to the position of a prosecutor, where: (1) he or she has obtained a Bachelor's Degree or a qualification degree of a certified specialist of higher legal education in the Republic of Armenia or has obtained a similar degree in a foreign State, the recognition and approval of equivalence whereof have been carried out in the Republic of Armenia as prescribed by law; (2) he or she has a command of Armenian; (3) the limitations referred to in part 1 of Article 34 of this Law do not extend thereto; (4) he or she has completed relevant studies at the Academy of Justice, in case of not being exempt from studying at the Academy of Justice in the cases prescribed by part 10 of Article 38 of this Law."

List of candidates, which are exempted from studying in the Academy of Justice is established by the Article 38 (10) of the "Law on the Prosecutor's Office" ( For example, in case a candidate is a Doctor of Laws, has at least three years of experience in the field of law, or a candidate of Laws, has at least five years of experience in the field of law, is exempted from studying at the Academy of Justice.)

**Q113 (2020):** Qualification Commission of the Prosecution office is responsible for the entry selection procedure.

According to article 23 of the "Law on Prosecution"- The Qualification Commission shall have nine members, and for choosing the candidates of prosecutors for carrying out the activities stipulated in "Forfeiture of unlawfully acquired property" law, the Committee shall have 11 members. The Qualification Committee shall consist of one deputy of the Prosecutor General, four prosecutors, three law academics and the Rector of the Academy of Justice, and in the 2nd case the Committee shall include 2 experts (appointed by the Prosecutor General) having at least 3 year's experience in the field of forfeiture of unlawfully acquired property.

**Q114 (2020):** The procedure of the organization of the closed and open competitions is regulated by the order of the Prosecutor General. A closed competition of candidates may also be held during the year based on the instructions of the Prosecutor General. No public call is published during closed competitions and participants are notified by written or oral invitation. Person can participate in the closed competition if:

- 1) he/she meets the requirements provided by law and is exempted from studying in the Academy of Justice as prescribed by law,
- 2) he/she has appealed through a judicial procedure against the rejection of the application by the Qualification Commission, and the court satisfied the complaint, but open competition has ended. In cases prescribed by the 2nd point the candidate must attend the Academy of Justice.

**Q115 (2020):** The entry criteria are established by the "Law on Prosecutor's Office".

**Q118 (2020):** The appeal can be submitted to the Administrative court.

**Q119 (2020):** The results of the candidate's education at the Academy of Justice are taken into account when appointing a prosecutor, and in case the candidate is exempted from studying at the Academy of Justice in accordance with the law, the results of the interview are taken into account.

**Q120 (2020):** Qualification Commission.

**Q122 (2020):** There are no such regulations according to the "Law on the Prosecutor's office". It should be noted that the Prosecutor General does not make separate decision on rejecting an appointment.

**Q126 (2018):** There is no a probation period for judges, however there is a probation for the candidates of judges who study at the Academy of Justice and have to practice in courts.

## Azerbaijan

**Q089 (General Comment):** According to the legislation of Azerbaijan judges recruitment procedures are consisted of 6 stages: 1. Test exam  
2. Written exam 3. Oral exam After the one year training in the Justice Academy and practice in courts: 4. Written exam 5. Oral exam 6. Interview with members of the Judicial-legal Council

According to the Law on Judicial-Legal Council, the latter is endowed with the responsibility of selecting candidates to be appointed to vacant judicial posts through the Judges Selection Committee.

More than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power, the Judicial-Legal Council administrative body, the prosecution, the advocacy and the legal scholar. All the candidates are given an equal opportunity and undergo a written and oral examination. Those candidates who successfully passed the exam are entitled to directly attend the long-term training stage at the Academy of Justice. After finishing the probation period in courts, the Judges Selection Committee assesses candidates according to the results of the training and conducts a final interview. The evaluation results and opinion on candidates' specialization are given to the Judicial-Legal Council. The latter proposes to the President of the Republic of Azerbaijan appointments to vacant judicial posts.

**Q089 (2018):** According to the legislation of Azerbaijan judges recruitment procedures are consisted of 6 stages:

1. Test exam
  2. Written exam
  3. Oral exam
- After the one year training in the Justice Academy and practice in courts: 4. Written exam
5. Oral exam
  6. Interview with members of the Judicial-legal Council

**Q090 (2020):** According to Constitution of Republic of Azerbaijan in order to become a judge you need at least 5 years of experience in legal profession. The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge: first and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the

**Q091 (2020):** According to Article 1 of the Law “on the Judicial-Legal Council”, the Council is the body, which, within its competence, ensures organization of the court system, independence of judges and court system in Azerbaijan Republic; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements self-governance functions of the judiciary.

According to the legislation (Articles 14 of the Law “on the Judicial-Legal Council” and Articles 93-2 of the Law “on Courts and Judges”), the Judicial-Legal Council forms Judges' Selection Committee consisting of 11 members, mainly from judges, its staff, representative of the relevant executive authority of the Republic of Azerbaijan (Ministry of Justice) and the Prosecutor's Office, a lawyer and a lawyer-scientist in order to conduct the selection of candidates for the position of judge. The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005.

According to Article 93-3 of Law on Judges, the applicants for the post of judge are selected as the result of written exam and oral exam. Judges Selection Committee arranges these exams to select candidates.

The results of these exams are evaluated by the Judges Selection Committee. The Judges Selection Committee may engage ad hoc commission in the implementation of this function.

The applicants who have succeeded in these exams are automatically admitted to perform a long-term training period. This training period is organized by the training center (Justice Academy). The working places and salaries of the applicants admitted to perform a long-term training will be kept.

**Q096 (2020):** According to the law "on Judicial-Legal Council" a candidate for the position of a judge may appeal to the Plenum of the Supreme Court of the Republic of Azerbaijan on the correctness of the application of the legislation on legal issues within twenty days from the date of submission of these decisions by the Judicial Legal Council. For this reason we selected High Judicial Council and Court.

**Q097 (2020):** At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system.

The applicants shall be classified according to their merit, based on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

**Q098 (2020):** At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system.

The applicants shall be classified according to their merit, based on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

**Q099 (2020):** The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions. Parliament in respect of higher court judges.

**Q100 (2020):** The President has the right to accept or reject candidates proposed by the Judicial-Legal Council. But in practice, all proposals have always been

**Q102 (2020):** Decisions of Judges' Selection Committee are appealed to Judicial-Legal Council and decisions of Judicial-Legal Council are appealed to the Presidium of Supreme Court.

**Q104 (General Comment):** 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.



**Q104 (2018):** 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.

**Q111 (2020):** All prosecutors shall be recruited to the prosecutor's office in a transparent manner and in accordance with international requirements, as well as on the basis of a competition consisting of tests, written examinations and interviews. When appointing a public prosecutor from among the candidates who passed the competition successfully, the business acumen, level of professionalism, results of work, and moral qualities shall be taken into account

**Q112 (2020):** In accordance with the "Regulations on Competitions for Candidates for the Prosecutor's Office" approved by the President of the Republic of Azerbaijan dated June 19, 2001, a 7-member Competition Commission was established at the Prosecutor General's Office to conduct competitions for candidates for the Prosecutor's Office. If Five members of the commission present the commission considered valid. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special opinion, the opinion shall be attached to the decision. The commission participates in all stages of the competition (test, written and

**Q113 (2020):** Prosecutor General's Office of Azerbaijan

**Q119 (2020):** Other criteria is efficiency, the level of professionalism, the results of his work and moral qualities. In order to determine whether the candidates have the necessary qualities to work in the prosecutor's office, interviews are conducted with those who have passed the qualification exams (tests and written exams). Each candidate is interviewed individually for approximately 20 (twenty) minutes. Questions and answers are recorded by the members of the Commission on the scoreboard and evaluated and submitted to the Chairman of the Commission. Candidates who score less than 20 points in the interview will lose the right to participate in the competition.

**Q123 (2020):** In case of disagreement with the decision made on the appeal in accordance with Article 14.0.8 of the Law of the Republic of Azerbaijan "On Citizens' Appeals", the citizen whose appeal is considered has the right to appeal against this decision in court.

**Q125 (General Comment):** This term can be prolonged till the age of 65 by the General Prosecutor.

**Q126 (2020):** According to Article 5.2 of the Law of the Republic of Azerbaijan "On service in the prosecutor's office", a 6-month internship period is imposed for the persons recruited to the prosecutor's office for the first time. The Prosecutor General of the Republic of Azerbaijan may recruit an employee with more than 5 years of experience in the legal profession without the internship period. At the end of the internship, if the head of the prosecutor's office where the intern is serving gives a positive opinion, the intern is appointed to a position with a probation period of 1 year (reduced to three months in 2021). An employee who has successfully passes the attestation after the end of the probation period in accordance with Article 5.3 of this Law shall be appointed to a permanent position in the Prosecutor's Office by being appointed to the 9th classification position provided for in Article 10 of this Law.

## Georgia

**Q089 (General Comment):** Apart from passing the qualification exam, candidates are expected to have masters degree in law and 5 years experience.— Candidates should complete special training course of ten-months duration conducted by the High School of Justice. The later requirement does not extend to a candidate which is a former Supreme Court Judge, or a former judge with the 18 months experience of judgeship.

**Q089 (2020):** Apart from passing the qualification exam, candidates are expected to have masters' degree in law and 5 years' experience. Candidates should complete special training course of 16-months duration conducted by the High School of Justice. Candidates participate in a competition announced by High School of Justice. The later requirement does not extend to candidates who are former Supreme Court judges, or former judges with 18 months experience of judgeship. Decision on appointment of the first and second instance judges is made by the High Council of Justice. Supreme Court judges are nominated by High Council of Justice and appointed by the Parliament of Georgia.

**Q090 (2020):** A competent citizen of Georgia of 30 years of age who has a higher legal education with at least a master's or equal academic degree/higher education diploma, at least five years of working experience in the specialty, has the command of the official language, has passed a judge's qualification exam, has completed a full training course of the High School of Justice and is entered on the Justice Trainee Qualifications List may be appointed (elected) as a judge. The later requirement does not extend to candidates who are former Supreme Court Judges, or former judges with 18 months experience of judgeship. A person to be elected to the position of a judge of the Supreme Court shall be released for passing a judicial qualification exam.

A former judge of general courts of Georgia shall be released from the judge's qualification exam until 10 years have passed after the powers of the judge are terminated.

Both current and former members of the Constitutional Court and Supreme Court of Georgia shall be released from taking the judge's qualification exam and studying at the High School of Justice.

Decision on appointment of judges of the first and the second instance courts is made by the High Council of Justice. Supreme Court judges are nominated by the High Council of Justice and elected by the Parliament of Georgia.

A person with previous conviction, or a person who has been discharged from the position of a judge on the ground of committing disciplinary misconduct or committing a corruption offence as determined in the Law of Georgia on Conflicts of Interest and Corruption at Public Institutions may not be appointed/elected to the position of a judge.

**Q091 (2020):** The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

**Q096 (2020):** A candidate for judge may appeal the decision of the High Council of Justice of Georgia on refusing to assign the candidate for judge to the position of a judge to the Chamber of Qualification of the Supreme Court.

**Q097 (2020):** In addition, a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The characteristics of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity.

**Q098 (2020):** The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

**Q104 (General Comment):** Following the constitutional amendment of December 2018, judges at the Supreme Court will be recruited for lifetime until the age of retirement prescribed by law (65 years). All other judges are appointed for the lifetime since 2013 amendments in the Constitution. The law envisages probation period for newly appointed judges (with no previous experience), but no more than three years.

As of 2020 there are 10 judges at the Supreme Court who are still appointed for 10 year term. Their term has not been prolonged by law.

**Q104 (2020):** Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment, the judge may be appointed for three-year term until 31 December 2024.

As of 2020 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

**Q104 (2018):** Acting judges of the Supreme Court are appointed for the term of 10 years.

New judges in the first and appellate instance courts are appointed for 3 years probationary period. This rule does not extend to former Supreme Court judges, former Constitutional Court judges or former or acting judges with the 3 years experience of judgeship. The later is appointed until the retirement age if less than 10 years have passed since the candidate has left the judicial position. All acting Supreme Court Judges (10) are appointed for 10 years term. Pursuant to the 2018 amendments in the Constitution of Georgia, the Supreme Court judges elected after 2018 will be elected for an undetermined period.

**Q105 (2020):** The High Council of Justice of Georgia is the entity authorized to assess the productivity of the probationary period of a judge appointed for a probationary period; The decision of the High Council of Justice of Georgia to refuse to appoint a judge for life shall be subject to appeal to the Qualification Chamber of the Supreme Court of Georgia in accordance with Article 36(5) of the Organic Law of Georgia on Common Courts.

**Q108 (2020):** As of 2020 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

**Q109 (2018):** They have to participate in the competition together with other candidates.

**Q111 (General Comment):** Almost all prosecutors are recruited through a competitive exam, except for the Chief prosecutor and his/her deputies, who are subject to different procedures.

**Q112 (2020):** "Clean criminal record" means that a person has never been convicted of a crime.

**Q118 (2020):** The non-selected candidates can appeal the decision in court, in the framework of administrative proceedings.

**Q119 (2020):** Article 34 (3) of the Organic Law On Prosecution Service of Georgia prescribes main criteria of selection of public prosecutor. The criteria are as follows: A citizen of Georgia who has a higher education in law, has a command of the language of legal proceedings, has passed a qualification examination for the Prosecution Service, has completed an internship in the bodies of the Prosecution Service, has taken the oath of an employee of the Prosecution Service, and is able, based on his/her working and moral qualities, as well as his/her health status, to perform the duties of a prosecutor or investigator of the Prosecution Service, may be appointed to the position of a prosecutor of the Prosecution Service. Exceptions to this rule are stipulated in this Law.

**Q120 (2020):** The Selection Board of the PSG, which is composed of prosecutors and non-prosecutors, is responsible for selection and nomination of prosecutors. The General Prosecutor appoints the candidates nominated by the Selection Board as prosecutors. The HR Department of PSG is responsible for organisation of selection and appointment process.

**Q121 (2020):** After the vetting of a candidate is finished, the PSG Human Resources Management and Development Department and the General Inspection submit the report to Prosecutor General on appointing a candidate as a prosecutor. Therefore, the Prosecutor General is the competent authority for the final appointment of a prosecutor.

**Q125 (General Comment):** All prosecutors, except the Chief Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate a compulsory retirement age. According to the Prosecution Service Act and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The Chief Prosecutor of Georgia is appointed for the term of 6 years. The same person cannot be re-elected for a consecutive term.

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### **Republic of Moldova**

**Q090 (2020):** Other criteria provided for by the Law on the Status of the Judge include: the knowledge of the official language of the Republic of Moldova, specific medical certificate, polygraph test.

**Q092 (General Comment):** The call is made public through website and it is thus available to the general public and directed to all potential candidates.

**Q097 (2020):** 1. Academic and/or research activity. 2. Extrajudicial activity, confirmed by certificates, diplomas, decisions, orders.

**Q104 (General Comment):** According to article 116 of the Constitution and art. 11 (1) of the Law on the Status of Judges, No. 544 of 20 July 1995, judges are first appointed for an initial period of 5 years. Once this period of 5 years has expired, the judge is evaluated and then appointed until she/he reaches the age of 65. This initial period of 5 years cannot be considered as a probation period. However, it should be noted that the judge's term of office is interrupted in the event of: the submission of a request for resignation on his/her own initiative; obvious non-compliance with the position held, established at the time of the performance appraisal; transfer to another position under the conditions provided for by law; disciplinary failure to comply with the law; pronouncement of a final judgment of conviction; loss of the nationality of the Republic of Moldova; failure to comply with restrictions on the office of judge; a statement of incapacity for work as confirmed by a medical certificate; expiration of the initial period of 5 years if the judge has not been appointed definitively; attainment of the age limit; establishing a judicial protection measure (Article 25 of the Law No. 544-XIII of 20 July 1995 on the Status of Judges).

**Q108 (2020):** The compulsory retirement age for judges is 65 years old.

**Q112 (2020):** Other for both columns include:

1. Medical certificate
2. Knowledge of the official language of the Republic of Moldova
3. Polygraph test
4. Impeccable reputation.
5. The candidate does not have any records of a negative outcomes of his/her professional integrity test in the past 5 years in his/her professional integrity record

**Q119 (2020):** Other

1. Academic/teaching and research activity.
2. Respecting the rules of professional ethics.
3. Ability to apply knowledge in practice.
4. Involvement of the candidate in activities in relevant fields for prosecution.

**Q125 (General Comment):** According to articles 56, 57 of the Law on Prosecution no.3 from 25.02.2016, prosecutors are nominated for an indefinite period of time, the maximum age being 65. Prosecutor service relations cease in circumstances beyond the control of the parties and in case of dismissal.

The circumstances beyond the control of the parties are: (a) loss of citizenship of the Republic of Moldova; (b) reaching the age of 65; (c) the expiration of the term for which he/she was appointed in the case of refusal to be appointed to another position as a prosecutor; (d) if the judgement establishing the prosecutor's guilty for committing a crime is final; (e) depriving the prosecutor of the right to occupy certain positions or to carry out certain activities, as a basic punishment or complementary punishment, on the basis of a final court judgment ordering this sanction; (f) where the prosecutor is declared to have disappeared by a final court order; (g) death or declaration of death of the prosecutor by a final court judgement; (h) in case the court judgement on the limitation of the exercise capacity or the prosecutor's incapacity for work remains final; (i) the finding, after his/her appointment, of at least one reason why the person can not be appointed as a prosecutor. The prosecutor, the chief prosecutor and the deputy of the Prosecutor General shall be released from office in the case of: (a) submitting the request for resignation; (b) in case of the refusal to be transferred to another prosecutor's office or subdivision of the Prosecutor's Office, if the Prosecutor's Office or the subdivision of the Prosecutor's Office in which he/she has acted is liquidated or reorganized; (c) in case of the refusal to submit to the disciplinary sanction of relegation from office; (d) applying te disciplinary sanction of dismissal from the post of prosecutor when the judgement becomes irrevocable; (e) obtaining the "insufficient" rating for two consecutive evaluations or failure of the performance evaluation; (f) absence for two consecutive rounds of performance evaluation without justification; (g) registering as a candidate on the list of a political party or a social-political organization in elections to Parliament or local public administration authorities; (h) if the act establishing its incompatibility status or the violation of certain prohibitions is final; (i) where he/she is considered as medically unelligible for the performance of his/her duties; (j) in case of the refusal to be subject to verification under Law no. 271-XVI of December 18, 2008 regarding the verification of the holders and candidates for public positions; (k) appointment to a position incompatible with the position of prosecutor; (l) establishing, concluding a legal act or taking part in a decision without the resolution of the conflict of interest in accordance with the provisions of the legislation on conflict of interest; (m) the failure to submit the declaration of assets and personal interests or the refusal to submit it, under art. 27 par. (8) of the Law no. 132 of 17 June 2016 on the National Integrity Authority; (n) issuing by the court of an irrevocable judgement regarding the seizure of unjustified wealth.

**Q129 (2020):** The compulsory retirement age for prosecutors is 63 years old for men and 59 years old for women in 2020.

**Ukraine**

candidates were introduced in Ukraine and the procedure for selecting judges was changed.

In particular, according to Article 69 of the Law of Ukraine "On Judiciary and the Status of Judges" a citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law is competent, honest and speaks the state language in accordance with the level determined by the National Commission on the Standards of the State Language (changes to the article 69 since April 25, 2019), may be appointed to the position of a judge.

The procedure of selection to a judicial position includes the following general stages:

1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions; 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine; 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted; 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam; 6) taking admission exam by a person who was qualified to participate in the selection; 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine; 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law; 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training; 10) taking a qualification examination by the candidates who went through initial training and determining its results; 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list; 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions; 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge; 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a

**Q104 (General Comment):** The institute of the appointment as a judge for the first time for the 5 year term was cancelled after the introduction of amendments to the Constitution of Ukraine in part of justice in 2016.

**Q111 (2018):** According to the Law of Ukraine On Public Prosecution Office, a citizen may become a prosecutor of the local prosecutor's office by passing the competitive exam and having the experience in the field of law not less than two years.

**Q125 (2020):** The powers of the prosecutor are terminated in connection with the decision of the relevant body conducting disciplinary proceedings against prosecutors on the impossibility of further holding the position of the prosecutor.



## Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by question No.

*Question 89 - How are judges recruited?*

*Question 90 - What are the entry criteria to become a judge?*

*Question 91 - Which authority is competent during the entry selection procedure?*

*Question 92 - Is there a public call for candidates to become a judge?*

*Question 93 - Are the entry criteria to become a judge publicly available?*

*Question 94 - Is there a list of pre-selected candidates which is public?*

*Question 95 - Is there a possibility for non pre-selected candidates to appeal?*

*Question 96 - If yes, what body is competent to decide on appeal?*

*Question 97 - What are the criteria for the selection of judges?*

*Question 98 - Which authority is competent to select judges?*

*Question 99 - Which authority is competent for the final appointment of a judge?*

*Question 100 - Which competences has this authority in the final appointment procedure (multiple replies possible):*

*Question 101 - May non-selected candidates appeal against the decision of appointment?*

*Question 102 - If yes, what body is competent to decide on appeal?*

*Question 103 - How do you check the integrity of candidate judges?*

*Question 104 - Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?*

*Question 105 - Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?*

*Question 106 - If yes, which authority is competent to decide if the probation period is successful?*

*Question 107 - Is there a possibility to appeal against this decision?*

*Question 108 - If the mandate for judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?*

*Question 109 - Is it renewable?*

*Question 111 - How are public prosecutors recruited?*

*Question 112 - What are the entry criteria to become a prosecutor?*

*Question 113 - Which authority is competent during the entry selection procedure?*

*Question 114 - Is there a public call for candidates to become a prosecutor?*

*Question 115 - Are the entry criteria to become a prosecutor publicly available?*

*Question 116 - Is there a list of pre-selected candidates which is public?*

*Question 117 - Is there a possibility for non pre-selected candidates to appeal?*



*Question 118 - If yes, what body is competent to decide on appeal?*

*Question 119 - What are the criteria of selection of public prosecutor?*

*Question 120 - Which authority is competent during the selection procedure of a public prosecutor?*

*Question 121 - Which authority is competent for the final appointment of a prosecutor?*

*Question 121-1 - Which competences has this authority in the final appointment procedure ? (multiple replies possible):*

*Question 122 - May non-selected candidates appeal against the decision of appointment?*

*Question 123 - If yes, what body is competent to decide on appeal?*

*Question 124 - How do you check the integrity of candidate prosecutors?*

*Question 125 - Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?*

*Question 126 - Is there a probation period for public prosecutors? If yes, how long is this period?*

*Question 127 - If yes, which authority is competent to decide if the probation period is successful?*

*Question 128 - Is there a possibility to appeal against this decision?*

*Question 129 - If the mandate for public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?*

*Question 130 - Is it renewable?*

## **Question 089**

### **Armenia**

**(General Comment):** Competitive exam includes the following stages.

-written exam, -psychological test,

-interview.

Persons holding an academic degree in the field of law and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least five years during the last 10 years, shall have the right to submit an application to the Supreme Judicial Council in order to be included in the list of contenders for judge candidates. A contender holding an academic degree shall undergo the stage of interview of the qualification check

**(2018):** Candidate have to go through a competitive exam consisting of written exam and an interview. However, there is a requirement on professional experience for those who are willing to participate in the competition. Article 106 of the Judicial Code of 2018 states that a person who holds a scientific degree in law and who performed scientific work at scientific institution or taught law in a higher educational institution at least five out of the last eight years, and is compliant with the requirements set forth for a judge candidate, has a right to apply to be included in the list of applicants for judge. This means, that there is a general procedure, and there is a special procedure for legal scientists. However, the latter are required to participate in interview.

## Azerbaijan

**(General Comment):** According to the legislation of Azerbaijan judges recruitment procedures are consisted of 6 stages: 1. Test exam 2. Written exam 3. Oral exam After the one year training in the Justice Academy and practice in courts: 4. Written exam 5. Oral exam 6. Interview with members of the Judicial-legal Council

According to the Law on Judicial-Legal Council, the latter is endowed with the responsibility of selecting candidates to be appointed to vacant judicial posts through the Judges Selection Committee.

More than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power, the Judicial-Legal Council administrative body, the prosecution, the advocacy and the legal scholar. All the candidates are given an equal opportunity and undergo a written and oral examination. Those candidates who successfully passed the exam are entitled to directly attend the long-term training stage at the Academy of Justice. After finishing the probation period in courts, the Judges Selection Committee assesses candidates according to the results of the training and conducts a final interview. The evaluation results and opinion on candidates' specialization are given to the Judicial-Legal Council. The latter proposes to the President of the Republic of Azerbaijan appointments to vacant judicial posts.

**(2018):** According to the legislation of Azerbaijan judges recruitment procedures are consisted of 6 stages:

1. Test exam
2. Written exam
3. Oral exam

After the one year training in the Justice Academy and practice in courts: 4. Written exam

5. Oral exam
6. Interview with members of the Judicial-legal Council

## Georgia

**(General Comment):** Apart from passing the qualification exam, candidates are expected to have masters degree in law and 5 years experience.– Candidates should complete special training course of ten-months duration conducted by the High School of Justice. The later requirement does not extend to a candidate which is a former Supreme Court Judge, or a former judge with the 18 months experience of judgeship.

**(2020):** Apart from passing the qualification exam, candidates are expected to have masters' degree in law and 5 years' experience. Candidates should complete special training course of 16-months duration conducted by the High School of Justice. Candidates participate in a competition announced by High School of Justice. The later requirement does not extend to candidates who are former Supreme Court judges, or former judges with 18 months experience of judgeship. Decision on appointment of the first and second instance judges is made by the High Council of Justice. Supreme Court judges are nominated by High Council of Justice and appointed by the Parliament of Georgia.

## Ukraine

candidates were introduced in Ukraine and the procedure for selecting judges was changed.

In particular, according to Article 69 of the Law of Ukraine "On Judiciary and the Status of Judges" a citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law is competent, honest and speaks the state language in accordance with the level determined by the National Commission on the Standards of the State Language (changes to the article 69 since April 25, 2019), may be appointed to the position of a judge.

The procedure of selection to a judicial position includes the following general stages:

- 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions;
- 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year;
- 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine;
- 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted;
- 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam;
- 6) taking admission exam by a person who was qualified to participate in the selection;
- 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine;
- 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law;
- 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training;
- 10) taking a qualification examination by the candidates who went through initial training and determining its results;
- 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list;
- 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions;
- 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge;
- 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a

## Question 090

## Armenia

A person may not be appointed to the position of a judge where:

- (1) He or she has been convicted of a crime and the conviction has not been expired or cancelled;
- (2) He or she has been convicted of an intentional crime or has served a custodial punishment regardless of whether or not the conviction has expired or cancelled;
- (3) He or she has a physical impairment or suffers a disease hindering his or her appointment to the position of a judge;
- (4) he has not undergone mandatory military service or alternative service and has not been exempt from mandatory military service as prescribed by law (where the person is male);
- (5) He or she has been declared as having no active legal capacity, having limited active legal capacity, missing or bankrupt by a civil judgment of the court having entered into legal force and the bankruptcy proceedings yet has not completed;
- (6) Criminal prosecution is initiated against him or her.

According to Article 97 of the Judicial Code of RA:

“Persons between the ages of 25 and 60, having the right of suffrage, may participate in the qualification check in order to be included in the list of contenders for judge candidates, where:

- 1) they hold the citizenship of only the Republic of Armenia;
- (2) they have obtained a Bachelor’s qualification degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or have obtained a relevant degree in a foreign state, the recognition and approval of equivalence of which have been carried out in the Republic of Armenia as prescribed by law;
- (3) they are proficient in the Armenian language;
- (4) they have knowledge of at least one language from among English, Russian, and French, the required level of which shall be prescribed by the Supreme Judicial Council and checked through standardised test systems;
- (5) only if they have a bachelor's degree in law or a corresponding degree in a foreign country, they have at least five years of professional experience, and if they have a bachelor's degree in law and a master's degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or corresponding degree in a foreign country, they have at least three years of professional experience;
- (6) there are no restrictions provided for by this Code on being appointed as a judge”.

It should be noted that specific criteria for judge candidates of courts of appeal, the Court of Cassation are defined by the Articles 123 and 132 of the Judicial Code, and the criteria to become a judge of the Constitutional Court are established by Article 4 of the “Law on the Constitutional Court”.

Armenia has the Academy of Justice (hereinafter the Academy), which is a state non-commercial organization, the founder of which is the Republic of Armenia, represented by the Government of the Republic of Armenia. The activities and functions of the Academy are regulated by the “Law on the Academy of Justice”. The

## Azerbaijan

**(2020):** According to Constitution of Republic of Azerbaijan in order to become a judge you need at least 5 years of experience in legal profession. The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge: first and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy. Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the procedures provided by the legislation. They are not subject to examination and training at Justice Academy. But in practice it is very rarely used procedure.

### **Georgia**

**(2020):** A competent citizen of Georgia of 30 years of age who has a higher legal education with at least a master's or equal academic degree/higher education diploma, at least five years of working experience in the specialty, has the command of the official language, has passed a judge's qualification exam, has completed a full training course of the High School of Justice and is entered on the Justice Trainee Qualifications List may be appointed (elected) as a judge. The later requirement does not extend to candidates who are former Supreme Court Judges, or former judges with 18 months experience of judgeship. A person to be elected to the position of a judge of the Supreme Court shall be released for passing a judicial qualification exam.

A former judge of general courts of Georgia shall be released from the judge's qualification exam until 10 years have passed after the powers of the judge are terminated.

Both current and former members of the Constitutional Court and Supreme Court of Georgia shall be released from taking the judge's qualification exam and studying at the High School of Justice.

Decision on appointment of judges of the first and the second instance courts is made by the High Council of Justice. Supreme Court judges are nominated by the High Council of Justice and elected by the Parliament of Georgia.

A person with previous conviction, or a person who has been discharged from the position of a judge on the ground of committing disciplinary misconduct or committing a corruption offence as determined in the Law of Georgia on Conflicts of Interest and Corruption at Public Institutions may not be appointed/elected to the position of a judge.

### **Republic of Moldova**

**(2020):** Other criteria provided for by the Law on the Status of the Judge include: the knowledge of the official language of the Republic of Moldova, specific medical certificate, polygraph test.

### **Question 091**

## Armenia

**(2020):** The Supreme Judicial Council is responsible for interviews and the written exam stages if the candidate must attend the Academy of Justice.

## Azerbaijan

**(2020):** According to Article 1 of the Law “on the Judicial-Legal Council”, the Council is the body, which, within its competence, ensures organization of the court system, independence of judges and court system in Azerbaijan Republic; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements self-governance functions of the judiciary.

According to the legislation (Articles 14 of the Law “on the Judicial-Legal Council” and Articles 93-2 of the Law “on Courts and Judges”), the Judicial-Legal Council forms Judges' Selection Committee consisting of 11 members, mainly from judges, its staff, representative of the relevant executive authority of the Republic of Azerbaijan (Ministry of Justice) and the Prosecutor's Office, a lawyer and a lawyer-scientist in order to conduct the selection of candidates for the position of judge. The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005.

According to Article 93-3 of Law on Judges, the applicants for the post of judge are selected as the result of written exam and oral exam. Judges Selection Committee arranges these exams to select candidates.

The results of these exams are evaluated by the Judges Selection Committee. The Judges Selection Committee may engage ad hoc commission in the implementation of this function.

The applicants who have succeeded in these exams are automatically admitted to perform a long-term training period. This training period is organized by the training center (Justice Academy). The working places and salaries of the applicants admitted to perform a long-term training will be kept.

## Georgia

**(2020):** The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

## Question 092

### Republic of Moldova

**(General Comment):** The call is made public through website and it is thus available to the general public and directed to all potential candidates.

## Question 093

### Armenia

**(2020):** The entry criteria are established by the Constitution and Judicial Code of RA. It should be noted that in practice the entry criteria are also mentioned in the public call. Public call is also published in court.am.

### Question 096

#### Armenia

**(2020):** In cases when the candidate shall attend the Academy of Justice, according to parts 1 and 2 of the Article 105.1 of the Judicial Code of RA: "The results of the written examination may be appealed to the Appeals Commission within a 15-day time period upon publication thereof. The appeals commission for the relevant specialization shall be formed within a 5-day period upon receipt of the first appeal against the results of the examination for the specialization concerned, composed of two judges and one academic lawyer who are, by a drawing, elected by the composition of 5 academic lawyer candidates for the given specialization nominated by the Training Commission and at least 3 academic lawyer candidates in the relevant field of law nominated by the Authorized Body, upon their consent. Members of the evaluation commission may not be included in the composition of the Appeals Commission". Moreover, according to part 5 of the Article 105.1 of the Judicial Code, the results of the written examination may be appealed in court on the basis of procedural violations, if they have been appealed to the Appeals Commission. The competent court is the administrative court. It should be noted that the Judicial code does not describe the appeal procedure neither of decisions made during interview and other stages of candidate selection, nor for the cases when the candidate is selected without attending to the Academy of Justice, but in practice it is not excluded the possibility to appeal to the Administrative court.

#### Azerbaijan

**(2020):** According to the law "on Judicial-Legal Council" a candidate for the position of a judge may appeal to the Plenum of the Supreme Court of the Republic of Azerbaijan on the correctness of the application of the legislation on legal issues within twenty days from the date of submission of these decisions by the Judicial Legal Council. For this reason we selected High Judicial Council and Court.

#### Georgia

**(2020):** A candidate for judge may appeal the decision of the High Council of Justice of Georgia on refusing to assign the candidate for judge to the position of a judge to the Chamber of Qualification of the Supreme Court.

### Question 097

#### Azerbaijan

**(2020):** At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system.

The applicants shall be classified according to their merit, based on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

### **Georgia**

**(2020):** In addition, a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The characteristics of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity.

### **Republic of Moldova**

**(2020):** 1. Academic and/or research activity. 2. Extrajudicial activity, confirmed by certificates, diplomas, decisions, orders.

### **Question 098**

### **Armenia**

**(2020):** The Supreme Judicial Council shall include the contenders for judge candidates, having completed the training at the Academy of Justice, in the list of judge candidates according to the relevant specializations. In cases when the candidate shall not attend the Academy of Justice the list of judge candidates is compiled by the Supreme Judicial Council.

### **Azerbaijan**

**(2020):** At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system.

The applicants shall be classified according to their merit, based on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

### **Georgia**



**(2020):** The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

### Question 099

#### Armenia

**(2020):** In case the candidate gives his or her consent, the Supreme Judicial Council shall propose his or her candidacy to the President of the Republic by introducing also his or her personal file, the documents submitted thereby in case he or she is not a judge and those acquired as a result of their check.

In case the President of the Republic returns to the Supreme Judicial Council the proposal with the objections therein, the Supreme Judicial Council shall be obliged to convene a session.

The Supreme Judicial Council shall consider the issue of not accepting the objection of the President of the Republic and make a decision by secret ballot. Where the Supreme Judicial Council does not accept the objection of the President of the Republic, the President of the Republic shall, within a period of three days, adopt a decree on appointing the proposed candidate or apply to the Constitutional Court.

Where the Constitutional Court decides that the proposal complies with the Constitution, the President of the Republic shall adopt, within a period of three days, a decree on appointing the proposed candidate.

Where the President of the Republic fails to carry out, within a period of three days, the actions specified in parts 2, 4 or 5 of this Article, the decree of the President of the Republic on appointing the relevant candidate shall enter into force by virtue of law, whereon the Chairperson of the Supreme Judicial Council shall, within a period of three days, publish an announcement on the official website of the judiciary.

#### Azerbaijan

**(2020):** The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions. Parliament in respect of higher court judges.

### Question 100

#### Armenia

**(2020):** The President of the Republic shall, within a period of three days upon receipt of the proposal, adopt a decree on appointing the proposed candidate or return to the Supreme Judicial Council the proposal with the objections therein.

#### Azerbaijan

**(2020):** The President has the right to accept or reject candidates proposed by the Judicial-Legal Council. But in practice, all proposals have always been confirmed.

#### Question 102

##### Azerbaijan

**(2020):** Decisions of Judges' Selection Committee are appealed to Judicial-Legal Council and decisions of Judicial-Legal Council are appealed to the Presidium of Supreme Court.

#### Question 104

##### Azerbaijan

**(General Comment):** 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.

**(2018):** 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.

##### Georgia

**(General Comment):** Following the constitutional amendment of December 2018, judges at the Supreme Court will be recruited for lifetime until the age of retirement prescribed by law (65 years). All other judges are appointed for the lifetime since 2013 amendments in the Constitution. The law envisages probation period for newly appointed judges (with no previous experience), but no more than three years.

As of 2020 there are 10 judges at the Supreme Court who are still appointed for 10 year term. Their term has not been prolonged by law.

**(2020):** Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment, the judge may be appointed for three-year term until 31 December 2024.

As of 2020 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

**(2018):** Acting judges of the Supreme Court are appointed for the term of 10 years.

New judges in the first and appellate instance courts are appointed for 3 years probationary period. This rule does not extend to former Supreme Court judges, former Constitutional Court judges or former or acting judges with the 3 years experience of judgeship. The later is appointed until the retirement age if less than 10 years have passed since the candidate has left the judicial position. All acting Supreme Court Judges (10) are appointed for 10 years term. Pursuant to the 2018 amendments in the Constitution of Georgia, the Supreme Court judges elected after 2018 will be elected for an undetermined period.

##### Republic of Moldova

**(General Comment):** According to article 116 of the Constitution and art. 11 (1) of the Law on the Status of Judges, No. 544 of 20 July 1995, judges are first appointed for an initial period of 5 years. Once this period of 5 years has expired, the judge is evaluated and then appointed until she/he reaches the age of 65. This initial period of 5 years cannot be considered as a probation period. However, it should be noted that the judge's term of office is interrupted in the event of: the submission of a request for resignation on his/her own initiative; obvious non-compliance with the position held, established at the time of the performance appraisal; transfer to another position under the conditions provided for by law; disciplinary failure to comply with the law; pronouncement of a final judgment of conviction; loss of the nationality of the Republic of Moldova; failure to comply with restrictions on the office of judge; a statement of incapacity for work as confirmed by a medical certificate; expiration of the initial period of 5 years if the judge has not been appointed definitively; attainment of the age limit; establishing a judicial protection measure (Article 25 of the Law No. 544-XIII of 20 July 1995 on the Status of Judges).

#### **Ukraine**

**(General Comment):** The institute of the appointment as a judge for the first time for the 5 year term was cancelled after the introduction of amendments to the Constitution of Ukraine in part of justice in 2016.

#### **Question 105**

#### **Georgia**

**(2020):** The High Council of Justice of Georgia is the entity authorized to assess the productivity of the probationary period of a judge appointed for a probationary period; The decision of the High Council of Justice of Georgia to refuse to appoint a judge for life shall be subject to appeal to the Qualification Chamber of the Supreme Court of Georgia in accordance with Article 36(5) of the Organic Law of Georgia on Common Courts.

#### **Question 108**

#### **Georgia**

**(2020):** As of 2020 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

#### **Republic of Moldova**

**(2020):** The compulsory retirement age for judges is 65 years old.

#### **Question 109**

#### **Georgia**

**(2018):** They have to participate in the competition together with other candidates.

## Question 111

### Armenia

the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two consecutive terms. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General. The law may prescribe additional requirements for the Prosecutor General.

According to the Law on Prosecutor's Office, to be eligible for appointment to the position of a Deputy Prosecutor General, a person must meet the requirements prescribed in Article 33 part 1, holding citizenship of only the Republic of Armenia, with high professional qualities, and at least seven years of professional work experience after receiving higher legal education. If the candidate for Deputy Prosecutor General holds the position of prosecutor, he / she may be appointed by the Prosecutor General, after consultation with the Board of the Prosecutor General, without a competition held in accordance with this Article. In case of not being appointed by Prosecutor General as described, the candidates (candidate) for Deputy Prosecutor General shall be selected by the Qualification Commission through a competition held in accordance with the established procedure. The Qualification Commission makes a decision by secret ballot with at least six members of it. The Prosecutor General shall appoint one of the candidates as Deputy Prosecutor General. (Article 36)

For appointment to the position of a prosecutor a person must meet the requirements prescribed in Article 33 part 1. The list of prosecutor candidates shall be supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule, once a year, in January of each year. If so instructed by the Prosecutor General, a closed competition of candidates may be held during the year in order to supplement the list of prosecutor candidates. The Qualification Commission shall check the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by him with other requirements stipulated by law. The candidacies of applicants about whom the Qualification Commission issues a positive opinion shall be submitted to the Prosecutor General, who shall include the candidates acceptable to him in the list of prosecutor candidates. A person included in the list of prosecutor candidates shall complete a program of studies in the Academy of Justice and take a qualification exam. A person is relieved of the requirement to study and take a qualification exam, if he/she: has 3 years of professional work experience as a prosecutor, judge, investigator, or advocate, unless more than 5 years have passed since the person stopped performing such work; has 3 years of professional work experience as a prosecutor unless more than 10 years have passed since the person stopped performing such work and if he/she retired according to the specific grounds prescribed by law; has a PhD degree in Law and has 3 years of professional work experience; or has a PhD Candidate degree in law and 5 years of experience working as a lawyer. The grounds for exemption from training at the Academy of Justice do not apply to persons included in the list of candidates for prosecutors with the function of confiscating property of illegal origin.

**(2018):** The prosecutors are mainly recruited through a competition, however the candidates taking part in the competition must have at least two years of professional experience.

## Azerbaijan

**(2020):** All prosecutors shall be recruited to the prosecutor's office in a transparent manner and in accordance with international requirements, as well as on the basis of a competition consisting of tests, written examinations and interviews. When appointing a public prosecutor from among the candidates who passed the competition successfully, the business acumen, level of professionalism, results of work, and moral qualities shall be taken into account

## Georgia

**(General Comment):** Almost all prosecutors are recruited through a competitive exam, except for the Chief prosecutor and his/her deputies, who are subject to different procedures.

## Ukraine

**(2018):** According to the Law of Ukraine On Public Prosecution Office, a citizen may become a prosecutor of the local prosecutor's office by passing the competitive exam and having the experience in the field of law not less than two years.

## Question 112

### Armenia

**(2020):** Relevance and duration of work experience, age compliance, as well as other requirements of Article 33 of the "Law on the Prosecutor's Office" are taken into account at the stage of accepting applications for candidates. Thus, according to Point 1 of the Article 33 of the law on the Prosecutor's office: "A citizen of the Republic of Armenia between the ages of 22 and 65 may be appointed to the position of a prosecutor, where: (1) he or she has obtained a Bachelor's Degree or a qualification degree of a certified specialist of higher legal education in the Republic of Armenia or has obtained a similar degree in a foreign State, the recognition and approval of equivalence whereof have been carried out in the Republic of Armenia as prescribed by law; (2) he or she has a command of Armenian; (3) the limitations referred to in part 1 of Article 34 of this Law do not extend thereto; (4) he or she has completed relevant studies at the Academy of Justice, in case of not being exempt from studying at the Academy of Justice in the cases prescribed by part 10 of Article 38 of this Law."

List of candidates, which are exempted from studying in the Academy of Justice is established by the Article 38 (10) of the "Law on the Prosecutor's Office" ( For example, in case a candidate is a Doctor of Laws, has at least three years of experience in the field of law, or a candidate of Laws, has at least five years of experience in the field of law, is exempted from studying at the Academy of Justice.)

## Azerbaijan

**(2020):** In accordance with the “Regulations on Competitions for Candidates for the Prosecutor's Office” approved by the President of the Republic of Azerbaijan dated June 19, 2001, a 7-member Competition Commission was established at the Prosecutor General's Office to conduct competitions for candidates for the Prosecutor's Office. If Five members of the commission present the commission considered valid. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special opinion, the opinion shall be attached to the decision. The commission participates in all stages of the competition (test, written and

### **Georgia**

**(2020):** “Clean criminal record” means that a person has never been convicted of a crime.

### **Republic of Moldova**

**(2020):** Other for both columns include:

1. Medical certificate
2. Knowledge of the official language of the Republic of Moldova
3. Polygraph test
4. Impeccable reputation.
5. The candidate does not have any records of a negative outcomes of his/her professional integrity test in the past 5 years in his/her professional integrity record

### **Question 113**

#### **Armenia**

**(2020):** Qualification Commission of the Prosecution office is responsible for the entry selection procedure.

According to article 23 of the "Law on Prosecution"- The Qualification Commission shall have nine members, and for choosing the candidates of prosecutors for carrying out the activities stipulated in “Forfeiture of unlawfully acquired property” law, the Committee shall have 11 members. The Qualification Committee shall consist of one deputy of the Prosecutor General, four prosecutors, three law academics and the Rector of the Academy of Justice, and in the 2nd case the Committee shall include 2 experts (appointed by the Prosecutor General) having at least 3 year's experience in the field of forfeiture of unlawfully acquired property.

#### **Azerbaijan**

**(2020):** Prosecutor General's Office of Azerbaijan

### **Question 114**

## **Armenia**

**(2020):** The procedure of the organization of the closed and open competitions is regulated by the order of the Prosecutor General. A closed competition of candidates may also be held during the year based on the instructions of the Prosecutor General. No public call is published during closed competitions and participants are notified by written or oral invitation. Person can participate in the closed competition if:

- 1) he/she meets the requirements provided by law and is exempted from studying in the Academy of Justice as prescribed by law,
- 2) he/she has appealed through a judicial procedure against the rejection of the application by the Qualification Commission, and the court satisfied the complaint, but open competition has ended. In cases prescribed by the 2nd point the candidate must attend the Academy of Justice.

## **Question 115**

### **Armenia**

**(2020):** The entry criteria are established by the "Law on Prosecutor's Office".

## **Question 118**

### **Armenia**

**(2020):** The appeal can be submitted to the Administrative court.

### **Georgia**

**(2020):** The non-selected candidates can appeal the decision in court, in the framework of administrative proceedings.

## **Question 119**

### **Armenia**

**(2020):** The results of the candidate's education at the Academy of Justice are taken into account when appointing a prosecutor, and in case the candidate is exempted from studying at the Academy of Justice in accordance with the law, the results of the interview are taken into account.

## **Azerbaijan**

**(2020):** Other criteria is efficiency, the level of professionalism, the results of his work and moral qualities. In order to determine whether the candidates have the necessary qualities to work in the prosecutor's office, interviews are conducted with those who have passed the qualification exams (tests and written exams). Each candidate is interviewed individually for approximately 20 (twenty) minutes. Questions and answers are recorded by the members of the Commission on the scoreboard and evaluated and submitted to the Chairman of the Commission. Candidates who score less than 20 points in the interview will lose the right to participate in the competition.

### **Georgia**

**(2020):** Article 34 (3) of the Organic Law On Prosecution Service of Georgia prescribes main criteria of selection of public prosecutor. The criteria are as follows: A citizen of Georgia who has a higher education in law, has a command of the language of legal proceedings, has passed a qualification examination for the Prosecution Service, has completed an internship in the bodies of the Prosecution Service, has taken the oath of an employee of the Prosecution Service, and is able, based on his/her working and moral qualities, as well as his/her health status, to perform the duties of a prosecutor or investigator of the Prosecution Service, may be appointed to the position of a prosecutor of the Prosecution Service. Exceptions to this rule are stipulated in this Law.

### **Republic of Moldova**

**(2020):** Other

1. Academic/teaching and research activity.
2. Respecting the rules of professional ethics.
3. Ability to apply knowledge in practice.
4. Involvement of the candidate in activities in relevant fields for prosecution.

### **Question 120**

### **Armenia**

**(2020):** Qualification Commission.

### **Georgia**

**(2020):** The Selection Board of the PSG, which is composed of prosecutors and non-prosecutors, is responsible for selection and nomination of prosecutors. The General Prosecutor appoints the candidates nominated by the Selection Board as prosecutors. The HR Department of PSG is responsible for organisation of selection and appointment process.



### Question 121

#### Georgia

**(2020):** After the vetting of a candidate is finished, the PSG Human Resources Management and Development Department and the General Inspection submit the report to Prosecutor General on appointing a candidate as a prosecutor. Therefore, the Prosecutor General is the competent authority for the final appointment of a prosecutor.

### Question 122

#### Armenia

**(2020):** There are no such regulations according to the "Law on the Prosecutor's office". It should be noted that the Prosecutor General does not make separate decision on rejecting an appointment.

### Question 123

#### Azerbaijan

**(2020):** In case of disagreement with the decision made on the appeal in accordance with Article 14.0.8 of the Law of the Republic of Azerbaijan "On Citizens' Appeals", the citizen whose appeal is considered has the right to appeal against this decision in court.

### Question 125

#### Azerbaijan

**(General Comment):** This term can be prolonged till the age of 65 by the General Prosecutor.

#### Georgia

**(General Comment):** All prosecutors, except the Chief Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate a compulsory retirement age. According to the Prosecution Service Act and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The Chief Prosecutor of Georgia is appointed for the term of 6 years. The same person cannot be re-elected for a consecutive term.

**(2020):** All prosecutors, except for the General Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate compulsory retirement age. According to the Organic Law of Georgia on Prosecution Service and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

**(2018):** All prosecutors, except for the General Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate compulsory retirement age. According to the Organic Law of Georgia on Prosecution Service and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

### **Republic of Moldova**

**(General Comment):** According to articles 56, 57 of the Law on Prosecution no.3 from 25.02.2016, prosecutors are nominated for an indefinite period of time, the maximum age being 65. Prosecutor service relations cease in circumstances beyond the control of the parties and in case of dismissal.

The circumstances beyond the control of the parties are: (a) loss of citizenship of the Republic of Moldova; (b) reaching the age of 65; (c) the expiration of the term for which he/she was appointed in the case of refusal to be appointed to another position as a prosecutor; (d) if the judgement establishing the prosecutor's guilty for committing a crime is final; (e) depriving the prosecutor of the right to occupy certain positions or to carry out certain activities, as a basic punishment or complementary punishment, on the basis of a final court judgment ordering this sanction; (f) where the prosecutor is declared to have disappeared by a final court order; (g) death or declaration of death of the prosecutor by a final court judgement; (h) in case the court judgement on the limitation of the exercise capacity or the prosecutor's incapacity for work remains final; (i) the finding, after his/her appointment, of at least one reason why the person can not be appointed as a prosecutor. The prosecutor, the chief prosecutor and the deputy of the Prosecutor General shall be released from office in the case of: (a) submitting the request for resignation; (b) in case of the refusal to be transferred to another prosecutor's office or subdivision of the Prosecutor's Office, if the Prosecutor's Office or the subdivision of the Prosecutor's Office in which he/she has acted is liquidated or reorganized; (c) in case of the refusal to submit to the disciplinary sanction of relegation from office; (d) applying te disciplinary sanction of dismissal from the post of prosecutor when the judgement becomes irrevocable; (e) obtaining the "insufficient" rating for two consecutive evaluations or failure of the performance evaluation; (f) absence for two consecutive rounds of performance evaluation without justification; (g) registering as a candidate on the list of a political party or a social-political organization in elections to Parliament or local public administration authorities; (h) if the act establishing its incompatibility status or the violation of certain prohibitions is final; (i) where he/she is considered as medically unelligible for the performance of his/her duties;

(j) in case of the refusal to be subject to verification under Law no. 271-XVI of December 18, 2008 regarding the verification of the holders and candidates for public positions; (k) appointment to a position incompatible with the position of prosecutor;

(l) establishing, concluding a legal act or taking part in a decision without the resolution of the conflict of interest in accordance with the provisions of the legislation on conflict of interest; (m) the failure to submit the declaration of assets and personal interests or the refusal to submit it, under art. 27 par. (8) of the Law no. 132 of 17 June 2016 on the National Integrity Authority; (n) issuing by the court of an irrevocable judgement regarding the seizure of unjustified wealth.

### **Ukraine**

**(2020):** The powers of the prosecutor are terminated in connection with the decision of the relevant body conducting disciplinary proceedings against prosecutors on the impossibility of further holding the position of the prosecutor.

### **Question 126**

### **Armenia**

**(2018):** There is no a probation period for judges, however there is a probation for the candidates of judges who study at the Academy of Justice and have to practice in courts.

### **Azerbaijan**

**(2020):** According to Article 5.2 of the Law of the Republic of Azerbaijan "On service in the prosecutor's office", a 6-month internship period is imposed for the persons recruited to the prosecutor's office for the first time. The Prosecutor General of the Republic of Azerbaijan may recruit an employee with more than 5 years of experience in the legal profession without the internship period. At the end of the internship, if the head of the prosecutor's office where the intern is serving gives a positive opinion, the intern is appointed to a position with a probation period of 1 year (reduced to three months in 2021). An employee who has successfully passes the attestation after the end of the probation period in accordance with Article 5.3 of this Law shall be appointed to a permanent position in the Prosecutor's Office by being appointed to the 9th classification position provided for in Article 10 of this Law.

### **Question 129**

### **Republic of Moldova**

**(2020):** The compulsory retirement age for prosecutors is 63 years old for men and 59 years old for women in 2020.

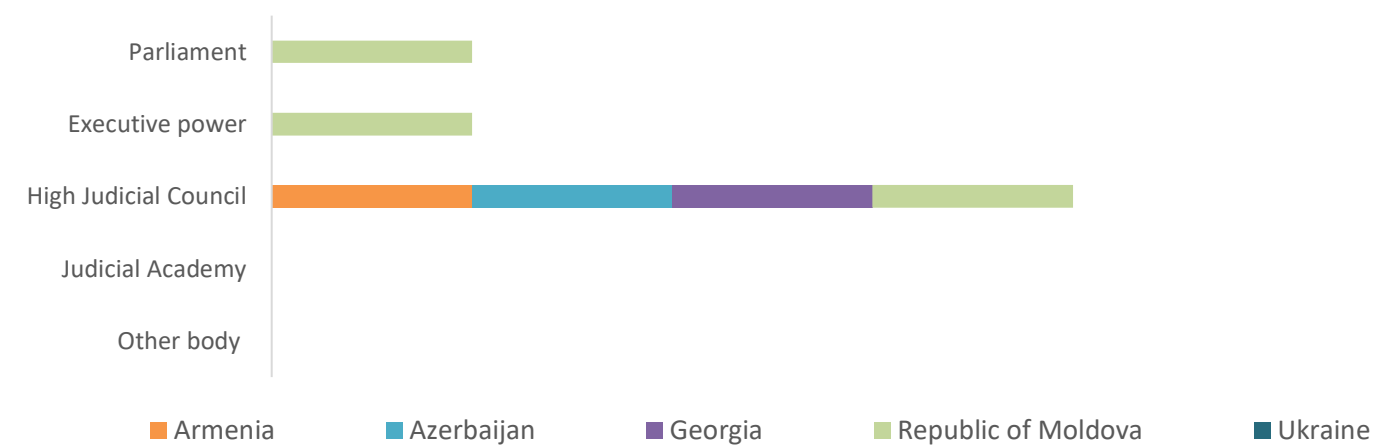
## 6. Promotion - Overview

Authority competent for the promotion of judges and prosecutors and possibility to appeal the decision in 2020 (Tables no. 6.1.1, 6.1.2, 6.1.3 and 6.1.4)

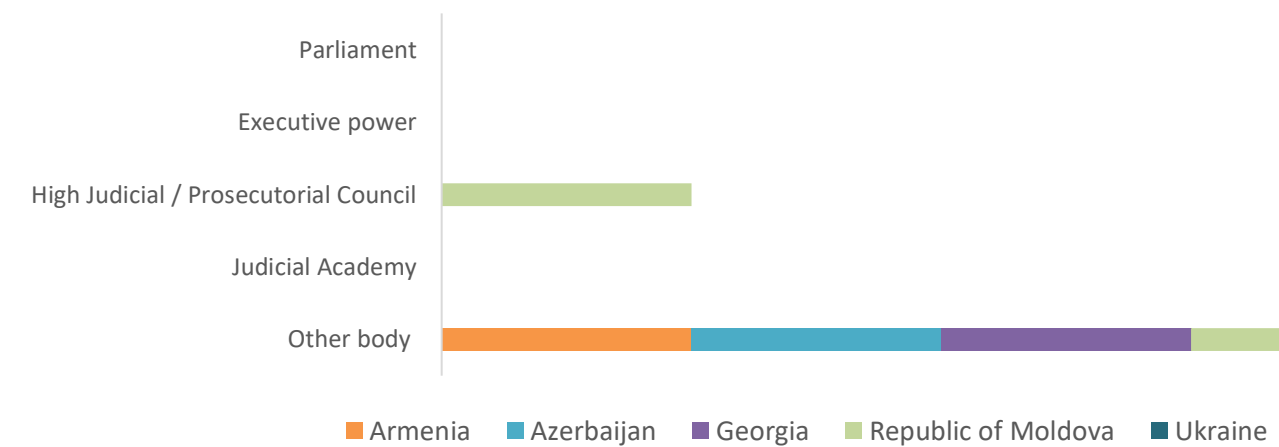
	Authority competent for the promotion of judges					Possibility to appeal the decision on the promotion	Authority competent for the promotion of prosecutors					Possibility to appeal the decision on the promotion
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body		Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	
Armenia			Yes			Yes					Yes	
Azerbaijan			Yes			Yes					Yes	
Georgia			Yes			Yes					Yes	
Republic of Moldova	Yes	Yes	Yes					Yes			Yes	
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-

Yes ■  
 No ■

Authority competent for the promotion of judges


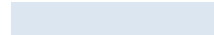


Authority competent for the promotion of prosecutors

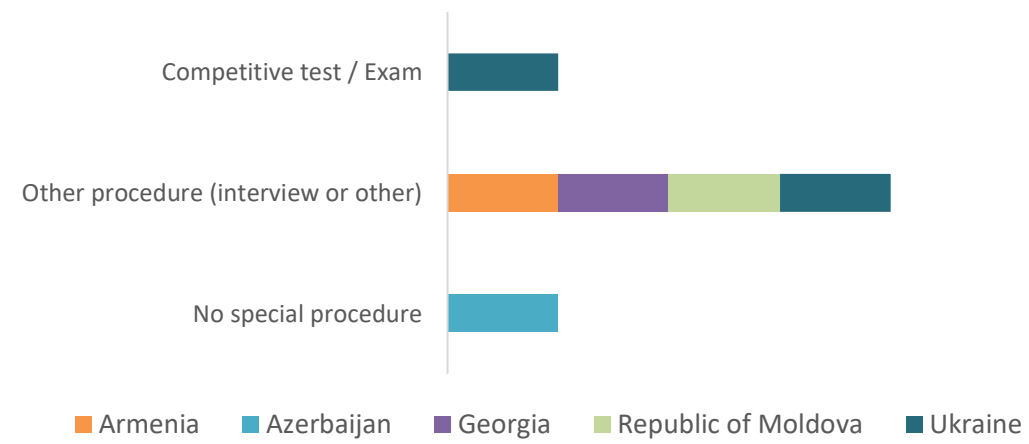


**Procedure for the promotion of judges and prosecutors (Tables no. 6.1.5 and 6.1.6)**

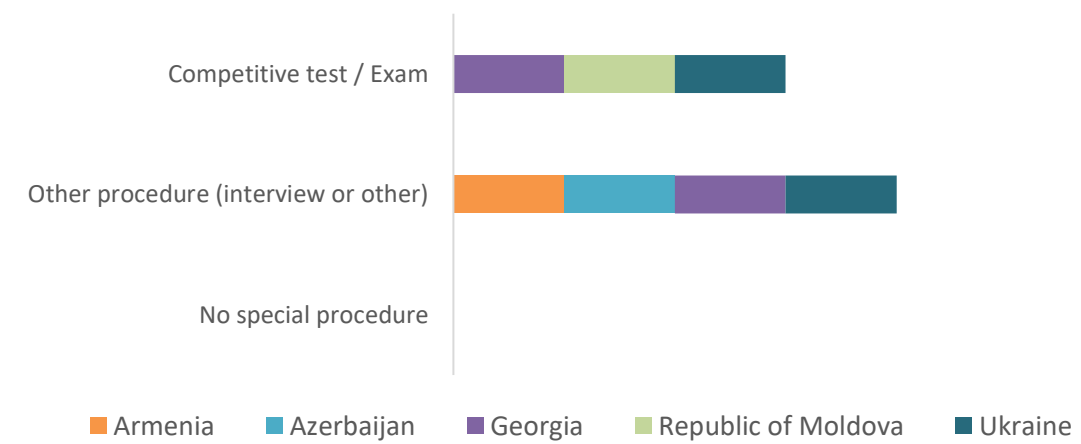
	Procedure for the promotion of judges			Procedure for the promotion of prosecutors		
	Competitive test / Exam	Other procedure (interview or other)	No special procedure	Competitive test / Exam	Other procedure (interview or other)	No special procedure
Armenia	No	Yes	No	No	Yes	No
Azerbaijan	No	No	Yes	No	Yes	No
Georgia	No	Yes	No	Yes	Yes	No
Republic of Moldova	No	Yes	No	Yes	No	No
Ukraine	Yes	Yes	No	Yes	Yes	No

Yes   
 No 

Procedure for the promotion of judges



Procedure for the promotion of prosecutors



## 6. Promotion - Tables

Table 6.1.1 Authority competent for the promotion of judges in 2020 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2020 (Q135 and Q136)

Table 6.1.3 Authority competent for the promotion of prosecutors in 2020 (Q137)

Table 6.1.4 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2020 (Q140 and Q141)

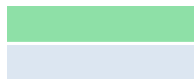
Table 6.1.5 Procedure and criteria for the promotion of judges in 2020 (Q133 and Q134)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2020 (Q138 and Q139)

**Table 6.1.1 Authority competent for the promotion of judges in 2020 (Q132)**


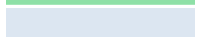

Beneficiaries	Authority competent for the promotion of judges				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine	-	-	-	-	-
<b>Nb of Yes</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>

Yes  
No



**Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2020 (Q135 and Q136)**

Beneficiaries	Possibility to appeal the decision on the promotion of judges	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body
Armenia	Yes	No	No	No	Yes	No	No
Azerbaijan	Yes	No	No	No	Yes	No	No
Georgia	Yes	No	No	No	Yes	No	No
Republic of Moldova	No	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	No	No	No	No	No	No	No
<b>Nb of Yes</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>

Yes   
 No   
 NAP 



**Table 6.1.3 Authority competent for the promotion of prosecutors in 2020 (Q137)**

Beneficiaries	Authority competent for the promotion of prosecutors				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Armenia					Yes
Azerbaijan					Yes
Georgia					Yes
Republic of Moldova			Yes		Yes
Ukraine	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>


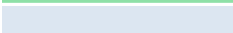

Yes

No

NAP

**Table 6.1.4 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2020 (Q140 and Q141)**

Beneficiaries	Possibility to appeal the decision on the promotion of prosecutors	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>

Yes   
 No   
 NAP 

**Table 6.1.5 Procedure and criteria for the promotion of judges in 2020 (Q133 and Q134)**

Beneficiaries	Procedure for the promotion of judges			Criteria used for the promotion of a judge					
	Competitive test / Exam	Other procedure (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									
<b>Nb of Yes</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>0</b>

Yes

No

**Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2020 (Q138 and Q139)**

Beneficiaries	Procedure for the promotion of prosecutors			Criteria used for the promotion of a prosecutor					
	Competitive test / Exam	Other procedure (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									
<b>Nb of Yes</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>0</b>
							Yes		
							No		

## Indicator 6- Promotion

by country

*Question 132 - Which authority is competent for the promotion of judges?*

*Question 133 - What is the procedure for the promotion of judges? (multiple replies possible)*

*Question 134 - Please indicate the criteria used for the promotion of a judge? (multiple replies possible)*

*Question 135 - Can a decision on the promotion of judges be appealed?*

*Question 136 - If yes, what is the body competent to decide on appeal?*

*Question 137 - Which authority is competent for the promotion of prosecutors?*

*Question 138 - What is the procedure for the promotion of prosecutors? (multiple replies possible)*

*Question 139 - Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):*

*Question 140 - Can a decision on the promotion of prosecutors be appealed?*

*Question 141 - If yes, what is the body competent to decide on appeal?*

### Armenia

**Q132 (General Comment):** The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates.

2. The promotion lists of judge candidates shall be as follows:

- (1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;
- (2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

**Q133 (General Comment):** The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

- (1) a judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;
- (2) a former judge having held office during the last 10 years who possesses at least five years of experience as a judge.
- (3) a person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

- (1) a judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (2) a former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (3) a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

**Q133 (2018):** The personal cases of candidates to be promoted are being reviewed by High Judicial Council. More detailed procedure is given by the Judicial Code.

