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Part 1

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection 2024

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

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

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Methodological Note

Summary

The methodology used for this report is fully based on the methodology used by the CEPEJ for its biennial evaluation cycles. The data is collected by using a questionnaire, which is filled out by the CEPEJ's Dashboard correspondents (the main contact points within judicial systems of the beneficiaries for this exercise). Their responses are statistically processed, analysed, and validated under the supervision of the CEPEJ Evaluation Working Group (CEPEJ-GT-EVAL). The CEPEJ works in full transparency with all beneficiaries during the whole process.

Data collection, validation and analysis

The CEPEJ Secretariat collects quantitative and qualitative data. Comments are also collected to provide additional information on the specificities of each beneficiaries' judicial system and to better contextualise the data.

From a methodological point of view, and with a commitment to quality, consistency and comparability of the data supplied, data collection is primarily assigned to the CEPEJ's Dashboard correspondents. The Dashboard correspondents are the unique interlocutors of the CEPEJ Secretariat when collecting and controlling data. The beneficiaries are liable for the quality of data provided for the Dashboard.

According to CEPEJ methodology, an extensive work is carried out by the CEPEJ Secretariat to verify the quality of the data submitted by the correspondents. This quality check process requires a certain time in order to guarantee the reliability of the quantitative and qualitative data, which will eventually be presented to the European Commission (EC).

The first year of data collection for the "Justice Dashboard EaP" is 2020 and this is considered as a base year to be presented in each consecutive cycle. The current report is based on data from reference year 2024. CEPEJ will focus on up to 5 cycles (including the base year) in all the deliverables throughout the duration of the project. Thus, evolutions/trends and variations using previous data collections are presented where relevant.

The report is composed of three parts:

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

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

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

It should be noted that the content of the Beneficiary profiles was elaborated by the CEPEJ Secretariat and one expert from GRECO following their respective methodology. The analysis conducted by the CEPEJ Secretariat in the Beneficiary profiles is done based on the comments provided by the beneficiaries alongside the data.

The quality of data

The reader should always interpret the presented statistical figures together with the respective narrative comments.

The CEPEJ has chosen to process and show only the data which offered a high level of quality and accountability. Hence, it decided to disregard those replies that significantly varied between exercises and for which no relevant explanation was provided by the Dashboard correspondent, to give sufficient guarantees of quality and reliability. For some issues covered by this report, no data could be provided. When a data is shown as “NA” (i.e., “not available”), it means that the data was not available, the data could not be collected as such or no data meeting the quality and reliability requirements was provided by the deadline. As a consequence, there might be some instances where data are shown as “NA” while there was data presented in the previous CEPEJ exercises. This is critical to ensure a high level of data quality.

In spite of the situation in Ukraine, the national correspondent was able to collect and submit all available data, with the exception of 8.1. Confidence and satisfaction of the public with their justice system (Q156 -> Q160). The analysis needs to consider that the data presented for Ukraine excludes several territories, which have been under unlawful temporary occupation of Russian Federation: The Autonomous Republic of Crimea and the city of Sevastopol (since 20 February 2014), certain areas within Donetsk and Luhansk regions (since 7 April 2014) and territories occupied by Russia following the full-scale invasion (since 24 February 2022). It is still not possible for authorities to provide or estimate the 2024 population, given the situation in connection with the military aggression of the Russian Federation against Ukraine under their Martial Law. For enabling the use of the other data provided to CEPEJ, the population data of 2021 is used therein. The same is applicable to GDP, for which the 2022 data was provided. Data from 2022 to 2024 is to be read in the context of significant infrastructure damage, especially to court houses, as well as court jurisdictions transfers by orders of the Chief Justice of the Supreme Court. This has impacted the ability to record and collect judicial data comprehensively. Furthermore, while considerable effort is being made, staff shortages across the judiciary have hindered data collection and analysis efforts that adhere to CEPEJ methodology. Thus, in some respects data had to be replaced by NA, in agreement with the national correspondent: see categories 2. Minor and 3. Other in Criminal cases in first instance courts (Q 038); Total number of disciplinary proceedings initiated during the reference year against judges (Q 237).

Definitions and abbreviations

NA: data not available.

NAP: data non applicable.

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

DT: Disposition Time. The Disposition Time is the calculated time necessary for a pending case to be resolved, considering the current pace of work. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period, multiplied by 365. The Disposition Time is the ratio between pending cases and resolved cases (in days). It shows the theoretical duration for a court to solve all the pending cases.

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

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

Methodological disclaimers

1) The comparison of data between beneficiaries with various size, economic and legal situations is a delicate task and should be approached with great caution. Indeed, the specificities of each system, which might explain differences in the data, should be taken into account (e.g., different judicial structures, the approach of the courts organisation, use of statistical tools to evaluate the systems, etc.). This is especially true when a particular region like the Eastern Partnership is compared to the European Union. Since the Eastern Partnership region presents its own peculiarities (e.g., per capita GDP, budget distribution, litigiousness rate, number of tasks handled by the judges, number of judges etc.), the comparison with the European Union region might be misleading. As requested by the European Commission, this report presents, where relevant, the EU median. However, the EU median should not be considered as a benchmark for the Eastern Partnership region, but it should rather be considered as a “reference only”.

Furthermore, it is crucial to notice that the data for calculating the 2024 EU median have not been collected yet. Hence, the 2023 EU median is included in this report. Yet, the reference year for the Dashboard Eastern Partnership is 2024. These statistics should be referred for orientation only since they are not for the same reference year and for that reason, they are not comparable and should not be jointly analysed.

2) Some of the data might be updated or changed after each delivery, in case of comments provided by the beneficiaries. According to the CEPEJ methodology, only the final version of the report can be disseminated, i.e, after considering the comments by the beneficiaries. Before then, all the collected data remain confidential.

3) Changes requested by beneficiaries after the delivery of this report may appear in future reports, since the CEPEJ database is regularly updated. For this reason, previous cycles’ data presented in this report might be different from data presented in the reports for the previous cycles.

4) It should also be noted that the summary statistics (minimum, maximum, average and median values) are presented in this report as an orientation only. Indeed, the group of beneficiaries is too small for the summary to be statistically meaningful. These statistics are calculated by using quantitative data, hence excluding the “NA” or “NAP” answers. Furthermore, in case data are available only for one or two beneficiaries, the summary statistics would not be useful even as an orientation. Consequently, they are shown as “-”.

