

Strasbourg, 22/07/2022

CEPEJ(2022)1REV
PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2020

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

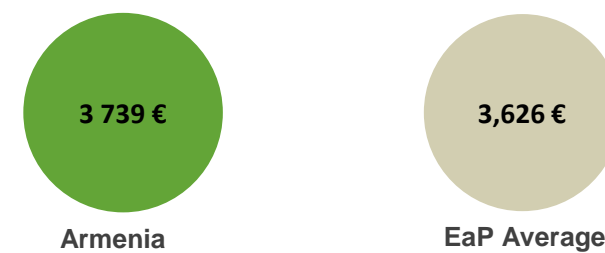
Part 2 (A) - Beneficiary profile - Armenia

Executive Summary - Armenia in 2020

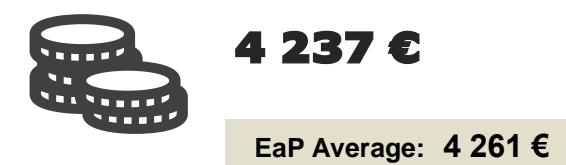
Population in 2020



GDP per capita in 2020



Average annual salary in 2020



Budget

In 2020, Armenia spent 31 031 359€ as implemented judicial system budget (budget for all courts, public prosecution services and legal aid). This means that Armenia spent **10,5€ per inhabitant**, which is slightly more than the Eastern Partnership median of 10€.

73,4% was spent for all courts, 24,5% for prosecution services, 2,1% for legal aid. Compared to 2018, per inhabitant Armenia spent 47,1% more for courts, -4,7% less for prosecution services, and -5,1% less for legal aid in 2020. The increase of the budget for courts was notably due to an increase of the budget spent on salaries and on computerization.

The budgets spent per inhabitant for prosecution services (2,6€) and legal aid (0,2€) were lower than the EaP medians (respectively 3,2€ and 0,5€). But the budget spent per inhabitant for courts corresponded to the EaP Median (7,7€).

Legal aid

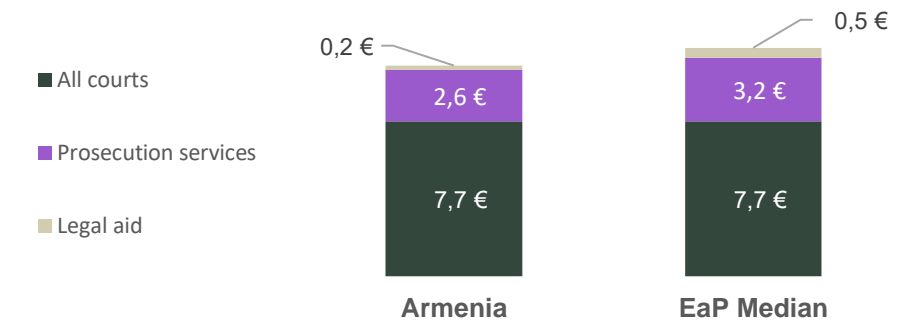
In 2020, Armenia spent **0,22€ per inhabitant in legal aid** (below the EaP Median of 0,5€). This was -5,1% less compared to 2018.

In 2020, **legal aid was granted in 15 287 cases, which represents 516 cases per 100 000 inhabitants.** 7361 of those cases were criminal cases; 7926 were other than criminal cases.

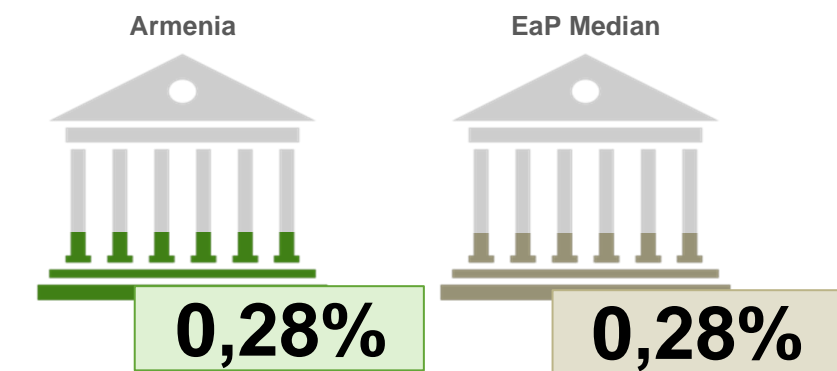
On average, Armenia spent 42,2€ per case for which legal aid was granted, which is below the EaP Median of 51,32€.

Budget of the Judiciary

Implemented Judicial System Budget per inhabitant in 2020



Implemented Judicial System Budget as % of GDP in 2020



Efficiency*

For the purpose of this Profile, the data of only 1st and 2nd instance courts is analysed. In 2020, some backlog was created at all instances except for civil and commercial cases at first instance and for administrative cases at second instance (Clearance rates above 100%; respectively 126% and 109%). The cases with the lowest Clearance rates, both in first and second instance were the criminal cases (73% in first instance and 79% in second which is below the EaP medians).

For civil and commercial cases and criminal cases, the second instance was the fastest one with the shortest Disposition time (DT 34 and 65) whereas for administrative law cases, it was the first one (DT 237). Overall, Armenia has Disposition times below or equal to the EaP medians, except for criminal law cases at first instance and administrative law cases at second instance. The criminal law cases at first instance have the longest Disposition time (DT 488).

Compared to 2018, there were increases of the number of cases pending at the end of the year in first instance, and decreases in second instance. Regarding the impact of the Covid-19 pandemic, courts were not closed during pandemic in 2020 in Armenia, but court staff was working remotely unless it was not possible to perform their duties remotely. Also, some documents (actions, applications, complaints, and responses to actions etc.) were submitted by electronic means to prevent the spread of the pandemic. There was no official report on how the pandemic affected the case flow.

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

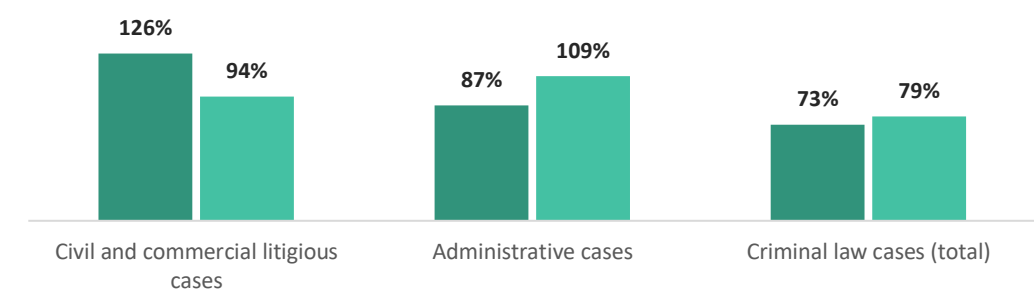
Clearance Rate, obtained by dividing the number of resolved cases by the number of incoming cases, is used to assess the ability of a judicial system to handle the inflow of judicial cases. Its key value is 100%. A value below 100% means that the courts weren't able to solve all the cases they received and, as a consequence, the number of pending cases will increase, while CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of pending cases) and, as a consequence, the number of pending cases will decrease.

Disposition Time is a proxy to estimate the lengths of proceedings in days. It is calculated as the ratio between the pending cases at the end of the period and the resolved cases (multiplied by 365). It estimates the time to resolve all pending cases based on the actual pace of work. This indicator is highly influenced by the number of pending cases: categories of cases with high backlog will have higher DT than categories of cases that do not have backlog. At the same time, it is affected by the number of resolved cases, and this is especially evident in 2020, when this number dropped.

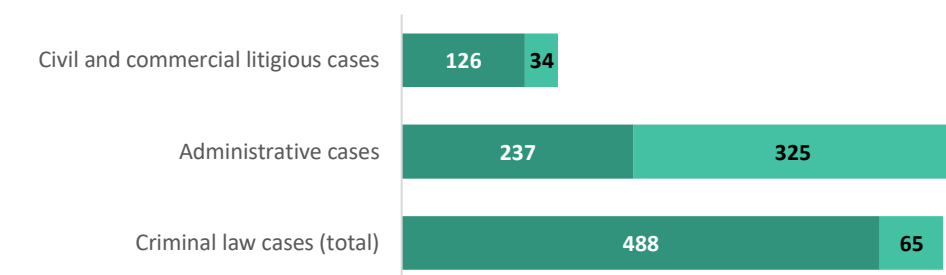
Efficiency

■ 1st instance ■ 2nd instance

Clearance rate in 2020 (%)

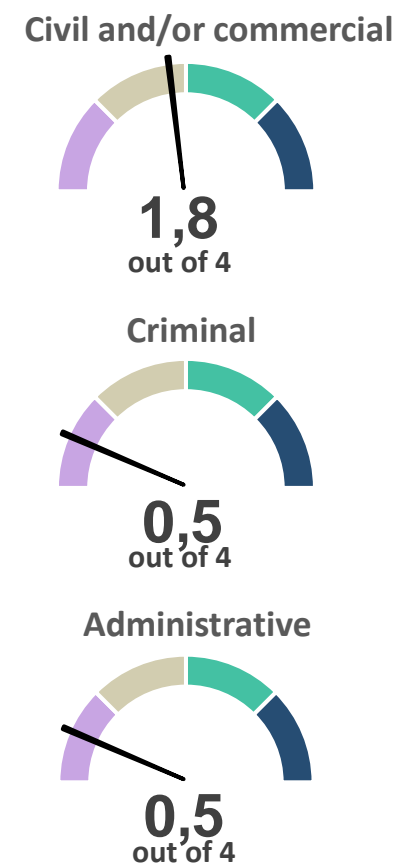


Disposition time in 2020 (in days)



CMS index (scale 0-4)

The Case Management System (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the 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.



Electronic case management system and court activity statistics

In Armenia, there is a **case management system (CMS)**, eg software used for registering judicial proceedings and their management, which has been developed more than 10 years ago. Currently, negotiations are underway with various international organizations to improve this system. The CMS is **developed in all courts (100% deployment rate)** but there is a centralised or interoperable database and a connection to a statistical tool only for civil and/or commercial cases.

In Armenia, there is a **centralised national database of court decisions** in which all judgments for all instances are collected (www.datalex.am). When the judicial proceedings or part of them are held behind closed doors, the concluding part of the conclusive judicial act are published, provided that said concluding part does not contain a secret protected by law. The data is anonymised. The database is available for free online, but not in open data. There is no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

Trainings

There is no data available for Armenia regarding the budget spent for trainings in 2020 (please see Indicator "Training" for more explanation).

The number of delivered in-person training courses increased between 2018 and 2020 (from 59 days to 83 days). On the other hand, the online available courses increased to 9 in 2020 (from 8 in 2018).

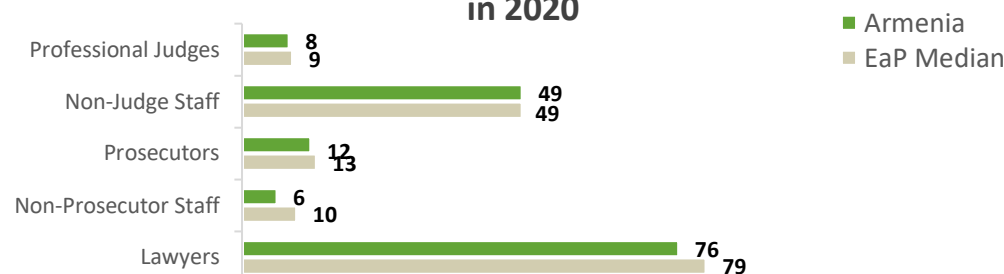
ADR (Alternative Dispute Resolution)

In Armenia, **court related mediation procedures are available** with the consent of the parties or upon a motion filed by them. Legal aid is available for court-related mediation procedures when the procedure is initiated by the judge (see Article 184 of the Civil procedure code, if the judge believes that there is a great possibility of amicable settlement between the parties he/she may refer parties to 4 hour free of charge mediation). The judicial system does not provide for mandatory mediation nor for mandatory informative sessions with a mediator. In 2020, there was no data available on the number of court-related mediation procedures.

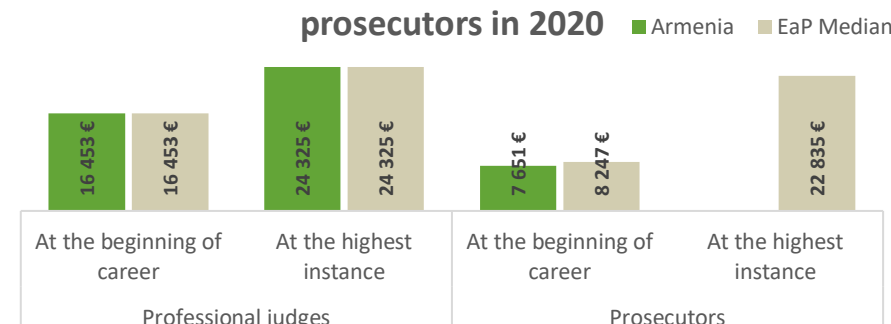
In 2020, the total **number of mediators in Armenia was 55**, which is the same number as in 2018. This represents 1,9 mediators per 100 000 inhabitants which corresponds to the EaP Median. 41,8% of those mediators were female.

Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2020



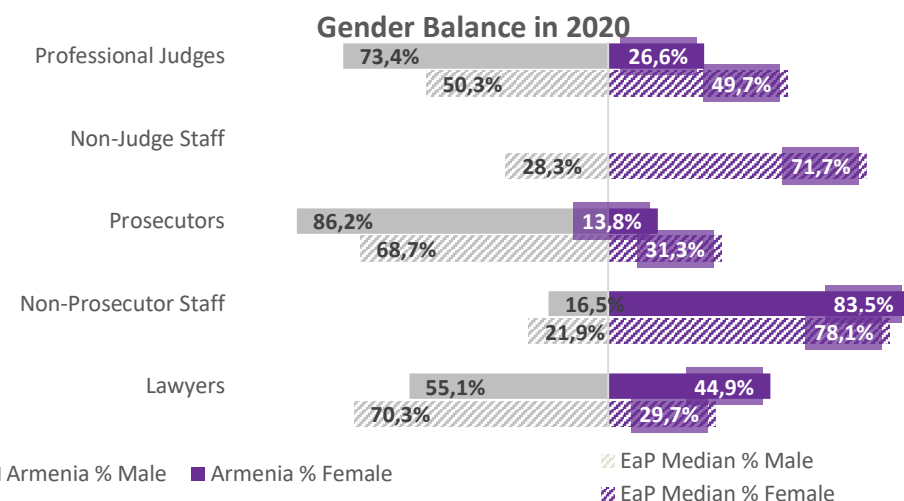
Salaries of professional judges and prosecutors in 2020



Gender Balance

27% female judges (total)

14% female prosecutors (total)



Professionals and Gender Balance

In 2020, Armenia had **8,2 professional judges and 12 prosecutors per 100 000 inhabitants**. Both figures were below the Eastern Partnership medians of 8,8 and 12,9, respectively.

In Armenia in 2020, the **percentages of female judges (26,6%) and female prosecutors (13,8%)** were below 50% and below the EaP medians (respectively 49,7% and 31,3%). On the other hand, there were 83,5% of non-prosecutor staff and 44,9% of lawyers which were female which was above the EaP medians (respectively 78,1% and 29,7%). The profession with the lowest percentage of female was prosecutors (13,8%) while the one with the highest was non-prosecutor staff (83,5%).

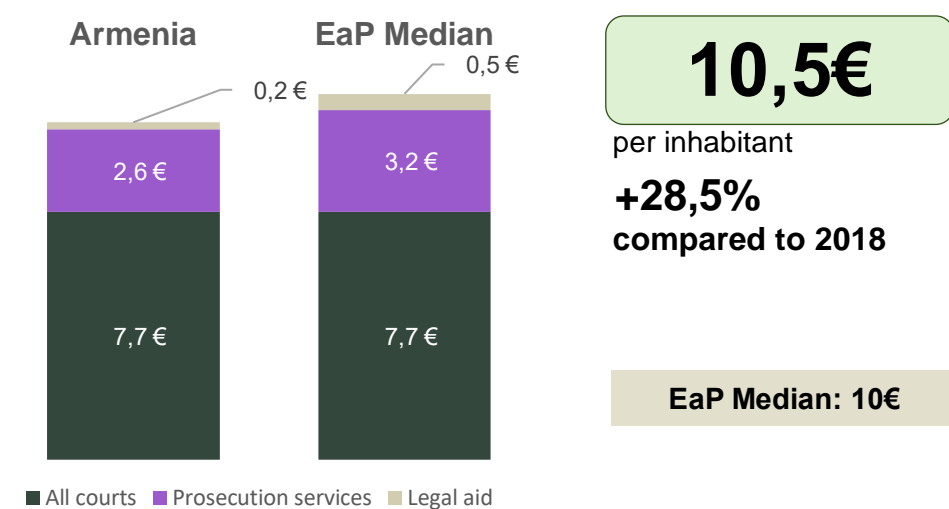
ECHR

In 2020, for Armenia, there were 213 applications allocated to a judicial formation of the European Court of Human Rights. 14 judgements found at least one violation and 11 cases were considered as closed after a judgement and the execution of judgements process.

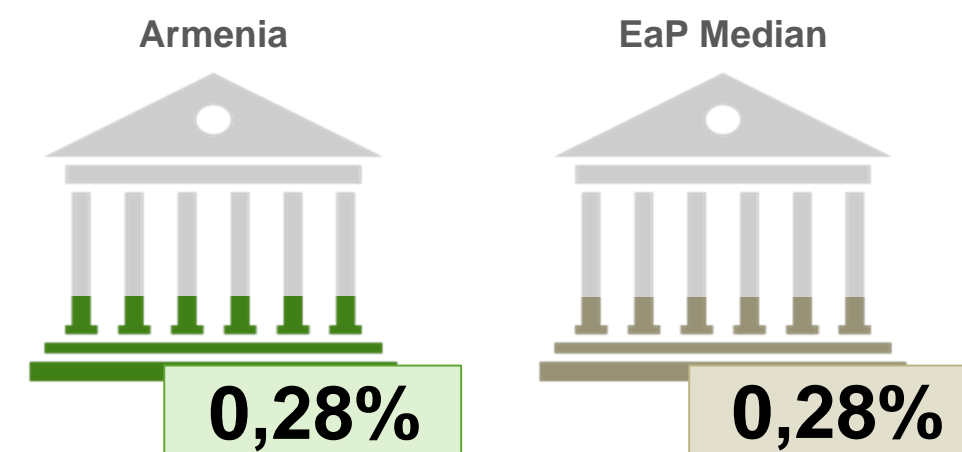
In Armenia, there is a monitoring system for violations related to Article 6 of ECHR in civil procedures (non-enforcement and timeframe) and in criminal procedures (timeframe) and a possibility to review a case after a decision on violation of human rights by the ECtHR.