**Q134 (General Comment):** In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance evaluation thereof.

**Q134 (2018):** One of the factors taken into account is the absence of disciplinary sanctions. The Judicial Code states that apart from work experience, the following shall also be taken into account: Necessary abilities and skills to act in the position of relevant court, The results of conduct evaluation for judges.

**Q136 (2020):** The decision may be appealed to the Administrative court.

**Q138 (General Comment):** The prosecutors

promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The Law on Prosecution explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

**Q138 (2018):** The prosecutors promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The Law on Prosecution explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion. The law does not explicitly mention professional skills and subjective criteria. However, it is worth to note, one of the grounds to include a prosecutor in the promotion list is the attestation, which is aimed at checking the prosecutors' professional knowledge, practical skills and experience in work.

**Q139 (General Comment):** Absence of disciplinary sanctions is also a criteria.

**Q139 (2018):** Apart from the years of experience, other relevant factors to be taken into account are the absence of disciplinary sanctions and the fact that the person was relieved from the duty to study in the Academy of Justice.

## **Azerbaijan**

**Q132 (General Comment):** According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan "On the Judicial-Legal Council" (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

**Q133 (General Comment):** The judges' promotion procedure is based on assessment of judges performance.

**Q133 (2020):** As it was mentioned above, according to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President.

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

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

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

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

**Q134 (General Comment):** Number of changed or deleted decisions, number of resolved cases and etc.

**Q136 (2020):** "Court" means The Presidium of Supreme Court

**Q138 (General Comment):** According to article 32 of the Law on Prosecution, prosecutors can be promoted if they run their obligations properly. They have to pass the interview (attestation) in the special board of the Office of General prosecutor regularly. The Competition Commission established in the General Prosecutor's Office in accordance with the "Regulations on Competition among Candidates for Recruitment to the Prosecutor's Office" approved by the Decree of the President of the Republic of Azerbaijan dated June 19, 2001 shall be considered competent. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special opinion, the opinion shall be attached to the decision.

## **Georgia**

**Q133 (2020):** In accordance with the Rules of Procedure of the High Council of Justice, for the purpose of ensuring the right to be promoted, also for the purposes of the mobility of judges and efficient use of the experience of the acting judges, the High Council of Justice may, in case of existence of vacancies at the Court of Appeals, determine the number of the vacant positions designated for judicial promotion. The information concerned shall be published on the official website of the High Council of Justice. Any judge of the common courts is entitled to submit an application. The application shall be submitted in writing to the High Council of Justice within 7 days upon the publication of the information on the official website. The High Council of Justice of Georgia reviews the applications and invites the candidates for interview. The High Council of Justice shall appoint a person as a judge of another court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice, by a secret ballot.

Based on the decision №1 / 166 of the High Council of Justice of October 19, 2015, an amendment to the Rules of Procedure of the High Council of Justice defined the procedure and criteria for the promotion of a judge.

**Q133 (2018):** An acting judge with 5 years of judicial experience can be promoted. Objective Criteria for promotion are determined by the High Council of Justice.

**Q134 (2020):** A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.

**Q134 (2018):** Criteria has not yet been determined.



**Q137 (2020):** On 22 April 2019, the General Prosecutor established new consultative body, the Career Management, Ethics and Incentives Council. The Council is responsible for sustainable development of PSG as well as application of incentives, promotion and disciplinary liability in relation to PSG employees. It replaced the previously existing Consultative Council, which was created by the Order of the Chief Prosecutor on 11 January 2016. The most important difference between the current and the former consultative bodies is that the new one has the legislative basis that was enshrined in the Organic Law on Prosecution Service during the 2018 PSG reforms. The Career Management, Ethics and Incentives Council is composed of the following 16 members: the General Prosecutor; the First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the head of the General Inspection Unit; the head of the Human Resources Management and Development Department and the head of the Department for Supervision over Prosecutorial Activities and Strategic Development. The General Prosecutor promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the General Prosecutor shall provide the reasons.

**Q138 (2020):** The additional applicable procedures for promotion of prosecutors are as follows:

- Consideration of the matter by the Career Management, Ethics and Incentives Council and its recommended action.
- Issuance of the Order of the General Prosecutor regarding the promotion.

**Q138 (2018):** The additional applicable procedures for promotion of prosecutors are as follows:

- Consideration of the matter by the Career Management, Ethics and Incentives Council and its recommended action.
- Issuance of the Order of the General Prosecutor regarding the promotion.

**Q139 (2020):** The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The evaluation covers the following areas:

☑quality of prosecutorial work

☑workload of prosecutor ☑assessment by a supervisor See additional information in the answer to question 077-1.

### **Republic of Moldova**

**Q132 (2020):** The Superior Council of Magistracy proposes the candidates as a result of the evaluation process.

**Q133 (General Comment):** According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, the promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic or, when appropriate, the Parliament. The promotion in a superior court, the nomination as president or vice-president, the transfer of a judge in a court of the same or inferior level are preceded by the assessment of the work of the judge, according to the Law n°154 of 5 July 2012 on the selection, the assessment of performances and the career of judges and the rules of the Superior Council of Magistracy.

The judge subjected to a disciplinary penalty or who is qualified as "insufficient" during his/her assessment may not, for a year, be promoted in a superior court, may not be nominated to be president or vice-president of a court, may not be transferred in another court, may not be elected as member of the Superior Council of Magistracy and its subordinated bodies.

**Q134 (General Comment):** According to the Regulation approved by the Decision No.212/8 of the Superior Council of Magistracy from 2013, revised in 2018, there are analyzed several indicators to evaluate (quantitative) a judge for promotion. It is taken into account the clearance rate, compliance with reasonable procedural time limits, compliance with the deadline for drafting the decision, fulfillment in legal terms of other attributions established by law, knowledge and application of information technologies.

**Q138 (General Comment):** This way of promoting prosecutors is expressly regulated by article 19, 22 paragraph (4), 25 paragraph (1), 26 of the Law no.3 of 25.02.2016 on the Prosecutor's Office.

The prosecutor in office who wishes to be transferred or promoted may be enrolled in the Candidate Registry to fill vacant positions if he/she has been appreciated in the performance appraisal procedure in the last two years until the submission of the application for registration. The prosecutor who wishes to be appointed as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he/she has been appreciated in the performance appraisal procedure in the last year until the submission of the application for registration.

The competition for prosecutors to be promoted rests on criteria such as proven organizational and decision-making capacities of the applicant, as well as professional and personal performance measured transparently. Prosecutors subject to an active disciplinary penalty can not participate in competitions for the aforementioned positions (article 20 paragraph (7) of the Law no.3 of 25.02.2016 on the Prosecutor's Office).

**Q139 (General Comment):** According to the Law no.3 of 25.02.2016 on the Prosecutor's Office, the prosecutor in office who wishes to be transferred or promoted may be enrolled in the Candidate Registry to fill vacant positions if he/she has been appreciated in the performance appraisal procedure in the last two years until the submission of the application for registration. The prosecutor who wishes to be appointed as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he/she has been appreciated in the performance appraisal procedure in the last year until the submission of the application for registration.

The competition for prosecutors to be promoted rests on criteria such as proven organizational and decision-making capacities of the applicant, as well as professional and personal performance measured transparently. Prosecutors subject to an active disciplinary penalty can not participate in competitions for the aforementioned positions (article 20 paragraph (7) of the Law no.3 of 25.02.2016 on the Prosecutor's Office).

**Q139 (2020):** "Other" refers to didactic and scientific activity.

**Q139 (2018):** "Other" refers to didactic and scientific activity.

**Q141 (2020):** A decision issued by the Selection Commission can be appealed to the Prosecutorial Council and the decision of the Prosecutorial Council can be appealed to the Supreme Court of Justice.

## Ukraine

**Q133 (General Comment):** The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II "Final and transitional provisions" of the Law of Ukraine On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

**Q134 (General Comment):** The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

holding administrative positions in the relevant prosecutor's office. The selection consists of two stages - the executing of a practical task and an interview.

Variants of practical tasks with answers were developed by the Prosecutor's Training Center of Ukraine and approved by the Prosecutor General.

The passing score (the minimum number of points that could be scored) for the successful completion of the practical task is 50 points. Candidates who scored the minimum allowable score based on the results of the practical task are admitted to the interview.

The interview is conducted by the Commission with the candidates orally in the state language and consists of assessing their readiness to exercise their powers in the higher-level prosecutor's office according to certain criteria, including taking into account the results of the practical task.

The interview consists of the following stages:

- the study of materials of an electronic dossier of the candidate;
- discussion with the candidate of relevant materials about him/her, including in the form of questions and answers, as well as the results of the practical task;
- evaluation of the candidate.

Each candidate is evaluated according to the following criteria:

- professional competence and readiness to exercise the powers of a prosecutor in a higher-level prosecutor's office;
- efficiency of work as a prosecutor;
- experience in the field of the position for which the application is submitted (may take into account the performance of duties in the position for which the selection and a working trip to this unit is announced);
- moral qualities, observance of rules of prosecutorial ethics.

Following the discussion of the results of the practical task and the interview, the member of the Commission scored from 0 to 25 for each criterion.

The list of candidates with their total scores based on the results of each stage of selection is published on the official website of the relevant prosecutor's office.

After reviewing the complaints according to the rules, the decision of the Commission approves the rating of candidates, which is published no later than the next working day on the official website of the relevant prosecutor's office.

Candidates who successfully passed the selection were considered to be those who scored the highest number of total points according to the rating for the relevant vacant position according to the results of the interview.

Based on the results of the selection by the Commission, the decision of the Commission on the candidate who successfully passed the selection is to be sent to the head of the relevant prosecutor's office within 3 working days.

If there are circumstances that have not been investigated by the Commission during the candidate's passing of any stage of selection and could affect the number of total points scored by him, such points at the end of each stage of selection could be challenged.

**Q138 (2018):** The prosecutor may be transferred, with his or her consent, to another prosecutor's office, including the one of higher level, to a vacant or temporary position. Transfer to the prosecutor's office of a higher level is based on the results of the competition, the procedure of which is determined by the Qualification and Disciplinary Commission of Prosecutors. The competition should include an evaluation of the professional level, experience, moral and business qualities of the prosecutor and verification of his/her readiness to exercise powers in another prosecutor's office, including the one of a higher level. Appointment of a prosecutor for an administrative position is carried out by Prosecutor General on the recommendation of the Council of Prosecutors, due to the years of experience, professional skills and subjective criteria.

**Q139 (2020):** See Q119

## Indicator 6- Promotion

by question No.

*Question 132 - Which authority is competent for the promotion of judges?*

*Question 133 - What is the procedure for the promotion of judges? (multiple replies possible)*

*Question 134 - Please indicate the criteria used for the promotion of a judge? (multiple replies possible)*

*Question 135 - Can a decision on the promotion of judges be appealed?*

*Question 136 - If yes, what is the body competent to decide on appeal?*

*Question 137 - Which authority is competent for the promotion of prosecutors?*

*Question 138 - What is the procedure for the promotion of prosecutors? (multiple replies possible)*

*Question 139 - Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):*

*Question 140 - Can a decision on the promotion of prosecutors be appealed?*

*Question 141 - If yes, what is the body competent to decide on appeal?*

### Question 132

#### Armenia

**(General Comment):** The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. 2. The promotion lists of judge candidates shall be as follows:

(1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;

(2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

#### Azerbaijan

**(General Comment):** According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan "On the Judicial-Legal Council" (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

## Republic of Moldova

**(2020):** The Superior Council of Magistracy proposes the candidates as a result of the evaluation process.

### Question 133

## Armenia

**(General Comment):** The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

- (1) a judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;
- (2) a former judge having held office during the last 10 years who possesses at least five years of experience as a judge.
- (3) a person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

- (1) a judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (2) a former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (3) a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

**(2018):** The personal cases of candidates to be promoted are being reviewed by High Judicial Council. More detailed procedure is given by the Judicial Code.

## Azerbaijan

**(General Comment):** The judges' promotion procedure is based on assessment of judges performance.

**(2020):** As it was mentioned above, according to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President.

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

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

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

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

## **Georgia**

**(2020):** In accordance with the Rules of Procedure of the High Council of Justice, for the purpose of ensuring the right to be promoted, also for the purposes of the mobility of judges and efficient use of the experience of the acting judges, the High Council of Justice may, in case of existence of vacancies at the Court of Appeals, determine the number of the vacant positions designated for judicial promotion. The information concerned shall be published on the official website of the High Council of Justice. Any judge of the common courts is entitled to submit an application. The application shall be submitted in writing to the High Council of Justice within 7 days upon the publication of the information on the official website. The High Council of Justice of Georgia reviews the applications and invites the candidates for interview. The High Council of Justice shall appoint a person as a judge of another court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice, by a secret ballot.

Based on the decision №1 / 166 of the High Council of Justice of October 19, 2015, an amendment to the Rules of Procedure of the High Council of Justice defined the procedure and criteria for the promotion of a judge.

**(2018):** An acting judge with 5 years of judicial experience can be promoted. Objective Criteria for promotion are determined by the High Council of Justice.

## **Republic of Moldova**



agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic or, when appropriate, the Parliament. The promotion in a superior court, the nomination as president or vice-president, the transfer of a judge in a court of the same or inferior level are preceded by the assessment of the work of the judge, according to the Law n°154 of 5 July 2012 on the selection, the assessment of performances and the career of judges and the rules of the Superior Council of Magistracy.

The judge subjected to a disciplinary penalty or who is qualified as "insufficient" during his/her assessment may not, for a year, be promoted in a superior court, may not be nominated to be president or vice-president of a court, may not be transferred in another court, may not be elected as member of the Superior Council of Magistracy and its subordinated bodies.

## Ukraine

**(General Comment):** The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine. Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II "Final and transitional provisions" of the Law of Ukraine On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

## Question 134

### Armenia

**(General Comment):** In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance evaluation thereof.

**(2018):** One of the factors taken into account is the absence of disciplinary sanctions. The Judicial Code states that apart from work experience, the following shall also be taken into account: Necessary abilities and skills to act in the position of relevant court, The results of conduct evaluation for judges.

### Azerbaijan

**(General Comment):** Number of changed or deleted decisions, number of resolved cases and etc.

### Georgia

**(2020):** A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.

**(2018):** Criteria has not yet been determined.

### Republic of Moldova

**(General Comment):** According to the Regulation approved by the Decision No.212/8 of the Superior Council of Magistracy from 2013, revised in 2018, there are analyzed several indicators to evaluate (quantitative) a judge for promotion. It is taken into account the clearance rate, compliance with reasonable procedural time limits, compliance with the deadline for drafting the decision, fulfillment in legal terms of other attributions established by law, knowledge and application of information technologies.

## Ukraine

**(General Comment):** The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

## Question 136

### Armenia

**(2020):** The decision may be appealed to the Administrative court.

### Azerbaijan

**(2020):** "Court" means The Presidium of Supreme Court

## Question 137

### Georgia

**(2020):** On 22 April 2019, the General Prosecutor established new consultative body, the Career Management, Ethics and Incentives Council. The Council is responsible for sustainable development of PSG as well as application of incentives, promotion and disciplinary liability in relation to PSG employees. It replaced the previously existing Consultative Council, which was created by the Order of the Chief Prosecutor on 11 January 2016. The most important difference between the current and the former consultative bodies is that the new one has the legislative basis that was enshrined in the Organic Law on Prosecution Service during the 2018 PSG reforms. The Career Management, Ethics and Incentives Council is composed of the following 16 members: the General Prosecutor; the First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the head of the General Inspection Unit; the head of the Human Resources Management and Development Department and the head of the Department for Supervision over Prosecutorial Activities and Strategic Development. The General Prosecutor promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the General Prosecutor shall provide the reasons.

## Question 138

### Armenia

**(General Comment):** The prosecutors

promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The Law on Prosecution explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

**(2018):** The prosecutors promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The Law on Prosecution explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion. The law does not explicitly mention professional skills and subjective criteria. However, it is worth to note, one of the grounds to include a prosecutor in the promotion list is the attestation, which is aimed at checking the prosecutors' professional knowledge, practical skills and experience in work.

## **Azerbaijan**

**(General Comment):** According to article 32 of the Law on Prosecution, prosecutors can be promoted if they run their obligations properly. They have to pass the interview (attestation) in the special board of the Office of General prosecutor regularly. The Competition Commission established in the General Prosecutor's Office in accordance with the "Regulations on Competition among Candidates for Recruitment to the Prosecutor's Office" approved by the Decree of the President of the Republic of Azerbaijan dated June 19, 2001 shall be considered competent. Decisions on the issues considered are made by open voting and majority of votes, signed by all members of the Commission present at the meeting. The chairman of the commission gives the last vote. If a member of the commission has a special opinion, the opinion shall be attached to the decision.

## **Georgia**

**(2020):** The additional applicable procedures for promotion of prosecutors are as follows:

- Consideration of the matter by the Career Management, Ethics and Incentives Council and its recommended action.
- Issuance of the Order of the General Prosecutor regarding the promotion.

**(2018):** The additional applicable procedures for promotion of prosecutors are as follows:

- Consideration of the matter by the Career Management, Ethics and Incentives Council and its recommended action.
- Issuance of the Order of the General Prosecutor regarding the promotion.

### **Republic of Moldova**

**(General Comment):** This way of promoting prosecutors is expressly regulated by article 19, 22 paragraph (4), 25 paragraph (1), 26 of the Law no.3 of 25.02.2016 on the Prosecutor's Office.

The prosecutor in office who wishes to be transferred or promoted may be enrolled in the Candidate Registry to fill vacant positions if he/she has been appreciated in the performance appraisal procedure in the last two years until the submission of the application for registration. The prosecutor who wishes to be appointed as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he/she has been appreciated in the performance appraisal procedure in the last year until the submission of the application for registration.

The competition for prosecutors to be promoted rests on criteria such as proven organizational and decision-making capacities of the applicant, as well as professional and personal performance measured transparently. Prosecutors subject to an active disciplinary penalty can not participate in competitions for the aforementioned positions (article 20 paragraph (7) of the Law no.3 of 25.02.2016 on the Prosecutor's Office).

### **Ukraine**

holding administrative positions in the relevant prosecutor's office. The selection consists of two stages - the executing of a practical task and an interview.

Variants of practical tasks with answers were developed by the Prosecutor's Training Center of Ukraine and approved by the Prosecutor General.

The passing score (the minimum number of points that could be scored) for the successful completion of the practical task is 50 points. Candidates who scored the minimum allowable score based on the results of the practical task are admitted to the interview.

The interview is conducted by the Commission with the candidates orally in the state language and consists of assessing their readiness to exercise their powers in the higher-level prosecutor's office according to certain criteria, including taking into account the results of the practical task.

The interview consists of the following stages:

- the study of materials of an electronic dossier of the candidate;
- discussion with the candidate of relevant materials about him/her, including in the form of questions and answers, as well as the results of the practical task;
- evaluation of the candidate.

Each candidate is evaluated according to the following criteria:

- professional competence and readiness to exercise the powers of a prosecutor in a higher-level prosecutor's office;
- efficiency of work as a prosecutor;
- experience in the field of the position for which the application is submitted (may take into account the performance of duties in the position for which the selection and a working trip to this unit is announced);
- moral qualities, observance of rules of prosecutorial ethics.

Following the discussion of the results of the practical task and the interview, the member of the Commission scored from 0 to 25 for each criterion.

The list of candidates with their total scores based on the results of each stage of selection is published on the official website of the relevant prosecutor's office.

After reviewing the complaints according to the rules, the decision of the Commission approves the rating of candidates, which is published no later than the next working day on the official website of the relevant prosecutor's office.

Candidates who successfully passed the selection were considered to be those who scored the highest number of total points according to the rating for the relevant vacant position according to the results of the interview.

Based on the results of the selection by the Commission, the decision of the Commission on the candidate who successfully passed the selection is to be sent to the head of the relevant prosecutor's office within 3 working days.

If there are circumstances that have not been investigated by the Commission during the candidate's passing of any stage of selection and could affect the number of total points scored by him, such points at the end of each stage of selection could be challenged.

**(2018):** The prosecutor may be transferred, with his or her consent, to another prosecutor's office, including the one of higher level, to a vacant or temporary position. Transfer to the prosecutor's office of a higher level is based on the results of the competition, the procedure of which is determined by the Qualification and Disciplinary Commission of Prosecutors. The competition should include an evaluation of the professional level, experience, moral and business qualities of the prosecutor and verification of his/her readiness to exercise powers in another prosecutor's office, including the one of a higher level. Appointment of a prosecutor for an administrative position is carried out by Prosecutor General on the recommendation of the Council of Prosecutors, due to the years of experience, professional skills and subjective criteria.

### Question 139

#### Armenia

**(General Comment):** Absence of disciplinary sanctions is also a criteria.

**(2018):** Apart from the years of experience, other relevant factors to be taken into account are the absence of disciplinary sanctions and the fact that the person was relieved from the duty to study in the Academy of Justice.

#### Georgia

**(2020):** The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system.

The evaluation covers the following areas:

☑quality of prosecutorial work

☑workload of prosecutor ☑assessment by a supervisor See additional information in the answer to question 077-1.

#### Republic of Moldova

**(General Comment):** According to the Law no.3 of 25.02.2016 on the Prosecutor's Office, the prosecutor in office who wishes to be transferred or promoted may be enrolled in the Candidate Registry to fill vacant positions if he/she has been appreciated in the performance appraisal procedure in the last two years until the submission of the application for registration. The prosecutor who wishes to be appointed as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he/she has been appreciated in the performance appraisal procedure in the last year until the submission of the application for registration. The competition for prosecutors to be promoted rests on criteria such as proven organizational and decision-making capacities of the applicant, as well as professional and personal performance measured transparently. Prosecutors subject to an active disciplinary penalty can not participate in competitions for the aforementioned positions (article 20 paragraph (7) of the Law no.3 of 25.02.2016 on the Prosecutor's Office).

**(2020):** "Other" refers to didactic and scientific activity.

**(2018):** "Other" refers to didactic and scientific activity.

#### **Ukraine**

**(2020):** See Q119

#### **Question 141**

#### **Republic of Moldova**

**(2020):** A decision issued by the Selection Commission can be appealed to the Prosecutorial Council and the decision of the Prosecutorial Council can be appealed to the Supreme Court of Justice.

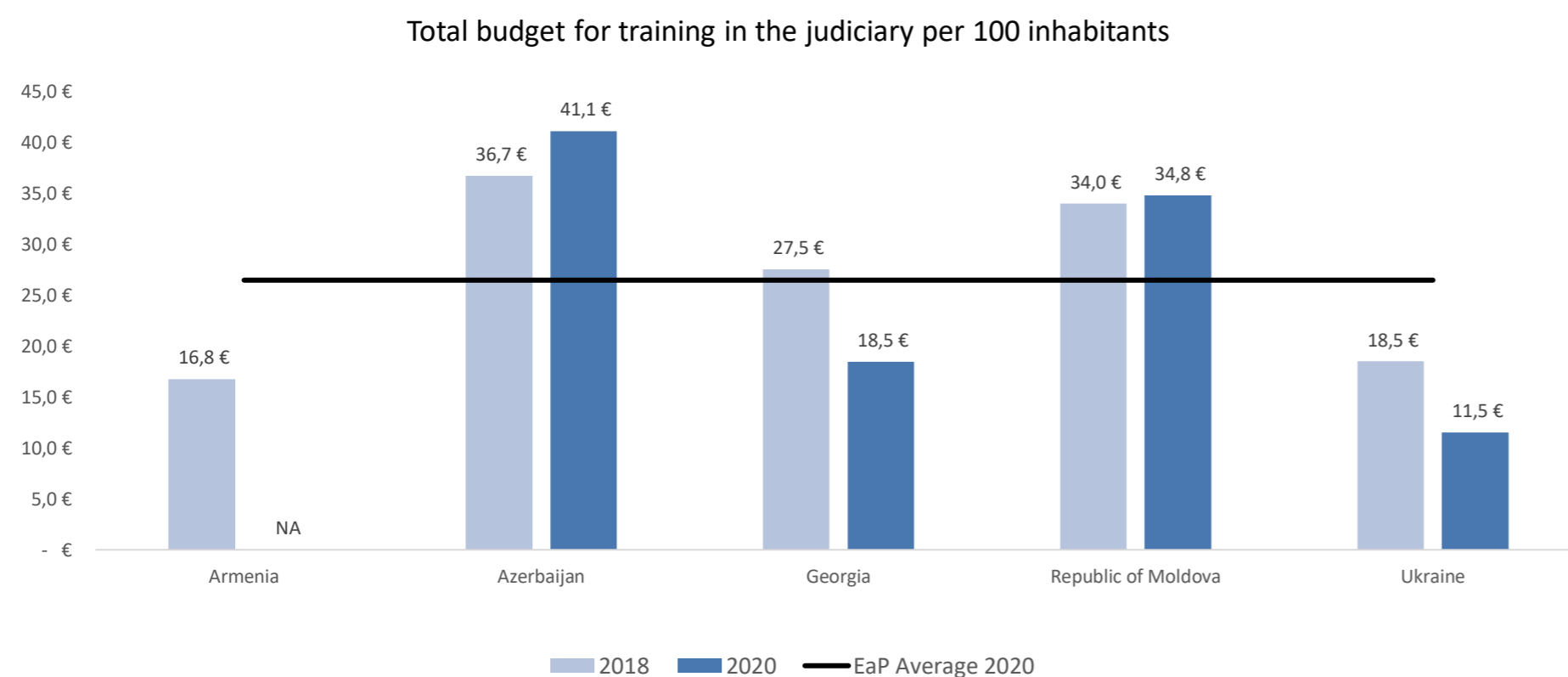
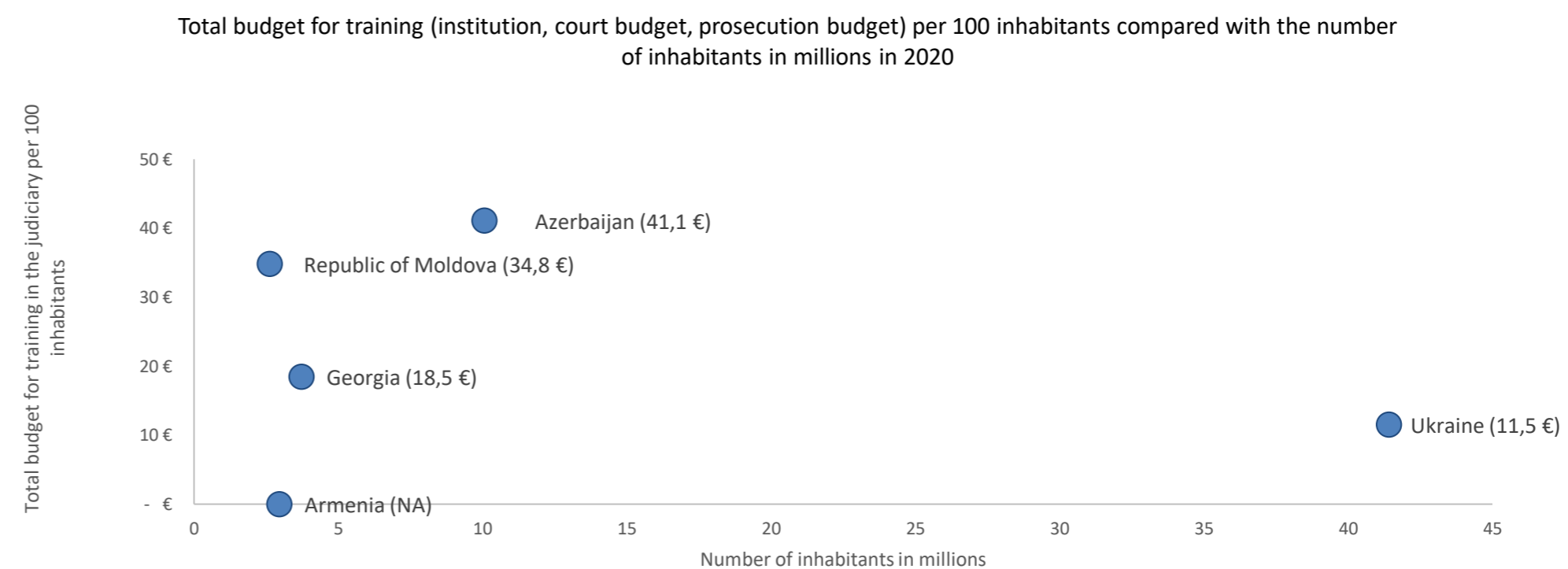


## 7. Training - Overview

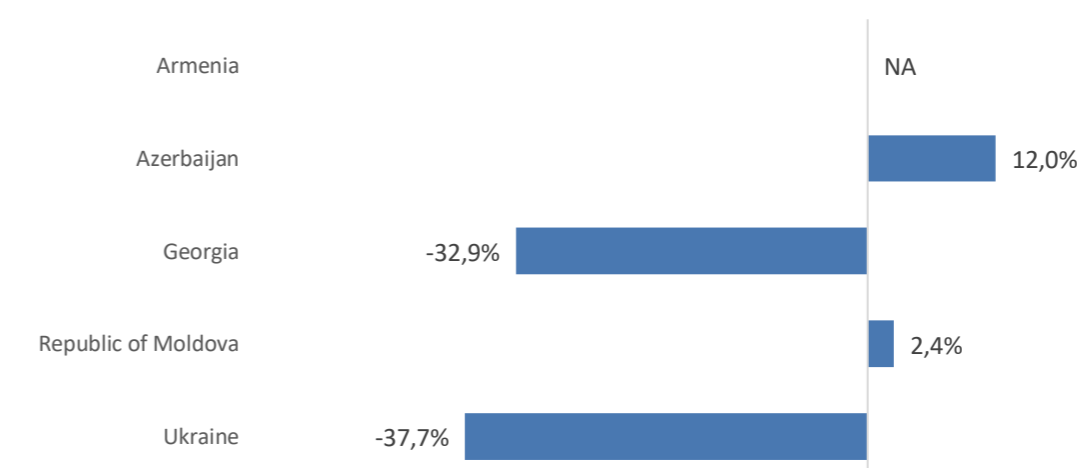
### 7.1 Training

Total budget for training (training institution, court budget, prosecution budget) (Table no. 7.1.1)

Beneficiaries	Total budget for training in the judiciary per 100 inhabitants		
	2018	2020	Variation 2018-2020 (%)
Armenia	16,8 €	NA	NA
Azerbaijan	36,7 €	41,1 €	12,0%
Georgia	27,5 €	18,5 €	-32,9%
Republic of Moldova	34,0 €	34,8 €	2,4%
Ukraine	18,5 €	11,5 €	-37,7%
<b>EaP Average</b>	<b>26,7 €</b>	<b>26,5 €</b>	<b>-14,1%</b>

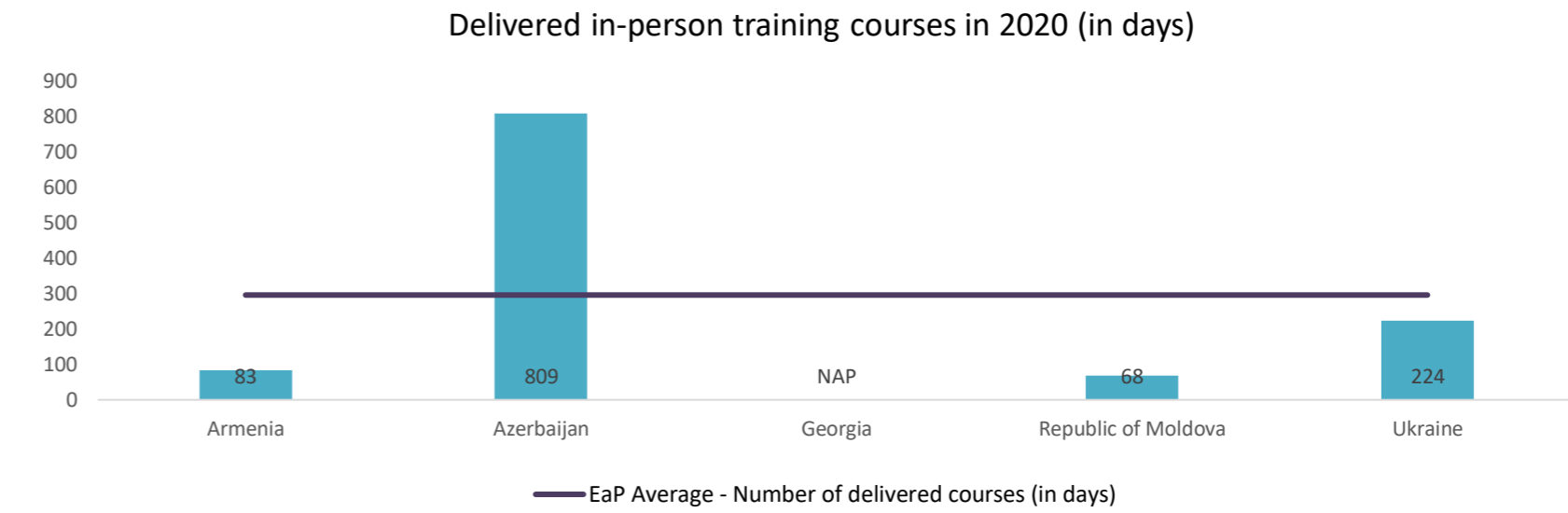


Variation of Total budget for training in the judiciary between 2018 and 2020 (%)

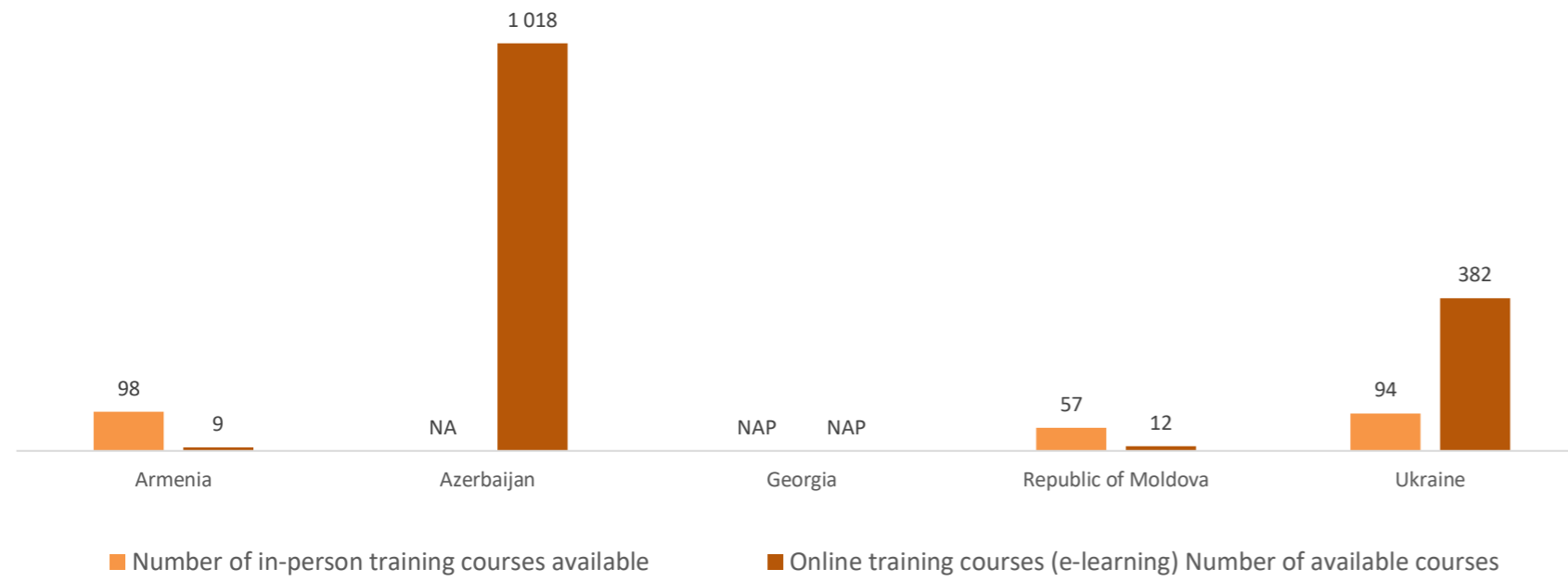


Number of in-service training courses available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Tables no. 7.1.4 and 7.1.5)

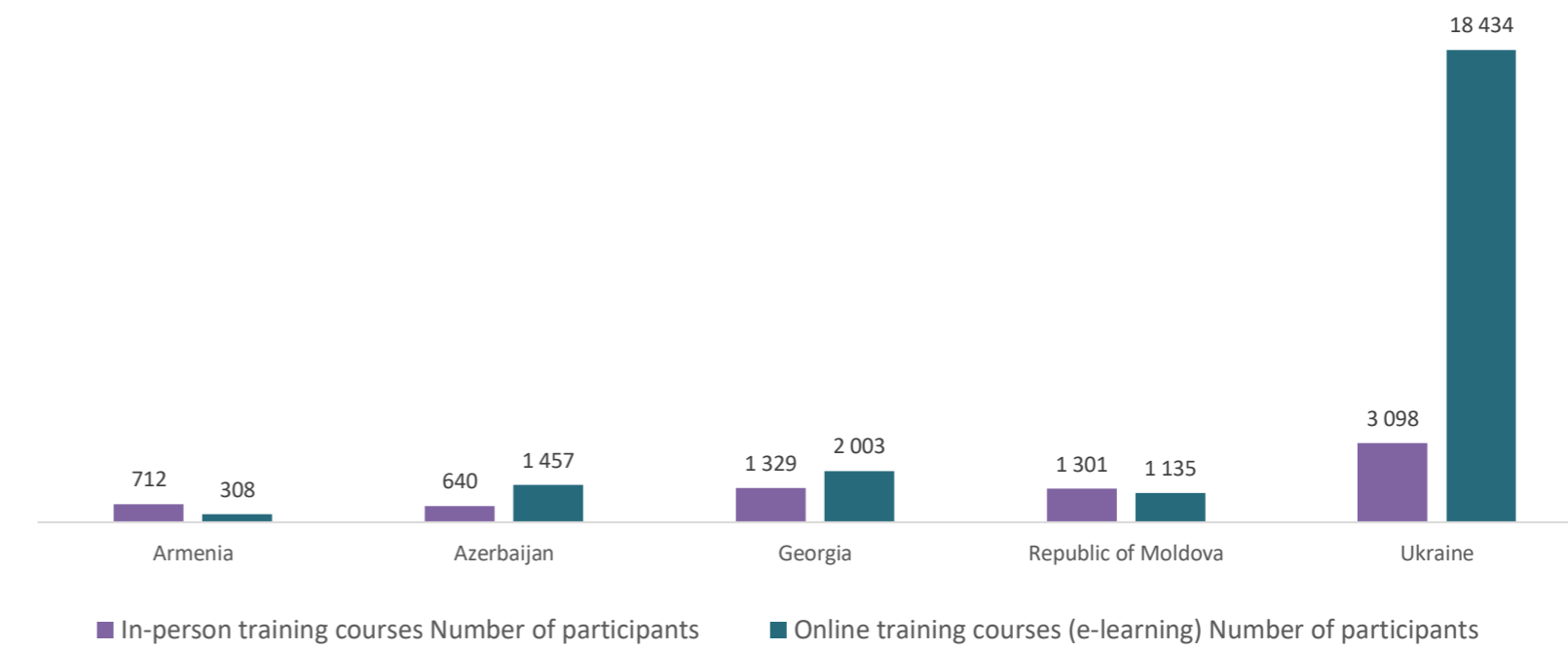
Beneficiaries	Number of in-person training courses available	In-person training courses		Online training courses (e-learning)	
		Number of delivered courses (in days)	Number of participants	Number of available courses	Number of participants
Armenia	98	83	712	9	308
Azerbaijan	NA	809	640	1 018	1 457
Georgia	NAP	NAP	1 329	NAP	2 003
Republic of Moldova	57	68	1 301	12	1 135
Ukraine	94	224	3 098	382	18 434
<b>EaP Average</b>	<b>83</b>	<b>296</b>	<b>1 416</b>	<b>355</b>	<b>4 667</b>



Number of available training courses in 2020



Number of participants in training courses in 2020

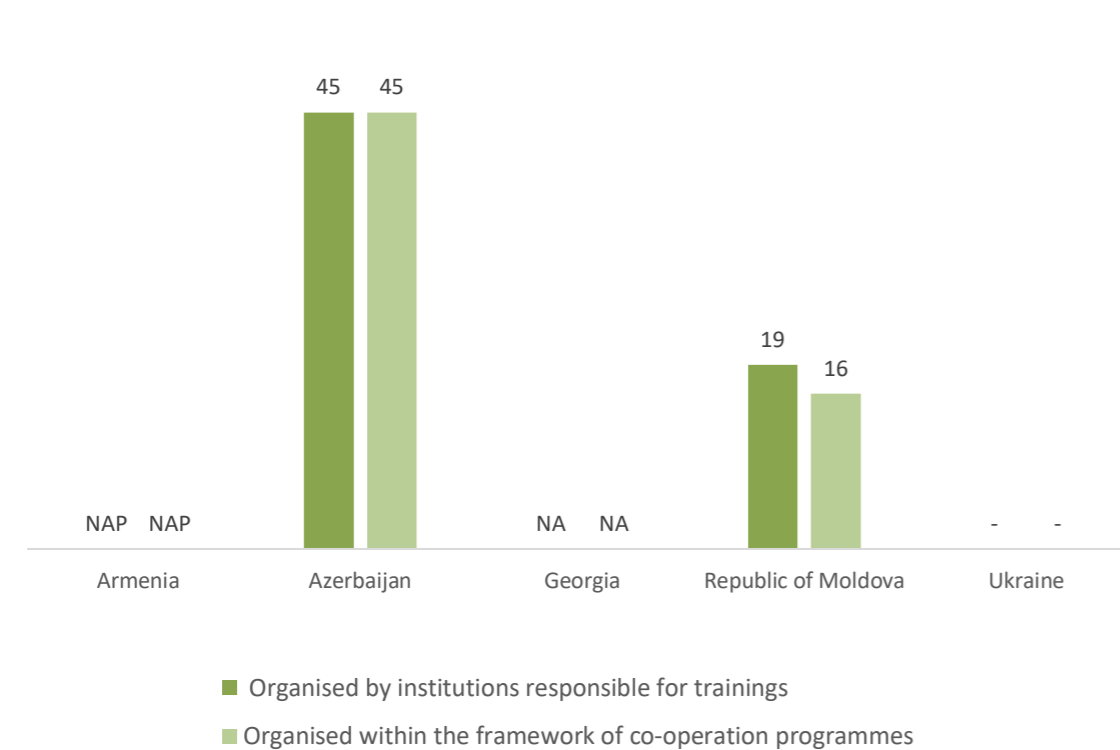


## 7.2 Training in EU Law

Number of training courses (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)

Beneficiaries	EU LAW					
	Number of in-person training courses available		Number of delivered in-person training courses in days		Number of online training courses (e-learning) available	
	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes
Armenia	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	45	45	36	36	0	0
Georgia	NA	NA	NA	NA	1	1
Republic of Moldova	19	16	23	19	10	2
Ukraine	-	-	-	-	-	-
<b>EaP Average</b>	<b>32</b>	<b>31</b>	<b>30</b>	<b>28</b>	<b>4</b>	<b>1</b>

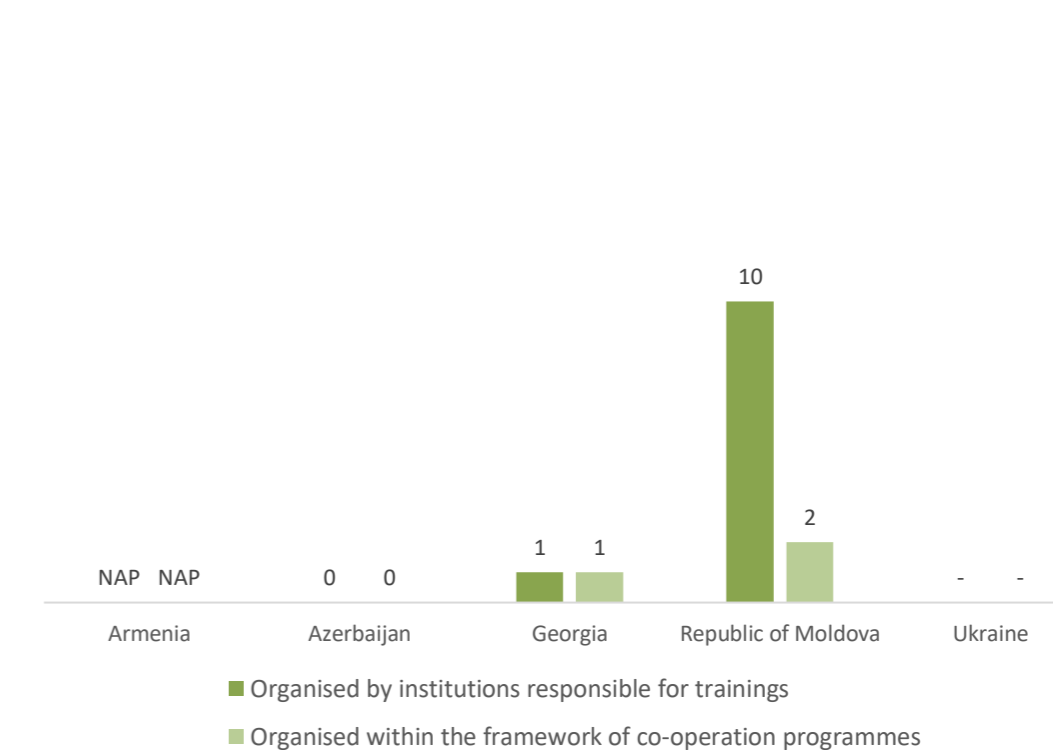
Number of in-person training courses available



Number of delivered in-person training courses in days



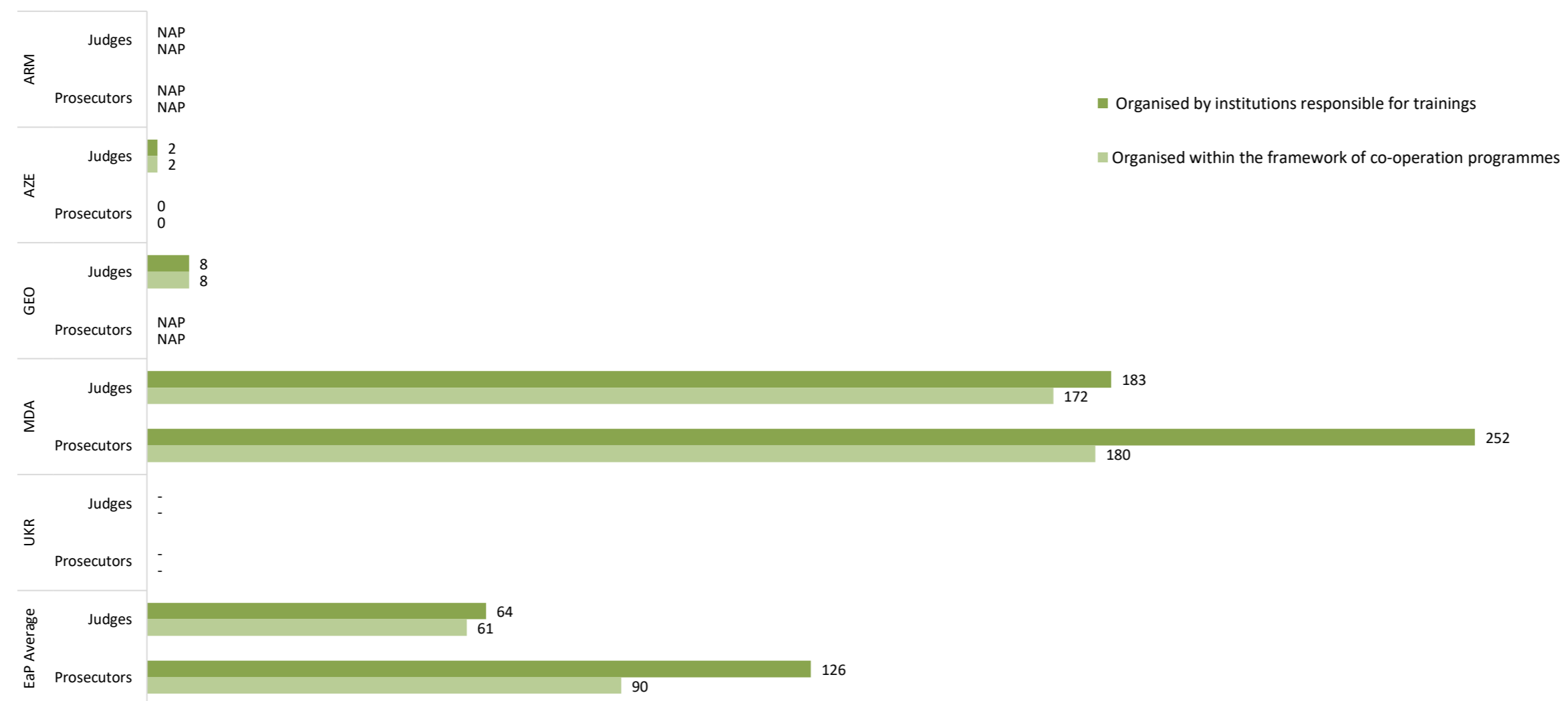
Number of online training courses (e-learning) available



Number of participants (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)

Beneficiaries	EU LAW			
	Judges		Prosecutors	
	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes
Armenia	NAP	NAP	NAP	NAP
Azerbaijan	2	2	0	0
Georgia	8	8	NAP	NAP
Republic of Moldova	183	172	252	180
Ukraine	-	-	-	-
<b>EaP Average</b>	<b>64</b>	<b>61</b>	<b>126</b>	<b>90</b>

Number of participants to the trainings on EU Law in 2020

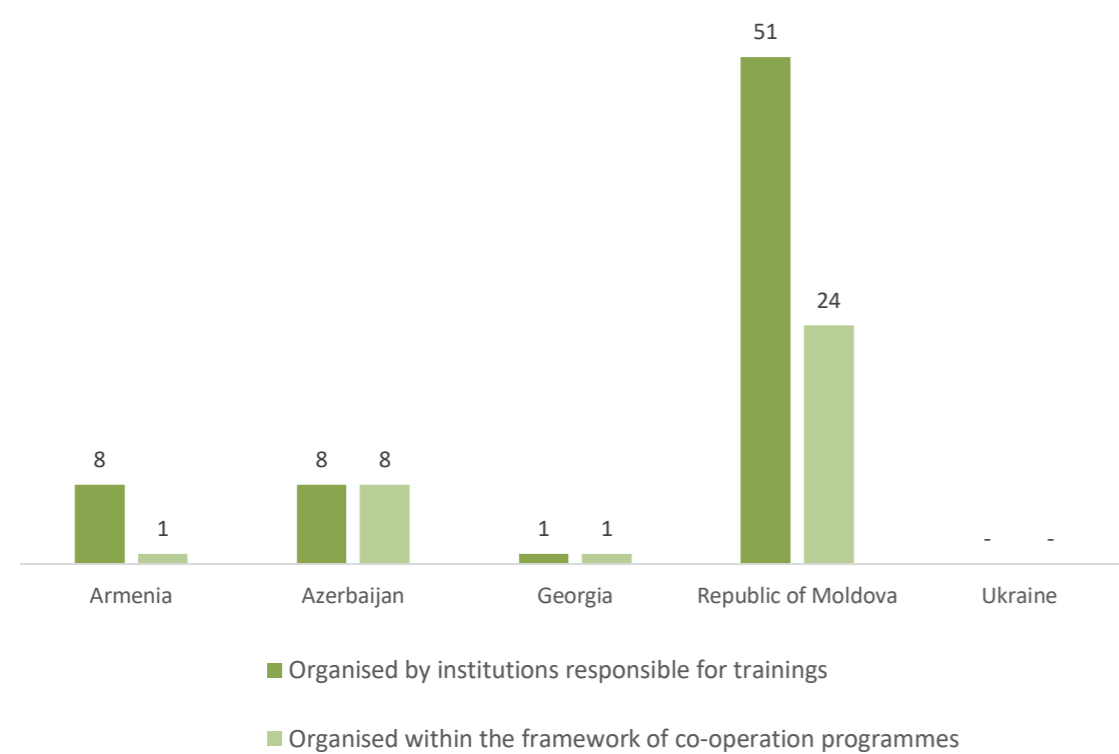


## 7.2 Training on the EU Charter of Fundamental Rights/European Convention on Human Rights

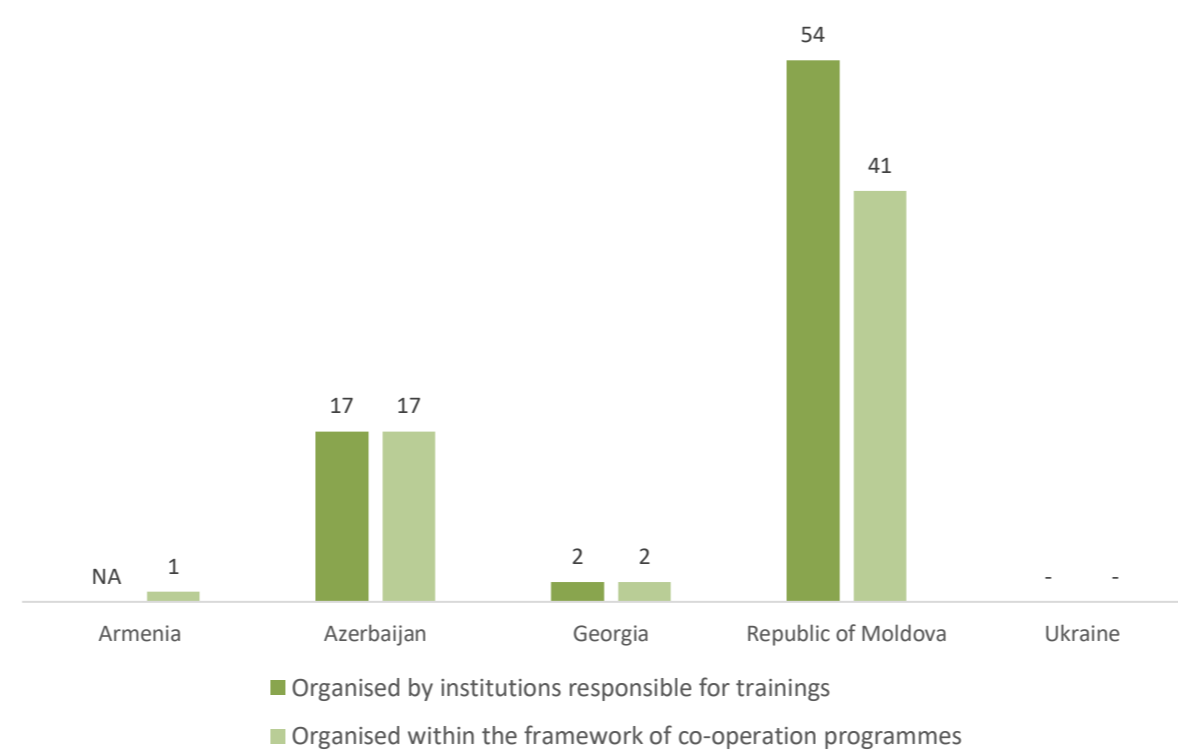
Number of training courses (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)

Beneficiaries	Training on the EU Charter of Fundamental Rights/European Convention on Human Rights					
	Number of in-person training courses available		Number of delivered in-person training courses in days		Number of online training courses (e-learning) available	
	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes
Armenia	8	1	NA	1	4	0
Azerbaijan	8	8	17	17	18	18
Georgia	1	1	2	2	NA	NA
Republic of Moldova	51	24	54	41	10	2
Ukraine	-	-	-	-	-	-
<b>EaP Average</b>	<b>17</b>	<b>9</b>	<b>24</b>	<b>15</b>	<b>11</b>	<b>7</b>

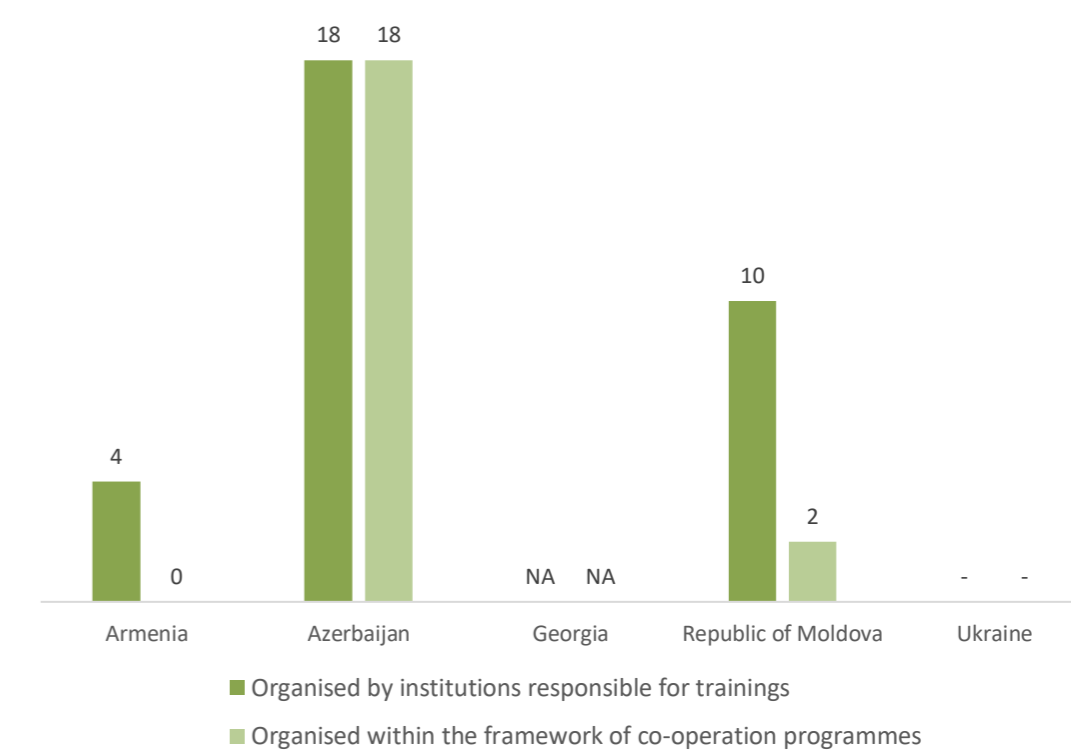
Number of in-person training courses available



Number of delivered in-person training courses in days



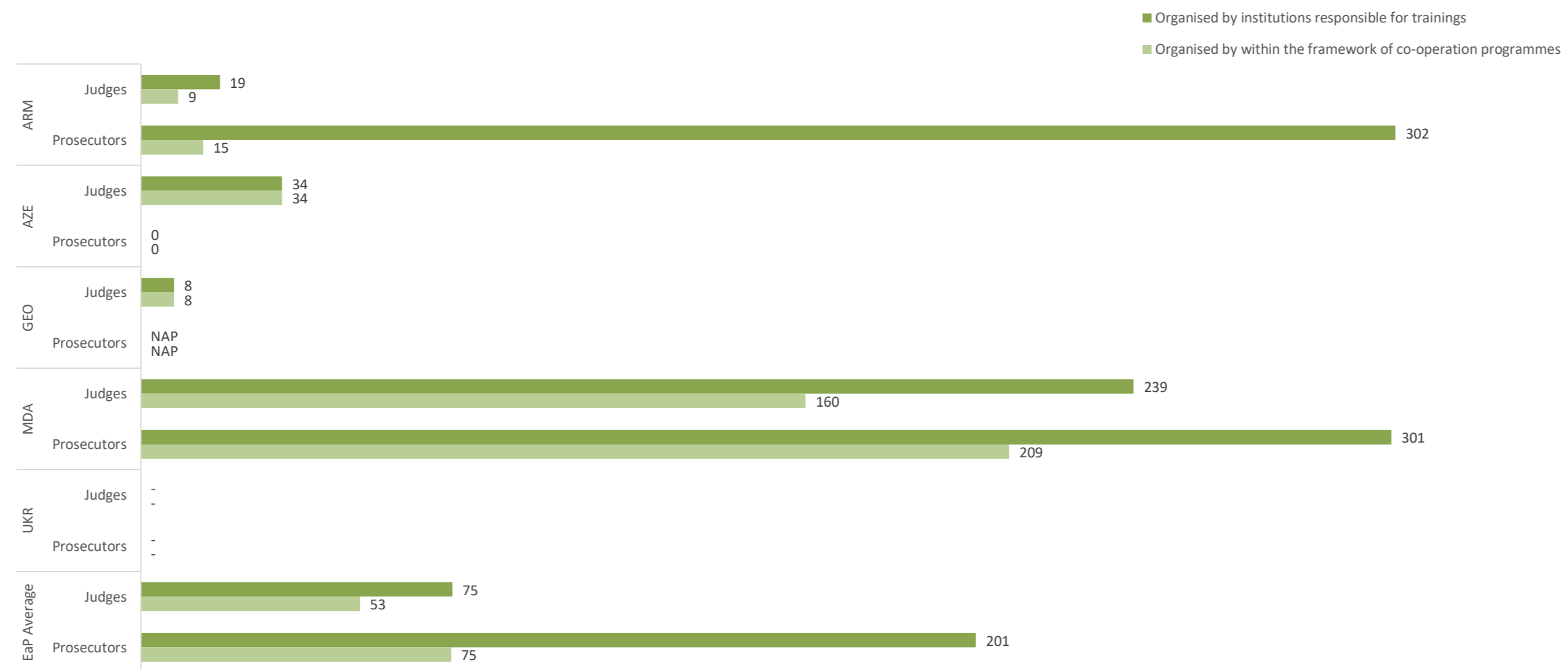
Number of online training courses (e-learning) available



**Number of participants to the trainings (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)**

Beneficiaries	EU Charter of Fundamental Rights/European Convention on Human Rights			
	Judges		Prosecutors	
	Organised by institutions responsible for trainings	Organised by within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised by within the framework of co-operation programmes
Armenia	19	9	302	15
Azerbaijan	34	34	0	0
Georgia	8	8	NAP	NAP
Republic of Moldova	239	160	301	209
Ukraine	-	-	-	-
<b>EaP Average</b>	<b>75</b>	<b>53</b>	<b>201</b>	<b>75</b>

**Number of participants to the trainings on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2020**



## 7.Training - Tables

Table 7.1.1 Implemented budget of the training institutions and training budget of court and prosecution services in 2018 and 2020 (Q4, Q6, Q142)

Table 7.1.2 Types and frequency of training courses for judges (Q143 and Q145)

Table 7.1.3 Types and frequency of training courses for prosecutors (Q144 and Q146)

Table 7.1.4 Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Table 7.1.5 Number of in-service online training courses (e-learning) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Table 7.1.6 Sanctions for judges and prosecutors for not attending compulsory in-service trainings in 2020 (Q148 and Q149)

Table 7.1.7 Compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest in 2020 (Q150, Q151 and Q152)

Table 7.1.8 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2020 (Q153)

Table 7.2.1 Training courses on the EU law organised by institutions responsible for trainings in 2020 (Q154)

Table 7.2.2 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)

Table 7.2.3 Training courses on the EU law organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

Table 7.2.4 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

**Table 7.1.1 Implemented budget of the training institutions and training budget of court and prosecution services in 2018 and 2020 (Q4, Q6, Q142)**

Beneficiaries	2020					2018	2020	Variation of Total training budget for judiciary 2018-2020 (%)
	Training budget of the institution, in € (1)			Implemented court budget allocated to training (2)	Implemented prosecution budget allocated to training (3)	Total implemented training budget for judiciary (1 + 2 + 3)	Total implemented training budget for judiciary (1 + 2 + 3)	
	One institution for judges	One institution for prosecutors	One single institution for both					
<b>Armenia</b>	NAP	NAP	NAP	NAP	NAP	496 236 €	NAP	NA
<b>Azerbaijan</b>	1 133 163 €	916 352 €	NAP	1 232 998 €	855 663 €	3 634 083 €	4 138 176 €	13,9%
<b>Georgia</b>	545 985 €	NAP	NAP	142 128 €	NAP	1 024 569 €	688 113 €	-32,8%
<b>Republic of Moldova</b>	NAP	NAP	912 473 €	1 418 €	0 €	912 273 €	913 891 €	0,2%
<b>Ukraine</b>	3 801 718 €	954 566 €	NAP	15 415 €	NAP	7 793 609 €	4 771 699 €	-38,8%
<b>Average</b>	1 826 955 €	NA	NA	347 990 €	NA	2 772 154 €	2 627 970 €	-14,4%
<b>Median</b>	1 133 163 €	NA	NA	78 772 €	NA	1 024 569 €	2 526 034 €	-16,3%
<b>Minimum</b>	545 985 €	NA	NA	1 418 €	NA	496 236 €	688 113 €	-38,8%
<b>Maximum</b>	3 801 718 €	NA	NA	1 232 998 €	NA	7 793 609 €	4 771 699 €	13,9%
<b>Nb of values</b>	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	20%
<b>% of NAP</b>	40%	60%	80%	20%	60%	0%	20%	0%