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

CEPEJ(2025)2REV2 Part 1

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

Beneficiaries	Population						GDP per capita						Exchange rate Local currency vs Euro					Average gross annual salary					
	2020	2021	2022	2023	2024	Variation 2020 - 2024 (%)	2020	2021	2022	2023	2024	Variation 2020 - 2024 (%)	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	Variation 2020 - 2024 (%)
Armenia	2 963 300	2 961 367	2 977 130	2 977 130	3 075 900	3.8%	3 739 €	3 952 €	6 210 €	7 463 €	7 857 €	110.1%	641.11	542.61	420.06	447.90	413.89	4 080 €	4 104 €	6 732 €	7 631 €	8 110 €	98.8%
Azerbaijan	9 974 000	10 026 100	10 063 300	10 127 100	10 180 770	2.1%	3 477 €	4 812 €	7 338 €	6 456 €	6 987 €	100.9%	2.09	1.93	1.81	1.88	1.77	4 066 €	4 560 €	5 500 €	5 973 €	6 175 €	51.9%
Georgia	3 728 600	3 688 600	3 736 400	3 736 400	3 694 600	-0.9%	3 812 €	4 237 €	6 335 €	7 440 €	9 125 €	139.4%	4.02	3.50	2.88	2.98	2.92	3 552 €	4 467 €	6 622 €	7 482 €	8 197 €	130.8%
Republic of Moldova	2 626 942	2 603 813	2 512 758	2 512 758	2 423 287	-7.8%	3 839 €	4 424 €	5 433 €	5 433 €	6 288 €	63.8%	19.74	20.93	19.90	19.65	19.25	3 528 €	5 150 €	6 349 €	7 547 €	8 786 €	125.3%
Ukraine	41 418 717	40 997 698	40 997 698	40 997 698	40 997 698	-1.0%	3 262 €	3 581 €	3 234 €	3 234 €	3 234 €	-0.9%	30.79	32.31	39.00	42.00	43.00	4 520 €	6 540 €	4 572 €	5 293 €	4 880 €	8.0%
Average	12 142 312	12 055 516	12 057 457	12 070 217	12 074 431	-0.8%	3 626 €	4 201 €	5 710 €	6 005 €	6 698 €	82.7%	139.55	120.25	96.73	102.88	96.17	4 229 €	4 964 €	5 955 €	6 785 €	7 230 €	73.5%
Median	3 728 600	3 688 600	3 736 400	3 736 400	3 694 600	-0.9%	3 739 €	4 237 €	6 210 €	6 456 €	6 987 €	100.9%	19.74	20.93	19.90	19.65	19.25	4 080 €	4 560 €	6 349 €	7 482 €	8 110 €	78.3%
Minimum	2 626 942	2 603 813	2 512 758	2 512 758	2 423 287	-7.8%	3 262 €	3 581 €	3 234 €	3 234 €	3 234 €	-0.9%	2.09	1.93	1.81	1.88	1.77	3 552 €	4 104 €	4 572 €	5 293 €	4 880 €	8.0%
Maximum	41 418 717	40 997 698	40 997 698	40 997 698	40 997 698	3.8%	3 839 €	4 812 €	7 338 €	7 463 €	9 125 €	139.4%	641.11	542.61	420.06	447.90	413.89	4 928 €	6 540 €	6 732 €	7 631 €	8 786 €	130.8%
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

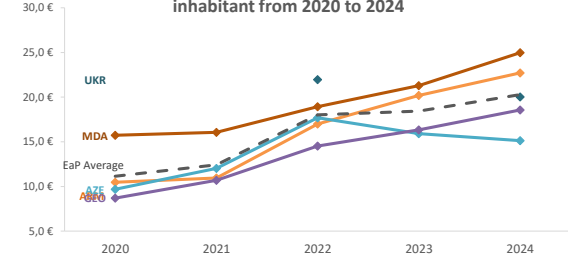
1. Budget - Overview

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

Implemented Judicial system budget per inhabitant (Tables 1.1.5 and 1.1.6)

Beneficiaries	2020	2021	2022	2023	2024	% Variation 2020-2024	% Variation 2023-2024
Armenia	10,5 €	11,0 €	17,0 €	20,2 €	22,7 €	116,8%	12,5%
Azerbaijan	9,7 €	12,0 €	17,7 €	15,9 €	15,1 €	56,3%	-5,0%
Georgia	8,7 €	10,7 €	14,5 €	16,3 €	18,6 €	113,5%	13,6%
Republic of Moldova	15,7 €	16,1 €	18,9 €	21,3 €	25,0 €	58,8%	17,3%
Ukraine	NA	NA	22,0 €	NA	20,0 €	NA	NA
EaP Average	11,1 €	12,4 €	18,0 €	18,4 €	20,3 €	86,4%	9,6%

Figure 1.1 Implemented Judicial system budget per inhabitant from 2020 to 2024



Implemented Judicial system budget as % of GDP (Table 1.1.4)

Beneficiaries	2020	2021	2022	2023	2024	Variation in PPT 2020-2024	Variation in PPT 2023-2024
Armenia	0,28%	0,28%	0,27%	0,27%	0,29%	0,01	0,02
Azerbaijan	0,28%	0,25%	0,24%	0,25%	0,22%	-0,06	-0,03
Georgia	0,23%	0,25%	0,23%	0,22%	0,20%	-0,02	-0,02
Republic of Moldova	0,41%	0,36%	0,35%	0,39%	0,40%	-0,01	0,01
Ukraine	NA	NA	0,68%	NA	0,62%	NA	NA
EaP Average	0,30%	0,29%	0,35%	0,28%	0,34%	-0,02	-0,01

PPT= Percentage points

Figure 1.2 Implemented Judicial system budget as % of GDP from 2020 to 2024

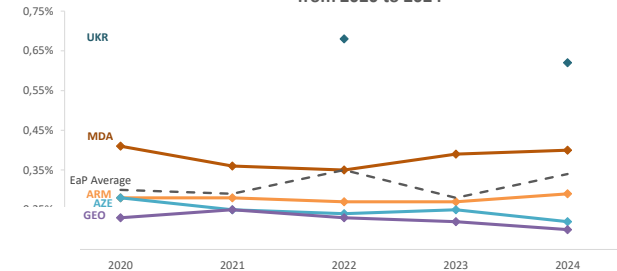
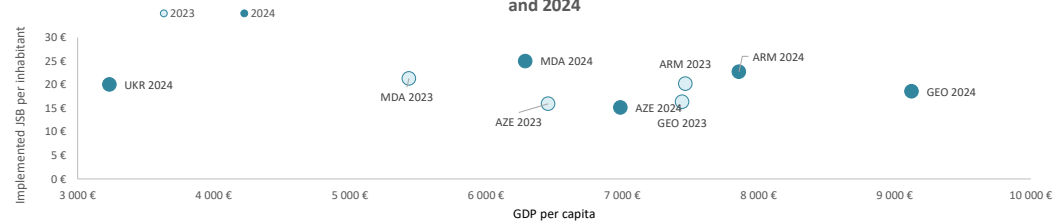