Budget of the judiciary in Armenia in 2020 (Indicator 1)

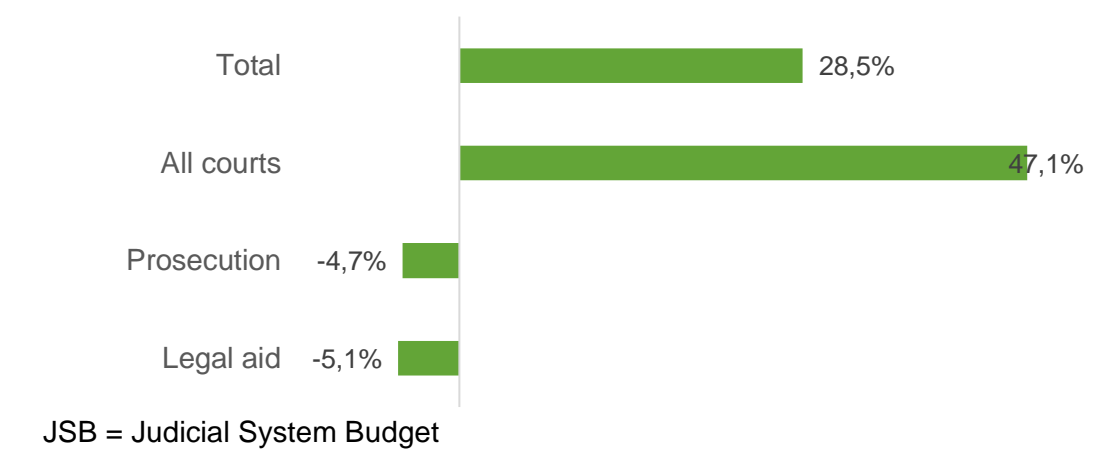
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of Implemented JSB per inhabitant between 2018 and 2020



The Judicial System Budget (JSB) is composed by the budget for all courts, public prosecution services and legal aid. In 2020, the implemented JSB for Armenia was 10,5€ per inhabitant. This was slightly higher than the Eastern Partnership median (10€) and it represented 0,28% of the GDP which corresponds to the EaP median. The Judicial System Budget per inhabitant in Armenia increased of 28,5% between 2018 and 2020.

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

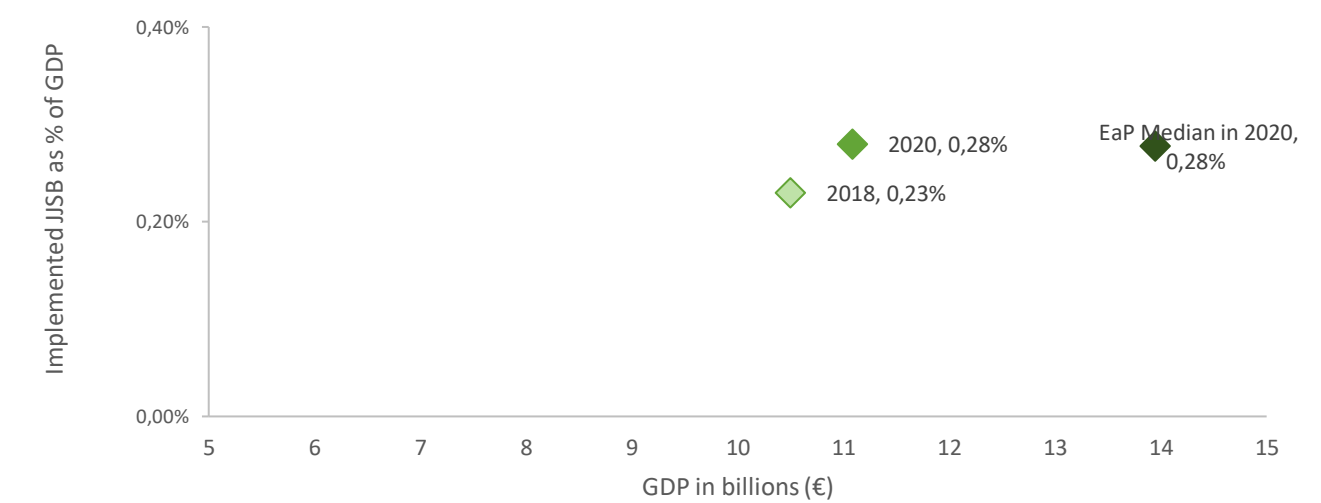
In 2020, Armenia spent 31 031 359€ as implemented judicial system budget. This means that Armenia spent 10,5€ per inhabitant, which is slightly more than the Eastern Partnership median of 10€. 73,4% was spent for all courts, 24,5% for prosecution services, 2,1% for legal aid.

Compared to 2018, per inhabitant Armenia spent 47,1% more for courts, -4,7% less for prosecution services, and -5,1% less for legal aid in 2020.

Judicial System Budget	Judicial System Budget in 2020		Implemented Judicial System Budget per inhabitant			Implemented Judicial System Budget as % of GDP		
	Approved	Implemented	Per inhabitant	EaP Median	% Variation 2018 - 2020	As % of GDP	EaP Median	Variation (in ppt) 2018 - 2020
Total	31 438 619 €	31 031 359 €	10,5 €	10,0 €	28,5%	0,28%	0,28%	0,05
All courts	23 132 635 €	22 769 625 €	7,7 €	7,7 €	47,1%	0,21%	0,21%	0,06
Prosecution	7 654 793 €	7 616 351 €	2,6 €	3,2 €	-4,7%	0,07%	0,09%	0,06
Legal aid	651 191 €	645 383 €	0,2 €	0,5 €	-5,1%	0,01%	0,014%	-0,001

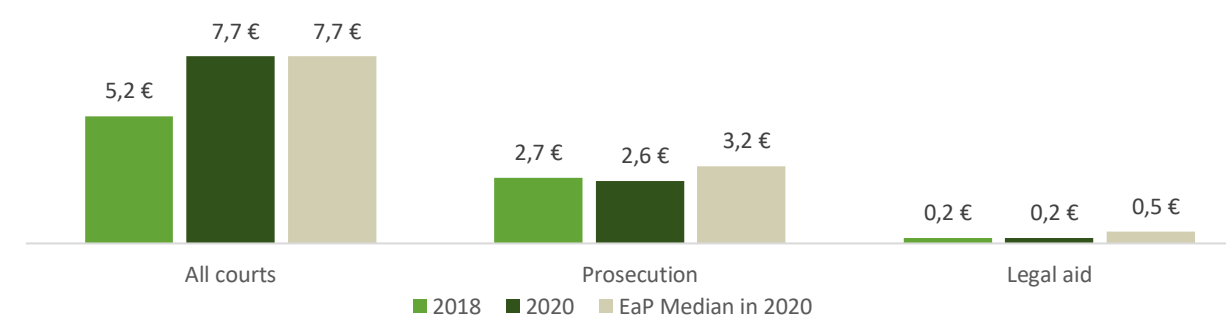
PPT = Percentage points

Implemented Judicial System Budget as % of GDP between 2018 and 2020



This scatterplot shows the relation between the GDP in billions and the Implemented Judicial System Budget as %. A figure on the right (left) of the EaP Median means that the Beneficiary has a higher (lower) GDP than the EaP Median. A figure above (below) the EaP Median shows that the Beneficiary has a higher (lower) ratio of Implemented Judicial System Budget as % of GDP than the EaP Median in 2020.

Implemented judicial system budget per inhabitant between 2018 and 2020 (€)



• Budget allocated to the functioning of all courts

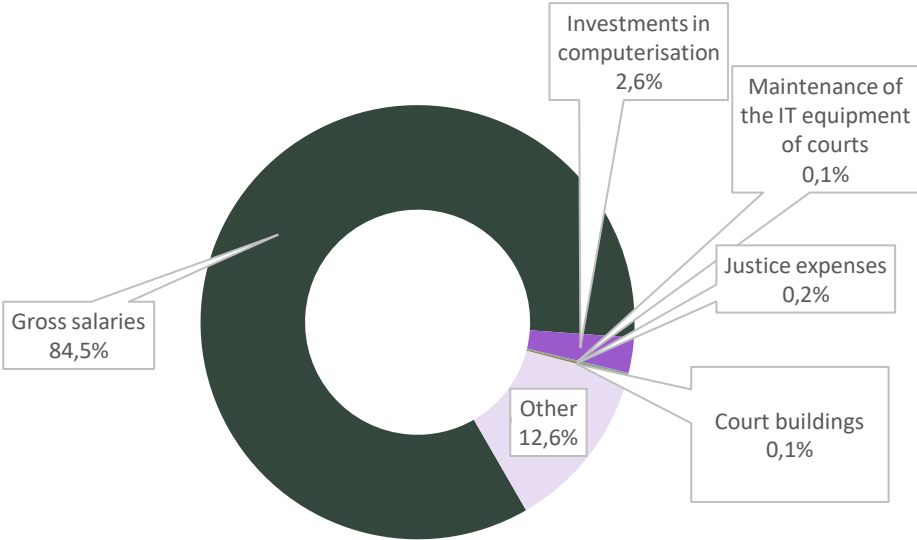
In 2020, Armenia spent 22 769 625€ as implemented budget for courts. This represents 7,7€ per inhabitant which is the EaP median.

Compared to 2018, the implemented budget for courts increased by 47,2%. This is due to an increase of the budget spent on salaries due to the establishment of the Bankruptcy Court on January 1, 2019 and to the inclusion in the remuneration since 2019 of allocations of about 30% of the total salary fund (bonuses, monetary incentives and special payments). There has also been an increase of the budget spent computerisation due to allocations from the state budget for the modernization of computer equipment. The significant increase of the budget spent on court buildings is due to the fact that in 2018 no procurement for court building reconstruction was implemented (some budget for maintenance of courts is also included in the category "other" - see explanation below)

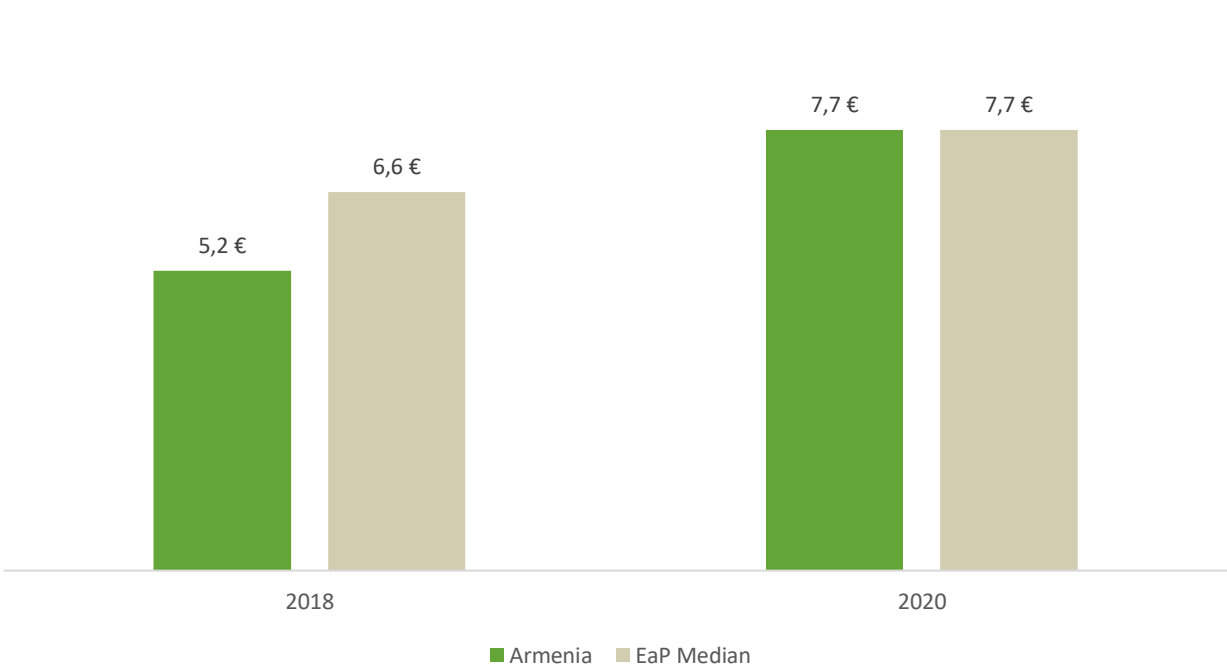
84,5% was spent for gross salaries, 2,6% for computerisation (total), 0,2% for justice expenses, 0,1% for court buildings, 12,6% for other. This category "other" includes: the reserve fund of courts (283 742 approved budget -242 536 implemented budget); social packages of employees of state's institution and organization (345 953 approved budget - 293 691 implemented); annual public budget allocated to other equipment (319 358 - 246 367); maintenance of courts (2 172 283-2 075 185). It should be noted that in Armenia social packages for employees 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 mentioned 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 salaries and budget allocated to court buildings.

	2020		% Variation between 2018 and 2020	
	Approved budget	Implemented budget	Approved budget	Implemented budget
Total	23 132 635 €	22 769 625 €	42,9%	47,2%
Gross salaries	19 244 191 €	19 232 510 €	49,2%	51,1%
Investments in computerisation	619 608 €	597 546 €	397,2%	567,2%
Maintenance of the IT equipment of courts	33 718 €	33 362 €		
Justice expenses	97 799 €	36 726 €	240,1%	27,8%
Court buildings	15 978 €	11 697 €	26,4%	3499,1%
Investment in new buildings	NAP	NAP	NA	NA
Training	NAP	NAP	NA	NA
Other	3 121 338 €	2 857 781 €	NA	NA

Distribution of the Implemented budget allocated to all courts in 2020 (%)

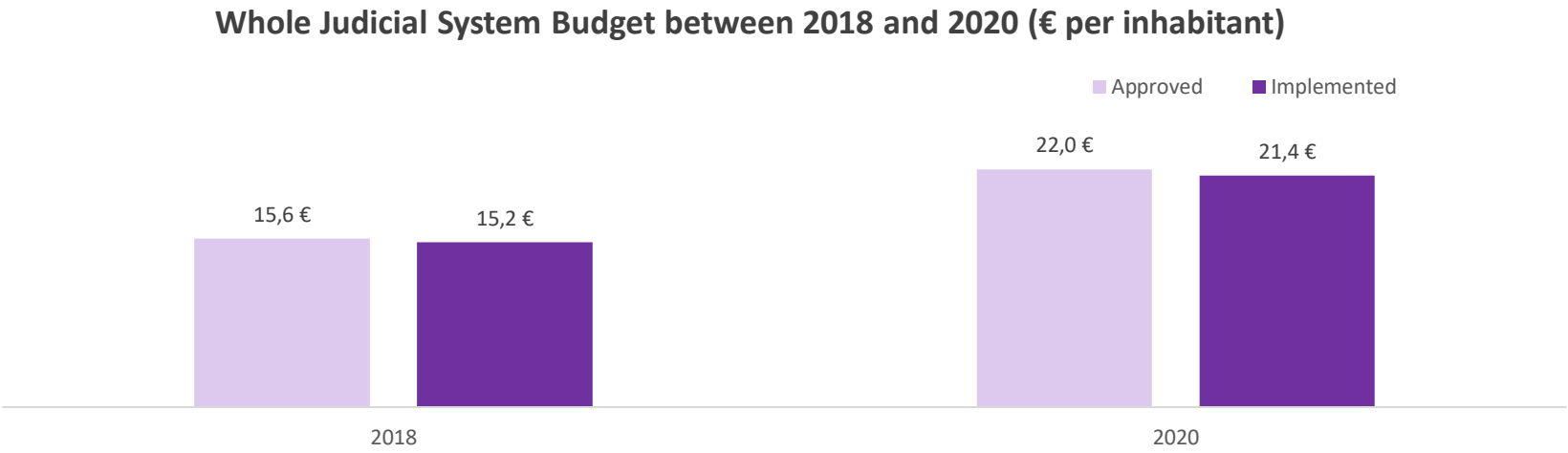


Implemented budget allocated to all courts per inhabitant between 2018 and 2020



• Budget allocated to the whole justice system

Whole Justice System	2020		% Variation of the Whole Justice System per inhabitant
	Absolute number	Per inhabitant	2018 - 2020
Approved	65 172 411 €	22,0 €	41,2%
Implemented	63 452 466 €	21,4 €	40,7%



The whole justice system budget includes the following elements in 2020:

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

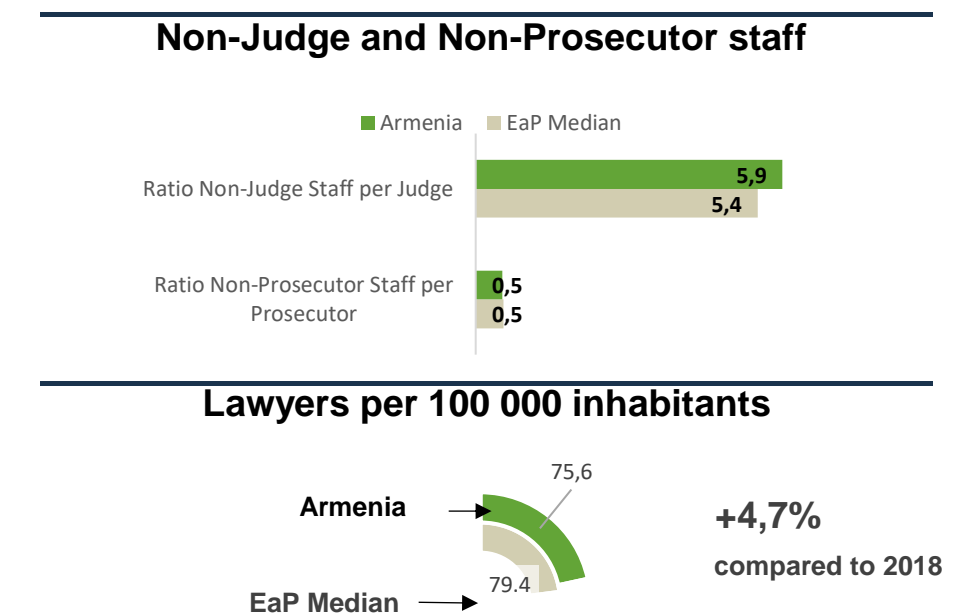
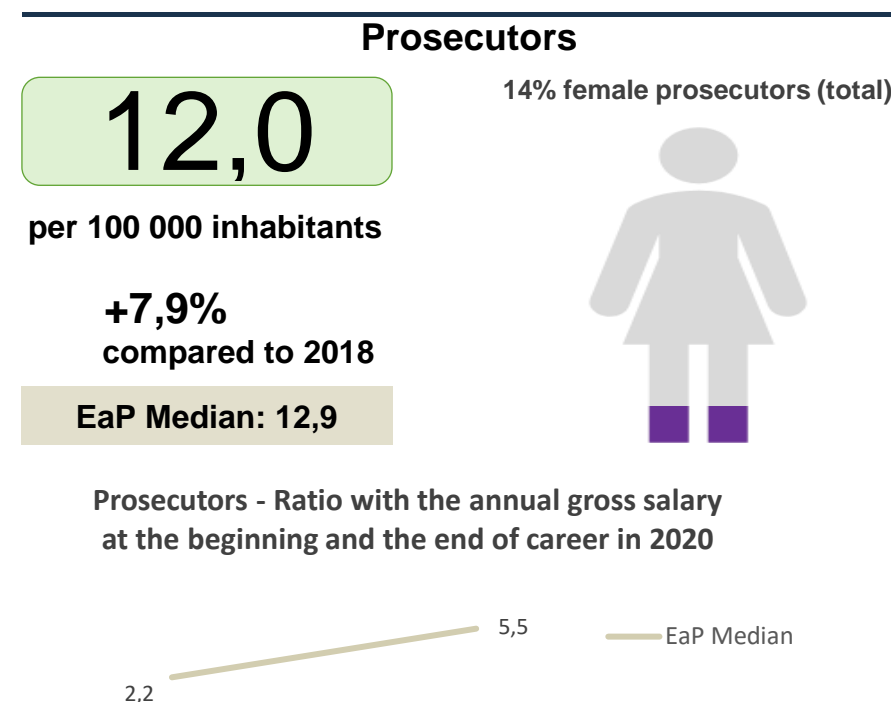
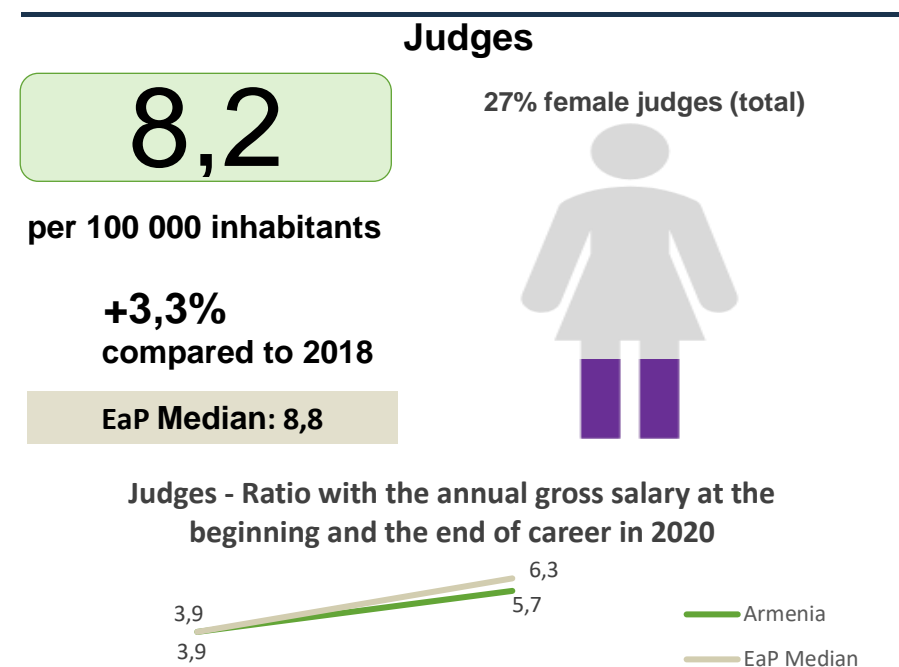
In Armenia in 2020, the whole justice system implemented budget was 63 452 466€. It increased by 40,7% between 2018 and 2020. This increase is due to the increase of the budget for courts (see section above for more information).