Table 7.1.2 Types and frequency of training courses for judges (Q143 and Q145)

Beneficiaries	Initial training for judges	In-service training for judges											
		General		For specialised functions		For management functions		For the use of computer facilities in office		On ethics		On child-friendly justice	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Armenia													
Azerbaijan													
Georgia													
Republic of Moldova													
Ukraine													
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Type of training	Frequency
Compulsory	Regularly
Optional	Occasional
No training	

Table 7.1.3 Types and frequency of training courses for prosecutors (Q144 and Q146)

Beneficiaries	Initial training for prosecutors	In-service training for prosecutors											
		General		For specialised functions		For management functions		For the use of computer facilities in office		On ethics		On child-friendly justice	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Armenia													
Azerbaijan													
Georgia													
Republic of Moldova													
Ukraine													
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Type of training	Frequency
Compulsory	Regularly
Optional	Occasional
No training	

**Table 7.1.4 Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)**

Beneficiaries	In-person training courses																	
	Number of available courses						Number of delivered courses (in days)						Number of participants					
	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals
Armenia	98	39	30	0	NAP	29	83	38	17	0	NAP	28	712	231	179	0	NAP	302
Azerbaijan	NA	NA	NA	NA	NA	NA	809	62	0	10	0	737	640	68	0	106	0	466
Georgia	NAP	7	150	5	106	NAP	NAP	13	150	10	106	NAP	1 329	88	830	68	192	151
Republic of Moldova	57	21	14	15	15	18	68	23	19	15	15	24	1 301	351	212	329	22	387
Ukraine	94	35	1	41	7	10	224	95	3	101	15	10	3 098	1 179	13	1 561	124	221
<b>Average</b>	83	26	49	15	43	19	296	46	38	27	34	200	1 416	383	247	413	85	305
<b>Median</b>	94	28	22	10	15	18	154	38	17	10	15	26	1 301	231	179	106	73	302
<b>Minimum</b>	57	7	1	0	7	10	68	13	0	0	0	10	640	68	0	0	0	151
<b>Maximum</b>	98	39	150	41	106	29	809	95	150	101	106	737	3 098	1 179	830	1 561	192	466
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	20%	20%	20%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	20%	0%	0%	0%	20%	20%	20%	0%	0%	0%	20%	20%	0%	0%	0%	0%	20%	0%

**Table 7.1.5 Number of in-service online training courses (e-learning) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)**

Beneficiaries	Online training courses (e-learning)											
	Number of available courses						Number of participants					
	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals
<b>Armenia</b>	9	5	4	0	NAP	0	308	153	155	0	NAP	0
<b>Azerbaijan</b>	1 018	25	6	6	0	981	1 457	98	6	89	0	1 264
<b>Georgia</b>	NAP	40	298	2	159	NAP	2 003	1 059	651	109	79	105
<b>Republic of Moldova</b>	12	12	12	12	12	12	1 135	161	162	542	57	213
<b>Ukraine</b>	382	175	2	201	0	14	18 434	5 636	54	12 482	0	262
<b>Average</b>	355	51	64	44	43	252	4 667	1 421	206	2 644	34	369
<b>Median</b>	197	25	6	6	6	13	1 457	161	155	109	29	213
<b>Minimum</b>	9	5	2	0	0	0	308	98	6	0	0	0
<b>Maximum</b>	1 018	175	298	201	159	981	18 434	5 636	651	12 482	79	1 264
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	20%	0%	0%	0%	20%	20%	0%	0%	0%	0%	20%	0%

**Table 7.1.6 Sanctions for judges and prosecutors for not attending compulsory in-service trainings in 2020 (Q148 and Q149)**

Beneficiaries	Sanctions for not attending compulsory in-service training	
	Judges	Prosecutors
Armenia		
Azerbaijan		
Georgia		
Republic of Moldova		
Ukraine	-	-
<b>Nb of Yes</b>	1	1

Yes	
No	

**Table 7.1.7 Compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest in 2020 (Q150, Q151 and Q152)**

Beneficiaries	Trainings solely dedicated on ethics, corruption and conflict of interest				
	Compulsory in-service training			Frequency during their career	
	Judges	Prosecutors	Duration of the training	Judges	Prosecutors
Armenia			NAP	NAP	NAP
Azerbaijan			2-3 days	More than once on an ad hoc basis	More than once on an ad hoc basis
Georgia			2-3 days	NAP	More than once on an ad hoc basis
Republic of Moldova			2-3 days	More than once on a regular basis	More than once on a regular basis
Ukraine	-	-	-	-	-

**Nb of Yes** 2 3

Yes   
 No

**Table 7.1.8 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2020 (Q153)**

Beneficiaries	Specially trained prosecutors			
	Domestic violence training		Sexual violence training	
	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Armenia	Yes	No	Yes	No
Azerbaijan	Yes	No	Yes	No
Georgia	Yes	No	Yes	No
Republic of Moldova	No	No	No	No
Ukraine	No	No	No	No
<b>Nb of Yes</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>0</b>
			Yes	Yes
			No	No

**Table 7.2.1 Training courses on the EU law organised by institutions responsible for trainings in 2020 (Q154)**

Beneficiaries	Training in EU Law				
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants	
				Judges	Prosecutors
<b>Armenia</b>	NAP	NAP	NAP	NAP	NAP
<b>Azerbaijan</b>	45	36	0	2	0
<b>Georgia</b>	NA	NA	1	8	NAP
<b>Republic of Moldova</b>	19	23	10	183	252
<b>Ukraine</b>	-	-	-	-	-
<b>Average</b>	32	30	4	64	126
<b>Median</b>	32	29,5	1	8	126
<b>Minimum</b>	19	23	0	2	0
<b>Maximum</b>	45	36	10	183	252
<b>Nb of values</b>	4	4	4	4	4
<b>% of NA</b>	25%	25%	0%	0%	0%
<b>% of NAP</b>	25%	25%	25%	25%	50%



**Table 7.2.2 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)**

Beneficiaries	Training in EU Charter of Fundamental Rights/European Convention on Human Rights				
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants	
				Judges	Prosecutors
Armenia	8	NA	4	243	302
Azerbaijan	8	17	18	34	0
Georgia	1	2	NA	8	NAP
Republic of Moldova	51	54	10	239	301
Ukraine	-	-	-	-	-
<b>Average</b>	17	24	11	131	201
<b>Median</b>	8	17	10	137	301
<b>Minimum</b>	1	2	4	8	0
<b>Maximum</b>	51	54	18	243	302
<b>Nb of values</b>	4	4	4	4	4
<b>% of NA</b>	0%	25%	25%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	25%

**Table 7.2.3 Training courses on the EU law organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)**

Beneficiaries	Training in EU Law				
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants	
				Judges	Prosecutors
<b>Armenia</b>	NAP	NAP	NAP	NAP	NAP
<b>Azerbaijan</b>	45	36	0	2	0
<b>Georgia</b>	NA	NA	1	8	NAP
<b>Republic of Moldova</b>	16	19	2	172	180
<b>Ukraine</b>	-	-	-	-	-
<b>Average</b>	31	28	1	61	90
<b>Median</b>	31	28	1	8	90
<b>Minimum</b>	16	19	0	2	0
<b>Maximum</b>	45	36	2	172	180
<b>Nb of values</b>	4	4	4	4	4
<b>% of NA</b>	25%	25%	0%	0%	0%
<b>% of NAP</b>	25%	25%	25%	25%	50%

**Table 7.2.4 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)**

Beneficiaries	Training in EU Charter of Fundamental Rights/European Convention on Human Rights				
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants	
				Judges	Prosecutors
Armenia	1	1	0	9	15
Azerbaijan	8	17	18	34	0
Georgia	1	2	NA	8	NAP
Republic of Moldova	24	41	2	160	209
Ukraine	-	-	-	-	-
<b>Average</b>	9	15	7	53	75
<b>Median</b>	5	10	2	22	15
<b>Minimum</b>	1	1	0	8	0
<b>Maximum</b>	24	41	18	160	209
<b>Nb of values</b>	4	4	4	4	4
<b>% of NA</b>	0%	0%	25%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	25%

## Indicator 7- Training

by country

*Question 142 - What is the budget of the training institution(s)?*

*Question 143 - Training of judges:*

*Question 144 - Training of public prosecutors:*

*Question 145 - Frequency of the in-service training of judges:*

*Question 146 - Frequency of the in-service training of public prosecutors:*

*Question 147 - Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training*

*Question 147-1 - Number of participants of the training courses during the reference year*

*Question 148 - If in-service training is compulsory for judges, are sanctions foreseen if judges do not attend the training sessions?*

*Question 149 - If in-service training is compulsory for prosecutors, are sanctions foreseen if prosecutors do not attend the training sessions?*

*Question 150 - Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest?*

*Question 151 - If yes, what is the duration of this training in total?*

*Question 152 - If yes, how often during their career do they need to participate on this training?*

*Question 153 - Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?*

*Question 154 - Number of training courses organised by the institutions responsible for training and number of participating judges and prosecutors concerning the following categories:*

*Question 155 - Number of these training courses organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)*

### Armenia

**Q142 (2020):** The budget is not separated for the training institution. The amount of the overall budget named “ Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” is 230.527.700 AMD, which is equal to 421.440 euros. The Academy of Justice is funded from the state budget of the Republic of Armenia through the Ministry of Justice in the form of a grant, and through the Investigative Committee of the Republic of Armenia and the Corruption Prevention Committee under the service delivery contract.

**Q142 (2018):** This is the budget for judges and prosecutors and the staff of courts and prosecution, but the Academy receives also budget from the Investigative body for the training of investigators.

**Q143 (2020):** Judge candidates must attend initial training at the Academy of Justice. This is a precondition for becoming a judge.

It should be mentioned, that a training course on the use of computer facilities in courts is regularly being held as part of the educational program for individuals included in the list of applicants for candidates of judges position.

**Q143 (2018):** Judge candidates attend initial training at the Academy of Justice. Training programs for acting judges as well as a Judge candidate are divided into general, related and special professional ones. Within the frames of mandatory academic hours defined by law, the Judges select preferable courses from the offered list, selecting on a mandatory basis from the list of both special professional courses, as well as general and related ones. Special professional courses are divided into spheres according to the specialization of Judges. According to the annual program of training of acting judges general and related professional courses include courses for “Judge’s ethics, rules of conduct, and performance evaluation”. Training programs for Judges are changed each year depending on the necessity emerged in judicial practice, legislative amendments and other circumstances, as well as taking into account the suggestions presented by trainees and other interested

**Q144 (2020):** In-service trainings on management functions are being held for prosecutors only as part of online educational module.

A training course on the use of computer facilities in office is only being held for individuals included in the list of prosecutor candidates, as part of core curriculum.

**Q144 (2018):** The law on Prosecution adopted in 2017 states that to become a prosecutor the citizen shall take a relevant educational course in Justice Academy.

**Q145 (2018):** According to the Law on Justice Academy, the acting judges shall attend an annual mandatory training. During a year judges attend the training program at the Academy of Justice in two periods. The special professional courses are attended in the form of full-time education, while the general and related professional courses are attended in the form of full-time education or distance learning, depending on their choice. Training courses on “Judge’s ethics, rules of conduct, and performance evaluation” are included in the module of general and related professional training courses in the annual training program of judges. It should also be noted that besides the mentioned mandatory courses, the Academy of Justice periodically organizes additional training courses, seminars, conferences on various actual issues.

**Q146 (2020):** Part 1- February 17- April 3

Part 2- April 6- May 22

Part 3- May 25-July 10

Part 4- July 13- October 2

the same periodicity for judges.

**Q147 (2020):** The trainings of judges and prosecutors organized by the Academy of Justice consist of two parts. The first part consists of general professional courses, which are organized in-person, and the second part consists of special professional courses, which are organized both in-person and online (it depends on the choice of trainees), but because of the pandemic both general and special professional courses have been replaced by online training courses (e-learning). In 2020, because of the pandemic, bailiffs’ courses were canceled and were not replaced by distance learning.

The special subjects training of judges was conducted from October 5 to December 11 of 2020 in 10 groups for 10 weeks - 50 days.

The special subjects training of prosecutors was conducted from October 5 to November 6 of 2020 in 10 groups for 10 weeks - 50 days.

The additional training of prosecutors was conducted on December 23 2020 in 1 group for 1 day.

In 2020 the Academy of Justice did not conduct trainings for non-judge staff. It should be noted that non-judge staff include judicial officers. Non-judge staff cannot join trainings for other categories.

**Q147 (2018):** The total number of training courses available in the reference year was: for judges- 36 and 4 online courses for different specializations, for prosecutors-23 and 4 online courses.

The number of courses changes each year based on the need in practice.

**Q148 (2020):** There is a rule of conduct that a judge must participate in mandatory training courses.

The breaches of rules of conduct for judges are a ground for disciplinary liability, if they have been committed deliberately or with gross negligence.

**Q149 (2020):** Yes, the in-service training is compulsory for prosecutors and if they do not attend the training the sanctions are foreseen, because it is a ground for disciplinary liability.

**Q150 (2020):** The trainings mentioned above are existed in the list of the in-service training programme, but they are optional. Based on this reasoning, we cannot answer questions number 151 and 152.

**Q153 (2020):** The “Curriculum of annual trainings for prosecutors” contains a course titled: “Preventing and combating violence against women and domestic violence in Armenia”, as well as a course with a focus on sexual violence and sexual crimes.

**Q153 (2018):** Currently in almost all territorial prosecution units there is at least one prosecutor specialized in domestic violence cases and it is envisaged to ensure the availability of the specialized prosecutors in all units.

**Q154 (2020):** It should be noted that topics related to the European Convention on Human Rights are discussed during different courses (for example, current issues of RA criminal law, Current issues of application of ECHR legal positions in criminal cases etc.).

Eight training courses were organized for judges and were in-person and four training courses were organized for prosecutors and were online. Regarding number of participants, statistics for each course is available, but it should be noted that the same judge or prosecutor may participate in different courses, and the total number of participants for all courses was counted by the sum of these numbers.

**Q155 (2020):** The training course was organized with the support of the Council of Europe. Information is provided by the Judicial Academy.

## Azerbaijan

**Q142 (2020):** The budget allocated to judicial system increased significantly. One of the areas where the budget increase was felt is for the training institutions.

**Q147 (2020):** Before the pandemic courses were provided in person preferably. But since the skills of conducting online courses and technology were already developed, the problems of switching to online training were minimal. Therefore following the current situation with pandemic number of training increased in 2020.

**Q148 (2020):** Participation in trainings is indicated on their scorecard and taken into account when they are promoted. On the other hand, the main topics of the trainings are included in the program, made up of their proposals and based on their interests, therefore all judges are sufficiently motivated to participate in the

**Q155 (2020):** The name of organisations that co-organised/financed the trainings are European Union and Council of Europe.

## Georgia

**Q142 (2020):** The Professional Development and Career Management Centre of PSG (the Training Centre) is responsible for training of prosecutors. It is a structural body of PSG and does not have a separate budget. The PSG finances the Training Centre through its budget.

**Q142 (2018):** The Professional Development and Career Management Centre of PSG (the Training Centre) is responsible for training of prosecutors. It is a structural body of PSG and does not have a separate budget. The PSG finances the Training Centre through its budget.

**Q143 (2020):** We provide both compulsory and optional in-service training for specialized judicial functions. The High School of Justice conducts trainings on the basis of in-service training program for judges and other court staff which derives from the annual needs assessment of the state obligations, relevant government action plans, reports of international organizations and NGO-s, etc. Thus, the content of the program varies from year to year. However, some of the general and crucial topics are regularly included in the annual in-service training program of the HSoJ in the context of sustainability of quality training in these fields (e.g. human rights, judicial ethics, juvenile justice, leadership and management, etc.).

**Q145 (2020):** We provide both compulsory and optional in-service training for specialized judicial functions. In regard to changes in respect of frequency of the in-service training of judges, for example, the “In-service training for management functions of the court, is not provided regularly anymore since majority of judges are already trained and there is no need to hold the trainings regularly anymore. Therefore, trainings are held occasionally, when necessary. Because of Covid-19, mostly trainings were held by online platforms and with the mentioned format does not provide possibility of proposing in-service training for the use of computer facilities in courts.

**Q145 (2018):** The High School of Justice conducts trainings on the basis of in-service training program for judges and other court staff which derives from the annual needs assessment of the state obligations, relevant government action plans, reports of international organizations and NGO-s, etc. Thus, the content of the program varies from year to year. However, some of the general and crucial topics are regularly included in the annual in-service training program of the HSoJ in the context of sustainability of quality training in these fields (e.g. human rights, judicial ethics, juvenile justice, leadership and management, etc.).

**Q146 (2020):** PSG is very active in ensuring the capacity building of prosecutors. Almost every week there is at least one training activity for prosecutors.

**Q146 (2018):** PSG is very active in ensuring the capacity building of prosecutors. Almost every week there is at least one training activity for prosecutors.

**Q147 (2020):** Because of the government’s policies against covid-19, majority of trainings were held online and, hence, trainings delivered in-person decreased. Also, number of online trainings decreased because some trainings, because of its format could not be held online. In general, year 2020 was a year of adaptation and essential changes. The issue of quantity was solved in 2021.

**Q147 (2018):** The PSG Training Centre does not maintain the training statistics in days. For calculating the intensity of trainings, the Training Centre counts number of training events and hours. In 2018, there were four trainings with 77 learning hours per prosecutor on average. In 2018, three joint training courses were carried out through the HELP distance learning platform for prosecutors, investigators and lawyers.

Number of training events was 195 in 2018, attended by 2600 participants from the PSG. There were nine joint trainings for prosecutors and judges during the same period.

**Q150 (2020):** judges - no

The training module for the PSG staff aims at establishing general rules and professional ethics within the prosecutorial system, avoiding conflict of interests, etc. With the support of donor organizations, trainings and workshops are held on the prevention of corruption in the public sector. During the trainings and workshops, participants discuss the experiences of different countries in preventing corruption, including important issues such as conflict of interest, the institute of whistleblowers, and other.

**Q151 (2020):** For prosecutors only.

## **Republic of Moldova**

**Q142 (2020):** The data indicated above reflects the approved and allocated budget to the National Institute of Justice.

**Q142 (2018):** The data indicated above reflects the approved and allocated budget to the National Institute of Justice. The implemented budget for 2018 was Euro 826 558.

**Q143 (2018):** The answers in 2018 are different compared with 2016 data because in accordance with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

**Q144 (2020):** According to the provisions of the Law on the Prosecution Office, prosecutors shall participate at least 40 hours per year in the programmes of continuous training organized by the National Institute of Justice, in the programmes organized by other higher education institutions from the country or from abroad, or in other activities of vocational training. The continuous training of prosecutors is being carried out with due account to the necessity of the prosecutors' specialization. When drafting the curricula and topics on the continuous training of prosecutors there are taken into consideration the suggestions and individual needs of prosecutors and they have possibility to choose the field they wish to improve in.

**Q144 (2018):** The answers in 2018 are different compared with 2016 data because according with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

**Q145 (General Comment):** The National Institute of Justice is a public independent institution responsible for the initial and in-service training of judges and prosecutors, clerks and judicial assistants, heads of court's secretariat and probation officers and other persons with judicial duties. The admission to the Institute is exclusively by competitive exam during which persons possessing the qualifications prescribed in the law to hold the position of judge/prosecutor may apply. Judges have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for judges twice per year and it includes trainings organized continually throughout the year.

**Q145 (2020):** National Institute of Justice

**Q145 (2018):** The answers in 2018 are different compared with 2016 answers because in accordance with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

**Q146 (General Comment):** Public prosecutors have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.



**Q146 (2020):** The frequency of the in-service training for public prosecutors changed due to the fact that Modular continuous training plans every year are elaborated/updated in accordance with the Methodology for determining the needs of continuous training of prosecutors which is consulted with the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

**Q146 (2018):** The answers in 2018 are different compared with 2016 answers because in accordance with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

**Q147 (2020):** Due to pandemic situation in 2020 most of the trainings were conducted remotely by e-learning and videoconference platforms. The other professionals include legal aid lawyers, probation officers. The trainings for other professionals were organized in January, February, September and November 2020 on the following topics: Juvenile probation: elaboration of the pre-sentence report, Methods to work with family aggressors and prevention techniques for violence against women and children, Professional integrity of the probation officers, Measures to protect child victims of sexual abuse, Early release and reducing the term of punishment for inhuman conditions of detention, etc. More data are available for 2020 due to an improved evidence system realized by NIJ.

**Q147 (2018):** Starting with 2017 the NIJ has reconceptualized the continuous training plans that have been integrated in modular formats. Each module consists from activities (from 3 to 10 days, respectively 24-80 hours of training), usually, in the form of seminars, interdisciplinary courses, thematic courses, conferences, round tables, workshops or other forms, based on the objectives of each course.

There are also courses that are planned for more than 1 day. There were organized 9 online training courses during the reference year.

**Q150 (General Comment):** There are trainings separate for judges on following topics (Discipline and responsibility of judges, Ethics and deontology of judges) and for prosecutors (Ethical and professional conduct management and conflict management). Also there are joint trainings for both judges and prosecutors (Methods to prevent corrupt behavior).Trainings are organized by the National Institute of Justice.

**Q150 (2020):** The in-service training annual curricula for judges and prosecutors contains trainings dedicated to ethics, the prevention of corruption and conflicts of interest. When drafting the curricula and topics on the continuous training of judges and prosecutors there are taken into consideration the suggestions and individual needs of judges and prosecutors and they have possibility to choose the field they wish to improve in. Judges and prosecutors have the legal obligation to participate at least 40 hours per year in programmes of continuous training, which include ethics, prevention of corruption and conflicts of interest.

**Q153 (2020):** The training courses were organized in 2020 on the related subjects for all prosecutors who applied for, in the limits of the available places.

## Ukraine

**Q142 (2020):** The budget difference of the prosecutor's training institution is caused by the official launching of the Prosecutor's Training Center of Ukraine in March 2020. The Center has only just begun its work with a small number of trainings and only is increasing its training capabilities (see question 131-2).

**Q144 (General Comment):** Changes in answers for 2020 compared to 2018 are caused by the change of training institution. The National Prosecution Academy of Ukraine was substituted by the Prosecutor's Training Center of Ukraine. Prosecutor's Training Center of Ukraine was established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 №130 on the basis of the liquidated Training Center and is not related to the activities of the academy. Now the Training Center is only strengthening its training and topical capabilities. As the Training Center only started its activities in 2020, and working conditions were also complicated by the pandemic, some training programs were not yet realized in 2020, for example, training on ethics or the use of computer technology. Such training programs will be available for 2021, according to the official website of the Training Center - <https://ptcu.gp.gov.ua/en/category/trainings/>

**Q144 (2020):** Changes in answers for 2020 compared to 2018 are caused by the change of training institution. The National Prosecution Academy of Ukraine was substituted by the Prosecutor's Training Center of Ukraine. Prosecutor's Training Center of Ukraine was established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 №130 on the basis of the liquidated Training Center and is not related to the activities of the academy. Now the Training Center is only strengthening its training and topical capabilities. As the Training Center only started its activities in 2020, and working conditions were also complicated by the pandemic, some training programs were not yet realized in 2020, for example, training on ethics or the use of computer technology. Such training programs will be available for 2021, according to the official website of the Training Center - <https://ptcu.gp.gov.ua/en/category/trainings/>

**Q144 (2018):** Due to the development of technologies and necessity to go in line with it the training for the use of computer facilities was implemented.

**Q145 (2020):** 1. Concerning General in-service training and In-service training for specialized judicial functions:

each judge is required by law to undergo 5 days of training to maintain his or her qualifications at least once every three years. The National School of Judges of Ukraine regularly conducts offline (and during a pandemic - online) 1-3 day thematic training for judges of different specializations, which a judge has the right to choose depending on their needs. Judges can also choose and train in 23 online learning programs.

2. Concerning In-service training for management functions of the court: Court president and their deputies take 3-day in-service training at least once for the term of office. Also, the presidents of the courts, like all judges, can, if necessary, choose the appropriate training course that is offered.

3. Concerning In-service training on ethics: such training part of the standardized training programs for judges of each specialization.

4. In-service training for the use of computer facilities in courts (training on cybersecurity of judges) and In-service training on child-friendly justice are held as

**Q146 (2020):** General in-service training is held regularly (every three years). "Effective public prosecution": three days offline training, once in 2020;

In-service training for specialized functions "Effective investigation of legalization (laundering) of proceeds from crime": six hours online training, once in 2020;

In-service training on child-friendly justice: six hours online training, once in 2020.

**Q146 (2018):** Regularly means once in a three years.

**Q147 (General Comment):** The Prosecutor's Training Center of Ukraine was established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 №130 on the basis of the liquidated National Academy of the Prosecutor's Office of Ukraine and is not related to the activities of the Academy. Since the Training Center only started its activities in 2020, it is possible to observe only a small number of training, a small number of participants, and a significantly reduced budget for the activities of the institution. In 2021, the number of training courses available to prosecutors and prosecutor's office staff will be increased.

**Q147 (2020):** Training for other professionals includes training for the Judicial Security Service staff and joint activities with a non-judge staff of the courts held by the National School of Judges of Ukraine.

**Q153 (2020):** The Law of Ukraine “On the Prosecutor's Office” does not provide for such specialization as “prosecutors on domestic and/or sexual violence issues”, while part 6 of Article 7 of the Law stipulates that specialization of prosecutors may be introduced in the prosecutor's office system.

## Indicator 7- Training

by question No.

*Question 142 - What is the budget of the training institution(s)?*

*Question 143 - Training of judges:*

*Question 144 - Training of public prosecutors:*

*Question 145 - Frequency of the in-service training of judges:*

*Question 146 - Frequency of the in-service training of public prosecutors:*

*Question 147 - Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training*

*Question 147-1 - Number of participants of the training courses during the reference year*

*Question 148 - If in-service training is compulsory for judges, are sanctions foreseen if judges do not attend the training sessions?*

*Question 149 - If in-service training is compulsory for prosecutors, are sanctions foreseen if prosecutors do not attend the training sessions?*

*Question 150 - Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest?*

*Question 151 - If yes, what is the duration of this training in total?*

*Question 152 - If yes, how often during their career do they need to participate on this training?*

*Question 153 - Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?*

*Question 154 - Number of training courses organised by the institutions responsible for training and number of participating judges and prosecutors concerning the following categories:*

*Question 155 - Number of these training courses organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)*

### Question 142

#### Armenia

**(2020):** The budget is not separated for the training institution. The amount of the overall budget named “ Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” is 230.527.700 AMD, which is equal to 421.440 euros. The Academy of Justice is funded from the state budget of the Republic of Armenia through the Ministry of Justice in the form of a grant, and through the Investigative Committee of the Republic of Armenia and the Corruption Prevention Committee under the service delivery contract.

**(2018):** This is the budget for judges and prosecutors and the staff of courts and prosecution, but the Academy receives also budget from the Investigative body for the training of investigators.

#### **Azerbaijan**

**(2020):** The budget allocated to judicial system increased significantly. One of the areas where the budget increase was felt is for the training institutions.

#### **Georgia**

**(2020):** The Professional Development and Career Management Centre of PSG (the Training Centre) is responsible for training of prosecutors. It is a structural body of PSG and does not have a separate budget. The PSG finances the Training Centre through its budget.

**(2018):** The Professional Development and Career Management Centre of PSG (the Training Centre) is responsible for training of prosecutors. It is a structural body of PSG and does not have a separate budget. The PSG finances the Training Centre through its budget.

#### **Republic of Moldova**

**(2020):** The data indicated above reflects the approved and allocated budget to the National Institute of Justice.

**(2018):** The data indicated above reflects the approved and allocated budget to the National Institute of Justice. The implemented budget for 2018 was Euro 826 558.

#### **Ukraine**

**(2020):** The budget difference of the prosecutor's training institution is caused by the official launching of the Prosecutor's Training Center of Ukraine in March 2020. The Center has only just begun its work with a small number of trainings and only is increasing its training capabilities (see question 131-2).

#### **Question 143**

#### **Armenia**

**(2020):** Judge candidates must attend initial training at the Academy of Justice. This is a precondition for becoming a judge. It should be mentioned, that a training course on the use of computer facilities in courts is regularly being held as part of the educational program for individuals included in the list of applicants for candidates of judges position.

**(2018):** Judge candidates attend initial training at the Academy of Justice. Training programs for acting judges as well as a Judge candidate are divided into general, related and special professional ones. Within the frames of mandatory academic hours defined by law, the Judges select preferable courses from the offered list, selecting on a mandatory basis from the list of both special professional courses, as well as general and related ones. Special professional courses are divided into spheres according to the specialization of Judges. According to the annual program of training of acting judges general and related professional courses include courses for “Judge’s ethics, rules of conduct, and performance evaluation”. Training programs for Judges are changed each year depending on the necessity emerged in judicial practice, legislative amendments and other circumstances, as well as taking into account the suggestions presented by trainees and other interested

### **Georgia**

**(2020):** We provide both compulsory and optional in-service training for specialized judicial functions. The High School of Justice conducts trainings on the basis of in-service training program for judges and other court staff which derives from the annual needs assessment of the state obligations, relevant government action plans, reports of international organizations and NGO-s, etc. Thus, the content of the program varies from year to year. However, some of the general and crucial topics are regularly included in the annual in-service training program of the HSoJ in the context of sustainability of quality training in these fields (e.g. human rights, judicial ethics, juvenile justice, leadership and management, etc.).

### **Republic of Moldova**

**(2018):** The answers in 2018 are different compared with 2016 data because in accordance with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

### **Question 144**

### **Armenia**

**(2020):** In-service trainings on management functions are being held for prosecutors only as part of online educational module. A training course on the use of computer facilities in office is only being held for individuals included in the list of prosecutor candidates, as part of core curriculum.

**(2018):** The law on Prosecution adopted in 2017 states that to become a prosecutor the citizen shall take a relevant educational course in Justice Academy.

### **Republic of Moldova**

**(2020):** According to the provisions of the Law on the Prosecution Office, prosecutors shall participate at least 40 hours per year in the programmes of continuous training organized by the National Institute of Justice, in the programmes organized by other higher education institutions from the country or from abroad, or in other activities of vocational training. The continuous training of prosecutors is being carried out with due account to the necessity of the prosecutors' specialization. When drafting the curricula and topics on the continuous training of prosecutors there are taken into consideration the suggestions and individual needs of prosecutors and they have possibility to choose the field they wish to improve in.

**(2018):** The answers in 2018 are different compared with 2016 data because according with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic

## Ukraine

**(General Comment):** Changes in answers for 2020 compared to 2018 are caused by the change of training institution. The National Prosecution Academy of Ukraine was substituted by the Prosecutor's Training Center of Ukraine. Prosecutor's Training Center of Ukraine was established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 №130 on the basis of the liquidated Training Center and is not related to the activities of the academy. Now the Training Center is only strengthening its training and topical capabilities. As the Training Center only started its activities in 2020, and working conditions were also complicated by the pandemic, some training programs were not yet realized in 2020, for example, training on ethics or the use of computer technology. Such training programs will be available for 2021, according to the official website of the Training Center - <https://ptcu.gp.gov.ua/en/category/trainings/>

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**(2018):** Due to the development of technologies and necessity to go in line with it the training for the use of computer facilities was implemented.

## Question 145

### Armenia

**(2018):** According to the Law on Justice Academy, the acting judges shall attend an annual mandatory training. During a year judges attend the training program at the Academy of Justice in two periods. The special professional courses are attended in the form of full-time education, while the general and related professional courses are attended in the form of full-time education or distance learning, depending on their choice. Training courses on “Judge’s ethics, rules of conduct, and performance evaluation” are included in the module of general and related professional training courses in the annual training program of judges. It should also be noted that besides the mentioned mandatory courses, the Academy of Justice periodically organizes additional training courses, seminars, conferences on various

## **Georgia**

**(2020):** We provide both compulsory and optional in-service training for specialized judicial functions. In regard to changes in respect of frequency of the in-service training of judges, for example, the “In-service training for management functions of the court, is not provided regularly anymore since majority of judges are already trained and there is no need to hold the trainings regularly anymore. Therefore, trainings are held occasionally, when necessary. Because of Covid-19, mostly trainings were held by online platforms and with the mentioned format does not provide possibility of proposing in-service training for the use of computer facilities in courts.

**(2018):** The High School of Justice conducts trainings on the basis of in-service training program for judges and other court staff which derives from the annual needs assessment of the state obligations, relevant government action plans, reports of international organizations and NGO-s, etc. Thus, the content of the program varies from year to year. However, some of the general and crucial topics are regularly included in the annual in-service training program of the HSoJ in the context of sustainability of quality training in these fields (e.g. human rights, judicial ethics, juvenile justice, leadership and management, etc.).

## **Republic of Moldova**

**(General Comment):** The National Institute of Justice is a public independent institution responsible for the initial and in-service training of judges and prosecutors, clerks and judicial assistants, heads of court's secretariat and probation officers and other persons with judicial duties. The admission to the Institute is exclusively by competitive exam during which persons possessing the qualifications prescribed in the law to hold the position of judge/prosecutor may apply. Judges have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for judges twice per year and it includes trainings organized continually throughout the year.

**(2020):** National Institute of Justice



**(2018):** The answers in 2018 are different compared with 2016 answers because in accordance with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

### **Ukraine**

- (2020):** 1. Concerning General in-service training and In-service training for specialized judicial functions: each judge is required by law to undergo 5 days of training to maintain his or her qualifications at least once every three years. The National School of Judges of Ukraine regularly conducts offline (and during a pandemic - online) 1-3 day thematic training for judges of different specializations, which a judge has the right to choose depending on their needs. Judges can also choose and train in 23 online learning programs.
2. Concerning In-service training for management functions of the court: Court president and their deputies take 3-day in-service training at least once for the term of office. Also, the presidents of the courts, like all judges, can, if necessary, choose the appropriate training course that is offered.
3. Concerning In-service training on ethics: such training part of the standardized training programs for judges of each specialization.
4. In-service training for the use of computer facilities in courts (training on cybersecurity of judges) and In-service training on child-friendly justice are held as

### **Question 146**

### **Armenia**

- (2020):** Part 1- February 17- April 3  
Part 2- April 6- May 22  
Part 3- May 25-July 10  
Part 4- July 13- October 2  
the same periodicity for judges.

### **Georgia**

- (2020):** PSG is very active in ensuring the capacity building of prosecutors. Almost every week there is at least one training activity for prosecutors.
- (2018):** PSG is very active in ensuring the capacity building of prosecutors. Almost every week there is at least one training activity for prosecutors.

### **Republic of Moldova**

**(General Comment):** Public prosecutors have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

**(2020):** The frequency of the in-service training for public prosecutors changed due to the fact that Modular continuous training plans every year are elaborated/updated in accordance with the Methodology for determining the needs of continuous training of prosecutors which is consulted with the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

**(2018):** The answers in 2018 are different compared with 2016 answers because in accordance with points 9 and 10 of the Regulation on the continuous professional training of judges and prosecutors, clerks, judicial assistants, heads of secretariats of the courts, prosecutors' advisers, probation advisers, lawyers who provide legal aid, Modular continuous training plans every year are elaborated in accordance with the Methodology for determining the needs of continuous training of judges and prosecutors which is consulted with the Superior Council of Magistracy and the Superior Council of Prosecutors as well as based on the objectives of the strategic policies.

#### **Ukraine**

**(2020):** General in-service training is held regularly (every three years). "Effective public prosecution": three days offline training, once in 2020; In-service training for specialized functions "Effective investigation of legalization (laundering) of proceeds from crime": six hours online training, once in 2020; In-service training on child-friendly justice: six hours online training, once in 2020.

**(2018):** Regularly means once in a three years.

#### **Question 147**

#### **Armenia**

**(2020):** The trainings of judges and prosecutors organized by the Academy of Justice consist of two parts. The first part consists of general professional courses, which are organized in-person, and the second part consists of special professional courses, which are organized both in-person and online (it depends on the choice of trainees), but because of the pandemic both general and special professional courses have been replaced by online training courses (e-learning). In 2020, because of the pandemic, bailiffs' courses were canceled and were not replaced by distance learning.

The special subjects training of judges was conducted from October 5 to December 11 of 2020 in 10 groups for 10 weeks - 50 days.

The special subjects training of prosecutors was conducted from October 5 to November 6 of 2020 in 10 groups for 10 weeks - 50 days.

The additional training of prosecutors was conducted on December 23 2020 in 1 group for 1 day.

In 2020 the Academy of Justice did not conduct trainings for non-judge staff. It should be noted that non-judge staff include judicial officers. Non-judge staff cannot join trainings for other categories.

**(2018):** The total number of training courses available in the reference year was: for judges- 36 and 4 online courses for different specializations, for prosecutors-23 and 4 online courses.

The number of courses changes each year based on the need in practice.

### **Azerbaijan**

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

### **Georgia**

**(2020):** Because of the government's policies against covid-19, majority of trainings were held online and, hence, trainings delivered in-person decreased. Also, number of online trainings decreased because some trainings, because of its format could not be held online. In general, year 2020 was a year of adaptation and essential changes. The issue of quantity was solved in 2021.

**(2018):** The PSG Training Centre does not maintain the training statistics in days. For calculating the intensity of trainings, the Training Centre counts number of training events and hours. In 2018, there were four trainings with 77 learning hours per prosecutor on average. In 2018, three joint training courses were carried out through the HELP distance learning platform for prosecutors, investigators and lawyers.

Number of training events was 195 in 2018, attended by 2600 participants from the PSG. There were nine joint trainings for prosecutors and judges during the same period.

### **Republic of Moldova**

**(2020):** Due to pandemic situation in 2020 most of the trainings were conducted remotely by e-learning and videoconference platforms. The other professionals include legal aid lawyers, probation officers. The trainings for other professionals were organized in January, February, September and November 2020 on the following topics: Juvenile probation: elaboration of the pre-sentence report, Methods to work with family aggressors and prevention techniques for violence against women and children, Professional integrity of the probation officers, Measures to protect child victims of sexual abuse, Early release and reducing the term of punishment for inhuman conditions of detention, etc. More data are available for 2020 due to an improved evidence system realized by NIJ.

**(2018):** Starting with 2017 the NIJ has reconceptualized the continuous training plans that have been integrated in modular formats. Each module consists from activities (from 3 to 10 days, respectively 24-80 hours of training), usually, in the form of seminars, interdisciplinary courses, thematic courses, conferences, round tables, workshops or other forms, based on the objectives of each course.

There are also courses that are planned for more than 1 day. There were organized 9 online training courses during the reference year.

### **Ukraine**

**(General Comment):** The Prosecutor`s Training Center of Ukraine was established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 №130 on the basis of the liquidated National Academy of the Prosecutor's Office of Ukraine and is not related to the activities of the Academy. Since the Training Center only started its activities in 2020, it is possible to observe only a small number of training, a small number of participants, and a significantly reduced budget for the activities of the institution. In 2021, the number of training courses available to prosecutors and prosecutor's office staff will be increased.

**(2020):** Training for other professionals includes training for the Judicial Security Service staff and joint activities with a non-judge staff of the courts held by the National School of Judges of Ukraine.

### **Question 148**

#### **Armenia**

**(2020):** There is a rule of conduct that a judge must participate in mandatory training courses.

The breaches of rules of conduct for judges are a ground for disciplinary liability, if they have been committed deliberately or with gross negligence.

#### **Azerbaijan**

**(2020):** Participation in trainings is indicated on their scorecard and taken into account when they are promoted. On the other hand, the main topics of the trainings are included in the program, made up of their proposals and based on their interests, therefore all judges are sufficiently motivated to participate in the training.

### **Question 149**

#### **Armenia**

**(2020):** Yes, the in-service training is compulsory for prosecutors and if they do not attend the training the sanctions are foreseen, because it is a ground for disciplinary liability.

## Question 150

### Armenia

**(2020):** The trainings mentioned above are existed in the list of the in-service training programme, but they are optional. Based on this reasoning, we cannot answer questions number 151 and 152.

### Georgia

**(2020):** judges - no

The training module for the PSG staff aims at establishing general rules and professional ethics within the prosecutorial system, avoiding conflict of interests, etc. With the support of donor organizations, trainings and workshops are held on the prevention of corruption in the public sector. During the trainings and workshops, participants discuss the experiences of different countries in preventing corruption, including important issues such as conflict of interest, the institute of whistleblowers, and other.

### Republic of Moldova

**(General Comment):** There are trainings separate for judges on following topics (Discipline and responsibility of judges, Ethics and deontology of judges) and for prosecutors (Ethical and professional conduct management and conflict management). Also there are joint trainings for both judges and prosecutors (Methods to prevent corrupt behavior).Trainings are organized by the National Institute of Justice.

**(2020):** The in-service training annual curricula for judges and prosecutors contains trainings dedicated to ethics, the prevention of corruption and conflicts of interest. When drafting the curricula and topics on the continuous training of judges and prosecutors there are taken into consideration the suggestions and individual needs of judges and prosecutors and they have possibility to choose the field they wish to improve in. Judges and prosecutors have the legal obligation to participate at least 40 hours per year in programmes of continuous training, which include ethics, prevention of corruption and conflicts of interest.

## Question 151

### Georgia

**(2020):** For prosecutors only.

## Question 153

### Armenia

**(2020):** The “Curriculum of annual trainings for prosecutors” contains a course titled: “Preventing and combating violence against women and domestic violence in Armenia”, as well as a course with a focus on sexual violence and sexual crimes.

**(2018):** Currently in almost all territorial prosecution units there is at least one prosecutor specialized in domestic violence cases and it is envisaged to ensure the availability of the specialized prosecutors in all units.

#### **Republic of Moldova**

**(2020):** The training courses were organized in 2020 on the related subjects for all prosecutors who applied for, in the limits of the available places.

#### **Ukraine**

**(2020):** The Law of Ukraine “On the Prosecutor's Office” does not provide for such specialization as “prosecutors on domestic and/or sexual violence issues”, while part 6 of Article 7 of the Law stipulates that specialization of prosecutors may be introduced in the prosecutor's office system.

#### **Question 154**

##### **Armenia**

**(2020):** It should be noted that topics related to the European Convention on Human Rights are discussed during different courses (for example, current issues of RA criminal law, Current issues of application of ECHR legal positions in criminal cases etc.).

Eight training courses were organized for judges and were in-person and four training courses were organized for prosecutors and were online. Regarding number of participants, statistics for each course is available, but it should be noted that the same judge or prosecutor may participate in different courses, and the total number of participants for all courses was counted by the sum of these numbers.

#### **Question 155**

##### **Armenia**

**(2020):** The training course was organized with the support of the Council of Europe. Information is provided by the Judicial Academy.

##### **Azerbaijan**

**(2020):** The name of organisations that co-organised/financed the trainings are European Union and Council of Europe.

## 8. Accountability and processes affecting public trust - Overview

Number of criminal cases against judges in 2020 (Table no. 8.2.2)

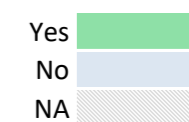
Beneficiaries	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	5	3	0
Azerbaijan	0	0	0
Georgia	0	0	0
Republic of Moldova	NA	NA	NA
Ukraine	-	-	-

Number of criminal cases against prosecutors in 2020 (Table no. 8.2.2)

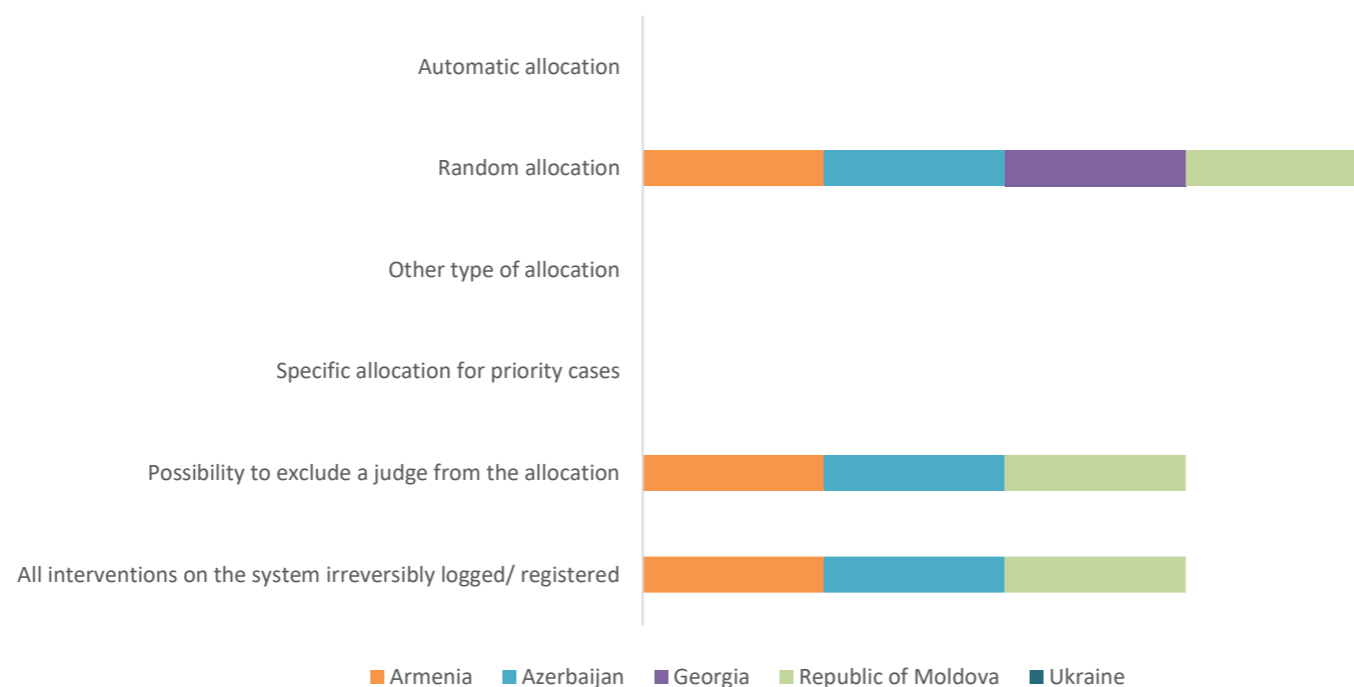
Beneficiaries	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	0	0	0
Azerbaijan	0	0	0
Georgia	2	2	2
Republic of Moldova	NA	NA	NA
Ukraine	-	-	-

Transparency and organisation of distribution of court cases in 2020 (Table no. 8.2.7)

Beneficiaries	Transparency in case distribution	Organisation in distribution of court cases					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Armenia	Yes	No	Yes	No	No	Yes	Yes
Azerbaijan	Yes	No	Yes	No	No	Yes	Yes
Georgia	Yes	No	Yes	No	No	No	No
Republic of Moldova	Yes	No	Yes	No	No	Yes	Yes
Ukraine	No	No	No	No	No	No	No



Organisation in distribution of court cases

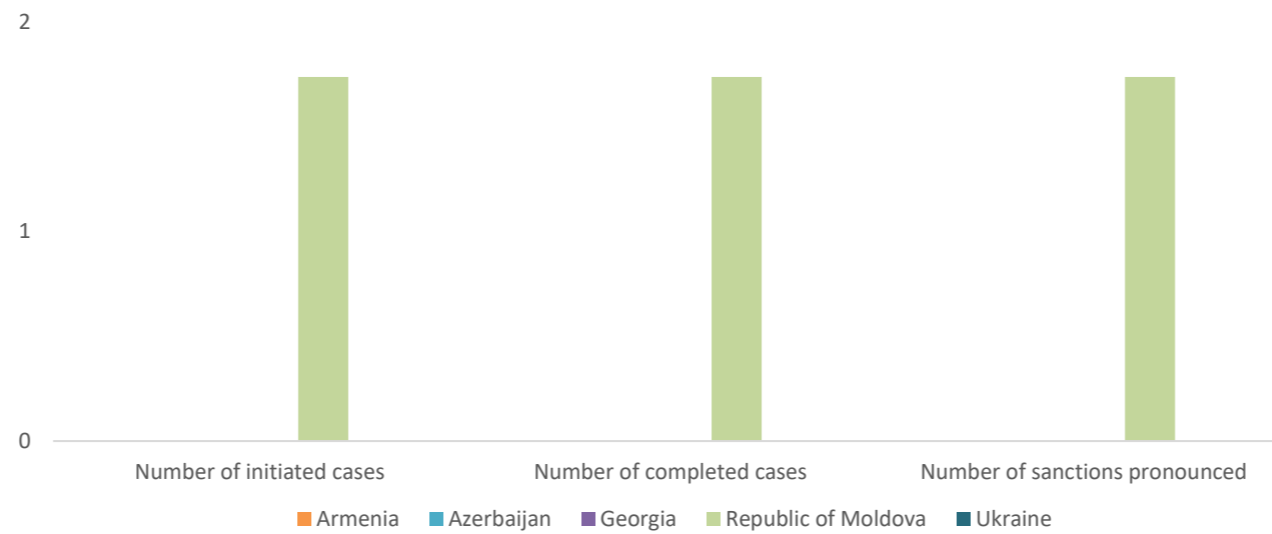




Number of proceedings against judges due to violations/discrepancies in their declaration of assets in 2020 (Table 8.3.11)

Beneficiaries	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	NA	NA	NA
Azerbaijan	NAP	NAP	NAP
Georgia	NA	NA	NA
Republic of Moldova	8	8	8
Ukraine	-	-	-
EaP Average	8	8	8

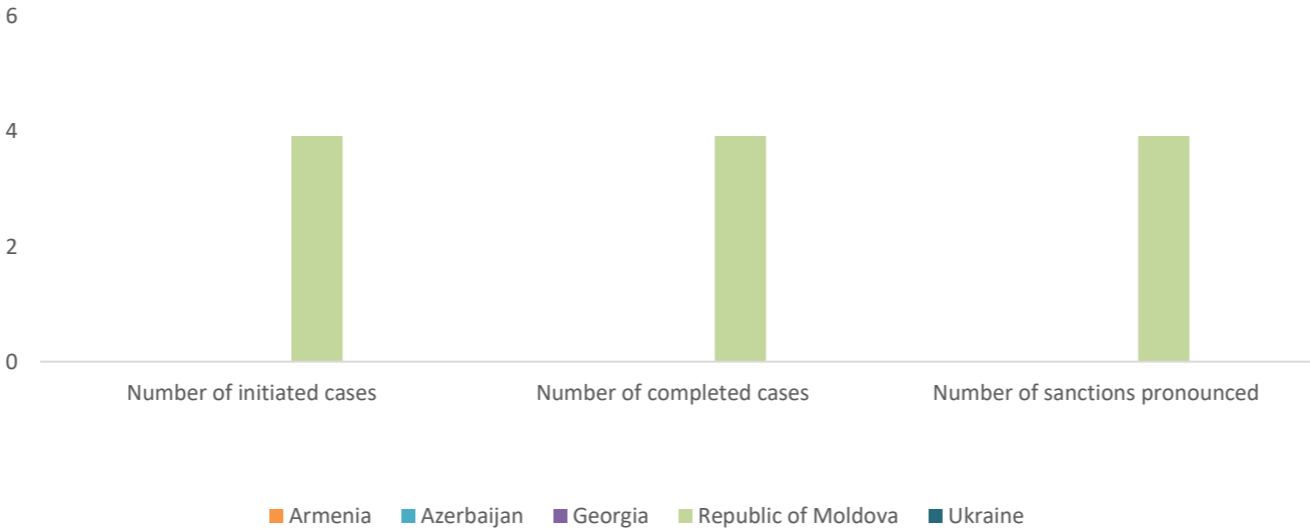
Number of proceedings against judges due to violations/discrepancies in their declaration of assets in 2020 (per 100 judges)



Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets in 2020 (Table no. 8.3.9)

Beneficiaries	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	0	0	0
Azerbaijan	NAP	NAP	NAP
Georgia	0	0	0
Republic of Moldova	25	25	25
Ukraine	-	-	-
EaP Average	8	8	8

Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets in 2020 (per 100 prosecutors)

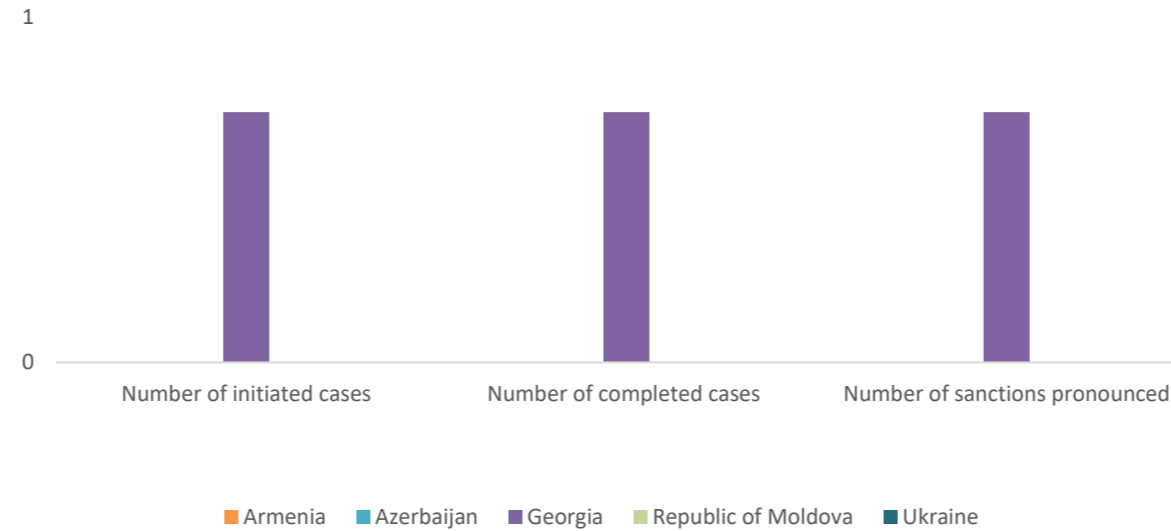




Number of proceedings for breaches of rules on conflict of interest for prosecutors in 2020 (Table no. 8.4.7)

Beneficiaries	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	0	0	0
Azerbaijan	0	0	0
Georgia	3	3	3
Republic of Moldova	0	0	0
Ukraine	-	-	-

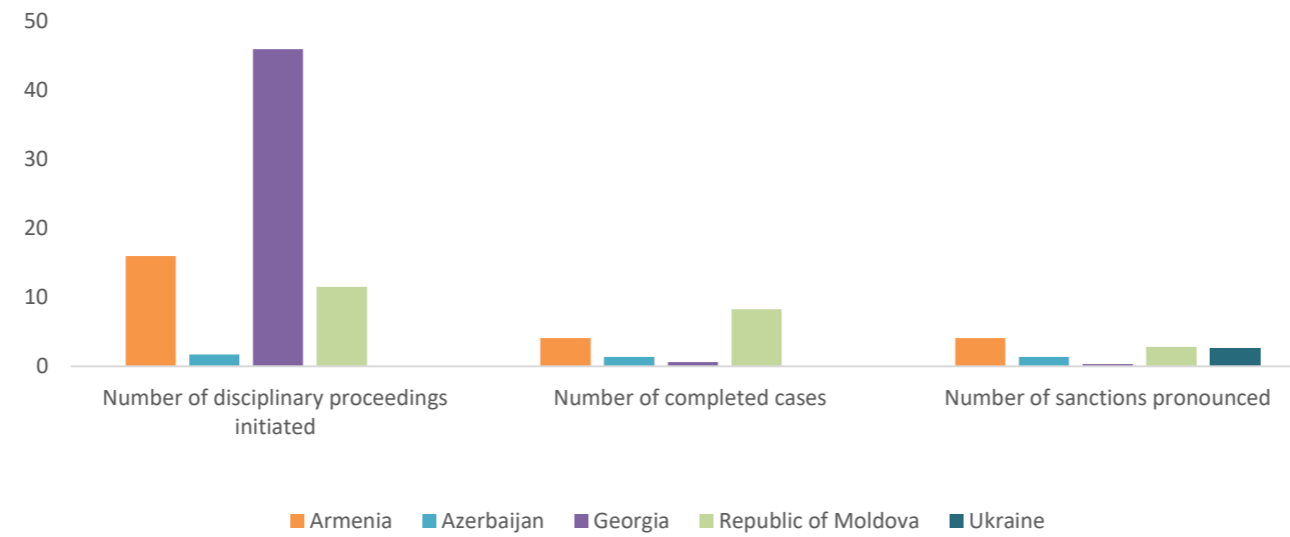
Number of proceedings for breaches of rules on conflict of interest for prosecutors in 2020 (per 100 prosecutors)



Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (Table no. 8.5.3)

Beneficiaries	Number of disciplinary proceedings initiated	Number of completed cases	Number of sanctions pronounced
Armenia	39	10	10
Azerbaijan	9	7	7
Georgia	151	2	1
Republic of Moldova	53	38	13
Ukraine	-	-	141
EaP Average	63	14	34

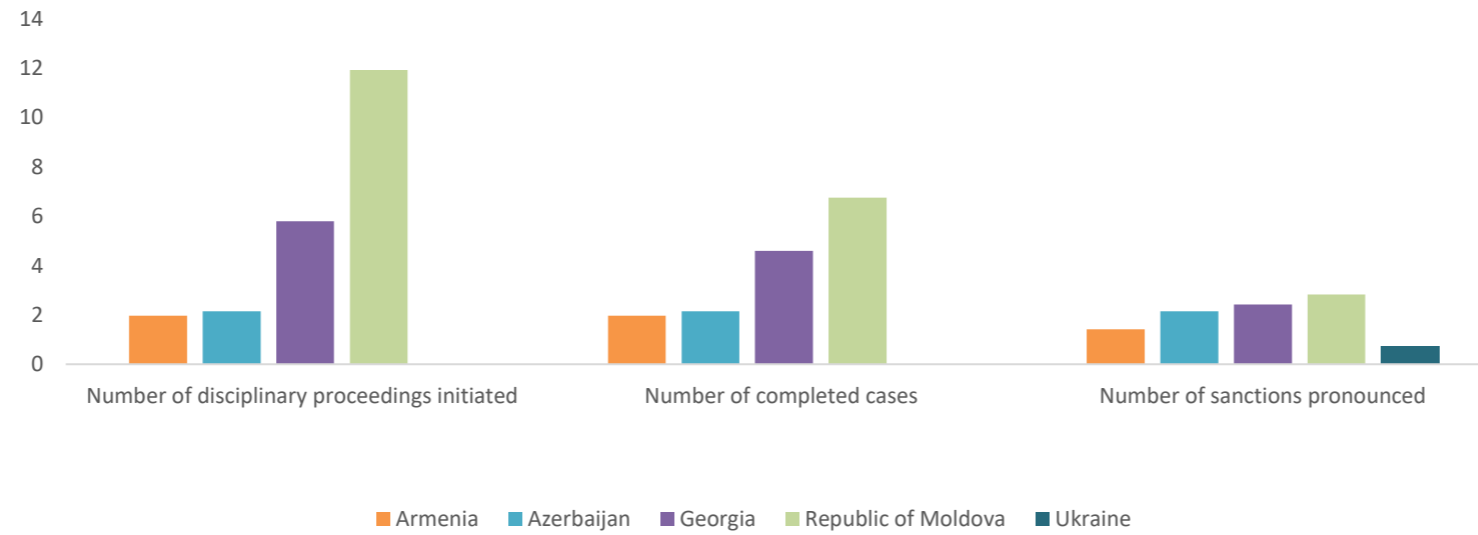
Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (per 100 judges)



Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (Table no. 8.5.6)

Beneficiaries	Number of disciplinary proceedings initiated	Number of completed cases	Number of sanctions pronounced
Armenia	7	7	5
Azerbaijan	28	28	28
Georgia	24	19	10
Republic of Moldova	76	43	18
Ukraine	-	-	63
EaP Average	34	24	25

Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (per 100 prosecutors)



## 8. Accountability and processes affecting public trust - Tables

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Table 8.3.1 Declaration of assets for judges in 2020: law(s) and regulation(s) that require a declaration (Q190 and Q192)

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Table 8.3.7 Declaration of assets for prosecutors in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Table 8.3.8 Declaration of assets for prosecutors in 2020: Authority receiving the declaration (Q210)

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Table 8.4.3 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2020 (Q222 and Q223)

Table 8.4.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2020 (Q226)

Table 8.4.5 Other functions/activities carried out by prosecutors in 2020 (Q227, Q228, Q229 and Q230)

Table 8.4.6 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2020 (Q231 and Q232)

Table 8.4.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2020 (Q224 and Q233)

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2020 (Q234 and Q235)

Table 8.5.2 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q236, Q240, Q241 and Q242)

Table 8.5.3 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (Q237, Q238 and Q239)

Table 8.5.4 Description of professional inadequacy for judges in 2020 (Q238 and Q237-1)

Table 8.5.5 Initiation of a disciplinary procedure against prosecutors and authority with disciplinary power in 2020 (Q243 and Q244)

Table 8.5.6 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q245, Q250 and Q251)

Table 8.5.7 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (Q246, Q247 and Q248)

Table 8.5.8 Description of professional inadequacy for prosecutors in 2020 (Q247 and Q246-1)



**Table 8.1.1 System for compensating users: number of requests for compensations and condemnations by specific circumstances in 2020 (Q156)**




Beneficiaries	Total		Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest		Wrongful conviction		Other	
	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations
<b>Armenia</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Azerbaijan</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Georgia</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Republic of Moldova</b>	416	97	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
<b>Ukraine</b>	NA	NA	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NA	NA
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	80%	80%	80%	80%	80%	80%	100%	100%	100%	100%	80%	80%
<b>% of NAP</b>	0%	0%	20%	20%	20%	20%	0%	0%	0%	0%	20%	20%

**Table 8.1.2 System for compensating users: amounts by specific circumstances in 2020 (Q156)**

Beneficiaries	Total amount (in €)	Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest		Wrongful conviction		Other	
		Amount		Amount		Amount		Amount		Amount	
		in €	As % of Total amount	in €	As % of Total amount	in €	As % of Total amount	in €	As % of Total amount	in €	As % of Total amount
<b>Armenia</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Azerbaijan</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Georgia</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Republic of Moldova</b>	382 486	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
<b>Ukraine</b>	NA	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NA	NA
<b>Average</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Median</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	80%	80%	80%	80%	80%	100%	100%	100%	100%	80%	80%
<b>% of NAP</b>	0%	20%	20%	20%	20%	0%	0%	0%	0%	20%	20%

**Table 8.1.3 National or local procedure for filing complaints about the functioning of the judicial system: authority responsible and time limit for dealing with the complaint in 2020 (Q157 and Q158)**

Beneficiaries	Existence of a national or local procedure for filing complaints about the functioning of the judicial system	Court concerned		Higher court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
		Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint
Armenia	Yes	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Republic of Moldova	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Ukraine	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	Yes	Yes
<b>Nb of Yes</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>3</b>

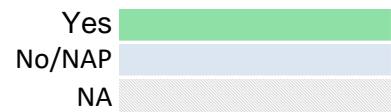
Yes   
 No/NAP   
 NA 

**Table 8.1.4 National or local procedure for filing complaints about the functioning of the judicial system: number of complaints and granted compensation amount in 2020 (Q159)**

Beneficiaries	Court concerned		Higher court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)
<b>Armenia</b>	NAP	NAP	NA	NA	NA	NA	NA	NA	NA	NA
<b>Azerbaijan</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Georgia</b>	NAP	NAP	NAP	NAP	NAP	NAP	151	NAP	NAP	NAP
<b>Republic of Moldova</b>	NA	NAP	NAP	NAP	NAP	NAP	1 905	NAP	NAP	NAP
<b>Ukraine</b>	NAP	NAP	NAP	NAP	NAP	NAP	NA	NA	NA	NA
<b>Average</b>	-	-	-	-	-	-	-	-	-	-
<b>Median</b>	-	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	-	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	-	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	40%	20%	40%	40%	40%	40%	60%	60%	60%	60%
<b>% of NAP</b>	60%	80%	60%	60%	60%	60%	0%	40%	40%	40%

**Table 8.1.5 Procedure to effectively challenge a judge in 2020 and ratio between the total number of initiated procedures of challenges and the total number of finalised challenges between 2018 and 2020 (Q160 and Q161)**