Figure 1.3 Implemented Judicial System Budget (JSB) per inhabitant in relation with the GDP per capita in 2023 and 2024



Distribution of Implemented Judicial System Budget

Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2024 and variation compared to 2023 (Table 1.1.4)

Beneficiaries	Implemented budget in 2024			% Variation 2023 - 2024 (standardised)		
	Courts	Legal aid	Prosecution services	Courts	Legal Aid	Prosecution Services
Armenia	45 259 961 €	1 805 497 €	22 777 862 €	14,3%	28,6%	8,0%
Azerbaijan	90 172 971 €	2 854 915 €	61 007 869 €	5,6%	6,6%	-17,6%
Georgia	42 883 034 €	4 229 460 €	21 466 220 €	11,6%	19,7%	16,7%
Republic of Moldova	33 462 715 €	4 069 931 €	22 970 119 €	19,7%	11,6%	14,8%
Ukraine	457 236 806 €	25 431 696 €	337 961 736 €	NA	NA	7,2%
EaP Average	52 944 670 €	7 678 300 €	93 236 761 €	12,8%	16,6%	5,8%

Figure 1.4 Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2024

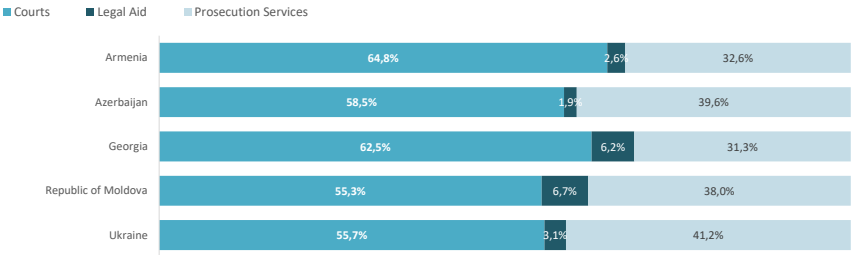
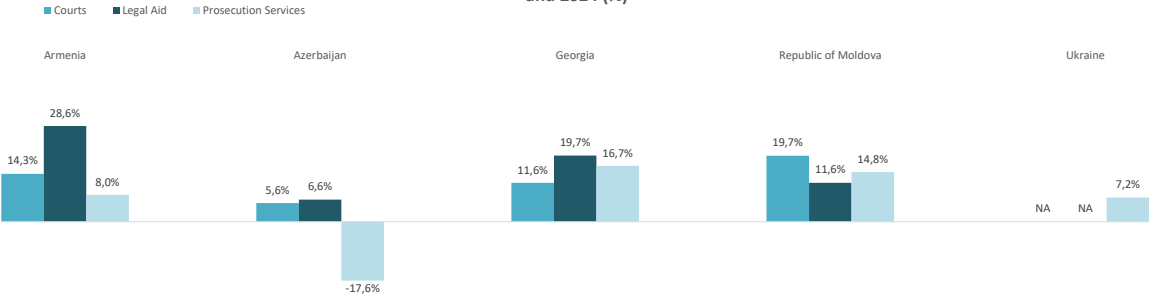


Figure 1.5 Variation of the implemented budget allocated to courts, Legal Aid and Prosecution Services between 2023 and 2024 (%)



1. Budget - List of tables

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget - please note the Legal Aid Budget will be separately shown in Indicator 4)

- Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q12)
- Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)
- Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024 (Q1, Q2, Q4, Q5, Q6, Q12)
- Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q13)
- Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)
- Table 1.1.6 Variation in % of the implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

1.2 Courts Budget - Categories

- Table 1.2.1 Categories of the approved court budget in 2024 - Absolute values (Q4)
- Table 1.2.2 Categories of the implemented court budget in 2024 - Absolute values (Q4)
- Table 1.2.3 Distribution by categories of the implemented court budget in 2024 (Q4)

1.3 Donors' Contributions

- Table 1.3.1 Estimated percentage of the external donor's contribution compared with the implemented judicial system and its components between 2020 and 2024* (Q11)

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget - please note the Legal Aid Budget will be separately shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024							
	Annual approved budget (absolute values)				Annual approved budget (standardised values)			
	Judicial system (1) + (2) + (3)	€ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Armenia	71 516 166 €	46 807 555 €	1 805 497 €	22 903 114 €	23 €	0,30%	15,2 €	0,19%
Azerbaijan	159 410 929 €	95 365 249 €	2 854 915 €	61 190 765 €	15,7 €	0,22%	9,4 €	0,13%
Georgia	69 924 907 €	44 087 566 €	4 267 376 €	21 569 965 €	18,9 €	0,21%	11,9 €	0,13%
Republic of Moldova	61 075 493 €	33 579 023 €	4 080 739 €	23 415 731 €	25,2 €	0,40%	13,9 €	0,22%
Ukraine	856 898 367 €	483 033 228 €	25 467 044 €	348 398 095 €	20,9 €	0,65%	11,8 €	0,36%
Average	243 765 172 €	140 574 524 €	7 695 114 €	95 495 534 €	20,8 €	0,35%	12,4 €	0,21%
Median	71 516 166 €	46 807 555 €	4 080 739 €	23 415 731 €	20,9 €	0,30%	11,9 €	0,19%
Minimum	61 075 493 €	33 579 023 €	1 805 497 €	21 569 965 €	15,7 €	0,21%	9,4 €	0,13%
Maximum	856 898 367 €	483 033 228 €	25 467 044 €	348 398 095 €	25,2 €	0,65%	15,2 €	0,36%