• Budget received from external donors

	Absolute value	Calculated as %	In percentage (%)
All courts	0	0,0%	0,0%
Prosecution services	0	0,0%	0,0%
Legal aid	0	0,0%	0,0%
Whole justice system	NA	NA	NA

The percentages represent an estimate of the ratio between external donations and respective budgets. The percentage is calculated in relation to the total implemented budget of each category. However, this does not mean that the external funds cover a percentage of the budget, since donations are not included in the judicial system budget. Looking at these figures, the ratio between external donations and budget of Armenia for all courts, prosecution services and legal aid was 0%. The ratio regarding the whole justice system was not available.

Professionals and Gender Balance in judiciary in Armenia in 2020 (Indicators 2 and 12)



In 2020, Armenia had 8,2 professional judges and 12 prosecutors per 100 000 inhabitants. Both figures were below the Eastern Partnership medians of 8,8 and 12,9, respectively. Less than half of professional judges (27%) and prosecutors (14%) were women (the EaP medians were 49,7% and 31,3%, respectively).

Professional Judges

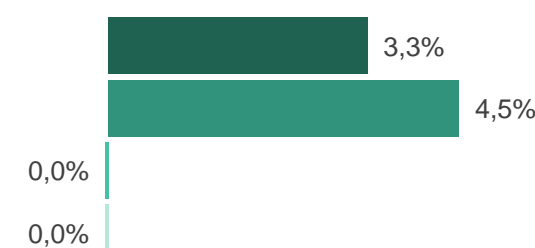
	Professional judges			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Median per 100 000
Total	244	100,0%	8,2	8,8
1st instance courts	183	75,0%	6,2	6,2
2nd instance courts	44	18,0%	1,5	2,2
Supreme Court	17	7,0%	0,6	0,5

The absolute number of professional judges in Armenia in 2020 was 244, which represents 8,2 per 100 000 inhabitants (lower than EaP Median of 8,8).

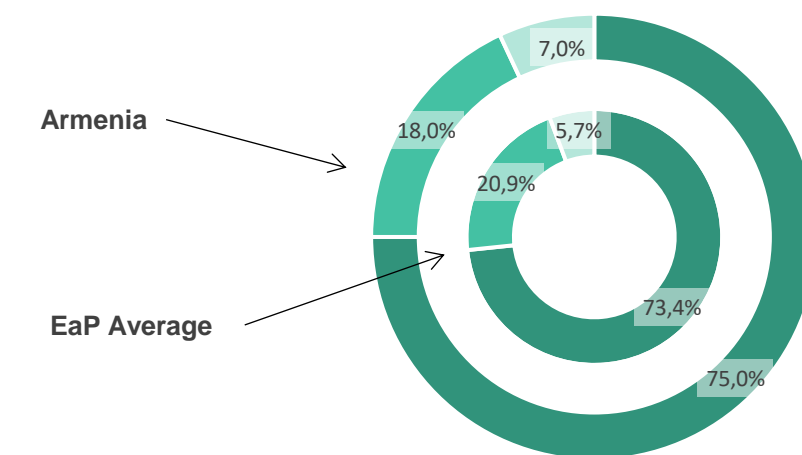
Compared to 2018, the number of professional judges increased by 3,3%.

The figures show a difference of 1,6 percentage points between the percentage of judges in the first instance (75%) and the EaP average (73,4%).

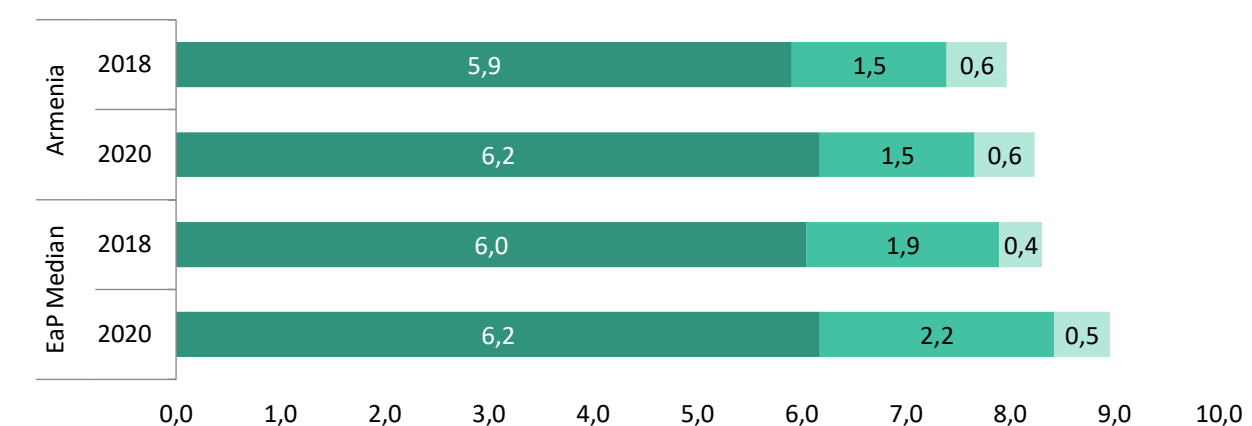
% Variation of no. of professional judges per 100 000 inh. 2018 - 2020



Distribution of professional judges by instance in 2020 (%)



Distribution of professional judges per 100 000 inhabitants by instance in 2018 and 2020



• Non-judge staff

In 2020, the total number of non-judge staff in Armenia was 1438, it decreased by -27,2% between 2018 and 2020. However it represents 48,5 non judge staff per 100 000 inhabitants which is the EaP Median.

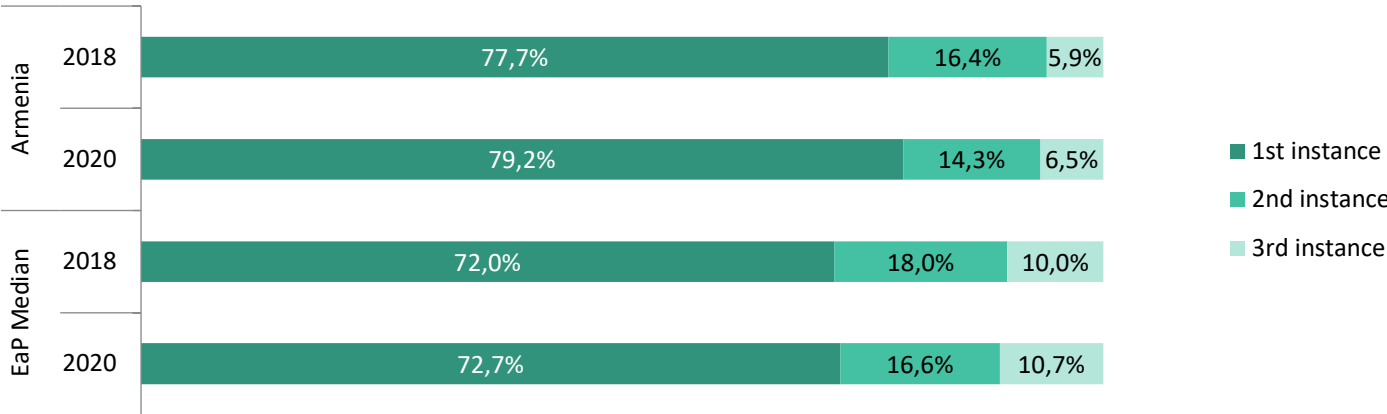
Compared to 2018, there was no significant variation in the distribution of non-judge staff among instances in 2020 and they were no reorganisation made.

The largest category of non-judge staff was non-judge staff in charge of administrative tasks which represented 48,1% of the total.

	Number of non-judge staff by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants
Total	1438	100,0%	48,5	48,5
1st instance courts	1139	79%	38,4	38,4
2nd instance courts	205	14%	6,9	7,8
Supreme Court	94	7%	3,17	3,49

	Number of non-judge staff by category			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants
Total	1438	100,0%	48,5	48,5
Rechtspfleger	NAP	-	NAP	0,1
Assisting the judge	262	18,2%	8,8	16,7
In charge of administrative tasks	692	48,1%	23,4	21,8
Technical staff	484	33,7%	16,3	14,2
Other	NAP	NAP	NAP	-

Distribution of non-judge staff by instance in 2018 and 2020



Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2020

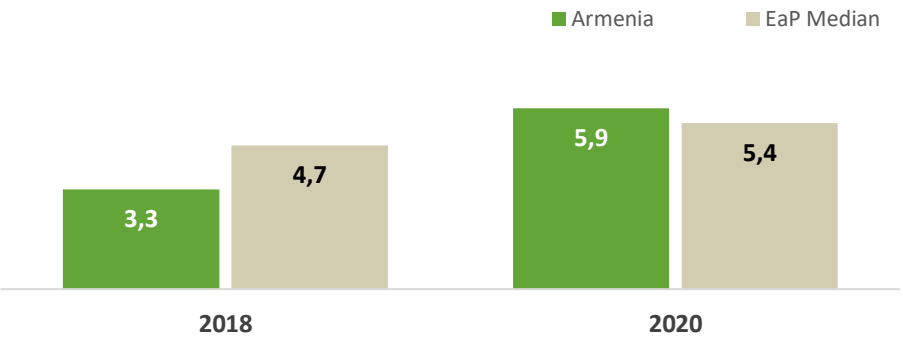


• Ratio between non-judge staff and professional judges

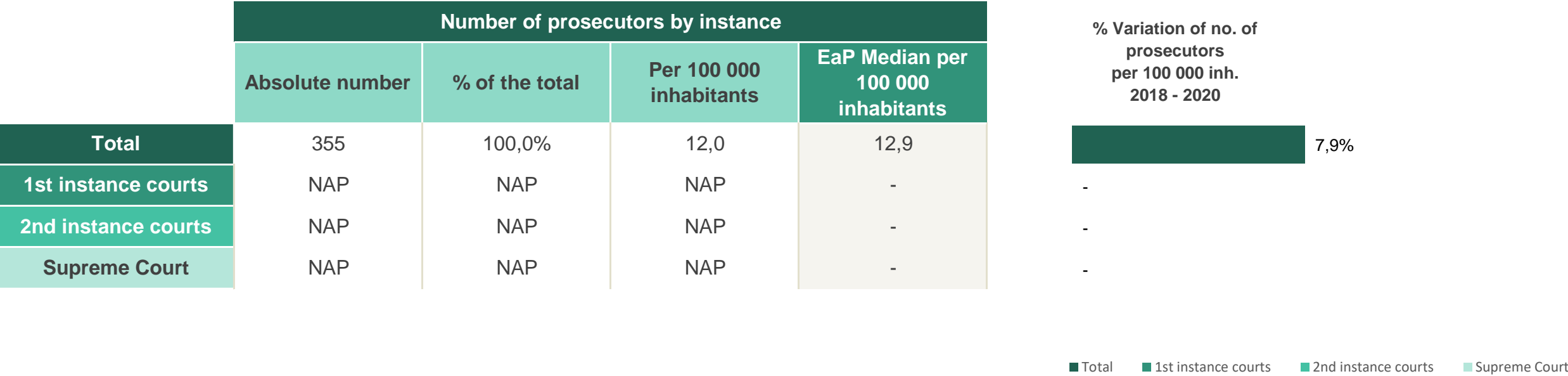
In Armenia, the ratio of non-judge staff per professional judge was 5,9 in 2020. This is higher the EaP Median of 5,4 and it increased from 3,3 in 2018.

	Ratio in 2020		% Variation between 2018 and 2020	
	Armenia	EaP Median	Armenia	EaP Median
Total	5,9	5,4	81,3%	15,4%
1st instance courts	6,2	5,8	82,8%	20,1%
2nd instance courts	4,7	4,1	62,7%	11,0%
Supreme Court	5,5	7,1	108,9%	14,0%

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



• Prosecutors



In 2020, the absolute number of prosecutors in Armenia was 355, which represents 12 prosecutors per 100 000 inhabitants (slightly lower than EaP Median of 12,9).

The total number of prosecutors increased by 7,9% between 2018 and 2020.

In Armenia, prosecutors are not separated between instances.

Distribution of prosecutors per 100 000 inhabitants by instance in 2018 and 2020



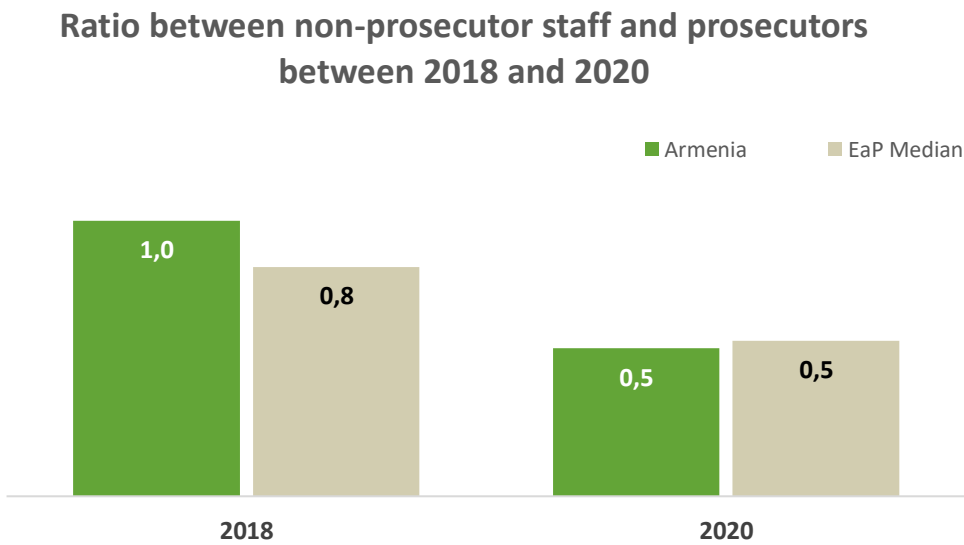
• Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

	Non-prosecutor staff in 2020			Ratio between non-prosecutor staff and prosecutors in 2020		% Variation of the ratio between 2018 and 2020	
	Absolute number	Per 100 000 inhabitants	EaP Median per 100 000 inhab.	Armenia	EaP Median	Armenia	EaP Median
Total	182	6,1	9,5	0,5	0,5	-46,3%	-32,2%

In 2020, there were 182 non-prosecutor staff in Armenia, which is a decrease of -42% compared to 2018.

The number of non-prosecutor staff per 100 000 inhabitants was 6,1, below EaP Median of 9,5.

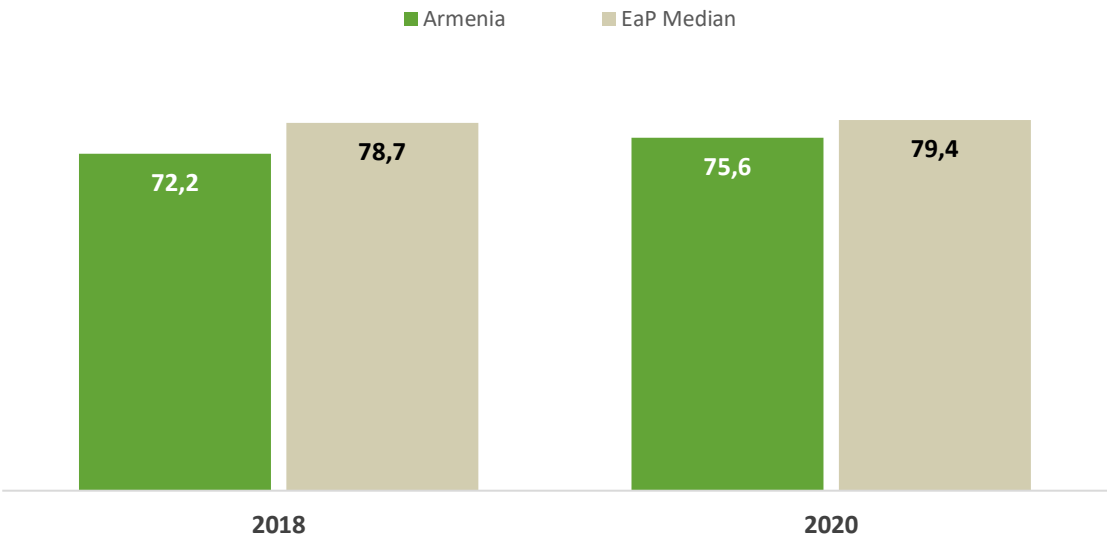
The ratio of non-prosecutor staff per prosecutor was 0,5, which corresponds to the EaP Median.



• Lawyers

	Number of lawyers			% Variation between 2018 and 2020	
	Absolute number	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants	Armenia	EaP Median
Total	2 240	75,6	79,4	4,7%	0,8%

Number of lawyers per 100 000 inhabitants between 2018 and 2020



In 2020, the number of lawyers was 75,6 per 100 000 inhabitants, which was lower than the EaP Median (79,4). The number of lawyers increased by 4,7% between 2018 and 2020.

• Salaries of professional judges and prosecutors

In 2020, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Armenia was 3,9, which corresponds to the Eap Median.

At the end of their career, judges were paid more than at the beginning of career by 47,8%, which was less than the variation of EaP Median (62,4%).

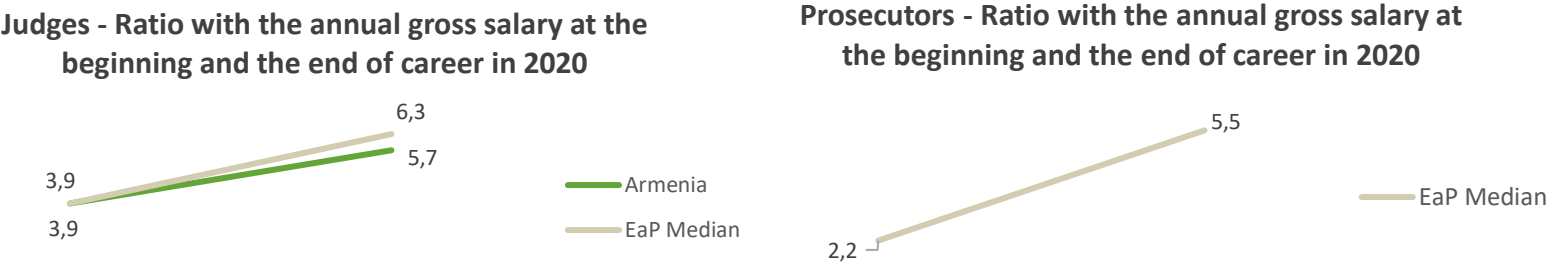
In 2020, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Armenia was 1,8, which was less than the EaP Median (2,2).

