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Part 3**

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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 3 - Condensed Version of Key findings and Analysis

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Methodology

This third part of the report has been prepared based on the replies to the CEPEJ Questionnaire for the "Justice Dashboard EaP" Project provided by the beneficiaries through their respective Dashboard correspondents within the 2020 data collection. The CEPEJ Secretariat collected quantitative and qualitative data, as well as comments under each question to provide additional information on the specificities of each judicial system and to better contextualize the data.

Evolutions and comparisons using 2018 data from the CEPEJ Evaluation cycle are presented when relevant.

The content and format of the document has been agreed with DG NEAR on 30th May 2022. The classification of indicators and content of each theme has been established by DG NEAR. Based on this, the report covers the following key themes: Efficiency, Quality, Mandate of judges and prosecutors, and Accountability. It combines quantitative and qualitative data under each theme. The analysis under each indicator is accompanied by a reference to the table number from Part 1 of the report (comparative tables and graphs) and the number of the question in the EaP Questionnaire. Where necessary for data visualisation, new graphs have been created for the purpose of this Part 3.

The comparisons of data between beneficiaries with various geographical, economic and legal situations is a delicate task and should be approached with great caution. This analysis treats all beneficiaries equally and compares them without any intention of ranking them or promoting any particular type of justice system. The focus of this report is placed on presenting data at the regional level.

The analysis covers **Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine**.

Regarding **Ukraine**, the Dashboard correspondent was able to complete partially the questionnaire in the evening before the Russian aggression. All those data have been validated by the CEPEJ Secretariat and are presented in this report. However, due to the war, the rest of the data entry could not be finalised and for some of the indicators there is therefore no data presented for Ukraine. Where this is the case, the data for Ukraine is marked with (-) in tables; Ukraine is not presented in the graphs, and the accompanying text explains it.

The impact of the COVID-19 pandemic should be considered when reading the data as the reference year is 2020.

For more information regarding the methodology, please refer to the methodological note in the Part 1 of the report.

I. Efficiency (First instance cases)

This part focuses on civil and commercial litigious cases and criminal cases, both in first instance.

In 2020, the case load in the EaP region was smaller for criminal cases than for civil and commercial litigious cases with less incoming cases. However, the most efficient type of cases was civil and commercial litigious cases. Indeed, for this type of cases the Clearance Rates in the region were overall higher while Disposition Times were overall shorter.

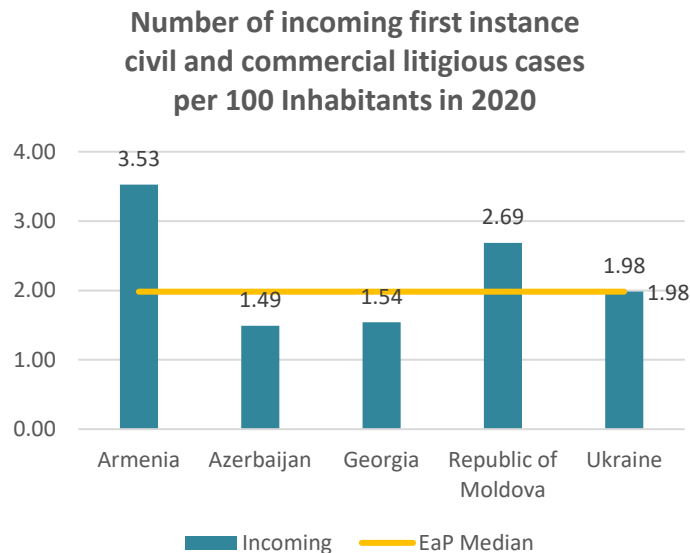
In 2020 judicial systems in the region showed less efficiency than in 2018 with an increase of the backlog for both types of cases in almost all countries (Clearance Rates lower than 100% and Disposition Times higher than in 2018 for criminal cases). However, the impact of the COVID-19 pandemic must be taken in consideration when looking at data from 2020.

For example, in **Azerbaijan** there were severe restrictions on the work of courts for about 4 months during the year of 2020. It was recommended to temporarily postpone the consideration of cases except if they needed to be considered urgently or did not require a court hearing (i.e., selection, prolongation, changing and lifting of judicial sanctions, cases of administrative detention, enforcement of lawsuits, order proceedings, simplified proceedings on small claims, special proceedings on some categories, etc.). In the **Republic of Moldova**, by decisions of the Commission for Emergency Situation on 24 March and 3 April 2020, the consideration of civil and criminal cases was temporarily postponed until 15 May 2020, except for the cases that needed to be considered urgently.

Number of incoming civil and commercial litigious cases and criminal cases

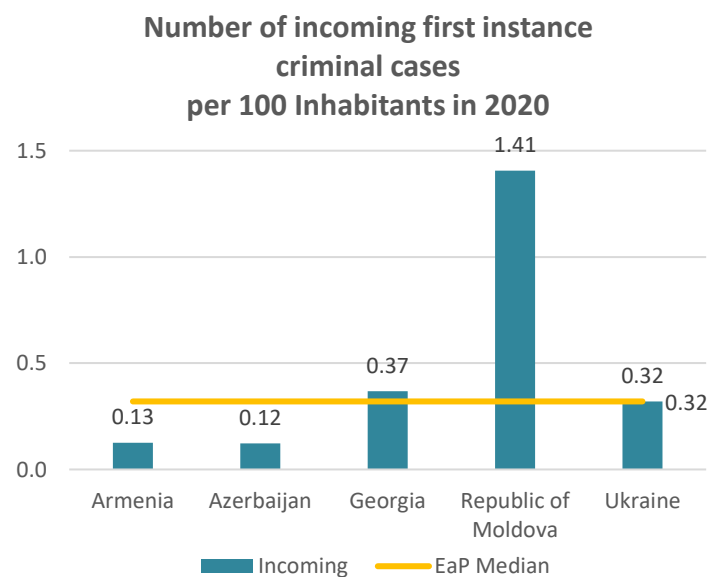
The incoming cases are all cases submitted to courts in the reference year for the first time.

CEPEJ 3.1.3 (Q35)



Compared to the EaP median of 1,98, the highest number of incoming civil and commercial litigious cases per 100 inhabitants in 2020 was in **Armenia** (3,53) and the lowest one was in **Azerbaijan** (1,49).

CEPEJ 3.1.8 (Q38)

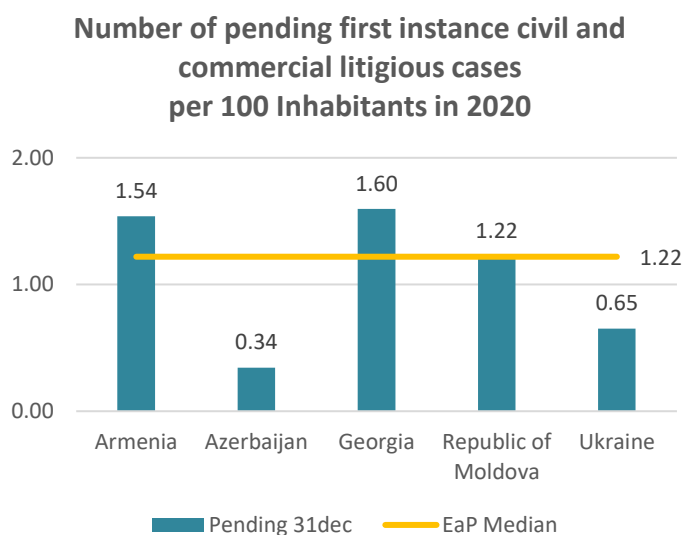


Compared to the EaP median of 0,32, the highest number of incoming criminal cases per 100 inhabitants in 2020 was in the Republic of **Moldova** (1,41) and the lowest was in **Azerbaijan** (0,12).

Pending cases - civil and commercial litigious cases and criminal cases

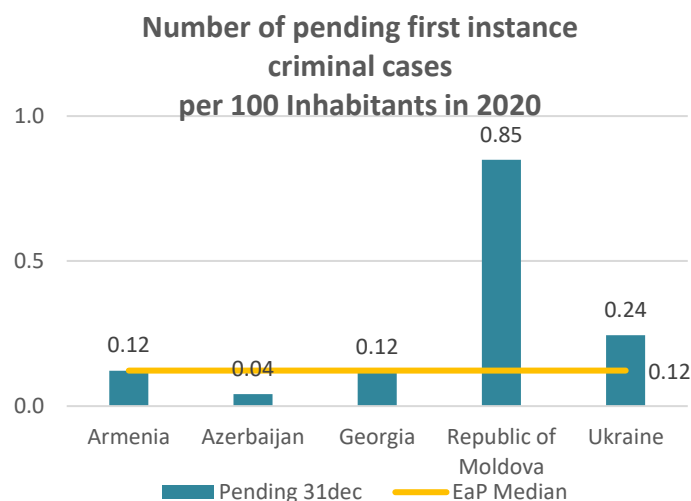
Pending cases on 31st December are the number of unresolved cases which will be carried to the next year. These could be cases filled at the end of the reporting period or cases which were not resolved within a year.

CEPEJ 3.1.3 (Q35)



Compared to the EaP Median of 1,22, in 2020, the highest number of civil and commercial litigious cases pending at the end of the year per 100 inhabitants was in **Georgia** (1,60) and the lowest was in **Azerbaijan** (0,34).

CEPEJ 3.1.8 (Q38)



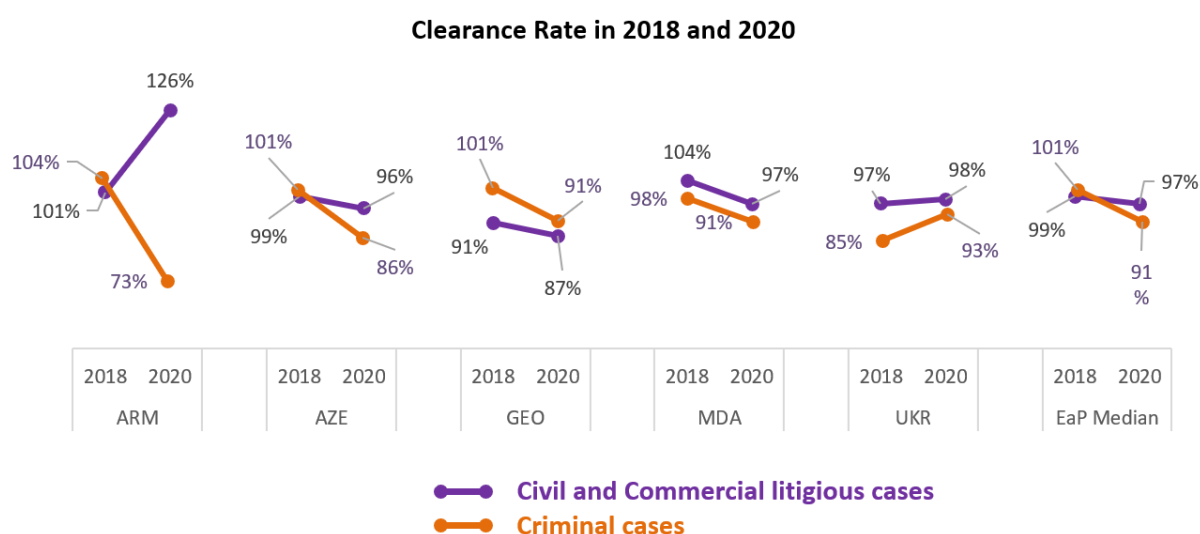
Compared to the EaP median of 0,12, in 2020, the highest number of first instance criminal cases pending at the end of the year per 100 inhabitants was in the **Republic of Moldova** (0,85) and the lowest number was in **Azerbaijan** (0,04).

Clearance rate

CEPEJ 3.1.4 (Q38)

The Clearance Rate is a CEPEJ indicator which is used to assess the ability of a judicial system to handle the inflow of judicial cases. It is obtained by dividing the number of resolved cases by the number of incoming cases and is expressed as a percentage. Its key value is 100%:

- A value below 100% means that the courts were not able to solve all the cases that they received and, consequently, the number of pending cases increased.
- A value above 100% means that the courts have resolved more cases than they received (all the incoming cases and part of pending cases) and, consequently, the number of pending cases decreased.



Between 2018 and 2020, the overall tendency as shown by the EaP Medians was a decrease of the Clearance Rates for both civil and commercial litigious cases and criminal cases. This tendency was followed by **Azerbaijan, Georgia, Republic of Moldova, and Armenia** but only for criminal cases. On the contrary, the Clearance Rates increased for **Ukraine** and for civil and commercial litigious cases in **Armenia**.

In 2020, backlog increased in all countries (Clearance Rates below 100%) for both types of cases, except for civil and commercial litigious cases in **Armenia**. In 2020, **Armenia** had both the highest Clearance Rate of the region for civil and commercial litigious cases (126%) and the lowest one for criminal cases (73%).

In 2020 Clearance Rates for civil and litigious commercial cases were higher than Clearance Rates for criminal cases in the whole region, except in **Georgia**.

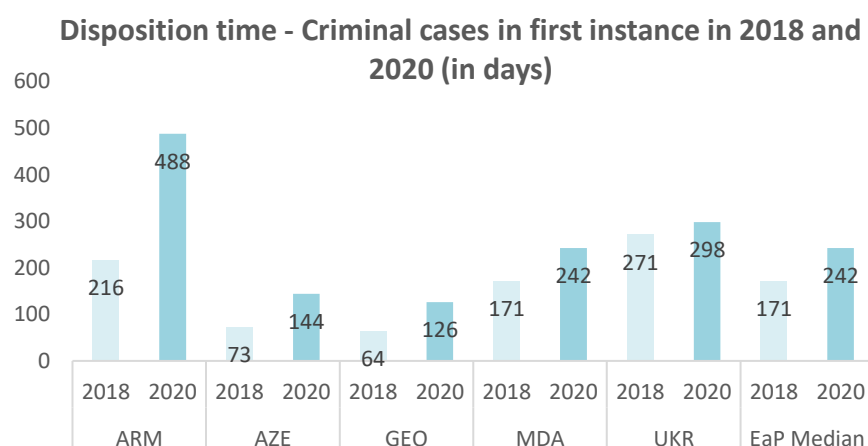
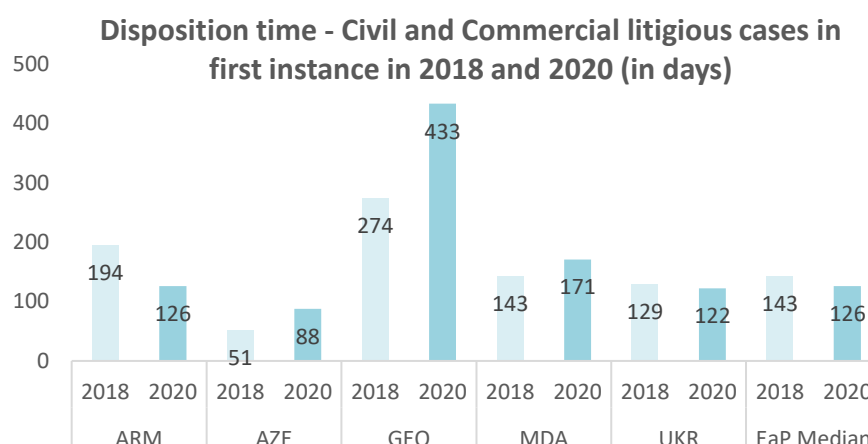
Regarding civil and commercial litigious cases, in 2020 **Armenia** (126%), **Republic of Moldova** (97%) and **Ukraine** (98%) had a Clearance Rate equal or higher to the EaP Median (97%).

Regarding criminal cases in 2020 **Georgia** (91%), **Republic of Moldova** (91%) and **Ukraine** (93%) had a Clearance Rate equal or higher to the EaP Median (91%).

Disposition time

CEPEJ 3.1.4 (Q38)

The 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 is not an actual calculation of the average time needed for case resolution but since the calculation of average length is unfeasible in most countries, it offers valuable information on the estimated length of the proceedings.



In 2020, criminal cases had higher Disposition Times than civil and commercial litigious cases in all countries, except **Georgia**. The same tendency could already be observed in 2018 and it was intensified in 2020 due to the increases of Disposition Times for criminal cases between 2018 and 2020.

Indeed, there is a tendency for all countries of an increase of the Disposition Times for criminal cases compared to 2018. Regarding civil and commercial litigious cases, the Disposition Times increased since 2018 for **Azerbaijan, Georgia, Republic of Moldova**, but decreased for **Armenia** and **Ukraine**.