Beneficiaries	Existence of a procedure to effectively challenge a judge, if a party considers that the judge is not impartial in 2020	Ratio between the total number of initiated procedures of challenges and total number of finalised challenges		
		2018	2020	Variation between 2018 and 2020 (percentage points)
Armenia		NA	NA	NA
Azerbaijan		NA	NA	NA
Georgia		NA	NA	NA
Republic of Moldova		NA	8%	NA
Ukraine		NA	NA	NA
<b>Nb of Yes</b>	<b>5</b>			
Average		-	-	-
Median		-	-	-
Minimum		-	-	-
Maximum		-	-	-
Nb of values		5	5	5
% of NA		100%	80%	100%
% of NAP		0%	0%	0%



**Table 8.1.6 Status of public prosecution services (Q162-0)**

Beneficiaries	Status of public prosecution services						
	Independent status as a separate entity among state institutions	Part of the executive power but enjoys functional independence	Part of the executive power (without functional independence)	Part of the judicial power but enjoys functional independence	Part of the judicial power (without functional independence)	Mixed model	Other status
Armenia	Yes	No	No	No	No	No	No
Azerbaijan	No	No	No	Yes	No	No	No
Georgia	Yes	No	No	No	No	No	No
Republic of Moldova	No	No	No	Yes	No	No	No
Ukraine	Yes	No	No	No	No	No	No
<b>Nb of Yes</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>


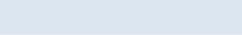


Yes   
 No 


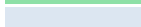

Table 8.1.7 Specific instructions to prosecute or not, addressed to a public prosecutor in 2020: existence and modalities (Q162, Q162-1, Q162-2, Q162-2-0, Q162-3, Q162-4 and Q162-5)

Beneficiaries	Existence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor	If yes, are there exceptions provided by the law/ regulations?	Absence law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor																	Public prosecutor able to oppose/report an instruction to an independent body		
			Authority issuing the specific instructions				Form of instructions				Type of instructions				Frequency of the instructions							
			General Prosecutor	Higher prosecutor/Head of prosecution office	Executive power	Other	Oral instruction	Oral instruction with written confirmation	Written instruction	Other	Issued seeking prior advice from the competent public prosecutor	Mandatory	Argumented	Recorded in the case file	Other	Exceptional	Occasional	Frequent	Systematic			
Armenia																						
Azerbaijan																						
Georgia																						
Republic of Moldova																						
Ukraine																						
<b>Nb of Yes</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Yes   
 No/NAP 

**Table 8.1.8 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and to minors and victims of domestic violence in 2020 (Q163)**


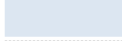

Beneficiaries	Special favourable arrangements for victims of sexual violence/rape			Special favourable arrangements for victims of terrorism			Special favourable arrangements for minors (witnesses or victims)			Special favourable arrangements for victims of domestic violence		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia												
Azerbaijan												
Georgia												
Republic of Moldova												
Ukraine												
<b>Nb of Yes</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>

Yes   
 No/NAP   
 NA 






**Table 8.1.9 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, disabled persons, juvenile offenders and other victims in 2020 (Q163)**

Beneficiaries	Special favourable arrangements for ethnic minorities			Special favourable arrangements for persons with disabilities			Special favourable arrangements for juvenile offenders			Special favourable arrangements for other (e.g. victims of human trafficking, forced marriage, sexual mutilation)		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia	Yes	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
Georgia	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Republic of Moldova	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Nb of Yes</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 8.2.1 Type of legal provisions to guarantee the integrity of judges and prosecutors in 2020 (Q164 and Q166)**

Beneficiaries	Legal provisions for guarantee of integrity of judges				Legal provisions for guarantee of integrity of prosecutors			
	Constitution	Special law	By law	Other	Constitution	Special law	By law	Other
Armenia	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Azerbaijan	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Georgia	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP	No/NAP
Republic of Moldova	Yes	Yes	No/NAP	Yes	Yes	Yes	No/NAP	No/NAP
Ukraine	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>0</b>

Yes   
 No/NAP   
 NA 

**Table 8.2.2 Number of criminal cases against judges or prosecutors in 2020 (Q171)**

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	5	3	0	0	0	0
Azerbaijan	0	0	0	0	0	0
Georgia	0	0	0	2	2	2
Republic of Moldova	NA	NA	NA	NA	NA	NA
Ukraine	-	-	-	-	-	-
<b>Average</b>	2	1	0	1	1	1
<b>Median</b>	0	0	0	0	0	0
<b>Minimum</b>	0	0	0	0	0	0
<b>Maximum</b>	5	3	0	2	2	2
<b>Nb of values</b>	4	4	4	4	4	4
<b>% of NA</b>	25%	25%	25%	25%	25%	25%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

**Table 8.2.3 Specific measures to prevent corruption for judges and prosecutors in 2020 (Q172-0)**

Beneficiaries	Specific measures to prevent corruption													
	Rotation of assignments		Gift rules		Specific training		Internal controls		Safe complaints mechanisms		Other		No mechanism in place	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Azerbaijan	No/NAP	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Georgia	No/NAP	No/NAP	Yes	Yes	No/NAP	Yes	No/NAP	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Republic of Moldova	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>


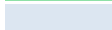


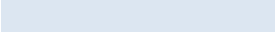

Yes   
 No/NAP   
 NA 

Table 8.2.4 Code of ethics for judges and prosecutors in 2020 (Q172, Q173, Q174 and Q175)

Beneficiaries	Judges			Prosecutors		
	Existence of code of ethics	Regular update of the code for ethics	Link to the code of ethics	Existence of code of ethics	Regular update of the code for ethics	Link to the code of ethics
Armenia	Yes	No/NAP	<a href="https://court.am/hy/decisions-general-meeting-single/8">https://court.am/hy/decisions-general-meeting-single/8</a>	Yes	No/NAP	<a href="https://www.prosecutor.am/myfiles/files/decrees/Varqagci-kanonnery.pdf">https://www.prosecutor.am/myfiles/files/decrees/Varqagci-kanonnery.pdf</a>
Azerbaijan	Yes	Yes	<a href="http://e-qanun.az/framework/16075">http://e-qanun.az/framework/16075</a>	Yes	Yes	<a href="https://genprosecutor.gov.az/az/page/prokurorluq/senedler/etik-davranis-kodeksi">https://genprosecutor.gov.az/az/page/prokurorluq/senedler/etik-davranis-kodeksi</a>
Georgia	Yes	Yes	<a href="://www.supremecourt.ge/judges-self-governance/judges-ethics-code">://www.supremecourt.ge/judges-self-governance/judges-ethics-code</a>	Yes	Yes	<a href="https://matsne.gov.ge/ka/document/view/3679145?publication=0">https://matsne.gov.ge/ka/document/view/3679145?publication=0</a>
Republic of Moldova	Yes	Yes	<a href="https://www.csm.md/files/Acte_normative/Codul_de_etica_al_judecatorului.pdf">https://www.csm.md/files/Acte_normative/Codul_de_etica_al_judecatorului.pdf</a>	Yes	Yes	<a href="http://procuratura.md/file/CODUL%20de%20Etica%20Redactat%2015.07.2019.pdf">http://procuratura.md/file/CODUL%20de%20Etica%20Redactat%2015.07.2019.pdf</a>
Ukraine	No/NAP	No/NAP	-	No/NAP	No/NAP	-

Nb of Yes	4	3
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4	3
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Yes   
 No/NAP   
 NA 

**Table 8.2.5 Institution or body responsible for ethical questions and public availability of opinions for judges and prosecutors in 2020 (Q176, Q177, Q178, Q179, Q180 and Q181)**

Beneficiaries	Judges			Prosecutors		
	Existence of the institution	Composition of the institution	Opinions publicly available	Existence of the institution	Composition of the institution	Opinions publicly available
Armenia					By prosecutors and other legal professionals	
Azerbaijan		Only by judges			By prosecutors and other legal professionals	
Georgia					Only by prosecutors	
Republic of Moldova		Only by judges			By prosecutors and other legal professionals	
Ukraine		Only by judges				
<b>Nb of Yes</b>	<b>3</b>		<b>3</b>	<b>4</b>		<b>1</b>


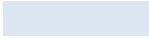

Yes

No/NAP

NA

**Table 8.2.6 System to report attempt for influence/corruption on judges and prosecutors in 2020 (Q182)**

Beneficiaries	System to report attempt for influence/corruption			
	Judges		Prosecutors	
	Existence of a system	Description	Existence of a system	Description
Armenia	Yes	judges must apply to Supreme Judicial Council	Yes	prosecutor must inform the superior prosecutor immediately
Azerbaijan	Yes	According to Article 100 of Law on Court and Judges, In case of outside influence on the activities of the judge, he must apply to the Judicial Council. Article 11 of Law on Judicial-Legal Council, the Council takes measures to ensure independence of judges and to prevent meddling in their activity. As the additional guarantee for judges, in 2019 special hotline was introduced at the Council in order to receive applications from judges in case of interference with their activities. At the same time, any form of interference in the judicial process in order to impede the administration of justice is a criminal offense (Article 286 of the Criminal Code).	Yes	It is stipulated in Code of Ethical Conduct for Employees of the Prosecution Authorities
Georgia	Yes	see comment below	Yes	see comment below
Republic of Moldova	Yes	There is a free of charge national anticorruption hotline available 24/24, seven days in a week (0-800-55555), where any person can report cases of corruption to the National Anticorruption Center. Confidentiality is guaranteed. In order to prevent and combat cases of corruption in the judiciary, the Superior Council of Magistracy has established the anti-corruption hotline functional between 8:00 and 17:00 5 days in a week:(022) 990-990 (Chancellery). Through the displayed phone number, any person has the opportunity to communicate about the known act of corruption in the judiciary. Confidentiality is guaranteed.	Yes	There is a free of charge national anticorruption hotline available 24/24, seven days in a week (0-800-55555), where any person can report cases of corruption to the National Anticorruption Center. Confidentiality is guaranteed. The General Prosecution Office has published also a list of hotlines on its webpage.
Ukraine	-	-	-	-
<b>Nb of Yes</b>	<b>4</b>		<b>4</b>	

Yes   
 No/NAP   
 NA 

**Table 8.2.7 Transparency and organisation of distribution of court cases in 2020 (Q183, Q184)**

Beneficiaries	Transparency in case distribution	Organisation in distribution of court case					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/registered
Armenia	Yes	No/NAP	Yes	No/NAP	No/NAP	Yes	Yes
Azerbaijan	Yes	No/NAP	Yes	No/NAP	No/NAP	Yes	Yes
Georgia	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Republic of Moldova	Yes	No/NAP	Yes	No/NAP	No/NAP	Yes	Yes
Ukraine	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>3</b>





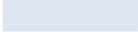

Yes   
 No/NAP   
 NA 



Table 8.2.8 Transparency and organisation of reassignment of court cases in 2020 (Q185, Q186, Q187 and Q188)

Beneficiaries	Reasons for reassigning a case				Does the reassignment of cases have to be reasoned?			Reassignments of cases processed through the computerised distribution of cases	If yes, how are reassignments of cases processed:				
	Conflict of interest declared by the judge or by the parties	Recusal of the judge or requested by the parties	Physical unavailability (illness, longer absence)	Other	Yes for all reassignments	Yes for some reassignments	No		Automatic allocation	Random allocation	By discretion of a president of a court	Other	All interventions on the system are irreversibly logged/ registered
Armenia													
Azerbaijan													
Georgia													
Republic of Moldova													
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 8.2.9 Level of implementation of the recommendations addressed by GRECO to the country concerned in its Evaluation Report (in the framework of the 4th cycle of evaluation concerning the prevention of corruption in respect of members of parliament, judges and prosecutors) in 2020 (Q189)\***

Beneficiaries	Judges			Prosecutors		
	Fully implemented GRECO recommendations	Partly implemented GRECO recommendations	Not implemented GRECO recommendations	Fully implemented GRECO recommendations	Partly implemented GRECO recommendations	Not implemented GRECO recommendations
Armenia	29%	71%	0%	57%	43%	0%
Azerbaijan	57%	29%	14%	80%	10%	10%
Georgia	33%	50%	17%	33%	33%	33%
Republic of Moldova	29%	71%	0%	20%	60%	20%
Ukraine	33%	33%	33%	10%	50%	40%
<b>Average</b>	36%	51%	13%	40%	39%	21%
<b>Median</b>	33%	50%	14%	33%	43%	20%
<b>Minimum</b>	29%	29%	0%	10%	10%	0%
<b>Maximum</b>	57%	71%	33%	80%	60%	40%
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\*Source: GRECO (Council of Europe Group of States against Corruption)

**Table 8.3.1 Declaration of assets for judges in 2020: law(s) and regulation(s) that require a declaration (Q190 and Q192)**

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Armenia				Yes				Yes
Azerbaijan				Yes	Yes			
Georgia							Yes	Yes
Republic of Moldova		Yes					Yes	Yes
Ukraine	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>3</b>


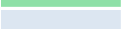

Yes

No/NAP

NA

**Table 8.3.2 Declaration of assets for judges in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)**

Beneficiaries	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the judge
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>3</b>


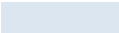

Yes   
 No/NAP   
 NA 

**Table 8.3.3 Declaration of assets for judges in 2020: Authority receiving the declaration (Q197)**

Beneficiaries	Authority receiving the declaration
<b>Armenia</b>	Declaration receives the Corruption prevention commission (CPC). The activity of CPC is regulated by the law on corruption prevention commision. According to the law CPC is a state body. The CPC shall comprise five members — a chairperson and four members. The positions of the members of the CPC are autonomous positions. Members of CPC are elected by the Parliament of the Republic Armenia. For the election of a candidate for the position of a member of the CPC, the Chairperson of the National Assembly shall establish a competition. The competition shall be composed of members each appointed by the Government, factions of the National Assembly or the Council of the National Assembly, Supreme Judicial Council, Human Rights Commission. It is submitted to the Anti-Corruption Commission of the Republic of Azerbaijan.
<b>Azerbaijan</b>	It is submitted to the Anti-Corruption Commission of the Republic of Azerbaijan.
<b>Georgia</b>	A person submits an official's asset declaration to the Civil Service Bureau. The Civil Service Bureau is established as a legal entity under public law. The Bureau is headed by the Head of the Civil Service Bureau who is appointed by the Prime Minister of Georgia for a period of five years.
<b>Republic of Moldova</b>	<p>The National Authority for Integrity</p> <p>The National Integrity Authority is an independent public authority toward other public organizations, other legal entities of public or private law and natural persons, which activates a single structure. The authority is financed from the state budget.</p> <p>The authority is headed by a president, assisted by a vice-president, who are appointed by the President of the Republic of Moldova at the proposal of the Integrity Council. The term of office of the Chairperson and Vice-Chairperson of the Authority is 5 years, without the possibility of appointment for another term.</p> <p>The Integrity Council consists of 7 members, of which:</p> <ul style="list-style-type: none"> <li>a) a representative appointed by Parliament;</li> <li>b) a representative appointed by the Government;</li> <li>c) a representative appointed by the Superior Council of Magistracy;</li> <li>d) a representative appointed by the Superior Council of Prosecutors;</li> <li>e) a representative appointed by the Congress of Local Authorities of Moldova;</li> <li>f) two representatives of the civil society.</li> </ul> <p>The representatives of the civil society are selected by the Ministry of Justice by competition, based on a regulation approved by the Government.</p> <p>In order to carry out its mission, the Authority has the following functions:</p> <ul style="list-style-type: none"> <li>a) exercising control over assets and personal interests;</li> <li>b) exercising control over compliance with the legal regime of conflicts of interest, incompatibilities, restrictions and limitations;</li> <li>c) ascertaining and sanctioning the violations of the legal regime of the declaration of personal assets and interests, of conflicts of interests, of incompatibilities, restrictions and limitations;</li> <li>d) cooperation with other institutions, both at national and international level;</li> <li>e) ensuring the good organization of the Authority and the administration of the activity of promoting the integrity of the subjects of the declaration;</li> <li>f) other functions established by law.</li> </ul>
<b>Ukraine</b>	-


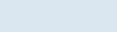

**Table 8.3.4 Declaration of assets for judges in 2020: verification, registration and publication of the declaration (Q198, Q199 and Q200)**

Beneficiaries	Declaration of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	other	Not published
Armenia	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Azerbaijan	No/NAP	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Georgia	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Ukraine	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>

Yes   
 No/NAP   
 NA 


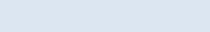

**Table 8.3.5 Declaration of assets for judges in 2020: sanction in case of non-declaration (Q201)**

Beneficiaries	Sanction in case of non-declaration of assets							
	Warning	Fine	Withdrawal from cases	Transfer to another geographical (court) location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 8.3.6 Declaration of assets for prosecutors in 2020: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)**


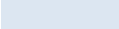

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of prosecutors	Law on High Judicial/Prosecutorial Council	Special law	Special regulation	Bylaw	Other	
Armenia				Yes				Yes
Azerbaijan				Yes	Yes	Yes		
Georgia				Yes		Yes		Yes
Republic of Moldova		Yes					Yes	Yes
Ukraine	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>

Yes   
 No/NAP   
 NA 



**Table 8.3.7 Declaration of assets for prosecutors in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)**

Beneficiaries	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the prosecutor
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>3</b>

Yes   
 No/NAP   
 NA 

**Table 8.3.8 Declaration of assets for prosecutors in 2020: Authority receiving the declaration (Q210)**

Beneficiaries	Authority receiving the declaration
<b>Armenia</b>	Declaration receives the Corruption prevention commission (CPC).
<b>Azerbaijan</b>	Article 3 of the Law of the Azerbaijan Republic “On Approval of Procedures for Submission of Financial Information by Public Officials” provides for specific provisions in this regard. It is submitted to the Anti-Corruption Commission of the Republic of Azerbaijan.
<b>Georgia</b>	Public Service Bureau, see <a href="https://declaration.gov.ge/">https://declaration.gov.ge/</a>
<b>Republic of Moldova</b>	The National Authority of Integrity
<b>Ukraine</b>	-

**Table 8.3.9 Declaration of assets for prosecutors in 2020: verification, registration and publication of the declaration (Q211, Q212 and Q213)**

Beneficiaries	Declarations of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	other	Not published
Armenia	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Azerbaijan	No/NAP	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Georgia	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Ukraine	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>


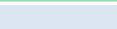

Yes

No/NAP

NA

**Table 8.3.10 Declaration of assets for prosecutors in 2020: sanction in case of non-declaration of assets (Q214)**

Beneficiaries	Sanction in case of non-declaration of assets							
	Warning	Fine	Withdrawal from cases	Transfer to another geographical (court) location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 8.3.11 Declaration of assets for judges and prosecutors in 2020: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)**

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	NA	NA	NA	0	0	0
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	NA	NA	NA	0	0	0
Republic of Moldova	8	8	8	25	25	25
Ukraine	-	-	-	-	-	-
<b>Average</b>	8	8	8	8	8	8
<b>Median</b>	8	8	8	0	0	0
<b>Minimum</b>	8	8	8	0	0	0
<b>Maximum</b>	8	8	8	25	25	25
<b>Nb of values</b>	4	4	4	4	4	4
<b>% of NA</b>	50%	50%	50%	0%	0%	0%
<b>% of NAP</b>	25%	25%	25%	25%	25%	25%

**Table 8.4.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2020 (Q217)**

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of judges				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a judge with other functions/professional activities	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine	-	-	-	-	-
<b>Nb of Yes</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>0</b>

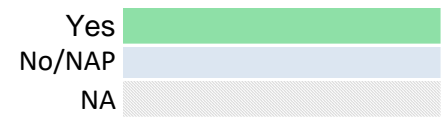






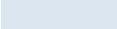

Table 8.4.2 Other functions/activities carried out by judges in 2020 (Q218, Q219, Q220 and Q221)

Beneficiaries	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the judge has to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The court in question	High Judicial Council	Other	
Armenia																	No				
Azerbaijan																	No				
Georgia																	No				
Republic of Moldova																	No				
Ukraine																	-	-	-	-	-
<b>Nb of Yes</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

Yes   
 No/NAP   
 NA 

**Table 8.4.3 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2020 (Q222 and Q223)**

Beneficiaries	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on judges	Law on the High Judicial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on judges	Law on the High Judicial Council	Other
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>

Yes   
 No/NAP   
 NA 



**Table 8.4.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2020 (Q226)**

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of prosecutors				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a prosecutor with other functions/professional activities	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine	-	-	-	-	-
<b>Nb of Yes</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>1</b>


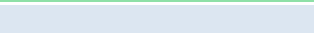


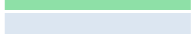

Yes   
 No/NAP   
 NA 




Table 8.4.5 Other functions/activities carried out by prosecutors in 2020 (Q227, Q228, Q229 and Q230)

Beneficiaries	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the prosecutor has to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The public prosecution office in question	High/Judicial/Prosecutorial Council	Other	
Armenia																	No				
Azerbaijan																	Yes				
Georgia																	No				
Republic of Moldova																	Yes				
Ukraine																	-	-	-	-	-
<b>Nb of Yes</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 8.4.6 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2020 (Q231 and Q232)**

Beneficiaries	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on public prosecutors/public prosecution	Law on the Judicial/Prosecutorial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on public prosecutors/public prosecution	Law on the High Judicial/Prosecutorial Council	Other
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>




Yes   
 No/NAP   
 NA 

**Table 8.4.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2020 (Q224 and Q233)**

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	NA	NA	NA	0	0	0
Azerbaijan	0	0	0	0	0	0
Georgia	2	0	0	3	3	3
Republic of Moldova	0	0	0	0	0	0
Ukraine	-	-	-	-	-	-
<b>Average</b>	1	0	0	1	1	1
<b>Median</b>	0	0	0	0	0	0
<b>Minimum</b>	0	0	0	0	0	0
<b>Maximum</b>	2	0	0	3	3	3
<b>Nb of values</b>	4	4	4	4	4	4
<b>% of NA</b>	25%	25%	25%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%


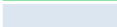

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2020 (Q234 and Q235)

Beneficiaries	Disciplinary proceedings against judges could be initiated by:											Authority with disciplinary power over judges							
	Court users	Relevant Court or hierarchical superior	High Court / Supreme Court	High Judicial Council	Disciplinary court	Disciplinary body (disciplinary prosecutor)	Ombudsman	Parliament	Executive power	Other	This is not possible	Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Armenia						Yes			Yes					Yes					
Azerbaijan				Yes					Yes	Yes				Yes					
Georgia						Yes								Yes	Yes				
Republic of Moldova	Yes			Yes						Yes				Yes					
Ukraine	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes				Yes					
<b>Nb of Yes</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>		<b>1</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Yes   
 No/NAP   
 NA 

**Table 8.5.2 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q236, Q240, Q241 and Q242)**

Beneficiaries	Possibility for the judge to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal								A judge could be transferred to another court without his/her consent		
	Hearing	Written submission		Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other	For disciplinary reasons	For organisational reasons	For other reason
Armenia	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Azerbaijan	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP
Georgia	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Republic of Moldova	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Ukraine	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>

Yes   
 No/NAP   
 NA 

**Table 8.5.3 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (Q237, Q238 and Q239)**

Beneficiaries	Number of disciplinary proceedings initiated						Number of cases completed						Number of sanctions pronounced										
	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical (court) location	Resignation	Other	Dismissal
<b>Armenia</b>	39	10	29	NAP	NAP	NAP	10	NA	NA	NAP	NAP	NAP	10	3	NAP	NAP	NAP	NAP	NAP	NAP	NAP	5	2
<b>Azerbaijan</b>	9	1	8	0	NAP	NAP	7	1	6	0	NAP	NAP	7	3	NAP	NAP	NAP	NAP	NAP	0	0	4	0
<b>Georgia</b>	151	20	NAP	2	0	129	2	1	NAP	0	0	1	1	1	0	NAP	NAP	0	NAP	NAP	NAP	0	0
<b>Republic of Moldova</b>	53	NA	NA	NA	NA	NA	38	NA	NA	NA	NA	NA	13	6	NAP	NAP	NAP	0	NAP	NAP	NAP	4	3
<b>Ukraine</b>	-	-	-	-	-	-	-	-	-	-	-	-	141	50	5	NAP	NAP	NAP	NAP	0	NAP	72	14
<b>Average</b>	63	NA	NA	NA	NA	NA	14	NA	NA	NA	NA	NA	34	13	NA	NA	NA	NA	NA	NA	NA	17	4
<b>Median</b>	46	NA	NA	NA	NA	NA	9	NA	NA	NA	NA	NA	10	3	NA	NA	NA	NA	NA	NA	NA	4	2
<b>Minimum</b>	9	NA	NA	NA	NA	NA	2	NA	NA	NA	NA	NA	1	1	NA	NA	NA	NA	NA	NA	NA	0	0
<b>Maximum</b>	151	NA	NA	NA	NA	NA	38	NA	NA	NA	NA	NA	141	50	NA	NA	NA	NA	NA	NA	NA	72	14
<b>Nb of values</b>	4	4	4	4	4	4	4	4	4	4	4	4	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	25%	25%	25%	25%	25%	0%	50%	50%	25%	25%	25%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	25%	25%	50%	50%	0%	0%	25%	25%	50%	50%	0%	0%	60%	100%	100%	60%	100%	60%	80%	0%	0%


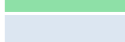

**Table 8.5.4 Description of professional inadequacy for judges in 2020 (Q238 and Q237-1)**

Beneficiaries	Number of completed cases of professional inadequacy	If there are cases with “Professional inadequacy” in Q247, a description of what is included the category?
<b>Armenia</b>	NA	violation of provisions of substantive or procedural law while administering justice or exercising — as a court — other powers provided for by law, which have been committed deliberately or with gross negligence.
<b>Azerbaijan</b>	6	Gross infringement of the requirements of legislation in the course of consideration of case.
<b>Georgia</b>	NAP	NAP
<b>Republic of Moldova</b>	NA	There is not a clear written delimitation between the disciplinary violations stated in the article 4 of the Law no, 178/2014 on the disciplinary liability of judges in order to count the violations or procedures that are included in "Professional inadequacy" category.
<b>Ukraine</b>	-	-




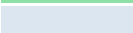

Table 8.5.5 Initiation of a disciplinary procedure against prosecutors and authority with disciplinary power in 2020 (Q243 and Q244)

Beneficiaries	Disciplinary proceedings against prosecutors could be initiated by:											Authority with disciplinary power over prosecutors									
	Citizens	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public Prosecutorial Council (High Judicial Council)	Disciplinary court	Disciplinary body (disciplinary prosecutor, investigator etc.)	Ombudsman	Parliament	Executive power	Other	This is not possible	Supreme Court	Head of the organisational unit or hierarchical superior	Prosecutor General /State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other	
Armenia																					
Azerbaijan																					
Georgia																					
Republic of Moldova																					
Ukraine																					
<b>Nb of Yes</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	

Yes   
 No/NAP   
 NA 

**Table 8.5.6 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a prosecutor without consent in 2020 (Q245, Q250 and Q251)**

Beneficiaries	Possibility for the prosecutor to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal								
	Hearing	Written submission		Supreme Court	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other
Armenia	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Azerbaijan	Yes	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Georgia	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Republic of Moldova	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

Yes   
 No/NAP   
 NA 

**Table 8.5.7 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (Q246, Q247 and Q248)**

Beneficiaries	Number of disciplinary proceedings initiated						Number of cases completed						Number of sanctions pronounced										
	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical (court) location	Resignation	Other	Dismissal
Armenia	7	2	0	0	0	5	7	2	0	0	0	5	5	3	NAP	NAP	NAP	NAP	1	NAP	NAP	0	1
Azerbaijan	28	9	19	NAP	NAP	NAP	28	9	19	NAP	NAP	NAP	28	14	8	NAP	NAP	NAP	0	NAP	2	4	0
Georgia	24	5	17	2	0	NAP	19	4	13	2	0	NAP	10	7	0	NAP	NAP	0	0	NAP	NAP	0	3
Republic of Moldova	76	NA	NA	NA	NA	NA	43	NA	NA	NA	NA	NA	18	5	NAP	NAP	NAP	1	0	NAP	NAP	11	1
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	63	25	NAP	NAP	NAP	NAP	NAP	NAP	NAP	12	26
<b>Average</b>	34	5	12	1	0	5	24	5	11	1	0	5	25	11	4			1	0		2	5	6
<b>Median</b>	26	5	17	1	0	5	24	4	13	1	0	5	18	7	4			1	0		2	4	1
<b>Minimum</b>	7	2	0	0	0	5	7	2	0	0	0	5	5	3	0	0	0	0	0	0	2	0	0
<b>Maximum</b>	76	9	19	2	0	5	43	9	19	2	0	5	63	25	8	0	0	1	1	0	2	12	26
<b>Nb of values</b>	4	4	4	4	4	4	4	4	4	4	4	4	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	25%	25%	25%	25%	25%	0%	25%	25%	25%	25%	25%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	25%	25%	50%	0%	0%	0%	25%	25%	50%	0%	0%	60%	100%	100%	60%	20%	100%	80%	0%	0%

**Table 8.5.8 Description of professional inadequacy for prosecutors in 2020 (Q247 and Q246-1)**

Beneficiaries	Number of completed cases of professional inadequacy	If there are cases with "Professional inadequacy" in Q247, a description of what is included the category?
Armenia	0	practical skills, awareness of the requirements of the basic legal acts related to his / her status, his / her personal qualities and merits (self-control, behavior, ability to listen, communication skills, analytical skills, etc.).
Azerbaijan	19	"Professional inadequacy" means violation of official disciplines and improper performance of official duties.
Georgia	13	Professional inadequacy means non-performance or improper performance of official duties.
Republic of Moldova	NA	<ol style="list-style-type: none"> <li>1. Non-application or improper application of the law, if this is not justified by the change in the practice of applying the rules established in the legal system.</li> <li>2. Serious violation of the law.</li> <li>3. Committing, within the exercise of official duties, actions or inactions which, intentionally or through gross negligence, violated the fundamental rights and freedoms of natural or legal persons, guaranteed by the Constitution of the Republic of Moldova and international treaties with on the fundamental human rights to which the Republic of Moldova is a party.</li> </ol>
Ukraine	-	-

## Indicator 8 - Accountability and processes affecting public trust

by country

*Question 156. Is there a system for compensating users in the following circumstances:*

*Question 157. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)*

*Question 158. If yes, please specify certain aspects of this procedure:*

*Question 159. If yes, please specify certain aspects of this procedure:*

*Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?*

*Question 161. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):*

*Question 162-0. What is the status of public prosecution services?*

*Question 162. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?*

*Question 162-1. If you answered yes to Q162 are there exceptions provided by the law/regulations?*

*Question 162-2-0. If you answered "No" to Q162, which authority can issue the specific instructions?*

*Question 162-2. If you answered no to Q162 what form the instructions may take?*

*Question 162-3. In that case, are the instructions:*

*Question 162-4. What is the frequency of this type of instructions:*

*Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?*

*Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:*

*Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges*

*Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?*

*Question 171. Number of criminal cases against judges or prosecutors*

*Question 172-0. Are specific measures to prevent corruption in place?*

*Question 172. Is there a code of ethics applicable to all judges? Please provide the link.*

*Question 173. If yes, is it regularly updated?*

*Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.*

*Question 175. If yes, is it regularly updated?*

*Question 176. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)*

*Question 177. If yes, who are the members of this institution / body?*

*Question 178. Are the opinions of this institution / body publicly available?*

*Question 179. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)*

*Question 180. If yes, who are the members of this institution / body ?*

*Question 181. Are the opinions of this institution / body publicly available?*

*Question 182. Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?*

*Question 183. Is transparency in distribution of court cases ensured in your judicial system?*

*Question 184. How is distribution of court cases organized in your system?*

*Question 185. What are the different possible reasons for reassigning a case?*

*Question 186. Does the reassignment of cases have to be reasoned?*

*Question 187. Are all reassignments of cases processed through the computerised distribution of cases?*

*Question 188. If yes, how are reassignments of cases processed:*

*Question 190. Which law(s) and regulation(s) require a declaration of assets by judges*

*Question 192. Can you provide the declaration of assets form (attachment)?*

*Question 193. What items are to be declared?*

*Question 194. What is the moment of the declaration of assets of judges?*

*Question 195. Does this declaration concern the members of the family?*

*Question 196. Is the declaration for family members the same as for the judge?*

*Question 197. Which authority receives the declaration? Please specify the status and nature of this authority (is it an independent body, what is the procedure for appointing members, etc.)?*

*Question 198. Are these declarations of assets verified as regards:*

*Question 199. Is there a register of declaration of assets?*

*Question 200. Where is the declaration published?*

*Question 201. What is the sanction in case of non-declaration of assets?*

*Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:*

*Question 203. Which law(s) and regulation(s) require a declaration of assets by prosecutors*

*Question 205. Can you provide the declaration of assets form (attachment)?*

*Question 206. What items are to be declared?*

*Question 207. What is the moment of the declaration of assets of prosecutors?*

*Question 208. Does this declaration concern the members of the family?*

*Question 209. Is the declaration for family members the same as for the prosecutor?*

*Question 210. Which authority receives the declaration?*

*Question 211. Are these declarations of assets verified as regards:*

*Question 212. Is there a register of declaration of assets?*

*Question 213. Where is the declaration published?*

Question 214. What is the sanction in case of non-declaration of assets?

Question 215. Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:

Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:

Question 218. Can judges combine their work with any of the following other functions/activities?

Question 219. Is an authorisation needed to perform these accessory activities for judges?

Question 220. If yes, who is giving authorisation for these accessory activities for judges?

Question 221. If not, does the judge have to inform his or her hierarchy about these accessory activities?

Question 222. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?

Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:

Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference

Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:

Question 227. Can public prosecutors combine their work with any of the following other functions/activities?

Question 228. Is an authorisation needed to perform these accessory activities for public prosecutors?

Question 229. If yes, who is giving authorisation for these accessory activities for public prosecutors?

Question 230. If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?

Question 231. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?

Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:

Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year

Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

Question 235. Which authority has disciplinary power over judges? (multiple replies possible)

Question 236. What are the possibilities for the judge to present an argumentation? (multiple replies possible)

Question 237. Number of disciplinary proceedings initiated during the reference year against judges.

Question 238. Number of cases completed in the reference year against judges.

Question 239. Number of sanctions pronounced during the reference year against judges.

Question 240. Can a disciplinary decision be appealed?

Question 241. If yes, what body is competent to decide on appeal?

Question 242. Can a judge be transferred to another court without his/her consent:

Question 243. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):

Question 244. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

Question 245. What are the possibilities for prosecutors to present an argumentation (multiple replies possible):

Question 246. Number of disciplinary proceedings initiated during the reference year against public prosecutors.

Question 247. Number of cases completed in the reference year against public prosecutors.

Question 248. Number of sanctions pronounced during the reference year against public prosecutors.

Question 250. Can the disciplinary decision be appealed?

## Armenia

**Q156 (2020):** There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

**Q158 (General Comment):** The Chapter 19 of Judicial Code states the procedures for initiating and reviewing complaints against judges as well as provide for authorities and their competencies. Disciplinary action against judges may be imposed by the Supreme Judicial Council.(Article 141)

According to the Article 145 of Judicial Code the following shall be entitled to institute disciplinary proceedings against a judge:

(1) The Ethics and Disciplinary Commission; (2) The Authorised Body (The Ministry of Justice);

(3) The Commission for Prevention of Corruption — in the cases provided for by point 1.1 of this Article.

According to the Article 142 of Judicial Code, grounds for imposing disciplinary action against judges shall be:

(1) Violation of provisions of substantive or procedural law while administering justice or exercising, as a court, other powers provided for by law, which has been committed deliberately or with gross negligence;

(2) Gross violation by the judge of the rules of judicial conduct prescribed by this Code, committed with intent or gross negligence;

**Q158 (2020):** Other bodies- Ethics and Disciplinary Commission of judges, Corruption Prevention Commission.



- (1) A judge is biased towards a person acting as a party, his or her representative, advocate, other participants of the proceedings;
- (2) A judge, acting in his or her personal capacity, has been a witness to circumstances being disputed during the examination of a case;
- (3) A judge has participated in the examination of the case concerned in another court;
- (4) A close relative of a judge has acted, is acting or will reasonably act as a participant in the case;
- (5) A judge is aware or must be reasonably aware that he or she personally or his or her close relative pursues economic interests in connection with the merits of the dispute or with any of the parties;
- (6) A judge occupies a position in a non-commercial organisation and the interests of that organisation may be affected by the case.

In some procedural codes, the decision to refuse self-recusal can be directly challenged to the Court of Appeal (for example in administrative cases).

3. Within the meaning of this Article, the concept "economic interest" shall not include the following:

- (1) Managing stocks of the open joint-stock company in question through an investment fund or a pension fund or another nominee, where the judge is not aware of it;
- (2) Having a deposit in the bank in question, having an insurance policy with the insurance company in question, or being a participant of the credit union or the savings union in question, where the outcome of the case does not pose a significant threat to the solvency of that organisation;
- (3) Owning securities issued by the Republic of Armenia, a community or the Central Bank of the Republic of Armenia.

4. A judge having recused himself or herself shall be obliged to disclose the grounds for self-recusal to the parties, which shall be put on the record. Where the judge firmly believes that he or she will be impartial in the case concerned, he or she may propose that the parties consider, in his or her absence, waiving his or her self-recusal. Where the parties decide, in the absence of the judge, to waive the self-recusal of the judge, the latter shall carry out the examination of the case after that decision has been put on the record.

**Q161 (2020):** Statistics are not being elaborated.

**Q162-0 (General Comment):** According to Armenian Constitution- The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.

**Q162-2-0 (2020):** According to the Article 6 of the "Law on Prosecution" of RA, in the exercise of his/her powers, every prosecutor shall take decisions autonomously based on laws and inner conviction, and shall be responsible for decisions taken by him. Any interference with the prosecutor's activities, which is not prescribed by law, leads to legal liability and shall be prohibited. It should be noted that according to the Article 32, instructions of the superior prosecutor are mandatory for the subordinate prosecutor, except in cases when the subordinate prosecutor finds that instructions are illegal or unfounded. In that case the subordinate prosecutor shall not follow the given instructions and must file a written objection to the superior prosecutor, who gave the instruction, except in cases when the instruction was given by the General Prosecutor.

The courts shall involve the legal representative of a minor witness in the interrogation thereof, and in case of interrogation of minors under fourteen years of age — also a child psychologist or a pedagogue. When interrogating a witness under fourteen years of age, persons participating in the case shall be removed from the courtroom, if they have a representative or their participation may influence the testimony of the witness. The representative of a person, participating in the case who has been removed, shall participate in the session.

The Court of First Instance shall explain to a witness under sixteen years of age the importance of giving testimony and communicating only the truth, without forewarning him or her of the criminal liability for giving false testimony or refusing to give testimony.

During interrogation of a witness under sixteen years old, the Court of First Instance shall make sure that the method of interrogation or questions does not confuse the witness or subject him or her to undue psychological pressure, and, for that purpose, may remove any question, interrupt or stop the interrogation of the witness.

**Q164 (2020):** The special law is the Judicial Code of RA.

**Q166 (2020):** Law on Prosecution

**Q172-0 (2020):** Corruption Prevention Commission has a huge role in this process. According to Part 6 of the Article 25 of the “Law on the Corruption Prevention Commission”: “If, as a result of the analysis of the declarations, the Commission concludes that the declaration has not been submitted within the period prescribed by law or has been submitted in violation of the relevant requirements or procedure, or the declared information is incorrect or incomplete, it shall initiate administrative violation proceedings.

**Q173 (2020):** It was drafted in 24.12.2018 and have not been updated yet.

**Q175 (2020):** The rules of conduct of the prosecutor are established by the “Law on Prosecutor’s Office”, and the requirements arising from them are defined by the order of the Prosecutor General. These rules were last reviewed in 2018

**Q176 (2020):** The possibility of applying to Disciplinary commission for advice on the rule of ethics and conduct has been eliminated based on Venice Commissions report and the concerns that we have. Specifically, a Disciplinary body responsible for initiating a disciplinary should not have the authority to interpret those rules. There is no body in the judiciary which can be authorised to give advice on ethical rules. Besides, the advice will lead to complying to the interpretation, which can be explained differently by the Supreme Judicial Council, which is responsible for applying disciplinary measures. Thus, contradicting opinions will exist regarding the same rule. The status of advice on ethics or rules of conduct and its influence should be clear and not lead to conflicting situations.

**Q180 (2020):** Pursuant to Article 57(10) of the RA Law on the Prosecutor's Office, the prosecutor may apply to the Ethics Committee for advisory comments on the prosecutor's code of conduct, and the Ethics Committee, in accordance consists of of seven members.

**Q181 (2020):** In practice, there has been only one case when prosecutor realizing the disciplinary proceedings applied to the Ethics Committee for an advisory

**Q182 (2020):** On June 2017 the "Law on the system of whistle-blowing" was adopted in Armenia and according to the law, others could report on a conflict of interests related to judges as well to prosecutors.

Also any intervention into the activities of the court, with the purpose of hindrance to the administration of justice or any intervention into the activities of the prosecutor, investigator or the person in charge of inquiry, with the purpose of hindrance to the comprehensive, complete and objective investigation of the case is considered a crime according to the Article 332 of the Criminal code.

**Q184 (2020):** According to Parts 2 and 3 of the Article 42 of the Judicial Code: "Where a judge is in charge of a case of particular complexity, the judge may apply to the Supreme Judicial Council with a suggestion to temporarily remove his or her name and surname from the distribution list or define a different percentage of cases to be distributed to him or her. Where it finds the application of the judge to be reasonable, the Supreme Judicial Council shall make a decision on temporarily removing the name and surname of the judge from the list of distribution of cases or on prescribing a different percentage of cases to be distributed to the judge and define a certain time limit for it which may not exceed six months. Based on the application of the judge, the Supreme Judicial Council may make a decision on extending the time limit of six months where the examination of the case of particular complexity has not ended.

The name and surname of a judge shall be removed from the list of distribution of cases:

- (1) in the case of a leave — for the period of the leave and the period of the preceding ten days;
- (2) in the case of secondment to another court — for the period of secondment and the period of the preceding ten days. The name of the seconded judge shall be removed from the list of distribution of cases of the court to which the judge was seconded one month before the expiry of the period of secondment;
- (3) in the case of temporary incapacity, participation in training courses, secondment abroad or suspension of powers — for the relevant period;
- (4) in the case of expiry of the term of office — three months before the expiry of the term of office;
- (5) in other cases provided for by this Code".

**Q185 (2020):** The Judicial Code prescribes the circumstances when the cases are redistributed. According to Part 1 of the Article 46 of the Judicial code: "If a judge has been seconded, or his or her secondment period has expired, or he or she has been transferred to another court, or judges have exchanged their positions, or a judge has recused himself or herself from the case in question, or has participated in the examination of the case in question in the past, or has rejected the institution of proceedings the decision on which has been reversed in the manner prescribed, or his or her powers have been suspended, automatically or imposingly terminated, then the cases assigned to that judge shall be redistributed among other judges of relevant specialization of the court in question".

**Q190 (2020):** Judicial code

**Q192 (2020):** The Government's decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:

<https://www.arlis.am/DocumentView.aspx?DocID=153169>

**Q194 (2020):** According to article 69 of judicial code: When engaging in any activity and in cases provided for by the Law on the Commission for the Prevention of Corruption, a judge shall be obliged: to submit, in the cases and under the procedure prescribed by the Law “On the Commission for Prevention of Corruption, to the Commission for Prevention of Corruption appropriate materials or clarifications establishing that the changes in his or her property (increase in property and (or) decrease in liabilities) are reasonably justified by lawful income, or that he or she does not possess non- declared property or property not completely declared, or the source of income is lawful and reliable.

According to article 25 paragraph 5.1 of the law on corruption prevention commission In case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

**Q195 (2020):** Comments According to article 34 of the law on the Public service “7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

8. Adult members of the declarant official's family shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

9. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

**Q196 (2020):** According to article 34 of the law on the Public service . Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as for declarant official.

**Q200 (2020):** Declarations are published in the official webpage of Corruption prevention commission

**Q201 (2020):** Criminal code

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

(Title was amended on 21.01.20 HO-72-N )

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia " On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand five hundred to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

(314.2 article was supplemented on 09.06.17 HO-102-N, was amended on 24.06.19 HO-96-N, 21.01.20 HO-72-N, 25.03.20 HO-207-N)

(article 29.12.20 with the amendment of the law HO-3-N will enter into force on 01.01.22)

Code on Administrative Violations

Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage.

(...)

**Q202 (2020):** In 2021, an administrative proceeding was initiated against one former judge of Court of General Jurisdiction due to violations/discrepancies in their declarations of assets and the proceeding was terminated. Administrative proceedings were initiated against 5 members of Supreme Judicial Council, 2 of which were terminated, in 1 case an exemption from administrative liability was applied, in 2 cases a warning as a type of administrative penalty was applied. In 2021, no administrative proceedings were initiated against judges due to violations/discrepancies in their declarations of assets.

**Q203 (2020):** Prosecutors are required to submit declaration of assets by The Law on public service. In particular the article 34 paragraph 1 describes the scope of the declarants.

**Q205 (2020):** The Government's decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:

<https://www.arlis.am/DocumentView.aspx?DocID=153169>

**Q207 (2020):** Annual declarations are submitted by May 31 of each year.

**Q209 (2020):** According to article 34 of the law on the Public service . Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as for declarant official.

**Q213 (2020):** Declarations are published in the official webpage of Corruption prevention commission

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

(Title was amended on 21.01.20 HO-72-N )

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia " On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

(314.2 article was supplemented on 09.06.17 HO-102-N, was amended on 24.06.19 HO-96-N, 21.01.20 HO-72-N, 25.03.20 HO-207-N)

(article 29.12.20 with the amendment of the law HO-3-N will enter into force on 01.01.22)

[ ] Other disciplinary sanction: Code on administrative violations. Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage;

**Q215 (2020):** In 2020, no administrative proceedings were initiated against prosecutors due to violations/discrepancies in their declarations of assets.

In 2021, an administrative proceeding was initiated against one prosecutor due to violations/discrepancies in their declarations of assets. The proceeding was terminated.

**Q218 (General Comment):** A judge may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

**Q221 (2020):** But there is a norm in JUDICIAL CODE:

Article 59. Right of a judge to participate in educational programmes

1. A judge shall have the right to participate in educational programmes, conferences and other professional gatherings of lawyers.

2. The consent to be absent for not more than up to five days per year for participating in educational programmes, conferences and other professional gatherings of lawyers during working hours shall be given by the chairperson of the court. To receive consent for a longer period, a judge shall, upon the consent of the chairperson of the court, apply to the Training Commission.

3. The consent to participate in other educational programmes, conferences and other professional gatherings of lawyers shall be granted to the judge so as not to impede the normal operation of the court.

4. Where a judge has received the consent of the chairperson of the court or that of the Training Commission, the absence of the judge in connection with participation in such events shall be considered to be with valid excuse, and the judge shall retain his or her salary.

5. Disputes related to failure to grant consent shall be settled by the Supreme Judicial Council.

**Q227 (General Comment):** A prosecutor may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

**Q231 (2020):** In case of violation of the rules of conflict of interests, the issues related to disciplinary proceedings against prosecutors are regulated in Articles 56 and 57 of the RA “Law on the Prosecutor's Office” (hereinafter “The Law”). Thus, according to the Article 56, the Prosecutor General may institute disciplinary proceedings against a prosecutor on the grounds prescribed by the Law. In the case of receiving a communication or motion to institute disciplinary proceedings against a prosecutor on the ground prescribed by point 4 of part 1 of Article 53 of the Law, the Prosecutor General or, in the case provided for by part 4 of the Article 56, the Ethics Commission shall, within a period of three days, forward the communication or motion to the Commission for the Prevention of Corruption. Where the institution of disciplinary proceedings against a prosecutor is initiated by the Prosecutor General, the latter shall, within a period of three days, submit to the Commission for the Prevention of Corruption information on the fact of failure by the prosecutor to comply with the restrictions or incompatibility requirements prescribed by Article 49 of the Law. The Ethics Commission shall also have the right to institute disciplinary proceedings against a prosecutor by the majority vote of the members present at the sitting based on communications provided for by point 3 of part 1 of the Article 56 addressed to the Ethics Commission, except for the case provided for by part 2 of the Article. According to the Article 57 of the Law, the Prosecutor General shall, within a period of seven days following the completion of the disciplinary proceedings, submit the issue of imposing disciplinary action, which may also include a motion to impose a disciplinary penalty. The Ethics Commission shall render one of the following decisions:

- (1) In the absence of a disciplinary violation;
- (2) In finding a disciplinary violation and the prosecutor’s guilt in it;
- (3) In finding a disciplinary violation and the absence of the prosecutor’s guilt in it.

**Q233 (2020):** Information is provided by the Prosecutor General's office.

**Q234 (General Comment):** Disciplinary body for judges is the Commission on Disciplinary and Ethics Issues under the General Assembly of judges which has not only judge members but also academics of law nominated by the civil society organisations. Corruption Prevention Commission is authorized to initiate disciplinary proceedings concerning asset declaration matters.

The Minister of Justice can also initiate disciplinary proceedings against judges.

These bodies initiate the disciplinary proceedings and apply to Supreme Judicial Council, which makes the decision.

**Q235 (General Comment):** Only the Supreme Judicial Council has the power to make the final decision on disciplinary sanctions against judges.

**Q237 (2020):** 39 is the number of disciplinary procedures initiated by the Ministry of Justice and Ethics and Disciplinary commission of judges. Only 16 of them were referred to SJC (11-MOJ, 5-Commission).

Professional inadequacy-includes violation of the provisions of substantive or procedural law, which has been committed deliberately or with gross negligence, while administering justice or exercising, as a court, other powers provided for by law.

**Q239 (2020):** Other sanctions-5= 2 severe reprimands, 3 warnings  
2 criminal cases are being examined against judges.

**Q241 (2020):** It can be appealed to Supreme Judicial Council, which reviews its own decision or to the Constitutional Court (according to the Article 169 part 1 point 8 of the Constitution, everyone may apply to the Constitutional Court under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he or she challenges the constitutionality of the relevant provision of a regulatory legal act applied against him or her upon this act, which has led to the violation of his or her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice).

Article 156.1 of the Judicial Code.

Appealing against the decision of the Supreme Judicial Council on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability 1. The appeal brought by a judge against the decision on subjecting him or her to disciplinary liability or the appeal brought by the body having instituted disciplinary proceedings against the decision on rejecting the motion on subjecting a judge to disciplinary liability, respectively, shall be examined by the Supreme Judicial Council, where an essential evidence or circumstance has emerged which the person bringing the appeal did not previously introduce due to circumstances beyond his or her control and which could have reasonably affected the decision. 2. After having received the appeal, the Supreme Judicial Council shall immediately forward it to the other party, which may submit to the Supreme Judicial Council a response to the appeal within 10 days following the receipt thereof. 3. The Supreme Judicial Council shall examine the appeals against the decision on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability and shall render respective decisions thereon in writing except for the cases where it comes to a conclusion that it is necessary to examine the appeal at the session. A decision shall be rendered on examining the appeal at the court session. 4. In case a decision on examining the appeal at the court session is rendered, the parties shall be notified of the time and venue of the session. Failure to appear shall not preclude the examination of the appeal. The examination of the appeal at the court session shall start with reporting by the member reporting on the issue, who shall introduce the appeal and arguments in the response to the appeal. The members of the Supreme Judicial Council shall have the right to address questions to the rapporteur and the parties having appeared at the session, whereafter the examination of the appeal shall be declared as completed. 5. During the examination of the appeal, the Supreme Judicial Council shall revise the decision being appealed against only to the extent of the grounds and justifications of the appeal. 6. The appeal shall be examined and the decision shall be rendered within a period of two months following the receipt of the appeal. 7. Upon the results of examination of the appeal, the Supreme Judicial Council shall render a decision on upholding the decision or on revoking, in part or in full, the decision. The decision shall be adopted by at least two thirds of the total number of votes of the members of the Supreme Judicial Council. The decision shall enter into force upon its delivery in public and shall be final.”.

**Q242 (General Comment):** The regulation on consent is stated in Art 56 para 5 of the Judicial Code.

**Q242 (2020):** Judge's consent is mandatory.



**Q243 (General Comment):** According to the Law on Prosecutor's office, the Prosecutor General initiates disciplinary proceedings. In certain cases the ethics commission adjunct to General Prosecution can also initiate proceedings. The Disciplinary body for prosecutors is the Ethics commission under the Prosecutor General which consists of 7 members: the Deputy Prosecutor General, 3 academics of law and 3 prosecutors elected by senior prosecutors. The Prosecutor General within a one-week period from the end of the disciplinary proceedings presents the issue to the Ethics Committee for discussion. When discussing the issue related to the disciplinary offense, the Ethics Committee votes to decide whether a disciplinary offense has taken place, whether the prosecutor is guilty of the offense, and, if the Prosecutor General requests so, then also whether it is possible to apply the disciplinary sanction of "removal from office." Based on the appropriate opinion of the Ethics Committee, the Prosecutor General orders the disciplinary sanction within a three-day period.

**Q246 (2020):** Non-performance or improper performance of duties was the basis for initiating disciplinary proceedings against 5 prosecutors in 5 cases in the reporting year.

**Q248 (2020):** Other sanctions-5= 2 severe reprimands, 3 warnings  
2 criminal cases are being examined against judges.

**Q251 (2020):** According to part 16 of the Article 56 of the "Law on the Prosecutor's office": "A prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law". The competent court is the administrative court.

## Azerbaijan

**Q158 (2020):** Other external body is Ombudsman.

**Q162-0 (General Comment):** According to the Constitution, prosecution services are within the judicial branch and constitute an integral centralized body characterized by the subordination of territorial and specialized procurators to the General Procurator of the Azerbaijan Republic. As an authority, prosecutor's office is independent. But only in the following situation it may act independently (without court decision). Only on the basis of a court decision, the prosecutor's office may carry out procedural actions restricting the rights and freedoms of man and citizen, as provided for by the Constitution of the Republic of Azerbaijan.

**Q162-2-0 (2020):** According to the Code of Criminal Procedure, the public prosecutor refuses (or may refuse to prosecute) if there are circumstances that preclude criminal prosecution or allow non-prosecution.

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

**Q163 (General Comment):** According to the Criminal Procedural Code, all evidences which open personal or family secrets as well as State's secrets, professional and commercial secrets are to be considered in closed session of the court.

**Q164 (2020):** "Special Law" is Law on Courts and Judges, Law on Judicial-Legal Council

**Q166 (2020):** Law of the Republic of Azerbaijan "On Prosecutor's Office" , Law "About service in bodies of prosecutor's office", Criminal Procedure Code

**Q177 (2020):** This body has been created in 2016.

**Q180 (2020):** In order to bring to disciplinary responsibility for unethical conduct of prosecutors by reviewing information collected on violations of the rules of ethical conduct, conflict of interest, transparency and anti-corruption or service inspections, giving an opinion on the imposition of disciplinary sanctions in ethical conduct, An Ethics Commission has been established in the Prosecutor General's Office. The prosecutor's office shall consider the relevant information about the employee or the material collected during the official inspection in accordance with the principles of legality, collegiality, justice, impartiality and objectivity and submit it to the Prosecutor General. The Ethical Conduct Commission has 7 (seven) members, who are appointed by the Prosecutor General of the Republic of Azerbaijan from among the candidates elected by the Board of the Prosecutor General's Office. 5 members of the Commission are authorized to carry out

**Q184 (2020):** A judge's illness, business trip or vacation precludes his participation in the distribution of cases. In case of repeated appeals to the court on returned or pending cases, the system provides for the transfer of these cases to the judge who returned the case or did not consider it (presiding in a collegial form), regardless of the number of cases filed in the current year.

When cases involving overturning of judgments by higher courts are referred to lower courts for retrial, the system ensures that these cases are allocated to other judges who have not previously participated in the proceedings.

When cases related to the annulment of court decisions by higher courts are sent to lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings. In exceptional cases, the judges may be held away from the distribution.

**Q186 (2020):** When cases related to the annulment of court decisions by higher courts are sent to the lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings.

**Q190 (2020):** Law "On Approval of Procedures for Submission of Financial Information by Public Officials", LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION

However, it was not implemented in 2020 due to the lack of approval of the financial information declaration form.

**Q192 (2020):** The existing declaration form of income is being modernized and at this moment the final version can not be provided.

**Q201 (2020):** According to the article 10 of the LAW OF THE REPUBLIC OF AZERBAIJAN "On approval of the "Rules on submission of financial information by officials"" violation of these Rules entails criminal, administrative or disciplinary liability in accordance with the legislation of the Republic of Azerbaijan. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for non-compliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

**Q203 (2020):** Law "On Approval of Procedures for Submission of Financial Information by Public Officials", LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION, "Rules of work organization at the Prosecutor General's Office"

**Q205 (2020):** The existing declaration form of income is being modernized and at this moment the final version can not be provided.

**Q208 (2020):** The information specified in Article 5.1 of the Law of the Republic of Azerbaijan "On Combating Corruption" also includes information on the property, financial and property obligations of family members of officials (husband or wife and their parents and children living with them).

**Q213 (2020):** According to Article 9 of the Law of the Azerbaijan Republic "On Approval of Procedures for Submission of Financial Information by Public Officials" , financial information provided by a public official is a secret of private life and the bodies receiving financial information must ensure the confidentiality of such information.

**Q214 (2020):** According to Article 10 of the Law of the Azerbaijan Republic “On Approval of Procedures for Submission of Financial Information by Public Officials” Violation of these procedures shall result in criminal, administrative and disciplinary actions. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for non-compliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

#### Chapter 68. Additional labor activity

##### 1. Conditions for engaging in additional labor activity

1.1. It is the right of a prosecutor to engage in scientific, pedagogical and creative activities.

1.2. An employee of the Prosecutor's Office may work in educational and non-educational institutions, on a permanent and temporary basis, in paid and unpaid areas.

1.3. A prosecutor may not engage in scientific, pedagogical or creative activities in the following cases:

1.3.1. if the implementation of that activity has led to a violation of the executive discipline of the prosecutor at the workplace;

1.3.2. when the occupation of a prosecutor creates a threat to the disclosure of confidential information, the nature of which is defined by law.

1.4. Unreasonable restriction of the right of a prosecutor to engage in scientific, pedagogical and creative activities shall not be allowed.

1.5. A salary (reward) for the implementation of scientific, pedagogical and creative activities that may affect the impartial performance of official duties by a prosecutor or that may create the impression of such influence may not be accepted by a prosecutor.

1.6. The daily working hours of the substitute in connection with scientific, pedagogical and creative activities may not exceed 4 hours, and the weekly period may not exceed 20 hours.

1.7. Receipt of a previous refusal to engage in scientific, pedagogical or creative activities shall not restrict the right of a prosecutor to re-apply in connection with that matter.

##### 2. Resolution of appeals related to additional employment

2.1. In order to engage in scientific and creative, pedagogical activities during working hours, the prosecutor's office employee shall apply to the Prosecutor General with the consent agreed with the head of the relevant structural unit.

2.2. Within 7 (seven) days, the Personnel Department submits the appeal to the Prosecutor General together with the reference containing its opinion. The Personnel Department shall respond to the author of the appeal by letter within 3 (three) working days on the results of consideration of the appeal by the Prosecutor General.

2.3. If the appeal is not granted, a reasoned response shall be given, stating the reasons for the refusal. A copy of the letter on the results of the appeal shall be attached to the personal file of the prosecutor.

2.4. In accordance with the requirements of Article 58 of the Labor Code, the second place of employment of a prosecutor is the second place of employment where a substitution employment contract is concluded in connection with scientific, pedagogical and creative activities.

2.5. The employment record book of a substitute prosecutor shall be kept in the Personnel Department at the main place of work.

2.6. In order to conclude an employment contract on a substitute basis, a prosecutor shall be issued a certificate of the main place of work.

2.7. A copy of the contract concluded between the prosecutor's office employee and the relevant department, enterprise or organization in connection with

**Q232 (2020):** According to the provision of article 26.5 of Law on the passage of service in the prosecutor's office of Azerbaijan the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated by code of ethics unless they create administrative or criminal liability.

**Q234 (General Comment):** The Judicial-Legal Council is entrusted to initiate disciplinary proceedings against judges. At the same time, the Ministry of Justice is also entrusted to send any information received about the violation of procedural rights of citizens in courts of first and second instances to the Judicial-Legal Council. According to the article 112 of the Law on Courts and judges only Judicial-Legal Council shall be entitled to institute disciplinary proceedings against judge. Chairmen of the Supreme Court, courts of appeal, and the relevant executive body shall be bound, within their competence, to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings, if there are elements on which the initiative of opening of a disciplinary procedure can be based or grounds for calling to disciplinary liability

**Q239 (2020):** Other: 4 «Remark» for judges, 4 «Remark» for prosecutors

**Q248 (2020):** Other: 4 «Remark» for judges, 4 «Remark» for prosecutors

**Q251 (2020):** The Prosecutor General of the Republic of Azerbaijan may, to a certain extent, instruct prosecutors to resolve the issue of imposing disciplinary sanctions on employees. The decision of Prosecutor General may appealed to the court, decisions of above mentioned prosecutors to the Prosecutor General.

## Georgia

**Q156 (2020):** According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting civil complaint in case of wrongful arrest and/or wrongful conviction (same right is provided by Article 92 of the Code of Criminal Procedure).

**Q157 (2020):** The Office of an Independent Inspector was established in 2018 on the basis of legislative changes, during which a particularly large number of complaints were filed with the Office of the Independent Inspector. And in 2020 the number of complaints was reduced due to the global pandemic and restrictions imposed in the country.

Georgian legislation does not provide for compensation. In the 2018 data, a technical error was made, which was later corrected.

**Q159 (2020):** As a result of judicial reform, the Institute of Independent Inspector was established in 2017. Only an independent inspector is authorized to conduct an in-depth preliminary examination / investigation of a complaint against judges. According to the organic law, if during the preliminary examination and investigation of a disciplinary case an independent inspector is convinced that there are signs of a criminal offense in the case, s/he is given the opportunity to submit a substantiated submission to the High Council of Justice to decide on the transfer of case materials to the Prosecutor's Office. Interference in the activities of an independent inspector is not allowed, an independent inspector is obliged to conduct a preliminary examination and investigation of a disciplinary case objectively, thoroughly and impartially.

The High Council of Justice, on the basis of the conclusion prepared by the independent inspector after the preliminary examination of the case, makes a decision to terminate the disciplinary proceedings against the judge or to initiate disciplinary proceedings against the judge. Following the initiation of disciplinary proceedings against a judge, the High Council of Justice of Georgia shall make a decision on disciplinary action against a judge or termination of disciplinary proceedings against a judge. When the High Council of Justice decides on the disciplinary action of a judge, the case is referred to the Disciplinary Board of Judges of the Common Courts, which is authorized to review disciplinary cases against judges. And decisions made by the Disciplinary Board may be appealed to the Disciplinary Chamber of the Supreme Court.

The Office of the Independent Inspector was established in 2018 on the basis of legislative changes, during which a particularly large number of complaints were filed with the Office of the Independent Inspector. And in 2020 the number of complaints was reduced due to the global pandemic and restrictions imposed in the

**Q160 (2020):** Self-recusals are included in this response. In particular, when there are grounds for avoidance, the judge is obliged to immediately withdraw, which is an additional guarantee to ensure the principle of impartiality of the judge in the proceedings.

**Q162-0 (General Comment):** On 16 December 2018, the new Organic Law of Georgia on Prosecutor's Office and the amendments to the Constitution of Georgia entered into force. Since then, the Prosecutor's Office is established as an independent body outside of the authority of the Ministry of Justice and the Minister, headed by the General Prosecutor. The above-mentioned comment is valid with respect to the period starting from 16 December 2018.

**Q162-0 (2020):** The Parliament elects the General Prosecutor for a term of 6 years. The legislation provides strong safeguards regarding his/her dismissal. The term of office of the General Prosecutor is not renewable.

**Q162 (General Comment):** According to the legislation of Georgia, prosecutors are independent in their activity and no one has the right to interfere in it. Respectively, it is prohibited to give specific instructions to prosecutors on whether to prosecute or not. Only the General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

**Q162 (2020):** According to the legislation of Georgia, the prosecutor is independent in his/her activity and no one has the right to interfere. Respectively, the law prohibits giving specific instructions to prosecutors on whether to prosecute or not. The General Prosecutor has a right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

**Q163 (2020):** According to Article 81(3) of the Code of Georgia on Civil Procedure, during civil proceedings the rights and interests of minors, from age 7 till 18, are protected by their parents, adoptive parents or care givers. In such cases the court is obliged to involve minors in the proceedings. The same rule applies to administrative cases.