No data was available on salaries of prosecutors at the highest instance.

		Salaries in 2020				% Variation of Gross Salary between 2018 and 2020	
		Gross annual salary in €	Net annual salary in €	Ratio with the annual gross salary	EaP Median Ratio with the annual gross salary	Armenia	EaP Median
Professional judge	At the beginning of his/her career	16 453	12 668	3,9	3,9	4,9%	9,1%
	Of the Supreme Court or the Highest Appellate Court	24 325	18 730	5,7	6,3	5,8%	5,8%
Public prosecutor	At the beginning of his/her career	7 651	5 597	1,8	2,2	-20,1%	-13,9%
	Of the Supreme Court or the Highest Appellate Court	NA	NA	NA	5,5	-	30,9%



On top of their salaries, judges receive a special fee, which is an additional remuneration not based on performance, and is around 30% of their salaries.



Additional benefits and bonuses for professional judges and prosecutors

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

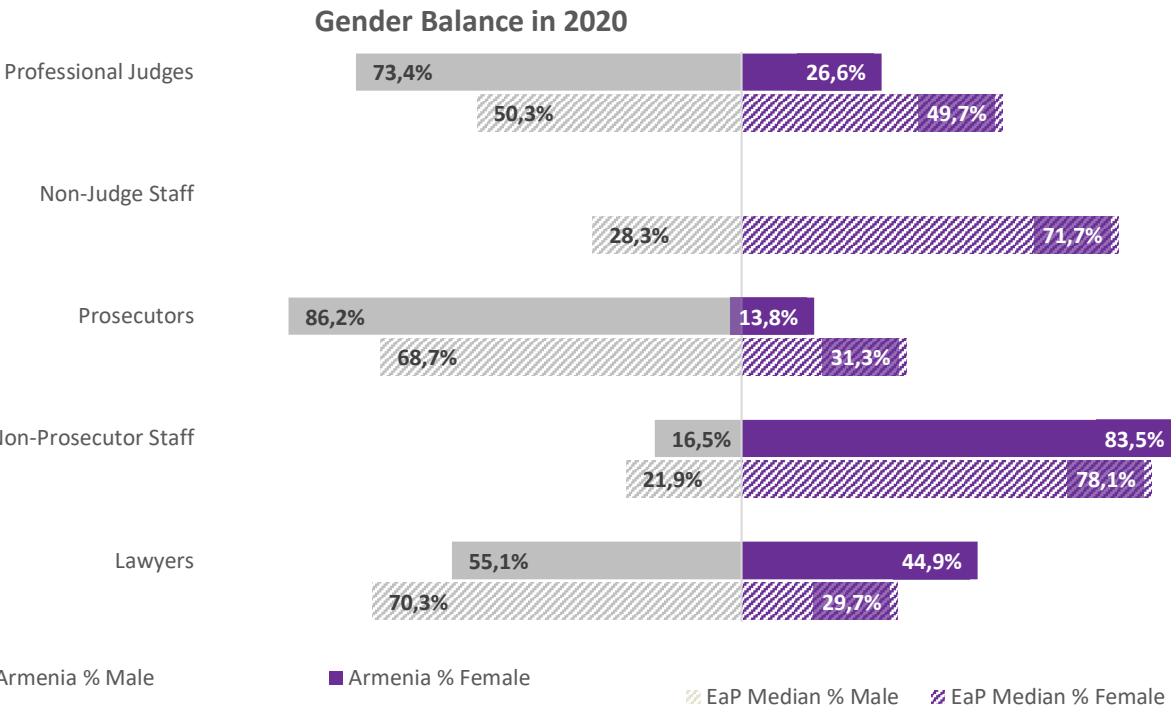
A judge or a prosecutor appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place.

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.

Also, the state provides free health examinations and treatment of prosecutors which 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.

• Gender Balance

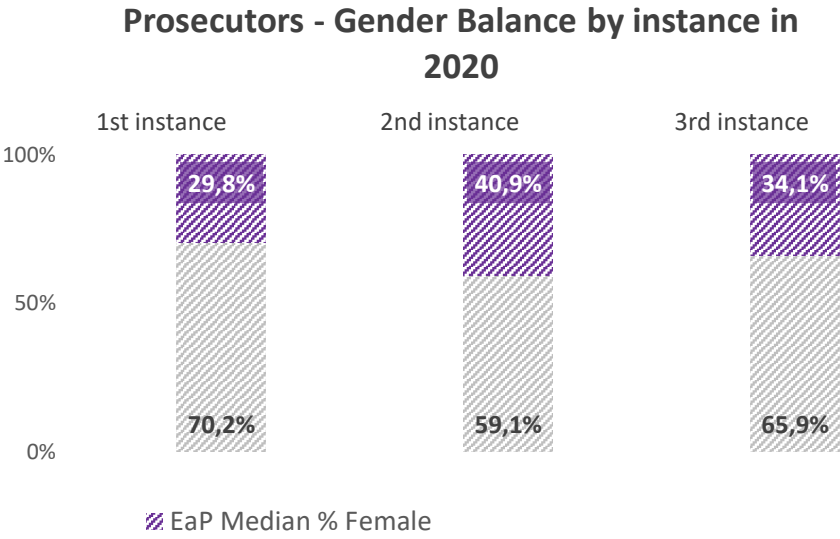
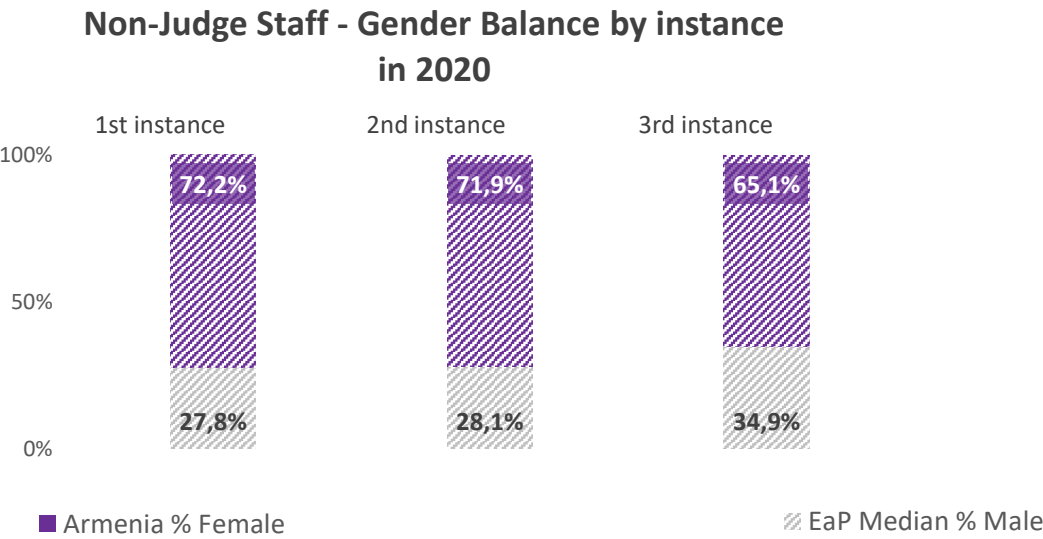
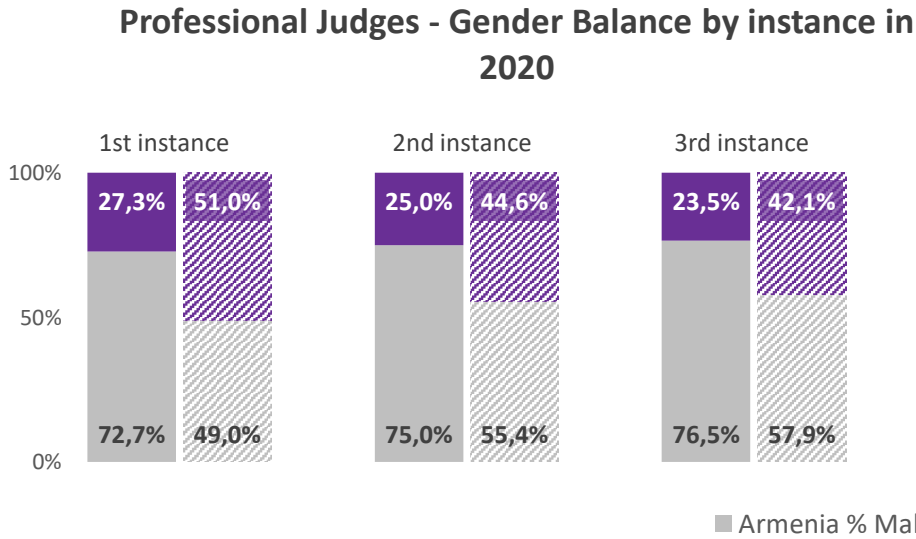
	Total number per 100 000 inh.	% Female	EaP Median	Variation of % females between 2018 and 2020 (percentage points)	
				Armenia	EaP Median
Professional Judges	8,2	26,6%	49,7%	1,2	2,4
Non-Judge Staff	48,5	NA	71,7%	NA	-6,9
Prosecutors	12,0	13,8%	31,3%	1,9	1,6
Non-Prosecutor Staff	6,1	83,5%	78,1%	17,6	12,1
Lawyers	75,6	44,9%	29,7%	2,3	-6,9



In Armenia in 2020, the percentages of female judges (26,6%) and female prosecutors (13,8%) were below 50% and below the EaP medians (respectively 49,7% and 31,3%). On the other hand, there were 83,5% of non-prosecutor staff and 44,9% of lawyers which were female which was above the EaP medians (respectively 78,1% and 29,7%).

The profession with the lowest percentage of female was prosecutors (13,8%) while the one with the highest was non-prosecutor staff (83,5%).

	% Female Professional Judges		% Female Non-Judge Staff		% Female Prosecutors	
	Armenia	EaP Median	Armenia	EaP Median	Armenia	EaP Median
1st instance courts	27,3%	51,0%	NA	72,2%	NAP	29,8%
2nd instance courts	25,0%	44,6%	NA	71,9%	NAP	40,9%
Supreme Court	23,5%	42,1%	NA	65,1%	NAP	34,1%



For judges, a diminution of the percentage of females can be observed from the first to the third instance, as for the EaP medians.

• Gender Equality Policies

	Recruitment		Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court president	✗				
Head of prosecution services	✗				
Judges	✓	✗	✗	✗	✗
Prosecutors	✗	✗	✗	✗	✗
Non-judge staff	✗	✗	✗	✗	✗
Lawyers	✗		✗		
Notaries	✗		✗		
Enforcement agents	✗		✗		

In Armenia there is no national programme or orientation document to promote gender equality specifically for judiciary. However, the Gender Policy Strategy adopted in 2019 aims at promoting women's representation in decision-making positions and eliminate the gender bias regarding certain professions, which may include also judiciary.

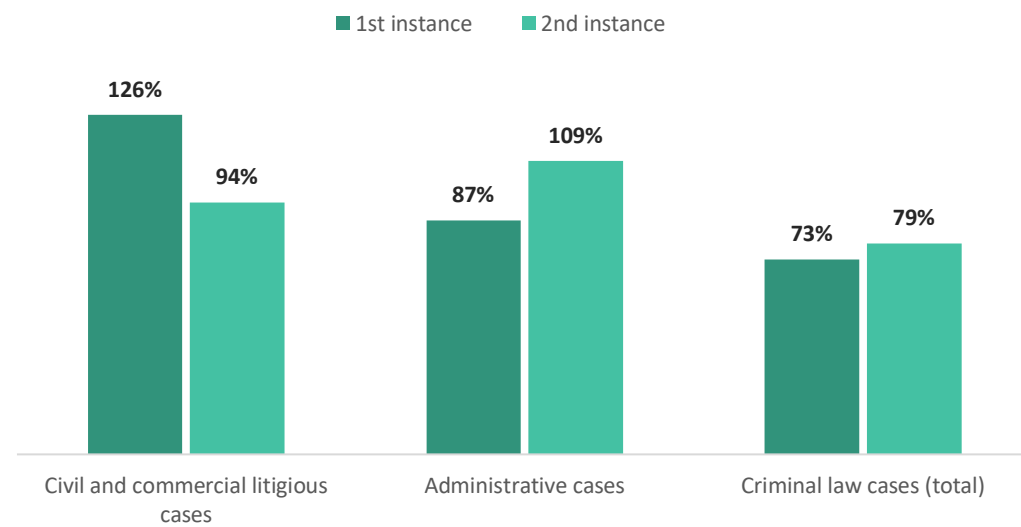
There are no specific provisions to facilitate gender equality in the recruitment and promotion for judicial professionals, with the exception of the recrutement of judges. Regarding judges' recrutement, according to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than 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 number of “for” votes, but not less than at least more than half of those of all the members of the Supreme Judicial Council.

There is no person or institution dealing with gender issues at the national level regarding the recrutement or promotion of judges, prosecutors and non judge staff. If a problem arises, it is solved internally, for example by the head of staff in courts.

Efficiency in Armenia in 2020 (Indicators 3.1 and 3.2)

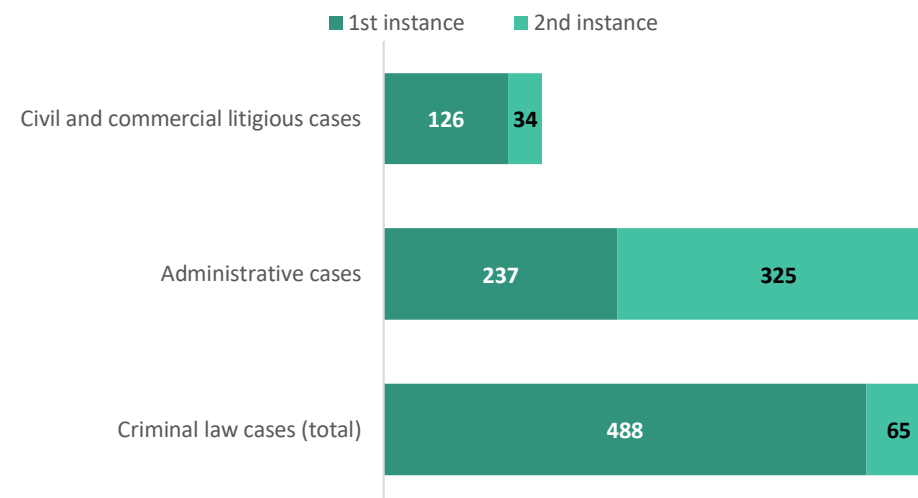
Clearance rate in 2020 (%)

The Clearance Rate (CR) shows the capacity of a judicial system to deal with the incoming cases.
A CR of 100% or higher does not generate backlog.

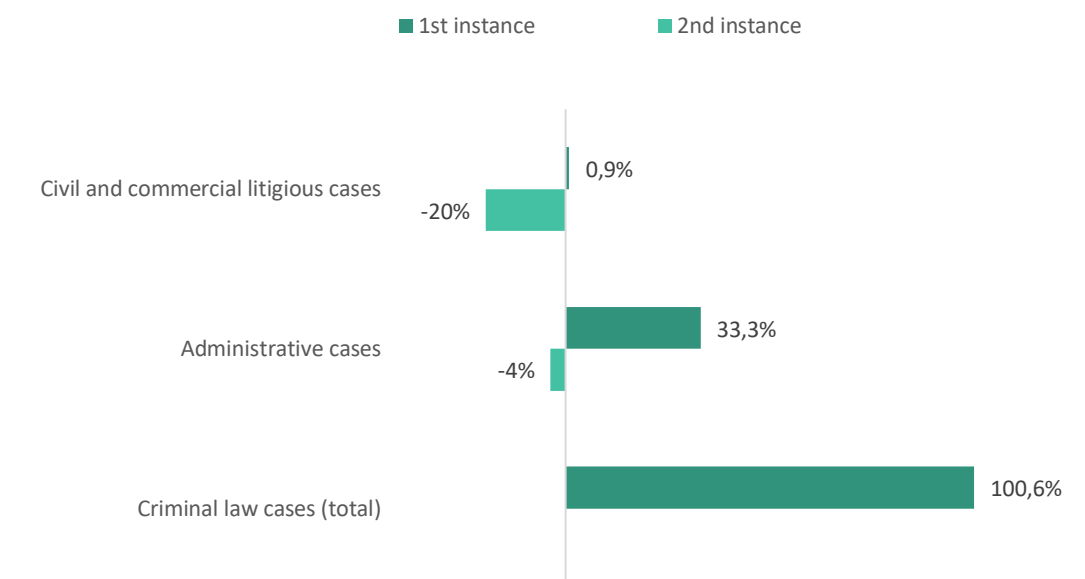


Disposition time in 2020 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



Pending cases at the end of year - Variation between 2018 and 2020 (%)

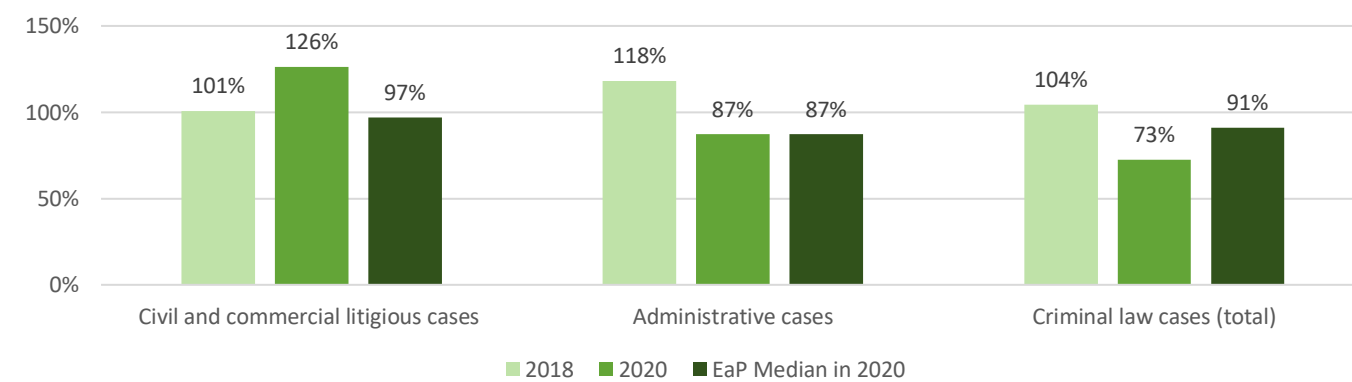


For the purpose of this Profile, the data of only 1st and 2nd instance courts is analysed. In 2020, some backlog was created at all instances except for civil and commercial cases at first instance and for administrative cases at second instance (Clearance rates above 100%; respectively 126% and 109%). The cases with the lowest Clearance rates, both in first and second instance were the criminal cases (73% in first instance and 79% in second which is below the EaP medians). For civil and commercial cases and criminal cases, the second instance was the fastest one with the shortest Disposition time (DT 34 and 65) whereas for administrative law cases, it was the first one (DT 237). Overall, Armenia has Disposition times below or equal to the EaP medians, except for criminal law cases at first instance and administrative law cases at second instance. The criminal law cases at first instance have the longest Disposition time (DT 488).