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Evolution of the approved budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services)																			
	Judicial system (1) + (2) + (3) per capita					(1) Courts per capita					(2) Legal aid per capita					(3) Public prosecution system per capita				
	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024
Armenia	10,6 €	11,0 €	17,4 €	20,2 €	23,3 €	7,8 €	7,8 €	11,9 €	12,9 €	15,2 €	0,22 €	0,22 €	0,36 €	0,46 €	0,59 €	2,6 €	3,0 €	5,1 €	6,9 €	7,4 €
Azerbaijan	10,4 €	12,6 €	18,0 €	16,8 €	15,7 €	6,6 €	6,9 €	10,9 €	9,1 €	9,4 €	0,27 €	0,24 €	0,33 €	0,27 €	0,28 €	3,5 €	5,5 €	6,8 €	7,5 €	6,0 €
Georgia	10,0 €	11,0 €	15,5 €	18,0 €	18,9 €	6,1 €	6,6 €	10,4 €	11,9 €	11,9 €	0,57 €	0,49 €	0,62 €	0,96 €	1,16 €	3,3 €	3,9 €	4,4 €	5,1 €	5,8 €
Republic of Moldova	16,7 €	16,3 €	19,6 €	21,9 €	25,2 €	8,5 €	8,0 €	10,2 €	11,9 €	13,9 €	1,16 €	1,30 €	1,74 €	1,50 €	1,68 €	7,0 €	7,0 €	7,7 €	8,5 €	9,7 €
Ukraine	19,5 €	NA	22,6 €	20,5 €	20,9 €	12,9 €	13,8 €	12,1 €	11,6 €	11,8 €	0,53 €	NA	0,48 €	0,49 €	0,62 €	6,1 €	7,2 €	10,0 €	8,4 €	8,5 €
Average	13,4 €	12,7 €	18,6 €	19,5 €	20,8 €	8,4 €	8,6 €	11,1 €	11,5 €	12,4 €	0,5 €	0,6 €	0,7 €	0,7 €	0,9 €	4,5 €	5,3 €	6,8 €	7,3 €	7,5 €
Median	10,6 €	11,8 €	18,0 €	20,2 €	20,9 €	7,8 €	7,8 €	10,9 €	11,9 €	11,9 €	0,5 €	0,4 €	0,5 €	0,5 €	0,6 €	3,5 €	5,5 €	6,8 €	7,5 €	7,4 €
Minimum	10,0 €	11,0 €	15,5 €	16,8 €	15,7 €	6,1 €	6,6 €	10,2 €	9,1 €	9,4 €	0,2 €	0,2 €	0,3 €	0,3 €	0,3 €	2,6 €	3,0 €	4,4 €	5,1 €	5,8 €
Maximum	19,5 €	16,3 €	22,6 €	21,9 €	25,2 €	12,9 €	13,8 €	12,1 €	12,9 €	15,2 €	1,2 €	1,3 €	1,7 €	1,5 €	1,7 €	7,0 €	7,2 €	10,0 €	8,5 €	9,7 €

Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024									
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system			
	2020 - 2024	2023 - 2024	2020 - 2024	2023 - 2024	2020 - 2024	2023 - 2024	2020 - 2024	2023 - 2024		
Armenia	119,2%	14,9%	94,9%	17,8%	167,1%	28,4%	188,3%	8,4%		
Azerbaijan	50,5%	-7,1%	41,6%	2,8%	5,5%	5,7%	70,7%	-19,5%		
Georgia	90,2%	5,2%	95,9%	0,1%	103,6%	19,7%	77,5%	14,6%		
Republic of Moldova	51,2%	15,1%	62,2%	16,3%	45,7%	11,9%	38,5%	14,0%		
Ukraine	7,3%	2,0%	-8,4%	1,7%	17,1%	25,8%	39,5%	1,0%		
Average	63,7%	6,0%	6,0%	57,3%	57,3%	7,7%	7,7%	67,8%		
Median	51,2%	5,2%	5,2%	62,2%	62,2%	2,8%	2,8%	45,7%		
Minimum	7,3%	-7,1%	-7,1%	-8,4%	-8,4%	0,1%	0,1%	5,5%		
Maximum	119,2%	15,1%	15,1%	95,9%	95,9%	17,8%	17,8%	167,1%		

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024							
	Annual implemented budget (absolute values)				Annual implemented budget (standardised values)			
	Judicial system (1) + (2) + (3)	 Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Armenia	69 843 320 €	45 259 961 €	1 805 497 €	22 777 862 €	22,7 €	0,29%	14,7 €	0,19%
Azerbaijan	154 035 755 €	90 172 971 €	2 854 915 €	61 007 869 €	15,1 €	0,22%	8,9 €	0,13%
Georgia	68 578 714 €	42 883 034 €	4 229 460 €	21 466 220 €	18,6 €	0,20%	11,6 €	0,13%
Republic of Moldova	60 502 765 €	33 462 715 €	4 069 931 €	22 970 119 €	25,0 €	0,40%	13,8 €	0,22%
Ukraine	820 630 238 €	457 236 806 €	25 431 696 €	337 961 736 €	20,0 €	0,62%	11,2 €	0,34%
Average	234 718 158 €	133 803 097 €	7 678 300 €	93 236 761 €	20,3 €	0,34%	12,0 €	0,20%
Median	69 843 320 €	45 259 961 €	4 069 931 €	22 970 119 €	20,0 €	0,29%	11,6 €	0,19%
Minimum	60 502 765 €	33 462 715 €	1 805 497 €	21 466 220 €	15,1 €	0,20%	8,9 €	0,13%
Maximum	820 630 238 €	457 236 806 €	25 431 696 €	337 961 736 €	25,0 €	0,62%	14,7 €	0,34%

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Evolution of the implemented budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services)																			
	Judicial system (1) + (2) + (3) per capita					(1) Courts per capita					(2) Legal aid per capita					(3) Public prosecution system per capita				
	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024
Armenia	10,5 €	11,0 €	17,0 €	20,2 €	22,7 €	7,7 €	7,8 €	11,5 €	12,9 €	14,7 €	0,22 €	0,22 €	0,36 €	0,46 €	0,59 €	2,6 €	3,0 €	5,1 €	6,9 €	7,4 €
Azerbaijan	9,7 €	12,0 €	17,7 €	15,9 €	15,1 €	6,1 €	6,4 €	10,6 €	8,4 €	8,9 €	0,19 €	0,24 €	0,33 €	0,26 €	0,28 €	3,4 €	5,4 €	6,8 €	7,3 €	6,0 €
Georgia	8,7 €	10,7 €	14,5 €	16,3 €	16,6 €	5,1 €	6,3 €	9,5 €	10,4 €	11,6 €	0,52 €	0,49 €	0,62 €	0,96 €	1,14 €	3,0 €	3,9 €	4,4 €	5,0 €	5,8 €
Republic of Moldova	15,7 €	16,1 €	16,9 €	21,3 €	25,0 €	8,1 €	8,0 €	9,9 €	11,5 €	13,8 €	0,96 €	1,36 €	1,74 €	1,90 €	1,88 €	6,6 €	6,6 €	7,2 €	8,3 €	9,5 €
Ukraine	NA	NA	22,0 €	NA	20,0 €	12,5 €	13,7 €	11,7 €	NA	11,2 €	0,50 €	NA	0,47 €	NA	0,62 €	NA	6,5 €	9,8 €	7,7 €	8,2 €
Average	11,1 €	12,4 €	18,0 €	18,4 €	20,3 €	7,9 €	8,4 €	10,7 €	10,8 €	12,0 €	0,5 €	0,6 €	0,7 €	0,8 €	0,9 €	3,9 €	5,1 €	6,7 €	7,0 €	7,4 €
Median	10,1 €	11,5 €	17,7 €	18,3 €	20,0 €	7,7 €	7,8 €	10,6 €	11,0 €	11,6 €	0,5 €	0,4 €	0,5 €	0,7 €	0,6 €	3,2 €	5,4 €	6,8 €	7,3 €	7,4 €
Minimum	8,7 €	10,7 €	14,5 €	15,9 €	15,1 €	5,1 €	6,3 €	9,5 €	8,4 €	8,9 €	0,2 €	0,2 €	0,3 €	0,3 €	0,3 €	2,6 €	3,0 €	4,4 €	5,0 €	5,8 €
Maximum	15,7 €	16,1 €	22,0 €	21,3 €	25,0 €	12,5 €	13,7 €	11,7 €	12,9 €	14,7 €	1,0 €	1,4 €	1,7 €	1,5 €	1,7 €	6,6 €	6,6 €	9,8 €	8,3 €	9,5 €