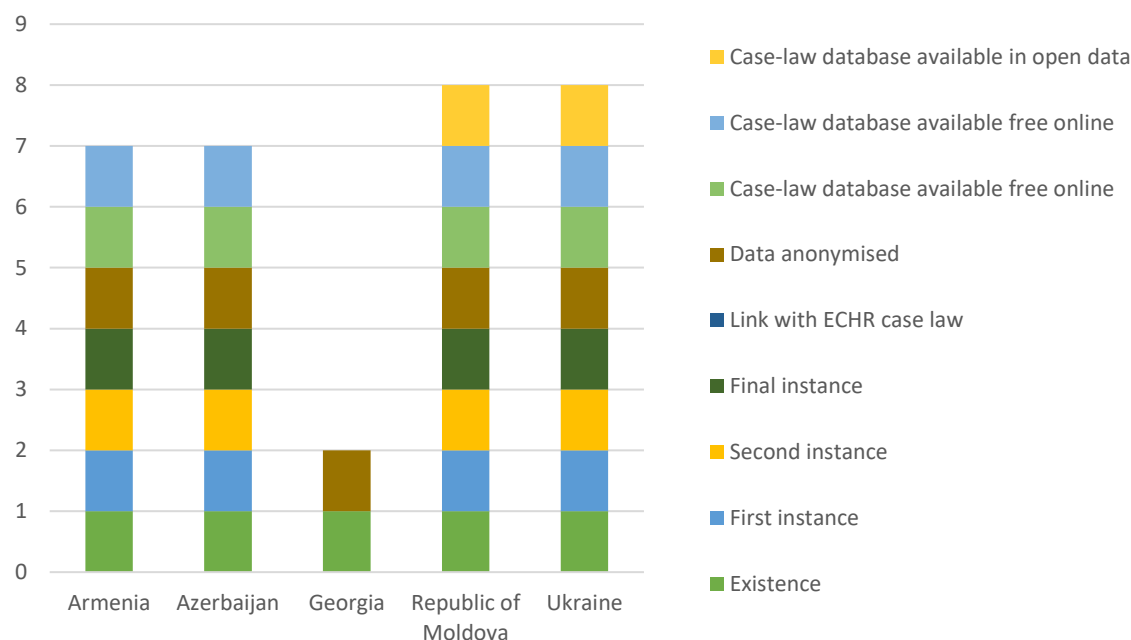
For civil and commercial litigious cases, the highest Disposition Time in the region in 2020 was in **Georgia** (433 days) and the lowest in **Azerbaijan** (88 days). For criminal cases, the highest Disposition Time in the region in 2020 was in **Armenia** (488 days) and the lowest was in **Georgia** (126 days).

II. Quality

Availability - online access to courts' decisions

CEPEJ 3.4.3 (Q 84 and 85)

Centralised national database of court decisions Index in 2020



All beneficiaries reported that a centralized national database of court decisions exists in their respective countries. All three instances' decisions in civil and commercial, administrative and criminal law cases are available in **Armenia, Azerbaijan, the Republic of Moldova and Ukraine**.

In none of the beneficiaries the national databases of court decisions have hyperlinks to the ECHR case-law.

The data in the databases is anonymized in all countries. The case-law database is available online for free in all countries apart from **Georgia**. In Georgia the High Council of Justice suspended the uploading of court decisions on its website, as a result of a 2019 decision of the Constitutional Court of Georgia and pending the approval of new regulations. Only in two countries – the **Republic of Moldova** and **Ukraine** – the case-law database is available in open data.

Availability of ICT for case management and court activity statistics

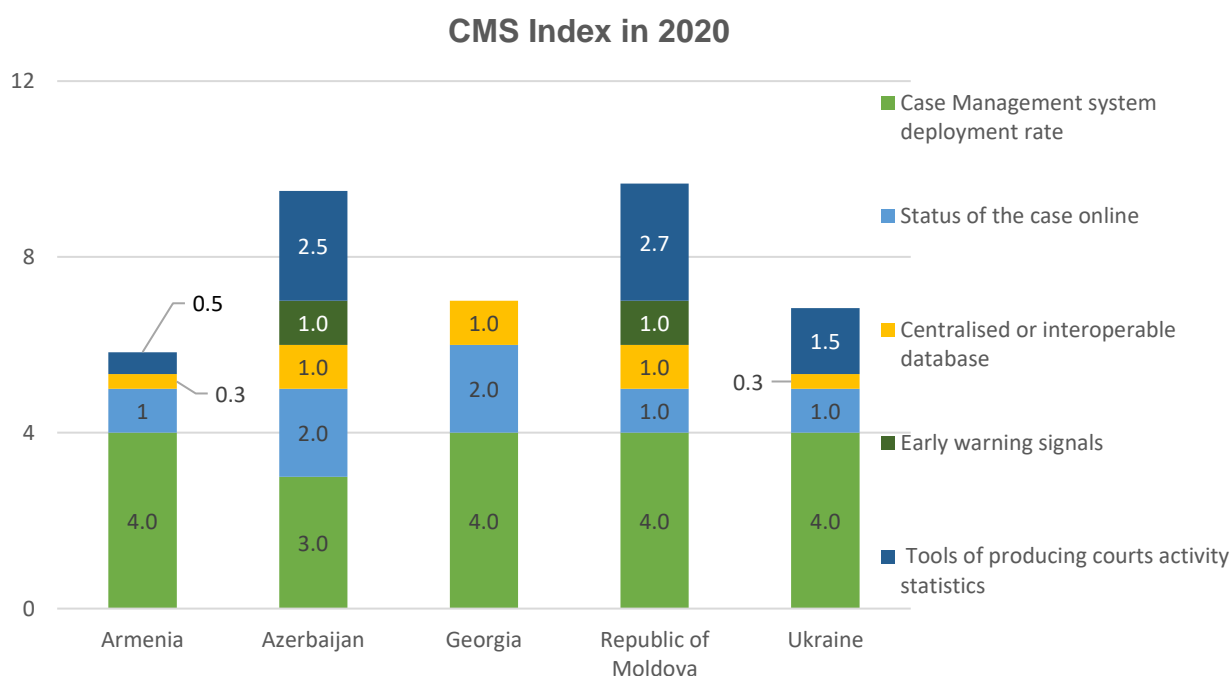
CEPEJ 3.4.1 (Q 82-0, Q82, Q 82-1 and Q 82-2)

There is no IT strategy for the judiciary in place in any of the beneficiaries in 2020, according to the CEPEJ definition of IT strategy.

All beneficiaries have a Case Management System (CMS) in place. The latest developments of the running CMS have been reported on: in the **Republic of Moldova** (in the last 2 years), **Georgia** (between 5 and 10 years); **Armenia, Azerbaijan, and Ukraine** (more than 10 years ago). **Armenia, Azerbaijan, and Ukraine** reported on plans for a significant change in the present IT system in the judiciary in the next year, including change of CMS or other major application.

Case management systems: deployment and status

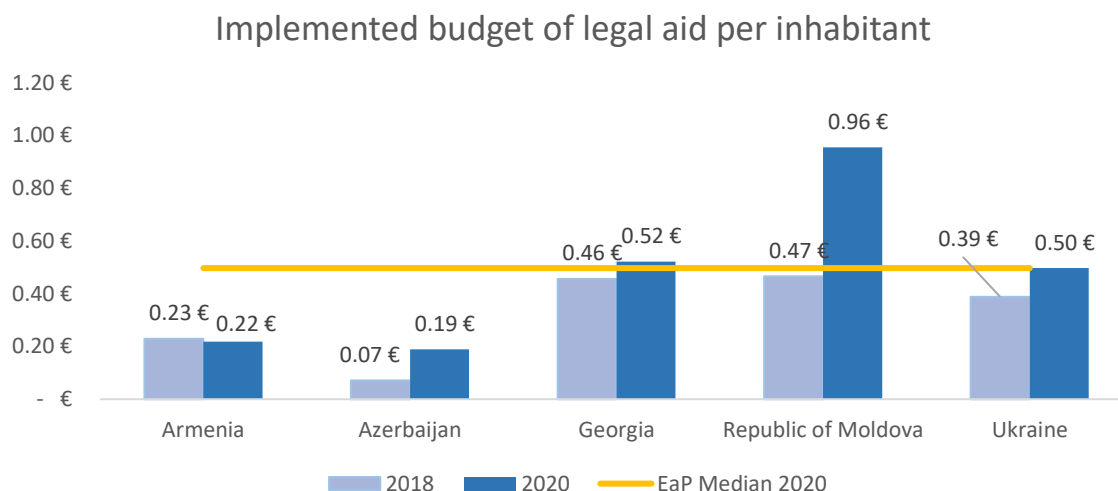
CEPEJ 3.4.2 (Q83)



Overall, the **Republic of Moldova** (9,7) and **Azerbaijan** (9,5) had the highest CMS index (max 12) and **Armenia** - the lowest index (5,8). The Case Management systems are 100% deployed in all countries and in all categories of cases, with the exception of Azerbaijan, where the CMS deployment rate was 50%-99% in 2020. Only **Azerbaijan** and the **Republic of Moldova** reported the tools for producing court activity statistics and early warning signals as integrated in the CMS.

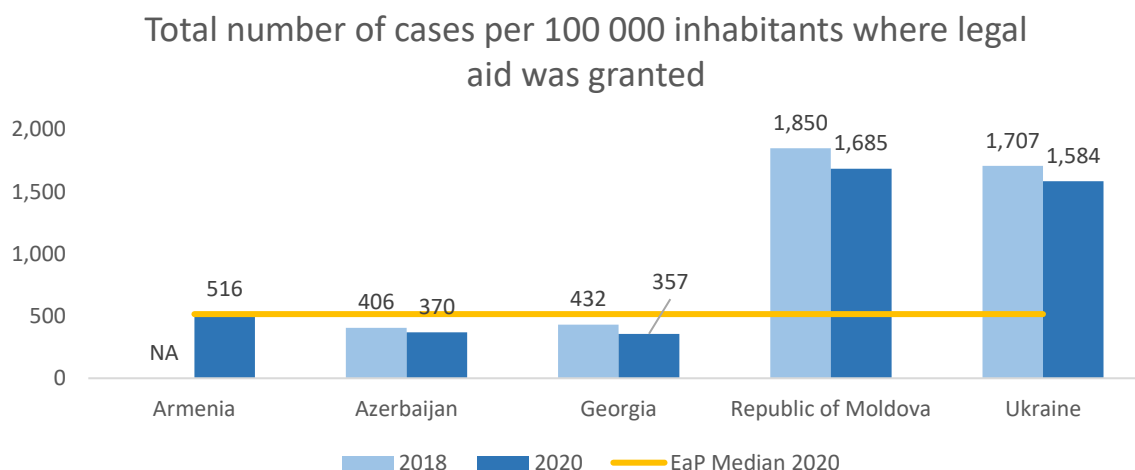
Legal Aid

CEPEJ 4.1.3 (Q13, Q1)



Compared to the EaP median of 0,50€, the implemented budget for legal aid cases per inhabitant in 2020 appears significantly lower in **Armenia** (0,22€) and **Azerbaijan** (0,19€). **Ukraine** (0,5€) is on the EaP median; while Georgia (0,52€) is slightly above the median. The **Republic of Moldova** is significantly above the median with 0,96€ per inhabitant. All countries, except **Armenia**, have reported an increase in the implemented budget for legal aid per inhabitant in 2020 compared to 2018.

CEPEJ 4.1.5 (Q1, Q86)

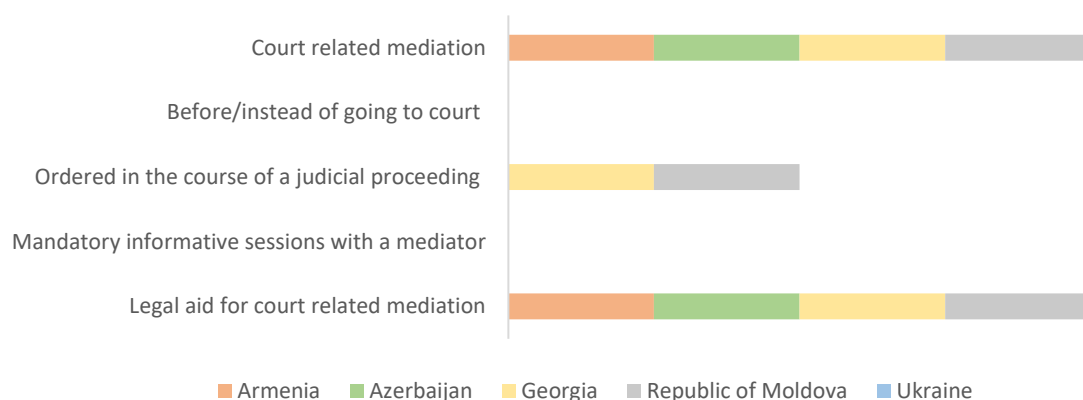


Georgia (357 cases), **Azerbaijan** (370) are below the EaP median of 516 total number of cases per 100 000 inhabitants where legal aid was granted in 2020. **Armenia** (516) is on the EaP median. Conversely, the **Republic of Moldova** and **Ukraine** are considerably above the EaP median (1685 and 1584, respectively). In all countries, the total number of cases per 100 000 inhabitants where legal aid was granted is lower in 2020 compared to 2018, partly explained by the effects of the pandemic-related measures (no comparison with 2018 is possible for Armenia).

Alternative Dispute Resolution (ADR)

CEPEJ 9.1.1 (Q252, Q253, Q254 and Q256)

Court related mediation in 2020



Court-related mediation exist in all countries, except **Ukraine**. In **Georgia** and the **Republic of Moldova** it can be ordered by the court, the judge, the public prosecutor or a public authority during a judicial proceeding. Legal aid for court related mediation was equally available in **Armenia, Azerbaijan, Georgia, and the Republic of Moldova** in 2020.

CEPEJ 9.1.4 (Q258)

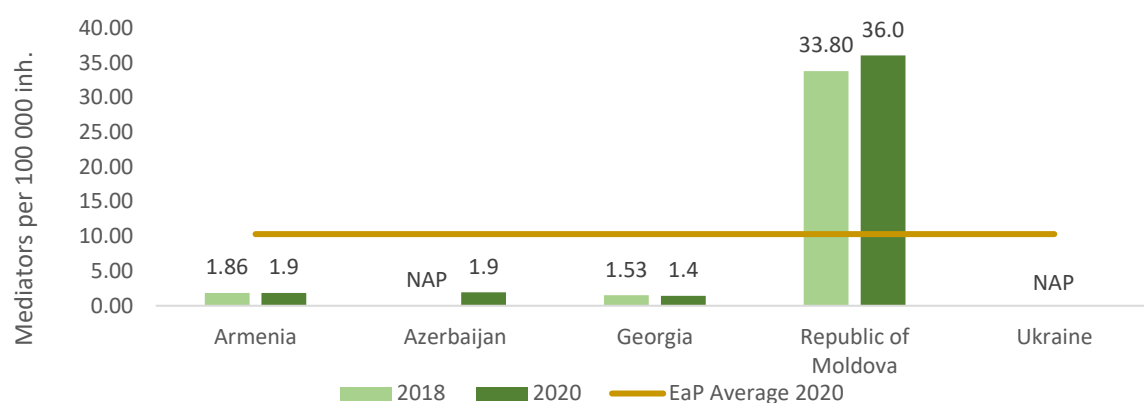
For the 2020 cycle, only **Georgia** and the **Republic of Moldova** reported some data on the number of cases in court-related mediations.

Beneficiaries	Civil and commercial cases			Family cases			Labour cases including employment dismissal cases			Consumer cases		
	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement
Georgia	NA	102	NA	NA	3	NA	NA	27	NA	NA	2	NA
Republic of Moldova	5 417	5 131	131	2 615	2 524	55	212	191	15	55	44	2

Georgia reported data on finished court-related mediations in civil and commercial cases; family cases; labour cases and consumer cases. The **Republic of Moldova** reported data for court-related mediations for four categories of cases: (1) civil and commercial cases; (2) family cases; (3) labour cases, including employment dismissal cases; and (4) consumer cases.