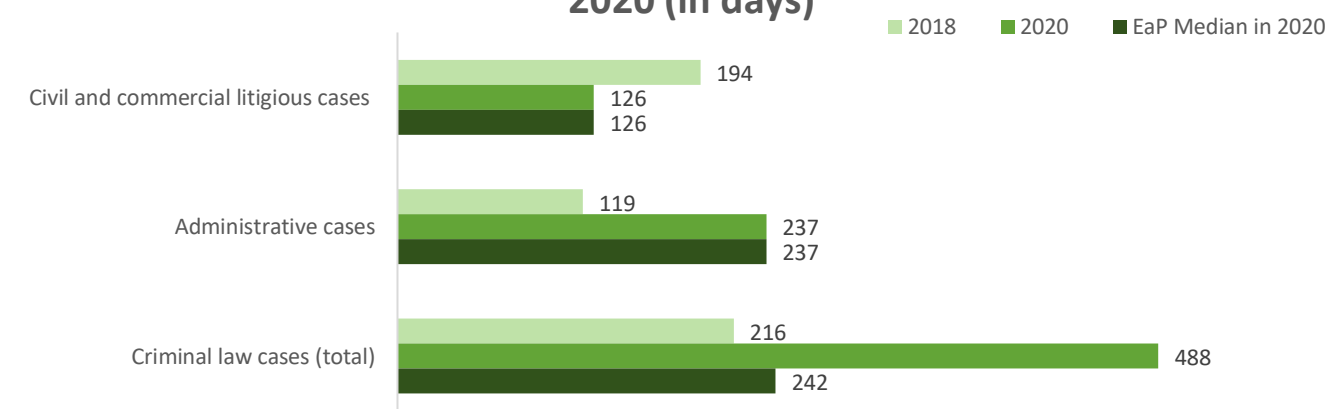
Compared to 2018, there were increases of the number of cases pending at the end of the year in first instance, and decreases in second instance. Regarding the impact of the Covid-19 pandemic, courts were not closed during pandemic in 2020 in Armenia, but court staff was working remotely. Also, some documents (actions, applications, complaints, and responses to actions etc.) were submitted by electronic means to prevent the spread of the pandemic. There was no official report on how the pandemic affected the case flow.

First instance cases

Clearance rate for first instance cases between 2018 and 2020 (%)

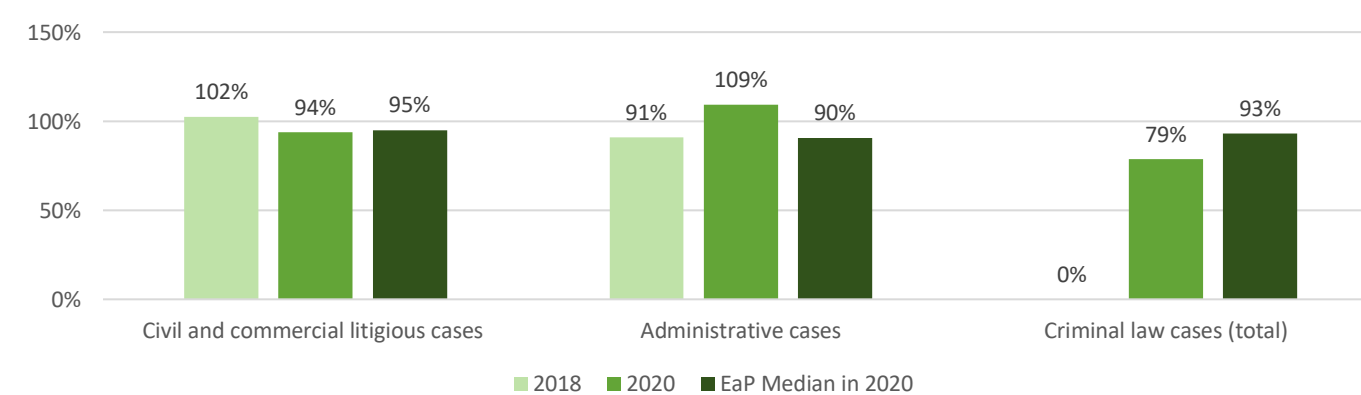


Disposition time for first instance cases between 2018 and 2020 (in days)

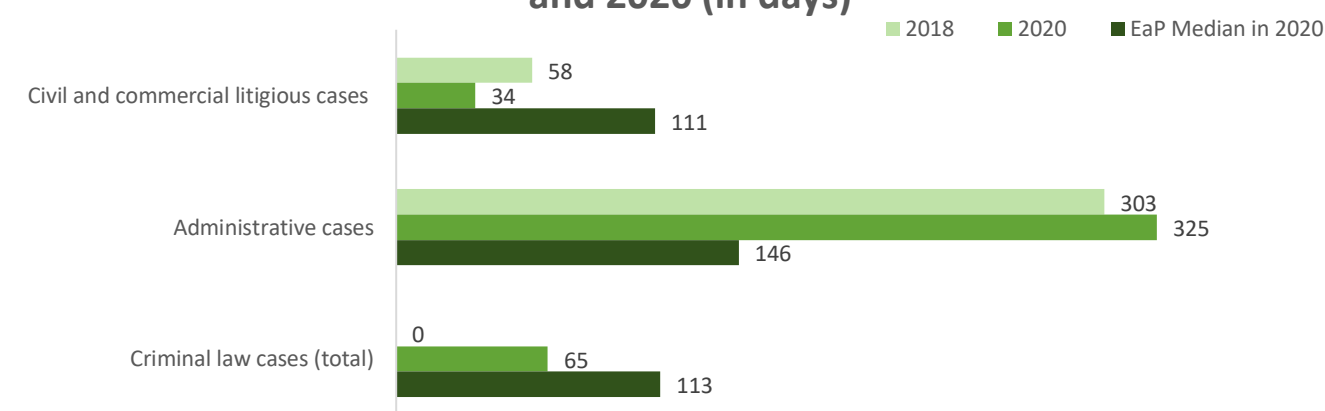


Second instance cases

Clearance rate for second instance cases between 2018 and 2020 (%)



Disposition time for second instance cases between 2018 and 2020 (in days)



• First instance cases - Other than criminal law cases

		2020							Per 100 inhabitants in 2020				% Variation between 2018 and 2020						PPT = Percentage points	
1st instance		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)		
Total of other than criminal law cases (1+2+3+4)		NA	NA	NA	NA	NA	95,6%	NA	133	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
1	Civil and commercial litigious cases	104 465	132 028	45 583	NA	126,4%	97,0%	126	126	3,53	4,46	1,54	NA	<div><div></div>23,9%</div>	<div><div></div>55,5%</div>	<div><div></div>10,9%</div>	NA	<div><div></div>25,7</div>	<div><div></div>-35,1%</div>	
2	Non-litigious cases**	NA	NA	NA	NA	NA	97,5%	NA	123	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
3	Administrative cases	12 622	11 001	7 129	NA	87,2%	87,2%	237	237	0,43	0,37	0,24	NA	<div><div></div>-9,3%</div>	<div><div></div>-32,9%</div>	<div><div></div>33,3%</div>	NA	<div><div></div>-30,8</div>	<div><div></div>98,7%</div>	
4	Other cases	NAP	NAP	NAP	NAP	NAP	100,0%	NAP	97	NAP	NAP	NAP	NA	NAP	NAP	NAP	NAP	NAP	NAP	

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

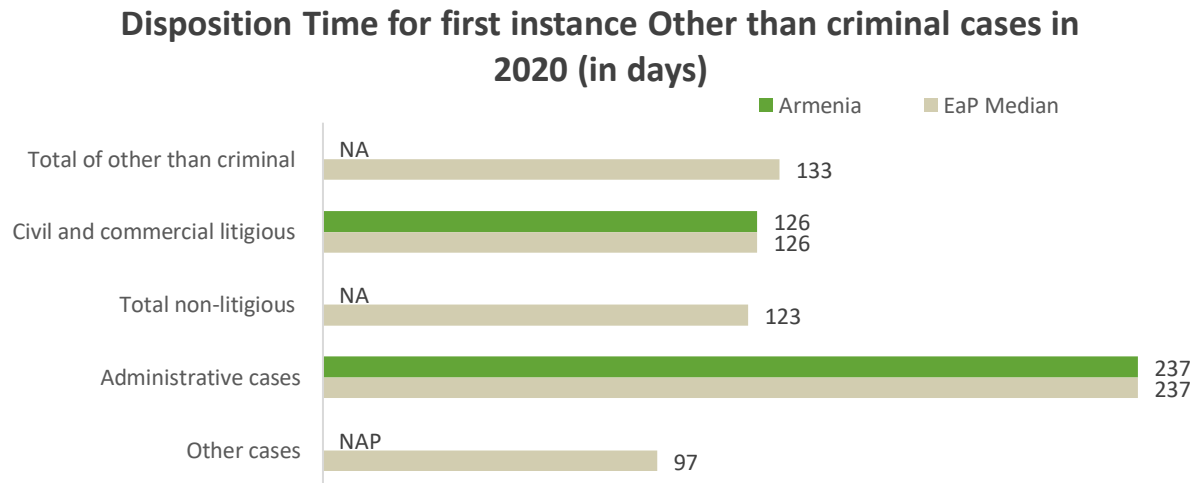
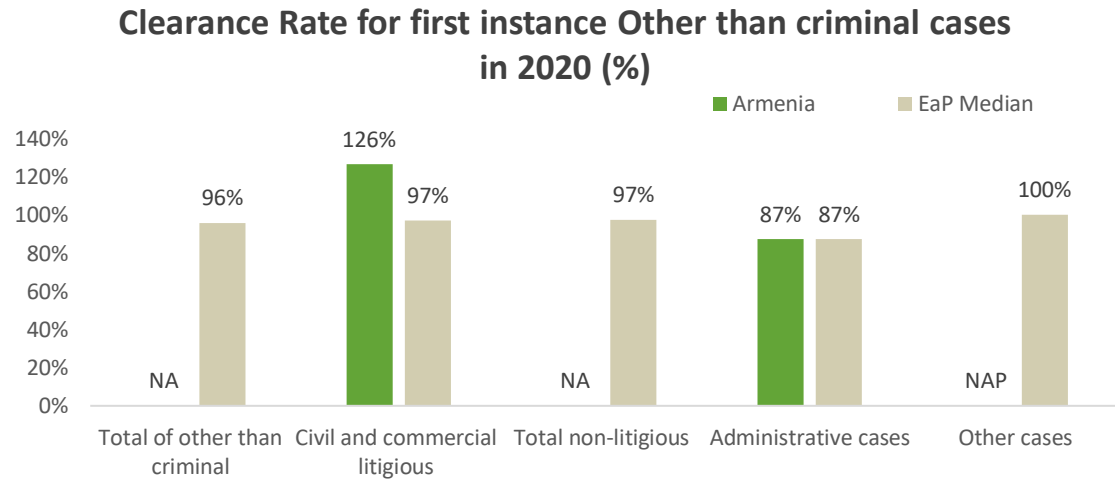
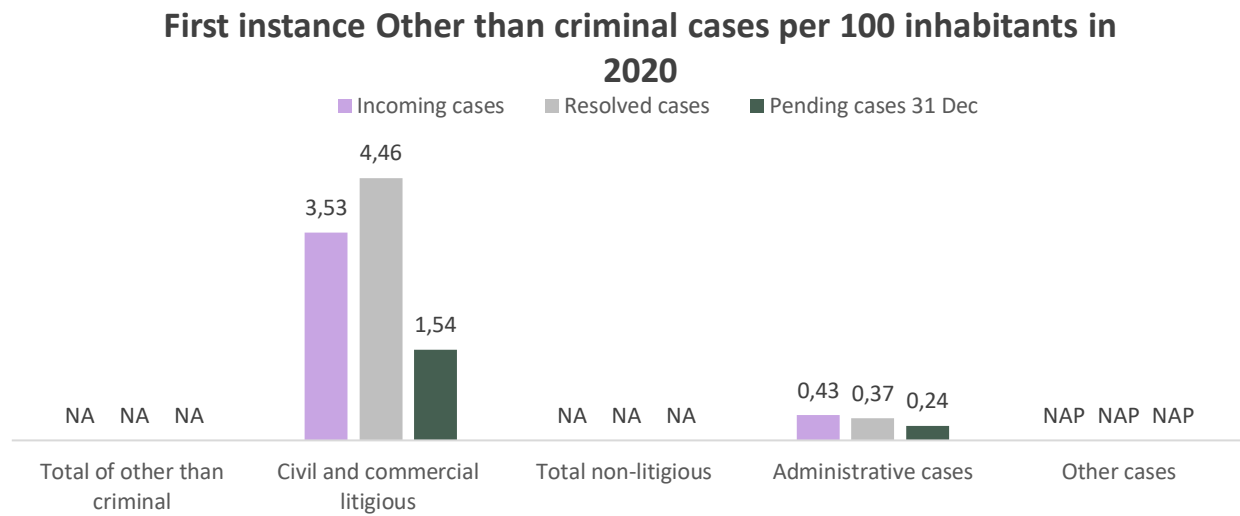
** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2020, there were 104 465 incoming civil and commercial litigious cases in first instance, which was 3,53 per 100 inhabitants and 23,9% more than in 2018. 132 028 cases were resolved, which was 4,46 per 100 inhabitants and 55,5% more than in 2018. It was noted that this increase of resolved cases 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. The number of resolved cases was higher than the incoming cases. As a consequence, the Clearance rate for this type of cases was high (126,4%). This is the highest Clearance rate for Armenia in 2020, it increased by 25,7 percentage points compared to 2018 and was above the EaP Median (97%).

Finally, the Disposition time for civil and commercial litigious cases in first instance was approximately 126 days in 2020. It decreased by -35,1% compared to 2018 and corresponds to the EaP Median (126 days as well).

In 2020, there were 12 622 incoming administrative cases in first instance, which was 0,43 per 100 inhabitants and -9,3% less than in 2018. 11 001 cases were resolved, which was 0,37 per 100 inhabitants and -32,9% less than in 2018. The number of resolved cases was lower than the incoming cases and at the end of the year there were more pending cases than at the end of 2018 (33,3% increase). As a consequence, the Clearance rate for this type of cases was 87,2%. This decreased by -30,8 percentage points compared to 2018 and corresponded to the EaP Median.

Finally, the Disposition time for administrative cases in first instance was approximately 237 days in 2020. This has increased by 98,7% compared to 2018 but it corresponds to the EaP Median.



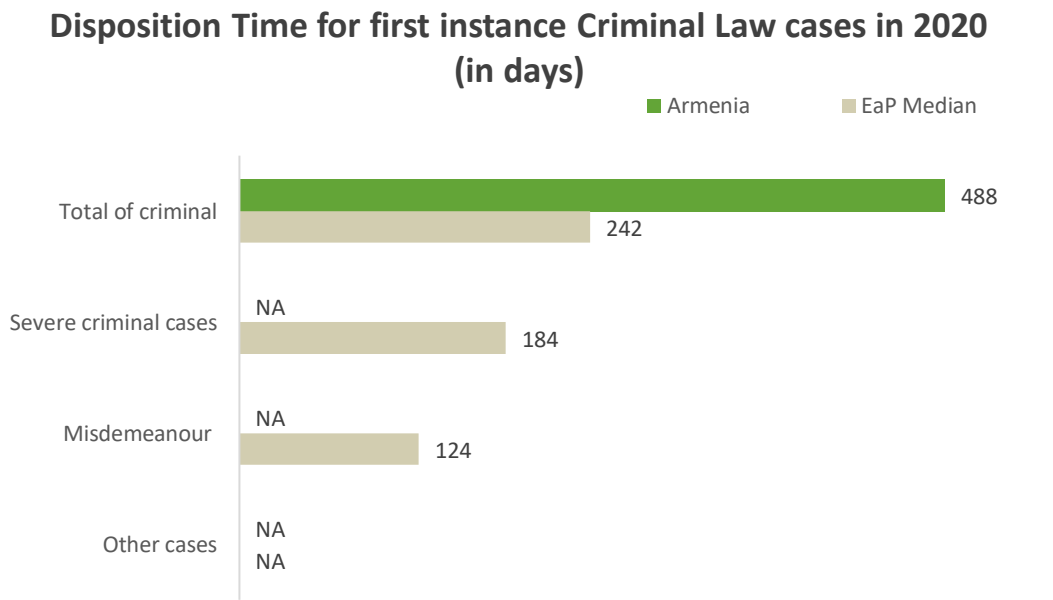
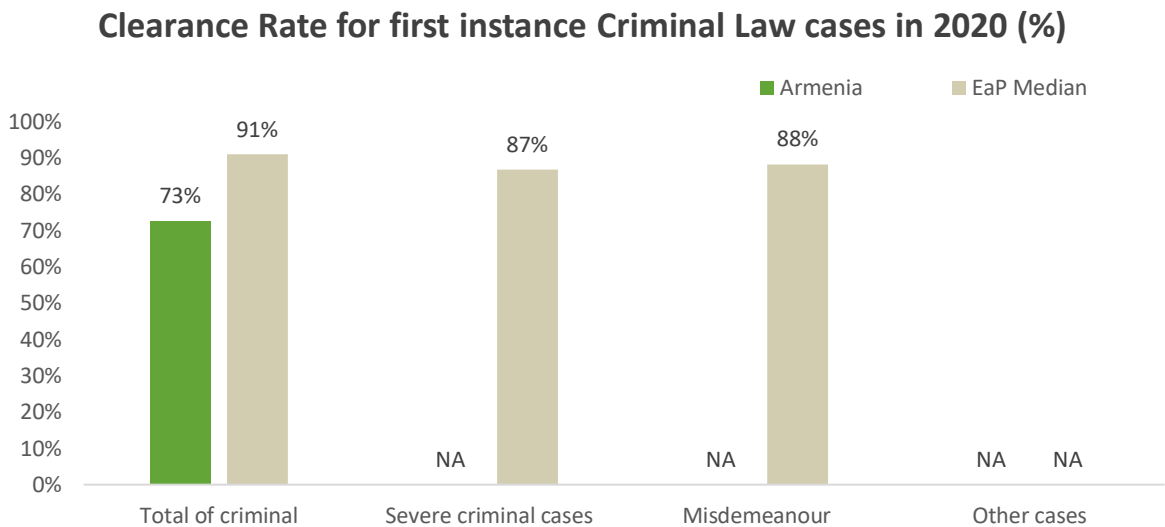
• First instance cases - Criminal law cases

		2020							Per 100 inhabitants in 2020				% Variation between 2018 and 2020						
1st instance		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		3 743	2 714	3 629	NA	72,5%	90,8%	488	242	0,13	0,09	0,12	NA	27,5%	11,4%	00,6%	NA	-31,8	26,3%
1	Severe criminal cases	NA	NA	NA	NA	NA	86,7%	NA	184	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	88,2%	NA	124	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

PPT = Percentage points

In 2020, there were 3 743 incoming criminal cases in first instance, which was 0,13 case per 100 inhabitants and 27,5% more than in 2018. 2 714 cases were resolved, which was also 0,09 case per 100 inhabitants and -11,4% less than in 2018. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, there were more pending criminal cases at the end of 2020 than at the end of 2018 and the Clearance rate for this type of cases was only 72,5%. This decreased by -31,8 percentage points compared to 2018 and was below the EaP Median (90,8%).

Finally, the Disposition time in first instance for total criminal cases was approximately 488 days in 2020. This has increased significantly (+126,3%) compared to 2018 and it was above the EaP Median (242 days).