Table 1.1.6 Variation in % of the implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Variation in % of the implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024							
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system	
	2020 - 2024	2023 - 2024	2020 - 2024	2023 - 2024	2020 - 2024	2023 - 2024	2020 - 2024	2023 - 2024
Armenia	 116,8%	 12,5%	 91,5%	 14,3%	 169,5%	 28,6%	 188,1%	 8,0%
Azerbaijan	 56,3%	 -5,0%	 44,4%	 5,6%	 46,5%	 6,6%	 78,7%	 -17,6%
Georgia	 113,5%	 13,6%	 125,6%	 11,6%	 119,2%	 19,7%	 92,0%	 16,7%
Republic of Moldova	 58,8%	 17,3%	 69,9%	 19,7%	 75,7%	 11,6%	 42,7%	 14,8%
Ukraine	NA	NA	 -11,0%	NA	 24,7%	NA	NA	 7,2%
Average	86,4%	9,6%	64,1%	12,8%	87,1%	16,6%	100,4%	5,8%
Median	86,1%	13,1%	69,9%	13,0%	75,7%	15,7%	85,3%	8,0%
Minimum	56,3%	-5,0%	-11,0%	5,6%	24,7%	6,6%	42,7%	-17,6%
Maximum	116,8%	17,3%	125,6%	19,7%	169,5%	28,6%	188,1%	16,7%

1.2 Courts Budget - Categories

Table 1.2.1 Categories of the approved court budget in 2024 - Absolute values (Q4)

Beneficiaries	Categories of the approved court budget in 2024 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Armenia	46 807 555 €	37 027 638 €	1 390 234 €	1 282 842 €	107 392 €	235 744 €	284 119 €	1 028 022 €	14 279 €	6 827 508 €
Azerbaijan	95 365 249 €	70 414 850 €	5 605 152 €	3 055 079 €	2 550 073 €	29 583 €	8 970 220 €	4 105 552 €	1 501 641 €	4 738 250 €
Georgia	44 087 566 €	35 234 274 €	686 121 €	470 018 €	216 103 €	1 414 720 €	4 191 255 €	0 €	0 €	2 561 196 €
Republic of Moldova	33 579 023 €	28 885 498 €	506 098 €	147 017 €	359 081 €	NAP	2 159 246 €	0 €	8 058 €	2 020 123 €
Ukraine	483 033 228 €	417 866 555 €	17 257 544 €	11 133 758 €	6 123 786 €	61 054 €	22 872 948 €	3 495 367 €	21 979 €	21 457 781 €
Average	140 574 524 €	117 885 763 €	5 089 030 €	3 217 743 €	1 871 287 €	435 275 €	7 695 558 €	1 725 788 €	309 191 €	7 520 972 €
Median	46 807 555 €	37 027 638 €	1 390 234 €	1 282 842 €	359 081 €	148 399 €	4 191 255 €	1 028 022 €	14 279 €	4 738 250 €
Minimum	33 579 023 €	28 885 498 €	506 098 €	147 017 €	107 392 €	29 583 €	284 119 €	0 €	0 €	2 020 123 €
Maximum	483 033 228 €	417 866 555 €	17 257 544 €	11 133 758 €	6 123 786 €	1 414 720 €	22 872 948 €	4 105 552 €	1 501 641 €	21 457 781 €

Table 1.2.2 Categories of the implemented court budget in 2024 - Absolute values (Q4)

Beneficiaries	Categories of the implemented court budget in 2024 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Armenia	45 259 961 €	37 018 121 €	805 053 €	697 661 €	107 392 €	220 820 €	281 593 €	0 €	1 999 €	6 932 376 €
Azerbaijan	90 172 971 €	66 582 721 €	5 433 481 €	3 012 774 €	2 420 707 €	20 975 €	8 223 781 €	4 049 612 €	1 490 711 €	4 371 689 €
Georgia	42 883 034 €	34 988 629 €	671 306 €	468 347 €	202 959 €	1 215 207 €	3 784 365 €	0 €	0 €	2 223 527 €
Republic of Moldova	33 462 715 €	28 862 354 €	500 921 €	141 938 €	358 983 €	NAP	2 109 113 €	0 €	7 638 €	1 982 689 €
Ukraine	457 236 806 €	402 902 787 €	13 456 516 €	7 565 540 €	5 890 976 €	54 884 €	18 665 277 €	1 676 893 €	16 856 €	20 463 593 €
Average	133 803 097 €	114 070 922 €	4 173 455 €	2 377 252 €	1 796 203 €	377 972 €	6 612 826 €	1 145 301 €	303 441 €	7 194 775 €
Median	45 259 961 €	37 018 121 €	805 053 €	697 661 €	358 983 €	137 852 €	3 784 365 €	0 €	7 638 €	4 371 689 €
Minimum	33 462 715 €	28 862 354 €	500 921 €	141 938 €	107 392 €	20 975 €	281 593 €	0 €	0 €	1 982 689 €
Maximum	457 236 806 €	402 902 787 €	13 456 516 €	7 565 540 €	5 890 976 €	1 215 207 €	18 665 277 €	4 049 612 €	1 490 711 €	20 463 593 €

Table 1.2.3 Distribution by categories of the implemented court budget in 2024 (Q4)

Beneficiaries	Distribution by categories of the implemented court budget in 2024								
	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
		Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Armenia	81,8%	1,8%	1,5%	0,2%	0,5%	0,6%	0,0%	0,0%	15,3%
Azerbaijan	73,8%	6,0%	3,3%	2,7%	0,0%	9,1%	4,5%	1,7%	4,8%
Georgia	81,6%	1,6%	1,1%	0,5%	2,8%	8,8%	0,0%	0,0%	5,2%
Republic of Moldova	86,3%	1,5%	0,4%	1,1%	NAP	6,3%	0,0%	0,0%	5,9%
Ukraine	88,1%	2,9%	1,7%	1,3%	0,0%	4,1%	0,4%	0,0%	4,5%
Average	82,3%	2,8%	1,6%	1,2%	0,8%	5,8%	1,0%	0,3%	7,2%
Median	81,8%	1,8%	1,5%	1,1%	0,3%	6,3%	0,0%	0,0%	5,2%
Minimum	73,8%	1,5%	0,4%	0,2%	0,0%	0,6%	0,0%	0,0%	4,5%
Maximum	88,1%	6,0%	3,3%	2,7%	2,8%	9,1%	4,5%	1,7%	15,3%

1.3 Donors' Contributions

Table 1.3.1 Estimated percentage of the external donor's contribution compared with the implemented judicial system and its components between 2020 and 2024* (Q11)

Beneficiaries	Estimated percentage of the external donor's contribution compared with the implemented judicial system and its components between 2020 and 2024*											
	2020			2021			2023			2024		
	Courts	Legal aid	Public prosecution system	Courts	Legal aid	Public prosecution system	Courts	Legal aid	Public prosecution system	Courts	Legal aid	Public prosecution system
Armenia	0,0%	0,0%	0,0%	NA	NA	NA	NA	NA	NA	NA	NA	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NAP	1,0%	NAP	NA	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

*This data was not collected in 2022 and before 2020.