CEPEJ 9.1.3 (Q257 and Q1)

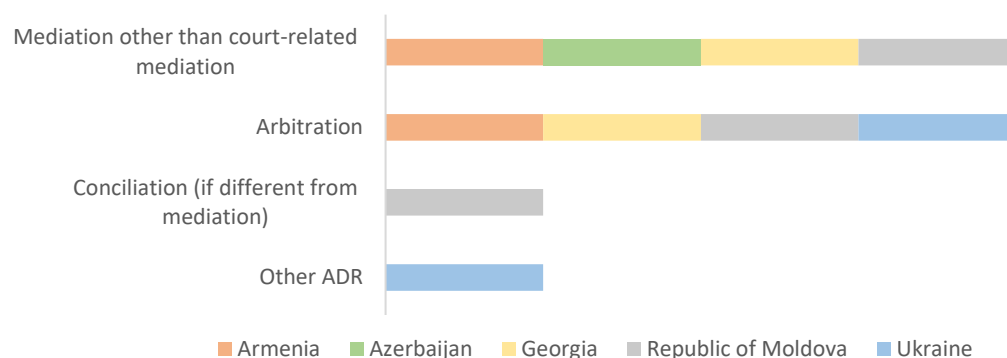
Number of mediators per 100 000 inhabitants between 2018 and 2020



Compared to the EaP average number of 10,3 mediators per 100 000 inhabitants in 2020, **Armenia** (1,9), **Azerbaijan** (1,9) and **Georgia** (1,4) are considerably below the average. The number of mediators per 100 000 inhabitants is considerably higher in the **Republic of Moldova** (36,0). From 2018 to 2020, the total number of mediators stayed the same in **Armenia**, it decreased slightly in **Georgia** (by 7%) and it increased a little in the **Republic of Moldova** (by 4%).

CEPEJ 9.1.5 (Q259)

Other alternative dispute resolution methods in 2020 (table 9.1.5)



In all beneficiaries, there were other alternative dispute resolution methods in 2020, including mediation other than court-related mediation (**Armenia, Azerbaijan, Georgia, Republic of Moldova**); arbitration (**Armenia, Georgia, Republic of Moldova, Ukraine**); conciliation (**Republic of Moldova**) and other ADR (**Ukraine**).

Existence of quality standards of judicial systems at national level

CEPEJ 3.3.1 (Q42, Q43)

Existence of quality standards of judicial systems on national level were reported by **Azerbaijan**, **Georgia** and **Ukraine** in 2020. In **Azerbaijan**, this is part of a monitoring and evaluation mechanism for the implementation of Judicial and Legal reforms Strategy and Action Plans for 2019-2023. **Azerbaijan** reported having specialized personnel entitled to implement these standards both within the courts and the public prosecution services. Regarding **Georgia**, for example, in the effort to enhance the quality standards of the judicial system, communication with the public standards for the court staff have been adopted by the High Council of Justice. In **Ukraine**, the "Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods (CPEF)" has been applied since 2015. This system is aimed to evaluate the work of the court for improving the organization of their work, to increase the productivity, efficiency, and quality of court procedures. CPEF consists of basic indicators (recommended to be applied by the courts every 6 months; the results of the evaluation shall be published on the websites of the courts) and 4 following modules: "Judicial Administration", "Timeliness of Trial" (optional), "Judicial Decision" (optional), "Satisfaction of the court users with the work of the court" (optional).

Performance and evaluation of judges and prosecutors

CEPEJ 3.3.11 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Quantitative performance targets for judges

There are quantitative performance targets defined for each judge only in **Azerbaijan** and **Georgia**. In **Georgia**, the High Judicial Council is responsible for setting targets for judges. In **Azerbaijan**, the Parliament and the Judicial Legal Council are responsible for setting the individual targets for judges. Only Azerbaijan reported that there are no consequences if judges do not meet quantitative targets; in other countries – these were not applicable in 2020.

Qualitative individual assessment of judges' work

All beneficiaries reported on the existence of a system of qualitative individual assessment of the judges' work. In **Azerbaijan**, **Georgia**, the **Republic of Moldova** the judicial power is responsible for setting the criteria for qualitative assessment of the judges' work. In **Armenia**, the responsibility in this respect belongs to the Parliament. No data on the authority in charge of qualitative assessment of the judges' work was provided by Ukraine for the 2020 data collection cycle.

In **Armenia**, **Azerbaijan**, the **Republic of Moldova**, and **Ukraine** judges are subjected to the qualitative individual assessment of work less frequently than annually; and in **Georgia** – the assessment is more frequent than annually.

CEPEJ 3.3.12 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

Quantitative performance targets for prosecutors

Only **Azerbaijan** reported having quantitative performance targets defined for each public prosecutor and the responsibility for setting those individual targets belongs to the Prosecutor General. Azerbaijan reported that there are no consequences if prosecutors do not meet quantitative targets. In other countries – these were not applicable in 2020.

Qualitative individual assessment of public prosecutors' work

There are systems of qualitative individual assessment of the public prosecutors' work in all countries, except **Ukraine**. In **Armenia** and **Azerbaijan**, the Prosecutors general are responsible for setting the criteria for qualitative assessment of the public prosecutors' work. In **Georgia** and the **Republic of Moldova**, this responsibility belongs to the public prosecutorial councils. No data on authorities involved in qualitative individual assessments of prosecutors was provided by **Ukraine** for the 2020 data collection cycle. In **Azerbaijan**, the qualitative assessment is done on an annual basis, while in **Armenia** and the **Republic of Moldova** it is less frequent than on an annual basis; in **Georgia** it is more frequent.

Judicial system budget and variation over time

CEPEJ 1.1.6 (Q1, Q2, Q4, Q5, Q6 and Q13)

Beneficiaries	2020	
	Annual implemented budget (standardised)	
	Judicial system per capita	Judicial system as % of GDP
Armenia	10,5 €	0,28%
Azerbaijan	9,6 €	0,28%
Georgia	8,7 €	0,23%
Republic of Moldova	15,7 €	0,41%
Ukraine	NA	NA
Median	10,0 €	0,28%

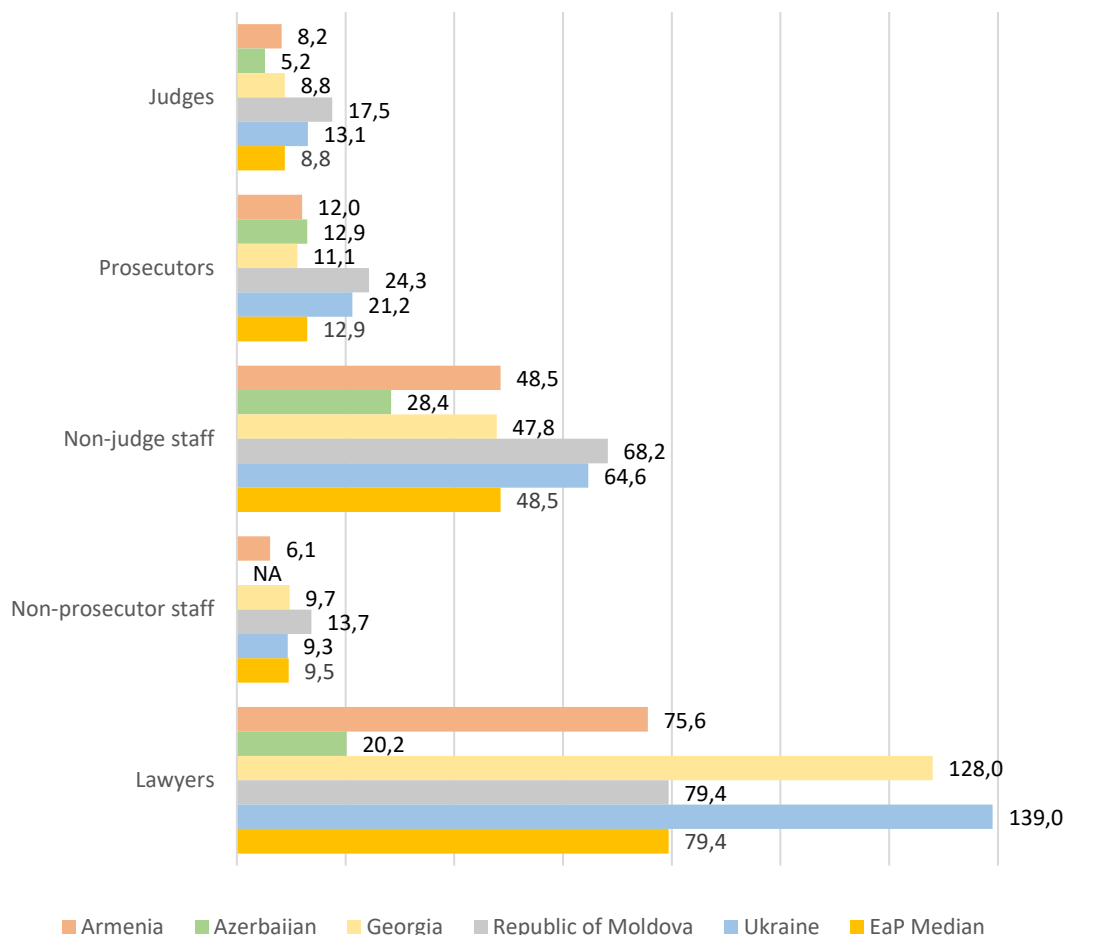
Compared with the EaP median of 10 € implemented judicial system budget per capita in 2020, **Azerbaijan** (9,6 €) and **Georgia** (8,7 €) spent less and **Armenia** – slightly more (10,5 €). The annual implemented budget of the judicial system in the **Republic of Moldova** was considerably above the median (15,7€).

As a % of GDP, compared to the EaP median of 0,28%, **Georgia** spent less on the judicial system (0,23% of GDP), while the judicial system spending in the **Republic of Moldova** is higher (0,41% of GDP). **Armenia** and **Azerbaijan** each spent 0,28% of GDP for the judicial system, which is the same as the EaP median.

Number of legal professionals per capita

CEPEJ 2.2.3 (Q19), 2.2.6 (Q19-1), 2.2.9 (Q27), 2.2.11 (Q28, Q29, Q30, Q31), 2.2.1 (Q19)

Justice professionals per 100 000 inhabitants in 2020



In 2020, **Azerbaijan** (5,2) and **Armenia** (8,2) had a lower number of judges per 100 000 inhabitants, compared to the EaP median of 8,8 judges. **Georgia** (8,8) was on par with the EaP median, while **Ukraine** (13,1) and the **Republic of Moldova** (17,5) had a higher number of judges per 100 000 inhabitants.

Compared to the EaP median of 12,9 prosecutors per 100 000 inhabitants, **Georgia** (11,1) and **Armenia** (12) reported a smaller number, while **Ukraine** (21,2) and the **Republic of Moldova** (24,3) reported a higher number of prosecutors. The number of prosecutors per 100 000 inhabitants in **Azerbaijan** was on par with the EaP median.

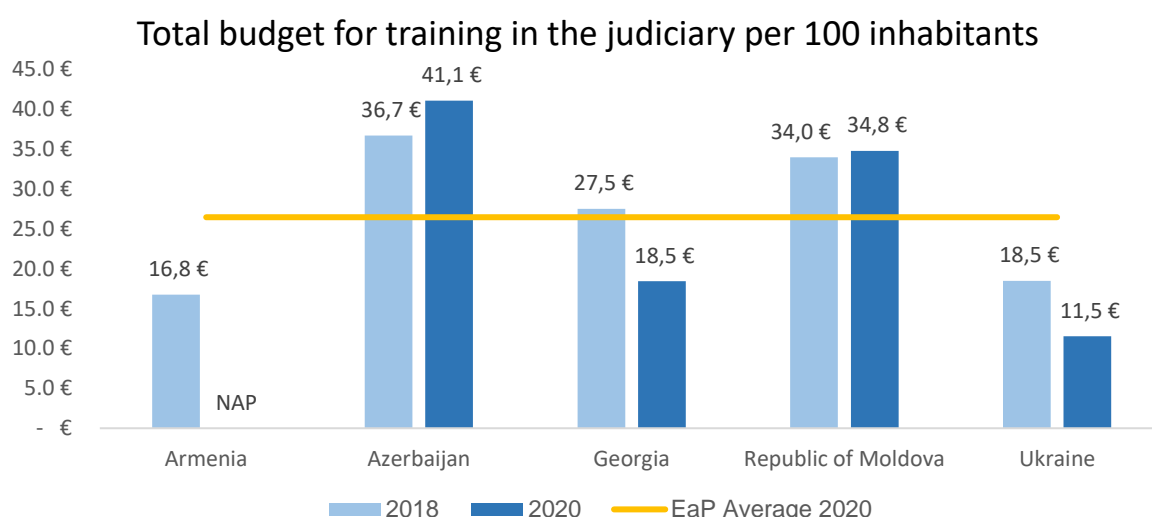
In 2020, **Azerbaijan** (28,4) reported a considerably smaller number of non-judge staff per 100 000 inhabitants compared to the EaP median of 48,5. In **Georgia** there were slightly fewer non-judge staff: 47,8 per 100 000 inhabitants, while in **Armenia**, they were on par with the EaP median. The number of non-judge staff per 100 000 inhabitants was higher than the EaP median in **Ukraine** (64,6) and in the **Republic of Moldova** (68,2).

Compared to the EaP median of 9,5 non-prosecutor staff per 100 000 inhabitants, there were 6,1 such staff in **Armenia**, 9,3 – in **Ukraine**, 9,7 – in **Georgia** and 13,7 in the **Republic of Moldova**.

The number of lawyers per 100 000 inhabitants in the **Republic of Moldova** was on a par with the EaP median of 79,4 in 2020. There was a considerably lower number of lawyers in **Azerbaijan** (20,2). The number of lawyers in **Armenia** (75,6) was slightly below the EaP median, while the number of lawyers in **Georgia** (128) and in **Ukraine** (139) was considerably higher than the EaP median.

Trainings

CEPEJ 7.1.1 (Q4, Q6, Q142)



Compared to the EaP average of 26,5€ per 100 inhabitants in 2020, **Azerbaijan** (41,1€) and the **Republic of Moldova** (34,8€) spent more on the training per 100 inhabitants. **Georgia** (18,5€) and **Ukraine** (11,5€) are considerably below the EaP Average. In 2020, **Azerbaijan** and the **Republic of Moldova** spent more on trainings compared to 2018, while these budgets have decreased in **Georgia** and **Ukraine**.

CEPEJ 7.1.4 (Q147 and Q147-1)

In 2020, the availability and delivery of trainings was affected by COVID-19 related measures, to a different extent in each country. Where the impact was more tangible, it is described for the countries concerned (also in Part 2. Beneficiary Profiles). The EaP median of the total number of in-service trainings courses available was 94. In **Armenia**, there were more available courses (98) compared to the EaP median; in **Ukraine** these were on a par with the median and the **Republic of Moldova** was below the median (57). **Georgia** reported partial data on trainings, the availability of which was affected by covid-19 related measures.

The EaP median for total delivered courses was 154 days. In **Armenia** (83 days) and the **Republic of Moldova** (68 days), there were considerably less delivered courses, compared to the EaP median. There were considerably more delivered courses in **Azerbaijan** (809 days) and **Ukraine** (224 days). **Georgia** reported partial data on trainings, the delivery of which was affected by covid-19 related measures.

Compared to the EaP median of 1.301 participants in trainings in 2020, in **Armenia** (712) and **Azerbaijan** (640) there were less participants. The number of participants in the **Republic of Moldova** was on par with the EaP median. In **Georgia** there were slightly more trainings'

participants (1.329), while their number in **Ukraine** (3.098) was considerably above the median.

CEPEJ 7.1.5 (Q147 and Q147-1)

In 2020, the EaP median for the total number of available online training courses was 197. In **Armenia** (9) and the **Republic of Moldova** (12) there were considerably less training e-courses. In **Ukraine** (384) and **Azerbaijan** (1018), there were considerably more e-courses. The availability of e-trainings in **Georgia** was impacted by covid-related measures, hence - partial data for 2020.