In criminal proceedings minors can participate as witnesses. Under the age of 14 they can participate only in case if their legal representative agrees on questioning the minor and also agrees to take a part in a court hearing. From the age of 14 till 18 minor can participate only in case if she/he can verbally or in other form tell the important information concerning the case.

According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called juvenile offenders. Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priori be represented by a qualified lawyer.

**Q173 (2020):** in 2001, 2007 and 2021.

**Q175 (2020):** There is no legal requirement to update the code of ethics in certain period of time. The update depends on the identified needs. For instance, the code of 2017 was updated in 2020.

**Q179 (2020):** The General Inspectorate of the General Prosecutor's Office, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors. The statistics of such

**Q182 (2020):** Interference in the decision-making process of a judge or a member of the High Council of Justice may be subject to disciplinary or criminal liability. Furthermore, the Organic Law of Georgia “on Common Courts” prohibits ex parte communication with judges of common courts. In particular, at the stage of criminal investigation or from the moment a case is submitted to a court until the court judgment enters into force, any communication with a judge on the part of the party to the proceedings, an interested person, a public servant, a state servant, a state political official and a political official, if such communication is related to the consideration of a case and/or to a presumable result of a case, and which fails to comply with the principles of independence and impartiality of court/judge, and of the adversarial nature of legal proceedings, shall be prohibited. In the case of ex parte communication the judge shall immediately notify in writing the chairperson of the court or a judge authorised by him/her. If there was communication with the chairperson of the court, the chairperson of the court shall immediately notify in writing the chairperson of a higher instance court or a judge authorised by him/her. If there was communication with a judge of the Supreme Court, he/she shall immediately notify in writing the first deputy chairperson of the Supreme Court or a deputy authorised by the chairperson of the Supreme Court. If there was communication with the Chairperson of the Supreme Court, he/she shall immediately notify in writing the High Council of Justice of Georgia. (Organic Law of Georgia “on common courts”.) Information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Furthermore, the Civil Service Bureau manages a whistleblowing website [www.mkhileba.gov.ge](http://www.mkhileba.gov.ge). The latter is the channel for whistleblowing, and anyone can make a statement via this website.

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**Q186 (2020):** Reassignments occur when there is recusal issues, envisaged by criminal, civil and administrative procedure codes. National Legislation enshrine the specific reasons for recusal of relevant case.

**Q192 (2020):** <https://declaration.gov.ge/img/slider-doc.pdf>

**Q194 (2020):** A person shall submit an official's asset declaration to the Civil Service Bureau within two months after his/her appointment. During his/her term of office, an official shall annually complete and submit an official's asset declaration within the respective month of completion of the previous declaration. An official shall, within two months after dismissal, if he/she failed to submit the declaration within the calendar year of his/her dismissal, and within the same, respective month of completing the previous declaration in the year following the dismissal, unless he/she is appointed to another position, complete and submit an official's asset declaration.

The options “at the beginning of the term of office’ and ‘at the end of the term of office” also applies to judiciary of Georgia. According to Article 14 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, “1. A person is obliged to submit a declaration of property status of an official to the Civil Service Bureau within two months after being appointed to the position. The procedure for submitting a declaration of assets of an official shall be determined by the Government of Georgia.

2. The person of the position is obliged to fill in and submit the declaration of the property status of the official every year during the relevant month of the month of filling in the previous declaration.

A person is obliged to fill in and submit declaration within 2 months after dismissal, if he / she has not submitted a declaration during the calendar year of dismissal, as well as in the year following the dismissal, corresponding to the month of filling in the previous declaration, during the same month if he / she is not appointed to another position, fill in and submit the declaration of property status of the official. ”

**Q201 (2020):** Pursuant to Article 20 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, failure to submit an official declaration of assets of an official within the period specified in Article 14 of this Law shall result in a fine of 1000 GEL, in connection with which an individual administrative-legal act is issued - an ordinance on imposing a fine. Failure of an official to submit a declaration of assets of an official within 2 weeks from the date of entry into force of the decree or court decision (ruling) on imposing a fine will result in criminal liability.

Failure to submit a declaration of assets under Article 355 of the Criminal Code, after the imposition of an administrative penalty for such an act, or intentionally incomplete or incorrect entry of data in the declaration, is punishable by a fine or community service for a term of one hundred and twenty to two hundred hours, with deprivation of the right to hold office or engage in activities for a term of up to three years.

**Q202 (2020):** This information (statistics) is processed by the Civil Service Bureau.

**Q205 (2020):** Please, follow the link below: <https://matsne.gov.ge/ka/document/view/105358?publication=0>

**Q207 (2020):** The Prosecutors, who are eligible to file the asset declaration, are obliged to do it in two months after the appointment, annually, during the term in office and depending on the date of submission of the last declaration, twice or once after leaving the office, until the end of the next year.

**Q208 (2020):** In addition to spouse and children (under legal age), the declaration also concerns person permanently residing with the person obliged to file the asset declaration.

**Q213 (2020):** see <https://declaration.gov.ge/>

**Q214 (2020):** According to Article 355 of the Criminal Code of Georgia, failure to submit a property declaration after an administrative penalty has been imposed for such an act, or intentional entry of incomplete or incorrect information therein, shall be punished by fine or corrective labour from one hundred and twenty to two hundred hours, with deprivation of the right to carry out activities for up to three years.

**Q215 (2020):** In 2020, no criminal cases were initiated, completed or sanctions imposed against prosecutors due to violations/discrepancies in their declaration of

interest; Declare incompatibility of interests before being appointed / elected to the relevant position or after appointment / election, as soon as he / she becomes aware of the fact of incompatibility of interests.

According to the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, a civil servant, who is obliged to make a decision on which he / she has property or other personal interests, is obliged to resign and notify his / her immediate superior (superior body) in writing. Makes the appropriate decision by itself, or imposes this duty on another official.

However, according to the Code of Criminal Procedure, a judge may not participate in criminal proceedings if: he / she was not appointed or elected to a position in accordance with the law; Participates or has participated in this case as an accused, a lawyer, a victim, an expert, an interpreter or a witness; An investigation is underway into the possible commission of a crime by him; Is a family member or close relative of the accused, lawyer, victim; They are family members or close relatives of each other; Was a mediator in the same case or in another case substantially related to that case; There is another circumstance that casts doubt on its objectivity and impartiality. If there is a circumstance precluding the judge's participation in the criminal proceedings, he or she should immediately resign.

According to the Code of Civil Procedure, a judge who participated in the first instance hearing of a case cannot participate in the hearing of this case in the Court of Appeal and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Appeal may not participate in the hearing of this case in the Court of First Instance and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Cassation may not participate in the hearing of this case in the Court of Appeal and / or the Court of First Instance. However, the court hearing the civil case may not include persons who are close relatives of each other, and if such relatives are still found among them, they should be excluded from the hearing of the case. A judge may not hear a case or take part in the hearing if he or she: a) is a party to the case or has common rights or obligations with that party; B) participated in the previous hearing of this case as a witness, expert, specialist, translator, representative or secretary of the court; C) is a relative of the party or its representative; D) is personally, directly or indirectly interested in the outcome of the case, or if there are other circumstances that cast doubt on its impartiality; E) was a mediator in the same case or in another case substantially related to that case. If there are grounds for avoidance, the judge is obliged to declare self-avoidance. The judge (court) issues a decision on self-avoidance, which must indicate the grounds for self-avoidance.

According to the Code of Administrative Procedure, a judge may not participate in the hearing of a case if he or she has previously participated in administrative proceedings in connection with the case.

"Gift" is property or services rendered to a public servant, his family member free of charge or on preferential terms, full or partial release from property liability, which is an exception to the general rule. The total value of gifts received by a public servant during the reporting year should not exceed 15% of his / her annual salary, and 5% of one-time gifts - if these gifts are not received from a single source. The total value of gifts received by each member of the civil servant family during the reporting year should not exceed GEL 1,000 per family member, and one-time gifts - GEL 500 if these gifts are not received from a single source.

If a public servant or his / her family member determines after receiving the gift that the value of the gift exceeds the amount allowed by law, and / or if for some



**Q226 (2020):** Pursuant to Article 75(1), Paragraph 8, Subparagraph “g.a” of the Organic Law of Georgia on Common Courts, a disciplinary misconduct is a corrupt violation by a judge, i.e Committing an offense under Articles 5, 5(2), 7, 8, 10, 11, 13, 13(4), 13(5) or 20(4) of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions. These articles include the prohibition of accepting a gift in the above amount, as well as incompatible activities and others.

In addition, disciplinary proceedings against a judge are initiated by an independent inspector, who submits a prepared report to the High Council of Justice. The High Council of Justice decides on the termination of disciplinary proceedings or the initiation of disciplinary proceedings, and on the disciplinary action of a judge or termination of disciplinary proceedings after the commencement of disciplinary proceedings. A judge may be disciplined on the basis of the above-mentioned subparagraph. The disciplinary panel shall consider and decide on the application of a disciplinary sanction against the accused judge, and in case of appeal against the decision of the disciplinary panel, the Disciplinary Chamber.

Please see answer to question #169 of the questionnaire.

**Q227 (2020):** The Organic Law of Georgia on Prosecution Service allows prosecutors to carry out teaching and research activities, as well as cultural activities. There is no need for obtaining permission for undertaking these activities.

**Q231 (2020):** In case of suspecting potential disciplinary misconduct of the PSG employee, the PSG General Inspectorate is competent to open an administrative investigation. This includes interviewing people, collecting information and reviewing materials. At the end, the PSG General Inspectorate draws report containing the findings about whether the person has committed the disciplinary misconduct or not. This report is then reviewed by the Career Management, Ethics and Incentives Council on the hearing. The subject person has a right to be represented by a lawyer, attend the hearing and give an explanation. The Council decides by the majority of votes whether person has committed the violation. If he/she was found guilty, the Council also selects the applicable sanction. The decision of the Council is recommendatory for the Prosecutor General, who is competent to formally find person guilty in the disciplinary violation and impose sanction. The Prosecutor General might disagree with the recommendation and make a different decision. However, in this case, he/she is required to provide reasons.

**Q234 (General Comment):** The Independent Inspector of the High Council of Justice of Georgia has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

**Q234 (2020):** The Independent Inspector of the High Council of Justice of Georgia is the only person who has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

As for the reasons for initiating disciplinary proceedings, it has not changed since 2018 and still provides the following list: a) a complaint or statement by any person other than an anonymous complaint or statement; b) a report card of another judge, a member of the court or a member of the High Council of Justice of Georgia or an official of the staff on the commission of a disciplinary misconduct by a judge; c) notification of the investigative body (correction of a specific fact, which may contain signs of disciplinary misconduct); d) information disseminated through the mass media, as well as information provided in the report and / or proposal of the Public Defender of Georgia on the commission of an action by a judge, which may be considered a disciplinary violation.

**Q237 (2020):** Violation of hearing deadlines – 95 cases

Exercising judicial authority by a judge under personal interest, political or social influence – 15 cases

Refusal of the judge to Challenge / recusal – 8 cases

Discriminatory actions – 3 cases

As it was mentioned in the answer, 151 complaints were received in 2020, out of which disciplinary proceedings were not initiated in 3 cases due to the lack of filling the gap.

In addition, the column "Other" should be indicated in the comment, as well as the pre-disclosure of the result of the case to be considered by the judge - 1; Obstruction by a judge of disciplinary proceedings - 1; Illegal interference in the distribution of cases by a judge in court - 1; Failure to perform or improper performance of the relevant administrative authority by a judge -1; Establishment of personal and intensive relations by the judge with the participant of the process -

**Q239 (2020):** The salary deduction was added as one of the types of disciplinary misconduct based on the legislative change of 13 December 2019 (effective from 1 January 2020), namely the reduction of 5% to 20% of a judge's salary for not more than 6 months.

**Q241 (2020):** The decision of the High Council of Justice of Georgia to hold a judge accountable shall be considered by the Disciplinary Board of Judges of the Common Courts, whose decision shall be appealed to the Disciplinary Chamber of the Supreme Court.

**Q242 (General Comment):** In general, in accordance with the law a judge may be transferred to another court with his/her consent for no more than one year. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.

**Q248 (2020):** The salary deduction was added as one of the types of disciplinary misconduct based on the legislative change of 13 December 2019 (effective from 1 January 2020), namely the reduction of 5% to 20% of a judge's salary for not more than 6 months.

**Q251 (2020):** The court is a competent body to decide an appeal.

Administrative court of first instance is responsible for deciding appeals on disciplinary decisions.

## Republic of Moldova

**Q156 (General Comment):** On 21 April 2011 a remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of

compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures.

Another Law No. 1545/1998 on the way to repair the damage caused by the illicit actions of the criminal prosecution bodies, the prosecutor's office and the courts

**Q156 (2020):** The amount of the compensation for wrongful conviction and arrest is calculated starting from the average monthly income of the natural person at the moment of causing the damage, with the application of the inflation coefficient. The amount of the damage caused to the natural person who was convicted to unpaid work for the benefit of the community shall be calculated in the amount of up to 2 conventional units for one hour of work performed.

For the quantification of the reparable damage, the average monthly income is calculated as follows:

- persons employed by contract - by applying the method of calculating the average salary in accordance with the legislation;
- persons not employed by contract - by dividing by 12 the amount of the total income for the previous year;
- persons who did not work for proved reasons - starting from the average salary in the country in the respective year.

The legal entities are compensated for the patrimonial damage caused, as well as for the unearned benefit (lost income) as a result of the illicit actions.

The amount of compensation for moral damage is calculated taking into account: a) the gravity of the crime for which the person was charged; b) the character and gravity of the procedural violations committed during the criminal investigation and during the examination of the criminal case by court; c) the resonance that the information about the person's accusation had in the society;

d) the duration of the criminal investigation, as well as the duration of the examination of the criminal case by court;

e) the nature of the injured personal right and its place in the person's value system; f) physical suffering, character and degree of mental suffering; g) the extent to which monetary compensation can alleviate the caused physical and mental suffering; h) the duration of detention.

The amount of the compensation for the damage caused by the violation of the right to a fair trial or the right to a reasonable execution of the judgment is established by court in each individual case, depending on the circumstances of the case in which the violation was committed, as well as the claims made by the applicant, the complexity of the case, the applicant's conduct, the conduct of the prosecution body, the court and other relevant authorities, the duration of the infringement and the importance of the proceedings for the applicant.

**Q157 (General Comment):** On 21 April 2011, the Parliament adopted Law No. 87, in force from 1 July 2011. This law refers not only to the failure to enforce court judgments. It also enables any individual or legal entity to claim material and moral damages in court for excessive length of proceedings during criminal prosecution, trial or enforcement of the judgment. The law stipulates that the action should be filed against the Ministry of Justice. These actions fall under the jurisdiction of Chisinau District Court and must be examined by the first instance court within maximum 3 months from submission. The judgment of the first instance court is not enforceable. It can be challenged through appeal or cassation. There is also in force Law No. 1545, from February 25, 1998 on the way to repair the damages caused by the illicit actions of the criminal investigation bodies, of the prosecutor's office and the courts. It is a court concerned procedure as well.

**Q159 (General Comment):** Legal action, in case of violation of the right to a trial in a reasonable time, aiming at compensating the damages caused by the same violation, is exercised in accordance with the rules of jurisdiction established by chapter IV of the Civil Procedure Code. The appeal is examined by another trial chamber as the one responsible in the primary case from which originated the claimed violation and that chamber has to decide within three months. The appeal may be lodged within consideration of the merits of the primary case or within six months after the entry into force of the public prosecutor's order on cessation of the criminal prosecution or "enlèvement" of the criminal prosecution or a criminal disposition (Law n°87 on the compensations by the State of the damage caused by excessive length of trial or by non-execution in a reasonable time of the court decision).

**Q159 (2020):** According to our law no. 178/2014 on disciplinary liability of judges a complaint about the conduct of a judge should be submitted to the Superior Council of Magistracy. The disciplinary liability of judges is intended to ensure that any disciplinary misconduct of judges within the law that has taken place in a Moldovan court can be examined and the judge, if convicted, is sanctioned, according to the legal provisions, but no monetary compensation is granted to the petitioner by the related institution.

**Q161 (2020):** The total number of requests (initiated procedures) for recusal was 4693.

Admitted requests (recusals pronounced) -372.

The recusal procedure initiated by a judge (“self-recusals”) is not included in the ratio provided in the replies.

**Q162-0 (General Comment):** According to the art. 1 of The Law on Prosecutor's Office the Prosecutor's Office is an autonomous public institution within the judicial authority which, in criminal proceedings and other procedures provided by law, contributes to the observance of the rule of law, to the performance of justice, to the protection of the legitimate rights and interests of the person and society.

**Q162-0 (2020):** The Prosecutor's Office is an autonomous public institution within the judicial authority which, in criminal proceedings and in other procedures stipulated by law, contributes to the observance of the rule of law, performing the act of justice, the defense of the rights and legitimate interests of the person and society. The Prosecutor's Office is independent of the legislative, executive and judicial powers, of any political party or socio-political organization, as well as of any other institutions, organizations or persons.

Prosecutor's Office budget

The prosecutor's office is financed from the state budget within the limits of the budgetary allocations approved by the annual budget law. The budget of the Prosecutor's Office is unique and is administered by the General Prosecutor's Office.

The draft budget of the Prosecutor's Office is elaborated by the General Prosecutor's Office, having the approval of the Superior Council of Prosecutors. The budget of the Prosecutor's Office is prepared, approved and administered in accordance with the principles, rules and procedures established by the legislation on public finances and budgetary-fiscal responsibility.

The independence of the prosecutor is granted by a strict determination, by law, of the status of the prosecutor, the delimitation of the attributions of the Prosecutor's Office, of the attributions and competences of the prosecutor within the exercise of the functions of the Prosecutor's Office; the procedures for appointment, suspension and dismissal; his/her inviolability; the decisional discretion of the prosecutor in the exercise of the function, granted by law; establishing, by law, the interdiction regarding the interference of other persons or authorities in the activity of the prosecutor; ensuring the adequate means for the functioning of the Prosecutor's Office, creating the organizational and technical conditions favorable to its activity; the material and social insurance of the prosecutor; other measures provided by law.

**Q162 (General Comment):** According to the Law on Prosecution Office, the prosecutor operates on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him/her the opportunity to make independent and unipersonal decisions in the cases he/she manages.

The procedural independence of the prosecutor shall be ensured by guarantees which exclude any political, financial, administrative or other influence on the

obligations imposed to the aggressor: obligation to leave temporary the common housing or to keep distance from the victim's house, regardless of the property title; obligation to keep distance from the victim, ensuring his/her safety; obligation not to contact the victim, his/her children or other persons depending on her/him; prohibition to visit the working place of the victim; restriction on the unilateral use of joint property; obligation to undergo a medical examination and, if needed, to follow a compulsory medical treatment; obligation to participate in a special conciliation program if the court considers such measure necessary; prohibition of having arms (article 21-1 of the Criminal Procedure Code and article 318/4 of the Civil Procedure Code). The case of a minor is subdivided to the maximum extent and constitutes a single file when adults have participated to the commission of the offence (article 476 of the Criminal Procedure Code). Custody or preventive arrest of minors are possible only in exceptional situations of serious offences with use of violence, severe and extremely severe crimes (the prosecutor, the parents or other legal representatives of the concerned minor are immediately informed about these measures (article 477 of the Criminal procedure Code)).

According to art. 14 of the Law no. 105 of 16.05.2008 on the protection of witnesses and other participants in the criminal proceeding, the following protection measures may be applied in respect of the protected person: a) protection of identity data; b) hearing by applying special arrangements; c) change of domicile or place of work or study; d) change of identity, change of appearance; e) installing an alarm system at home or residence; f) changing the phone number; g) ensuring the protection of the goods.

"Protected person" - a person with whom a protection agreement has been concluded under the law and which has the procedural status of: a) a witness in a criminal case involving serious, extremely serious or exceptionally serious offenses, in the stage of criminal investigation or trial, according to art.90 of the Criminal Procedure Code; b) injured party in a criminal case related to serious offenses, extremely serious or exceptionally serious, in the stage of criminal investigation or trial, according to art.59 of the Criminal Procedure Code; c) a victim in criminal proceedings involving serious, extremely serious or exceptionally serious offenses, in the criminal investigation or trial phase, who accept to cooperate until the criminal proceedings are commenced; d) a suspected, accused, defendant who accepts to make statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; e) convicted during the execution of a custodial sentence of imprisonment or life imprisonment who accepts to submit statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; f) a person who does not have a procedural quality but agrees to provide information on the preparation of serious, particularly serious or exceptionally serious crimes. At the request of the persons mentioned in letters a) -f), the close relatives and their family members may also be protected.

**Q173 (2020):** It was approved by the Decision of the General Assembly of Judges no. 8 of September 11, 2015 and amended by GAJ Decision no. 12 of March 11,

**Q175 (2020):** It was approved by the Decision of the General Assembly of Prosecutors no. 4 of May 27, 2016 and amended by the Decision of the General Assembly of Prosecutors no. 1 of 22.02.2019.

**Q176 (General Comment):** In the case of dilemmas or problems, which concern the interpretation and the application of the provisions of the Code of ethics and professional conduct of a judge, the Ethics Committee, as an advisory body, adopts, ex officio or upon request a written advisory opinion on how to resolve the matter. The opinion is general. In the case of the dilemma on behavior in a concrete case, which concerns a judge, he/she may ask for a recommendation (an advice), and the Committee, in a shortest term, is going to present its opinion, from the perspective of the provisions of the Code of ethics.

The Ethics Committee issues advisory opinions and recommendations on conduct in the future to be followed. No advisory opinions and recommendations are issued on past or present conduct, unless this will continue in the future.

The Ethics Committee was created in 2018 by the Superior Council of Magistracy. A specific Regulation was approved by the Superior Council of Magistracy's decision (229/12 from 2018) in this regard. The meetings of the Committee are deliberative in the majority composition of its members. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Magistracy.

**Q177 (General Comment):** The Ethics Committee has 5 members - judges who are also members of the Superior Council of Magistracy.

**Q178 (General Comment):** For the purpose of ensuring confidentiality, the Committee's documentation, including all opinions, requests, replies, draft opinions / recommendations distributed, acts, documents, files, communications with Committee staff and procedures will be kept confidential and will not be made public, unless the solicitant agrees. Opinions of public interest are published on the website of the SCM.

**Q179 (General Comment):** According to the provisions of the national legislation the Disciplinary and Ethics Committee subordinated to the Superior Council of Prosecutors has the competence to adopt recommendations on the prevention of disciplinary misconduct and compliance with ethics by the prosecutors. The Disciplinary and Ethics Committee was created in 2016 by the Superior Council of Prosecutors. A specific Regulation was approved by the Superior Council of Prosecutor's decision (12-228/16 from 2016) in this regard. The meetings of the Committee are deliberative if at least 5 of its members are present. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Prosecutors.

**Q180 (General Comment):** The Committee consists of 7 members: 5 members prosecutors and 2 members appointed by civil society.

**Q181 (General Comment):** The Committee, in order to provide guidelines to other prosecutors who may be in similar situations, may decide to publish individual opinions on the official website of the Superior Council of Prosecutors. In this case, the name of the prosecutor and other information that constitutes personal data will be excluded from the individual opinion before its publication. The opinions are published in the same menu as the decisions concerning disciplinary issues.

**Q182 (General Comment):** There is a free of charge national anticorruption hotline available 24/24, seven days in a week (0-800-55555), where any person can report cases of corruption to the National Anticorruption Center. Confidentiality is guaranteed.

In order to prevent and combat cases of corruption in the judiciary, the Superior Council of Magistracy has established the anti-corruption hotline functional between 8:00 and 17:00 5 days in a week:(022) 990-990 (Chancellery).

Through the displayed phone number, any person has the opportunity to communicate about the known act of corruption in the judiciary. Confidentiality is guaranteed.

**Q195 (2020):** According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration;

**Q202 (2020):** The source of the data is the National Authority for Integrity.

**Q208 (2020):** According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration.

**Q215 (2020):** The source for presented information is the National Authority for Integrity.

**Q224 (2020):** The source of the data is the National Authority for Integrity.

**Q227 (General Comment):** According to the rules approved by the Superior Council of Prosecutors in 2018 the prosecutor who intends to carry out didactic and scientific activity shall submit to the SCP apparatus a request for the cumulation of the activity of prosecutor with the didactic / scientific activities which should contain specific information for the accomplishment of the targeted activities (institution, manner and conditions of exercise). A prosecutor may cumulate the activity for a determined period of time or part-time, which should not affect the exercise of the functional obligations and the principles of organization or activity of the Prosecutor's Office. The didactic and/or scientific activities can be carried out by the prosecutor in the universities, National Institute of Justice, different training activities organized for civil servants, projects aiming the implementation of the national or international policy of the state in criminal matters.

**Q232 (General Comment):** The establishment, by a final act, a direct conclusion or by means of a third party legal act, that a prosecutor took or participated in a decision making without resolving the real conflict of interest in accordance with the provisions of the legislation on conflict of interest constitutes grounds for dismissal of the prosecutor. The dismissal of the prosecutor, the chief prosecutor or the deputy general prosecutor shall be made within 5 working days from the intervention or bringing the case to the attention of the Prosecutor General, by an order of the Prosecutor General, which is communicated to the prosecutor concerned within 5 working days from the issuance, but prior to the date of dismissal. The order of the Prosecutor General regarding the dismissal may be contested

**Q233 (2020):** The source of this data is the National Authority for Integrity.

**Q234 (General Comment):** The Superior Council of Magistracy is responsible for initiating disciplinary proceedings against judges but the court users, the members of the Superior Council of Magistracy, the Judicial Inspection and the Committee for the evaluation of judges can be at the origin of a disciplinary proceeding. The Judicial Inspection and the Committee for the evaluation of judges are entities subordinated to the Superior Council of Magistracy.

**Q235 (General Comment):** The Superior Council of Magistracy has disciplinary power on judges.

**Q239 (General Comment):** The warning is the mildest sanction that can be applied consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour.

The circumstances in which the warning sanction is applied are determined by:

- 1) the primary commission of a disciplinary violation, usually minor, of an intentional nature or by negligence;
- 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the violation.

**Q239 (2020):** Warnings

**Q242 (General Comment):** The transfer of a judge to another jurisdiction for a limited period of time may be decided by the Superior Council of the Judiciary at the request of the president of the court in question, for organisational reasons. The judge's consent is necessary and must be given in writing (Article 20/1 of Law No. 544-XIII on the Status of Judges). Moreover, in all cases specified by Law No. 544-XIII of 20/07/1995 on the status of judges, a magistrate may be transferred to another judicial body only with his/her consent.

**Q243 (General Comment):** According to the provisions of article 43 of the Law on Prosecutor Office, the disciplinary proceedings against prosecutors can be initiated by the Superior Council of Prosecutors, by the Disciplinary and Ethics Committee, by the Prosecutor's Inspection as a result of different controls, by Performance Evaluation Board and by interested persons. Also, disciplinary proceedings against prosecutors can be initiated by the Ministry of Justice upon notification by the Government Agent. The Prosecutor's Inspection is a department of the Prosecutor General Office which is checking the primary notifications.

The Disciplinary and Ethics Committee and the Performance Evaluation Board are entities subordinated to the Superior Council of Prosecutors.

**Q244 (General Comment):** The Superior Council of Prosecutors and the Committee of Discipline and Ethics have the disciplinary authority on prosecutors.

The Committee of Discipline and Ethics examines the disciplinary case and issues a decision which can be contested to the Superior Council of Prosecutors.

**Q248 (General Comment):** The warning is the mildest sanction that can be applied consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour.

The circumstances in which the warning sanction is applied are determined by:

- 1) the primary commission of a disciplinary violation, usually minor, of an intentional nature or by negligence;
- 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the violation.

**Q248 (2020):** Warnings

## Ukraine

**Q158 (2020):** Depending on the issue, the user of the justice system may file a complaint in respect of a judge to the High Council of Justice within a system of the disciplinary procedure, address to the Ombudsmen or, for example, to the anticorruption bodies such as High Anti-Corruption Bureau of Ukraine, State Bureau of Investigations, National Agency on Prevention Corruption.

**Q159 (General Comment):** Article 108 of the Law of Ukraine "On the Judiciary and the Status of Judges" provides that disciplinary proceedings against a judge are carried out by disciplinary chambers of the High Council of Justice in accordance with the procedure established by the Law of Ukraine "On the High Council of Justice", taking into account the requirements of the Law of Ukraine "On the Judiciary and the Status of Judges". The High Council of Justice approves and posts an example of a disciplinary complaint on its official web portal. Disciplinary proceedings are carried out within a reasonable time. After amending the Law of Ukraine "On the Judiciary and the Status of Judges" disciplinary proceedings against judges are prescribed in the Law of Ukraine "On the High Council of Justice", therefore, the number of complaints stated in the table goes to 'Other external bodies' as 8160 of complaints were processed by the High Qualification Commission of Judges of Ukraine and 1056 – readdressed to the High Council of Justice (after amending the Laws), that is why 9216 is the total amount of complaints filed.



are based on the principles of independence of prosecutors, which provides for the existence of guarantees against illegal political, material or other influence on the prosecutor to make decisions in the performance of official duties;

The Prosecutor General annually, before April 1, submits to the Parliament of Ukraine a report on the activities of the Prosecutor's Office, which should contain information on ensuring the independence of prosecutors, in particular, the number of messages about threats to the independence of the prosecutor received by the Council of Prosecutors of Ukraine, and information on decisions taken on such messages.

The independence of the prosecutor is ensured by:

- 1) a special procedure for his/her appointment to the position, dismissal from office, bringing to disciplinary responsibility;
- 2) the procedure for exercising powers determined by procedural and other laws;
- 3) prohibition of illegal influence, pressure or interference in the exercise of the prosecutor's powers;
- 4) the procedure for financing and organizational support of the prosecutor's office established by law;
- 5) adequate material, social and pension provision of the prosecutor;
- 6) functioning of prosecutorial self-government bodies;
- 7) the means of ensuring the personal security of the prosecutor, members of his family, property, as well as other means of their legal protection determined by law.

In performing the functions of the Prosecutor's office, the prosecutor is independent of any illegal influence, pressure, interference and is guided in his activities only by the Constitution and laws of Ukraine.

**Q162-0 (2020):** According to the constitutional amendments in part of justice as of 2016 the separate chapter on prosecution was transferred to the chapter "Justice." At the same time, there were no changes in respect of its separate entity status in the norms. Thus, it still seems that the public prosecution is a separate entity among state institutions of Ukraine.

**Q162 (2020):** Article 16 "Guarantees of the Independence of a Public Prosecutor" of the Law "On Public Prosecutor's Office" emphasizes: when performing prosecutorial functions, a public prosecutor shall be independent of any illegitimate influence, pressure, interference, and shall be guided in their operation exclusively by the Constitution and the laws of Ukraine.

Central and local government authorities, other public institutions, their officials and officers, as well as individuals and legal entities and their associations shall be obliged to respect independence of the public prosecutor and refrain from exercising influence of any form on a public prosecutor in order to prevent the execution of his duties or taking illegal decision.

**Q163 (General Comment):** Victims of rape have the possibility of closed procedure that excludes the public; ethnic minorities and disabled persons should be granted language interpreter and other required assistance during court proceeding; in respect of juvenile offenders, there is an obligation to hear the opinion of an association protecting the interest of a minor accused of a crime. Besides, other specific arrangements include ramps that are built to provide free access to the court buildings. At the acceptable height, there is a call button and accessibility badges for visually impaired people (Braille signs). It is also possible to freely receive information as to the case (its consideration, date of the hearing, the decision taken), telephone numbers of the court.

**Q163 (2020):** Information mechanism:

a public, free of charge, and personalized information mechanism, operated by the police or the justice system, which enables the victims of criminal offenses to get information on the follow-up to the complaints they have launched.

Special arrangements in hearings:

Judicial proceedings may be conducted via videoconference during a broadcast from another premises, including those located outside the court premises (remote court proceedings), in the case of impossibility of direct participation of a participant in criminal proceedings in court proceedings due to health or other good reasons; the need to ensure the safety of persons; interrogation of a minor or juvenile witness, victim; the need to take such measures to ensure the efficiency of court proceedings; the existence of other grounds determined by the court sufficient (part 1 of Article 336 of the Criminal Procedural Code of Ukraine).

In cases when it is necessary for objective clarification of circumstances and/or protection of the rights of a minor or juvenile witness, by court decision they may be interrogated outside the courtroom in another room using videoconference (remote court proceedings) (Part 4 Article 354 of the Criminal Procedural Code of Ukraine).

In exceptional cases related to the need to obtain the testimony of a witness or victim during the pre-trial investigation, if due to danger to life and health of the witness or victim, their serious illness, presence of other circumstances preventing their interrogation in court or affecting the completeness or accuracy of the testimony, the party to the criminal proceedings, the representative of the legal entity subject to the proceedings, have the right to ask the investigating judge to interrogate such a witness or victim in court, including simultaneous interrogation two or more persons already interrogated. In this case, the interrogation of a witness or victim is carried out in a court session at the location of the court or the stay of a sick witness, the victim in the presence of the parties to the criminal proceedings in compliance with the rules of interrogation during the trial.

The testimony of minors under 16 is received without taking an oath (part 2 Article 232 of the Civil Procedural Code).

Other specific arrangements:

The investigating judge, court, prosecutor, the investigator shall provide the participants in criminal proceedings - who do not know or do not know enough the state language - the right to testify, petition, and file complaints, to speak in court in their native language or another language they speak, using the services of an interpreter in the manner prescribed by this Code (Article 29 of the Criminal Procedural Code of Ukraine).

**Q177 (2020):** The institution responsible for issues of ethics in respect of judges is the Council of Judges of Ukraine.

There is a Committee on Ethics, Prevention of Corruption and Conflict of Interest within the Council. Its tasks inter alia include preparation of draft explanations, recommendations and advisory opinions of the Council on the application and interpretation of the rules of judicial ethics.

**Q178 (2020):** At the same time, the Council of Judges of Ukraine publishes the decisions, connected with ethical issues, on its website, as well as documents such as the Commentary to the Code of Judicial Ethics.

**Q179 (2020):** Due to the entry into force on September 25, 2019, of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office" dated September 19, 2019, № 113-IX (the Law № 113-IX) the provisions of the Law, which determined the status and powers of the Qualification and Disciplinary Commission of Prosecutors, to which belonged a function of giving opinions on ethical questions of the conduct of prosecutors, were suspended until September 1, 2021. The chairman and members of the Commission were considered dismissed, and their powers were terminated prematurely (paragraph 2, subparagraphs 2 of paragraph 21 of Section II "Final and Transitional Provisions" of Law № 113 – IX).

**Q218 (2020):** Article 54 of the Law of Ukraine "On judiciary and the status of judges". Requirements regarding incompatibility 1. Holding a position of a judge shall be incompatible with holding a position in any other body of state power, the body of local self-government, and a representative mandate. Occupying a position of a judge is also incompatible with the effective prohibition to hold office for such a person who is subject to the purification of authorities in the manner stipulated by the Law of Ukraine "On purification of authorities." 2. A judge may not combine his/her activities with entrepreneurial activities, legal practice, hold any other paid positions, perform other paid work (except for teaching, research, or creative activities), or be a member of the governing body or a supervisory board in a company or organization that is aimed at making a profit. 3. Persons who are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interests in the functioning of any legal entity aimed at making profit shall be obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third party (without a right of giving instructions to such person regarding the disposition of such shares, corporate or other rights or regarding the exercise of rights which arise therefrom) for the term of judicial office. A judge may receive interest, dividends, and other unearned income from the property he/she owns. 4. A judge may not belong to a political party or a trade union, demonstrate affiliation with them and participate in political campaigns, rallies, strikes. While in office, a judge may not be a candidate for elective positions in bodies of the state power (other than judicial) and bodies of local self-government, as well as participate in the election campaigning. 5. In case of appointment of as a member of the High Council of Justice, the High Qualification Commission of Judges of Ukraine, they shall be seconded to work with those bodies on a permanent basis. Judges who are members of those bodies retain guarantees of material, social, and household support envisaged by law for judges. 6. A judge, upon their application, may be seconded for work at the National School of Judges of Ukraine, and a judge elected as Chairperson or Deputy Chairperson of the Council of Judges of Ukraine – at the Council of Judges of Ukraine, with the preservation of the amount of judicial remuneration at the main job and of any bonuses envisaged by law. 7. A judge shall comply with the requirements regarding incompatibility stipulated by anti-corruption legislation. Secondment for work at the High Council of Justice, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine, and Council of Judges of Ukraine shall not be regarded as a compatibility of jobs.

**Q227 (2020):** Public prosecutors can also combine their work with medical practice and act as instructors and arbitrators in sports.

**Q234 (2020):** Any person shall have the right to submit a complaint on the disciplinary offense of a judge (disciplinary complaint). Citizens shall exercise this right in person or via a lawyer, and legal entities – via a lawyer and state bodies and local self-government bodies – via their Chairpersons or representatives. A lawyer shall be obligated to verify the facts which may result in disciplinary liability of a judge before submitting a relevant disciplinary complaint. (art. 107 of the Law of Ukraine "On Judiciary and the Status of Judges").

**Q235 (General Comment):** Disciplinary power over judges is entrusted with the High Qualification Commission of Judges of Ukraine (as regards judges of local and appellate courts) or the High Council of Justice (as regards judges of high specialized courts and the Supreme Court). In the case of dismissal of a judge such disciplinary power belongs to the President (for the judges elected for 5-years term) or the Parliament (for the judges elected for lifetime term). Disciplinary proceedings against judges involve checking on grounds for bringing judges to disciplinary liability, opening a disciplinary case, its review and making decision by the High Qualification Commission of Judges of Ukraine (HQCJU) or the High Council of Justice (HCJ). Checking the grounds for opening a disciplinary case and bringing judges of local or appellate courts to disciplinary liability shall be made by the HQCJU. No later than 3 days after the HQCJU decision on opening a disciplinary case was made its copy shall be sent to both judge against whom disciplinary case was opened and person that filed an appeal. The disciplinary case shall be considered at the meeting of the HQCJU. The appellant, the concerned judge and other interested persons can attend the meeting. If there are justifiable reasons because of which judge cannot take part in the meeting of the HQCJU, he/she may give a written explanation on merits of the case that will be attached to the case file. The consideration of the disciplinary case against a judge is adversarial. The HCJ carries out disciplinary proceedings as regards judges of the Supreme Court and high specialized courts in the manner established by the Law on the High Council of Justice.

**Q235 (2020):** High Council of Justice

**Q239 (General Comment):** The difference between 2014 and the 2016 was caused by the suspension of the HQCJU work in 2014 for 8,5 month (for more details, please see comments to Q144). The HQCJU opened the disciplinary proceeding in the beginning of 2014, but had a chance to hold disciplinary liable only 13 judges

**Q239 (2020):** Judges:

- warnings (Other) - 72 judges;
- reprimand - 28 judges;
- severe reprimand - 22 judges;
- suspension from the administration of justice - 5 judges;
- dismissal - 14 judges

The difference between the number of initiated disciplinary proceedings and the sanctions pronounced can be explained by two reasons. First reason, few disciplinary cases may be united into one disciplinary case and the number of such cases may be rather high. The second reason, not all disciplinary cases initiated in 2020 were considered the same year. The consideration of some of them were transferred to the next calendar year.

Prosecutors:

In 2020, based on the results of disciplinary proceedings, the Personnel Commission made 58 decisions to apply a disciplinary sanction to the prosecutor against 63 people, including:

- 22 decisions imposing a disciplinary sanction in the form of a reprimand on 25 prosecutors;
- 24 decisions on imposition of disciplinary sanctions in the form of dismissal from office in the prosecutor's office in respect of 26 prosecutors;
- 12 decisions imposing a disciplinary sanction in the form of a ban for up to one year on transfer to a higher-level prosecutor's office or on appointment to a higher position in the prosecutor's office in which the prosecutor holds office, in respect of 12 prosecutors.

**Q242 (General Comment):** A judge may not be transferred to another court without his/her consent, except a transfer:

1) in the event of reorganization, liquidation or termination of the court; 2) as a disciplinary measure. (Article 53 of the Law "On Judiciary and the Status of Judges")

**Q243 (General Comment):** According to Ukrainian legislation, everyone who is aware of such facts has the right to apply to the Qualification and Disciplinary Commission of Prosecutors with a disciplinary complaint about the prosecutor's commission of a disciplinary offence. The Qualification and Disciplinary Commission of Prosecutors shall publish on its website a recommended sample of a disciplinary complaint. (para.2 art. 45 of the Law of Ukraine On Prosecution Office).

**Q243 (2020):** Anyone who is aware of such facts has the right to apply to the relevant body conducting disciplinary proceedings against prosecutors with a disciplinary complaint about the prosecutor's misconduct. A recommended sample of a disciplinary complaint is posted on the website of the Office of the Prosecutor General.

**Q244 (2020):** On September 25, 2019, with the entry into force of Law № 113-IX, the provisions of the Law of Ukraine "On the Prosecutor's Office", which determined the legal status of the Qualification and Disciplinary Commission of Prosecutors, were suspended and the powers of the chairman and members of this commission were terminated.

For the relevant transitional period, the authority to conduct disciplinary proceedings against prosecutors, including during 2020, to comply with the requirements of subparagraphs 7, 8 of paragraph 22 of Section II of Law № 113-IX, was transferred to the Personnel Commission to consider disciplinary complaints about the prosecutor's disciplinary misconduct and the conduct of disciplinary proceedings against prosecutors (hereinafter the Personnel Commission), which was established by the order of the Prosecutor General of January 9, 2020, № 9.

**Q248 (General Comment):** The difference between 2014 and the 2016 was caused by the suspension of the HQCJU work in 2014 for 8,5 month (for more details, please see comments to Q144). The HQCJU opened the disciplinary proceeding in the beginning of 2014, but had a chance to hold disciplinary liable only 13 judges

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- severe reprimand - 22 judges;
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## Indicator 8 - Accountability and processes affecting public trust

by question No.

Question 156. Is there a system for compensating users in the following circumstances:

Question 157. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Question 158. If yes, please specify certain aspects of this procedure:

Question 159. If yes, please specify certain aspects of this procedure:

Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Question 161. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

Question 162-0. What is the status of public prosecution services?

Question 162. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

Question 162-1. If you answered yes to Q162 are there exceptions provided by the law/regulations?

Question 162-2-0. If you answered "No" to Q162, which authority can issue the specific instructions?

Question 162-2. If you answered no to Q162 what form the instructions may take?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges

Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?

Question 171. Number of criminal cases against judges or prosecutors

Question 172-0. Are specific measures to prevent corruption in place?

Question 172. Is there a code of ethics applicable to all judges? Please provide the link.

Question 173. If yes, is it regularly updated?

Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.

Question 175. If yes, is it regularly updated?

Question 176. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Question 177. If yes, who are the members of this institution / body?

Question 178. Are the opinions of this institution / body publicly available?

Question 179. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. *If yes, who are the members of this institution / body ?*

Question 181. *Are the opinions of this institution / body publicly available?*

Question 182. *Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?*

Question 183. *Is transparency in distribution of court cases ensured in your judicial system?*

Question 184. *How is distribution of court cases organized in your system?*

Question 185. *What are the different possible reasons for reassigning a case?*

Question 186. *Does the reassignment of cases have to be reasoned?*

Question 187. *Are all reassignments of cases processed through the computerised distribution of cases?*

Question 188. *If yes, how are reassignments of cases processed:*

Question 190. *Which law(s) and regulation(s) require a declaration of assets by judges*

Question 192. *Can you provide the declaration of assets form (attachment)?*

Question 193. *What items are to be declared?*

Question 194. *What is the moment of the declaration of assets of judges?*

Question 195. *Does this declaration concern the members of the family?*

Question 196. *Is the declaration for family members the same as for the judge?*

Question 197. *Which authority receives the declaration? Please specify the status and nature of this authority (is it an independent body, what is the procedure for appointing members, etc.)?*

Question 198. *Are these declarations of assets verified as regards:*

Question 199. *Is there a register of declaration of assets?*

Question 200. *Where is the declaration published?*

Question 201. *What is the sanction in case of non-declaration of assets?*

Question 202. *Number of proceedings against judges due to violations/discrepancies in their declaration of assets:*

Question 203. *Which law(s) and regulation(s) require a declaration of assets by prosecutors*

Question 205. *Can you provide the declaration of assets form (attachment)?*

Question 206. *What items are to be declared?*

Question 207. *What is the moment of the declaration of assets of prosecutors?*

Question 208. *Does this declaration concern the members of the family?*

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Question 210. *Which authority receives the declaration?*

Question 211. *Are these declarations of assets verified as regards:*

Question 212. *Is there a register of declaration of assets?*

Question 213. *Where is the declaration published?*

Question 214. *What is the sanction in case of non-declaration of assets?*

Question 215. *Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:*



Question 217. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:*

Question 218. *Can judges combine their work with any of the following other functions/activities?*

Question 219. *Is an authorisation needed to perform these accessory activities for judges?*

Question 220. *If yes, who is giving authorisation for these accessory activities for judges?*

Question 221. *If not, does the judge have to inform his or her hierarchy about these accessory activities?*

Question 222. *Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?*

Question 223. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:*

Question 224. *Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference*

Question 226. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:*

Question 227. *Can public prosecutors combine their work with any of the following other functions/activities?*

Question 228. *Is an authorisation needed to perform these accessory activities for public prosecutors?*

Question 229. *If yes, who is giving authorisation for these accessory activities for public prosecutors?*

Question 230. *If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?*

Question 231. *Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?*

Question 232. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:*

Question 233. *Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year*

Question 234. *Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?*

Question 235. *Which authority has disciplinary power over judges? (multiple replies possible)*

Question 236. *What are the possibilities for the judge to present an argumentation? (multiple replies possible)*

Question 237. *Number of disciplinary proceedings initiated during the reference year against judges.*

Question 238. *Number of cases completed in the reference year against judges.*

Question 239. *Number of sanctions pronounced during the reference year against judges.*

Question 240. *Can a disciplinary decision be appealed?*

Question 241. *If yes, what body is competent to decide on appeal?*

Question 242. *Can a judge be transferred to another court without his/her consent:*

Question 243. *Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):*

Question 244. *Which authority has disciplinary power over public prosecutors? (multiple replies possible)*

Question 245. *What are the possibilities for prosecutors to present an argumentation (multiple replies possible):*

Question 246. *Number of disciplinary proceedings initiated during the reference year against public prosecutors.*

Question 247. *Number of cases completed in the reference year against public prosecutors.*

Question 248. *Number of sanctions pronounced during the reference year against public prosecutors.*

Question 250. *Can the disciplinary decision be appealed?*

## Question 156

### Armenia

**(2020):** There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

### Georgia

**(2020):** According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting civil complaint in case of wrongful arrest and/or wrongful conviction (same right is provided by Article 92 of the Code of Criminal Procedure).

### Republic of Moldova

**(General Comment):** On 21 April 2011 a remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures.

Another Law No. 1545/1998 on the way to repair the damage caused by the illicit actions of the criminal prosecution bodies, the prosecutor's office and the courts

**(2020):** The amount of the compensation for wrongful conviction and arrest is calculated starting from the average monthly income of the natural person at the moment of causing the damage, with the application of the inflation coefficient. The amount of the damage caused to the natural person who was convicted to unpaid work for the benefit of the community shall be calculated in the amount of up to 2 conventional units for one hour of work performed.

For the quantification of the reparable damage, the average monthly income is calculated as follows:

- persons employed by contract - by applying the method of calculating the average salary in accordance with the legislation;
- persons not employed by contract - by dividing by 12 the amount of the total income for the previous year;
- persons who did not work for proved reasons - starting from the average salary in the country in the respective year.

The legal entities are compensated for the patrimonial damage caused, as well as for the unearned benefit (lost income) as a result of the illicit actions.

The amount of compensation for moral damage is calculated taking into account: a) the gravity of the crime for which the person was charged; b) the character and gravity of the procedural violations committed during the criminal investigation and during the examination of the criminal case by court; c) the resonance that the information about the person's accusation had in the society;

d) the duration of the criminal investigation, as well as the duration of the examination of the criminal case by court;

e) the nature of the injured personal right and its place in the person's value system; f) physical suffering, character and degree of mental suffering; g) the extent to which monetary compensation can alleviate the caused physical and mental suffering; h) the duration of detention.

The amount of the compensation for the damage caused by the violation of the right to a fair trial or the right to a reasonable execution of the judgment is established by court in each individual case, depending on the circumstances of the case in which the violation was committed, as well as the claims made by the applicant, the complexity of the case, the applicant's conduct, the conduct of the prosecution body, the court and other relevant authorities, the duration of the infringement and the importance of the proceedings for the applicant.

## Question 157

### Georgia

**(2020):** The Office of an Independent Inspector was established in 2018 on the basis of legislative changes, during which a particularly large number of complaints were filed with the Office of the Independent Inspector. And in 2020 the number of complaints was reduced due to the global pandemic and restrictions imposed in the country.

Georgian legislation does not provide for compensation. In the 2018 data, a technical error was made, which was later corrected.

### Republic of Moldova

**(General Comment):** On 21 April 2011, the Parliament adopted Law No. 87, in force from 1 July 2011. This law refers not only to the failure to enforce court judgments. It also enables any individual or legal entity to claim material and moral damages in court for excessive length of proceedings during criminal prosecution, trial or enforcement of the judgment. The law stipulates that the action should be filed against the Ministry of Justice. These actions fall under the jurisdiction of Chisinau District Court and must be examined by the first instance court within maximum 3 months from submission. The judgment of the first instance court is not enforceable. It can be challenged through appeal or cassation. There is also in force Law No. 1545, from February 25, 1998 on the way to repair the damages caused by the illicit actions of the criminal investigation bodies, of the prosecutor's office and the courts. It is a court concerned procedure as well.

### Question 158

#### Armenia

**(General Comment):** The Chapter 19 of Judicial Code states the procedures for initiating and reviewing complaints against judges as well as provide for authorities and their competencies. Disciplinary action against judges may be imposed by the Supreme Judicial Council.(Article 141)

According to the Article 145 of Judicial Code the following shall be entitled to institute disciplinary proceedings against a judge:

- (1) The Ethics and Disciplinary Commission; (2) The Authorised Body (The Ministry of Justice);
- (3) The Commission for Prevention of Corruption — in the cases provided for by point 1.1 of this Article.

According to the Article 142 of Judicial Code, grounds for imposing disciplinary action against judges shall be:

- (1) Violation of provisions of substantive or procedural law while administering justice or exercising, as a court, other powers provided for by law, which has been committed deliberately or with gross negligence;
- (2) Gross violation by the judge of the rules of judicial conduct prescribed by this Code, committed with intent or gross negligence;

**(2020):** Other bodies- Ethics and Disciplinary Commission of judges, Corruption Prevention Commission.

#### Azerbaijan

**(2020):** Other external body is Ombudsman.

#### Ukraine

**(2020):** Depending on the issue, the user of the justice system may file a complaint in respect of a judge to the High Council of Justice within a system of the disciplinary procedure, address to the Ombudsmen or, for example, to the anticorruption bodies such as High Anti-Corruption Bureau of Ukraine, State Bureau of Investigations, National Agency on Prevention Corruption.

### Question 159

## Georgia

**(2020):** As a result of judicial reform, the Institute of Independent Inspector was established in 2017. Only an independent inspector is authorized to conduct an in-depth preliminary examination / investigation of a complaint against judges. According to the organic law, if during the preliminary examination and investigation of a disciplinary case an independent inspector is convinced that there are signs of a criminal offense in the case, s/he is given the opportunity to submit a substantiated submission to the High Council of Justice to decide on the transfer of case materials to the Prosecutor's Office. Interference in the activities of an independent inspector is not allowed, an independent inspector is obliged to conduct a preliminary examination and investigation of a disciplinary case objectively, thoroughly and impartially.

The High Council of Justice, on the basis of the conclusion prepared by the independent inspector after the preliminary examination of the case, makes a decision to terminate the disciplinary proceedings against the judge or to initiate disciplinary proceedings against the judge. Following the initiation of disciplinary proceedings against a judge, the High Council of Justice of Georgia shall make a decision on disciplinary action against a judge or termination of disciplinary proceedings against a judge. When the High Council of Justice decides on the disciplinary action of a judge, the case is referred to the Disciplinary Board of Judges of the Common Courts, which is authorized to review disciplinary cases against judges. And decisions made by the Disciplinary Board may be appealed to the Disciplinary Chamber of the Supreme Court.

The Office of the Independent Inspector was established in 2018 on the basis of legislative changes, during which a particularly large number of complaints were filed with the Office of the Independent Inspector. And in 2020 the number of complaints was reduced due to the global pandemic and restrictions imposed in the

## Republic of Moldova

**(General Comment):** Legal action, in case of violation of the right to a trial in a reasonable time, aiming at compensating the damages caused by the same violation, is exercised in accordance with the rules of jurisdiction established by chapter IV of the Civil Procedure Code. The appeal is examined by another trial chamber as the one responsible in the primary case from which originated the claimed violation and that chamber has to decide within three months. The appeal may be lodged within consideration of the merits of the primary case or within six months after the entry into force of the public prosecutor's order on cessation of the criminal prosecution or "enlèvement" of the criminal prosecution or a criminal disposition (Law n°87 on the compensations by the State of the damage caused by excessive length of trial or by non-execution in a reasonable time of the court decision).

**(2020):** According to our law no. 178/2014 on disciplinary liability of judges a complaint about the conduct of a judge should be submitted to the Superior Council of Magistracy. The disciplinary liability of judges is intended to ensure that any disciplinary misconduct of judges within the law that has taken place in a Moldovan court can be examined and the judge, if convicted, is sanctioned, according to the legal provisions, but no monetary compensation is granted to the petitioner by the related institution.

## Ukraine

**(General Comment):** Article 108 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that disciplinary proceedings against a judge are carried out by disciplinary chambers of the High Council of Justice in accordance with the procedure established by the Law of Ukraine "On the High Council of Justice", taking into account the requirements of the Law of Ukraine “On the Judiciary and the Status of Judges”. The High Council of Justice approves and posts an example of a disciplinary complaint on its official web portal. Disciplinary proceedings are carried out within a reasonable time. After amending the Law of Ukraine “On the Judiciary and the Status of Judges” disciplinary proceedings against judges are prescribed in the Law of Ukraine "On the High Council of Justice", therefore, the number of complaints stated in the table goes to ‘Other external bodies’ as 8160 of complaints were processed by the High Qualification Commission of Judges of Ukraine and 1056 – readdressed to the High Council of Justice (after amending the Laws), that is why 9216 is the total amount of complaints filed.

## Question 160

### Armenia

- (1) A judge is biased towards a person acting as a party, his or her representative, advocate, other participants of the proceedings;
- (2) A judge, acting in his or her personal capacity, has been a witness to circumstances being disputed during the examination of a case;
- (3) A judge has participated in the examination of the case concerned in another court;
- (4) A close relative of a judge has acted, is acting or will reasonably act as a participant in the case;
- (5) A judge is aware or must be reasonably aware that he or she personally or his or her close relative pursues economic interests in connection with the merits of the dispute or with any of the parties;
- (6) A judge occupies a position in a non-commercial organisation and the interests of that organisation may be affected by the case.

In some procedural codes, the decision to refuse self-recusal can be directly challenged to the Court of Appeal (for example in administrative cases).

3. Within the meaning of this Article, the concept “economic interest” shall not include the following:

- (1) Managing stocks of the open joint-stock company in question through an investment fund or a pension fund or another nominee, where the judge is not aware of it;
- (2) Having a deposit in the bank in question, having an insurance policy with the insurance company in question, or being a participant of the credit union or the savings union in question, where the outcome of the case does not pose a significant threat to the solvency of that organisation;
- (3) Owning securities issued by the Republic of Armenia, a community or the Central Bank of the Republic of Armenia.

4. A judge having recused himself or herself shall be obliged to disclose the grounds for self-recusal to the parties, which shall be put on the record. Where the judge firmly believes that he or she will be impartial in the case concerned, he or she may propose that the parties consider, in his or her absence, waiving his or her self-recusal. Where the parties decide, in the absence of the judge, to waive the self-recusal of the judge, the latter shall carry out the examination of the case after that decision has been put on the record.

### Georgia

**(2020):** Self-recusals are included in this response. In particular, when there are grounds for avoidance, the judge is obliged to immediately withdraw, which is an additional guarantee to ensure the principle of impartiality of the judge in the proceedings.

### Question 161

#### Armenia

**(2020):** Statistics are not being elaborated.

#### Republic of Moldova

**(2020):** The total number of requests (initiated procedures) for recusal was 4693.

Admitted requests (recusals pronounced) -372.

The recusal procedure initiated by a judge (“self-recusals”) is not included in the ratio provided in the replies.

### Question 162-0

#### Armenia

**(General Comment):** According to Armenian Constitution- The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.

#### Azerbaijan

**(General Comment):** According to the Constitution, prosecution services are within the judicial branch and constitute an integral centralized body characterized by the subordination of territorial and specialized procurators to the General Procurator of the Azerbaijan Republic. As an authority, prosecutor's office is independent. But only in the following situation it may act independently (without court decision). Only on the basis of a court decision, the prosecutor's office may carry out procedural actions restricting the rights and freedoms of man and citizen, as provided for by the Constitution of the Republic of Azerbaijan.

#### Georgia

**(General Comment):** On 16 December 2018, the new Organic Law of Georgia on Prosecutor's Office and the amendments to the Constitution of Georgia entered into force. Since then, the Prosecutor's Office is established as an independent body outside of the authority of the Ministry of Justice and the Minister, headed by the General Prosecutor. The above-mentioned comment is valid with respect to the period starting from 16 December 2018.

**(2020):** The Parliament elects the General Prosecutor for a term of 6 years. The legislation provides strong safeguards regarding his/her dismissal. The term of office of the General Prosecutor is not renewable.

### **Republic of Moldova**

**(General Comment):** According to the art. 1 of The Law on Prosecutor's Office the Prosecutor's Office is an autonomous public institution within the judicial authority which, in criminal proceedings and other procedures provided by law, contributes to the observance of the rule of law, to the performance of justice, to the protection of the legitimate rights and interests of the person and society.

**(2020):** The Prosecutor's Office is an autonomous public institution within the judicial authority which, in criminal proceedings and in other procedures stipulated by law, contributes to the observance of the rule of law, performing the act of justice, the defense of the rights and legitimate interests of the person and society. The Prosecutor's Office is independent of the legislative, executive and judicial powers, of any political party or socio-political organization, as well as of any other institutions, organizations or persons.

#### **Prosecutor's Office budget**

The prosecutor's office is financed from the state budget within the limits of the budgetary allocations approved by the annual budget law. The budget of the Prosecutor's Office is unique and is administered by the General Prosecutor's Office.

The draft budget of the Prosecutor's Office is elaborated by the General Prosecutor's Office, having the approval of the Superior Council of Prosecutors. The budget of the Prosecutor's Office is prepared, approved and administered in accordance with the principles, rules and procedures established by the legislation on public finances and budgetary-fiscal responsibility.

The independence of the prosecutor is granted by a strict determination, by law, of the status of the prosecutor, the delimitation of the attributions of the Prosecutor's Office, of the attributions and competences of the prosecutor within the exercise of the functions of the Prosecutor's Office; the procedures for appointment, suspension and dismissal; his/her inviolability; the decisional discretion of the prosecutor in the exercise of the function, granted by law; establishing, by law, the interdiction regarding the interference of other persons or authorities in the activity of the prosecutor; ensuring the adequate means for the functioning of the Prosecutor's Office, creating the organizational and technical conditions favorable to its activity; the material and social insurance of the prosecutor; other measures provided by law.

### **Ukraine**



based on the principles of independence of prosecutors, which provides for the existence of guarantees against illegal political, material or other influence on the prosecutor to make decisions in the performance of official duties;

The Prosecutor General annually, before April 1, submits to the Parliament of Ukraine a report on the activities of the Prosecutor's Office, which should contain information on ensuring the independence of prosecutors, in particular, the number of messages about threats to the independence of the prosecutor received by the Council of Prosecutors of Ukraine, and information on decisions taken on such messages.

The independence of the prosecutor is ensured by:

- 1) a special procedure for his/her appointment to the position, dismissal from office, bringing to disciplinary responsibility;
- 2) the procedure for exercising powers determined by procedural and other laws;
- 3) prohibition of illegal influence, pressure or interference in the exercise of the prosecutor's powers;
- 4) the procedure for financing and organizational support of the prosecutor's office established by law;
- 5) adequate material, social and pension provision of the prosecutor;
- 6) functioning of prosecutorial self-government bodies;
- 7) the means of ensuring the personal security of the prosecutor, members of his family, property, as well as other means of their legal protection determined by law.

In performing the functions of the Prosecutor's office, the prosecutor is independent of any illegal influence, pressure, interference and is guided in his activities only by the Constitution and laws of Ukraine.

**(2020):** According to the constitutional amendments in part of justice as of 2016 the separate chapter on prosecution was transferred to the chapter "Justice." At the same time, there were no changes in respect of its separate entity status in the norms. Thus, it still seems that the public prosecution is a separate entity among state institutions of Ukraine.

## Question 162

### Georgia

**(General Comment):** According to the legislation of Georgia, prosecutors are independent in their activity and no one has the right to interfere in it. Respectively, it is prohibited to give specific instructions to prosecutors on whether to prosecute or not. Only the General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

**(2020):** According to the legislation of Georgia, the prosecutor is independent in his/her activity and no one has the right to interfere. Respectively, the law prohibits giving specific instructions to prosecutors on whether to prosecute or not. The General Prosecutor has a right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

## Republic of Moldova

**(General Comment):** According to the Law on Prosecution Office, the prosecutor operates on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him/her the opportunity to make independent and unipersonal decisions in the cases he/she manages. The procedural independence of the prosecutor shall be ensured by guarantees which exclude any political, financial, administrative or other influence on the prosecutor in connection with the exercise of his/her duties.

## Ukraine

**(2020):** Article 16 "Guarantees of the Independence of a Public Prosecutor" of the Law "On Public Prosecutor's Office" emphasizes: when performing prosecutorial functions, a public prosecutor shall be independent of any illegitimate influence, pressure, interference, and shall be guided in their operation exclusively by the Constitution and the laws of Ukraine.

Central and local government authorities, other public institutions, their officials and officers, as well as individuals and legal entities and their associations shall be obliged to respect independence of the public prosecutor and refrain from exercising influence of any form on a public prosecutor in order to prevent the execution of his duties or taking illegal decision.

## Question 162-2-0

## Armenia

**(2020):** According to the Article 6 of the "Law on Prosecution" of RA, in the exercise of his/her powers, every prosecutor shall take decisions autonomously based on laws and inner conviction, and shall be responsible for decisions taken by him. Any interference with the prosecutor's activities, which is not prescribed by law, leads to legal liability and shall be prohibited. It should be noted that according to the Article 32, instructions of the superior prosecutor are mandatory for the subordinate prosecutor, except in cases when the subordinate prosecutor finds that instructions are illegal or unfounded. In that case the subordinate prosecutor shall not follow the given instructions and must file a written objection to the superior prosecutor, who gave the instruction, except in cases when the instruction was given by the General Prosecutor.

## Azerbaijan

**(2020):** According to the Code of Criminal Procedure, the public prosecutor refuses (or may refuse to prosecute) if there are circumstances that preclude criminal prosecution or allow non-prosecution.

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

## Question 163

## Armenia

The courts shall involve the legal representative of a minor witness in the interrogation thereof, and in case of interrogation of minors under fourteen years of age — also a child psychologist or a pedagogue. When interrogating a witness under fourteen years of age, persons participating in the case shall be removed from the courtroom, if they have a representative or their participation may influence the testimony of the witness. The representative of a person, participating in the case who has been removed, shall participate in the session.

The Court of First Instance shall explain to a witness under sixteen years of age the importance of giving testimony and communicating only the truth, without forewarning him or her of the criminal liability for giving false testimony or refusing to give testimony.

During interrogation of a witness under sixteen years old, the Court of First Instance shall make sure that the method of interrogation or questions does not confuse the witness or subject him or her to undue psychological pressure, and, for that purpose, may remove any question, interrupt or stop the interrogation of the witness.

## Azerbaijan

**(General Comment):** According to the Criminal Procedural Code, all evidences which open personal or family secrets as well as State`s secrets, professional and commercial secrets are to be considered in closed session of the court.

## Georgia

protected by their parents, adoptive parents or care givers. In such cases the court is obliged to involve minors in the proceedings. The same rule applies to administrative cases.

In criminal proceedings minors can participate as witnesses. Under the age of 14 they can participate only in case if their legal representative agrees on questioning the minor and also agrees to take a part in a court hearing. From the age of 14 till 18 minor can participate only in case if she/he can verbally or in other form tell the important information concerning the case.