• Second instance cases - Other than criminal law cases

		2020							Per 100 inhabitants in 2020				% Variation between 2018 and 2020						PPT = Percentage points	
2nd instance		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)		
Total of other than criminal law cases (1+2+3+4)		NA	NA	NA	NA	NA	94,1%	NA	115	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
1	Civil and commercial litigious cases	6 417	6 020	556	NA	93,8%	95,0%	34	111	0,22	0,20	0,02	NA	51,0%	38,3%	-19,7%	NA	-8,6	-41,9%	
2	Non-litigious cases**	NA	NA	NA	NA	NA	100,0%	NA	-	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
3	Administrative cases	2 988	3 265	2 909	NA	109,3%	90,5%	325	146	0,10	0,11	0,10	NA	-25,5%	-10,4%	3,8%	NA	18,4	7,4%	
4	Other cases	NAP	NAP	NAP	NA	NAP	99,1%	NAP	61	NAP	NAP	NAP	NA	NA	NA	NA	NA	NAP	NA	

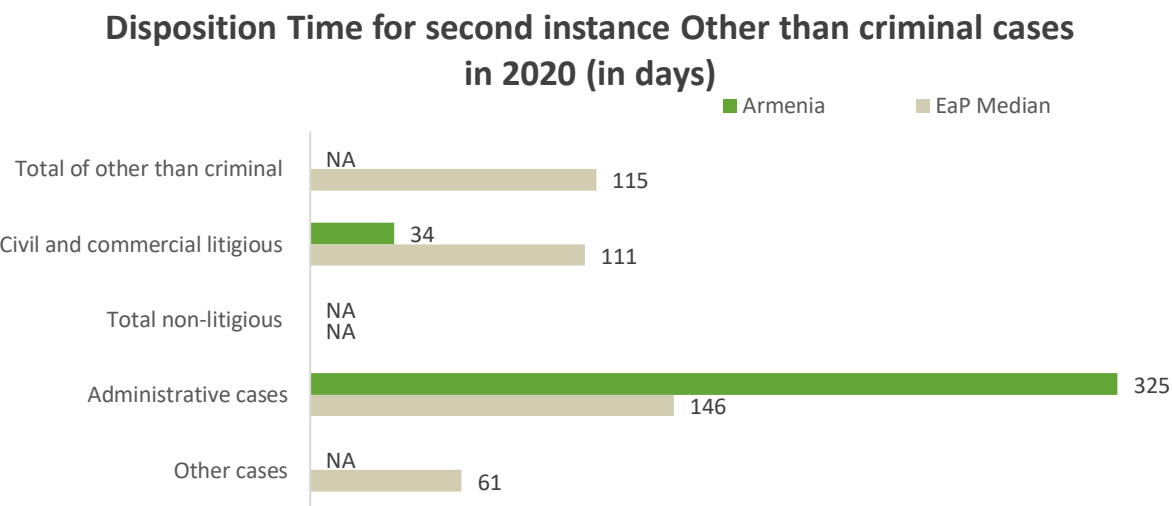
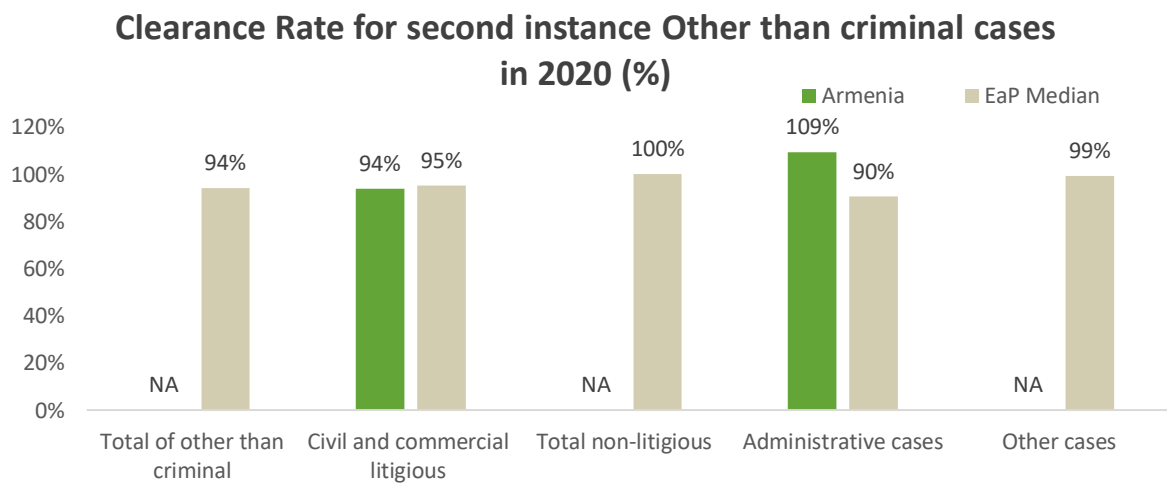
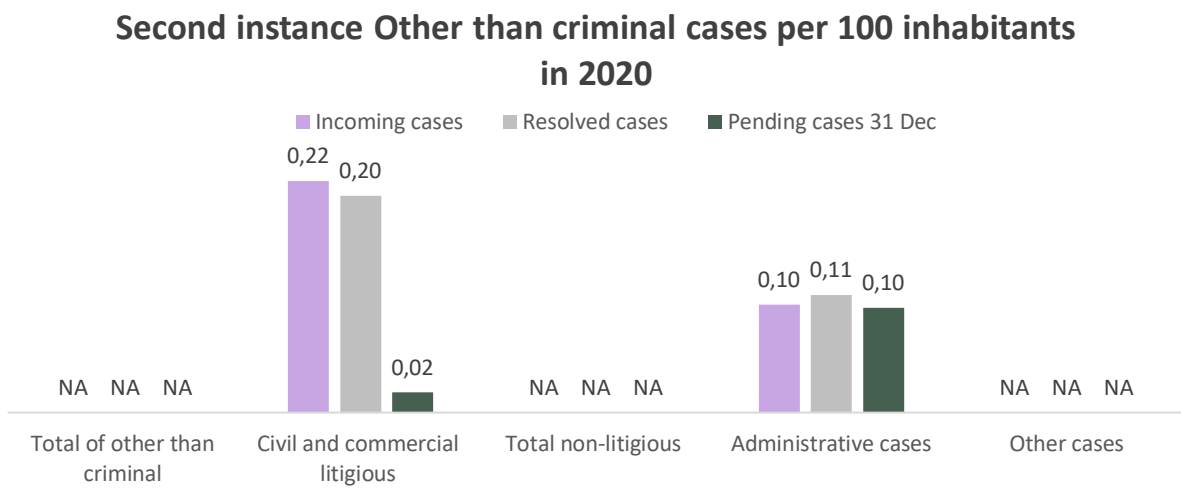
** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2020 in Armenia, there were 6 417 incoming civil and commercial litigious cases in first instance, which was 0,22 case per 100 inhabitants and 51% more than in 2018. 6020 cases were resolved, which was also 0,20 per 100 inhabitants and 38,3% more than in 2018. The number of resolved cases was lower than the incoming cases but there was still less cases pending at the end of 2020 than at the end of 2018 (-19,7%). The Clearance rate for this type of cases was 93,8%. This decreased by -8,6 percentage points compared to 2018 and was below the EaP Median (95%).

Finally, the Disposition time for civil and commercial litigious cases in second instance was approximately 34 days in 2020. This has decreased by -41,9% compared to 2018 and it was below the EaP Median (111 days).

In 2020, there were 2 988 incoming administrative cases in second instance, which was 0,10 per 100 inhabitants and -25,5% less than in 2018. 3265 cases were resolved, which was also 0,11 per 100 inhabitants and -10,4% less than in 2018. The number of resolved cases was higher than the incoming cases and at the end of 2020 there were less pending cases than at the end of 2018. The Clearance rate for this type of cases was 109,3%. This increased by 18,4 percentage points compared to 2018 and was above the EaP Median (90,5%).

Finally, the Disposition time for administrative cases at second instance in 2020 was approximately 325 days in 2020. This has increased by 7,4% compared to 2018 and it was above the EaP Median (146 days).



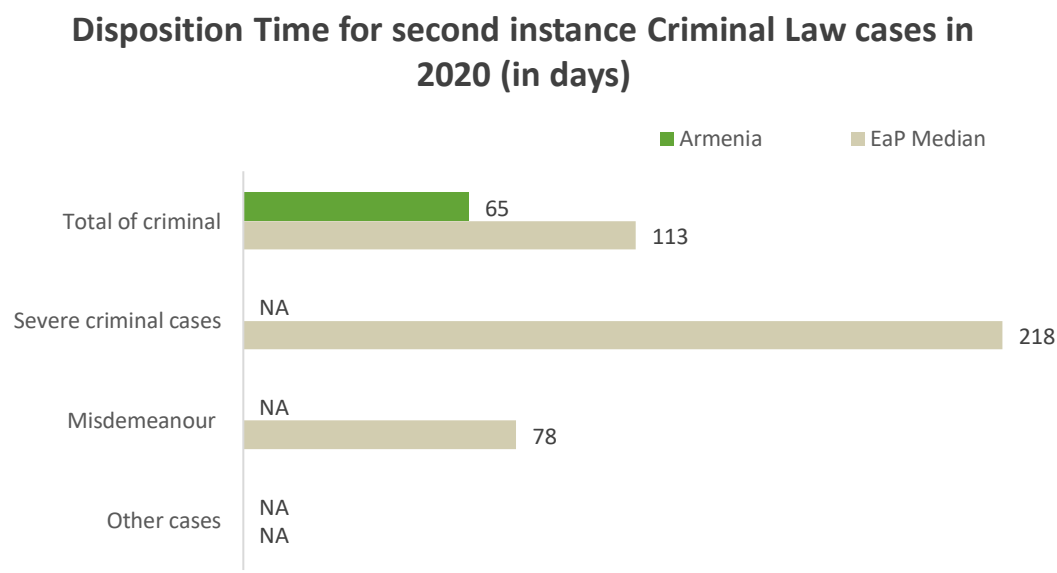
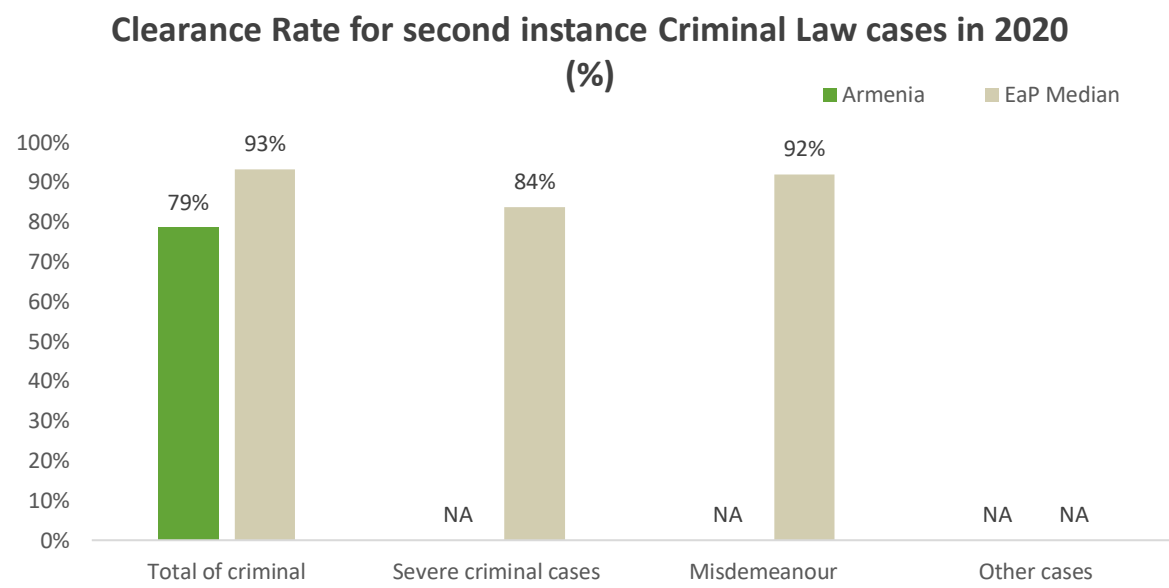
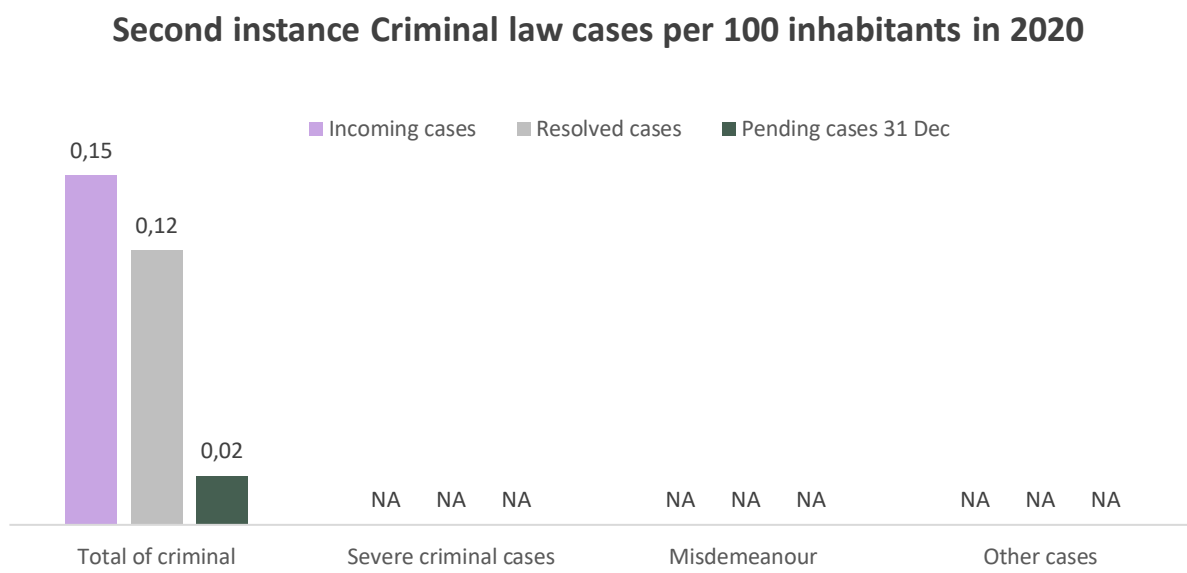
• Second instance cases - Criminal law cases

		2020							Per 100 inhabitants in 2020				% Variation between 2018 and 2020						
2nd instance		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		4 439	3 487	619	NA	78,6%	93,2%	65	113	0,15	0,12	0,02	NA	NA	NA	NA	NA	NA	NA
1	Severe criminal cases	NA	NA	NA	NA	NA	83,6%	NA	218	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	91,9%	NA	78	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

PPT = Percentage points

In 2020, there were 4 439 incoming total criminal cases, which was 0,15 case per 100 inhabitants. 3 487 cases were resolved, which was also 0,12 per 100 inhabitants. The number of resolved cases was therefore lower than the number of incoming cases. The Clearance rate for those cases was 78.6% which is below the EaP median of 93.2%.

Finally, the Disposition time for total criminal cases was approximately 65 days in 2020 and it was below the EaP Median (113 days).



• Average length of proceedings for specific category cases (in days - from the date the application for judicial review is lodged)

	2020						% Variation between 2018 and 2020					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	NA	NA	NA	NA	NA						
Trading in influence	NA	NA	NA	NA	NA	NA						

In 2020, there was no data in Armenia on the average lengths of proceedings.

• Quality standards and performance indicators in the judicial system

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

• Performance and quality indicators and regular assessment in courts and prosecution offices

In Armenia there are no performance and quality indicators adopted in the legislation for courts nor for prosecution offices. Regarding the regular assessment of prosecution offices, 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.

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

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

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

• Quantitative targets for each judge and prosecutor

In Armenia there are no quantitative targets for judges and prosecutors

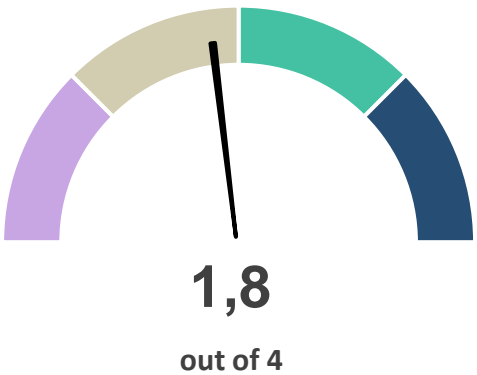
However, the process is currently underway to introduce a quantitative and qualitative criteria for evaluating the individual performance of prosecutors. Evaluation of prosecutors' activities is currently carried out through attestation. Relationships related to attestation are regulated in Article 50 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. There is also a procedure in place for evaluation of performance of individual judges by the Commission for Performance Evaluation of Judges.

Responsible for setting up quantitative targets for judges		Responsible for setting up quantitative targets for public prosecutors		Consequences for not meeting the targets	Judges	Public prosecutors
Executive power (for example the Ministry of Justice)	NAP	Executive power (for example the Ministry of Justice)	NAP	Warning by court's president/ head of prosecution	NAP	NAP
Legislative power	NAP	Prosecutor General /State public prosecutor	NAP	Disciplinary procedure	NAP	NAP
Judicial power (for example the High Judicial Council, Supreme Court)	NAP	Public prosecutorial Council	NAP	Temporary salary reduction	NAP	NAP
President of the court	NAP	Head of the organisational unit or hierarchical superior public prosecutor	NAP	Other	NAP	NAP
Other:	NAP	Other	NAP	No consequences	NAP	NAP

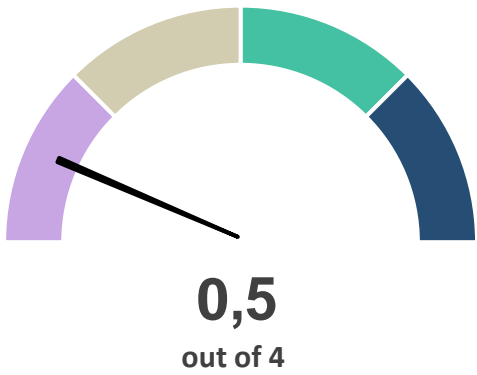
Electronic case management system and court activity statistics in Armenia in 2020 (Indicator 3.3)

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.

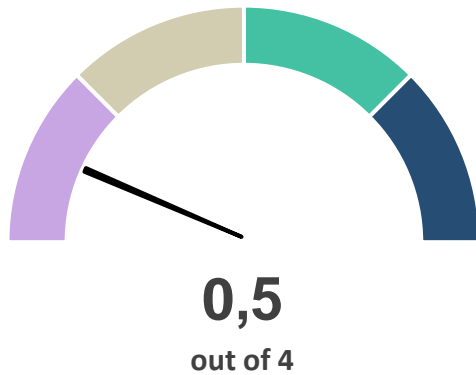
CMS index in Civil and/or commercial



CMS index for Criminal



CMS index for Administrative



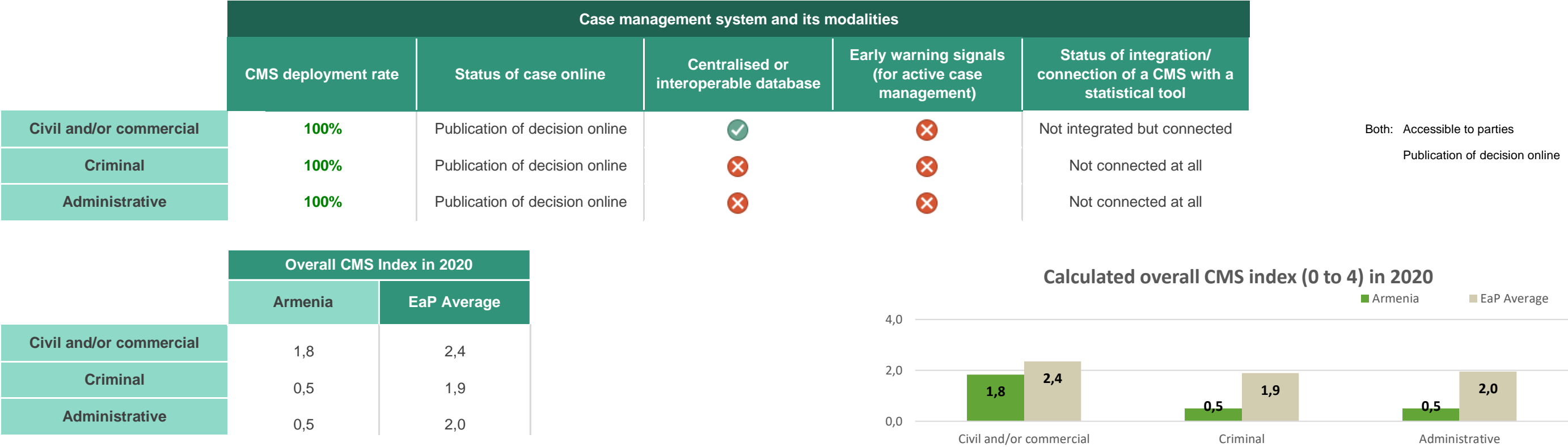
Electronic case management system

In Armenia, there is no IT Strategy for the judiciary. However, it should be noted that the Strategy of Judicial and Legal Reforms of 2019-2023 contains provisions regarding modernization of the electronic management systems in the courts.