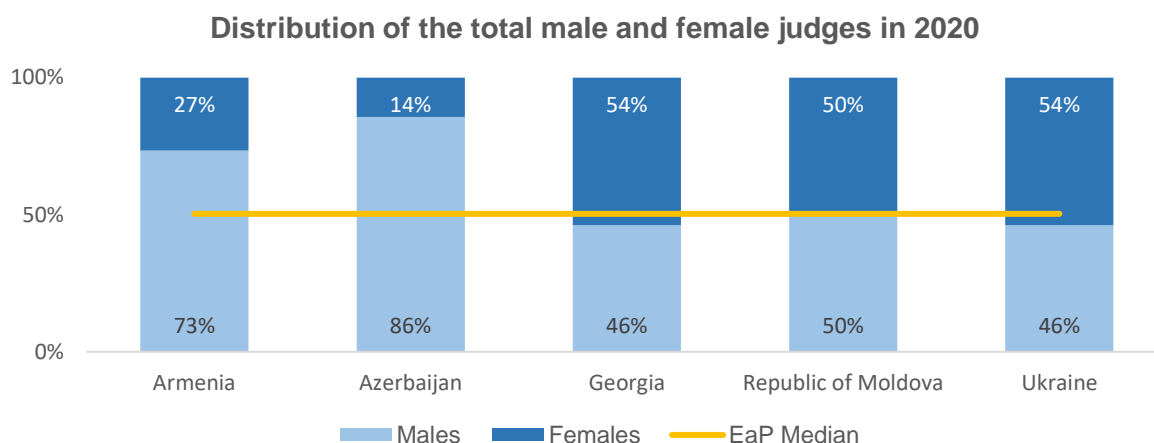
Compared to the EaP median of 1.457 total participants, there were considerably less participants in online trainings in **Armenia** (308) and considerably more in **Georgia** (2.003) and **Ukraine** (18.434). The number of participants in online training courses in **Azerbaijan** was on a par with the EaP median.

Gender profile of legal professions

In the following graphs concerning gender balance, the EaP median represents the regional repartition between male and female (below the median are the males; above the median are the females).

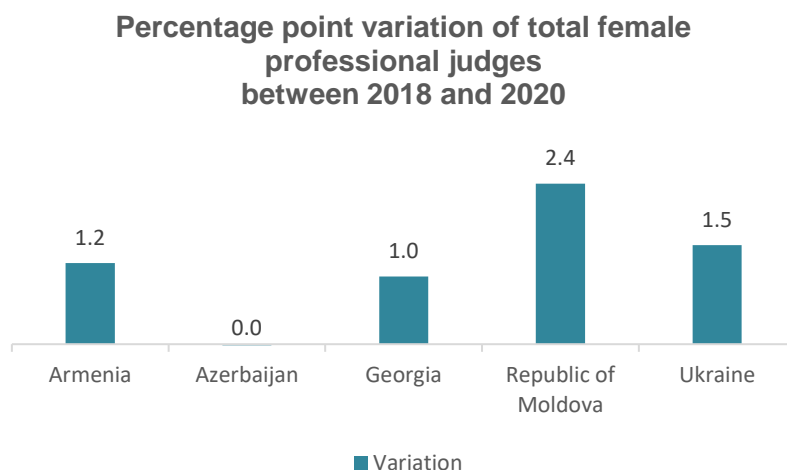
Judges

CEPEJ 12.1.1 (Q19)



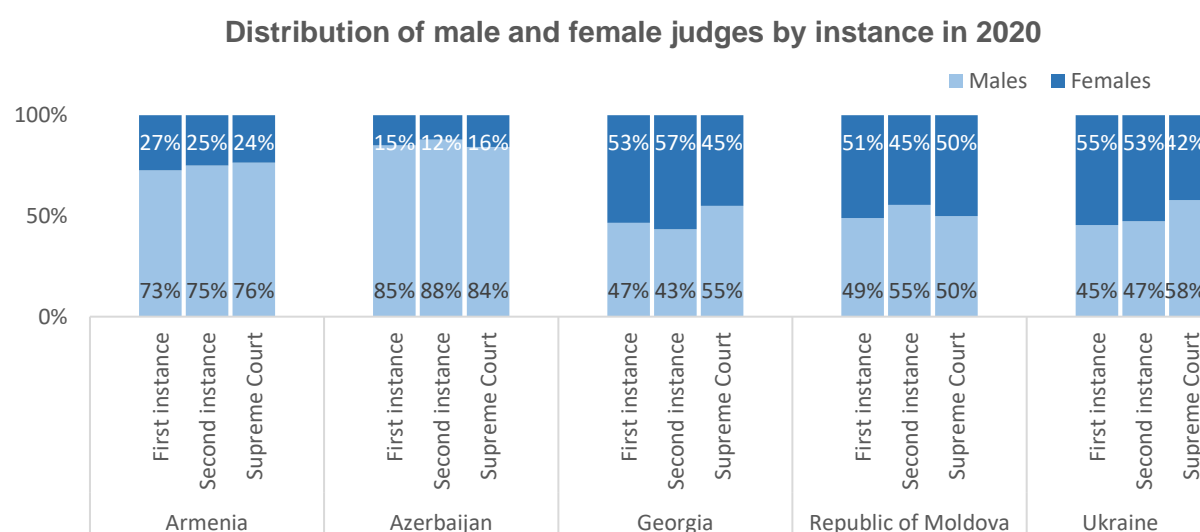
In 2020, the % of total female professional judges was below the EaP median of 50% in **Armenia** and **Azerbaijan** (27% and 14% respectively). In Georgia (54%), the Republic of Moldova (50%) and Ukraine (54%) the distribution was balanced.

CEPEJ 12.1.2 (Q19)



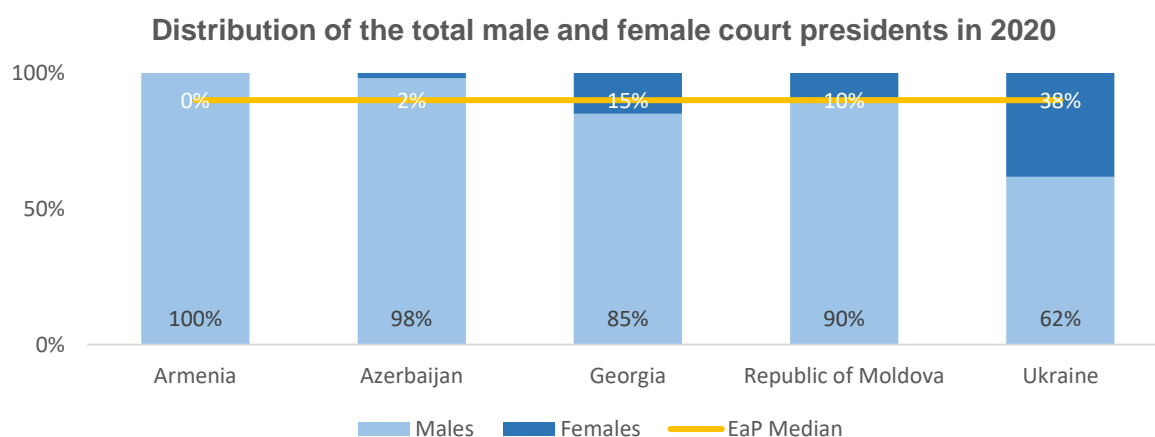
Compared to 2018, the presence of female professional judges increased in 2020 in all beneficiaries, except **Azerbaijan**, where it stayed the same.

CEPEJ 12.1.2 (Q19)



There are less some judges in second instance courts (compared to first instance courts) in all countries except **Georgia**. In supreme courts, only in the **Republic of Moldova** there were 50% of women judges in the Supreme Court.

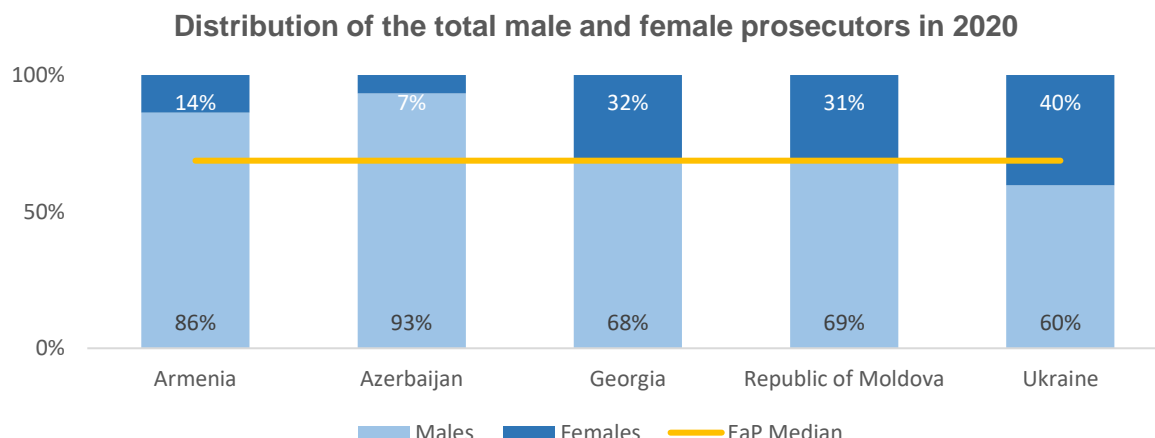
CEPEJ 12.1.3 (Q19-1)



In 2020, there were no female court presidents in **Armenia**, and there were only 2 female court presidents in **Azerbaijan**. Looking at data in CEPEJ 12.1.2 (above), the distribution of male and female court presidents in 2020 could be seen as indicative of a glass ceiling in all countries even if to a different extent. The highest % of female court presidents was in **Ukraine** (38%).

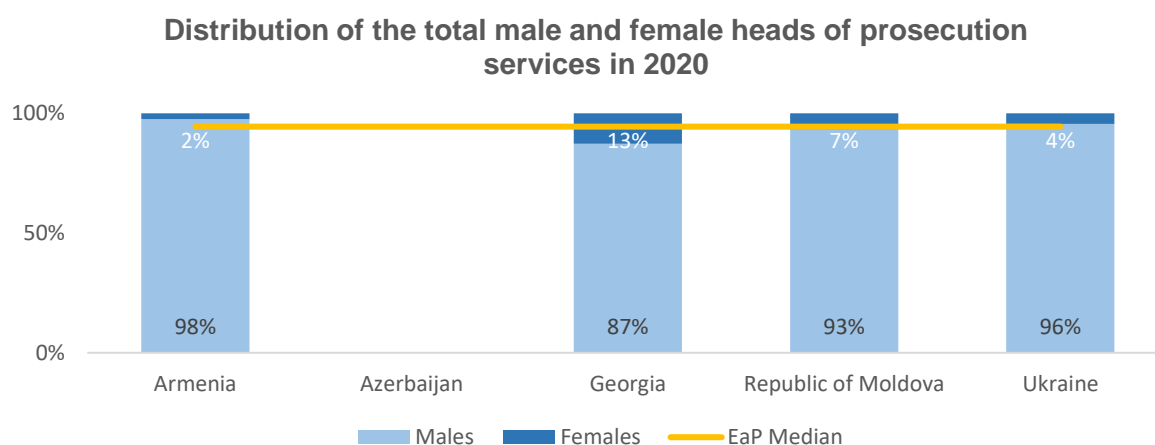
Prosecutors

CEPEJ 12.1.6 (Q28)



The presence of total female prosecutors in **Armenia** (14%) and **Azerbaijan** (7%) is considerably below the EaP median of 31%. Although there was a greater presence of total female prosecutors in **Georgia** (32%), the **Republic of Moldova** (31%) and **Ukraine** (40%), the gender balance among prosecutors remains an aspiration.

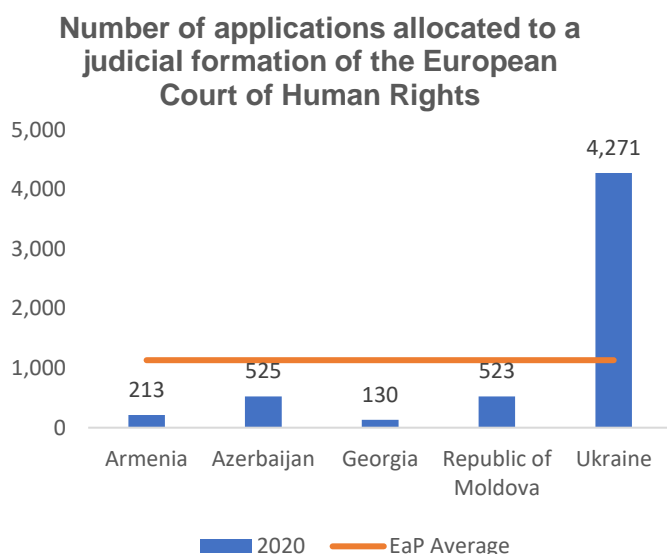
CEPEJ 12.1.8 (Q28-1)



In 2020, there was only 1 head of prosecution services in **Armenia**. Although, there was some presence of female heads of prosecution services in **Georgia** (13%), the **Republic of Moldova** (7%) and **Ukraine** (4%), the gender balance in these positions could be seen as indicative of a glass ceiling (seen together with total male and female prosecutors, CEPEJ 12.1.6 above).

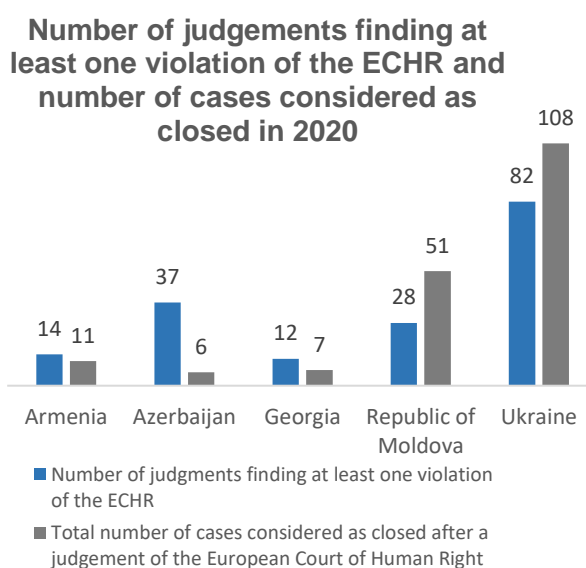
Number of judgements finding ECHR violations

CEPEJ 10.1.2 (Q262 and Q263)



In terms of the number of applications at the European Court of Human Rights, **Georgia** (130), **Armenia** (213), the **Republic of Moldova** (523) and **Azerbaijan** (525) have a lower number of cases compared to the EaP average of 1.123 applications in 2020. **Ukraine** with 4.271 cases is considerably above the EaP average in 2020.

In 2020, the ECtHR issued 82 judgments finding at least one violation of the ECHR in the case of **Ukraine** and 108 cases against **Ukraine** were considered as closed after a judgement of the ECtHR. In respect of **Azerbaijan**, 37 judgments finding at least one violation of the ECHR have been issued; and 6 cases against **Azerbaijan** were considered as closed. The ECtHR issued 28 judgments finding at least one violation in respect of the **Republic of Moldova** and 51 cases in its respect were considered as closed. There were 14 judgments finding at least one violation of the ECHR in the case of **Armenia** and 11 cases were considered as closed. In respect of **Georgia**, the ECtHR issued 12 judgments finding at least one violation and 7 cases were considered as closed.



III. Mandates of judges and prosecutors

The countries which have provided data on the recruitment procedure and allocation of court cases and for which this data is presented here are **Armenia, Azerbaijan, Georgia, and Republic of Moldova**. Regarding **Ukraine**, no data could be provided (see methodology) and Ukraine is therefore not presented in the graphs (some information on both topics issued from relevant GRECO reports can however be found in the Part 2 of this report (Beneficiary Profile - Part B)).

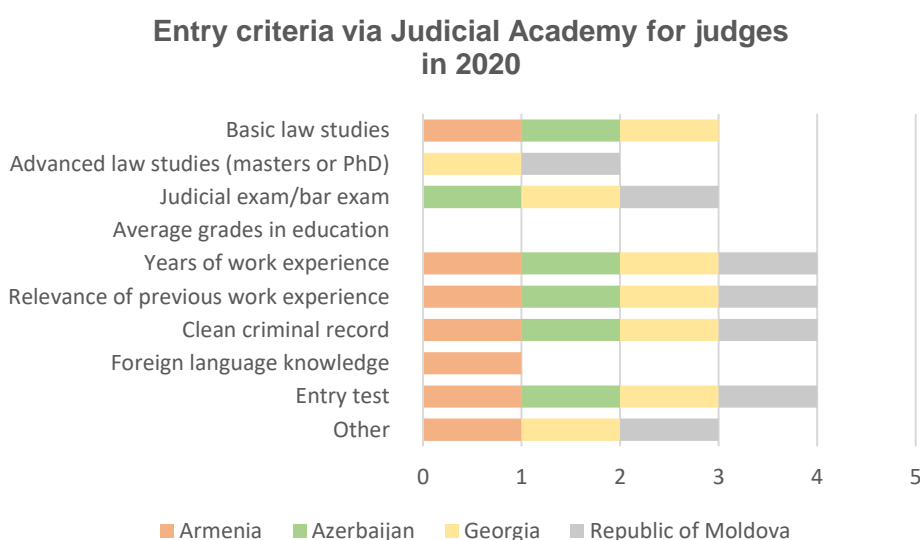
Entry criteria to become a judge or a prosecutor

The entry criteria are general requirements that candidates need to fulfil to be shortlisted to participate in the exam to enter the judicial academy, or to be pre-selected for a procedure of recruitment to become a judge without judicial academy. Here, judicial academy should be understood as an institution responsible for training, but which also has a role in appointment and recruitment procedure of future judges.