Indicator 1 - Budget

by country

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

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

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

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

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

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

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

Armenia

Q004 (2024): The main reasons for the increase in the annual allocated budget are:

- Increase in the salaries of judges of the first instance courts of general jurisdiction, administrative and bankruptcy courts by 60 percent, as well as judges of the civil, criminal and administrative courts of appeal by 55 percent, with the exception of judges of the Anti-Corruption, Anti-Corruption court of Appeal and Cassation Courts, who will receive the aforementioned 60, 55 and 50 percent increases, respectively, starting in 2023;
- Allocation of funds for the construction of the Gavar residence building of the First Instance Court of General Jurisdiction of Gegharkunik region;
- Allocation of funds for the purchase of new computer equipment and office equipment due to the addition of 8 judge positions, as well as for the replacement of computer equipment and office equipment which depreciation period has expired. These resulted in increase of budget allocated for computerisation.

Moreover, Annual public budget allocated to justice expenses increased due to the increase in cases requiring translation. The demand for translation and expert services increased sharply in 2024 compared to 2023, and the same increase continues in 2025.

In addition, the construction work of the Gavar residence building of the First Instance Court of General Jurisdiction of Gegharkunik region began in 2023 and was to be completed in 2025, but at the beginning of 2024 the construction work was suspended, since according to the writ of execution issued by the court, the Urban Development Committee was prohibited from taking any action until the final court act was issued. Therefore, the executed budget for 2024 is 0, the construction work was postponed until the final court decision is issued.

Finally, it is important to note that the budget allocated for trainings in 2023 initially (at the beginning of the year) was the same as in 2024. Nevertheless, based on the revision of the needs and deficits in other fields of judiciary other remaining budget was allocated for those needs in 2023, so the number reduced to 5104 EUR, from which 5102 EUR was implemented. The budget for trainings in 2024 is the same, only this time revisions were not made and the spent amount 1999 EUR is for training of judges regarding their right to possess a gun. However not all judges have applied for the training in 2024 due to their overload, so that is why the amount spent on the trainings is so small.

Q006 (2024): The increase in the budget of the RA Prosecutor's Office in 2024 compared to 2023 is due to the need for funds to purchase appropriate services to preserve the results of video recordings of investigative actions carried out in criminal proceedings in storage facilities acquired from private companies, as well as the natural increase in the budget (due to the increase in bonuses paid to prosecutors due to changes in their ranks and seniority).

Q010 (2024): In 2024 Prosecution did not receive any funding from external donors

Q011 (2024): In 2024 Prosecution did not receive any funding from external donors

Q012 (2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Q013 (2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Azerbaijan

Q004 (2024): The amount reported under the "Other" category was compiled based on information collected through official inquiries addressed to the relevant institutions. This category includes utility expenses, security expenses, bank service expenses, business trip expenses, and the purchase of office supplies, fuel, production materials, typographic goods, among others. In 2024, a budget was allocated for the construction of new court buildings. The necessary measures are being taken for the construction of the respective court complex.

Q010 (2024): External fund was generated by the Project (Judicial Services and Smart Infrastructure Project) implemented within the collaboration of World Bank and the Government of Azerbaijan

Q012 (2024): At the beginning of the year, it is not possible to determine in advance how much will be spent on each specific category, as the allocation and implementation of funds are carried out based on the nature and needs of the cases that arise throughout the year. Consequently, the respective fields in the first table are marked as "data not available" (NA).

Q013 (2024): Source: Bar Association

Georgia

Q004 (General Comment): 6. According to the law on „2024 Budget of Georgia" -2024 Budget of the Judiciary is divided in two parts - Budget for Functioning of Courts and Budget for trainings of Judges and Court staff. Budget allocated for trainings is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question regarding High School of Justice of Georgia.

Q004 (2024): The total approved budget increased in 2024 compared to 2023, in particular on the account of increased salaries; investments into the development of IT equipment; In 2024 budget of investments in computerization (2.1) was fully implemented; 2.2 - maintenance of the IT equipment decreased in 2024, since new licenses were purchased in 2023 and were still valid in 2024. In 2024 allocated and implemented budget for new buildings was 0.

Increased number of cases leading to an increase in the justice expenses (expertise, interpretation, etc.); increased fees and costs, reconstructions of court buildings; allocations for the construction of new court buildings. Main reasons of difference between allocated and implemented budget: savings received as a result of conducted tender; remained unused funds from signed service contracts during the year. Category 7. Other includes Business trips, goods and services necessary for office activities, uniforms, vehicle fuel, repair and insurance, judges' apartment rent.

Q006 (2024): The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it.

Q010 (General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Legal Aid Service has sent information - External Donor Funds -62 288.38 Euros.

Q010 (2024): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Legal Aid Service has sent information - External Donor Funds - 62 288.38 Euros, according their contracts and memorandums with Donor international organizations.

Q011 (General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Republic of Moldova

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

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants, heads of the secretariat and judges. Other staff categories benefit from continuous training courses based on financial resources allocated from the court budget.

Q004 (2024): The amount implemented for maintenance of the IT equipment slightly increased in 2024, due to the courts needs. The amount for investment in new court buildings is 0 in 2024 due to a new court map optimization and need to revise the plan for building new court premises. The amount allocated and implemented for in-service training increased due to the necessities presented by courts. The category "other" includes expenses related to postal, medical, financial services, transportation, periodicals, equipment, protocol expenses and missions, etc. The amount allocated and implemented for other expenses slightly increased due to the necessities presented by courts (probably due to a slightly increase in prices).

NAP for justice expenses can be explained by missing of specific budget lines dedicated to such expenses. If the courts allocate and spend some financial resources on interpretation/ translation this will be included in the budget line "other services". So, the amounts are contained in the category 7 Other. Staff employed by courts on a pay-roll basis provides among other tasks, interpretation from Russian to Romanian and from Romanian to Russian language, when requested by parties. Thus this is included in Salaries.