There is a case management system (CMS), eg software used for registering judicial proceedings and their management, which has been developed more than 10 years ago. Currently, negotiations are underway with various international organizations to improve this system.

The CMS is developed in all courts (100% deployment rate) but there is a centralised or interoperable database and a connection to a statistical tool only for civil and/or commercial cases. There are no early warning signals in place.

The CMS Index for Armenia is 1,8 for civil and/or commercial cases and 0,5 for both criminal and administrative cases. This is lower than the Eastern Partnership averages of 2.4 for civil and/or commercial cases, 1.9 for criminal cases and 2.0 for administrative cases.



• **Centralised national database of court decisions**

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

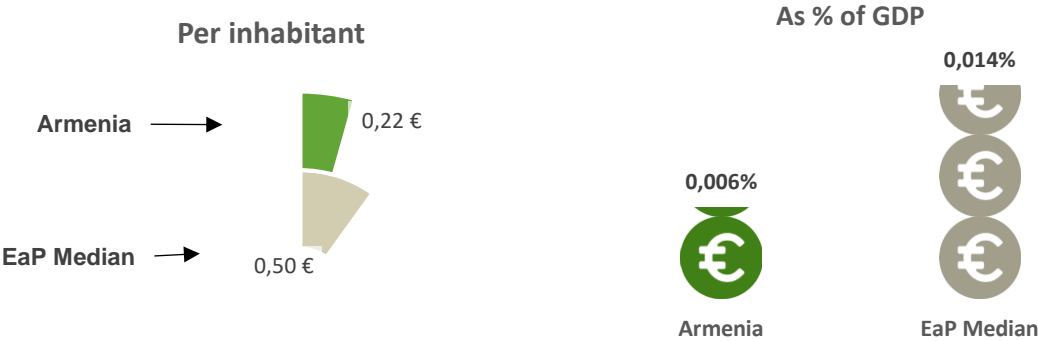
The data is anonymised. An anonymisation of personal data is done for judicial acts containing data on private life, personal biometric and personal special category data, as well as personal data on a child. The Supreme Judicial Council may prescribe other cases of anonymisation of personal data.

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

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

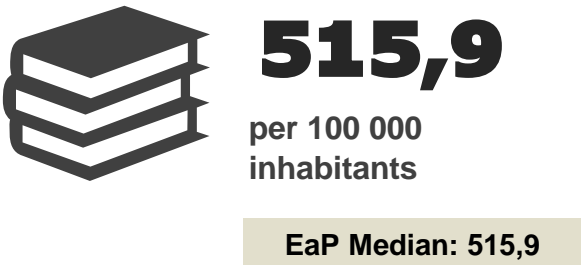
Legal Aid in Armenia in 2020 (Indicator 4)

Total implemented budget for Legal Aid in 2020

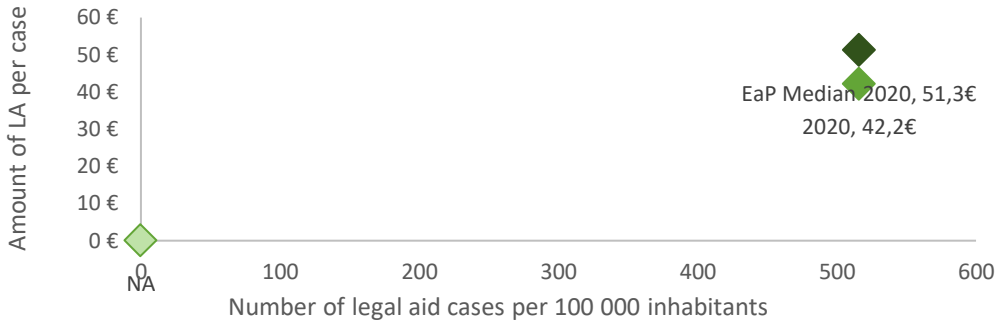


In 2020, the implemented budget for legal aid spent by Armenia was 0,22€ per inhabitant (below the EaP Median of 0,5€). This was equal to 0,006% of the GDP (below the EaP Median of 0,014%).

Number of LA cases



Amount of implemented legal aid per case(in €) and total no. of legal aid cases per 100 000 inh. between 2018 and 2020



This scatterplot shows the relation between the number of legal aid (LA) cases per 100 000 inh. and the amount of LA per case. A figure on the right (left) of the EaP Median means that the Beneficiary has more (less) number of LA cases per 100 000 inh. than the EaP Median. A figure above (below) the EaP Median shows that the Beneficiary has spent per LA case more (less) than the EaP Median.

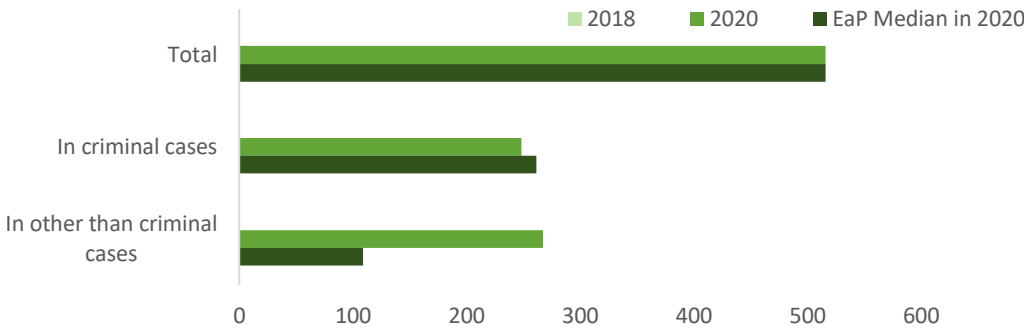
Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid Per inhabitant		Total implemented budget for legal aid as % of GDP	
	Total	% Variation (2018 - 2020)	Cases brought to court	Cases not brought to court	Armenia	EaP Median	Armenia	EaP Median
Total	645 383 €	-5,1%	NA	NA	0,22 €	0,50 €	0,006%	0,014%
In criminal cases	NA	NA	NA	NA				
In other than criminal cases	NA	NA	NA	NA				

In 2020, the total implemented budget for legal aid was 645 383€, which was -5,1% less compared to 2018. In total, Armenia spent 0,22€ per inhabitant in legal aid (below the EaP Median of 0,5€).

	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total			Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 000 inh.	% Variation (2018 - 2020)					
Total	15 287	516	NA	NA	NA	42,2 €	NA	NA
In criminal cases	7 361	248	NA	NA	NA	NA	NA	NA
In other than criminal cases	7 926	267	NA	NA	NA	NA	NA	NA

Total number of LA cases per 100 000 inh between 2018 and 2020

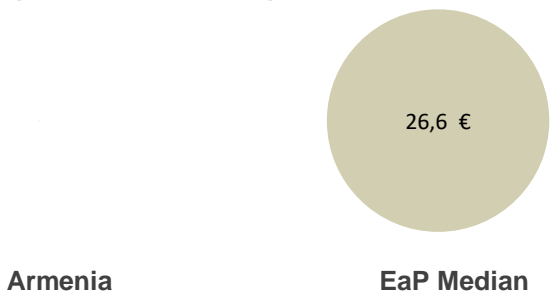


In 2020, legal aid was granted in 15 287 cases, which represents 516 cases per 100 000 inhabitants. 7361 of those cases were criminal cases; 7926 were other than criminal cases.

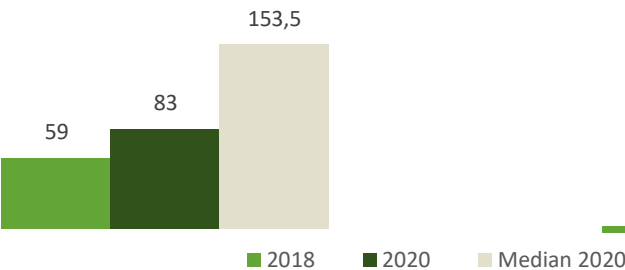
On average, Armenia spent 42,2€ per case for which legal aid was granted, which is below the EaP Median of 51,32€.

Training of judges and prosecutors in Armenia in 2020 (Indicator 7)

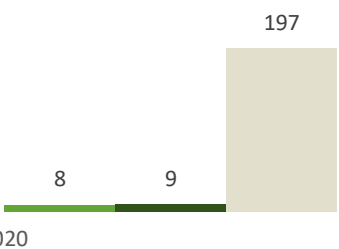
Total budget for Training per 100 inhabitants



Delivered in-person training courses between 2018 and 2020 (in days)

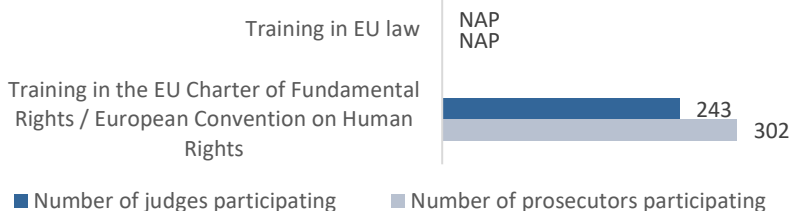


Number of online training courses (e-learning) available between 2018 and 2020



Training in EU law (participants in 2020)

Organised/financed by the training institutions for judges and prosecutors



There is no data available for Armenia regarding the budget spent for trainings in 2020 (please see section below "budget for trainings" for more explanation).

The number of delivered in-person training courses increased between 2018 and 2020 (from 59 days to 83 days). On the other hand, the online available courses increased to 9 in 2020 (from 8 in 2018).

Budget for Trainings

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)			
			Absolute Number	Per 100 inhabitants	Per 100 inhabitants % variation 2018 - 2020	EaP Median per 100 inhabitants
Total	NAP	NAP	0 €	0,0 €	-100,0%	26,6 €
Judges	NAP	NAP				
Prosecutors	NAP	NAP				
One single institution for both judges and prosecutors	NAP					

There is no data available for Armenia regarding the budget spent for trainings in 2020. The budget of the training institution (the Academy of Justice) is not counted here as the institution does not have a separate budget. In Armenia, the Academy of Justice is funded from the state budget 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. In 2020, the amount of the overall budget named "Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs" was 230.527.700 AMD, which is equal to 421.440 €.

The very significant decrease of budget between 2018 and 2020 (-100%) is also explained by the fact that the authorities chose "NAP" (not applicable) instead of providing the budget for the training institution as it was done in 2018 (for the reason explained above).

• Type and frequency of trainings

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

Judge candidates must attend initial training at the Academy of Justice, it is a precondition for becoming a judge.

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

In-service trainings on management functions are being held for prosecutors only as part of online educational module.

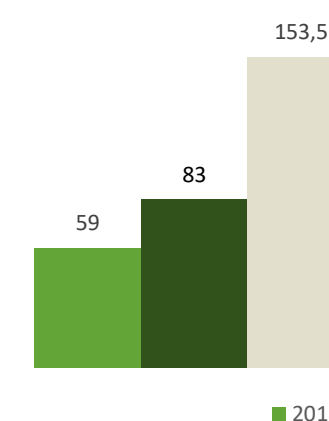
In Armenia, sanctions are foreseen if judges and prosecutors do not attend the compulsory training sessions. There is a rule of conduct that a judge must participate in mandatory training courses. The breaches of rules of conduct for judges are a ground for disciplinary liability, if they have been committed deliberately or with gross negligence. Not attending the mandatory trainings is also a ground for disciplinary liability for prosecutors.

Regarding domestic and sexual violence, 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.

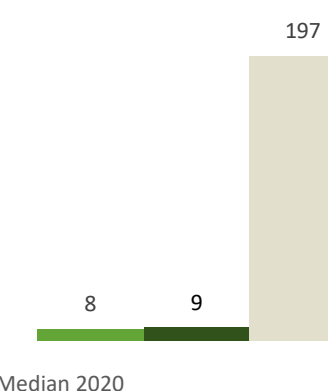
• Number of in-service trainings and participants

	In-person training courses				Online training courses (e-learning)		
	Available (number)	Delivered (in days)		Number of participants	Available (number)		Number of participants
		In 2020	% Variation 2018 - 2020		In 2020	% Variation 2018 - 2020	
Total	98	83	41%	712	9	13%	308
Judges	39	38	6%	231	5	25%	153
Prosecutors	30	17	-26%	179	4	0%	155
Non-judge staff	0	0	NA	0	0	NA	0
Non-prosecutor staff	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Other professionals	29	28	-	302	0	-	0

Delivered in-person training courses between 2018 and 2020 (in days)



Number of online training courses (e-learning) available between 2018 and 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.

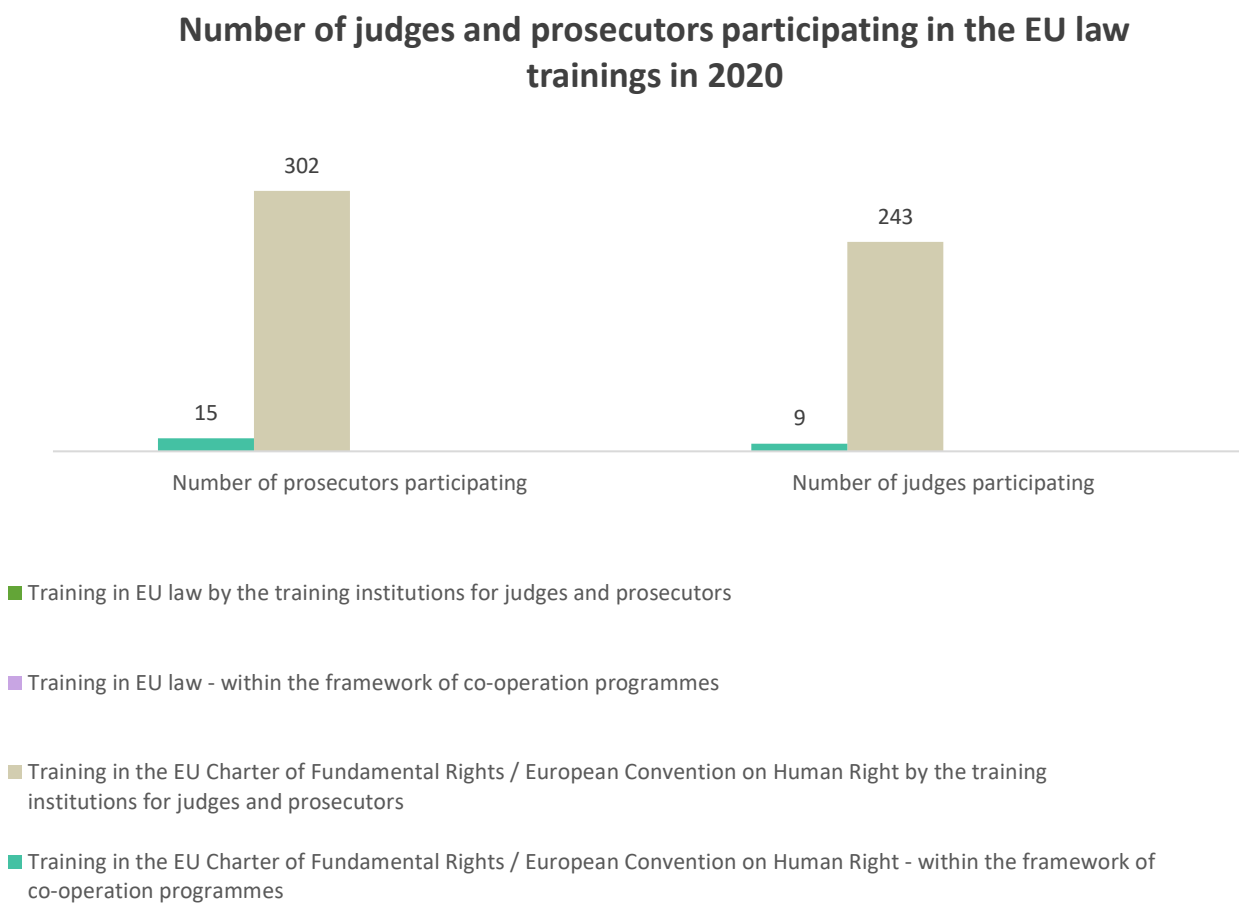
The special subjects training of prosecutors was conducted from October 5 to November 6 of 2020 in 10 groups for 10 weeks - 50 days.

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.

• Number of EU law training courses and participants

	Training in EU law		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights	
	Organised/financed: By the training institutions for judges and prosecutors	Organised/financed: Within the framework of co-operation programmes	Organised/financed: By the training institutions for judges and prosecutors	Organised/financed: Within the framework of co-operation programmes
Number of in-person training courses available	NAP	NAP	8	1
Number of delivered in-person training courses in days	NAP	NAP	NA	1
Number of online training courses (e-learning) available	NAP	NAP	4	0
Number of judges participating	NAP	NAP	243	9
Number of prosecutors participating	NAP	NAP	302	15



In 2020, there was no training organized in Armenia on EU Law. Regarding trainings on the EU Charter of Fundamental Rights and the European Convention on Human Right, there were 8 trainings organised by the training institution for judges which were in-person and four training courses organized for prosecutors which were online. One training was organised in the framework of a co-operation programme with the Council of Europe. 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.).

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 that they are counted each time that they participate in a course.

Alternative Dispute Resolution in Armenia in 2020 (Indicator 9)

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

Court-related mediation procedures **Yes**

Mandatory informative sessions with a mediator **No**

Mandatory mediation with a mediator **No**

Mediators

1,9

per 100 000 inhabitants

EaP Median: 1,9

41,8% female mediators



In Armenia, court related mediation procedures are available with the consent of the parties or upon a motion filed by them. In 2020, there was no data available on the number of court-related mediation procedures.

Legal aid is available for court-related mediation procedures when the procedure is initiated by the judge (see Article 184 of the Civil procedure code, if the judge believes that there is a great possibility of amicable settlement between the parties he/she may refer parties to 4 hour free of charge mediation).

The judicial system does not provide for mandatory mediation nor for mandatory informative sessions with a mediator.

In 2020, the total number of mediators in Armenia was 55, which is the same number as in 2018. This represents 1,9 mediators per 100 000 inhabitants which corresponds to the EaP Median. 41,8% of those mediators were female.

• Mediation procedures

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, to assign them to a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

Where there is a great possibility that the dispute may end in reconciliation, the court may, on its own initiative, assign a one-time free mediation process for up to four hours.

A mediation process may be assigned with respect to the whole judicial dispute, as well as a separate claim if separate disposition of that part is possible through a mediation process.

The court shall assign a mediation process by rendering a decision, indicating the persons participating in the case, the nature of the dispute between the parties, their claims, time limits for mediation, the name of the licensed mediator, other necessary data, the time and venue of the upcoming court session. The court shall appoint the licensed mediator as selected by the parties, and in case the parties fail to select a licensed mediator, or if the mediation is assigned on the initiative of the court, the mediator shall be appointed by the court.

The licensed mediator shall be appointed from the list of mediators 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.

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.