- **Entry criteria to become a judge**

CEPEJ 5.1.2 (Q90)

In all countries presented, it is possible to become a judge either via judicial academy, or outside of judicial academy.



In all countries, candidates going via the judicial academy must take an entry test.

All countries ask for a certain number of years of relevant work experience and a clean criminal record. **Armenia** and **Azerbaijan** ask for a level of basic law studies while **Georgia** and the **Republic of Moldova** ask for advanced law studies (masters or PHD).

In **Azerbaijan, Georgia** and the **Republic of Moldova**, the candidates must also have taken a judicial/bar exam.

Regarding “other” criteria, all countries have a citizenship criterion, and the **Republic of Moldova** also requires the candidates to have their domicile in the country.

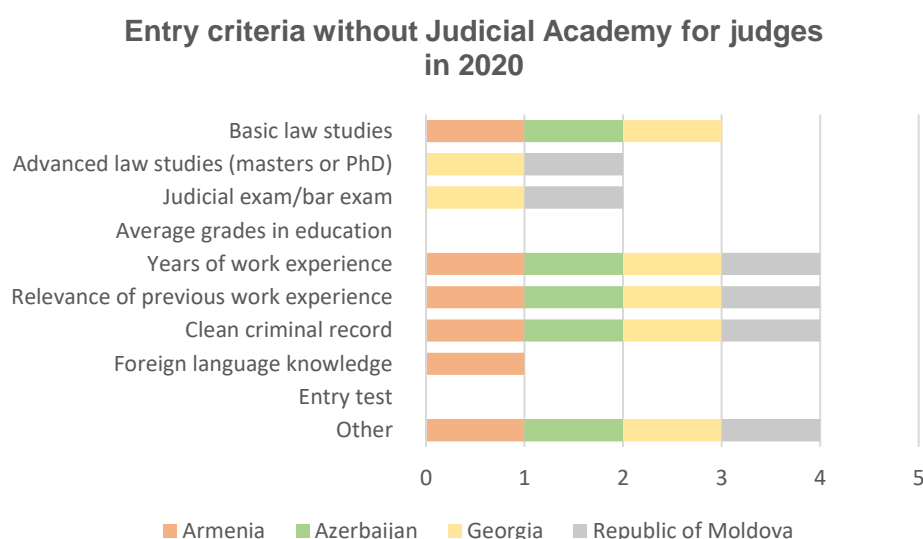
Some countries also have an age criterion (at least 30 years old in **Azerbaijan** and **Georgia**; between 25 and 60 in **Armenia**).

Several countries (**Armenia**, **Georgia**, and the **Republic of Moldova**) require the candidates to have a command of their official languages. **Armenia** also requires the candidates to know at least one language from among English, Russian, and French, at the required level which shall be prescribed by the Supreme Judicial Council and checked through standardised test systems.

In **Armenia** and **Azerbaijan**, the candidates must have the right to vote.

Armenia and the **Republic of Moldova** have a medical requirement.

Finally, **the Republic of Moldova** also requires the candidates to pass a polygraph test and in **Armenia** the candidates who are male must have undergone mandatory military service or alternative service.



In **Armenia**, 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 **Azerbaijan**, according to Article 93-4 of the Law on Courts and Judges, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the procedures provided by the legislation. They are not subject to examination and training at justice academy. The authorities noted however that in practice this is a very rarely used procedure.

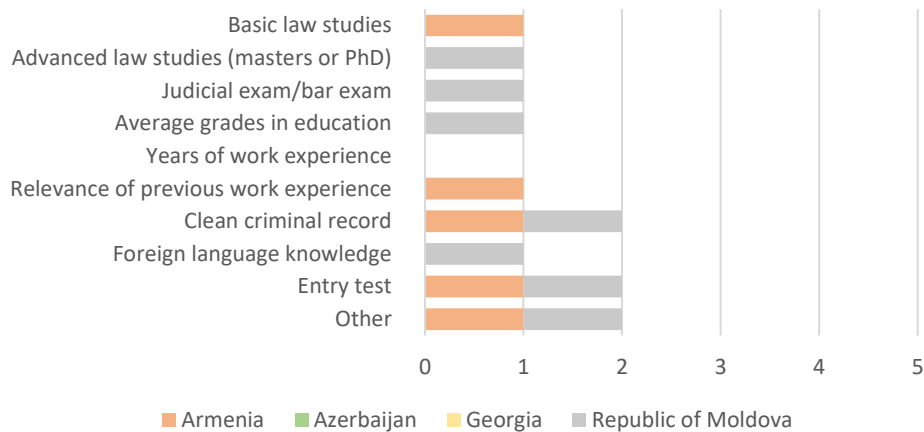
In **Georgia**, candidates who are former Supreme Court judges, former common courts judges when less than 10 years have passed since their powers as judges were terminated, as well as current and former Constitutional Court judges, are exempted from the procedure via academy of justice.

- **Entry criteria to become a prosecutor**

CEPEJ 5.1.3 (Q112)

In **Azerbaijan** and **Georgia**, there is no judicial academy to become a prosecutor while in **Armenia** and the **Republic of Moldova**, it is both possible to become a prosecutor via studying in the judicial academy or without.

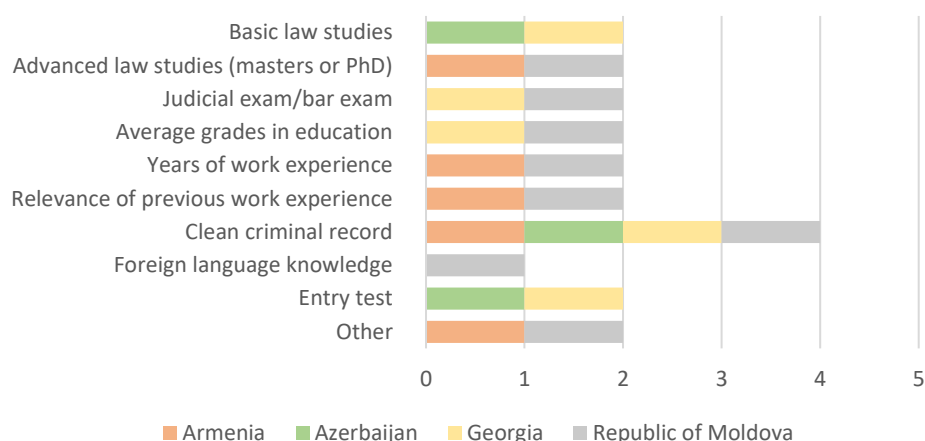
Entry criteria via Judicial Academy for prosecutors in 2020



In **Armenia** to enter the judicial academy, candidates must have basic law studies, relevant work experience, a clean criminal record and take an entry test. There are also other criteria such as being a citizen of the Republic of Armenia between the ages of 22 and 65, with a command of the Armenian language.

In the **Republic of Moldova** candidates must have advanced law studies, having obtained certain grades during their education, a judicial/bar exam, a clean criminal record, foreign language knowledge. There are also other criteria which are: producing a medical certificate, knowing the official language of the Republic of Moldova, taking a polygraph test, having an impeccable reputation, not having any records of a negative outcomes of his/her professional integrity test in the past 5 years in his/her professional integrity record.

Entry criteria without Judicial Academy for prosecutors in 2020



In **Azerbaijan** and **Georgia**, candidates must have basic law studies, a clean criminal record and take an entry test. Additionally in **Georgia** they must also have a judicial/bar exam and their grades in education are also looked at.

In **Armenia**, the list of candidates who are exempted to study at the Academy of Justice is established by the Article 38 (10) of the "Law on the Prosecutor's Office". For example, this concerns candidates who are Doctors of Laws with at least three years of experience in the field of law.

In the **Republic of Moldova**, candidates can be exempted from studying at the National Institute of Justice based on relevant previous work experience.

In both **Armenia** and the **Republic of Moldova**, the criteria used for candidates going via judicial academy and listed above also apply to exempted candidates.

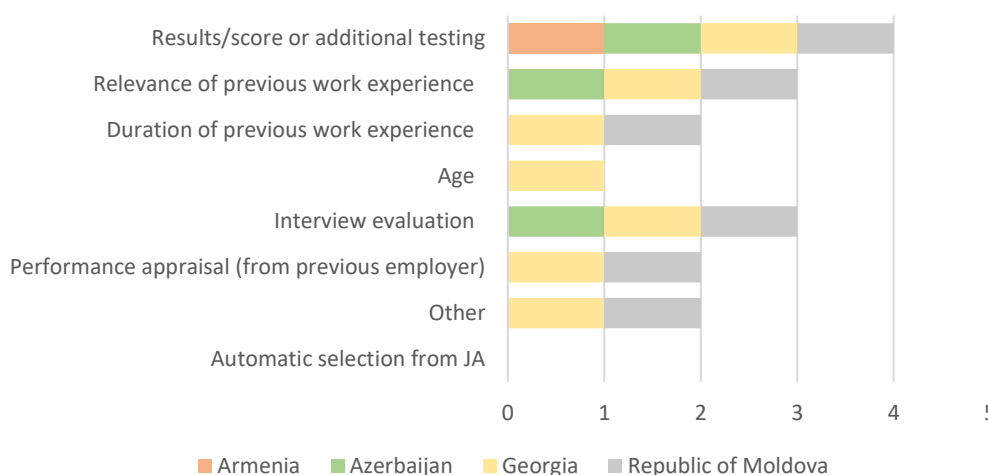
Criteria in selection procedure for judges and prosecutors

The criteria in selection procedure are the criteria which are used to decide which individuals from the pool of pre-selected candidates are best suited for becoming judges or prosecutors.

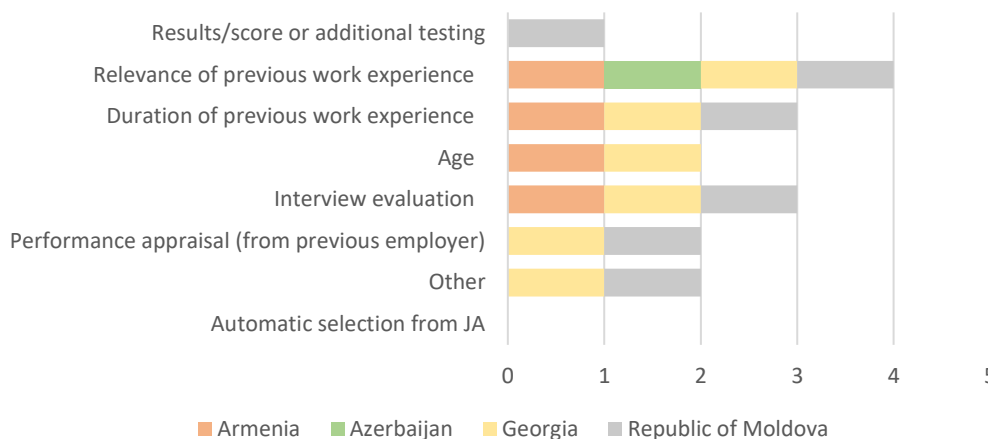
- **Selection criteria to become a judge**

CEPEJ 5.1.10 (Q97)

Selection criteria via Judicial Academy for judges in 2020



Selection criteria without Judicial Academy for judges in 2020



In **Armenia**, the selection of candidates is made based on their results from the Academy of Justice. For candidates who were exempted to study at the academy, the selection is made on the results from an interview.

In **Azerbaijan**, the selection is made based on their results from the Academy of Justice and on a final interview with the members of the Judge Selection Committee.

In **Georgia**, the selection is made based on the results from the High School of Justice for concerned candidates and on an interview. Two criteria are used in this process: good faith (integrity) and competence. The characteristics of good faith are personal good faith and professional conscience; independence, impartiality, and fairness; personal and professional behaviour; personal and professional reputation. The characteristics of competence are

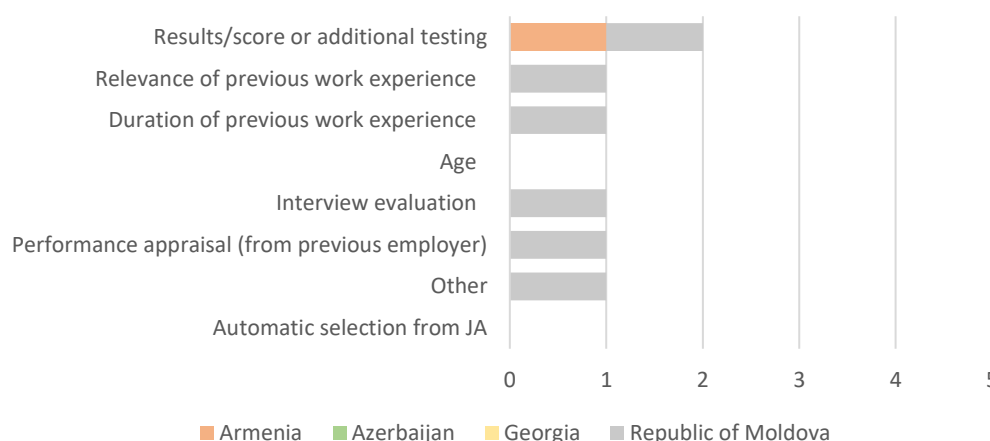
knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity.

In the **Republic of Moldova**, the selection is made based on the results from the National Institute of Justice for concerned candidates and on an interview.

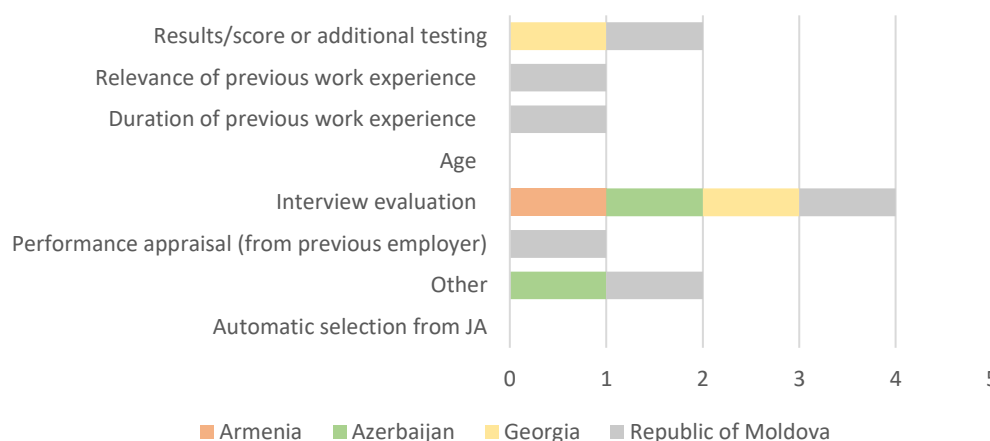
- **Selection criteria to become a prosecutor**

CEPEJ 5.1.11 (Q119)

Selection criteria via Judicial Academy for prosecutors in 2020



Selection criteria without Judicial Academy for prosecutors in 2020



In **Armenia** the selection of prosecutors is made based on the results from the Academy of Justice. For candidates who were exempted to study at the academy, the selection is made on the results from an interview.

In the **Republic of Moldova**, an interview is conducted both for candidates who went through the judicial academy and those who were exempted. "Other" criteria taken into consideration are: Academic/teaching and research activity; Respecting the rules of professional ethics;

Ability to apply knowledge in practice; Involvement of the candidate in activities in relevant fields for prosecution.

In **Azerbaijan** the selection is made through an interview. Criteria used are efficiency, the level of professionalism, the results of work and moral qualities.

In **Georgia**, an interview is also conducted. The candidates based on their working and moral qualities, as well as health status, must be able to perform the duties of a prosecutor or investigator of the Prosecution Service.

Authorities responsible for the appointment and promotion of judges and prosecutors

In this paragraph are presented the authorities which are responsible for the selection, the formal appointment and the promotion of judges and prosecutors.