Q006 (2024): Prosecutors' training has been carried out mostly by the National Institute of Justice (NIJ) which has a separate budget.

Source (total annual public budget) - General Prosecutor's Office

Source (budget allocated to training) - Superior Council of Prosecutors

Q010 (2024): In 2024 external funds have been allocated by EU and CoE (CEPEJ) and USAID for implementing projects aimed at improving functioning of judiciary (refining the JUSTAT Information System, strengthening the institutional capacities in using court performance indicators and reporting on court performance, designing a new strategy on human resources for the court system, further implementation of videoconference and e-file solution in courts, trainings for court staff, refining ICMS functions, facilitating the access to courts for disable persons, etc.). EU and CoE spent EUR 142798, (the funds spent by USAID are not known) and the projects are still ongoing (the USAID projects have been suspended in 2025). Many additional trainings for court staff and judges have been organized by different cooperation projects with outsourced financial assistance. The General Prosecutor's Office benefited of EUR 49 965 from voluntary donations from the Romanian Government for capital expenditures (procurement of equipment for specialized prosecutor's offices). Most of the procurements linked to the external assistance were not a part of the national budget and were organized by the development partners. In this regard the national justice actors are not keeping a complete evidence on the implemented amount of the international donor assistance. Other justice sector actors did not report any external donor funds.

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

Q012 (2024): The upward trend in approved budget for 2024 compared with 2023 for primary legal aid, is due to the fact that the fixed monthly remuneration of the para-legals has increased with 150 % in 2023.

Ukraine

Q004 (2024): Other: stamps, marking machines, paper, envelopes, other postal services, stationery, subpoena forms, purchase or subscription to periodicals, reference and information publications, furniture and other low-value items, special clothing, fuel, spare parts and other components for vehicles, expenses for judicial self-government, production of certificates, texts of judges' oaths and departmental insignia, medicines and bandages, advertisements, vehicle repairs, organizing the archive, vehicle insurance, recharging of cartridges, bank services, communication services (telephone), business trips, compensation for burial and perpetuation of the memory of judges and retired judges, remuneration of people's assessors and jurors, taxes, fines and fees, equipment and durable goods, etc.

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

Q010 (2024): As part of the financial support provided by international partners to Ukraine in 2024, the free legal aid system received a grant to implement the project “Response to emergencies in the social and legal protection sector and the humanitarian needs of internally displaced and conflict-affected persons in Ukraine”.

To ensure the effective implementation of the project, these funds were allocated

- in the general direction: to pay remuneration and salaries of employees of free legal aid centers; purchase of stationery; purchase of protective equipment (masks, antiseptics)) in the amount of UAH 1934.7 thousand

- for the purchase of computer and organizational equipment in the amount of UAH 653.8 thousand.

In addition, we would like to inform you that in 2024, the free legal aid system also received free of charge from international partners computer and office equipment, computer accessories, furniture, stationery and household goods for a total amount of UAH 8,429.8 thousand. UAH (from the Norwegian Refugee Council in Ukraine - in the amount of UAH 1,511.0 thousand, from the Council of Europe - in the amount of UAH 79.6 thousand, from the United Nations High Commissioner for Refugees - in the amount of UAH 1,084.9 thousand, from the United Nations Development Program - in the amount of UAH 5,754.3 thousand).

Indicator 1 - Budget

by question No.

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

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

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

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

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

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

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

Question 004

Armenia

(2024): The main reasons for the increase in the annual allocated budget are:

- Increase in the salaries of judges of the first instance courts of general jurisdiction, administrative and bankruptcy courts by 60 percent, as well as judges of the civil, criminal and administrative courts of appeal by 55 percent, with the exception of judges of the Anti-Corruption, Anti-Corruption court of Appeal and Cassation Courts, who will receive the aforementioned 60, 55 and 50 percent increases, respectively, starting in 2023;
- Allocation of funds for the construction of the Gavar residence building of the First Instance Court of General Jurisdiction of Gegharkunik region;
- Allocation of funds for the purchase of new computer equipment and office equipment due to the addition of 8 judge positions, as well as for the replacement of computer equipment and office equipment which depreciation period has expired. These resulted in increase of budget allocated for computerisation.

Moreover, Annual public budget allocated to justice expenses increased due to the increase in cases requiring translation. The demand for translation and expert services increased sharply in 2024 compared to 2023, and the same increase continues in 2025.

In addition, the construction work of the Gavar residence building of the First Instance Court of General Jurisdiction of Gegharkunik region began in 2023 and was to be completed in 2025, but at the beginning of 2024 the construction work was suspended, since according to the writ of execution issued by the court, the Urban Development Committee was prohibited from taking any action until the final court act was issued. Therefore, the executed budget for 2024 is 0, the construction work was postponed until the final court decision is issued.

Finally, it is important to note that the budget allocated for trainings in 2023 initially (at the beginning of the year) was the same as in 2024. Nevertheless, based on the revision of the needs and deficits in other fields of judiciary other remaining budget was allocated for those needs in 2023, so the number reduced to 5104 EUR, from which 5102 EUR was implemented. The budget for trainings in 2024 is the same, only this time revisions were not made and the spent amount 1999 EUR is for training of judges regarding their right to possess a gun. However not all judges have applied for the training in 2024 due to their overload, so that is why the amount spent on the trainings is so small.

Azerbaijan

(2024): The amount reported under the "Other" category was compiled based on information collected through official inquiries addressed to the relevant institutions. This category includes utility expenses, security expenses, bank service expenses, business trip expenses, and the purchase of office supplies, fuel, production materials, typographic goods, among others. In 2024, a budget was allocated for the construction of new court buildings. The necessary measures are being taken for the construction of the respective court complex.

Georgia

(General Comment): 6. According the law on „2024 Budget of Georgia" -2024 Budget of the Judiciary is divided in two parts - Budget for Functioning of Courts and Budget for trainings of Judges and Court staff. Budget allocated for trainings is budget transferred to the High School of Justice of Georgia, so information regarding the Budget of trainings can be seen in question regarding High School of Justice of Georgia.

(2024): The total approved budget increased in 2024 compared to 2023, in particular on the account of increased salaries; investments into the development of IT equipment; In 2024 budget of investments in computerization (2.1) was fully implemented; 2.2 - maintenance of the IT equipment decreased in 2024, since new licenses were purchased in 2023 and were still valid in 2024. In 2024 allocated and implemented budget for new buildings was 0.

Increased number of cases leading to an increase in the justice expenses (expertise, interpretation, etc.); increased fees and costs, reconstructions of court buildings; allocations for the construction of new court buildings. Main reasons of difference between allocated and implemented budget: savings received as a result of conducted tender; remained unused funds from signed service contracts during the year. Category 7. Other includes Business trips, goods and services necessary for office activities, uniforms, vehicle fuel, repair and insurance, judges' apartment rent.