According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called juvenile offenders. Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priori be represented by a qualified lawyer.

## Republic of Moldova

**(General Comment):** Upon the request of domestic violence victims, the court can issue a special order granting protection by means of the following obligations imposed to the aggressor: obligation to leave temporary the common housing or to keep distance from the victim's house, regardless of the property title; obligation to keep distance from the victim, ensuring his/her safety; obligation not to contact the victim, his/her children or other persons depending on her/him; prohibition to visit the working place of the victim; restriction on the unilateral use of joint property; obligation to undergo a medical examination and, if needed, to follow a compulsory medical treatment; obligation to participate in a special conciliation program if the court considers such measure necessary; prohibition of having arms (article 21-1 of the Criminal Procedure Code and article 318/4 of the Civil Procedure Code). The case of a minor is subdivided to the maximum extent and constitutes a single file when adults have participated to the commission of the offence (article 476 of the Criminal Procedure Code). Custody or preventive arrest of minors are possible only in exceptional situations of serious offences with use of violence, severe and extremely severe crimes (the prosecutor, the parents or other legal representatives of the concerned minor are immediately informed about these measures (article 477 of the Criminal procedure Code)).

According to art. 14 of the Law no. 105 of 16.05.2008 on the protection of witnesses and other participants in the criminal proceeding, the following protection measures may be applied in respect of the protected person: a) protection of identity data; b) hearing by applying special arrangements; c) change of domicile or place of work or study; d) change of identity, change of appearance; e) installing an alarm system at home or residence; f) changing the phone number; g) ensuring the protection of the goods.

"Protected person" - a person with whom a protection agreement has been concluded under the law and which has the procedural status of: a) a witness in a criminal case involving serious, extremely serious or exceptionally serious offenses, in the stage of criminal investigation or trial, according to art.90 of the Criminal Procedure Code; b) injured party in a criminal case related to serious offenses, extremely serious or exceptionally serious, in the stage of criminal investigation or trial, according to art.59 of the Criminal Procedure Code; c) a victim in criminal proceedings involving serious, extremely serious or exceptionally serious offenses, in the criminal investigation or trial phase, who accept to cooperate until the criminal proceedings are commenced; d) a suspected, accused, defendant who accepts to make statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; e) convicted during the execution of a custodial sentence of imprisonment or life imprisonment who accepts to submit statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; f) a person who does not have a procedural quality but agrees to provide information on the preparation of serious, particularly serious or exceptionally serious crimes. At the request of the persons mentioned in letters a) -f), the close relatives and their family members may also be protected.

## Ukraine

**(General Comment):** Victims of rape have the possibility of closed procedure that excludes the public; ethnic minorities and disabled persons should be granted language interpreter and other required assistance during court proceeding; in respect of juvenile offenders, there is an obligation to hear the opinion of an association protecting the interest of a minor accused of a crime. Besides, other specific arrangements include ramps that are built to provide free access to the court buildings. At the acceptable height, there is a call button and accessibility badges for visually impaired people (Braille signs). It is also possible to freely receive information as to the case (its consideration, date of the hearing, the decision taken), telephone numbers of the court.

**(2020):** Information mechanism:

a public, free of charge, and personalized information mechanism, operated by the police or the justice system, which enables the victims of criminal offenses to get information on the follow-up to the complaints they have launched.

Special arrangements in hearings:

Judicial proceedings may be conducted via videoconference during a broadcast from another premises, including those located outside the court premises (remote court proceedings), in the case of impossibility of direct participation of a participant in criminal proceedings in court proceedings due to health or other good reasons; the need to ensure the safety of persons; interrogation of a minor or juvenile witness, victim; the need to take such measures to ensure the efficiency of court proceedings; the existence of other grounds determined by the court sufficient (part 1 of Article 336 of the Criminal Procedural Code of Ukraine).

In cases when it is necessary for objective clarification of circumstances and/or protection of the rights of a minor or juvenile witness, by court decision they may be interrogated outside the courtroom in another room using videoconference (remote court proceedings) (Part 4 Article 354 of the Criminal Procedural Code of Ukraine).

In exceptional cases related to the need to obtain the testimony of a witness or victim during the pre-trial investigation, if due to danger to life and health of the witness or victim, their serious illness, presence of other circumstances preventing their interrogation in court or affecting the completeness or accuracy of the testimony, the party to the criminal proceedings, the representative of the legal entity subject to the proceedings, have the right to ask the investigating judge to interrogate such a witness or victim in court, including simultaneous interrogation two or more persons already interrogated. In this case, the interrogation of a witness or victim is carried out in a court session at the location of the court or the stay of a sick witness, the victim in the presence of the parties to the criminal proceedings in compliance with the rules of interrogation during the trial.

The testimony of minors under 16 is received without taking an oath (part 2 Article 232 of the Civil Procedural Code).

Other specific arrangements:

The investigating judge, court, prosecutor, the investigator shall provide the participants in criminal proceedings - who do not know or do not know enough the state language - the right to testify, petition, and file complaints, to speak in court in their native language or another language they speak, using the services of an interpreter in the manner prescribed by this Code (Article 29 of the Criminal Procedural Code of Ukraine).

## Question 164

### Armenia

**(2020):** The special law is the Judicial Code of RA.

### **Azerbaijan**

**(2020):** "Special Law" is Law on Courts and Judges, Law on Judicial-Legal Council

### **Question 166**

### **Armenia**

**(2020):** Law on Prosecution

### **Azerbaijan**

**(2020):** Law of the Republic of Azerbaijan "On Prosecutor's Office" , Law "About service in bodies of prosecutor's office",Criminal Procedure Code

### **Question 172-0**

### **Armenia**

**(2020):** Corruption Prevention Commission has a huge role in this process. According to Part 6 of the Article 25 of the “Law on the Corruption Prevention Commission”: “If, as a result of the analysis of the declarations, the Commission concludes that the declaration has not been submitted within the period prescribed by law or has been submitted in violation of the relevant requirements or procedure, or the declared information is incorrect or incomplete, it shall initiate administrative violation proceedings.

### **Question 173**

### **Armenia**

**(2020):** It was drafted in 24.12.2018 and have not been updated yet.

### **Georgia**

**(2020):** in 2001, 2007 and 2021.

### **Republic of Moldova**

**(2020):** It was approved by the Decision of the General Assembly of Judges no. 8 of September 11, 2015 and amended by GAJ Decision no. 12 of March 11, 2016.

### Question 175

#### Armenia

**(2020):** The rules of conduct of the prosecutor are established by the “Law on Prosecutor’s Office”, and the requirements arising from them are defined by the order of the Prosecutor General. These rules were last reviewed in 2018

#### Georgia

**(2020):** There is no legal requirement to update the code of ethics in certain period of time. The update depends on the identified needs. For instance, the code of 2017 was updated in 2020.

#### Republic of Moldova

**(2020):** It was approved by the Decision of the General Assembly of Prosecutors no. 4 of May 27, 2016 and amended by the Decision of the General Assembly of Prosecutors no. 1 of 22.02.2019.

### Question 176

#### Armenia

**(2020):** The possibility of applying to Disciplinary commission for advice on the rule of ethics and conduct has been eliminated based on Venice Commissions report and the concerns that we have. Specifically, a Disciplinary body responsible for initiating a disciplinary should not have the authority to interpret those rules. There is no body in the judiciary which can be authorised to give advice on ethical rules. Besides, the advice will lead to complying to the interpretation, which can be explained differently by the Supreme Judicial Council, which is responsible for applying disciplinary measures. Thus, contradicting opinions will exist regarding the same rule. The status of advice on ethics or rules of conduct and its influence should be clear and not lead to conflicting situations.

#### Republic of Moldova

**(General Comment):** In the case of dilemmas or problems, which concern the interpretation and the application of the provisions of the Code of ethics and professional conduct of a judge, the Ethics Committee, as an advisory body, adopts, ex officio or upon request a written advisory opinion on how to resolve the matter. The opinion is general. In the case of the dilemma on behavior in a concrete case, which concerns a judge, he\she may ask for a recommendation (an advice), and the Committee, in a shortest term, is going to present its opinion, from the perspective of the provisions of the Code of ethics.

The Ethics Committee issues advisory opinions and recommendations on conduct in the future to be followed. No advisory opinions and recommendations are issued on past or present conduct, unless this will continue in the future.

The Ethics Committee was created in 2018 by the Superior Council of Magistracy. A specific Regulation was approved by the Superior Council of Magistracy's decision (229/12 from 2018) in this regard. The meetings of the Committee are deliberative in the majority composition of its members. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Magistracy.

### Question 177

#### Azerbaijan

**(2020):** This body has been created in 2016.

#### Republic of Moldova

**(General Comment):** The Ethics Committee has 5 members - judges who are also members of the Superior Council of Magistracy.

#### Ukraine

**(2020):** The institution responsible for issues of ethics in respect of judges is the Council of Judges of Ukraine.

There is a Committee on Ethics, Prevention of Corruption and Conflict of Interest within the Council. Its tasks inter alia include preparation of draft explanations, recommendations and advisory opinions of the Council on the application and interpretation of the rules of judicial ethics.

### Question 178

#### Republic of Moldova

**(General Comment):** For the purpose of ensuring confidentiality, the Committee's documentation, including all opinions, requests, replies, draft opinions / recommendations distributed, acts, documents, files, communications with Committee staff and procedures will be kept confidential and will not be made public, unless the solicitant agrees. Opinions of public interest are published on the website of the SCM.



## Ukraine

**(2020):** At the same time, the Council of Judges of Ukraine publishes the decisions, connected with ethical issues, on its website, as well as documents such as the Commentary to the Code of Judicial Ethics.

## Question 179

## Georgia

**(2020):** The General Inspectorate of the General Prosecutor's Office, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors. The statistics of such consultations is not

## Republic of Moldova

**(General Comment):** According to the provisions of the national legislation the Disciplinary and Ethics Committee subordinated to the Superior Council of Prosecutors has the competence to adopt recommendations on the prevention of disciplinary misconduct and compliance with ethics by the prosecutors. The Disciplinary and Ethics Committee was created in 2016 by the Superior Council of Prosecutors. A specific Regulation was approved by the Superior Council of Prosecutor's decision (12-228/16 from 2016) in this regard. The meetings of the Committee are deliberative if at least 5 of its members are present. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Prosecutors.

## Ukraine

**(2020):** Due to the entry into force on September 25, 2019, of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office" dated September 19, 2019, № 113-IX (the Law № 113-IX) the provisions of the Law, which determined the status and powers of the Qualification and Disciplinary Commission of Prosecutors, to which belonged a function of giving opinions on ethical questions of the conduct of prosecutors, were suspended until September 1, 2021. The chairman and members of the Commission were considered dismissed, and their powers were terminated prematurely (paragraph 2, subparagraphs 2 of paragraph 21 of Section II "Final and Transitional Provisions" of Law № 113 – IX).

## Question 180

## Armenia

**(2020):** Pursuant to Article 57(10) of the RA Law on the Prosecutor's Office, the prosecutor may apply to the Ethics Committee for advisory comments on the prosecutor's code of conduct, and the Ethics Committee, in accordance consists of of seven members.

## **Azerbaijan**

**(2020):** In order to bring to disciplinary responsibility for unethical conduct of prosecutors by reviewing information collected on violations of the rules of ethical conduct, conflict of interest, transparency and anti-corruption or service inspections, giving an opinion on the imposition of disciplinary sanctions in ethical conduct, An Ethics Commission has been established in the Prosecutor General's Office. The prosecutor's office shall consider the relevant information about the employee or the material collected during the official inspection in accordance with the principles of legality, collegiality, justice, impartiality and objectivity and submit it to the Prosecutor General. The Ethical Conduct Commission has 7 (seven) members, who are appointed by the Prosecutor General of the Republic of Azerbaijan from among the candidates elected by the Board of the Prosecutor General's Office. 5 members of the Commission are authorized to carry out disciplinary proceedings.

## **Republic of Moldova**

**(General Comment):** The Committee consists of 7 members: 5 members prosecutors and 2 members appointed by civil society.

## **Question 181**

### **Armenia**

**(2020):** In practice, there has been only one case when prosecutor realizing the disciplinary proceedings applied to the Ethics Committee for an advisory opinion.

## **Republic of Moldova**

**(General Comment):** The Committee, in order to provide guidelines to other prosecutors who may be in similar situations, may decide to publish individual opinions on the official website of the Superior Council of Prosecutors. In this case, the name of the prosecutor and other information that constitutes personal data will be excluded from the individual opinion before its publication. The opinions are published in the same menu as the decisions concerning disciplinary issues.

## **Question 182**

### **Armenia**

**(2020):** On June 2017 the "Law on the system of whistle-blowing" was adopted in Armenia and according to the law, others could report on a conflict of interests related to judges as well to prosecutors.

Also any intervention into the activities of the court, with the purpose of hindrance to the administration of justice or any intervention into the activities of the prosecutor, investigator or the person in charge of inquiry, with the purpose of hindrance to the comprehensive, complete and objective investigation of the case is considered a crime according to the Article 332 of the Criminal code.

## Georgia

**(2020):** Interference in the decision-making process of a judge or a member of the High Council of Justice may be subject to disciplinary or criminal liability. Furthermore, the Organic Law of Georgia “on Common Courts” prohibits ex parte communication with judges of common courts. In particular, at the stage of criminal investigation or from the moment a case is submitted to a court until the court judgment enters into force, any communication with a judge on the part of the party to the proceedings, an interested person, a public servant, a state servant, a state political official and a political official, if such communication is related to the consideration of a case and/or to a presumable result of a case, and which fails to comply with the principles of independence and impartiality of court/judge, and of the adversarial nature of legal proceedings, shall be prohibited. In the case of ex parte communication the judge shall immediately notify in writing the chairperson of the court or a judge authorised by him/her. If there was communication with the chairperson of the court, the chairperson of the court shall immediately notify in writing the chairperson of a higher instance court or a judge authorised by him/her. If there was communication with a judge of the Supreme Court, he/she shall immediately notify in writing the first deputy chairperson of the Supreme Court or a deputy authorised by the chairperson of the Supreme Court. If there was communication with the Chairperson of the Supreme Court, he/she shall immediately notify in writing the High Council of Justice of Georgia. (Organic Law of Georgia “on common courts”.) Information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Furthermore, the Civil Service Bureau manages a whistleblowing website [www.mkhileba.gov.ge](http://www.mkhileba.gov.ge). The latter is the channel for whistleblowing, and anyone can make a statement via this website.

Information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Furthermore, the Civil Service Bureau manages a whistleblowing website [www.mkhileba.gov.ge](http://www.mkhileba.gov.ge). The latter is the channel for whistleblowing, and anyone can make a statement via this website.

## Republic of Moldova

**(General Comment):** There is a free of charge national anticorruption hotline available 24/24, seven days in a week (0-800-55555), where any person can report cases of corruption to the National Anticorruption Center. Confidentiality is guaranteed.

In order to prevent and combat cases of corruption in the judiciary, the Superior Council of Magistracy has established the anti-corruption hotline functional between 8:00 and 17:00 5 days in a week:(022) 990-990 (Chancellery).

Through the displayed phone number, any person has the opportunity to communicate about the known act of corruption in the judiciary. Confidentiality is guaranteed.

## Question 184

## Armenia

**(2020):** According to Parts 2 and 3 of the Article 42 of the Judicial Code: “Where a judge is in charge of a case of particular complexity, the judge may apply to the Supreme Judicial Council with a suggestion to temporarily remove his or her name and surname from the distribution list or define a different percentage of cases to be distributed to him or her. Where it finds the application of the judge to be reasonable, the Supreme Judicial Council shall make a decision on temporarily removing the name and surname of the judge from the list of distribution of cases or on prescribing a different percentage of cases to be distributed to the judge and define a certain time limit for it which may not exceed six months. Based on the application of the judge, the Supreme Judicial Council may make a decision on extending the time limit of six months where the examination of the case of particular complexity has not ended.

The name and surname of a judge shall be removed from the list of distribution of cases:

- (1) in the case of a leave — for the period of the leave and the period of the preceding ten days;
- (2) in the case of secondment to another court — for the period of secondment and the period of the preceding ten days. The name of the seconded judge shall be removed from the list of distribution of cases of the court to which the judge was seconded one month before the expiry of the period of secondment;
- (3) in the case of temporary incapacity, participation in training courses, secondment abroad or suspension of powers — for the relevant period;
- (4) in the case of expiry of the term of office — three months before the expiry of the term of office;
- (5) in other cases provided for by this Code”.

### **Azerbaijan**

**(2020):** A judge's illness, business trip or vacation precludes his participation in the distribution of cases. In case of repeated appeals to the court on returned or pending cases, the system provides for the transfer of these cases to the judge who returned the case or did not consider it (presiding in a collegial form), regardless of the number of cases filed in the current year.

When cases involving overturning of judgments by higher courts are referred to lower courts for retrial, the system ensures that these cases are allocated to other judges who have not previously participated in the proceedings.

When cases related to the annulment of court decisions by higher courts are sent to lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings. In exceptional cases, the judges may be held away from the distribution.

### **Question 185**

### **Armenia**

**(2020):** The Judicial Code prescribes the circumstances when the cases are redistributed. According to Part 1 of the Article 46 of the Judicial code: “If a judge has been seconded, or his or her secondment period has expired, or he or she has been transferred to another court, or judges have exchanged their positions, or a judge has recused himself or herself from the case in question, or has participated in the examination of the case in question in the past, or has rejected the institution of proceedings the decision on which has been reversed in the manner prescribed, or his or her powers have been suspended, automatically or imposingly terminated, then the cases assigned to that judge shall be redistributed among other judges of relevant specialization of the court in question”.

### Question 186

#### Azerbaijan

**(2020):** When cases related to the annulment of court decisions by higher courts are sent to the lower courts for reconsideration, the system ensures the distribution of those cases among other judges who have not previously participated in the proceedings.

#### Georgia

**(2020):** Reassignments occur when there is recusal issues, envisaged by criminal, civil and administrative procedure codes. National Legislation enshrine the specific reasons for recusal of relevant case.

### Question 190

#### Armenia

**(2020):** Judicial code

#### Azerbaijan

**(2020):** Law “On Approval of Procedures for Submission of Financial Information by Public Officials”, LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION  
However, it was not implemented in 2020 due to the lack of approval of the financial information declaration form.

### Question 192

#### Armenia

**(2020):** The Government’s decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:  
<https://www.arlis.am/DocumentView.aspx?DocID=153169>

#### Azerbaijan

**(2020):** The existing declaration form of income is being modernized and at this moment the final version can not be provided.

## Georgia

(2020): <https://declaration.gov.ge/img/slider-doc.pdf>

### Question 194

#### Armenia

**(2020):** According to article 69 of judicial code: When engaging in any activity and in cases provided for by the Law on the Commission for the Prevention of Corruption, a judge shall be obliged: to submit, in the cases and under the procedure prescribed by the Law “On the Commission for Prevention of Corruption, to the Commission for Prevention of Corruption appropriate materials or clarifications establishing that the changes in his or her property (increase in property and (or) decrease in liabilities) are reasonably justified by lawful income, or that he or she does not possess non- declared property or property not completely declared, or the source of income is lawful and reliable.

Accordinging article 25 paragraph 5.1 of the law on corruption prevention commission In case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

#### Georgia

**(2020):** A person shall submit an official's asset declaration to the Civil Service Bureau within two months after his/her appointment. During his/her term of office, an official shall annually complete and submit an official's asset declaration within the respective month of completion of the previous declaration. An official shall, within two months after dismissal, if he/she failed to submit the declaration within the calendar year of his/her dismissal, and within the same, respective month of completing the previous declaration in the year following the dismissal, unless he/she is appointed to another position, complete and submit an official's asset declaration.

The options “at the beginning of the term of office’ and ‘at the end of the term of office” also applies to judiciary of Georgia. According to Article 14 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, “1. A person is obliged to submit a declaration of property status of an official to the Civil Service Bureau within two months after being appointed to the position. The procedure for submitting a declaration of assets of an official shall be determined by the Government of Georgia.

2. The person of the position is obliged to fill in and submit the declaration of the property status of the official every year during the relevant month of the month of filling in the previous declaration.

A person is obliged to fill in and submit declaration within 2 months after dismissal, if he / she has not submitted a declaration during the calendar year of dismissal, as well as in the year following the dismissal, corresponding to the month of filling in the previous declaration, during the same month if he / she is not appointed to another position, fill in and submit the declaration of property status of the official. ”

### Question 195

## Armenia

**(2020):** Comments According to article 34 of the law on the Public service “7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

8. Adult members of the declarant official's family shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

9. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

## Republic of Moldova

**(2020):** According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration;

## Question 196

### Armenia

**(2020):** According to article 34 of the law on the Public service . Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as for declarant official.

## Question 200

### Armenia

**(2020):** Declarations are published in the official webpage of Corruption prevention commission

## Question 201

### Armenia

**(2020): Criminal code**

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

(Title was amended on 21.01.20 HO-72-N )

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia " On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand five hundred to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

(314.2 article was supplemented on 09.06.17 HO-102-N, was amended on 24.06.19 HO-96-N, 21.01.20 HO-72-N, 25.03.20 HO-207-N)

(article 29.12.20 with the amendment of the law HO-3-N will enter into force on 01.01.22)

Code on Administrative Violations

Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage.

(...)

**Azerbaijan**

**(2020):** According to the article 10 of the LAW OF THE REPUBLIC OF AZERBAIJAN "On approval of the "Rules on submission of financial information by officials"" violation of these Rules entails criminal, administrative or disciplinary liability in accordance with the legislation of the Republic of Azerbaijan. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for non-compliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

**Georgia**



**(2020):** Pursuant to Article 20 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, failure to submit an official declaration of assets of an official within the period specified in Article 14 of this Law shall result in a fine of 1000 GEL, in connection with which an individual administrative-legal act is issued - an ordinance on imposing a fine. Failure of an official to submit a declaration of assets of an official within 2 weeks from the date of entry into force of the decree or court decision (ruling) on imposing a fine will result in criminal liability.

Failure to submit a declaration of assets under Article 355 of the Criminal Code, after the imposition of an administrative penalty for such an act, or intentionally incomplete or incorrect entry of data in the declaration, is punishable by a fine or community service for a term of one hundred and twenty to two hundred hours, with deprivation of the right to hold office or engage in activities for a term of up to three years.

## Question 202

### Armenia

**(2020):** In 2021, an administrative proceeding was initiated against one former judge of Court of General Jurisdiction due to violations/discrepancies in their declarations of assets and the proceeding was terminated. Administrative proceedings were initiated against 5 members of Supreme Judicial Council, 2 of which were terminated, in 1 case an exemption from administrative liability was applied, in 2 cases a warning as a type of administrative penalty was applied. In 2021, no administrative proceedings were initiated against judges due to violations/discrepancies in their declarations of assets.

### Georgia

**(2020):** This information (statistics) is processed by the Civil Service Bureau.

### Republic of Moldova

**(2020):** The source of the data is the National Authority for Integrity.

## Question 203

### Armenia

**(2020):** Prosecutors are required to submit declaration of assets by The Law on public service. In particular the article 34 paragraph 1 describes the scope of the declarants.

### Azerbaijan

**(2020):** Law “On Approval of Procedures for Submission of Financial Information by Public Officials”, LAW OF THE REPUBLIC OF AZERBAIJAN ON COMBATING CORRUPTION, "Rules of work organization at the Prosecutor General's Office"

### Question 205

#### Armenia

**(2020):** The Government’s decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:  
<https://www.arlis.am/DocumentView.aspx?DocID=153169>

#### Azerbaijan

**(2020):** The existing declaration form of income is being modernized and at this moment the final version can not be provided.

#### Georgia

**(2020):** Please, follow the link below: <https://matsne.gov.ge/ka/document/view/105358?publication=0>

### Question 207

#### Armenia

**(2020):** Annual declarations are submitted by May 31 of each year.

#### Georgia

**(2020):** The Prosecutors, who are eligible to file the asset declaration, are obliged to do it in two months after the appointment, annually, during the term in office and depending on the date of submission of the last declaration, twice or once after leaving the office, until the end of the next year.

### Question 208

#### Azerbaijan

**(2020):** The information specified in Article 5.1 of the Law of the Republic of Azerbaijan "On Combating Corruption" also includes information on the property, financial and property obligations of family members of officials (husband or wife and their parents and children living with them).

## Georgia

**(2020):** In addition to spouse and children (under legal age), the declaration also concerns person permanently residing with the person obliged to file the asset declaration.

## Republic of Moldova

**(2020):** According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration.

## Question 209

### Armenia

**(2020):** According to article 34 of the law on the Public service . Family members of a declarant official shall introduce, in the declaration on assumption of official duties of a declarant official, data on their property and income, whereas in the declaration on termination of his or her official duties as well as in the annual declaration — data on property, income and expenses. Hence family members do not introduce declaration on interests, so the declaration is not exactly the same as for declarant official.

## Question 213

### Armenia

**(2020):** Declarationes are published in the official webpage of Corruption prevention commission

### Azerbaijan

**(2020):** According to Article 9 of the Law of the Azerbaijan Republic “On Approval of Procedures for Submission of Financial Information by Public Officials” , financial information provided by a public official is a secret of private life and the bodies receiving financial information must ensure the confidentiality of such information.

## Georgia

**(2020):** see <https://declaration.gov.ge/>

## Question 214

## Armenia

Article 314.2. Deliberate failure to submit declarations to the Corruption Prevention Commission

(Title was amended on 21.01.20 HO-72-N )

1. A person who has the duty to submit a declaration established by the Law of the Republic of Armenia " On public service " intentionally fails to submit declarations within 30 days after the application of the administrative penalty established by part 1 or 4 of Article 169.28 of the Code of Administrative Offences of the Republic of Armenia:

is punishable by a fine in the amount of one thousand to two thousand times the minimum wage or by imprisonment for a term not exceeding two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years.

(314.2 article was supplemented on 09.06.17 HO-102-N, was amended on 24.06.19 HO-96-N, 21.01.20 HO-72-N, 25.03.20 HO-207-N)

(article 29.12.20 with the amendment of the law HO-3-N will enter into force on 01.01.22)

[ ] Other disciplinary sanction: Code on administrative violations. Article 169.28. Failure to submit declarations to the Corruption Prevention Commission within the prescribed time period, or submitting the declarations in the violation of the requirements on completing declarations or of the procedure of submitting declarations, or negligently submission of incorrect or incomplete data in the declaration 1. Failure to submit by the person having the obligation to submit the Declaration established by the law "On public service" (hereinafter in this article-declarants), within 30 days after the expiry of the terms established by the law "On public service" on the written notification of the Corruption Prevention Commission shall entail imposition of a fine in two hundred times the established minimum wage;

## Azerbaijan

**(2020):** According to Article 10 of the Law of the Azerbaijan Republic "On Approval of Procedures for Submission of Financial Information by Public Officials"

Violation of these procedures shall result in criminal, administrative and disciplinary

actions. It should be noted that it is foreseen to incorporate a dedicated norm into the Code of Administrative Offences which will envisage administrative liability for officials, in the case of non-submission, late submission or false statement in declarations by officials. Draft is already ready, and it is expected to enter into force soon. According to the draft, officials will be held administratively liable for non-compliance with requirements envisaged by Article 5 of the LAW on Combating Corruption and for relevant violations it will be possible to impose fines or more serious administrative sanctions about officials.

## Georgia

**(2020):** According to Article 355 of the Criminal Code of Georgia, failure to submit a property declaration after an administrative penalty has been imposed for such an act, or intentional entry of incomplete or incorrect information therein, shall be punished by fine or corrective labour from one hundred and twenty to two hundred hours, with deprivation of the right to carry out activities for up to three years.

### Question 215

#### Armenia

**(2020):** In 2020, no administrative proceedings were initiated against prosecutors due to violations/discrepancies in their declarations of assets. In 2021, an administrative proceeding was initiated against one prosecutor due to violations/discrepancies in their declarations of assets. The proceeding was terminated.

#### Georgia

**(2020):** In 2020, no criminal cases were initiated, completed or sanctions imposed against prosecutors due to violations/discrepancies in their declaration of assets.

#### Republic of Moldova

**(2020):** The source for presented information is the National Authority for Integrity.

### Question 217

#### Georgia

interest; Declare incompatibility of interests before being appointed / elected to the relevant position or after appointment / election, as soon as he / she becomes aware of the fact of incompatibility of interests.

According to the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, a civil servant, who is obliged to make a decision on which he / she has property or other personal interests, is obliged to resign and notify his / her immediate superior (superior body) in writing. Makes the appropriate decision by itself, or imposes this duty on another official.

However, according to the Code of Criminal Procedure, a judge may not participate in criminal proceedings if: he / she was not appointed or elected to a position in accordance with the law; Participates or has participated in this case as an accused, a lawyer, a victim, an expert, an interpreter or a witness; An investigation is underway into the possible commission of a crime by him; Is a family member or close relative of the accused, lawyer, victim; They are family members or close relatives of each other; Was a mediator in the same case or in another case substantially related to that case; There is another circumstance that casts doubt on its objectivity and impartiality. If there is a circumstance precluding the judge's participation in the criminal proceedings, he or she should immediately resign.

According to the Code of Civil Procedure, a judge who participated in the first instance hearing of a case cannot participate in the hearing of this case in the Court of Appeal and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Appeal may not participate in the hearing of this case in the Court of First Instance and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Cassation may not participate in the hearing of this case in the Court of Appeal and / or the Court of First Instance. However, the court hearing the civil case may not include persons who are close relatives of each other, and if such relatives are still found among them, they should be excluded from the hearing of the case. A judge may not hear a case or take part in the hearing if he or she: a) is a party to the case or has common rights or obligations with that party; B) participated in the previous hearing of this case as a witness, expert, specialist, translator, representative or secretary of the court; C) is a relative of the party or its representative; D) is personally, directly or indirectly interested in the outcome of the case, or if there are other circumstances that cast doubt on its impartiality; E) was a mediator in the same case or in another case substantially related to that case. If there are grounds for avoidance, the judge is obliged to declare self-avoidance. The judge (court) issues a decision on self-avoidance, which must indicate the grounds for self-avoidance.

According to the Code of Administrative Procedure, a judge may not participate in the hearing of a case if he or she has previously participated in administrative proceedings in connection with the case.

"Gift" is property or services rendered to a public servant, his family member free of charge or on preferential terms, full or partial release from property liability, which is an exception to the general rule. The total value of gifts received by a public servant during the reporting year should not exceed 15% of his / her annual salary, and 5% of one-time gifts - if these gifts are not received from a single source. The total value of gifts received by each member of the civil servant family during the reporting year should not exceed GEL 1,000 per family member, and one-time gifts - GEL 500 if these gifts are not received from a single source.

If a public servant or his / her family member determines after receiving the gift that the value of the gift exceeds the amount allowed by law, and / or if for some

## Question 218

### Armenia

**(General Comment):** A judge may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

## Ukraine

**(2020):** Article 54 of the Law of Ukraine "On judiciary and the status of judges". Requirements regarding incompatibility 1. Holding a position of a judge shall be incompatible with holding a position in any other body of state power, the body of local self-government, and a representative mandate. Occupying a position of a judge is also incompatible with the effective prohibition to hold office for such a person who is subject to the purification of authorities in the manner stipulated by the Law of Ukraine "On purification of authorities." 2. A judge may not combine his/her activities with entrepreneurial activities, legal practice, hold any other paid positions, perform other paid work (except for teaching, research, or creative activities), or be a member of the governing body or a supervisory board in a company or organization that is aimed at making a profit. 3. Persons who are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interests in the functioning of any legal entity aimed at making profit shall be obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third party (without a right of giving instructions to such person regarding the disposition of such shares, corporate or other rights or regarding the exercise of rights which arise therefrom) for the term of judicial office. A judge may receive interest, dividends, and other unearned income from the property he/she owns. 4. A judge may not belong to a political party or a trade union, demonstrate affiliation with them and participate in political campaigns, rallies, strikes. While in office, a judge may not be a candidate for elective positions in bodies of the state power (other than judicial) and bodies of local self-government, as well as participate in the election campaigning. 5. In case of appointment of as a member of the High Council of Justice, the High Qualification Commission of Judges of Ukraine, they shall be seconded to work with those bodies on a permanent basis. Judges who are members of those bodies retain guarantees of material, social, and household support envisaged by law for judges. 6. A judge, upon their application, may be seconded for work at the National School of Judges of Ukraine, and a judge elected as Chairperson or Deputy Chairperson of the Council of Judges of Ukraine – at the Council of Judges of Ukraine, with the preservation of the amount of judicial remuneration at the main job and of any bonuses envisaged by law. 7. A judge shall comply with the requirements regarding incompatibility stipulated by anti-corruption legislation. Secondment for work at the High Council of Justice, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine, and Council of Judges of Ukraine shall not be regarded as a compatibility of jobs.

## Question 221

## Armenia

**(2020):** But there is a norm in JUDICIAL CODE:

Article 59. Right of a judge to participate in educational programmes

1. A judge shall have the right to participate in educational programmes, conferences and other professional gatherings of lawyers.
2. The consent to be absent for not more than up to five days per year for participating in educational programmes, conferences and other professional gatherings of lawyers during working hours shall be given by the chairperson of the court. To receive consent for a longer period, a judge shall, upon the consent of the chairperson of the court, apply to the Training Commission.
3. The consent to participate in other educational programmes, conferences and other professional gatherings of lawyers shall be granted to the judge so as not to impede the normal operation of the court.
4. Where a judge has received the consent of the chairperson of the court or that of the Training Commission, the absence of the judge in connection with participation in such events shall be considered to be with valid excuse, and the judge shall retain his or her salary.
5. Disputes related to failure to grant consent shall be settled by the Supreme Judicial Council.

#### Question 224

##### Republic of Moldova

**(2020):** The source of the data is the National Authority for Integrity.

#### Question 226

##### Georgia

**(2020):** Pursuant to Article 75(1), Paragraph 8, Subparagraph “g.a” of the Organic Law of Georgia on Common Courts, a disciplinary misconduct is a corrupt violation by a judge, i.e Committing an offense under Articles 5, 5(2), 7, 8, 10, 11, 13, 13(4), 13(5) or 20(4) of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions. These articles include the prohibition of accepting a gift in the above amount, as well as incompatible activities and others.

In addition, disciplinary proceedings against a judge are initiated by an independent inspector, who submits a prepared report to the High Council of Justice. The High Council of Justice decides on the termination of disciplinary proceedings or the initiation of disciplinary proceedings, and on the disciplinary action of a judge or termination of disciplinary proceedings after the commencement of disciplinary proceedings. A judge may be disciplined on the basis of the above-mentioned subparagraph. The disciplinary panel shall consider and decide on the application of a disciplinary sanction against the accused judge, and in case of appeal against the decision of the disciplinary panel, the Disciplinary Chamber.

Please see answer to question #169 of the questionnaire.

#### Question 227

##### Armenia



**(General Comment):** A prosecutor may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

### **Georgia**

**(2020):** The Organic Law of Georgia on Prosecution Service allows prosecutors to carry out teaching and research activities, as well as cultural activities. There is no need for obtaining permission for undertaking these activities.

### **Republic of Moldova**

**(General Comment):** According to the rules approved by the Superior Council of Prosecutors in 2018 the prosecutor who intends to carry out didactic and scientific activity shall submit to the SCP apparatus a request for the cumulation of the activity of prosecutor with the didactic / scientific activities which should contain specific information for the accomplishment of the targeted activities (institution, manner and conditions of exercise). A prosecutor may cumulate the activity for a determined period of time or part-time, which should not affect the exercise of the functional obligations and the principles of organization or activity of the Prosecutor's Office. The didactic and/or scientific activities can be carried out by the prosecutor in the universities, National Institute of Justice, different training activities organized for civil servants, projects aiming the implementation of the national or international policy of the state in criminal matters.

### **Ukraine**

**(2020):** Public prosecutors can also combine their work with medical practice and act as instructors and arbitrators in sports.

### **Question 229**

### **Azerbaijan**

## Chapter 68. Additional labor activity

### 1. Conditions for engaging in additional labor activity

1.1. It is the right of a prosecutor to engage in scientific, pedagogical and creative activities.

1.2. An employee of the Prosecutor's Office may work in educational and non-educational institutions, on a permanent and temporary basis, in paid and unpaid areas.

1.3. A prosecutor may not engage in scientific, pedagogical or creative activities in the following cases:

1.3.1. if the implementation of that activity has led to a violation of the executive discipline of the prosecutor at the workplace;

1.3.2. when the occupation of a prosecutor creates a threat to the disclosure of confidential information, the nature of which is defined by law.

1.4. Unreasonable restriction of the right of a prosecutor to engage in scientific, pedagogical and creative activities shall not be allowed.

1.5. A salary (reward) for the implementation of scientific, pedagogical and creative activities that may affect the impartial performance of official duties by a prosecutor or that may create the impression of such influence may not be accepted by a prosecutor.

1.6. The daily working hours of the substitute in connection with scientific, pedagogical and creative activities may not exceed 4 hours, and the weekly period may not exceed 20 hours.

1.7. Receipt of a previous refusal to engage in scientific, pedagogical or creative activities shall not restrict the right of a prosecutor to re-apply in connection with that matter.

### 2. Resolution of appeals related to additional employment

2.1. In order to engage in scientific and creative, pedagogical activities during working hours, the prosecutor's office employee shall apply to the Prosecutor General with the consent agreed with the head of the relevant structural unit.

2.2. Within 7 (seven) days, the Personnel Department submits the appeal to the Prosecutor General together with the reference containing its opinion. The Personnel Department shall respond to the author of the appeal by letter within 3 (three) working days on the results of consideration of the appeal by the Prosecutor General.

2.3. If the appeal is not granted, a reasoned response shall be given, stating the reasons for the refusal. A copy of the letter on the results of the appeal shall be attached to the personal file of the prosecutor.

2.4. In accordance with the requirements of Article 58 of the Labor Code, the second place of employment of a prosecutor is the second place of employment where a substitution employment contract is concluded in connection with scientific, pedagogical and creative activities.

2.5. The employment record book of a substitute prosecutor shall be kept in the Personnel Department at the main place of work.

2.6. In order to conclude an employment contract on a substitute basis, a prosecutor shall be issued a certificate of the main place of work.

2.7. A copy of the contract concluded between the prosecutor's office employee and the relevant department, enterprise or organization in connection with

## Question 231

### Armenia

the RA “Law on the Prosecutor's Office” (hereinafter “The Law”). Thus, according to the Article 56, the Prosecutor General may institute disciplinary proceedings against a prosecutor on the grounds prescribed by the Law. In the case of receiving a communication or motion to institute disciplinary proceedings against a prosecutor on the ground prescribed by point 4 of part 1 of Article 53 of the Law, the Prosecutor General or, in the case provided for by part 4 of the Article 56, the Ethics Commission shall, within a period of three days, forward the communication or motion to the Commission for the Prevention of Corruption. Where the institution of disciplinary proceedings against a prosecutor is initiated by the Prosecutor General, the latter shall, within a period of three days, submit to the Commission for the Prevention of Corruption information on the fact of failure by the prosecutor to comply with the restrictions or incompatibility requirements prescribed by Article 49 of the Law. The Ethics Commission shall also have the right to institute disciplinary proceedings against a prosecutor by the majority vote of the members present at the sitting based on communications provided for by point 3 of part 1 of the Article 56 addressed to the Ethics Commission, except for the case provided for by part 2 of the Article. According to the Article 57 of the Law, the Prosecutor General shall, within a period of seven days following the completion of the disciplinary proceedings, submit the issue of imposing disciplinary action , which may also include a motion to impose a disciplinary penalty. The Ethics Commission shall render one of the following decisions:

- (1) on the absence of a disciplinary violation;
- (2) on finding a disciplinary violation and the prosecutor’s guilt in it;
- (3) on finding a disciplinary violation and the absence of the prosecutor’s guilt in it.

### **Georgia**

**(2020):** In case of suspecting potential disciplinary misconduct of the PSG employee, the PSG General Inspectorate is competent to open an administrative investigation. This includes interviewing people, collecting information and reviewing materials. At the end, the PSG General Inspectorate draws report containing the findings about whether the person has committed the disciplinary misconduct or not. This report is then reviewed by the Career Management, Ethics and Incentives Council on the hearing. The subject person has a right to be represented by a lawyer, attend the hearing and give an explanation. The Council decides by the majority of votes whether person has committed the violation. If he/she was found guilty, the Council also selects the applicable sanction. The decision of the Council is recommendatory for the Prosecutor General, who is competent to formally find person guilty in the disciplinary violation and impose sanction. The Prosecutor General might disagree with the recommendation and make a different decision. However, in this case, he/she is required to provide reasons.

### **Question 232**

### **Azerbaijan**

**(2020):** According to the provision of article 26.5 of Law on the passage of service in the prosecutor's office of Azerbaijan the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated by code of ethics unless they create administrative or criminal liability.

### **Republic of Moldova**

**(General Comment):** The establishment, by a final act, a direct conclusion or by means of a third party legal act, that a prosecutor took or participated in a decision making without resolving the real conflict of interest in accordance with the provisions of the legislation on conflict of interest constitutes grounds for dismissal of the prosecutor. The dismissal of the prosecutor, the chief prosecutor or the deputy general prosecutor shall be made within 5 working days from the intervention or bringing the case to the attention of the Prosecutor General, by an order of the Prosecutor General, which is communicated to the prosecutor concerned within 5 working days from the issuance, but prior to the date of dismissal. The order of the Prosecutor General regarding the dismissal may be contested in court.

### Question 233

#### Armenia

**(2020):** Information is provided by the Prosecutor General's office.

#### Republic of Moldova

**(2020):** The source of this data is the National Authority for Integrity.

### Question 234

#### Armenia

**(General Comment):** Disciplinary body for judges is the Commission on Disciplinary and Ethics Issues under the General Assembly of judges which has not only judge members but also academics of law nominated by the civil society organisations. Corruption Prevention Commission is authorized to initiate disciplinary proceedings concerning asset declaration matters.

The Minister of Justice can also initiate disciplinary proceedings against judges.

These bodies initiate the disciplinary proceedings and apply to Supreme Judicial Council, which makes the decision.

#### Azerbaijan

**(General Comment):** The Judicial-Legal Council is entrusted to initiate disciplinary proceedings against judges. At the same time, the Ministry of Justice is also entrusted to send any information received about the violation of procedural rights of citizens in courts of first and second instances to the Judicial-Legal Council. According to the article 112 of the Law on Courts and judges only Judicial-Legal Council shall be entitled to institute disciplinary proceedings against judge. Chairmen of the Supreme Court, courts of appeal, and the relevant executive body shall be bound, within their competence, to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings, if there are elements on which the initiative of opening of a disciplinary procedure can be based or grounds for calling to

#### Georgia

**(General Comment):** The Independent Inspector of the High Council of Justice of Georgia has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

**(2020):** The Independent Inspector of the High Council of Justice of Georgia is the only person who has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

As for the reasons for initiating disciplinary proceedings, it has not changed since 2018 and still provides the following list: a) a complaint or statement by any person other than an anonymous complaint or statement; b) a report card of another judge, a member of the court or a member of the High Council of Justice of Georgia or an official of the staff on the commission of a disciplinary misconduct by a judge; c) notification of the investigative body (correction of a specific fact, which may contain signs of disciplinary misconduct); d) information disseminated through the mass media, as well as information provided in the report and / or proposal of the Public Defender of Georgia on the commission of an action by a judge, which may be considered a disciplinary violation.

### **Republic of Moldova**

**(General Comment):** The Superior Council of Magistracy is responsible for initiating disciplinary proceedings against judges but the court users, the members of the Superior Council of Magistracy, the Judicial Inspection and the Committee for the evaluation of judges can be at the origin of a disciplinary proceeding. The Judicial Inspection and the Committee for the evaluation of judges are entities subordinated to the Superior Council of Magistracy.

### **Ukraine**

**(2020):** Any person shall have the right to submit a complaint on the disciplinary offense of a judge (disciplinary complaint). Citizens shall exercise this right in person or via a lawyer, and legal entities – via a lawyer and state bodies and local self-government bodies – via their Chairpersons or representatives. A lawyer shall be obligated to verify the facts which may result in disciplinary liability of a judge before submitting a relevant disciplinary complaint. (art. 107 of the Law of Ukraine "On Judiciary and the Status of Judges").

### **Question 235**

#### **Armenia**

**(General Comment):** Only the Supreme Judicial Council has the power to make the final decision on disciplinary sanctions against judges.

#### **Republic of Moldova**

**(General Comment):** The Superior Council of Magistracy has disciplinary power on judges.

## Ukraine

**(General Comment):** Disciplinary power over judges is entrusted with the High Qualification Commission of Judges of Ukraine (as regards judges of local and appellate courts) or the High Council of Justice (as regards judges of high specialized courts and the Supreme Court). In the case of dismissal of a judge such disciplinary power belongs to the President (for the judges elected for 5-years term) or the Parliament (for the judges elected for lifetime term). Disciplinary proceedings against judges involve checking on grounds for bringing judges to disciplinary liability, opening a disciplinary case, its review and making decision by the High Qualification Commission of Judges of Ukraine (HQCJU) or the High Council of Justice (HCJ). Checking the grounds for opening a disciplinary case and bringing judges of local or appellate courts to disciplinary liability shall be made by the HQCJU. No later than 3 days after the HQCJU decision on opening a disciplinary case was made its copy shall be sent to both judge against whom disciplinary case was opened and person that filed an appeal. The disciplinary case shall be considered at the meeting of the HQCJU. The appellant, the concerned judge and other interested persons can attend the meeting. If there are justifiable reasons because of which judge cannot take part in the meeting of the HQCJU, he/she may give a written explanation on merits of the case that will be attached to the case file. The consideration of the disciplinary case against a judge is adversarial. The HCJ carries out disciplinary proceedings as regards judges of the Supreme Court and high specialized courts in the manner established by the Law on the High Council of Justice.

**(2020):** High Council of Justice

## Question 237

### Armenia

**(2020):** 39 is the number of disciplinary procedures initiated by the Ministry of Justice and Etichs and Disciplinary commission of judges. Only 16 of them were referred to SJC (11-MOJ, 5-Commission).

Professional inadequacy-includes violation of the provisions of substantive or procedural law, which has been committed deliberately or with gross negligence, while administering justice or exercising, as a court, other powers provided for by law.

### Georgia

**(2020):** oViolation of hearing deadlines – 95 cases

oExercising judicial authority by a judge under personal interest, political or social influence – 15 cases

oRefusal of the judge to Challenge / recusal – 8 cases

oDiscriminatory actions – 3 cases

As it was mentioned in the answer, 151 complaints were received in 2020, out of which disciplinary proceedings were not initiated in 3 cases due to the lack of filling the gap.

In addition, the column "Other" should be indicated in the comment, as well as the pre-disclosure of the result of the case to be considered by the judge - 1;

Obstruction by a judge of disciplinary proceedings - 1; Illegal interference in the distribution of cases by a judge in court - 1; Failure to perform or improper performance of the relevant administrative authority by a judge -1; Establishment of personal and intensive relations by the judge with the participant of the process -

### Question 239

#### Armenia

**(2020):** Other sanctions-5= 2 severe reprimands, 3 warnings

2 criminal cases are being examined against judges.

#### Azerbaijan

**(2020):** Other: 4 «Remark» for judges, 4 «Remark» for prosecutors

#### Georgia

**(2020):** The salary deduction was added as one of the types of disciplinary misconduct based on the legislative change of 13 December 2019 (effective from 1 January 2020), namely the reduction of 5% to 20% of a judge's salary for not more than 6 months.

#### Republic of Moldova

**(General Comment):** The warning is the mildest sanction that can be applied consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour.

The circumstances in which the warning sanction is applied are determined by:

- 1) the primary commission of a disciplinary violation, usually minor, of an intentional nature or by negligence;
- 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the violation.

## **(2020): Warnings**

### **Ukraine**

**(General Comment):** The difference between 2014 and the 2016 was caused by the suspension of the HQCJU work in 2014 for 8,5 month (for more details, please see comments to Q144). The HQCJU opened the disciplinary proceeding in the beginning of 2014, but had a chance to hold disciplinary liable only 13 judges during

### **(2020): Judges:**

- warnings (Other) - 72 judges;
- reprimand - 28 judges;
- severe reprimand - 22 judges;
- suspension from the administration of justice - 5 judges;
- dismissal - 14 judges

The difference between the number of initiated disciplinary proceedings and the sanctions pronounced can be explained by two reasons. First reason, few disciplinary cases may be united into one disciplinary case and the number of such cases may be rather high. The second reason, not all disciplinary cases initiated in 2020 were considered the same year. The consideration of some of them were transferred to the next calendar year.

### **Prosecutors:**

In 2020, based on the results of disciplinary proceedings, the Personnel Commission made 58 decisions to apply a disciplinary sanction to the prosecutor against 63 people, including:

- 22 decisions imposing a disciplinary sanction in the form of a reprimand on 25 prosecutors;
- 24 decisions on imposition of disciplinary sanctions in the form of dismissal from office in the prosecutor's office in respect of 26 prosecutors;
- 12 decisions imposing a disciplinary sanction in the form of a ban for up to one year on transfer to a higher-level prosecutor's office or on appointment to a higher position in the prosecutor's office in which the prosecutor holds office, in respect of 12 prosecutors.

## **Question 241**

### **Armenia**



**(2020):** It can be appealed to Supreme Judicial Council, which reviews its own decision or to the Constitutional Court (according to the Article 169 part 1 point 8 of the Constitution, everyone may apply to the Constitutional Court under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he or she challenges the constitutionality of the relevant provision of a regulatory legal act applied against him or her upon this act, which has led to the violation of his or her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice).

Article 156.1 of the Judicial Code.

Appealing against the decision of the Supreme Judicial Council on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability 1. The appeal brought by a judge against the decision on subjecting him or her to disciplinary liability or the appeal brought by the body having instituted disciplinary proceedings against the decision on rejecting the motion on subjecting a judge to disciplinary liability, respectively, shall be examined by the Supreme Judicial Council, where an essential evidence or circumstance has emerged which the person bringing the appeal did not previously introduce due to circumstances beyond his or her control and which could have reasonably affected the decision. 2. After having received the appeal, the Supreme Judicial Council shall immediately forward it to the other party, which may submit to the Supreme Judicial Council a response to the appeal within 10 days following the receipt thereof. 3. The Supreme Judicial Council shall examine the appeals against the decision on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability and shall render respective decisions thereon in writing except for the cases where it comes to a conclusion that it is necessary to examine the appeal at the session. A decision shall be rendered on examining the appeal at the court session. 4. In case a decision on examining the appeal at the court session is rendered, the parties shall be notified of the time and venue of the session. Failure to appear shall not preclude the examination of the appeal. The examination of the appeal at the court session shall start with reporting by the member reporting on the issue, who shall introduce the appeal and arguments in the response to the appeal. The members of the Supreme Judicial Council shall have the right to address questions to the rapporteur and the parties having appeared at the session, whereafter the examination of the appeal shall be declared as completed. 5. During the examination of the appeal, the Supreme Judicial Council shall revise the decision being appealed against only to the extent of the grounds and justifications of the appeal. 6. The appeal shall be examined and the decision shall be rendered within a period of two months following the receipt of the appeal. 7. Upon the results of examination of the appeal, the Supreme Judicial Council shall render a decision on upholding the decision or on revoking, in part or in full, the decision. The decision shall be adopted by at least two thirds of the total number of votes of the members of the Supreme Judicial Council. The decision shall enter into force upon its delivery in public and shall be final.”.

## Georgia

**(2020):** The decision of the High Council of Justice of Georgia to hold a judge accountable shall be considered by the Disciplinary Board of Judges of the Common Courts, whose decision shall be appealed to the Disciplinary Chamber of the Supreme Court.

## Question 242

## Armenia

**(General Comment):** The regulation on consent is stated in Art 56 para 5 of the Judicial Code.

**(2020):** Judge's consent is mandatory.

### Georgia

**(General Comment):** In general, in accordance with the law a judge may be transferred to another court with his/her consent for no more than one year. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.

### Republic of Moldova

**(General Comment):** The transfer of a judge to another jurisdiction for a limited period of time may be decided by the Superior Council of the Judiciary at the request of the president of the court in question, for organisational reasons. The judge's consent is necessary and must be given in writing (Article 20/1 of Law No. 544-XIII on the Status of Judges). Moreover, in all cases specified by Law No. 544-XIII of 20/07/1995 on the status of judges, a magistrate may be transferred to another judicial body only with his/her consent.

### Ukraine

**(General Comment):** A judge may not be transferred to another court without his/her consent, except a transfer:

1) in the event of reorganization, liquidation or termination of the court; 2) as a disciplinary measure. (Article 53 of the Law "On Judiciary and the Status of Judges")

### Question 243

### Armenia

**(General Comment):** According to the Law on Prosecutor's office, the Prosecutor General initiates disciplinary proceedings. In certain cases the ethics commission adjunct to General Prosecution can also initiate proceedings. The Disciplinary body for prosecutors is the Ethics commission under the Prosecutor General which consists of 7 members: the Deputy Prosecutor General, 3 academics of law and 3 prosecutors elected by senior prosecutors. The Prosecutor General within a one-week period from the end of the disciplinary proceedings presents the issue to the Ethics Committee for discussion. When discussing the issue related to the disciplinary offense, the Ethics Committee votes to decide whether a disciplinary offense has taken place, whether the prosecutor is guilty of the offense, and, if the Prosecutor General requests so, then also whether it is possible to apply the disciplinary sanction of "removal from office." Based on the appropriate opinion of the Ethics Committee, the Prosecutor General orders the disciplinary sanction within a three-day period.

## Republic of Moldova

**(General Comment):** According to the provisions of article 43 of the Law on Prosecutor Office, the disciplinary proceedings against prosecutors can be initiated by the Superior Council of Prosecutors, by the Disciplinary and Ethics Committee, by the Prosecutor's Inspection as a result of different controls, by Performance Evaluation Board and by interested persons. Also, disciplinary proceedings against prosecutors can be initiated by the Ministry of Justice upon notification by the Government Agent. The Prosecutor's Inspection is a department of the Prosecutor General Office which is checking the primary notifications. The Disciplinary and Ethics Committee and the Performance Evaluation Board are entities subordinated to the Superior Council of Prosecutors.

## Ukraine

**(General Comment):** According to Ukrainian legislation, everyone who is aware of such facts has the right to apply to the Qualification and Disciplinary Commission of Prosecutors with a disciplinary complaint about the prosecutor's commission of a disciplinary offence. The Qualification and Disciplinary Commission of Prosecutors shall publish on its website a recommended sample of a disciplinary complaint. (para.2 art. 45 of the Law of Ukraine On Prosecution Office).

**(2020):** Anyone who is aware of such facts has the right to apply to the relevant body conducting disciplinary proceedings against prosecutors with a disciplinary complaint about the prosecutor's misconduct. A recommended sample of a disciplinary complaint is posted on the website of the Office of the Prosecutor General. (Article 45 of the Law of Ukraine "On Judiciary and the status of judges")

## Question 244

### Republic of Moldova

**(General Comment):** The Superior Council of Prosecutors and the Committee of Discipline and Ethics have the disciplinary authority on prosecutors. The Committee of Discipline and Ethics examines the disciplinary case and issues a decision which can be contested to the Superior Council of Prosecutors.

### Ukraine

**(2020):** On September 25, 2019, with the entry into force of Law № 113-IX, the provisions of the Law of Ukraine "On the Prosecutor's Office", which determined the legal status of the Qualification and Disciplinary Commission of Prosecutors, were suspended and the powers of the chairman and members of this commission were terminated.

For the relevant transitional period, the authority to conduct disciplinary proceedings against prosecutors, including during 2020, to comply with the requirements of subparagraphs 7, 8 of paragraph 22 of Section II of Law № 113-IX, was transferred to the Personnel Commission to consider disciplinary complaints about the prosecutor's disciplinary misconduct and the conduct of disciplinary proceedings against prosecutors (hereinafter the Personnel Commission), which was established by the order of the Prosecutor General of January 9, 2020, № 9.

### Question 246

#### Armenia

**(2020):** Non-performance or improper performance of duties was the basis for initiating disciplinary proceedings against 5 prosecutors in 5 cases in the reporting

### Question 248

#### Armenia

**(2020):** Other sanctions-5= 2 severe reprimands, 3 warnings  
2 criminal cases are being examined against judges.

#### Azerbaijan

**(2020):** Other: 4 «Remark» for judges, 4 «Remark» for prosecutors

#### Georgia

**(2020):** The salary deduction was added as one of the types of disciplinary misconduct based on the legislative change of 13 December 2019 (effective from 1 January 2020), namely the reduction of 5% to 20% of a judge's salary for not more than 6 months.

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**(2020):** Warnings

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**(2020):** Judges:

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- reprimand - 28 judges;
- severe reprimand - 22 judges;
- suspension from the administration of justice - 5 judges;
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Prosecutors:

In 2020, based on the results of disciplinary proceedings, the Personnel Commission made 58 decisions to apply a disciplinary sanction to the prosecutor against 63 people, including:

- 22 decisions imposing a disciplinary sanction in the form of a reprimand on 25 prosecutors;
- 24 decisions on imposition of disciplinary sanctions in the form of dismissal from office in the prosecutor's office in respect of 26 prosecutors;
- 12 decisions imposing a disciplinary sanction in the form of a ban for up to one year on transfer to a higher-level prosecutor's office or on appointment to a higher position in the prosecutor's office in which the prosecutor holds office, in respect of 12 prosecutors.

## Question 251

### Armenia

**(2020):** According to part 16 of the Article 56 of the “Law on the Prosecutor’s office”: “A prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law”. The competent court is the administrative court.

### Azerbaijan

**(2020):** The Prosecutor General of the Republic of Azerbaijan may, to a certain extent, instruct prosecutors to resolve the issue of imposing disciplinary sanctions on employees. The decision of Prosecutor General may appealed to the court, decisions of above mentioned prosecutors to the Prosecutor General.

**Georgia**


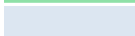
**(2020):** The court is a competent body to decide an appeal.

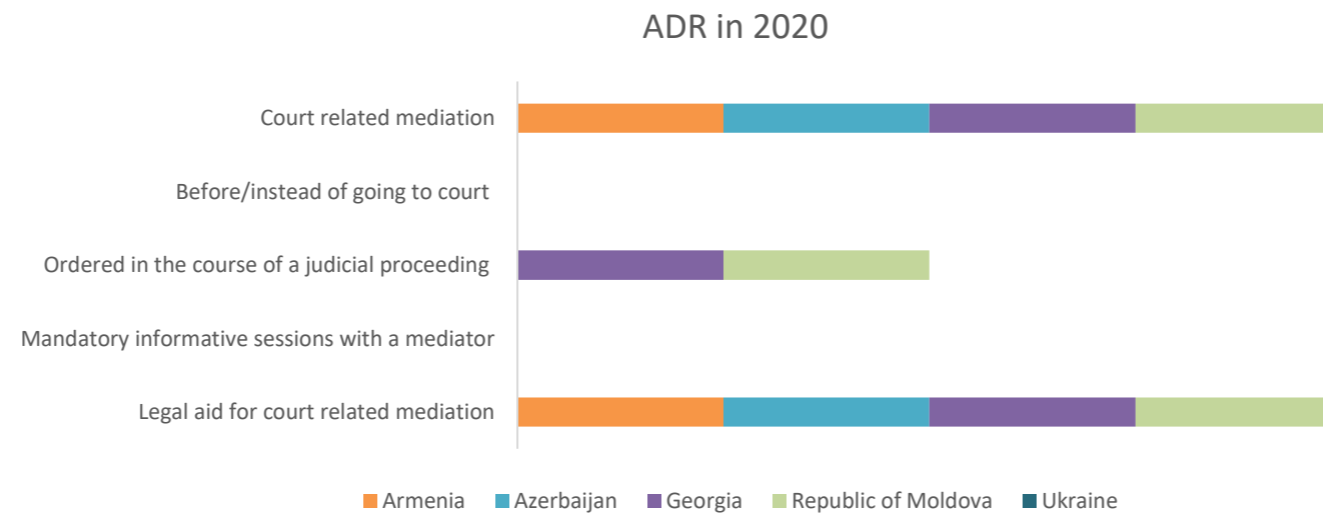
Administrative court of first instance is responsible for deciding appeals on disciplinary decisions.