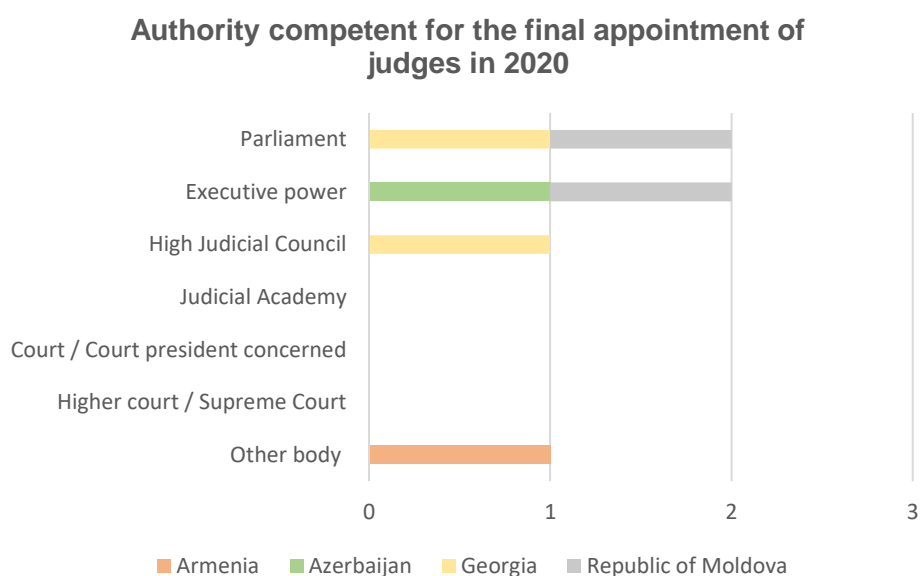
- **Authorities responsible for the selection of judges**

CEPEJ 5.1.12 (Q98)

In all countries, the authority responsible for the selection of judges is the High Judicial Council.

- **Authorities responsible to the final appointment of judges**

CEPEJ 5.1.13 (Q99 and Q100)



In **Armenia**, **Azerbaijan** and the **Republic of Moldova**, the President is in charge of the final appointment of judges. In the **Republic of Moldova**, judges from first and second instance are appointed by the President of the country, while the judges of the Supreme Court are appointed by the Parliament.

In **Georgia**, the judges in first and second instance are appointed by the High Judicial Council while the Supreme Court judges are appointed by the Parliament.

- **Authorities responsible for the selection of prosecutors**

CEPEJ 5.1.12 (Q120)

In **Armenia**, the authority competent for the selection of prosecutors is the Qualification Commission. The Qualification Commission consists of one deputy of the Prosecutor General, four prosecutors, three law academics and the Rector of the Academy of Justice, and 2 experts (appointed by the Prosecutor General) having at least 3 years' experience in the field of forfeiture of unlawfully acquired property.

In **Azerbaijan** the selection is made by prosecutorial services. A Competition Commission composed of seven members, including prominent lawyers and academics, appointed by the Prosecutor General with the involvement of the Collegial Board participates in all stages of the competition.

In **Georgia** the selection is also made by prosecutorial services and more precisely by the Selection Board of the Prosecutor General's Office.

In the **Republic of Moldova**, the High Prosecutorial Council is the responsible entity.

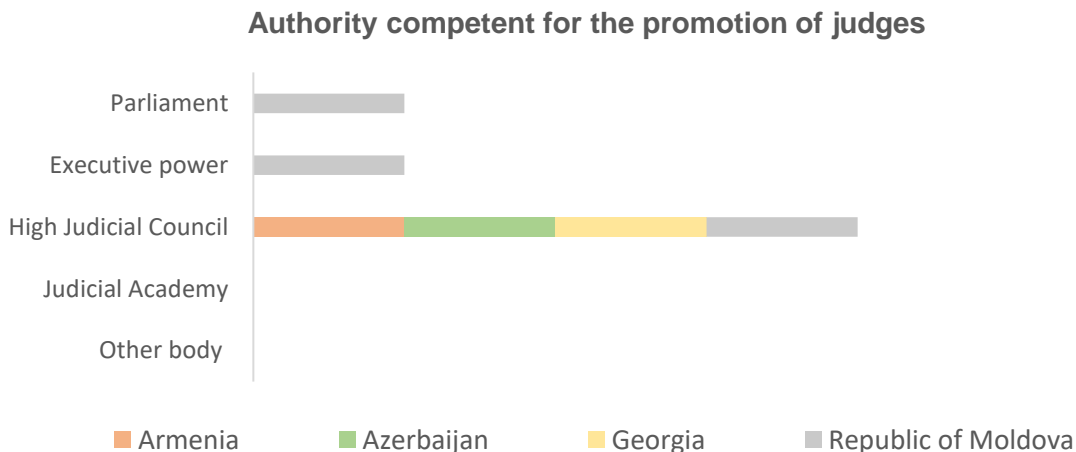
- **Authorities responsible for the final appointment of prosecutors**

CEPEJ (Q121 and Q121-1)

In all countries, the final appointment is made by the Prosecutor General who has a right to appoint some and reject some among the selected (proposed) candidates.

- **Authorities responsible for the promotion of judges**

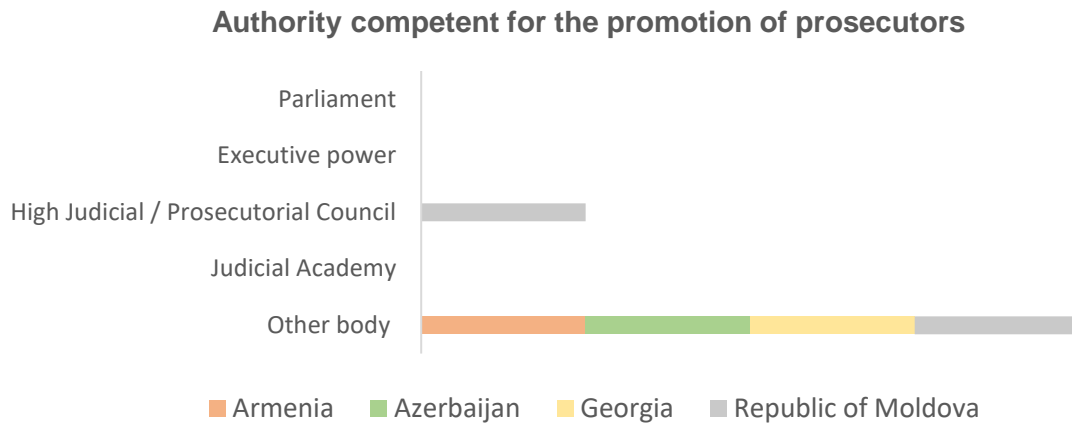
CEPEJ 6.1.1 (Q132)



In **all countries**, the authorities competent for the promotion of judges are the High Judicial Councils. In the **Republic of Moldova**, the Parliament and the President/executive power have a role in the promotion of the judges, alongside the Superior Council of Magistracy.

- **Authorities responsible for the promotion of prosecutors**

CEPEJ 6.1.3 (Q137)



In **Armenia**, the authority competent for the promotion of prosecutors is the Qualification Commission (see explanations on this Commission in the paragraph on selection of prosecutors).

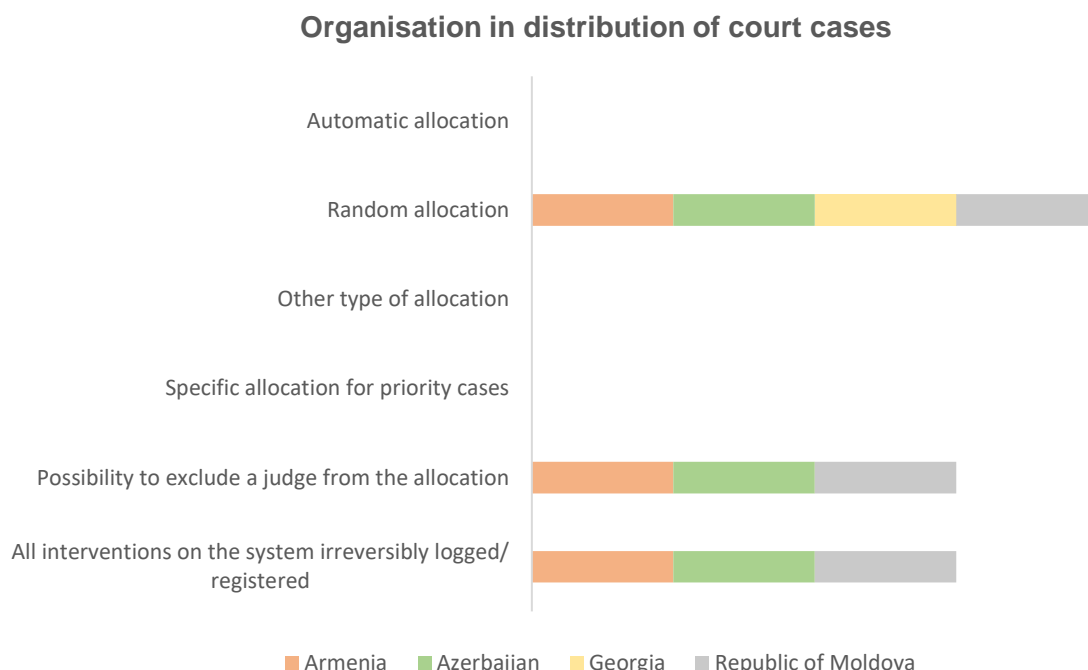
In **Azerbaijan**, the authority competent for the promotion of prosecutors is the Prosecutor's General office.

In **Georgia**, the authorities competent for the promotion of prosecutors are the Career Management, Ethics and Incentives Council (created on 22 April 2019) and the General Prosecutor. The Career Management, Ethics and Incentives Council is composed of the following 16 members: the General Prosecutor; the First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the head of the General Inspection Unit; the head of the Human Resources Management and Development Department and the head of the Department for Supervision over Prosecutorial Activities and Strategic Development. The General Prosecutor promotes the candidates recommended by the Career Management, Ethics, and Incentives Council. He/she may decline the recommended promotion, but s/he shall provide the reasons.

In the **Republic of Moldova**, the authority competent for the promotion of prosecutors is the Prosecutor General, who acts on the proposals for promotion made by the Superior Council of Prosecutors.

Allocation of cases

CEPEJ 8.2.7 (Q183, Q184)



In all countries the distribution of court cases is ensured by a random allocation (using random algorithm).

Except in **Georgia**, there is a possibility to exclude a judge from the distribution. In **Armenia**, a judge may, in case s/he is in charge of a case of particular complexity, apply to the Supreme Judicial Council 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 Judicial Council. In **Azerbaijan**, there is a possibility to exclude a judge due to the judge's illness, business trip or vacation, in case a higher court sends the case back to a lower court for reconsideration or under exceptional circumstances.

For all countries except **Georgia**, all interventions are irreversibly registered in the system.

Organisation of reassignment of court cases

CEPEJ 8.2.8 (Q185, Q186, Q187 and Q188)

Beneficiaries	Reasons for reassigning a case			
	Conflict of interest declared by the judge or by the parties	Recusal of the judge or requested by the parties	Physical unavailability (illness, longer absence)	Other
Armenia				
Azerbaijan				
Georgia				
Republic of Moldova				
Ukraine	-	-	-	-

In **Azerbaijan**, **Georgia**, and the **Republic of Moldova**, a case can be re-assigned due to a conflict of interest declared by the judge or by the parties, a recusal of the judge at his or her own initiative or as requested by the parties, physical unavailability of the judge. Additionally in the **Republic of Moldova**, the president of a court may order the random redistribution to another judge or another panel of judges in other justified cases, with the issuance of a reasoned decision. In **Armenia**, a case can be reassigned due to the recusal of the judge at his or her own initiative or as requested by the parties, physical unavailability of the judge or in other cases such as when the powers of the judge have been suspended, automatically or imposingly terminated.

Beneficiaries	Does the reassignment of cases have to be reasoned?		
	Yes for all reassignments	Yes for some reassignments	No
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine	-	-	-

In **Armenia** and the **Republic of Moldova** all re-assignments must be reasoned while in **Azerbaijan** and **Georgia** only some re-assignments must be reasoned.

Beneficiaries	Reassignments of cases processed through the computerised distribution of cases	If yes, how are reassignments of cases processed:				
		Automatic allocation	Random allocation	By discretion of a president of a court	Other	All interventions on the system are irreversibly logged/ registered
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine	-	-	-	-	-	-

In all countries, the re-assignment is processed through the computerised distribution of cases and by random algorithm. Additionally, in the **Republic of Moldova** the re-assignment can be done by discretion of the President of the Court. Taking into account the judge specialisation (insolvency, civil, criminal, adoption, administrative, investigative judges), the president of a court establishes at the beginning of the year by a general written act a limited number of judges or panels of the same specialization who are active in the system if there is a need to reassign cases. The allocation in the CMS in these specific cases is random based on limitations established by the president's act. The act issued by the president of a court can be adjusted/modified during a year due to specific circumstances.

In **Armenia** and in the **Republic of Moldova** all interventions in the system are irreversibly logged in / registered in the system.

Specific instructions to prosecute or not, addressed to a public prosecutor

CEPEJ 8.1.7 (Q162, Q162-1, Q162-2, Q162-2-0, Q162-3, Q162-4 and Q162-5)

In **Georgia**, the **Republic of Moldova** and **Ukraine**, there is a law or regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor.

In **Armenia**, such specific instructions can be issued by the general prosecutor or by a higher prosecutor or head of prosecution office. Such instructions are occasional. They can be oral or written. They are reasoned and recorded in the case file. The instructions are mandatory except in cases when the subordinate prosecutor finds that they are illegal or unfounded. In that case he or she shall not follow the given instruction and must file a written objection to the superior prosecutor who gave the instruction, except in cases when it was given by the General Prosecutor. It is not possible to oppose or report an instruction to an independent body.

In **Azerbaijan**, such specific instructions can be issued by a higher prosecutor or head of prosecution office. The instructions can only be written. Such instructions are exceptional. They are reasoned and recorded in the case file. The instructions are mandatory but in case of disagreement the prosecutor can send a motivated objection to the higher prosecutor. It is not possible to oppose or report an instruction to an independent body.

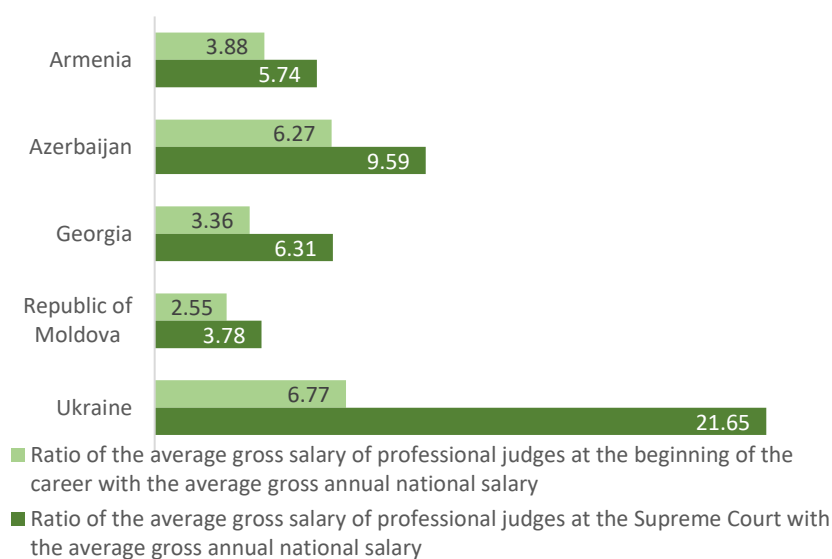
Salaries of judges and prosecutors vs national average

CEPEJ 2.1.1 (Q14, Q15)

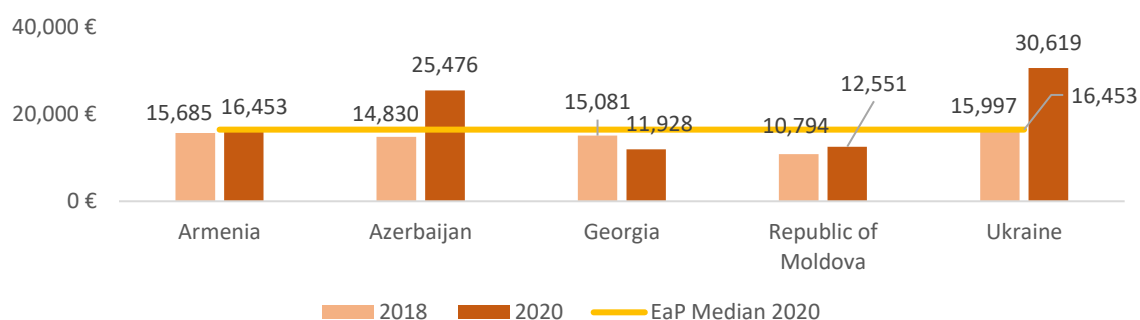
There are significant differences among salaries of judges and prosecutors in the beneficiaries, even if the average national salaries are similar.