• Other ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR

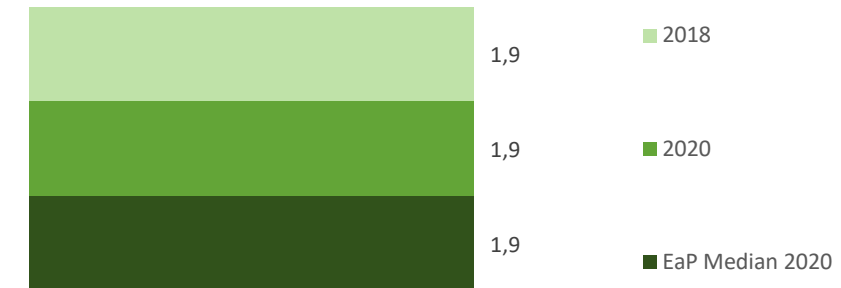


In Armenia, based on the law on mediation, there are three types of mediation - 1. the mediation based on mutual agreement of parties which is regulated by the same law, 2. the mediation based on court decision, which is regulated by the Civil Procedure Code (see details in the paragraph above), and 3. the financial mediation which is regulated by the Law on Financial Mediation system. Both 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008.

• Mediators and court-related mediations

Accredited/registered mediators for court-related mediation			% Variation between 2018 and 2020	
Absolute number	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants	Armenia	EaP Median
55	1,9	1,9	0,0%	2,1%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2018 and 2020



In 2020, the total number of mediators in Armenia was 55, which is the same number as in 2018. This represents 1,9 mediators per 100 000 inhabitants which corresponds to the EaP Median.

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 persons which can be licensed and registered as a mediator are :

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

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

In Armenia, there is no court related mediation for administrative and criminal cases. For other types of cases where court-related mediation exists (civil and commercial cases, family cases, labour cases, consumer cases) no data on the number of mediations which took place in 2020 was available.

Court related mediations are provided by private mediators and for consumer cases also by public authorities (other than the court).

European Convention on Human Rights in Armenia in 2020 (Indicator 10)

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

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

Number of judgements finding at least one violation of ECHR in 2020



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process in 2020



ECHR

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

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

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

Yes

In 2020, for Armenia, there were 213 applications allocated to a judicial formation of the European Court of Human Rights. 14 judgements found at least one violation and 11 cases were considered as closed after a judgement and the execution of judgements process.

	2020
Number of applications allocated to a judicial formation of the Court **	213
Judgements finding at least one violation**	14

** Source: ECHR

	2020
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	11

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

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection 2020

Part 2 (B) - Beneficiary Profile – Armenia

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

Level of implementation of GRECO recommendations in December 2019 (adoption of the GRECO second Compliance Report on Armenia):

	JUDGES	PROSECUTORS
Implemented	29,00%	57,00%
partially implemented	71,00%	43,00%
not implemented	0,00%	0,00%

Selection and recruitment of judges and prosecutors

• Procedure of recruitment of judges

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

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

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

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

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

Within 15 days after the results of the written exams are published, they may be appealed to the Appeals Commission of the SJC (composed of two judges and one academic lawyer), and subsequently – to an administrative court. Members of the Evaluation Commission may not be members of the Appeal Commission. A non-selected candidate has a right to appeal against a decision of appointment of the SJC (the

Judicial Department) when it refuses to accept an application. The appeal is lodged within three working days. The competent body for deciding on the appeal is the Administrative Court which needs to examine the appeal within ten working days. In such cases, the candidate judge who lodged the appeal can participate in the following stages of the qualification examination (see [the GRECO Second Compliance Report on Armenia](#), para. 39).

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

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

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

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

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

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

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

• Mandate of judges

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

No probation period is envisaged in the law for judges before being appointed for an undetermined period.

• Procedure of recruitment of prosecutors

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

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

The list of prosecutor candidates is supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule in January of each year when the announcements for open competitions are published on the website of the Prosecutor's Office. If so instructed by the Prosecutor General, a closed competition of candidates may be held during the year in order to supplement the list of prosecutor candidates. In the latter case, no public call is published and participants are notified by written or oral invitation. A participant participates in closed competition if s/he meets the requirements provided by law and is exempt from studies in the Academy as prescribed by law or if s/he appealed against the rejection of the application made by the Qualification Commission.

The Qualification Commission is an independent commission composed of Prosecutor General's deputy, four prosecutors, three law academics and the Rector of the Academy (nine members in total). The Qualification Commission checks the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by the applicant with other requirements

stipulated by law. Candidacies of those applicants for whom the Qualification Commission has issued a positive opinion are submitted to the Prosecutor General, who includes the candidates acceptable to him/her in the list of prosecutor candidates.

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

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

A person included in the list of prosecutor candidates shall complete a program of studies in the Academy of Justice and take a qualification exam. A person is relieved of the requirement to study and take a qualification exam, if he/she: has 3 years of professional work experience as a prosecutor, judge, investigator, or advocate, unless more than 5 years have passed since the person stopped performing such work; has 3 years of professional work experience as a prosecutor unless more than 10 years have passed since the person stopped performing such work and if he/she retired according to the specific grounds prescribed by law; has a PhD degree in law and has 3 years of professional work experience; or has a PhD candidate degree in law and 5 years of experience working as a lawyer. The grounds for exemption from training at the Academy of Justice do not apply to persons included in the list of candidates for prosecutors with the function of confiscating property of illegal origin. In case the candidate is exempt from studying at the Academy, the results of the interview are taken into account in the selection procedure.

A non-selected candidate does not have a right to appeal against a decision of appointment of the Prosecutor General.

• Mandate of prosecutors

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

No probation period is envisaged in the law for prosecutors before being appointed for an undetermined period.

According to the part 2 of the Article 38.1 of the LPO, a person wishing to be included in the list of prosecutor candidates carrying out functions aimed at confiscating property of illegal origin or who wants to become a Deputy Prosecutor General coordinating the field of the confiscation of property of illegal origin must submit a completed questionnaire on integrity. The chairperson of the Qualification Commission submits the questionnaire on integrity to the Corruption Prevention Commission within one day for an advisory opinion, which must be provided within 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 the Qualification Commission on the candidate, the advisory opinion received from the Corruption Prevention Commission shall be provided to the Prosecutor General.

Promotion for judges and prosecutors

• Promotion of judges

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

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

Criteria to be met by a judge candidate for the position of a judge at courts of appeal include: professional work experience of at least three years in the position of a judge of relevant specialisation at a first instance court and lack of any disciplinary penalty imposed in the form of reprimand or severe reprimand. In case a former judge is a judge candidate, s/he must have held office during the last ten years and have at least five years of experience as a judge. A person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution at least 6 years during the last 8 years may also be a judge candidate.

According to amendments to the JC made in 2018 (Articles 121 and 130), for promotion to the position of a chairperson of a first instance court and court of appeals, the Judicial Department of SJC draws up and submits to the SJC a list of all judges of the first instance court concerned who meet the following requirements: possess not less than three years of experience in the position of a judge, have not been imposed a disciplinary penalty, have not been appointed as a chairperson of the court concerned during the last three years and are not members of the SJC. In case the number of judges possessing not less than three years of experience in the position of a judge is less than three, this requirement shall not apply in the course of drawing up the list. The SJC studies personal files of the applicants and may invite them to an interview. The SJC holds open voting, each member having one vote. The person having received the majority of voted of all SJC members shall be proposed to the President of the Republic for appointment.

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

s/he is appointed by the President of the Republic upon proposal of the SJC while in case of the Chairperson of the Court of Cassation the candidate is appointed by the National Assembly.

Criteria for the position of a judge at the Court of Cassation are the following: having attained the age of forty, holding only the Armenian citizenship, having the right to vote, with high professional qualities and, depending on the professional background, with prescribed number of years of professional work experience: 1. a judge with relevant specialisation with ten years of professional work experience, out of which at least five have been acquired while in the position of a judge; 2. a former judge who held office in the last ten years and who has at least ten years of professional work experience, out of which at least five have been acquired in the position of a judge; and 3. a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

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

• Promotion of Prosecutors

According to the LPO, appointment of a prosecutor to senior positions is made on the basis of promotion lists which are compiled by the Qualification Commission of the Prosecutor General's Office. For most senior positions – those specified by law – a positive opinion by the Qualification Commission is also required.

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

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

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

Confidence and satisfaction of the public with their justice system

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

	2020		
	Number of requests for compensation	Number of compensations	Total amount (in €)
Total	NA	NA	NA
Excessive length of proceedings	NA	NA	NA
Non-execution of court decisions	NA	NA	NA
Wrongful arrest	NA	NA	NA
Wrongful conviction	NA	NA	NA
Other	NA	NA	NA

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

	2020	
	Number of complaints	Compensation amount granted
Court concerned	NAP	NAP
Higher court	NA	NA
Ministry of Justice	NA	NA
High Judicial Council	NA	NA
Other external bodies (e.g. Ombudsman)	NA	NA

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. No data is available on the ratio between the total number of initiated procedures of challenges and total number of finalised challenges for 2020.

According to the law, specific instructions may be given to a prosecutor to prosecute or not by the Prosecutor General as well as a higher prosecutor or the head of the prosecution office. Instructions may be given orally or in writing. The instruction given are mandatory, have to be reasoned and recorded in the case file. Instructions are given occasionally.

Promotion of integrity and prevention of corruption

• Independence of judges

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

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

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

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

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

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

• Independence of prosecutors

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

• Breaches of integrity for judges

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

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

• Breaches of integrity for prosecutors

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

• Breaches of integrity for staff of Courts

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

• Number of criminal cases against judges and prosecutors

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

In 2020, criminal cases were initiated against 5 judges and 3 cases completed.

	2020			
	Judges		Prosecutors	
	Abs	per 100	Abs	per 100
Number of initiated cases	5	2,05	0,00	0,00
Number of completed cases	3	1,23	0,00	0,00
Number of sanctions pronounced	0	0,00	0,00	0,00

• Existence of specific measures to prevent corruption

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

• In-service training on ethics

There is a compulsory in-service training available to judges and prosecutors, which is organised regularly. In the framework of this training, judges and prosecutors may choose amongst several programs. If they choose a program where training on ethics is included, it is compulsory for them to attend it.

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

In its [Fourth Evaluation Round Evaluation Report](#) (para. 166), GRECO noted the need to provide training on ethical questions to all judges on a mandatory and regular basis, by way of dedicated courses referring to practical examples, focusing on main topics that are prevention of conflicts of interest and corruption. Moreover, GRECO noted that practical questions relating to the principles of impartiality and independence – both from internal and external influences – should be given priority. In this context, GRECO drew attention to Opinion No. 4 (2003) of the Consultative Council of European Judges (CCJE) according to which “the judiciary should play a major role in or itself be

responsible for organising and supervising training” and emphasised that in Armenia the involvement of the judiciary in this process needed to be strengthened. Furthermore, GRECO emphasised a need for specialised and dedicated counselling within the judiciary, in order to provide judges with confidential advice on such questions, to raise their awareness and to thus prevent risks of conflicts of interest and corruption. In this connection, GRECO drew the authorities’ attention to international standards according to which “judges should be able to seek advice on ethics from a body within the judiciary”. In connection to this matter, it was stressed that any such counsellors needed to command specific expertise in the field and be distinct from disciplinary bodies so that they could be consulted and advise in confidence. The requests for consultations and the opinions expressed by the regulator would have to be confidential and only fed into dedicated ethics training on an anonymous basis. In conclusion, GRECO recalled that in Armenia perceptions of corruption in the judiciary were particularly high and citizens’ trust in this branch of power was low, and, as a result, found it crucial that measures such as those mentioned above were embedded in a determined and comprehensive corruption prevention policy. Consequently, GRECO issued the recommendation xi above.

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

According to the information provided by the authorities, sitting judges are obliged to attend annual trainings provided by the Academy; however, they are free to choose trainings that include also topics such as ethics, anti-corruption etc. Initial trainings for judges/prosecutors topics such as ethics and anti-corruption are mandatory.

• Codes of ethics for judges and prosecutors

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

• Bodies giving opinions on ethical questions

In case of prosecutors, a special body (Ethics Committee) composed of prosecutors and other legal professionals (7 members in total) exists which gives opinions on ethical questions. These opinions are not publicly available. There has been only one request for an advisory opinion to date. Also, by the order of the Prosecutor General of 10 April 2019, a commission was established to advise prosecutors on ethics, which is composed of 2 prosecutors. This commission is also entitled to give opinions on ethical questions.

No such body exists in case of judges. The Armenian authorities report that this is due to the opinion of the Venice Commission¹ which pointed out the concerns with regard to the Disciplinary Commission having competence also for providing advice on rules of ethics and conduct. The authorities further explain that having a body competent to provide advice might lead to different, even contradicting interpretation from the one made by the SJC when applying disciplinary measures.

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

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

• Transparency in distribution of court cases

There is transparency in distribution of court cases ensured in the Armenian judicial system via random allocation using random algorithm. However, there is a possibility to exclude a judge from the allocation – according to Article 42 of the JC a judge may, in case s/he is in charge of a case of particular complexity, apply to the SJC proposing to be temporarily removed from the distribution list or to have a different percentage of cases to be distributed to him/her defined. In case the SJC finds the application of the judge to be reasonable, the proposal shall be granted but for a limited period of time not exceeding six months which may be extended based on the judge's proposal, if the examination of the case of particular complexity has not ended. Other grounds for excluding a judge from the allocation are: 1. in the case of a leave — for the period of the leave and the period of the preceding ten days; 2. in the case of secondment to another court — for the period of secondment and the period of the preceding ten days; 3. in the case of temporary incapacity, participation in training courses, secondment abroad or suspension of powers — for the relevant period; 4. in the case of expiry of the term of office — three months before the expiry of the term of office; 5. in other cases provided for by the JC.

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

¹ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)019-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)019-e)

Declaration of assets for judges and for prosecutors

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

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

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

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

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

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

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

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

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

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

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

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

As per the Criminal Code, a deliberate failure to submit a declaration to the CPC is punishable by a fine in the amount of 1.500 to 2.000 times the minimum wage or an imprisonment for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for a term not exceeding three years. As per the Code on Administrative Sanctions, a failure to submit a declaration to the CPC within the prescribed time period, submitting incomplete or incorrect declaration is punishable by a fine in the amount of 200 times the established minimum wage.

Number (absolute and per 100 judges/prosecutors) of proceedings against judges/prosecutors for violations or discrepancies in declaration of assets in 2020:

Armenia	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2020	NA	NA	NA	NA	NA	NA	0	0,00	0	0,00	0	0,00

Conflict of interest for judges and for prosecutors

• Procedures and Mechanisms for managing potential conflict of interest

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

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

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

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

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

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

If a gift received exceeds a set threshold, a judge must report it to the Ethics and Disciplinary Committee of the General Assembly of Judges within a period of 10 days. The same applies if a gift has been received by a judge’s relative (to the third degree kinship) who does not live

in the same household, and the gift could reasonably be perceived as having the aim of influencing the judge. Judges are also required to include gifts received in the regular asset declarations filed to the Corruption Prevention Commission (hereinafter: CPC).

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

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

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

• Possibility for judges and prosecutors to perform additional activities

According to Article 5 of the JC, a judge may perform accessory activities (“non-judicial activities”) only within certain limits. S/he may not hold an office in state or local self-government bodies or in commercial organisations that are not connected with his/her duties. S/he may not be engaged in entrepreneurial activities - regulations prescribed by law for public servants with regard to entrepreneurial activities apply also to judges. A judge may not be engaged in any other paid work, except for scientific, educational, and creative work. The performance by judges of secondary activities must not cast reasonable doubt on their ability to act impartially as a judge, diminish the reputation of the judicial office or hinder the proper performance of judicial duties. Judges may occupy positions in non-profit organisations, without compensation, if such a position does not involve the management of funds, execution of civil law transactions on behalf of the organisation, or representation of the property interests of the organisation within state government or local self-government bodies.

Judges do not need an authorisation to perform accessory activities such as educational, scientific and creative work. They also do not have to inform their hierarchy about them. However, according to Article 59 of the JC a judge has a right to participate in educational

programmes, conferences and other professional gatherings of lawyers. In order to take part in these activities for not more than up to five days per year in the work-time, the judge must obtain a consent from a chairperson of the court. For participating in such activities for a longer period of time, the judge must apply to the Training Commission, after receiving the consent from the chairperson of the court. Disputes related to granting the consent are resolved by the SJC.

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

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

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

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

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

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

- Breaches of rules on conflict of interest

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

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

Number (absolute and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2020:

Armenia	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2020	NA	NA	NA	NA	NA	NA	0	0,00	0	0,00	0	0,00

Discipline against judges and prosecutors

• Description of the disciplinary procedure against judges

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

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

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

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

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

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

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

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

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

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

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

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

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

• Description of the disciplinary procedure against prosecutors

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

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

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

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

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

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

		2020			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	39	15,98	7	1,97
	1. Breach of professional ethics (including breach of integrity)	10	4,10	2	0,56
	2. Professional inadequacy	29	11,89	0	0,00
	3. Corruption	NAP	NAP	0	0,00
	4. Other criminal offence	NAP	NAP	0	0,00
	5. Other	NAP	NAP	0	0,00
Number of cases completed in the reference year	Total number (1 to 5)	10	4,10	7	1,97
	1. Breach of professional ethics (including breach of integrity)	NA	NA	2	0,56
	2. Professional inadequacy	NA	NA	0	0,00
	3. Corruption	NAP	NAP	0	0,00
	4. Other criminal offence	NAP	NAP	0	0,00
	5. Other	NAP	NAP	5	1,41
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	10	4,10	5	1,41
	1. Reprimand	3	1,23	3	0,85
	2. Suspension	NAP	NAP	NAP	NAP
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	NAP	NAP	NAP	NAP
	6. Position downgrade	NAP	NAP	1	0,28
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP
	8. Resignation	NAP	NAP	NAP	NAP
	9. Other	5	2,05	0	0,00
	10. Dismissal	2	0,82	1	0,28

In 2020, 39 disciplinary proceedings were initiated against judges by the Minister of Justice and the Ethics and Disciplinary Commission. Only 16 of them (11 – MoJ; 5 – Ethics and D. C.) were referred to the SJC. In respect of judges, 10 sanctions were pronounced, out of which 3 were reprimands, 2 dismissals and 5 other sanctions (2 severe reprimands, 3 warnings). With regard to prosecutors, grounds for initiating disciplinary proceedings against five prosecutors in five cases in 2020 were non-performance or improper performance of duties.

Council for the Judiciary/ Prosecutorial Council

• Council for the Judiciary

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

According to the Constitution (Article 173 and 174) and the JC (Article 76), the Supreme Judicial Council shall be composed of 10 members, including five judges of all levels (a chairperson of a court or a chairperson of a chamber of the Court of Cassation should not be represented) with at least 10 years' experience, elected by the General Assembly of Judges; as well as five members from among academic lawyers and other prominent lawyers holding only Armenian citizenship, having the right to vote, with high professional qualities and at least fifteen years of professional work experience, elected by the National Assembly by at least three fifths of votes of the total number of Deputies. The member elected by the National Assembly may not be a judge.

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

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

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

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

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

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

• Prosecutorial Council

Prosecution service of Armenia does not have a Council. Instead, it has a Board composed of 20 prosecutors. According to Article 22 of the LPO it functions in the Prosecutor's Office and is chaired by the Prosecutor General. It has competences over prosecutors only. It discusses the fundamental issues related to the organisation of the activities.

It is composed of the Prosecutor General who acts as a chairperson, the Deputy Prosecutors General, the heads of the structural subdivisions of the Prosecutor General's Office and of the Prosecutor of the city of Yerevan. Members are not elected but are members *ex officio* defined by the law. As such, no re-election rule applies. However, since the same person may not be elected as Prosecutor General for more than two consecutive terms, the same person may not act as a chairperson of the Board for more than two consecutive terms.

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

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

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

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