## 9. Alternative Dispute Resolution - Overview

Existence of court-related mediation, types of mandatory mediation or informative sessions and possibility for legal aid in 2020 (Table no. 9.1.1)

Beneficiaries	Court related mediation	Mandatory mediation with mediator		Mandatory informative sessions with a mediator	Legal aid for court related mediation
		Before/instead of going to court	Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding		
Armenia	Yes	No	No	No	Yes
Azerbaijan	Yes	No	No	No	Yes
Georgia	Yes	No	Yes	No	Yes
Republic of Moldova	Yes	No	Yes	No	Yes
Ukraine	No	No	No	No	No

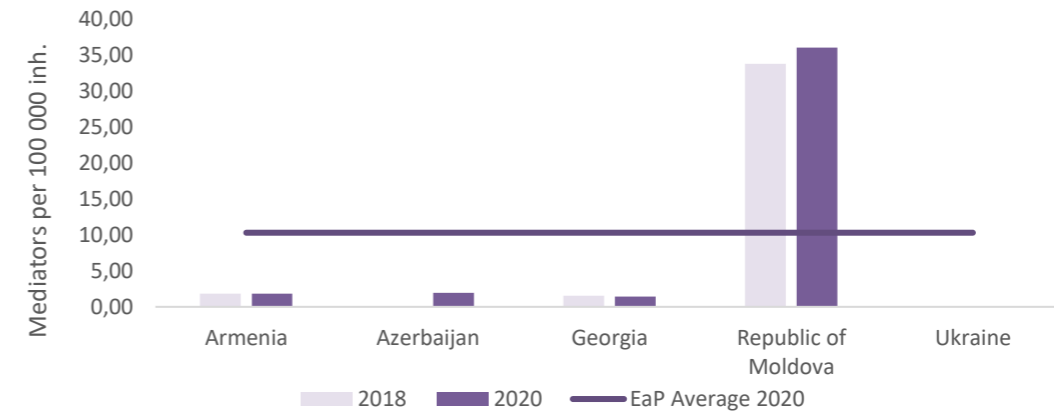
Yes   
No 



**Number of accredited mediators (Table no. 9.1.3)**

Beneficiaries	2020		Variation 2018 - 2020 (%)
	Absolute number	Per 100 000 inhabitants	
Armenia	55	1,9	0,0%
Azerbaijan	195	1,9	NAP
Georgia	53	1,4	-7,0%
Republic of Moldova	947	36,0	4,3%
Ukraine	NAP	NAP	NAP
<b>EaP Average</b>	<b>313</b>	<b>10,3</b>	<b>-0,9%</b>

**Number of mediators per 100 000 inhabitants between 2018 and 2020**

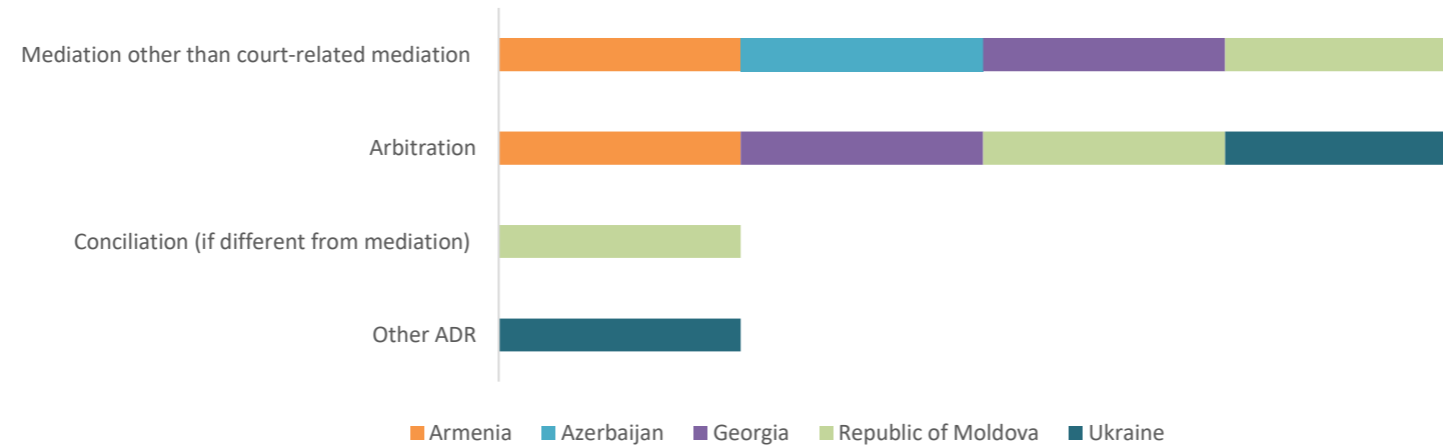




Existence of alternative dispute resolution methods in 2020 (Table no. 9.1.5)

Beneficiaries	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other ADR
Armenia	Yes	Yes	No	No
Azerbaijan	Yes	No	No	No
Georgia	Yes	Yes	No	No
Republic of Moldova	Yes	Yes	Yes	No
Ukraine	No	Yes	No	Yes

Existence of alternative dispute resolution methods in 2020 (Table no. 9.1.5)



## 9. Alternative Dispute Resolution - Tables

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and possibility for legal aid in 2020 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Type of providers of court-related services in 2020 (Q255)


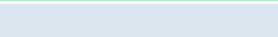

Table 9.1.3 Number of accredited mediators by gender in 2018 and 2020 (Q257 and Q1)

Table 9.1.4 Number of cases in court related mediation in 2020 (Q258)

Table 9.1.5 Existence of other alternative dispute resolution methods in 2020 (Q259)

**Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and possibility for legal aid in 2020 (Q252, Q253, Q254 and Q256)**

Beneficiaries	Court related mediation	Mandatory mediation with mediator		Mandatory informative sessions with a mediator	Legal aid for court related mediation
		Before/instead of going to court	Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding		
Armenia	Yes	No	No	No	Yes
Azerbaijan	Yes	No	No	No	Yes
Georgia	Yes	No	Yes	No	Yes
Republic of Moldova	Yes	No	Yes	No	Yes
Ukraine	No	No	No	No	No
<b>Nb of Yes</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>4</b>

Yes   
 No/NAP   
 NA 

**Table 9.1.2 Type of providers of court-related services in 2020 (Q255)**

Beneficiaries	Civil and commercial cases	Family cases	Administrative cases	Labour cases including employment dismissals	Criminal cases	Consumer cases
<b>Armenia</b>	Private mediator	Private mediator	None	Private mediator	None	Private mediator Public authority
<b>Azerbaijan</b>	Private mediator	Private mediator	Private mediator	Private mediator	None	Private mediator
<b>Georgia</b>	Private mediator	Private mediator	None	Private mediator Public authority	Public authority Prosecutor	Private mediator
<b>Republic of Moldova</b>	Judge	Judge	None	Judge	Private mediator	Judge
<b>Ukraine</b>	None	None	None	None	None	None

**Table 9.1.3 Number of accredited mediators by gender in 2018 and 2020 (Q257 and Q1)**



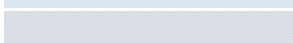
Beneficiaries	Number of mediators		Gender distribution in 2020		Number of mediators per 100 000 inhabitants in 2020	Variation 2018 - 2020 (%)
	2018	2020	% Males	% Females		
<b>Armenia</b>	55	55	58,2%	41,8%	1,9	0%
<b>Azerbaijan</b>	NAP	195	71,3%	28,7%	1,9	NAP
<b>Georgia</b>	57	53	39,6%	60,4%	1,4	-7%
<b>Republic of Moldova</b>	908	947	46,5%	53,5%	36,0	4%
<b>Ukraine</b>	NAP	NAP	NAP	NAP	NAP	NAP
<b>Average</b>	340	313	53,9%	46,1%	10,3	-0,9%
<b>Median</b>	57	125	52,3%	47,7%	1,9	0,0%
<b>Minimum</b>	55	53	39,6%	28,7%	1,4	-7,0%
<b>Maximum</b>	908	947	71,3%	60,4%	36,0	4,3%
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	40%	20%	20%	20%	20%	40%

**Table 9.1.4 Number of cases in court related mediation in 2020 (Q258)**

Beneficiaries	Total			Civil and commercial cases			Family cases			Administrative cases			Labour cases including employment dismissal cases			Criminal cases			Consumer cases		
	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement
<b>Armenia</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA
<b>Azerbaijan</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA
<b>Georgia</b>	NA	NA	NA	NA	102	NA	NA	3	NA	NAP	NAP	NAP	NA	27	NA	NA	NA	NA	NA	2	NA
<b>Republic of Moldova</b>	NA	NA	NA	5 417	5 131	131	2 615	2 524	55	NAP	NAP	NAP	212	191	15	NA	NA	NA	55	44	2
<b>Ukraine</b>	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
<b>Average</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Median</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Minimum</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Maximum</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	80%	80%	80%	60%	40%	60%	60%	40%	60%	20%	20%	20%	60%	40%	60%	40%	40%	40%	60%	40%	60%
<b>% of NAP</b>	20%	20%	20%	20%	20%	20%	20%	20%	20%	80%	80%	80%	20%	20%	20%	60%	60%	60%	20%	20%	20%

**Table 9.1.5 Existence of other alternative dispute resolution methods in 2020 (Q259)**

Beneficiaries	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other ADR
Armenia	Yes	Yes	No/NAP	No/NAP
Azerbaijan	Yes	No/NAP	No/NAP	No/NAP
Georgia	Yes	Yes	No/NAP	No/NAP
Republic of Moldova	Yes	Yes	Yes	No/NAP
Ukraine	No/NAP	Yes	No/NAP	Yes
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>1</b>

Yes   
 No/NAP   
 NA 

## Indicator 9- Alternative Dispute Resolution

by country

*Question 252. Does the judicial system provide for court-related mediation procedures?*

*Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?*

*Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?*

*Question 255. Please specify, by type of cases, who provides court-related mediation services:*

*Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?*

*Question 257. Number of accredited or registered mediators for court-related mediation:*

*Question 258. Number of court-related mediations:*

*Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?*

### Armenia

**Q252 (General Comment):** According to article 184 of the Civil procedure code of Armenia:

At any stage of the proceedings, the Court of First Instance or the Court of Appeal shall be entitled, with the consent of the parties or upon a motion filed by them, assign a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

Where there is a great possibility that the dispute may end in reconciliation, the court may, on its own initiative, assign a one-time free mediation process for up to four hours.

A mediation process may be assigned with respect to the whole judicial dispute, as well as a separate claim if separate disposition of that part is possible through a mediation process.

The court shall assign a mediation process by rendering a decision, indicating the persons participating in the case, the nature of the dispute between the parties, their claims, time limits for mediation, the name of the licensed mediator, other necessary data, the time and venue of the upcoming court session. The court shall appoint the licensed mediator as selected by the parties, and in case the parties fail to select a licensed mediator, or if the mediation is assigned on the initiative of the court, the mediator shall be appointed by the court.

The licensed mediator shall be appointed from the list of mediators with relevant specialization, in alphabetical order of surnames, pursuant to specialisation and the workload of the licensed mediator. The licensed mediator having the least workload, with specialisation in the relevant field of disputable legal relationship, shall be selected irrespective of the alphabetical order of surnames.

**Q253 (General Comment):** Nowadays, Armenia does not have a mandatory mediation. However, a draft is elaborated and submitted to the Government for having a pilot mechanism of mandatory mediation for family cases.



**Q253 (2020):** Article 184 (2) of Civil Procedure Code prescribes that if the judge believes that there is a great possibility of amicable settlement between the parties he/she may refer parties to 4 hour free of charge mediation.

**Q255 (General Comment):** Armenia does not have mediation for administrative and criminal cases.

As it is stipulated in Mediation Law of the RA, the mediator is the independent, impartial, not interested in the outcome of the case physical person performing mediation for the purpose of the dispute resolution between the parties conciliation. The mediator has the right to perform the activities as personally, and in permanent organization mediator.

The licensed mediator is the physical person who received qualification of licensed mediator and registered in the register of licensed mediators the procedure established by this Law.

Can receive qualification of licensed mediator:

- 1) the person which reached 25-year age and having the higher education;
- 2) the former judge having at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its powers stopped based on the introduction in legal force of the accusatory court resolution adopted concerning it or the termination of criminal prosecution not on the justifying basis;
- 3) the scientist-lawyer having at least three years of experience of professional work in the field of the right.

**Q256 (General Comment):** By the decision of the Court- the parties he/she may refer parties to 4 hour free of charge mediation.

**Q259 (2020):** From the Law on Mediation it is obvious that there are three types of mediation - 1. the mediation based on mutual agreement of parties which is regulated by the same law, 2. the mediation based on court decision, which is regulated by the Civil Procedure Code, and 3. Financial mediation which is regulated by the Law on Financial Mediation system. It is worth to note that both 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008.

## **Azerbaijan**

**Q252 (2020):** According to the Law "On Mediation" at any stage of the proceedings, the court may, on its own initiative or at the request of one of the parties, offer to settle the dispute through mediation, taking into account the circumstances of the case. If an "Agreement on the Application of the Mediation Process" is concluded between the parties, the proceedings shall be suspended until a conciliation agreement and a protocol on the results of the mediation process are submitted. When a dispute between the parties is resolved through mediation, a settlement agreement shall be submitted to the court. If the court approves the submitted conciliation agreement, the proceedings on the case shall be terminated.

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

**Q254 (2020):** It should be noted that the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021.

**Q256 (2020):** According to Article 36.3 of the Law on Mediation, a mediator or mediation organization carries out mediation on a paid basis. According to this Law, a mediator or mediation organization may, with its consent, carry out mediation on a free basis.

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

**Q258 (2020):** The Law "On Mediation" was adopted on 29.03.2019. But the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021. Although the provisions on voluntary mediation and court related mediation are in force in 2020. There is no official information on the number of mediation cases in 2020. However, it is known that a small number of cases were considered on a pilot basis.

**Q259 (2020):** The Law "On Mediation" was adopted on 29.03.2019. But the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021. The provisions on voluntary mediation were in force in 2020.

## Georgia

**Q253 (2020):** Family disputes, labour cases, Inheritance cases, Neighbourhood cases, Shared property cases, Property cases, which are under 20000 Gel by its value, The disputes, which involve the Microfinancial, Bank or Non-bank organizations, electronic contractual issues, if the value of the subject matter is under 10000 Gel, Non-property issues (such as, copyright cases, respect and dignity cases).

**Q254 (2020):** But, there is the possibility to try online or face-to-face mediation sessions, which is called "informative sessions" with mediators if all parties agree so and also, as mentioned above, there is the mechanism used by the judge - Mandatory Mediation and parties are obliged to participate in mediation sessions.

**Q255 (2020):** Civil and commercial cases, Family cases, Labour cases including employment dismissals, consumer cases. Mediation services are provided by the LEPL Georgian Mediators Association, which has its own Unified Register of Certified Mediators.

**Q258 (2020):** Number of court-related mediation: Number of cases for which the parties agreed to start mediation – 39. Comment: There is no analysed information in the following dispute categories: Civil and commercial cases, Family cases, Labour cases including employment dismissal cases and Consumer cases. Number of finished court related mediation – Civil and commercial cases - 102 (2020) and 42 (2021), Family cases – 3 (2020) and 3 (2021), Labour cases including employment dismissal cases – 27 (2020) and 5 (2021). Consumer cases – 2 (2020) and 1 (2021).

Number of cases in which there is a settlement agreement – overall 65%.

a) Above mentioned number of cases for which the parties agreed to start mediation – 39, is not total, because the cases for which the Judges frequently order mediation may also include the parties will to voluntarily participate and the statistics of such information may refer to court/judges, rather than the mediation center, furthermore, there is no specific information about the number of cases for which the parties agreed to start mediation by the dispute categories. For the general information, Tbilisi City Court Mediation Center had 102 cases in 2020 and 42 discussed and finished cases in 2021. Currently, there are 19 cases in progress, which includes: Civil and commercial cases, Family cases, Labour cases including employment dismissal cases and Consumer cases.

b) Tbilisi City Court Mediation Center's statistical information about settlements, until now, is summarized in the percentage format (which is 65% for overall cases), that is the reason, that we couldn't provide now the exact numbers with regard to the dispute categories.

## Republic of Moldova

**Q252 (General Comment):** In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by LP 31 of 17.03.17 (MO144-148 / 05.05.17) by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued). Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as

**Q253 (General Comment):** In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by Law No. 31 of 2017 entered into force on May 5, 2017, by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued).

Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the private mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as

**Q254 (General Comment):** There are not specific provisions concerning the mandatory informative sessions but in accordance with the Law on mediation the informative sessions are free of charge. Also, parties can establish by their agreement to benefit from mandatory informative sessions.

**Q256 (General Comment):** In July 2015, a new Law on mediation was adopted in order to foster the resort to the mediation procedure. Different measures are devised: legal aid, state fees exemptions, enforcement of transaction of mediation. According to art. 22 par. (7) of the Law no. 137 of July 3, 2015 on mediation, the parties may be assisted by lawyers during the mediation process and in the mediation process, a party or both parties have the right to benefit from the state-guaranteed services of a mediator in the manner prescribed by law.

**Q257 (2020):** According to the Law no.137 of 03.07.2015 on mediation, mediators must carry out their activities in an office or associate office. Thus, the number of active mediators in 2020 represents 204 (120 males and 84 females), or approximately 22 % from the total number of accredited mediators. Also, the reflected number is not including all first instance judges, except investigative judges, who have the legal duty to conduct the mediation process for certain civil disputes.

**Q258 (2020):** Taking into account that court related mediation is mandatory in the first column is reflected the number of cases related to mediation procedure in court in 2020.

Due to the COVID pandemic and the lockdown in 2020, the examination of the civil and commercial cases was periodically postponed by courts. It caused a downward trend in the field of court-related mediation.

### **Ukraine**

**Q256 (General Comment):** The Ukrainian judicial system does not have mediation procedures and accordingly there is no possibility to receive legal aid for mediation procedures.

**Q259 (General Comment):** other: settlement agreement, international commercial arbitration, non-mediation, settlement of the dispute with the participation of judges

**Q259 (2020):** settlement agreement, international commercial arbitration, arbitral tribunal, settlement of the dispute with the participation of a judges

## Indicator 9- Alternative Dispute Resolution

by question No.

*Question 252. Does the judicial system provide for court-related mediation procedures?*

*Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?*

*Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?*

*Question 255. Please specify, by type of cases, who provides court-related mediation services:*

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*Question 257. Number of accredited or registered mediators for court-related mediation:*

*Question 258. Number of court-related mediations:*

*Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?*

### Question 252

#### Armenia

**(General Comment):** According to article 184 of the Civil procedure code of Armenia:

At any stage of the proceedings, the Court of First Instance or the Court of Appeal shall be entitled, with the consent of the parties or upon a motion filed by them, assign a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

Where there is a great possibility that the dispute may end in reconciliation, the court may, on its own initiative, assign a one-time free mediation process for up to four hours.

A mediation process may be assigned with respect to the whole judicial dispute, as well as a separate claim if separate disposition of that part is possible through a mediation process.

The court shall assign a mediation process by rendering a decision, indicating the persons participating in the case, the nature of the dispute between the parties, their claims, time limits for mediation, the name of the licensed mediator, other necessary data, the time and venue of the upcoming court session. The court shall appoint the licensed mediator as selected by the parties, and in case the parties fail to select a licensed mediator, or if the mediation is assigned on the initiative of the court, the mediator shall be appointed by the court.

The licensed mediator shall be appointed from the list of mediators with relevant specialization, in alphabetical order of surnames, pursuant to specialisation and the workload of the licensed mediator. The licensed mediator having the least workload, with specialisation in the relevant field of disputable legal relationship, shall be selected irrespective of the alphabetical order of surnames.

## Azerbaijan

**(2020):** According to the Law “On Mediation” at any stage of the proceedings, the court may, on its own initiative or at the request of one of the parties, offer to settle the dispute through mediation, taking into account the circumstances of the case. If an "Agreement on the Application of the Mediation Process" is concluded between the parties, the proceedings shall be suspended until a conciliation agreement and a protocol on the results of the mediation process are submitted. When a dispute between the parties is resolved through mediation, a settlement agreement shall be submitted to the court. If the court approves the submitted conciliation agreement, the proceedings on the case shall be terminated.

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

## Republic of Moldova

**(General Comment):** In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by LP 31 of 17.03.17 (MO144-148 / 05.05.17) by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued).

Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as

## Question 253

### Armenia

**(General Comment):** Nowadays, Armenia does not have a mandatory mediation. However, a draft is elaborated and submitted to the Government for having a pilot mechanism of mandatory mediation for family cases.

**(2020):** Article 184 (2) of Civil Procedure Code prescribes that if the judge believes that there is a great possibility of amicable settlement between the parties he/she may refer parties to 4 hour free of charge mediation.

## Georgia

**(2020):** Family disputes, labour cases, Inheritance cases, Neighbourhood cases, Shared property cases, Property cases, which are under 20000 Gel by its value, The disputes, which involve the Microfinancial, Bank or Non-bank organizations, electronic contractual issues, if the value of the subject matter is under 10000 Gel, Non-property issues (such as, copyright cases, respect and dignity cases).

## Republic of Moldova

**(General Comment):** In order to reduce the length of procedures, court-related mediation was established as a mandatory way of settling the claims to the court by Law No. 31 of 2017 entered into force on May 5, 2017, by simplifying civil procedures for some types of actions, such as family law disputes, disputes concerning property rights between natural and / or legal persons, labor disputes, disputes resulting from tort liability, inheritance disputes, other civil litigations evaluated less than 200 000 MDL (approximately 10 000 EUR), with exception of litigations in which an enforceable decision to initiate insolvency proceedings was issued). Also, the Criminal Procedure Code in the case of accusing a person for committing a minor offense or less serious, and in the case of minors, the court, until the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a decision by which it is ordered to carry out the procedure of mediation of the parties.

The decision will include data about the name of the judge, data on the accused person and the essence of the accusation, the indication to take measures to solve the case in the mediation procedure, the name of the private mediator who will carry out the mediation procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, to the accused person, to the injured party, to the prosecutor and to the defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which he / she shall submit to the court, as well.

## Question 254

## Azerbaijan

**(2020):** It should be noted that the provisions of the Law "On Mediation" providing for mandatory participation in the initial mediation sessions (on family, labor and commercial disputes) came into force on 26.07.2021.

## Georgia

**(2020):** But, there is the possibility to try online or face-to-face mediation sessions, which is called "informative sessions" with mediators if all parties agree so and also, as mentioned above, there is the mechanism used by the judge - Mandatory Mediation and parties are obliged to participate in mediation sessions.

## Republic of Moldova

**(General Comment):** There are not specific provisions concerning the mandatory informative sessions but in accordance with the Law on mediation the informative sessions are free of charge. Also, parties can establish by their agreement to benefit from mandatory informative sessions.

## Question 255

### Armenia

**(General Comment):** Armenia does not have mediation for administrative and criminal cases.

As it is stipulated in Mediation Law of the RA, the mediator is the independent, impartial, not interested in the outcome of the case physical person performing mediation for the purpose of the dispute resolution between the parties conciliation. The mediator has the right to perform the activities as personally, and in permanent organization mediator.

The licensed mediator is the physical person who received qualification of licensed mediator and registered in the register of licensed mediators the procedure established by this Law.

Can receive qualification of licensed mediator:

- 1) the person which reached 25-year age and having the higher education;
- 2) the former judge having at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its powers stopped based on the introduction in legal force of the accusatory court resolution adopted concerning it or the termination of criminal prosecution not on the justifying basis;
- 3) the scientist-lawyer having at least three years of experience of professional work in the field of the right.

### Georgia

**(2020):** Civil and commercial cases, Family cases, Labour cases including employment dismissals, consumer cases. Mediation services are provided by the LEPL Georgian Mediators Association, which has it's own Unified Register of Certified Mediators.

## Question 256

### Armenia

**(General Comment):** By the decision of the Court- the parties he/she may refer parties to 4 hour free of charge mediation.

### Azerbaijan



**(2020):** According to Article 36.3 of the Law on Mediation, a mediator or mediation organization carries out mediation on a paid basis. According to this Law, a mediator or mediation organization may, with its consent, carry out mediation on a free basis. At the same time, according to the "Rules for payment of mediation expenses at the expense of the state budget" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 360 dated August 16, 2019, the procedure for payment of mediation services at the expense of the state is envisaged.

### **Republic of Moldova**

**(General Comment):** In July 2015, a new Law on mediation was adopted in order to foster the resort to the mediation procedure. Different measures are devised: legal aid, state fees exemptions, enforcement of transaction of mediation. According to art. 22 par. (7) of the Law no. 137 of July 3, 2015 on mediation, the parties may be assisted by lawyers during the mediation process and in the mediation process, a party or both parties have the right to benefit from the state-guaranteed services of a mediator in the manner prescribed by law.

### **Ukraine**

**(General Comment):** The Ukrainian judicial system does not have mediation procedures and accordingly there is no possibility to receive legal aid for mediation procedures.

### **Question 257**

### **Republic of Moldova**

**(2020):** According to the Law no.137 of 03.07.2015 on mediation, mediators must carry out their activities in an office or associate office. Thus, the number of active mediators in 2020 represents 204 (120 males and 84 females), or approximately 22 % from the total number of accredited mediators. Also, the reflected number is not including all first instance judges, except investigative judges, who have the legal duty to conduct the mediation process for certain civil disputes.

### **Question 258**

### **Azerbaijan**

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

## Georgia

**(2020):** Number of court-related mediation: Number of cases for which the parties agreed to start mediation – 39. Comment: There is no analysed information in the following dispute categories: Civil and commercial cases, Family cases, Labour cases including employment dismissal cases and Consumer cases. Number of finished court related mediation – Civil and commercial cases - 102 (2020) and 42 (2021), Family cases – 3 (2020) and 3 (2021), Labour cases including employment dismissal cases – 27 (2020) and 5 (2021). Consumer cases – 2 (2020) and 1 (2021).

Number of cases in which there is a settlement agreement – overall 65%.

a) Above mentioned number of cases for which the parties agreed to start mediation – 39, is not total, because the cases for which the Judges frequently order mediation may also include the parties will to voluntarily participate and the statistics of such information may refer to court/judges, rather than the mediation center, furthermore, there is no specific information about the number of cases for which the parties agreed to start mediation by the dispute categories. For the general information, Tbilisi City Court Mediation Center had 102 cases in 2020 and 42 discussed and finished cases in 2021. Currently, there are 19 cases in progress, which includes: Civil and commercial cases, Family cases, Labour cases including employment dismissal cases and Consumer cases.

b) Tbilisi City Court Mediation Center's statistical information about settlements, until now, is summarized in the percentage format (which is 65% for overall cases), that is the reason, that we couldn't provide now the exact numbers with regard to the dispute categories.

## Republic of Moldova

**(2020):** Taking into account that court related mediation is mandatory in the first column is reflected the number of cases related to mediation procedure in court in 2020.

Due to the COVID pandemic and the lockdown in 2020, the examination of the civil and commercial cases was periodically postponed by courts. It caused a downward trend in the field of court-related mediation.

## Question 259

### Armenia

**(2020):** From the Law on Mediation it is obvious that there are three types of mediation - 1. the mediation based on mutual agreement of parties which is regulated by the same law, 2. the mediation based on court decision, which is regulated by the Civil Procedure Code, and 3. Financial mediation which is regulated by the Law on Financial Mediation system. It is worth to note that both 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008.

### Azerbaijan

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

## **Ukraine**

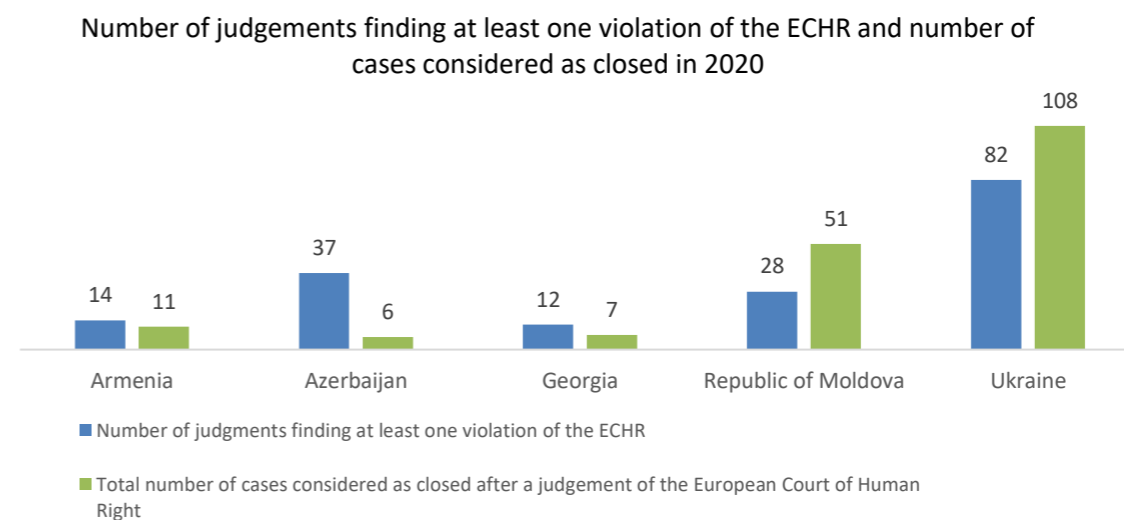
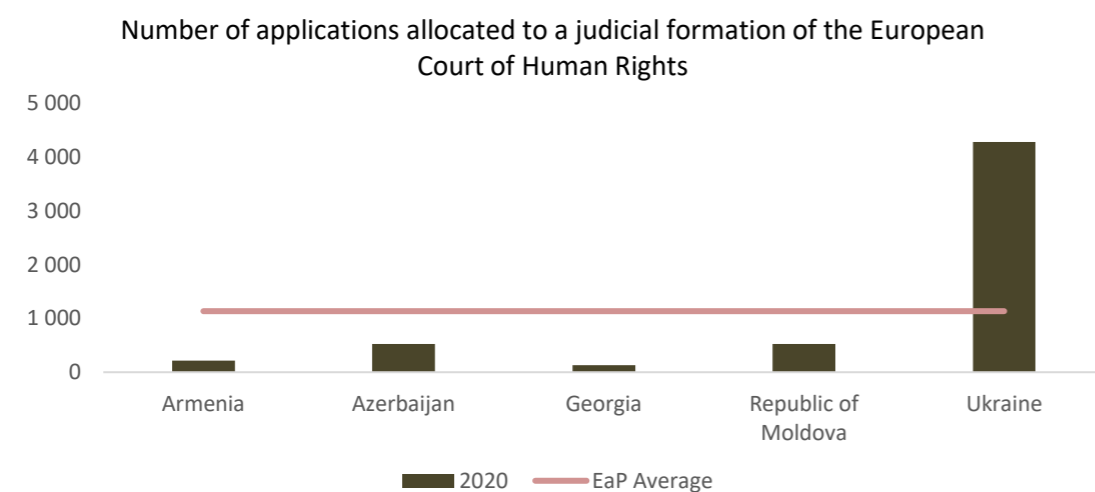
**(General Comment):** other: settlement agreement, international commercial arbitration, non-mediation, settlement of the dispute with the participation of judges

**(2020):** settlement agreement, international commercial arbitration, arbitral tribunal, settlement of the dispute with the participation of a judges

## 10. European Convention of Human Rights (ECHR) - Overview

### Applications at the European Court of Human Rights and Execution of judgements in 2020 (Table no. 10.1.2 and 10.1.3)

Beneficiaries	Number of applications allocated to a judicial formation of the European Court of Human Rights	Number of judgments finding at least one violation of the ECHR	Total number of cases considered as closed after a judgement of the European Court of Human Right
Armenia	213	14	11
Azerbaijan	525	37	6
Georgia	130	12	7
Republic of Moldova	523	28	51
Ukraine	4 271	82	108
<b>EaP Average</b>	<b>1 132</b>	<b>35</b>	<b>37</b>



Sources: European Court of Human Rights, Department of Execution of Judgments of the ECtHR

## 10. European Convention of Human Rights (ECHR) - Tables

Table 10.1.1 Monitoring system of Article 6 violations of the European Convention on Human Rights in 2020 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2019 and 2020 (Q262 and Q263\*\*)

Table 10.1.3 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process in 2019 and 2020 (Q264\*\*\*)

**Table 10.1.1 Monitoring system of Article 6 violations of the European Convention on Human Rights in 2020 (Q260 and Q261)**

Beneficiaries	Monitoring system for violations related to Article 6 of the European Convention on Human Rights			Possibility to review a case after a decision on violation of human rights by the ECHR
	Non-enforcement for civil procedures	Timeframe		
		For civil procedures	For criminal procedures	
Armenia	Yes	Yes	Yes	Yes
Azerbaijan	No	No	No	Yes
Georgia	Yes	Yes	Yes	Yes
Republic of Moldova	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes
<b>Nb of Yes</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>5</b>
			Yes	Yes
			No	No

**Table 10.1.2 Number of applications allocated to a judicial formation of the European Court of Human Rights and number of judgements in 2020 (Q262 and Q263\*\*)**

Beneficiaries	Number of applications allocated to a judicial formation of the European Court of Human Rights	Number of judgements in 2020	
		Total number	Judgements finding at least one violation
Armenia	213	14	14
Azerbaijan	525	37	37
Georgia	130	15	12
Republic of Moldova	523	32	28
Ukraine	4 271	86	82
<b>Average</b>	1132,4	36,8	34,6
<b>Median</b>	523	32	28
<b>Minimum</b>	130	14	12
<b>Maximum</b>	4271	86	82
<b>Nb of values</b>	5	5	5
<b>% of NA</b>	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%

\*\* Source ECtHR

**Table 10.1.3 Number of cases considered as closed after a judgement of the European Court of Human Rights in 2020 (Q264<sup>\*\*\*</sup>)**

Beneficiaries	Total number of cases considered as closed after a judgement of the European Court of Human Right
	2020
Armenia	11
Azerbaijan	6
Georgia	7
Republic of Moldova	51
Ukraine	108
<b>Average</b>	36,6
<b>Median</b>	11
<b>Minimum</b>	6
<b>Maximum</b>	108
<b>Nb of values</b>	5
<b>% of NA</b>	0%
<b>% of NAP</b>	0%

\*\*\* Source: Department of Execution of Judgments of the ECtHR



*Question 260 - Is there in your country a monitoring system for violations related to Article 6 of the European*

*Question 261 - Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?*

#### **Armenia**

**Q260 (General Comment):** The Office of the Representative before the ECHR monitors violations found in ECtHR judgments within the execution of the judgments and decisions of the ECHR and case by case carries out general measures (dissemination, translation, drafting legislative amendments, etc.) depending on the

**Q260 (2018):** There is no a monitoring mechanism dedicated specifically to ECHR as such. However, the Office of the Government Agents before ECtHR under the Prime Minister keeps the track of all the judgments and in the scope of general measures during the execution issues recommendations on

**Q261 (2018):** The judgment of EctHR is a new circumstance that is a ground for reopening the case.

#### **Georgia**

**Q260 (2020):** According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The para. p, Article 4 of the Statute the content and scope of the powers in this regard is set out the following: The powers of the Ministry of Justice among others include the development of proposals for the enforcement of judgments of the European Court of Human Rights against Georgia and the promotion of their implementation not only for the violation of the 6th article of the ECHR but also related to all the judgments regardless their matters. See the link below (translation is unavailable): <https://matsne.gov.ge/ka/document/view/2177616?publication=7> The Ministry of Justice of Georgia

only on the basis of judgments of the European Court (the “Court”) finding violations of Article 6 of the European Convention on Human Rights, but also on the grounds of decisions rendered by the Court as a result of friendly settlements reached by the parties or unilateral declarations submitted by the Government, acknowledging violation of Article 6 of the Convention. In particular, according to Article 423 of the Civil Procedure Code of Georgia, a final judgement may be appealed by an action for retrial due to newly discovered circumstances, if [...] g) there is a final judgement (decision) of the European Court of Human Rights establishing that the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or of its additional protocols have been violated with regard to this case, and if the decision to be reviewed is based on this violation. The same Article (Paragraph 4) envisages that the court shall review the issue of awarding relevant compensation to the plaintiff, if it is impossible to modify the decision since the rights have been acquired in good faith by third persons. According to paragraph 21 of Article 426, the aforementioned actions for retrial shall be filed within three months after a judgement (decision) of the European Court of Human Rights enters into force.

As to the criminal cases, according to Article 310 of the Criminal Procedure Code of Georgia, a judgement shall be reviewed due to newly found circumstances if [...] e) there exists an effective decision (judgement) of the European Court of Human Rights that has established that the European Convention for the Protection of Human Rights and Fundamental Freedoms or the Protocols to the Convention has been violated with respect to that case, and the judgement subject to review was based on that violation. Article 311 sets the time limit for such motions, in particular, a person may apply to a court for the review of a judgement due to newly found circumstances within a year after a decision (judgement) of the European Court of Human Rights enters into force.

In respect of implementation of internal systems to remedy the violations found, it should be underscored that the national courts always take into consideration the reasoning and deliberations of the European Court and reexamine the cases in the light of the Court’s findings. The results of reexamination of cases at domestic level are subject to the supervision of the Committee of Ministers which has closed supervision procedures in several Georgian cases as a result of effective reexamination procedures at domestic level.

Also, the recent research conducted under the joint Programme between the European Union and the **Q261 (2020)**: According to the article 423th of the Civil Procedure Code of Georgia, a final judgment may be appealed by an action for retrial due to newly discovered circumstances, if there is a final judgment (ruling) of the European Court of Human Rights establishing that the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or of its additional protocols have been violated with regard to this case, and if the decision to be reviewed is based on this violation.

Under the article 310th of the Criminal Procedure Code of Georgia a judgment shall be reviewed due to newly revealed circumstances if there exists an effective decision (judgment) of the European Court of Human Rights that has established that the European Convention for the Protection of Human Rights and Fundamental Freedoms, or the Protocols to the Convention, has been violated with respect to that case, and

## **Republic of Moldova**

**Q260 (General Comment):** On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and

**Q261 (General Comment):** On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and

## Ukraine

**Q260 (General Comment):** In this respect, it is the task of the Government Agent of Ukraine before the European Court of Human Rights, inter alia, to identify the reasons of violations of the European Convention on Human Rights (hereinafter the Convention), to develop proposals for taking measures aimed at eliminating the imperfection of a systemic nature, stated in the decisions of the ECtHR; to prepare and submit to the Committee of Ministers of the Council of Europe information and reports on the progress of Ukraine's enforcement of the ECtHR 's decisions; to submit to the Ministry of Justice proposals on the methods of examination of draft laws and regulations, as well as legislative acts, for compliance with the

**Q261 (General Comment):** According to Ukrainian legislation, one of the additional measures of individual character in respect of the enforcement of the ECHR decisions is restoration, as far as possible, of the previous legal status of the Claimant having place prior to the violation of the Convention (restitutio in integrum).

The previous legal status of the Claimant shall be restored, in particular, by reviewing the case by a court,

*Question 260 - Is there in your country a monitoring system for violations related to Article 6 of the European*

*Question 261 - Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?*

### Question 260

#### Armenia

**(General Comment):** The Office of the Representative before the ECHR monitors violations found in ECtHR judgments within the execution of the judgments and decisions of the ECHR and case by case carries out general measures (dissemination, translation, drafting legislative amendments, etc.) depending on the

**(2018):** There is no a monitoring mechanism dedicated specifically to ECHR as such. However, the Office of the Government Agents before ECtHR under the Prime Minister keeps the track of all the judgments and in the scope of general measures during the execution issues recommendations on prevention of repetitive

#### Georgia

**(2020):** According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The para. p, Article 4 of the Statute the content and scope of the powers in this regard is set out the following: The powers of the Ministry of Justice among others include the development of proposals for the enforcement of judgments of the European Court of Human Rights against Georgia and the promotion of their implementation not only for the violation of the 6th article of the ECHR but also related to all the judgments regardless their matters. See the link below (translation is unavailable):

<https://matsne.gov.ge/ka/document/view/2177616?publication=7> The Ministry of Justice of Georgia

on the basis of judgments of the European Court (the “Court”) finding violations of Article 6 of the European Convention on Human Rights, but also on the grounds of decisions rendered by the Court as a result of friendly settlements reached by the parties or unilateral declarations submitted by the Government, acknowledging violation of Article 6 of the Convention. In particular, according to Article 423 of the Civil Procedure Code of Georgia, a final judgement may be appealed by an action for retrial due to newly discovered circumstances, if [...] g) there is a final judgement (decision) of the European Court of Human Rights establishing that the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or of its additional protocols have been violated with regard to this case, and if the decision to be reviewed is based on this violation. The same Article (Paragraph 4) envisages that the court shall review the issue of awarding relevant compensation to the plaintiff, if it is impossible to modify the decision since the rights have been acquired in good faith by third persons. According to paragraph 21 of Article 426, the aforementioned actions for retrial shall be filed within three months after a judgement (decision) of the European Court of Human Rights enters into force.

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In respect of implementation of internal systems to remedy the violations found, it should be underscored that the national courts always take into consideration the reasoning and deliberations of the European Court and reexamine the cases in the light of the Court’s findings. The results of reexamination of cases at domestic level are subject to the supervision of the Committee of Ministers which has closed supervision procedures in several Georgian cases as a result of effective reexamination procedures at domestic level. Also, the recent research conducted under the joint Programme between the European Union and the

## **Republic of Moldova**

**(General Comment):** On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and

## Ukraine

**(General Comment):** In this respect, it is the task of the Government Agent of Ukraine before the European Court of Human Rights, inter alia, to identify the reasons of violations of the European Convention on Human Rights (hereinafter the Convention), to develop proposals for taking measures aimed at eliminating the imperfection of a systemic nature, stated in the decisions of the ECtHR; to prepare and submit to the Committee of Ministers of the Council of Europe information and reports on the progress of Ukraine's enforcement of the ECtHR 's decisions; to submit to the Ministry of Justice proposals on the methods of examination of draft laws and regulations, as well as legislative acts, for compliance with the Convention and

## Question 261

### Armenia

**(2018):** The judgment of EctHR is a new circumstance that is a ground for reopening the case.

### Georgia

**(2020):** According to the article 423th of the Civil Procedure Code of Georgia, a final judgment may be appealed by an action for retrial due to newly discovered circumstances, if there is a final judgment (ruling) of the European Court of Human Rights establishing that the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or of its additional protocols have been violated with regard to this case, and if the decision to be reviewed is based on this violation.

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## **Republic of Moldova**

**(General Comment):** On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures. The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and

## **Ukraine**

**(General Comment):** According to Ukrainian legislation, one of the additional measures of individual character in respect of the enforcement of the ECHR decisions is restoration, as far as possible, of the previous legal status of the Claimant having place prior to the violation of the Convention (*restitutio in integrum*).

The previous legal status of the Claimant shall be restored, in particular, by reviewing the case by a court,

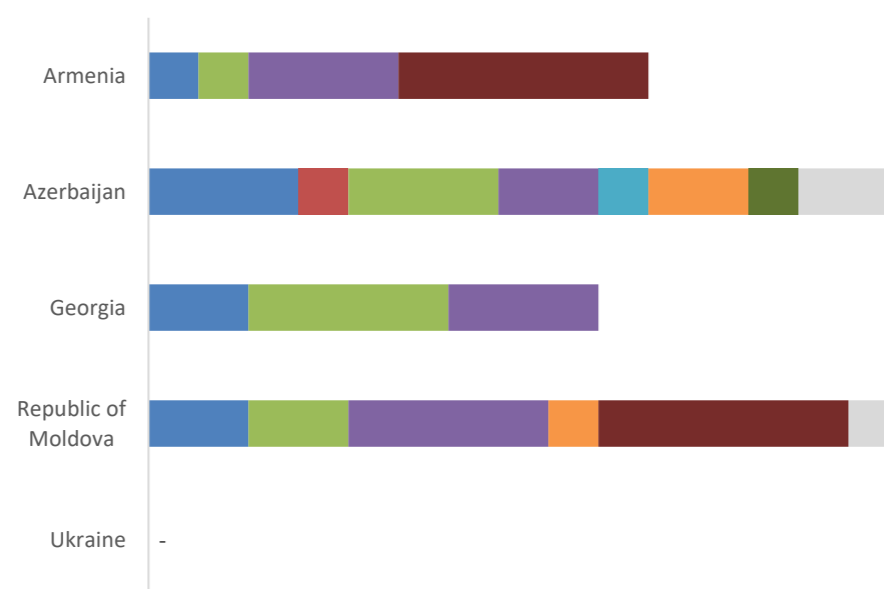


## 11. Council for the judiciary - Overview

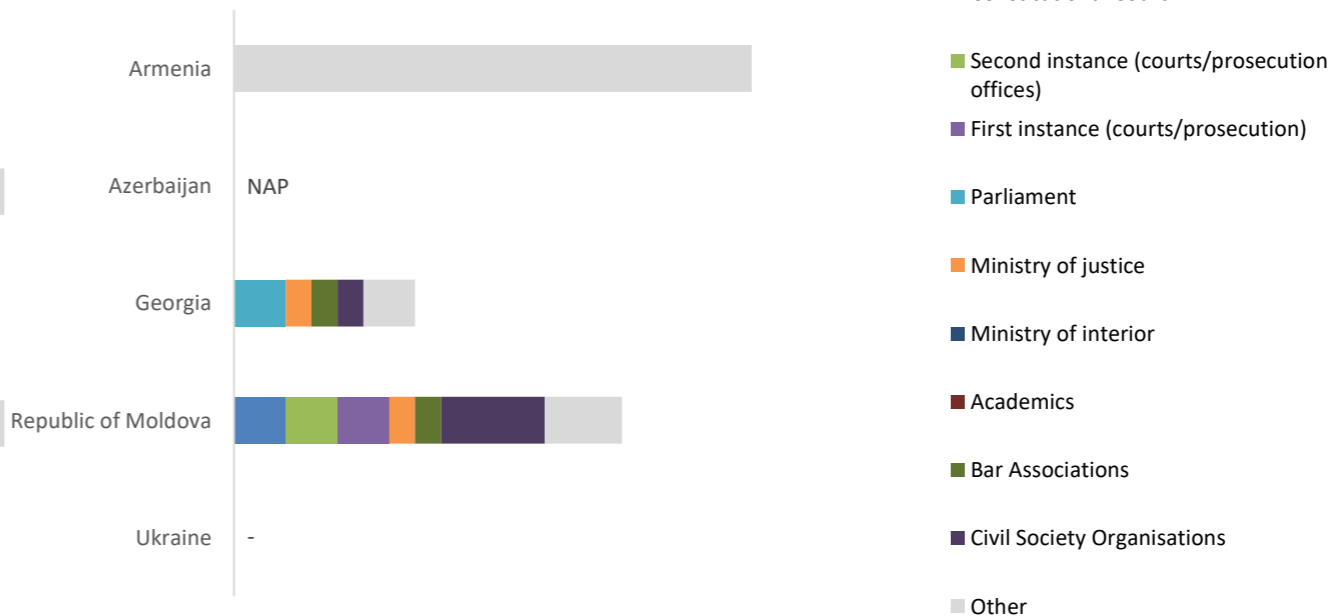
Composition of the council for the judiciary and prosecutorial council in 2020 (Table no. 11.1.2)

Beneficiaries	Single Council for the judiciary	Council only for judges	Council only for prosecutors
Armenia	NAP	10	20
Azerbaijan	NAP	15	NAP
Georgia	NAP	15	15
Republic of Moldova	NAP	15	15
Ukraine	-	-	-

Composition of the Council for judges in 2020



Composition of Council for prosecutors in 2020



## 11. Council for the judiciary - Tables

Table 11.1.1 Composition of the council for the judiciary and selection criteria for non-judge/non-prosecutors members in 2020 (Q265 and Q268)

Table 11.1.2 Number of members and composition of the Council(s) for judiciary in 2020 (Q266)

Table 11.1.3 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2020 (Q269 and Q270)

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2020 (Q273 and Q274)

**Table 11.1.1 Competence of the council for the judiciary and selection criteria for non-judge/non-prosecutors members in 2020 (Q265 and Q268)**

Beneficiaries	Council for the Judiciary			Selection criteria for non-judge/non-prosecutor members in the council(s)
	Only for judges	Only for prosecutors	For judges and prosecutors	
Armenia				
Azerbaijan				
Georgia				
Republic of Moldova				
Ukraine	-	-	-	-
<b>Nb of Yes</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>4</b>
			Yes	
			No	

Table 11.1.2 Number of members and composition of the Council(s) for judiciary in 2020 (Q266)

Beneficiaries	Single Council for the judiciary											Council only for judges											Council only for prosecutors														
	Total	Proposed by:										Total	Proposed by:										Total	Proposed by:													
		Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations		Other	Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations		Civil Society Organisations	Other	Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other	
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	10	1	NAP	1	3	NAP	NAP	NAP	5	NAP	NAP	NAP	20	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	20
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	3	1	3	2	1	2	NAP	NAP	1	NAP	2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	2	NAP	4	3	NAP	NAP	NAP	NA	NA	NA	NAP	15	NAP	NAP	NAP	NAP	2	1	NAP	0	1	1	2		
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	2	NAP	2	4	NAP	1	NAP	5	NAP	NAP	1	15	2	NAP	2	2	NAP	1	NAP	NAP	1	4	3		
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Nb of values	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4		
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	25%	25%	25%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%		
% of NAP	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	0%	75%	0%	0%	75%	50%	100%	25%	50%	75%	50%	25%	75%	100%	75%	75%	75%	50%	100%	75%	50%	50%	25%		

**Table 11.1.3 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2020 (Q269 and Q270)**

Beneficiaries	Term of office as member of the council (in years)			Conditions for the term of office of members of the Council(s)									
	Single council for the judiciary	Council for judges only	Council for prosecutors only	Single council for the judiciary			Council for judges only			Council for prosecutors only			
				Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	
Armenia	NAP	5	NAP										
Azerbaijan	NAP	5	NAP										
Georgia	NAP	4	4										
Republic of Moldova	NAP	4	4										
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Nb of Yes</b>				0	0	0	1	3	0	0	1	0	
<b>Nb of values</b>	4	4	4										
<b>% of NA</b>	0%	0%	0%										
<b>% of NAP</b>	100%	0%	50%										

Yes   
 No 

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2020 (Q273 and Q274)

Beneficiaries	Accountability measures in place regarding the activities of the Council(s)												Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor					
	Single council for the judiciary				Council for judges only				Council for prosecutors only				Single council for the judiciary		Council for judges only		Council for prosecutors only	
	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	For judges	For prosecutors	For judges	For prosecutors	For judges	For prosecutors
Armenia																		
Azerbaijan																		
Georgia					Yes	Yes	Yes	Yes		Yes	Yes				Yes			Yes
Republic of Moldova					Yes	Yes	Yes		Yes	Yes	Yes				Yes			Yes
Ukraine	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
<b>Nb of Yes</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>

Yes   
 No 

## Indicator 11 - Council for the judiciary/ Prosecutorial Council

by country

*Question 265 - Do you have a Council for the Judiciary?*

*Question 266 - What is the composition of the Council(s)? Please specify the number of members from*

*Question 267 - What is the procedure to appoint the different members of the Council(s):*

*Question 268 - Are there selection criteria for non-judge/non-prosecutor members in the council(s)?*

*Question 269 - What is the term of office of the members of the Council(s) in years?*

*Question 270 - Conditions for the term of office of members of the Council(s)?*

*Question 271 - Please describe the different competences of the Council(s)*

*Question 272 - Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members*

*Question 273 - What accountability measures are in place regarding the activities of the Council(s)?*

*Question 274 - Is(Are) the Council(s) competent when it is evident that there is a breach of the independence*

### Armenia

**Q265 (2020):** The Supreme Judicial Council shall be an independent state body guaranteeing the independence of courts and judges through exercising the powers prescribed by the Constitution and this Law.

The Supreme Judicial Council shall be composed of ten members- judge and non-judge members.

Prosecution in Armenia does not have a Council, it has a board, which is composed of 20 prosecutors. The

an independent state body that guarantees the independence of courts and judges. The Supreme Judicial Council shall be composed of ten members. Five members of the Supreme Judicial Council shall be elected by the General Assembly of Judges, from among judges having at least ten years of experience as a judge. Judges from all court instances must be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court or chairperson of a chamber of the Court of Cassation. Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. The Judicial Code may prescribe incompatibility requirements for the members of the Supreme Judicial Council elected by the National Assembly. The Judicial Code may prescribe a requirement on the suspension of powers of judge-members while holding office in the Supreme Judicial Council. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council, successively from among the members elected by the General Assembly of Judges and the National Assembly. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code”.

Prosecution in Armenia does not have a Council, it has a Board, which is composed of 20 prosecutors. In order to discuss fundamental issues related to the organization of the activities of the Prosecutor's Office, according to the Article 22 of the Law on "The Prosecutor's Office" a board shall function in the Prosecutor's Office, chaired by the Prosecutor General.

The Board of the Prosecutor's Office consists of the Prosecutor General, the Deputy Prosecutors General, the heads of the structural subdivisions of the Prosecutor General's Office, the Prosecutor of the city of Yerevan.

Artur Davtyan

Prosecutor General of the Republic of Armenia

Armen Afandyan

**Q269 (2020):** Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. Each member of the Board of the Prosecutor's Office must hold the office until the end of his/her term. For example, the Prosecutor is elected for a term of six years, but there is no term

**Q270 (2020):** Prosecutors mentioned by law are ex-officio members of the Board of the Prosecutor's Office, so they are not elected as members of the Board for some specific term and there is no specific rule for re-election. But it should be noted that the same person may not be elected as Prosecutor General for more

**Q274 (2020):** The Board of the Prosecutor's Office discusses the fundamental issues related to the organization of the activities. There is no regulation directly mentioned in the law on this issue.

## Azerbaijan

**Q266 (2020):** Other: 1 person appointed by the General Prosecutor's Office of the Republic of Azerbaijan; 1 person appointed by the President of Republic of Azerbaijan. According to Article 6 of Law on Judicial-Legal Council, the Council is composed of 15 members. Judicial-Legal Council is mainly composed of judges, representatives of executive and legislative bodies, prosecutor's office, as well as, bar association in the following manner: • head of the relevant executive body\* (Minister of Justice) of the Republic of Azerbaijan; • President of the Supreme Court of the Republic of Azerbaijan; • person appointed by the President of Republic of Azerbaijan; • person appointed by Milli Majlis (parliament) of the Republic of Azerbaijan; • a judge appointed by the Constitutional Court of the Republic of Azerbaijan; • two judges of cassation instance court selected by the Supreme Court from among the candidates by the associations of judges; • two judges of the Court of Appeal selected by the Judicial Council from among the candidates offered by the associations of judges; • judge of the Supreme Court of Nakhchivan Autonomous Republic (NAR) selected by the NAR Supreme Court from among the candidates by the associations of judges; • two judges of the first



**Q268 (2020):** The election/appointment of members of the Council, including non-judge members is regulated by Article 6 of the Law "on the Judicial-Legal Council". According to this article, non-judge members of the Council are appointed directly by the body they represent. As a rule, these bodies

**Q274 (2020):** According to Article 100 of Law on Court and Judges, in case of outside influence on the activities of the judge, he must apply to the Judicial Council. Article 11 of Law on Judicial-Legal Council, the Council takes measures to ensure independence of judges and to prevent meddling in their activity. As the additional guarantee for judges, in 2019 special hotline was introduced at the Council in order to receive applications from judges in case of interference with their activities.

## Georgia

**Q265 (2020):** The Prosecution Service is not part of the judicial system in Georgia. There is a Prosecutorial Council, which exists separately from the High Council of Justice, which is the council for judiciary.

and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organisation concerned.

The Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. The procedure for the latest selection of non-prosecutorial members of the Prosecutorial Council was as follows:

- The Conference of Prosecutors elected 8 members;
- The Parliament elected 2 members (MPs), one from the parliamentary majority and another from the MPs not belonging to the parliamentary majority;
- The High Council of Justice elected 2 members (judges);
- The Parliament elected one member (lawyer), nominated by the Minister of Justice;
- The Parliament elected one member (lawyer), nominated by the Georgian Bar Association;
- The Parliament elected one member (representative of the civil society), nominated by the non-commercial legal entity Civil Development Society.

Therefore, 8 members (prosecutors) are elected by their peers, 5 members in total are elected by the Parliament of Georgia: one from majority and one from opposition, one member upon recommendation of Minister of Justice, 2 members from among professors and scholars working in higher education institutions of Georgia, members of the Bar Association of Georgia or persons nominated by non-commercial legal entities of Georgia with experience of court litigation. Besides Prosecutorial Council, Currently, there are 3 different councils pertaining to the PSG activities:

Career Management, Ethics and Incentives Council

The Career Management, Ethics and Incentives Council is advising the Prosecutor General on the matters of career management, incentives and discipline of employees. It does not have members from outside of the PSG.

Strategic Development and Criminal Justice Policy Council

The Strategic Development and Criminal Justice Policy Council is advising the Prosecutor General on the matters of strategic development of the Prosecutor's Office and the criminal justice policy. It does not have members from outside of the PSG.

Grading Council

**Q268 (2020):** “The Parliament may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master’s or equivalent academic degree/higher education diploma, at least 5 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. A candidate’s prior consent shall be required for his/her election to the High Council of Justice of Georgia.” One member appointed to the High Council of Justice by the President of Georgia should meet the same requirements.

- In the case of prosecutorial part of the Council, the Conference should elect 8 members out of at least ¼ shall be of different gender;
- A candidate, who is nominated by the Minister of Justice and elected by the Parliament, should have a higher education in law with a master’s or equal academic degree and at least five years’ experience of working as a lawyer;

- Two members, proposed by the High Council of Justice of Georgia should have at least five years’ experience of working as a judge.

**Q270 (2020):** The term of office of the members of the Council is not renewable. Membership of the Council is not a full-time position. In addition, the members are not subject to evaluation procedures. Pursuant to Part 12 of Article 47 of the Organic Law of Georgia on Common Courts, the term of office of a member of the High Council of Justice of Georgia is 4 years. The same person may not be elected (appointed) as a

**Q273 (2020):** The High Council of Justice is accountable to the Conference of Judges of Georgia. The chairperson of the High Council of Justice submits to the Conference of Judges an annual report on the activities which the High Council of Justice has performed, which shall be published on the web page of the

**Q274 (2020):** Ensuring the independence of the judiciary and judges is one of the main functions of the High Council of Justice. In case the alleged breach is conducted by a judge, it may become the ground for initiating

## Republic of Moldova

**Q266 (2020):** Other for SCM - the Prosecutor General

Other for SCP - the President of the SCM, the Ombudsman, the Chief-Prosecutor of the Gagauz Yeri

**Q268 (2020):** Criteria for non-judge members

1. Studies (Doctor of Juridical Science)
2. Competence (Law professor experience)
3. Reputation
4. Work programme as a SCM member
5. Interview organized by Parliament (4 questions regarding the field of competence candidate applied for)

Criteria for non-prosecutor members for first phase:

1. Studies (licence in Law)
2. Experience ( minimum 3 years)
3. Reputation
4. Citizenship of the Republic of Moldova
5. Knowledge of the official language of the Republic of Moldova
6. Mental capacity

Second phase of selection consists from an interview organized by Parliament, President of the Republic of

**Q270 (2020):** It is a full time position for SCM members elected from judges and a part time position for Academics and ex officio members.

**Q274 (2020):** A suspicion of a breach of the independence or the impartiality of a judge or pressure on a prosecutor can be a reason to start a disciplinary procedure against the related judge/prosecutor. This competence is granted by disciplinary branches within the Councils. The disciplinary procedure has several phases: it starts with receiving and checking the note/information about the suspected breach by the

## Indicator 11 - Council for the judiciary/ Prosecutorial Council

by question No.

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## **Georgia**

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Grading Council

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## Question 268

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Criteria for non-prosecutor members for first phase:

1. Studies (licence in Law)
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4. Citizenship of the Republic of Moldova
5. Knowledge of the official language of the Republic of Moldova
6. Mental capacity

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### **Question 269**

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### **Question 270**

#### **Armenia**

**(2020):** Prosecutors mentioned by law are ex-officio members of the Board of the Prosecutor's Office, so they are not elected as members of the Board for some specific term and there is no specific rule for re-election. But it should be noted that the same person may not be elected as Prosecutor General for more

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### **Republic of Moldova**

**(2020):** It is a full time position for SCM members elected from judges and a part time position for Academics and ex officio members.

### **Question 273**

#### **Georgia**

**(2020):** The High Council of Justice is accountable to the Conference of Judges of Georgia. The chairperson of the High Council of Justice submits to the Conference of Judges an annual report on the activities which the High Council of Justice has performed, which shall be published on the web page of the High Council of

### **Question 274**

#### **Armenia**

**(2020):** The Board of the Prosecutor's Office discusses the fundamental issues related to the organization of the activities. There is no regulation directly mentioned in the law on this issue.

#### **Azerbaijan**

**(2020):** According to Article 100 of Law on Court and Judges, in case of outside influence on the activities of the judge, he must apply to the Judicial Council. Article 11 of Law on Judicial-Legal Council, the Council takes measures to ensure independence of judges and to prevent meddling in their activity. As the additional guarantee for judges, in 2019 special hotline was introduced at the Council in order to receive applications from judges in case of interference with their activities.