- **Average salaries of judges**

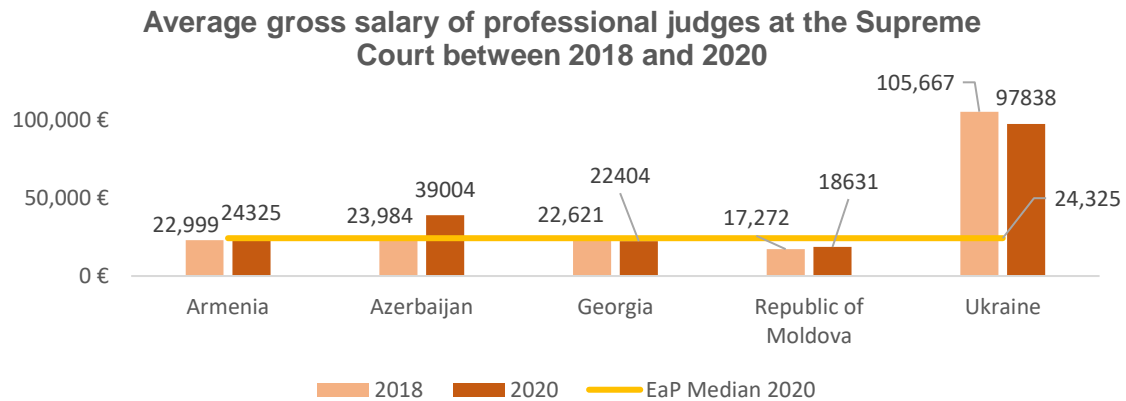
Ratio of the average gross salary of professional judges with the average gross annual national salary in 2020



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

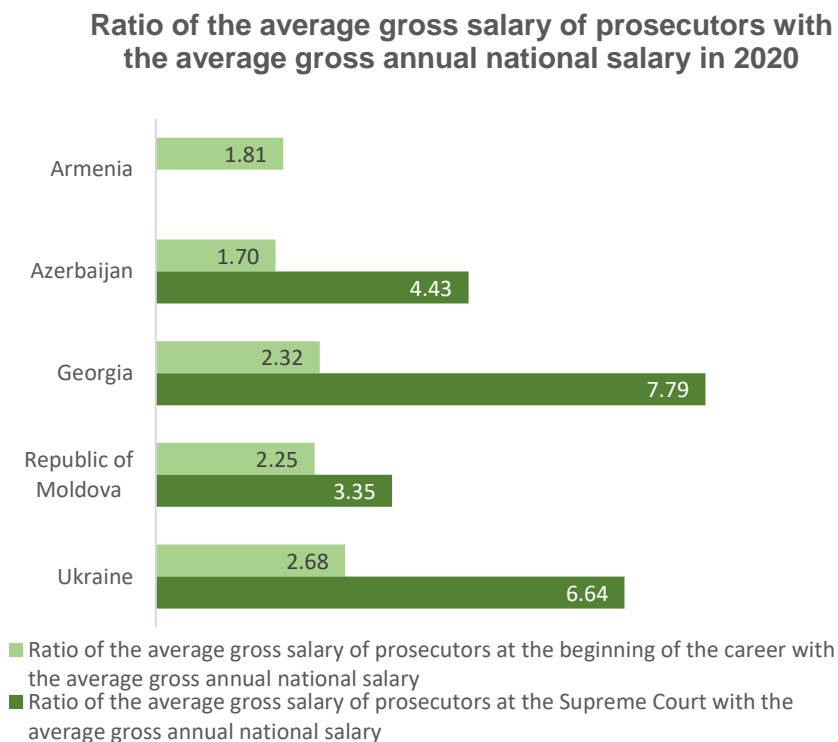


In all countries except **Georgia**, the average gross salary at the beginning of the career of judges has increased between 2018 and 2020. In 2020, this salary was equal or above the EaP median of 16 453€ in **Armenia**, **Azerbaijan**, and **Ukraine**.

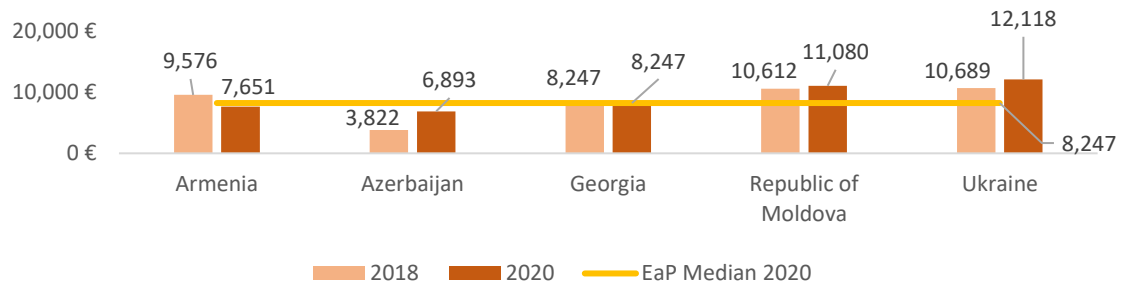


In all countries except **Georgia** where there was a slight decrease, the average gross salary of judges at the highest instance has increased or remained stable between 2018 and 2020. In 2020, this salary was equal or higher to the EaP Median of 24 325€ in **Armenia, Azerbaijan, and Ukraine**.

- Average salaries of prosecutors**

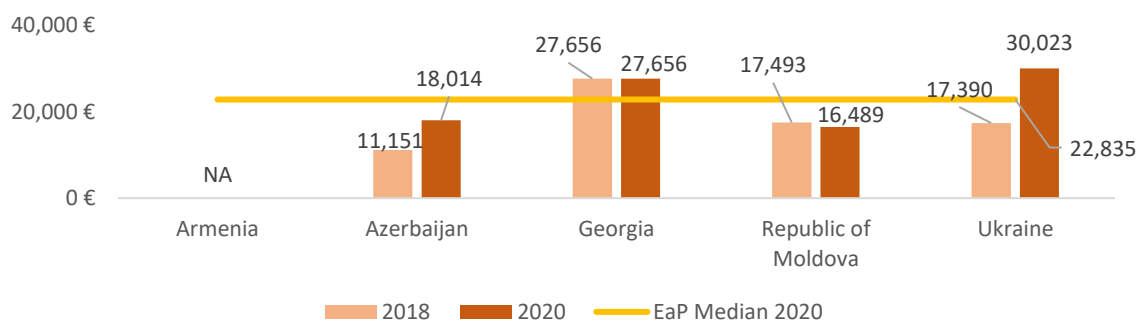


Average gross salary of prosecutors at the beginning of the career between 2018 and 2020



In all countries except **Armenia**, the average gross salary of prosecutors at the beginning of their career has increased or remained stable between 2018 and 2020. In 2020, this salary was equal or higher to the EaP median of 8 247€ **Georgia**, the **Republic of Moldova** and **Ukraine**.

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



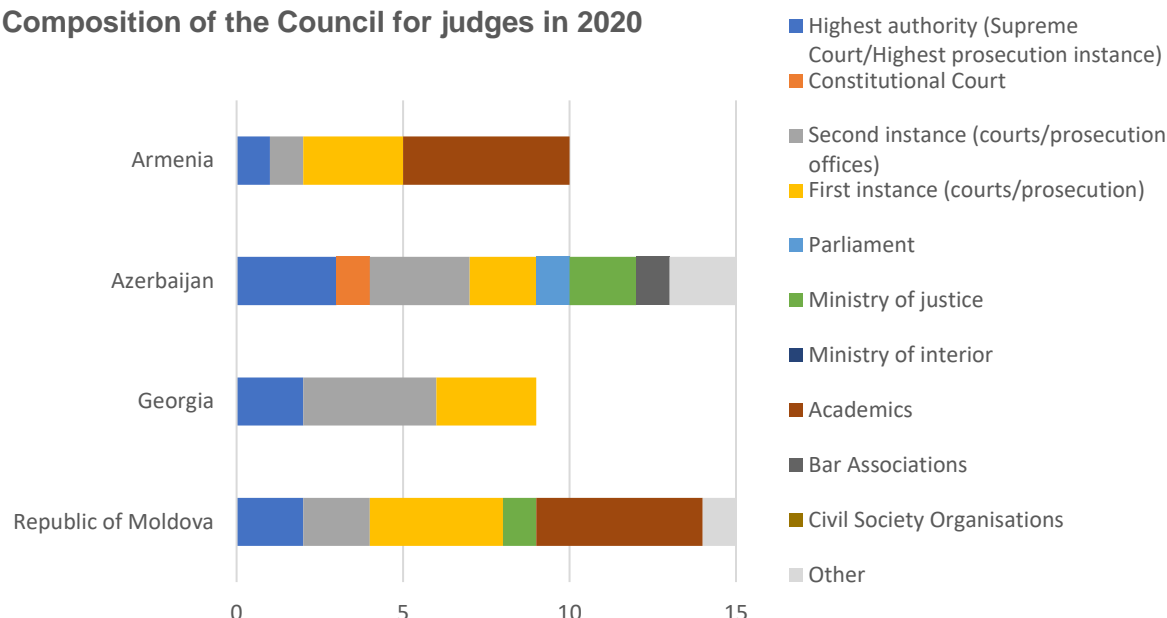
In **Azerbaijan**, **Georgia** and **Ukraine**, the average gross salary of prosecutors at the highest instance increased or remained stable between 2018 and 2020. In 2020, this salary was higher than the EaP median of 22 835€ in **Georgia** and **Ukraine**.

IV. Accountability

Councils for judges in 2020: appointments and composition

CEPEJ 11.1.2 (Q266)

Composition of the Council for judges in 2020



All countries have a Council for the Judiciary, their sizes vary from 10 members in **Armenia**, 12 in **Azerbaijan**, to 15 in **Georgia** and the **Republic of Moldova**. No data on the judicial council in Ukraine has been provided by the authorities for the 2020 cycle, however it is referenced in Part 2. Profile B (GRECO reports).

The composition of councils for judges is as follow:

Armenia: 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.

Azerbaijan: the Judicial Legal Council is composed of 12 members: 1. the Supreme Court Chief Justice (ex officio member); 2. a judge appointed by the Constitutional Court; 3. two Supreme Court justices appointed by that Court from among candidates proposed by the judges' associations; 4. two appeal court judges appointed by the JLC from among candidates proposed by the judges' associations; 5. two first instance court judges appointed by the JLC from among candidates proposed by the judges' associations; 6. a judge of the Nakhchivan Autonomous Republic (NAR) Supreme Court appointed by that Court from among candidates proposed by the judges' associations; 7. the Minister of Justice (ex officio member) and one person appointed by him/her; 8. one person appointed by the President of the Republic, the Parliament, and the Prosecutor General's Office respectively; and 9. a lawyer appointed by the Bar (Article 6, LJLC).

Georgia: the High Council of Justice consists of 15 members: the chair of the Supreme Court (who acts as a chair), eight judicial members elected by the Conference of Judges by secret

ballot following self-nomination, and six non-judicial members, of which five are appointed by Parliament, from experts with at least 10 years' legal experience from academia or civil society, and one is appointed by the President of Georgia on the basis of proposals received from universities, the Georgian Bar Association and other civil society organisations.

The Republic of Moldova: The Superior Council of Magistracy is composed of 15 members. Three are ex officio members (the Minister of Justice, the President of the Supreme Court and the Prosecutor General), seven judge members (and seven substitutes) elected among judges by the General Assembly of Judges and five members appointed by Parliament (with the vote of the "majority of the elected deputies") among tenured law professors.

Councils for judges in 2020: responsibilities

CEPEJ 11.1.4 (Q273 and Q274)

Armenia: The Supreme Judicial Council 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. It is also competent in case of evident breach of the independence or the impartiality of a judge.

Azerbaijan: The Judicial Legal Council ensures the organisation and operation of courts, ensures independence of judges and court system, proposes the number of judges per court, decides on the selection, evaluation, promotion, transfer, and disciplinary measures against judges and implements self-governance functions of the judiciary. In case it is evident there is a breach of the independence or the impartiality of a judge, a judge must apply to the Council.

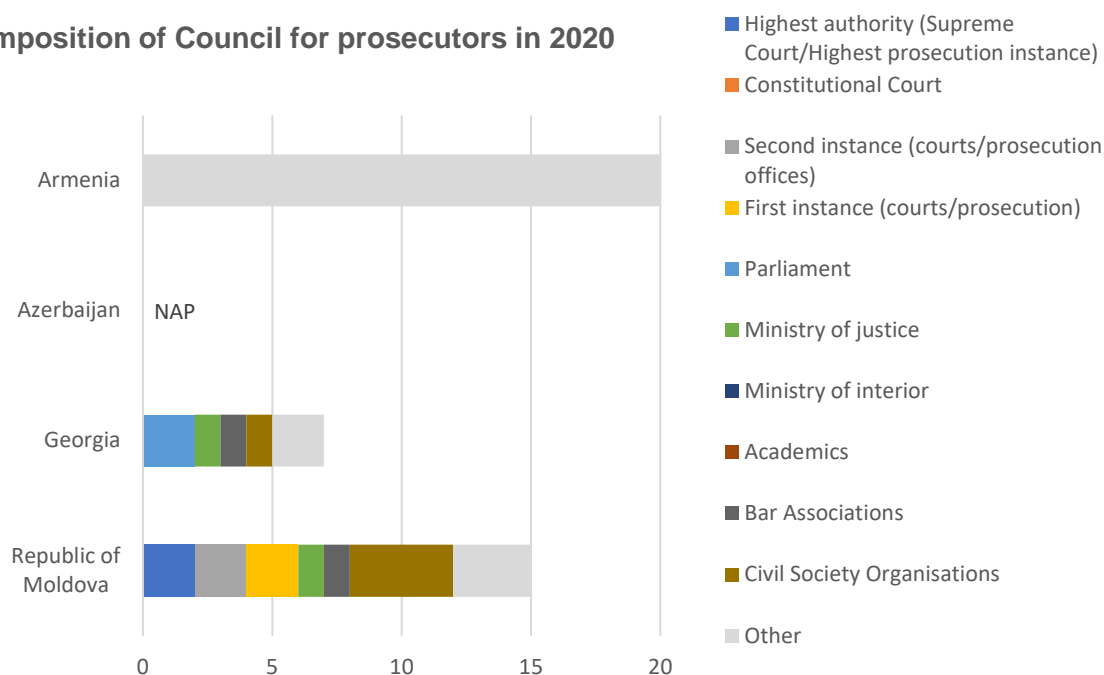
Georgia: The High Council of Justice is competent regarding appointments and dismissals of common court judges (other than the chairperson and members of the Supreme Court), determines the composition of the Qualification Examination Commission, determines the specialisation of judges of appellate courts and district/city courts, approves the staff list and structure of the personnel of the Office of the High Council of Justice, the salary of the Council's members, the salaries and job titles of the officials and auxiliary personnel of the Council, as well as the structure and staff size of the administrative office of Georgian general courts (other than the Supreme Court), prepares and approves the procedure for the organisational work of common courts, approves the procedure for the appraisal of employees of the offices of the Council, district/city courts and appellate courts, conducts disciplinary proceedings against common court judges in the prescribed manner and within the scope of its powers, and it formulates proposals for judicial reform. The HCJ is competent when it is evident that there is a breach of the independence or impartiality of a judge. The following accountability measures regarding the activities of the Council are in place in Georgia: it publishes its activity reports and decisions, which must be reasoned; and it is accountable to the Conference of Judges of Georgia.

The Republic of Moldova: The Superior Council of Magistracy is competent regarding the selection, training, evaluation, ethics, and disciplinary liability of judges; it also has certain duties regarding declarations of income and property and declarations of personal interests of judges; finally, it has certain tasks regarding the administration of courts, notably as regards budgetary matters. The Council is competent when it is evident that there is a breach of the independence or impartiality of a judge. The following accountability measures regarding the activities of the Council are in place in the Republic of Moldova: it publishes its activity reports and its decisions, which must be reasoned.

Councils for prosecutors in 2020: appointments and composition

CEPEJ 11.1.2 (Q266)

Composition of Council for prosecutors in 2020



Only **Georgia** and the **Republic of Moldova** have a council for prosecutors. Armenia has a Board (see explanation below). There was no council for prosecutors in 2020 in Azerbaijan. No data on the prosecutorial council in **Ukraine** has been provided by the authorities for the 2020 cycle, however it is referenced in Part 2 Profile B (GRECO reports).

Armenia: The prosecution service does not have a Council. Instead, it has a Board composed of 20 prosecutors. 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.

Georgia: the Prosecutorial Council has 15 members which comprise eight members elected by the Conference of Prosecutors – at least one fourth of a different gender, and seven non-prosecutor members (one MP elected by the parliamentary majority and one MP elected by the MPs outside the parliamentary majority, two members elected by the HCJ from among the judges of common courts, and three members elected by Parliament by majority of its total membership, of whom one member is nominated by the Bar Association, one is nominated by the Minister of Justice and one is nominated by the non-commercial legal entity Civil Development Society). The Council is competent when it is evident that there is a breach of the independence or impartiality of a prosecutor.

The Republic of Moldova: the Superior Council of Prosecutors is composed of 15 members, six of them being ex officio members – the General Prosecutor, the Prosecutor of TAU Gagauzia, the President of the SCM, the Minister of Justice, the President of the Bar Association, the Ombudsman - , five members elected by the General Assembly of Prosecutors and four members elected among civil society following an open competition, as follows: one by the President of the Republic of Moldova, one by the Parliament, one by the Government and one by the Academy of Sciences. The Council is competent when it is evident that there is a breach of the independence or impartiality of a prosecutor.

Councils for prosecutors in 2020: responsibilities

CEPEJ 11.1.4 (Q273 and Q274)

Armenia: The Board discusses only fundamental issues related to the organisation of the activities of the Prosecutor's Office. The public is informed of the Board's decisions which are reasoned. There is no specific provision in the law with regard to Board's competence in case it is evident there is pressure on prosecutor.

Georgia: The Council is competent, inter alia, to select a candidate for the post of Prosecutor General, to conduct disciplinary proceedings against the First Deputy Prosecutor General and Deputies of the Prosecutor General, to decide on the issue of applying a disciplinary sanction or prematurely revoking it in relation to a member of the Prosecutorial Council elected by the Conference of Prosecutors, to hear a report of the Prosecutor General, First Deputy Prosecutor General or Deputy Prosecutor General on the activities of the Prosecution Service (except for individual criminal cases), to issue recommendations to the attention of the Prosecutor General and decide on matters of early termination of its membership. Accountability measures in place regarding the Prosecutorial Council's activities include publication of decisions which must be reasoned. The Prosecutorial Council is competent in case of a pressure on a prosecutor.

The Republic of Moldova: the competences of the Superior Council of Prosecutors include the selection, promotion, training, evaluation, ethics, developing a draft Code of Ethics for prosecutors, approving its own budget and submitting it to the Ministry of Finance, participating in the development of the budget and strategic development plans for the prosecution service, establishing disciplinary liability of prosecutors, appointing prosecutors to the Council of the National Institute of Justice. Accountability measures in place regarding the SCP's activities include publication of the activity reports, publication of decisions which shall be reasoned. The SCP is competent in case of a pressure on a prosecutor.

Codes of ethics for judges and prosecutors

CEPEJ 8.2.4 (Q172, Q173, Q174 and Q175)

There are codes of ethics applicable to all **judges** in **Armenia, Azerbaijan, Georgia**, and the **Republic of Moldova** (no data for **Ukraine** for the 2020 cycle has been provided). **Azerbaijan, Georgia**, and the **Republic of Moldova** reported on regular updates to their respective codes.

Beneficiary	Hyperlinks to texts of ethics codes for judges
Armenia	Code of ethics in Armenian
Azerbaijan	Code of ethics in Azeri
Georgia	Code of ethics in Georgian
Republic of Moldova	Code of ethics in Romanian

There are codes of ethics applicable to all **prosecutors** in **Armenia, Azerbaijan, Georgia** and the **Republic of Moldova**. **Azerbaijan, Georgia**, and the **Republic of Moldova** reported on regular updates to their respective codes.

Beneficiary	Hyperlinks to texts of ethics codes for prosecutors
Armenia	Code of ethics in Armenian
Azerbaijan	Code of ethics in Azeri
Georgia	Code of ethics in Georgian
Republic of Moldova	Code of ethics in Romanian

No data on the codes of ethics in **Ukraine** has been provided by the authorities within the 2020 data collection, however they are referenced in the Part 2. Profile B (GRECO reports).

Assets declarations for judges and prosecutors

CEPEJ 8.3.1 (Q190 and Q192)

In **Armenia** this is a requirement of the Judicial code; in **Azerbaijan**, this is applicable based on the Law “On Approval of Procedures for Submission of Financial Information by Public Officials”, Law “On combating corruption” (it was not implemented in 2020 though due to the lack of approval of the financial information declaration form). Judges in **Georgia** are required to submit a declaration based on the Law “On Conflict of Interest and Corruption in Public Service”. Judges in the **Republic of Moldova** are required to submit a declaration of assets based on the Law “On the status of judges”. No data on assets declarations in **Ukraine** has been provided by the authorities within the 2020 data collection, however they are referenced in Part 2. Profile B (GRECO reports).

CEPEJ 8.3.2 (Q193, Q194, Q195 and Q196)

Armenia, Georgia, and the **Republic of Moldova** require judges to declare assets, financial interests, sources of income, liabilities, and gifts. In addition to these, judges in **Armenia** shall also declare their expenditures and judges in the **Republic of Moldova** shall declare conflicts of interests. **Azerbaijan** does not require judges to declare gifts.

In **Armenia**, judges shall make the declaration at the beginning of the term, at the end of term, annually, as well as when there is a significant change in the items to be declared. In **Azerbaijan**, judges shall make the declaration at the beginning of the term and annually. In **Georgia** and in the **Republic of Moldova**, judges shall make the declaration at the beginning of the term, at the end of the term and annually.

In **Armenia, Azerbaijan, Georgia** and the **Republic of Moldova**, the spouse, the children, and other family members shall make declarations. The partners of judges are concerned by the declaration only in **Azerbaijan** and the **Republic of Moldova**. Adult children are concerned by the declaration only in **Azerbaijan**.

In **Azerbaijan, Georgia** and the **Republic of Moldova**, the members of the family of a judge submit the same declaration as the judge.

CEPEJ 8.3.6 (Q203 and Q205)

In **Armenia**, prosecutors are required to submit declaration of assets by the Law “On public service”. In **Azerbaijan**, the provisions of Law “On Approval of Procedures for Submission of Financial Information by Public Officials”, the Law “On combating corruption” and the “Rules of work organization at the Prosecutor General's Office” require the prosecutors to submit assets declarations. In **Georgia**, the Law “On Conflict of Interests and Corruption in Public Service” is applicable to prosecutors. The provisions of the Law “On the declaration of assets and personal interests” and the Law “On the Prosecution Office” require prosecutors in the **Republic of Moldova** to submit declarations. No data on assets declarations in **Ukraine** has been provided by the authorities within the 2020 data collection, however they are referenced in Part 2. Profile B (GRECO reports).

CEPEJ 8.3.7 (Q206, Q207, Q208 and Q209)

In respect of items to be declared, prosecutors in **Armenia, Azerbaijan, Georgia**, and the **Republic of Moldova** are required to declare assets, financial interests, sources of income and liabilities. Gifts are to be declared by prosecutors in **Armenia, Georgia**, and the **Republic of Moldova**. Other items are required to be declared in **Armenia** (expenditures, property) and the **Republic of Moldova** (conflicts of interests).

Prosecutors in **Armenia, Azerbaijan, Georgia**, and the **Republic of Moldova** are required to make the declarations at the beginning of the term of office. In **Armenia, Georgia**, and **Republic of Moldova** the declarations are due also at the end of the terms of office. Each country has supplementary requires as to the moment of declarations. Thus, prosecutors in **Georgia** submit it annually, during the term in office, and depending on the date of submission of the last declaration, twice or once after leaving the office, until the end of the next year. In **Armenia**, in case of doubts about any significant changes in the property (increase in property, reduction in liabilities or expenses) within 2 years after termination of official duties, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income (The law “On corruption prevention commission”). Prosecutors in **Azerbaijan** and the **Republic of Moldova** submit declarations also annually.

The declarations concern spouses and children of prosecutors in **Armenia, Azerbaijan, Georgia** and the **Republic of Moldova**. In **Azerbaijan**, this obligation extends to adult children. Other members of the families are concerned as well, as follows: persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the prosecutors in **Armenia**; parents in **Azerbaijan**, the members of the family which are financially/otherwise supported by the prosecutor in the **Republic of Moldova**.

In **Azerbaijan, Georgia**, and the **Republic of Moldova** the same rules for declaration of assets apply to public prosecutors' family members.

Number of criminal cases against judges/prosecutors

CEPEJ 8.2.2(Q171)

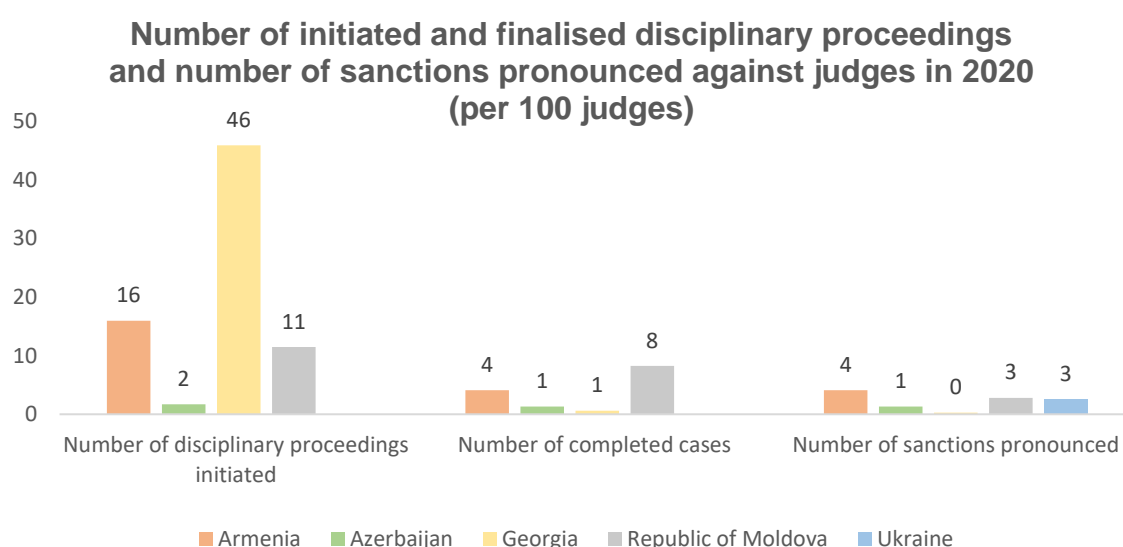
Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	5	3	0	0	0	0
Azerbaijan	0	0	0	0	0	0
Georgia	0	0	0	2	2	2
Republic of Moldova	NA	NA	NA	NA	NA	NA
Ukraine	-	-	-	-	-	-

In respect of **judges**, **Armenia** reported 5 initiated criminal cases, 3 completed and 0 sanctions pronounced. There were 0 such cases reported in **Azerbaijan** and **Georgia**.

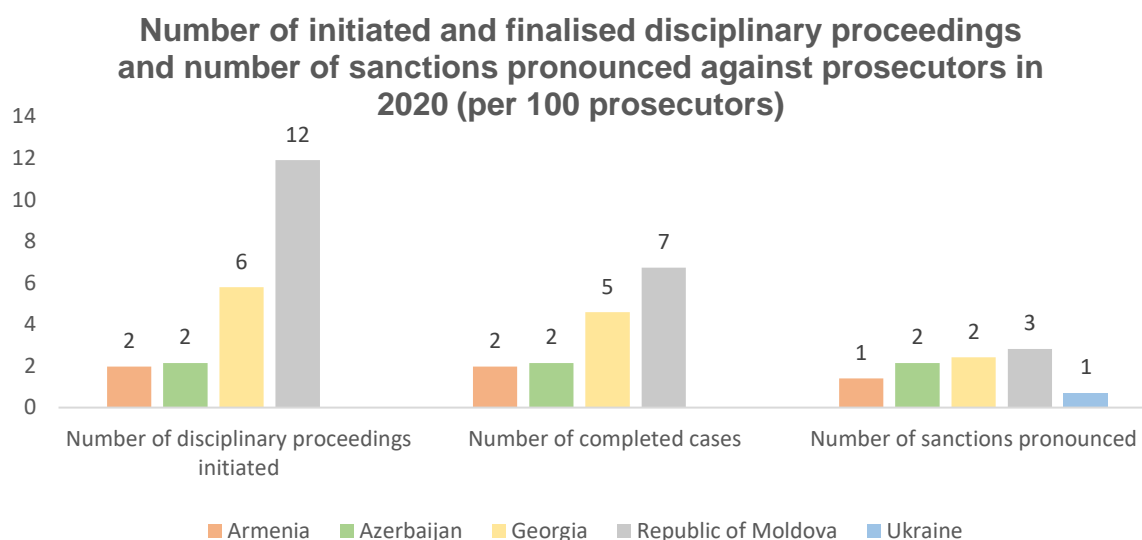
In respect of **prosecutors**, **Georgia** reported 2 initiated criminal cases, 2 completed and 2 sanctions pronounced. There were 0 cases reported in **Armenia** and **Azerbaijan**.

Number of disciplinary cases against judges/prosecutors

CEPEJ 8.5.3, 8.5.7 (Q237, Q238, Q239, Q246, Q247 and Q248)



The highest number of initiated disciplinary proceedings in 2020 per 100 judges among the beneficiaries was in **Georgia** (46). In **Armenia** there were 16 such cases; in the **Republic of Moldova** – 11 and in **Azerbaijan** – 2 per 100 judges. The highest number of completed cases per 100 judges was in the **Republic of Moldova** – 8. In **Armenia** – there were 4 cases; and in **Azerbaijan** and **Georgia** – 1 each. In terms of the number of sanctions against judges, there were 4 such sanctions per 100 judges in **Armenia**, 3 – in the **Republic of Moldova**, 3 – in **Ukraine**, 1 – in **Azerbaijan**.



The highest number of initiated disciplinary proceedings in 2020 per 100 prosecutors among the beneficiaries was in the **Republic of Moldova** (12). In **Georgia** there were 6 such proceedings, in **Armenia** and **Azerbaijan** – 2 in each. 7 disciplinary cases have been completed in the **Republic of Moldova**, 5 in **Georgia**, 2 in **Armenia** and 2 in **Azerbaijan**. There were 3 sanctions pronounced in the **Republic of Moldova**, 2 in **Georgia**, 2 in **Azerbaijan**, 1 in **Armenia** and 1 in **Ukraine**.

Number of procedures for breaches of rules on conflict of interest against judges/prosecutors

CEPEJ 8.4.7 (Q224 and Q233)

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	NA	NA	NA	0	0	0
Azerbaijan	0	0	0	0	0	0
Georgia	2	0	0	3	3	3
Republic of Moldova	0	0	0	0	0	0
Ukraine	-	-	-	-	-	-

Regarding procedures for breaches of rules on conflict of interest, only **Georgia** reported data for 2020. In respect of **judges**, there were 2 initiated cases for breaches of rules on conflict of interest, 0 were completed and 0 sanctions were pronounced. In respect of **prosecutors**, there were 3 initiated cases for breaches of rules on conflict of interest, 3 were completed and 3 sanctions were pronounced.

Number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration of assets

CEPEJ 8.3.11 (Q202 and 215)

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Armenia	NA	NA	NA	0	0	0
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	NA	NA	NA	0	0	0
Republic of Moldova	8	8	8	25	25	25
Ukraine	-	-	-	-	-	-

Regarding the proceedings against judges and prosecutors due to violations/discrepancies in their declarations of assets only the **Republic of Moldova** reported data for 2020. There were 8 cases initiated against **judges**, 8 have been completed and 8 sanctions were pronounced; 25 cases initiated against **prosecutors**, 25 have been completed and 25 sanctions were pronounced.