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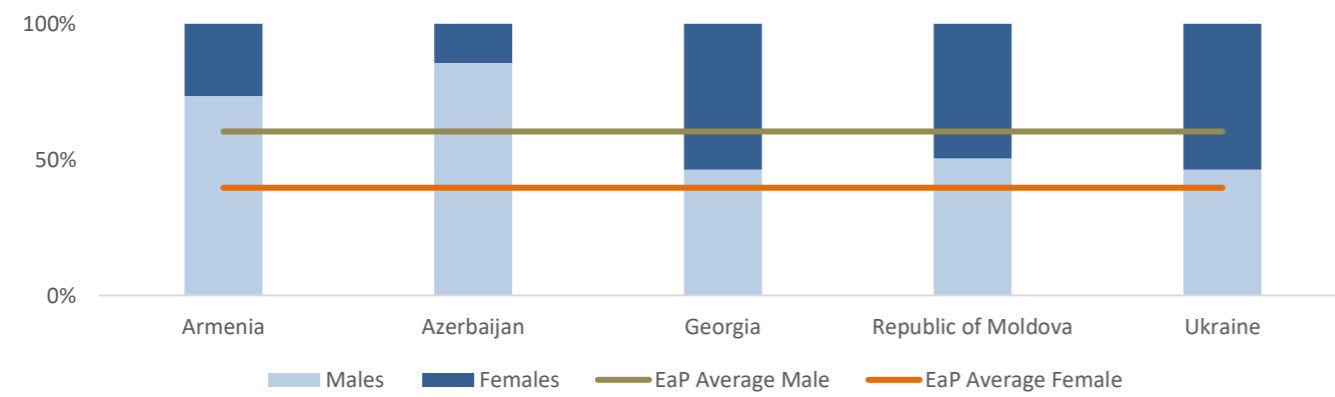
## 12. Gender Equality - Overview

### Distribution of males and females in the judiciary in 2020

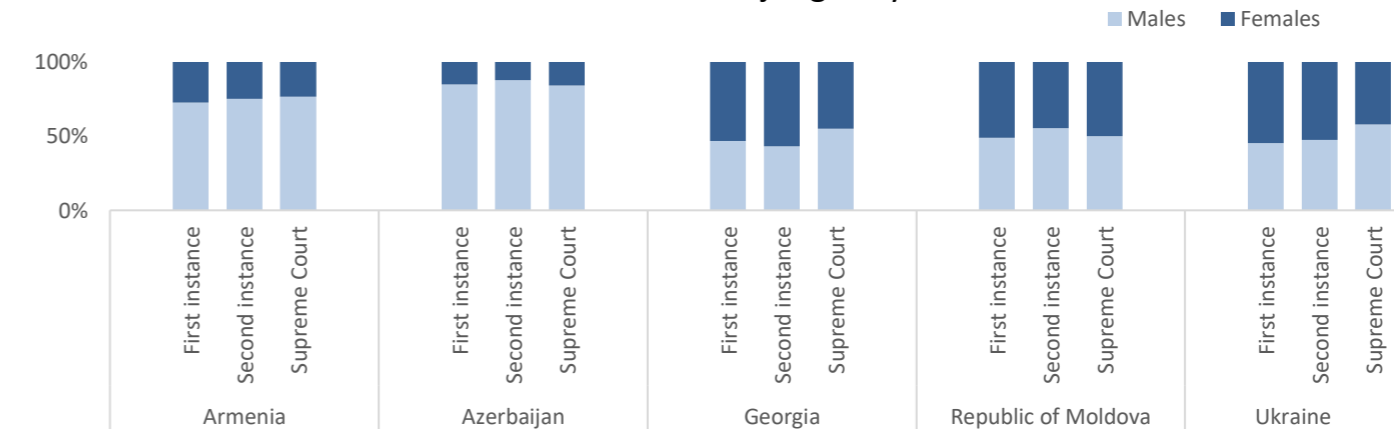
Professionals by gender distribution and variation by gender 2018-2020 (Tables no. 12.1.1, 12.1.2, 12.1.3, 12.1.4, 12.1.6, 12.1.7, 12.1.8 and 12.1.9)

Beneficiaries	Professional judges				Court presidents				Prosecutors				Heads of prosecution services			
	Male	Female	Variation 2018 - 2020		Male	Female	Variation 2018 - 2020		Male	Female	Variation 2018 - 2020		Male	Female	Variation 2018 - 2020	
			Male	Female			Male	Female			Male	Female			Male	Female
Armenia	73,4%	26,6%	-1,2	1,2	100,0%	0,0%	NAP	NAP	86,2%	13,8%	-1,9	1,9	97,6%	2,4%	-2,4	2,4
Azerbaijan	85,6%	14,4%	0,0	0,0	98,0%	2,0%	0,7	-0,7	93,3%	6,7%	-0,3	0,3	NA	NA	NA	NA
Georgia	46,2%	53,8%	-1,0	1,0	85,0%	15,0%	1,0	-1,0	68,1%	31,9%	-2,1	2,1	87,3%	12,7%	-6,7	6,7
Republic of Moldova	50,3%	49,7%	-2,4	2,4	90,0%	10,0%	0,0	0,0	68,7%	31,3%	-0,9	0,9	93,3%	6,7%	-1,9	1,9
Ukraine	46,2%	53,8%	-1,5	1,5	61,8%	38,2%	-2,1	2,1	59,6%	40,4%	-1,5	1,5	95,5%	4,5%	1,0	-1,0
<b>EaP Average</b>	<b>60,4%</b>	<b>39,6%</b>	<b>-1,2</b>	<b>1,2</b>	<b>87,0%</b>	<b>13,0%</b>	<b>-0,1</b>	<b>0,1</b>	<b>75%</b>	<b>25%</b>	<b>-1,4</b>	<b>1,4</b>	<b>93%</b>	<b>7%</b>	<b>-2,5</b>	<b>2,5</b>

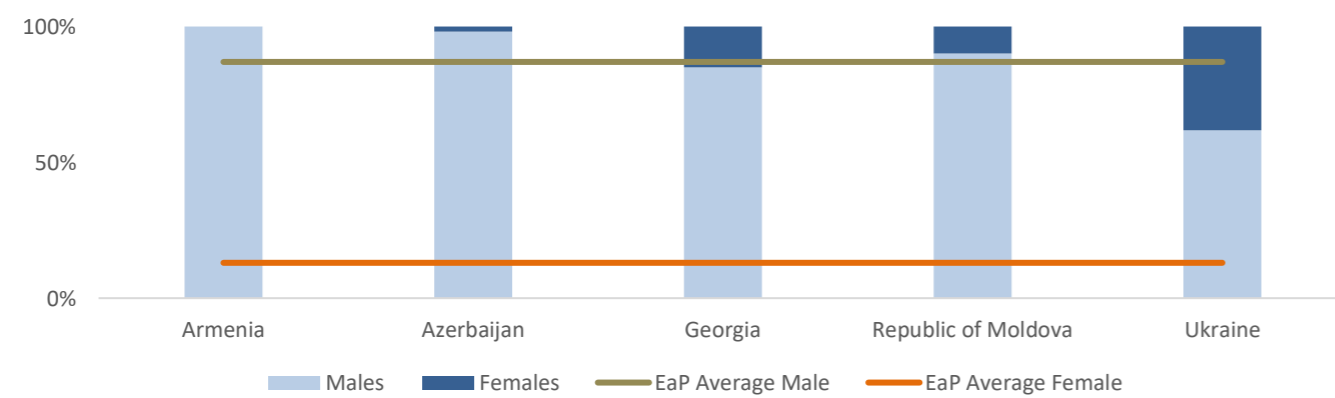
Distribution of the total male and female judges in 2020



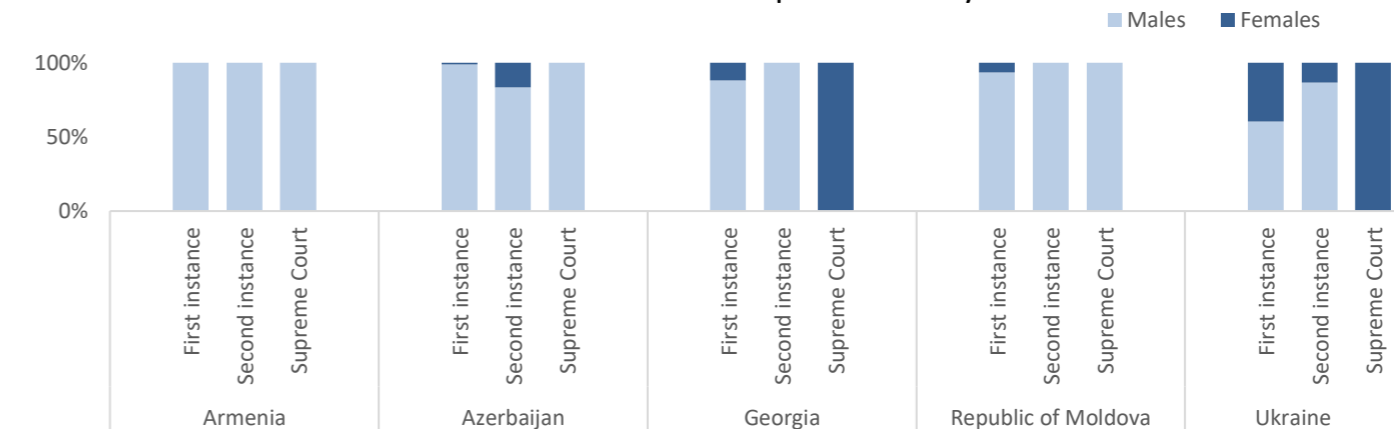
Distribution of male and female judges by instance in 2020



Distribution of the total male and female court presidents in 2020

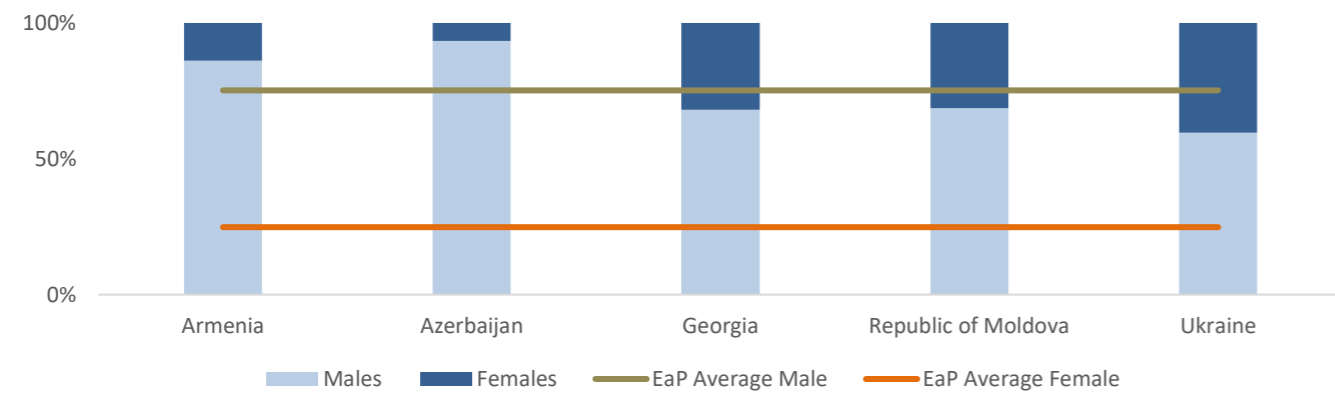


Distribution of male and female court presidents by instance in 2020

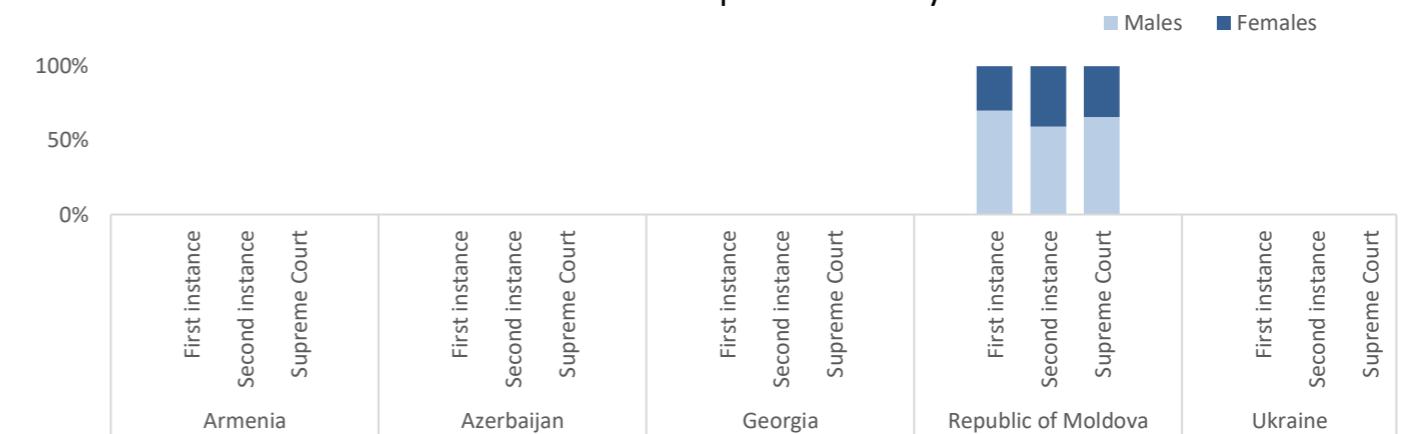




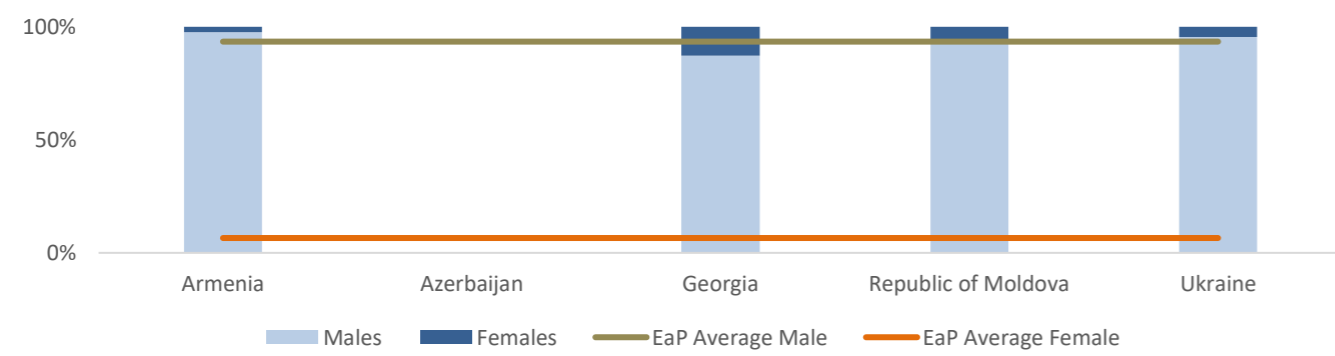
Distribution of the total male and female prosecutors in 2020



Distribution of male and female prosecutors by instance in 2020



Distribution of the total male and female heads of prosecution services in 2020



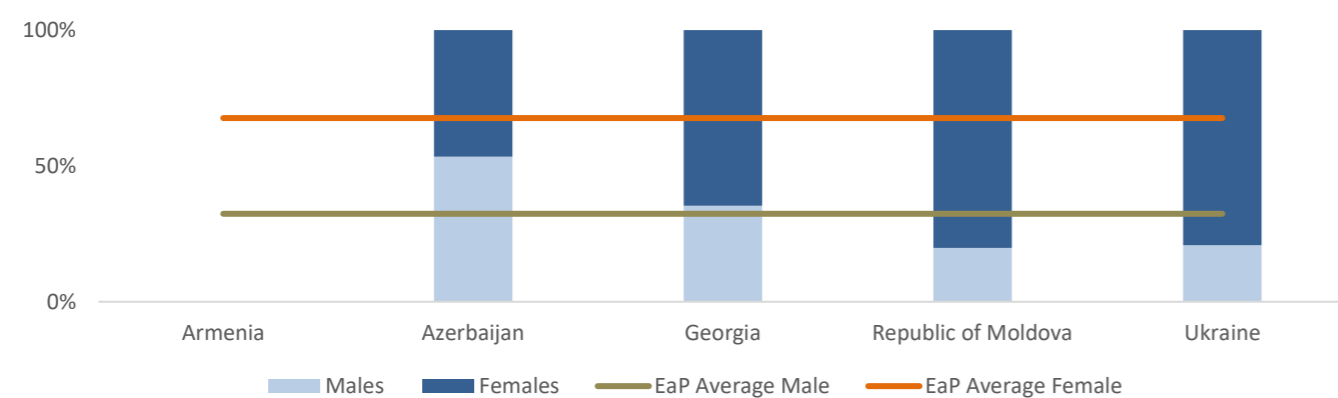
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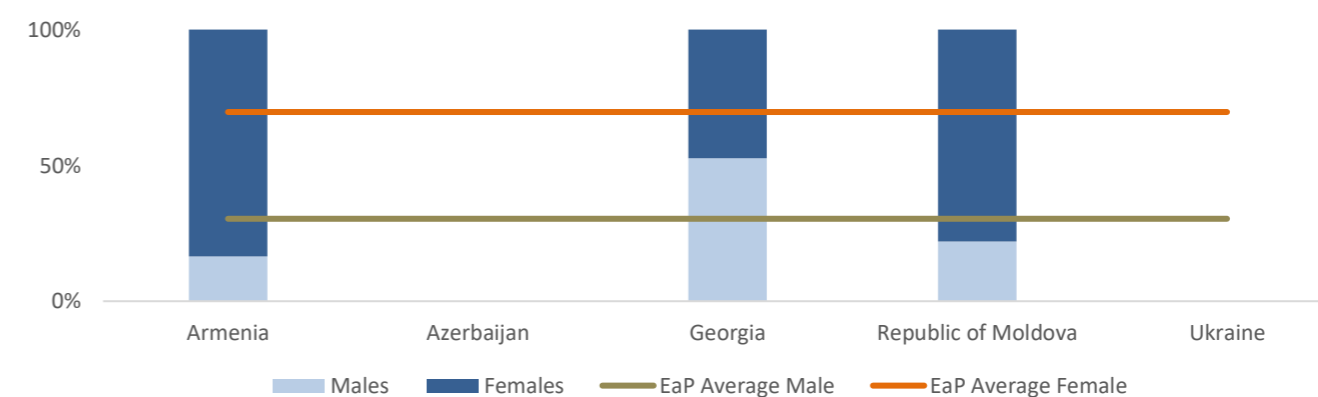
Professionals by gender distribution and variation by gender 2018-2020 (Tables no. 12.1.5, 12.1.10 and 12.1.11)

Beneficiaries	Non-judge staff				Non-prosecutor staff				Lawyers			
	Male	Female	Variation 2018 - 2020		Male	Female	Variation 2018 - 2020		Male	Female	Variation 2018 - 2020	
			Male	Female			Male	Female			Male	Female
Armenia	NA	NA	NA	NA	16,5%	83,5%	-17,6	17,6	55,1%	44,9%	-2,3	2,3
Azerbaijan	53,5%	46,5%	1,4	-1,4	NA	NA	NA	NA	83,1%	16,9%	-0,9	0,9
Georgia	35,3%	64,7%	-0,5	0,5	52,6%	47,4%	-1,2	1,2	51,9%	48,1%	0,0	0,0
Republic of Moldova	19,9%	80,1%	-0,6	0,6	21,9%	78,1%	-12,0	12,0	70,3%	29,7%	5,8	-5,8
Ukraine	20,9%	79,1%	-0,5	0,5	NA	NA	NA	NA	75,3%	24,7%	11,8	-11,8
<b>EaP Average</b>	<b>32%</b>	<b>68%</b>	<b>-0,1</b>	<b>0,1</b>	<b>30%</b>	<b>70%</b>	<b>-10,3</b>	<b>10,3</b>	<b>67%</b>	<b>33%</b>	<b>2,9</b>	<b>-2,9</b>

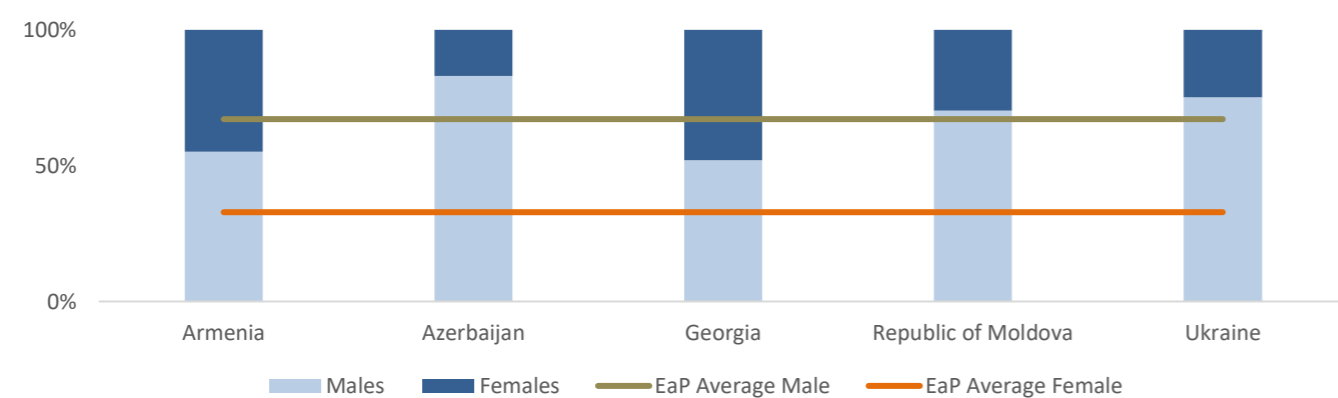
Distribution of male and female non-judge staff in 2020



Distribution of male and female non-prosecutor staff in 2020



Distribution of male and female lawyers in 2020



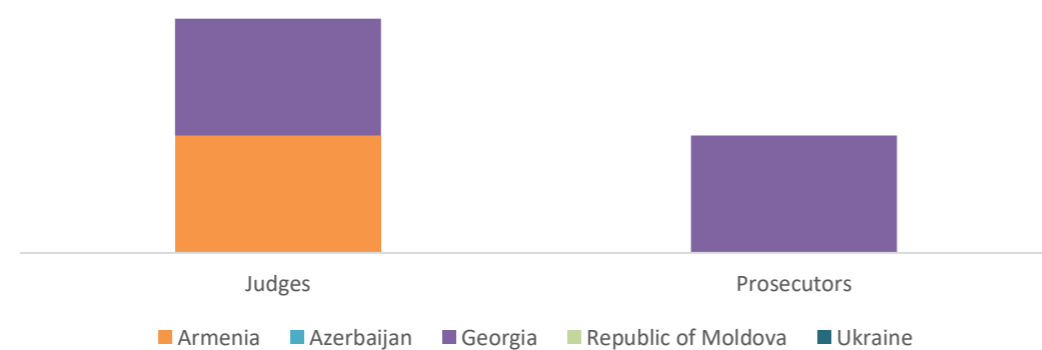
## Policies on gender equality

Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2020 (table no. 12.1.12)

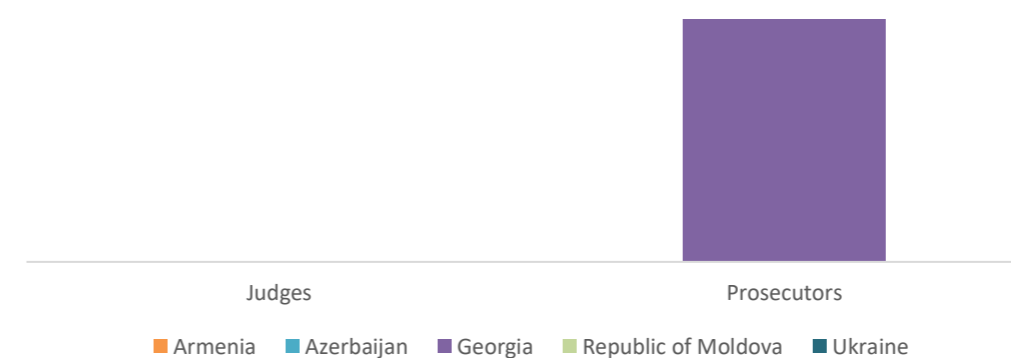
Beneficiaries	Specific provisions for recruiting						Specific provisions for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Armenia	Yes	No	No	No	No	No	No	No	No	No	No	No
Azerbaijan	No	No	No	No	No	No	No	No	No	No	No	No
Georgia	Yes	Yes	No	No	No	No	No	Yes	No	No	No	No
Republic of Moldova	No	No	Yes	No	No	No	No	No	Yes	No	No	No
Ukraine	No	No	No	No	No	No	No	No	No	No	No	No

Yes  
No

Specific provisions - Recruiting in 2020



Specific provisions - Promoting in 2020



## 12. Gender Equality - Tables

Table 12.1.1 Distribution of total male and female professional judges in 2018 and 2020 (Q19)

Table 12.1.2 Distribution of male and female professional judges by instance in 2018 and 2020 (Q19)

Table 12.1.3 Distribution of total male and female court presidents in 2018 and 2020 (Q19-1)

Table 12.1.4 Distribution of male and female court presidents by instance in 2018 and 2020 (Q19-1)

Table 12.1.5 Distribution of male and female non-judge staff in 2018 and 2020 (Q26)

Table 12.1.6 Distribution of total male and female prosecutors in 2018 and 2020 (Q28)

Table 12.1.7 Distribution of male and female prosecutors by instance in 2018 and 2020 (Q28)

Table 12.1.8 Distribution of total male and female heads of prosecution services in 2018 and 2020 (Q28-1)

Table 12.1.9 Distribution of male and female heads of prosecution services by instance in 2018 and 2020 (Q28-1)

Table 12.1.10 Distribution of male and female non-prosecutor staff in 2018 and 2020 (Q32)

Table 12.1.11 Distribution of male and female lawyers in 2018 and 2020 (Q33)

Table 12.1.12 Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2020 (Q275 and Q276)

Table 12.1.13 Existence of specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2020 (Q277)

Table 12.1.14 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2020 (Q278 and Q279)

Table 12.1.15 Policies for males/females equality at court and prosecution services level in 2020 (Q283 and Q284)

Table 12.1.16 Existence of statistical data concerning male and female court users, persons who initiate a case, victims, accused persons and existence of studies or official reports regarding the main causes of possible inequalities in 2020 (Q286 and Q287)

Table 12.1.17 Implemented and planned measures In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2020 (Q285)

Table 12.1.18 Open-ended questions in Indicator 12 (Q280, 281 and 282)

**Table 12.1.1 Distribution of total male and female professional judges in 2018 and 2020 (Q19)**

Beneficiaries	Total professional judges					
	2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	74,6%	25,4%	73,4%	26,6%	-1,2	1,2
Azerbaijan	85,6%	14,4%	85,6%	14,4%	0,0	0,0
Georgia	47,2%	52,8%	46,2%	53,8%	-1,0	1,0
Republic of Moldova	52,7%	47,3%	50,3%	49,7%	-2,4	2,4
Ukraine	47,7%	52,3%	46,2%	53,8%	-1,5	1,5
<b>Average</b>	61,6%	38,4%	60,4%	39,6%	-1,2	1,2
<b>Median</b>	52,7%	47,3%	50,3%	49,7%	-1,2	1,2
<b>Minimum</b>	47,2%	14,4%	46,2%	14,4%	-2,4	0,0
<b>Maximum</b>	85,6%	52,8%	85,6%	53,8%	0,0	2,4
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

Table 12.1.2 Distribution of male and female professional judges by instance in 2018 and 2020 (Q19)

Beneficiaries	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges					
	2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	74,9%	25,1%	72,7%	27,3%	-2,2	2,2	72,7%	27,3%	75,0%	25,0%	2,3	-2,3	76,5%	23,5%	76,5%	23,5%	0,0	0,0
Azerbaijan	85,1%	14,9%	85,1%	14,9%	0,0	0,0	88,2%	11,8%	87,9%	12,1%	-0,3	0,3	82,9%	17,1%	84,2%	15,8%	1,3	-1,3
Georgia	45,3%	54,7%	46,6%	53,4%	1,2	-1,2	50,7%	49,3%	43,3%	56,7%	-7,4	7,4	63,6%	36,4%	55,0%	45,0%	-8,6	8,6
Republic of Moldova	52,2%	47,8%	49,0%	51,0%	-3,2	3,2	53,8%	46,2%	55,4%	44,6%	1,6	-1,6	55,6%	44,4%	50,0%	50,0%	-5,6	5,6
Ukraine	47,4%	52,6%	45,5%	54,5%	-1,9	1,9	48,4%	51,6%	47,4%	52,6%	-0,9	0,9	54,2%	45,8%	57,9%	42,1%	3,7	-3,7
<b>Average</b>	61,0%	39,0%	59,8%	40,2%	-1,2	1,2	62,8%	37,2%	61,8%	38,2%	-0,9	0,9	66,6%	33,4%	64,7%	35,3%	-1,8	1,8
<b>Median</b>	52,2%	47,8%	49,0%	51,0%	-1,9	1,9	53,8%	46,2%	55,4%	44,6%	-0,3	0,3	63,6%	36,4%	57,9%	42,1%	0,0	0,0
<b>Minimum</b>	45,3%	14,9%	45,5%	14,9%	-3,2	-1,2	48,4%	11,8%	43,3%	12,1%	-7,4	-2,3	54,2%	17,1%	50,0%	15,8%	-8,6	-3,7
<b>Maximum</b>	85,1%	54,7%	85,1%	54,5%	1,2	3,2	88,2%	51,6%	87,9%	56,7%	2,3	7,4	82,9%	45,8%	84,2%	50,0%	3,7	8,6
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Table 12.1.3 Distribution of total male and female court presidents in 2018 and 2020 (Q19-1)**

Beneficiaries	Total court presidents					
	2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	NAP	100,0%	0,0%	NAP	NAP
Azerbaijan	97,3%	2,7%	98,0%	2,0%	0,7	-0,7
Georgia	84,0%	16,0%	85,0%	15,0%	1,0	-1,0
Republic of Moldova	90,0%	10,0%	90,0%	10,0%	0,0	0,0
Ukraine	63,9%	36,1%	61,8%	38,2%	-2,1	2,1
<b>Average</b>	87,0%	16,2%	87,0%	13,0%	-0,1	0,1
<b>Median</b>	90,0%	13,0%	90,0%	10,0%	0,4	-0,4
<b>Minimum</b>	63,9%	2,7%	61,8%	0,0%	-2,1	-1,0
<b>Maximum</b>	100,0%	36,1%	100,0%	38,2%	1,0	2,1
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	20%	0%	0%	20%	20%



Table 12.1.4 Distribution of male and female court presidents by instance in 2018 and 2020 (Q19-1)

Beneficiaries	First instance court presidents						Second instance (court of appeal) court presidents						Supreme Court court presidents					
	2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
<b>Armenia</b>	100,0%	NAP	100,0%	0,0%	NAP	NAP	100,0%	NAP	100,0%	0,0%	NAP	NAP	100,0%	NAP	100,0%	0,0%	NAP	NAP
<b>Azerbaijan</b>	98,1%	1,9%	98,9%	1,1%	0,9	-0,9	83,3%	16,7%	83,3%	16,7%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
<b>Georgia</b>	86,4%	13,6%	88,2%	11,8%	1,9	-1,9	100,0%	0,0%	100,0%	0,0%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
<b>Republic of Moldova</b>	86,7%	13,3%	93,3%	6,7%	6,7	-6,7	100,0%	0,0%	100,0%	0,0%	0,0	0,0	100,0%	0,0%	0,0%	100,0%	-100,0	100,0
<b>Ukraine</b>	62,5%	37,5%	60,3%	39,7%	-2,2	2,2	86,5%	13,5%	86,5%	13,5%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
<b>Average</b>	86,7%	16,6%	88,2%	11,8%	1,8	-1,8	94,0%	7,5%	94,0%	6,0%	0,0	0,0	60,0%	50,0%	40,0%	60,0%	-25,0	25,0
<b>Median</b>	86,7%	13,5%	93,3%	6,7%	1,4	-1,4	100,0%	6,8%	100,0%	0,0%	0,0	0,0	100,0%	50,0%	0,0%	100,0%	0,0	0,0
<b>Minimum</b>	62,5%	1,9%	60,3%	0,0%	-2,2	-6,7	83,3%	0,0%	83,3%	0,0%	0,0	0,0	0,0%	0,0%	0,0%	0,0%	-100,0	0,0
<b>Maximum</b>	100,0%	37,5%	100,0%	39,7%	6,7	2,2	100,0%	16,7%	100,0%	16,7%	0,0	0,0	100,0%	100,0%	100,0%	100,0%	0,0	100,0
<b>Nb of values</b>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	20%	0%	0%	20%	20%	0%	20%	0%	0%	20%	20%	0%	20%	0%	0%	20%	20%

**Table 12.1.5 Distribution of male and female non-judge staff in 2018 and 2020 (Q26)**

Beneficiaries	Total non-judge staff					
	2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	44,1%	54,9%	NA	NA	NA	NA
Azerbaijan	52,1%	47,9%	53,5%	46,5%	1,4	-1,4
Georgia	35,7%	64,3%	35,3%	64,7%	-0,5	0,5
Republic of Moldova	20,6%	79,4%	19,9%	80,1%	-0,6	0,6
Ukraine	21,4%	78,6%	20,9%	79,1%	-0,5	0,5
<b>Average</b>	34,8%	65,0%	32,4%	67,6%	-0,1	0,1
<b>Median</b>	35,7%	64,3%	28,1%	71,9%	-0,5	0,5
<b>Minimum</b>	20,6%	47,9%	19,9%	46,5%	-0,6	-1,4
<b>Maximum</b>	52,1%	79,4%	53,5%	80,1%	1,4	0,6
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	20%	20%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

**Table 12.1.6 Distribution of total male and female prosecutors in 2018 and 2020 (Q28)**

Beneficiaries	Total prosecutors					
	2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	88,1%	11,9%	86,2%	13,8%	-1,9	1,9
Azerbaijan	93,6%	6,4%	93,3%	6,7%	-0,3	0,3
Georgia	70,2%	29,8%	68,1%	31,9%	-2,1	2,1
Republic of Moldova	69,6%	30,4%	68,7%	31,3%	-0,9	0,9
Ukraine	61,1%	38,9%	59,6%	40,4%	-1,5	1,5
<b>Average</b>	76,5%	23,5%	75,2%	24,8%	-1,4	1,4
<b>Median</b>	70,2%	29,8%	68,7%	31,3%	-1,5	1,5
<b>Minimum</b>	61,1%	6,4%	59,6%	6,7%	-2,1	0,3
<b>Maximum</b>	93,6%	38,9%	93,3%	40,4%	-0,3	2,1
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

Table 12.1.7 Distribution of male and female prosecutors by instance in 2018 and 2020 (Q28)

Beneficiaries	Prosecutors at first instance						Prosecutors at second instance (court of appeal)						Prosecutors at Supreme Court					
	2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	69,6%	30,4%	70,2%	29,8%	0,5	-0,5	52,4%	47,6%	61,9%	42,9%	4,8	-4,8	71,5%	28,5%	65,9%	34,1%	-5,6	5,6
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
% of NAP	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%

**Table 12.1.8 Distribution of total male and female heads of prosecution services in 2018 and 2020 (Q28-1)**

Beneficiaries	Total heads of prosecution services					
	2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	0,0%	97,6%	2,4%	-2,4	2,4
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	94,0%	6,0%	87,3%	12,7%	-6,7	6,7
Republic of Moldova	95,2%	4,8%	93,3%	6,7%	-1,9	1,9
Ukraine	94,5%	5,5%	95,5%	4,5%	1,0	-1,0
<b>Average</b>	95,9%	4,1%	93,4%	6,6%	-2,5	2,5
<b>Median</b>	94,9%	5,1%	94,4%	5,6%	-2,1	2,1
<b>Minimum</b>	94,0%	0,0%	87,3%	2,4%	-6,7	-1,0
<b>Maximum</b>	100,0%	6,0%	97,6%	12,7%	1,0	6,7
<b>Nb of values</b>	5	5	5	5	5	5
<b>% of NA</b>	20%	20%	20%	20%	20%	20%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

Table 12.1.9 Distribution of male and female heads of prosecution services by instance in 2018 and 2020 (Q28-1)

Beneficiaries	First instance heads of prosecution services						Second instance (court of appeal) heads of prosecution services						Supreme Court heads of prosecution services					
	2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020		2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	97,2%	2,8%	94,9%	5,1%	-2,4	2,4	66,7%	33,3%	66,7%	33,3%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
% of NAP	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%

**Table 12.1.10 Distribution of male and female non-prosecutor staff in 2018 and 2020 (Q32)**

Beneficiaries	Total non-prosecutor staff					
	2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	34,1%	65,9%	16,5%	83,5%	-17,6	17,6
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	53,8%	46,2%	52,6%	47,4%	-1,2	1,2
Republic of Moldova	34,0%	66,0%	21,9%	78,1%	-12,0	12,0
Ukraine	NA	NA	NA	NA	NA	NA
<b>Average</b>	40,6%	59,4%	30,3%	69,7%	-10,3	10,3
<b>Median</b>	34,1%	65,9%	21,9%	78,1%	-12,0	12,0
<b>Minimum</b>	34,0%	46,2%	16,5%	47,4%	-17,6	1,2
<b>Maximum</b>	53,8%	66,0%	52,6%	83,5%	-1,2	17,6
<b>Nb of values</b>	5	5	5	5	5,00	5,00
<b>% of NA</b>	40%	40%	40%	40%	0,40	0,40
<b>% of NAP</b>	0%	0%	0%	0%	0,00	0,00

**Table 12.1.11 Distribution of male and female lawyers in 2018 and 2020 (Q33)**

Beneficiaries	Lawyers					
	2018		2020		Variation 2018 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	57,4%	42,6%	55,1%	44,9%	-2,3	2,3
Azerbaijan	84,0%	16,0%	83,1%	16,9%	-0,9	0,9
Georgia	51,9%	48,1%	51,9%	48,1%	0,0	0,0
Republic of Moldova	64,5%	35,5%	70,3%	29,7%	5,8	-5,8
Ukraine	63,4%	36,6%	75,3%	24,7%	11,8	-11,8
<b>Average</b>	64,2%	35,8%	67,1%	32,9%	2,9	-2,9
<b>Median</b>	63,4%	36,6%	70,3%	29,7%	0,0	0,0
<b>Minimum</b>	51,9%	16,0%	51,9%	16,9%	-2,3	-11,8
<b>Maximum</b>	84,0%	48,1%	83,1%	48,1%	11,8	2,3
<b>Nb of values</b>	5	5	5	5	5,00	5,00
<b>% of NA</b>	0%	0%	0%	0%	0,00	0,00
<b>% of NAP</b>	0%	0%	0%	0%	0,00	0,00



**Table 12.1.12 Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2020 (Q275 and Q276)**



Beneficiaries	Specific provisions for recruiting						Specific provisions for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Armenia	Yes	No	No	No	No	No	No	No	No	No	No	No
Azerbaijan	No	No	No	No	No	No	No	No	No	No	No	No
Georgia	Yes	Yes	No	No	No	No	No	Yes	No	No	No	No
Republic of Moldova	No	No	Yes	No	No	No	No	No	Yes	No	No	No
Ukraine	No	No	No	No	No	No	No	No	No	No	No	No
<b>Nb of Yes</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

Yes

No

**Table 12.1.13 Existence of specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2020 (Q277)**

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedures for the appointment	
	Court president	Head of prosecution services
Armenia		
Azerbaijan		
Georgia		
Republic of Moldova		
Ukraine		
<b>Nb of Yes</b>	<b>0</b>	<b>1</b>

Yes   
 No 

**Table 12.1.14 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2020 (Q278 and Q279)**

Beneficiaries	At national level						
	Existence of a national programme or document to promote males/females equality	Existence of specific person/institution dealing with gender issues for:					
		Recruitment of judges	Promotion of judges	Recruitment of prosecutors	Promotion of prosecutors	Recruitment of non-judge staff	Promotion of non-judge staff
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							
<b>Nb of Yes</b>	1	1	1	1	1	1	1
						Yes	
						No	

Table 12.1.15 Policies for males/females equality at court and prosecution services level in 2020 (Q283 and Q284)

Beneficiaries	At court and prosecution services level									
	Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work			Concrete changes in the organisation of work due to the feminisation of certain functions						
	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-judge staff	Assignment in different positions	Workload distribution	Working hours	Modalities of teleworking and presence in the work space	Replacement of absent persons	Organisation of the hearings	Other
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine										
<b>Nb of Yes</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
								Yes		
								No		

**Table 12.1.16 Existence of statistical data concerning male and female court users, persons who initiate a case, victims, accused persons and existence of studies or official reports regarding the main causes of possible inequalities in 2020 (Q286 and Q287)**

Beneficiaries	Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons	Evaluation studies or official reports regarding the main causes of possible inequalities with regard to:				
		Recruitment procedures	Appointment to the position of court president	Appointment to the position of head of prosecution services	Promotion procedures and access to the functions of responsibility	Other studies
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						
<b>Nb of Yes</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>
					Yes	
					No	

Table 12.1.17 Implemented and planned measures In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2020 (Q285)

Beneficiaries	Measures In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility		
	Implemented	Planned	In case the situation has changed since the reference year
<b>Armenia</b>	<p>Judicial code adopted in 2018 has provisions for improving gender balance in judiciary. For example, Article 100, part 3: For the purpose of gender representation of judge members within the Supreme Judicial Council, the number of representatives of the same gender must be as restricted as possible to maximum three members.</p> <p>Article 109, part 5: Where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received the maximum number of "for" votes, but not less than at least more than half of those of all the members of the Supreme Judicial Council.</p> <p>In 2015, Armenia adopted the Action Plan On Promoting Gender Balance among Candidates for Judges for 2015-2017. The Action Plan defines, inter alia, the action of (i) analysing existing opinions and approaches in different social groups on gender equality in the judiciary; (ii) developing educational materials and thematic curricula based on the analysis of the international experience; (iii) providing capacity building on gender equality; (iv) ensuring cooperation with different educational institutions, NGOs and INGOs; (v) promoting access to legal professions among girls and young women; (vi) organising discussions, roundtables, seminars for raising awareness on the issue of gender equality in the judiciary. CEDAW Committee, in its concluding observations on the combined fifth and sixth periodic reports of Armenia, notes that this Action Plan is a positive development for the country.</p>	<p>In 2019, the government adopted the Gender Policy Implementation Strategy and Action Plan for 2019–2023.61 Among the priority areas, there are objectives related to the improvement of national machinery on women's advancement and equal participation of women and men in the leadership and decision-making positions; elimination of gender discrimination in the socio-economic sphere and enhancement of economic opportunities for women, including addressing work-family balance, prevention of gender-based discrimination, including promoting increased political representation of women and addressing gender stereotypes.</p>	<p>During 2021 the number of women court presidents raised. During recent 5 years the number of women judge candidates raised, and nowadays most of the candidate especially for civil and administrative cases are women.</p>
<b>Azerbaijan</b>	<p>Ensuring gender equality to protect gender equality, protect women's rights, leadership, gender audit, existing gender policy and national and international legislation in this area cooperation with organizations, methods of combating sexual discrimination and other appropriate measures are being taken. As a result of this measures in all judicial areas the number of women have increased and this tendency continues. As an example: the number of women judges in the judiciary is growing steadily: in 2013, women made up 13% of the judiciary, up from 17% a year earlier.</p> <p>Also, over the past five years, more than 30 percent of those appointed to the position of judges after passing examinations with candidates for judges, as well as more than 40 percent of candidates appointed for the last time based on the results of such competitions. women.</p> <p>Currently, of the 41 candidates who have successfully passed the examinations and are undergoing training to become judges, 60 percent are women.</p> <p>All this is a manifestation of the observance of the principles of gender equality in our country, the activity of women in various spheres of public life. Analysis done on the basis of statistical data, a positive trend in this direction is observed in all judicial areas.</p> <p>The comprehensive information is provided in the reports as per following links: AZ - <a href="https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224">https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224</a> EN - <a href="https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224">https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224</a></p>	<p>Above mentioned and other measures are planned to continue. The comprehensive information is provided in the reports as per following links: AZ - <a href="https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224">https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224</a> EN - <a href="https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224">https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224</a></p>	<p>The comprehensive information is provided in the reports as per following links: AZ - <a href="https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224">https://courts.gov.az/en/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224</a> EN - <a href="https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224">https://courts.gov.az/az/main/page/dliyy-Sistemi-uzr-Gender-Strategiyasi-v-Tdbirlr-Planinin-Yekun-Layihisi_3224</a></p>
<b>Georgia</b>	<p>In 2020, in collaboration with the UN Women, a gender audit was conducted aiming at assessing the gender mainstreaming in the Prosecution Service.</p>	N/A	No additional comments.
<b>Republic of Moldova</b>	<p>On December 22, 2016, the article 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented with a new paragraph regulating that civil servants are entitled to equal opportunities and treatment of men and women in terms of access to a public office, continuous professional development and promotion.</p> <p>According to the Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as the Strategy for ensuring equality between women and men in the Republic of Moldova for the years 2017-2021, equal opportunities in the Republic of Moldova between men and women are granted. Both normative acts contain general provisions on gender balance without specifying the judicial system.</p>	<p>According to the Government's program "Good times in Moldova", is planned to adjust the regulatory framework to the international standards in the prevention and fight with domestic violence and protection of gender balance per general and to grant sexual offences victims' rights according to the provisions of the Istanbul and Lanzarote Conventions. These measures apply but are not specific for judicial professions.</p>	The planned measures are reflected for the reference year+1.

<p><b>Ukraine</b></p>	<p>On April 11, 2018, the Cabinet of Ministers approved the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men that is in force until 2021. The purpose of the Program is to improve the mechanism for ensuring equal rights and opportunities for women and men in all spheres of society and the implementation of European standards of equality. More information - provided in Q208.</p>	<p>Please see below in the comments</p>	<p>On September 29, 2021 the HCJ appointed a gender policy officer (coordinator). Thus, in particular, the coordinator organizes work on:</p> <ul style="list-style-type: none"> <li>- analysis of the state of ensuring gender equality;</li> <li>- coordination of measures in the field of prevention and counteraction to gender-based violence and monitoring of their implementation;</li> <li>- cooperation with public associations and foreign non-governmental organizations and joint development of ways to eliminate discrimination on the grounds of sex;</li> <li>- implementation of constant information activities on the elimination of all forms of discrimination on the grounds of sex;</li> <li>- taking measures aimed at forming a gender culture;</li> <li>- training of HCJ staff on gender issues, aimed at developing relevant skills in the implementation of functions and tasks in this area, providing assistance and protection to victims;</li> <li>- taking measures to eliminate manifestations of discrimination on the grounds of sex.</li> </ul> <p>More information is provided in Q208.</p> <p>In June 2021, the State Judicial Administration approved the Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025. The Strategy for Gender Equality of the State Judicial Administration of Ukraine for 2021-2025 (hereinafter the Strategy) approves the general approach, outlines the vision and approaches of the State Judicial Administration of Ukraine (SJA of Ukraine) regarding the integration of integrated gender approach into institutional policy, organizational culture and SJA of Ukraine and its territorial offices.</p> <p>More information provided in Q208</p>
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Table 12.1.18 Open-ended questions in Indicator 12 (Q280, 281 and 282)

Beneficiaries	Details on a specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system		
	Question 280.	Question 281.	Question 282.
Armenia	NAP	NAP	NAP
Azerbaijan	State committee for family, women, and children affairs of Azerbaijan Republic. State committee for family, women, and children affairs was established by the Decree of the President of the Republic of Azerbaijan, dated February 6, 2006.	State committee for family, women, and children affairs of Azerbaijan Republic – The State Committee for Family, Women and Children’s Issues (henceforth – the Committee) is a central executive power body implementing and regulating the state policy on family, women and children’s issues	The chairman of the Committee Issues orders and decrees to be executed, adopts (signs) legal acts, arranges their execution and carries out supervision in compliance with the legislation
Georgia	NAP	NAP	NAP
Republic of Moldova	There are different institutions with different statuses and competency. According to the provisions of Law no. 5 of 09.02.2006 regarding the ensuring of gender equality between women and men stated in articles 15-22 the ministries have competence in this area by creating gender coordinating groups. An institution on gender equality specifically established/operational for the judiciary does not exist.	There are different institutions with different statuses and competency. For example, the Governmental Commission on Gender Equality is an advisory body created by the Government, which operates under a regulation approved by it, with the following tasks: a) promoting equality between women and men, and its complex approach; b) coordination of the activity of the central and local public administration authorities in the issues of equality between women and men; c) developing the collaboration of state structures with civil society and international organizations, as well as improving their partnership with the private sector and the business community in promoting equality between women and men; d) analyzing national and local plans and programs on capitalizing of financial investments in the field of gender equality. The competence of the other central public administration authorities includes: a) ensuring a comprehensive approach to gender equality and the achievement of international treaties in the field of competence; b) ensuring respect for the principle of equality between women and men in staff policy and creating the conditions for the prevention of all forms of sex discrimination and sexual harassment at the workplace; c) submitting to the Ministry of Labor, Social Protection and Family, in the established manner, the reports on the implementation of the national policy for ensuring equal opportunities for women and men; d) exercising other attributions in the field according to the legislation. Within the central specialized public administration authorities, the gender steering group is working to ensure a comprehensive approach to gender equality in policies and programs across all areas and at all levels of decision-making and implementation. The members of the gender coordinating group are the gender units in the subdivisions with the competence to develop, promote and monitor policies in the field of activity of the central public administration authority.	There are different institutions with different statuses and competency.
Ukraine	NAP	NAP	NAP



## Indicator 12 - Gender Equality

by country

*Question 276 - Are there specific provisions for facilitating gender equality within the framework of the*

*Question 277 - Are there specific provisions for facilitating gender equality within the framework of the*

*Question 278 - Does your country have an overarching document (e.g. policy/strategy/action plan/program)*

*Question 279 - At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:*

*Question 280 - Please specify the text which set up this person/institution:*

*Question 281 - Please specify the status of this person/institution:*

*Question 282 - Please specify if this person/institution has an information and consultative function or if its*

*Question 283 - At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation*

*Question 284 - Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:*

*Question 285 - In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:*

*Question 286 - Are there evaluation studies or official reports regarding the main causes of possible*

*Question 287 - Are there statistical data concerning male and female court users, persons who initiate a*

### Armenia

**Q275 (General Comment):** According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have

**Q275 (2018):** According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received

**Q278 (2020):** Specifically for judiciary no. But the Gender Policy Strategy adopted in 2019 aims at promoting women's representation in decision-making positions and eliminate the gender bias regarding certain

**Q278 (2018):** The Gender Policy Strategy adopted in 2019 aims at promoting women's representation in decision-making positions and eliminate the gender bias regarding certain professions, which may include

**Q279 (2020):** No specific person, but if a problem arises it will be solved internally, for example by the head

**Q279 (2018):** Currently there is no such institution. Nevertheless, the Government plans to introduce the comprehensive law on Ensuring Equality Before the Law to the Parliament. The draft law establishes the Equality Body which is the Human Rights Defender. The latter will have extended powers in ensuring

**Q284 (2018):** There is no such practice.

**Q286 (2020):** A report has been drafted in 2020 within the project of "Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia".

The report is on GENDER EQUALITY IN THE JUDICIARY OF ARMENIA: CHALLENGES AND OPPORTUNITIES.

### Azerbaijan

**Q275 (General Comment):** it should be noted that on October 10, 2006 the Law of the Republic of Azerbaijan "On Ensuring Gender (Men and Female) Equality" was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life. In accordance with Article 6 of the Law, the state takes measures for

**Q275 (2018):** it should be noted that on October 10, 2006 the Law of the Republic of Azerbaijan “On Ensuring Gender (Men and Female) Equality” was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life.

In accordance with Article 6 of the Law, the state takes measures for eliminating all forms of gender discrimination, creating equal opportunities for males and females, not allowing superiority of persons

**Q278 (2020):** The Government of Azerbaijan conducts regularly women’s awareness operations. SCFWCA has organized awareness missions to

promote among women the General Recommendations of the CEDAW Committee, including the CEDAW itself (the Convention on Elimination of All Forms of Discrimination against Women) and its Additional Protocols. The special project on Strengthening the Role of Civil Society in Promotion of Gender Equality and Women’s Rights is being elaborated to increase the role of non-governmental organizations in monitoring and reporting to ensure the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Capacity building activities has been fulfilled to accomplish this target: i)

increasing of overall legal literacy of NGOs on various international mechanisms on women’s rights, and particularly, the CEDAW and its Additional Protocol; ii) increasing the knowledge of NGO sector to act as an effective advocate of women’s rights; iii) providing NGOs with resources and practical skills to conduct a monitoring and elaborate alternative reports on women’s rights. Capacity building measures have included the

preparation of educational resources and tools coupled with awareness sessions and training courses. 20

**Q278 (2018):** But in various state programmes mentioned about it

The Government of Azerbaijan conducts regularly women’s awareness operations. SCFWCA has organized awareness missions to promote among women the General Recommendations of the CEDAW Committee, including the CEDAW itself (the Convention on Elimination of All Forms of Discrimination against Women) and its Additional Protocols. The special project on Strengthening the Role of Civil Society in Promotion of Gender Equality and Women’s Rights is being elaborated to increase the role of non-governmental organizations in monitoring and reporting to ensure the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Capacity building activities has been fulfilled to accomplish this target: i) increasing of overall legal literacy of NGOs on various international mechanisms on women’s rights, and particularly, the CEDAW and its Additional Protocol; ii) increasing the knowledge of NGO sector to act as an effective advocate of women’s rights; iii) providing NGOs with resources and practical skills to conduct a monitoring and elaborate alternative reports on women’s rights. Capacity

**Q279 (2020):** State committee for family, women, and children affairs is an institution dealing with gender issues in all areas. According to the article 8.12 of the Statute of this body one of the duties of this body is issues in all areas. According to the article 8.12 of the Statute of this body one of the duties of this body is supervising the insurance of gender equality in all areas.

**Q283 (General Comment):** There is no specific person responsible for the respect gender equality, because of absence of the problem of gender discrimination. The selection and employment at courts and public prosecution services are based on principles of their qualification level, knowledge and experience and all candidates despite of their gender are provided with equal opportunities. If there is visible inequality in gender balance in a certain occupation it is mostly correlated with the popularity of the profession among

**Q283 (2018):** There is no specific person responsible for the respect gender equality, because of absence of the problem of gender discrimination. The selection and employment at courts and public prosecution services are based on principles of their qualification level, knowledge and experience and all candidates despite of their gender are provided with equal opportunities. If there is visible inequality in gender balance

**Q284 (General Comment):** There is no feminisation and as a results, there is no specific functions distributed

**Q284 (2018):** There is no feminisation and as a results, there is no specific functions distributed based on

## Georgia

**Q275 (2020):** Article 35(7) of the Organic Law of Georgia “on Common Courts”, states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, equality of candidates for judge must be guaranteed regardless of their gender.

**Q275 (2018):** It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender.

**Q276 (2020):** see question 61.3.1.

**Q276 (2018):** See the answer on question 61-2.

**Q277 (2020):** It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the

**Q284 (2020):** NAP

**Q284 (2018):** NAP

**Q286 (2020):** In October 2019 Council of Europe presented the results of the study on “The main factors contributing to the underrepresentation of women judges in the management of the common courts in Georgia”, conducted by the “Applied Research Company”. Interestingly, the research demonstrated that the judges themselves do not believe the system facing the challenge associated with gender. It is not the discriminatory approach, but the lack of willingness among women to apply for managerial positions. The research identified time poverty as a barrier for women to achieve career advancement, as unlike their male counterparts, women judges often struggle to balance work and family responsibilities. The study found that

## Republic of Moldova

**Q275 (General Comment):** According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

There are not specific provisions for facilitating gender equality within the framework of the procedures for

**Q275 (2018):** According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

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**Q276 (General Comment):** According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

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On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

**Q278 (General Comment):** Equal opportunities in the Republic of Moldova between men and women are regulated by Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as through the Strategy for ensuring equality between women and men

in the Republic of Moldova for the years 2017-2021. Both normative acts contain general provisions on gender equality without specifying males/females equality within the judicial system.

**Q278 (2018):** Equal opportunities in the Republic of Moldova between men and women are regulated by Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as through the Strategy for ensuring equality between women and men

in the Republic of Moldova for the years 2017-2021. Both normative acts contain general provisions on gender equality without specifying males/females equality within the judicial system.

**Q279 (General Comment):** According to Law no. 5 of 09.02.2006 regarding the ensuring of gender equality between women and men among the authorities with attributions in the field of equality between men and women are: the Parliament, the Government, the Governmental Commission for Gender Equality, the Ministry of Labor, Social Protection and Family (specialized body), State Labor Inspectorate, ministries and other central administrative authorities (gender steering groups), local public administration authorities

**Q279 (2018):** According to Law no. 5 of 09.02.2006 regarding the ensuring of gender equality between women and men among the authorities with attributions in the field of equality between men and women are: the Parliament, the Government, the Governmental Commission for Gender Equality, the Ministry of Labor, Social Protection and Family (specialized body), State Labor Inspectorate, ministries and other central administrative authorities (gender steering groups), local public administration authorities (gender units),

**Q287 (2020):** There are statistical data available concerning victims and accused persons.

The data are initially recorded by courts in the ICMS and standardized electronic reports are generated by the system both at the local and central level. Data are collected quarterly and aggregated at the central level by the Agency for Courts Administration and Superior Council of Magistracy. Data are disaggregated by age and sex. Also, specific data on the accused persons are presented periodically by courts to the Ministry of Internal Affairs paper based and are introduced in its Information system. Different specific analyzes on

## Ukraine

**Q275 (2020):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting

except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and

women are equal in their rights) and the Law of Ukraine "On ensuring equal rights and opportunities for

**Q275 (2018):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of

Constitution men and women are equal in their rights) and Law of Ukraine "On ensuring equal rights and

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except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and

women are equal in their rights) and Law of Ukraine "On ensuring equal rights and opportunities for women

**Q276 (2018):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for promoting except one defined in the Constitution of Ukraine (according to article 24 of

Constitution men and women are equal in their rights) and Law of Ukraine "On ensuring equal rights and

**Q277 (2020):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting

except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and women are equal in their rights) and the Law of Ukraine "On ensuring equal rights and opportunities for

**Q278 (2020):** On April 11, 2018, the Cabinet of Ministers approved the State Social Program for Equal Rights and Opportunities for Women and Men for the period up to 2021, available at

**Q278 (2018):** On April 11, 2018, the Cabinet of Ministers approved the State Social Program for Equal Rights and Opportunities for Women and Men for the period up to 2021.

[http://search.ligazakon.ua/l\\_doc2.nsf/link1/KP180273.html](http://search.ligazakon.ua/l_doc2.nsf/link1/KP180273.html)

**Q279 (2020):** At the national level, there is no specific person institution dealing with gender issues exactly in the justice system, but there is Government Commissioner for Gender Policy.

On June 7, 2017, the Government adopted Resolution № 390, which introduced the position of the

Government Commissioner for Gender Policy. This will help strengthen the coordination of the executive

branch for the practical implementation of the principle of gender equality in all spheres of society. In

addition, the Regulation on the Government Commissioner for Gender Policy was approved. According to it,

the main tasks of the Government Commissioner are to promote the implementation of a unified state

policy aimed at achieving equal rights and opportunities for women and men in all areas of society;

**Q287 (2020):** The annual forms of reports on the administration of justice by local and appellate courts, approved by the order of the SJA of Ukraine dated 23.06.2018 № 325, contain statistical data, including on the subjects of appeal (trial), in particular, by gender and age.

On the website of the State Statistics Service of Ukraine under the rubric of gender equality there is subsection «Offenses and violence» with statistical data disaggregated by gender.

([http://www.ukrstat.gov.ua/gend\\_rivnist/metadata\\_gr/07/07.htm](http://www.ukrstat.gov.ua/gend_rivnist/metadata_gr/07/07.htm))

This subsection contains the following indicators with respective data:

- Number of victims of criminal offenses, by types of criminal offenses and sex, persons;
- Distribution of the number of victims of criminal offenses by types of criminal offenses and sex,%;
- Distribution of the number of convicts by sex and age groups (14-15 years, 16-17 years, 18-24 years, 25-29 years, 30-49 years, 50-64 years, 65 years and older),%;
- Number of convicts registered with the authorized bodies on probation by sex, persons;
- Number of convicts who have passed the records of the authorized bodies on probation, by sex, persons;
- Number of victims of homicides by sex and age groups (0-14 years, 15-17 years, 18 and older), persons;
- Distribution of the number of murder victims by sex and age groups (0-14 years, 15-17 years, 18 and older),%;
- Number of victims of criminal offenses related to physical violence (premeditated murder (and attempted murder), rape (and attempted murder), grievous bodily harm), recorded in the last 12 months, by sex, persons;
- Distribution of convicts and detainees in penitentiaries and remand centers, by sex,%;
- Number of children who have been remanded in custody (in completed criminal proceedings) in the last 12 months, by sex, age groups (up to 14 years, 14-15 years, 16-17 years), persons;

## Indicator 12 - Gender Equality

by question No.

*Question 276 - Are there specific provisions for facilitating gender equality within the framework of the*

*Question 277 - Are there specific provisions for facilitating gender equality within the framework of the*

*Question 278 - Does your country have an overarching document (e.g. policy/strategy/action plan/program)*

*Question 279 - At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:*

*Question 280 - Please specify the text which set up this person/institution:*

*Question 281 - Please specify the status of this person/institution:*

*Question 282 - Please specify if this person/institution has an information and consultative function or if its*

*Question 283 - At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation*

*Question 284 - Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:*

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*Question 287 - Are there statistical data concerning male and female court users, persons who initiate a*

### Question 275

#### Armenia

**(General Comment):** According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received

**(2018):** According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received the maximum

#### Azerbaijan

**(General Comment):** it should be noted that on October 10, 2006 the Law of the Republic of Azerbaijan “On Ensuring Gender (Men and Female) Equality” was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life. In accordance with Article 6 of the Law, the state takes measures for eliminating all

**(2018):** it should be noted that on October 10, 2006 the Law of the Republic of Azerbaijan “On Ensuring Gender (Men and Female) Equality” was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life.

In accordance with Article 6 of the Law, the state takes measures for eliminating all forms of gender discrimination, creating equal opportunities for males and females, not allowing superiority of persons

## Georgia

**(2020):** Article 35(7) of the Organic Law of Georgia “on Common Courts”, states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, equality of candidates for judge must be guaranteed regardless of their gender.

**(2018):** It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender.

## Republic of Moldova

**(General Comment):** According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

There are not specific provisions for facilitating gender equality within the framework of the procedures for

**(2018):** According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

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## Ukraine

**(2020):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and women are equal in their rights) and the Law of Ukraine "On ensuring equal rights and opportunities for

**(2018):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of Constitution men and women are equal in their rights) and Law of Ukraine "On ensuring equal rights and

## Question 276



## Georgia

**(2020):** see question 61.3.1.

**(2018):** See the answer on question 61-2.

## Republic of Moldova

**(General Comment):** According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 regarding the public function and the status of civil servant.

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**(2020):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and women are equal in their rights) and Law of Ukraine "On ensuring equal rights and opportunities for women

**(2018):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for promoting except one defined in the Constitution of Ukraine (according to article 24 of Constitution men and women are equal in their rights) and Law of Ukraine "On ensuring equal rights and

## Question 277

### Georgia

**(2020):** It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the

## Ukraine

**(2020):** There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and women are equal in their rights) and the Law of Ukraine "On ensuring equal rights and opportunities for

## Question 278

### Armenia

**(2020):** Specifically for judiciary no. But the Gender Policy Strategy adopted in 2019 aims at promoting women's representation in decision-making positions and eliminate the gender bias regarding certain

**(2018):** The Gender Policy Strategy adopted in 2019 aims at promoting women's representation in decision-making positions and eliminate the gender bias regarding certain professions, which may include also

### Azerbaijan

**(2020):** The Government of Azerbaijan conducts regularly women's awareness operations. SCFWCA has organized awareness missions to promote among women the General Recommendations of the CEDAW Committee, including the CEDAW itself (the Convention on Elimination of All Forms of Discrimination against Women) and its Additional Protocols. The special project on Strengthening the Role of Civil Society in Promotion of Gender Equality and Women's Rights is being elaborated to increase the role of non-governmental organizations in monitoring and reporting to ensure the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Capacity building activities has been fulfilled to accomplish this target: i) increasing of overall legal literacy of NGOs on various international mechanisms on women's rights, and particularly, the CEDAW and its Additional Protocol; ii) increasing the knowledge of NGO sector to act as an effective advocate of women's rights; iii) providing NGOs with resources and practical skills to conduct a monitoring and elaborate alternative reports on women's rights. Capacity building measures have included the preparation of educational resources and tools coupled with awareness sessions and training courses. 20

**(2018):** But in various state programmes mentioned about it The Government of Azerbaijan conducts regularly women's awareness operations. SCFWCA has organized awareness missions to promote among women the General Recommendations of the CEDAW Committee, including the CEDAW itself (the Convention on Elimination of All Forms of Discrimination against Women) and its Additional Protocols. The special project on Strengthening the Role of Civil Society in Promotion of Gender Equality and Women's Rights is being elaborated to increase the role of non-governmental organizations in monitoring and reporting to ensure the implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Capacity building activities has been fulfilled to accomplish this target: i) increasing of overall legal literacy of NGOs on various international mechanisms on women's rights, and particularly, the CEDAW and its Additional Protocol; ii) increasing the knowledge of NGO sector to act as an effective advocate of women's rights; iii) providing NGOs with resources and practical skills to conduct a monitoring and elaborate alternative reports on women's rights. Capacity

### Republic of Moldova

**(General Comment):** Equal opportunities in the Republic of Moldova between men and women are regulated by Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as through the Strategy for ensuring equality between women and men in the Republic of Moldova for the years 2017-2021. Both normative acts contain general provisions on gender equality without specifying males/females equality within the judicial system.

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### **Ukraine**

**(2020):** On April 11, 2018, the Cabinet of Ministers approved the State Social Program for Equal Rights and Opportunities for Women and Men for the period up to 2021, available at

**(2018):** On April 11, 2018, the Cabinet of Ministers approved the State Social Program for Equal Rights and Opportunities for Women and Men for the period up to 2021.

### **Question 279**

### **Armenia**

**(2020):** No specific person, but if a problem arises it will be solved internally, for example by the head of

**(2018):** Currently there is no such institution. Nevertheless, the Government plans to introduce the comprehensive law on Ensuring Equality Before the Law to the Parliament. The draft law establishes the Equality Body which is the Human Rights Defender. The latter will have extended powers in ensuring

### **Azerbaijan**

**(2020):** State committee for family, women, and children affairs is an institution dealing with gender issues in all areas. According to the article 8.12 of the Statute of this body one of the duties of this body is

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

### **Republic of Moldova**

**(General Comment):** According to Law no. 5 of 09.02.2006 regarding the ensuring of gender equality between women and men among the authorities with attributions in the field of equality between men and women are: the Parliament, the Government, the Governmental Commission for Gender Equality, the Ministry of Labor, Social Protection and Family (specialized body), State Labor Inspectorate, ministries and other central administrative authorities (gender steering groups), local public administration authorities

**(2018):** According to Law no. 5 of 09.02.2006 regarding the ensuring of gender equality between women and men among the authorities with attributions in the field of equality between men and women are: the Parliament, the Government, the Governmental Commission for Gender Equality, the Ministry of Labor, Social Protection and Family (specialized body), State Labor Inspectorate, ministries and other central administrative authorities (gender steering groups), local public administration authorities (gender units),

#### **Ukraine**

**(2020):** At the national level, there is no specific person institution dealing with gender issues exactly in the justice system, but there is Government Commissioner for Gender Policy.

On June 7, 2017, the Government adopted Resolution № 390, which introduced the position of the Government Commissioner for Gender Policy. This will help strengthen the coordination of the executive branch for the practical implementation of the principle of gender equality in all spheres of society. In addition, the Regulation on the Government Commissioner for Gender Policy was approved. According to it, the main tasks of the Government Commissioner are to promote the implementation of a unified state policy aimed at achieving equal rights and opportunities for women and men in all areas of society;

#### **Question 283**

#### **Azerbaijan**

**(General Comment):** There is no specific person responsible for the respect gender equality, because of absence of the problem of gender discrimination. The selection and employment at courts and public prosecution services are based on principles of their qualification level, knowledge and experience and all candidates despite of their gender are provided with equal opportunities. If there is visible inequality in gender balance in a certain occupation it is mostly correlated with the popularity of the profession among

**(2018):** There is no specific person responsible for the respect gender equality, because of absence of the problem of gender discrimination. The selection and employment at courts and public prosecution services are based on principles of their qualification level, knowledge and experience and all candidates despite of their gender are provided with equal opportunities. If there is visible inequality in gender balance in a certain

#### **Question 284**

#### **Armenia**

**(2018):** There is no such practice.

#### **Azerbaijan**

**(General Comment):** There is no feminisation and as a results, there is no specific functions distributed

**(2018):** There is no feminisation and as a results, there is no specific functions distributed based on gender

#### **Georgia**

**(2020):** NAP

**(2018):** NAP

#### **Question 286**

## Armenia

**(2020):** A report has been drafted in 2020 within the project of “Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia”.

The report is on GENDER EQUALITY IN THE JUDICIARY OF ARMENIA: CHALLENGES AND OPPORTUNITIES.

## Georgia

**(2020):** In October 2019 Council of Europe presented the results of the study on “The main factors contributing to the underrepresentation of women judges in the management of the common courts in Georgia”, conducted by the “Applied Research Company”. Interestingly, the research demonstrated that the judges themselves do not believe the system facing the challenge associated with gender. It is not the discriminatory approach, but the lack of willingness among women to apply for managerial positions. The research identified time poverty as a barrier for women to achieve career advancement, as unlike their male counterparts, women judges often struggle to balance work and family responsibilities. The study found that

## Question 287

### Republic of Moldova

**(2020):** There are statistical data available concerning victims and accused persons.

The data are initially recorded by courts in the ICMS and standardized electronic reports are generated by the system both at the local and central level. Data are collected quarterly and aggregated at the central level by the Agency for Courts Administration and Superior Council of Magistracy. Data are disaggregated by age and sex. Also, specific data on the accused persons are presented periodically by courts to the Ministry of Internal Affairs paper based and are introduced in its Information system. Different specific analyzes on

### Ukraine

**(2020):** The annual forms of reports on the administration of justice by local and appellate courts, approved by the order of the SJA of Ukraine dated 23.06.2018 № 325, contain statistical data, including on the subjects of appeal (trial), in particular, by gender and age.

On the website of the State Statistics Service of Ukraine under the rubric of gender equality there is subsection «Offenses and violence» with statistical data disaggregated by gender.

([http://www.ukrstat.gov.ua/gend\\_rivnist/metadata\\_gr/07/07.htm](http://www.ukrstat.gov.ua/gend_rivnist/metadata_gr/07/07.htm))

This subsection contains the following indicators with respective data:

- Number of victims of criminal offenses, by types of criminal offenses and sex, persons;
- Distribution of the number of victims of criminal offenses by types of criminal offenses and sex,%;
- Distribution of the number of convicts by sex and age groups (14-15 years, 16-17 years, 18-24 years, 25-29 years, 30-49 years, 50-64 years, 65 years and older),%;
- Number of convicts registered with the authorized bodies on probation by sex, persons;
- Number of convicts who have passed the records of the authorized bodies on probation, by sex, persons;
- Number of victims of homicides by sex and age groups (0-14 years, 15-17 years, 18 and older), persons;
- Distribution of the number of murder victims by sex and age groups (0-14 years, 15-17 years, 18 and older),%;
- Number of victims of criminal offenses related to physical violence (premeditated murder (and attempted murder), rape (and attempted murder), grievous bodily harm), recorded in the last 12 months, by sex, persons;
- Distribution of convicts and detainees in penitentiaries and remand centers, by sex,%;
- Number of children who have been remanded in custody (in completed criminal proceedings) in the last 12 months, by sex, age groups (up to 14 years, 14-15 years, 16-17 years), persons;



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