Republic of Moldova

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

The National Institute of Justice, which has a separate budget, does not train all categories of employees from the courts, but trains only clerks, legal assistants, heads of the secretariat and judges. Other staff categories benefit from continuous training courses based on financial resources allocated from the court budget.

(2024): The amount implemented for maintenance of the IT equipment slightly increased in 2024, due to the courts needs. The amount for investment in new court buildings is 0 in 2024 due to a new court map optimization and need to revise the plan for building new court premises. The amount allocated and implemented for in-service training increased due to the necessities presented by courts. The category "other" includes expenses related to postal, medical, financial services, transportation, periodicals, equipment, protocol expenses and missions, etc. The amount allocated and implemented for other expenses slightly increased due to the necessities presented by courts (probably due to a slightly increase in prices).

NAP for justice expenses can be explained by missing of specific budget lines dedicated to such expenses. If the courts allocate and spend some financial resources on interpretation/ translation this will be included in the budget line "other services". So, the amounts are contained in the category 7 Other. Staff employed by courts on a pay-roll basis provides among other tasks, interpretation from Russian to Romanian and from Romanian to Russian language, when requested by parties. Thus this is included in Salaries.

Ukraine

(2024): Other: stamps, marking machines, paper, envelopes, other postal services, stationery, subpoena forms, purchase or subscription to periodicals, reference and information publications, furniture and other low-value items, special clothing, fuel, spare parts and other components for vehicles, expenses for judicial self-government, production of certificates, texts of judges' oaths and departmental insignia, medicines and bandages, advertisements, vehicle repairs, organizing the archive, vehicle insurance, recharging of cartridges, bank services, communication services (telephone), business trips, compensation for burial and perpetuation of the memory of judges and retired judges, remuneration of people's assessors and jurors, taxes, fines and fees, equipment and durable goods, etc.

Question 006

Armenia

(2024): The increase in the budget of the RA Prosecutor's Office in 2024 compared to 2023 is due to the need for funds to purchase appropriate services to preserve the results of video recordings of investigative actions carried out in criminal proceedings in storage facilities acquired from private companies, as well as the natural increase in the budget (due to the increase in bonuses paid to prosecutors due to changes in their ranks and seniority).

Georgia

(2024): The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it.

Republic of Moldova

(2024): Prosecutors' training has been carried out mostly by the National Institute of Justice (NIJ) which has a separate budget.

Source (total annual public budget) - General Prosecutor's Office

Source (budget allocated to training) - Superior Council of Prosecutors

Ukraine

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

Question 010

Armenia

(2024): In 2024 Prosecution did not receive any funding from external donors

Azerbaijan

(2024): External fund was generated by the Project (Judicial Services and Smart Infrastructure Project) implemented within the collaboration of World Bank and the Government of Azerbaijan

Georgia

(General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Legal Aid Service has sent information - External Donor Funds -62 288.38 Euros.

(2024): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Legal Aid Service has sent information - External Donor Funds - 62 288.38 Euros, according to their contracts and memorandums with Donor international organizations.

Republic of Moldova

(2024): In 2024 external funds have been allocated by EU and CoE (CEPEJ) and USAID for implementing projects aimed at improving functioning of judiciary (refining the JUSTAT Information System, strengthening the institutional capacities in using court performance indicators and reporting on court performance, designing a new strategy on human resources for the court system, further implementation of videoconference and e-file solution in courts, trainings for court staff, refining ICMS functions, facilitating the access to courts for disable persons, etc.). EU and CoE spent EUR 142798, (the funds spent by USAID are not known) and the projects are still ongoing (the USAID projects have been suspended in 2025). Many additional trainings for court staff and judges have been organized by different cooperation projects with outsourced financial assistance. The General Prosecutor's Office benefited of EUR 49 965 from voluntary donations from the Romanian Government for capital expenditures (procurement of equipment for specialized prosecutor's offices). Most of the procurements linked to the external assistance were not a part of the national budget and were organized by the development partners. In this regard the national justice actors are not keeping a complete evidence on the implemented amount of the international donor assistance. Other justice sector actors did not report any external donor funds.

Ukraine

(2024): As part of the financial support provided by international partners to Ukraine in 2024, the free legal aid system received a grant to implement the project "Response to emergencies in the social and legal protection sector and the humanitarian needs of internally displaced and conflict-affected persons in Ukraine".

To ensure the effective implementation of the project, these funds were allocated

- in the general direction: to pay remuneration and salaries of employees of free legal aid centers; purchase of stationery; purchase of protective equipment (masks, antiseptics)) in the amount of UAH 1934.7 thousand

- for the purchase of computer and organizational equipment in the amount of UAH 653.8 thousand.

In addition, we would like to inform you that in 2024, the free legal aid system also received free of charge from international partners computer and office equipment, computer accessories, furniture, stationery and household goods for a total amount of UAH 8,429.8 thousand. UAH (from the Norwegian Refugee Council in Ukraine - in the amount of UAH 1,511.0 thousand, from the Council of Europe - in the amount of UAH 79.6 thousand, from the United Nations High Commissioner for Refugees - in the amount of UAH 1,084.9 thousand, from the United Nations Development Program - in the amount of UAH 5,754.3 thousand).

Question 011

Armenia

(2024): In 2024 Prosecution did not receive any funding from external donors

Georgia

(General Comment): According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. For this reason, information on the amount spent by donors for the Courts and PSG is not available.

Question 012

Armenia

(2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Azerbaijan

(2024): At the beginning of the year, it is not possible to determine in advance how much will be spent on each specific category, as the allocation and implementation of funds are carried out based on the nature and needs of the cases that arise throughout the year. Consequently, the respective fields in the first table are marked as “data not available” (NA).

Republic of Moldova

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

(2024): The upward trend in approved budget for 2024 compared with 2023 for primary legal aid, is due to the fact that the fixed monthly remuneration of the para-legals has increased with 150 % in 2023.

Question 013

Armenia

(2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Azerbaijan

(2024): Source: Bar Association

2. Profile of judiciary - Overview

2.1 Number of justice professionals

Number of justice professionals per 100 000 inhabitants in 2024 and variation (%) between 2020 and 2024 (Tables 2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.8, 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.6 and 2.3.1)

Beneficiaries	Justice professionals per 100 000 inhabitants													
	Judges		Court Presidents		Non-judge staff		Prosecutors		Heads of prosecution services		Non-prosecutor staff		Lawyers	
	2024	% Variation 2020-2024	2024	% Variation 2020-2024	2024	% Variation 2020-2024	2024	% Variation 2020-2024	2024	% Variation 2020-2024	2024	% Variation 2020-2024	2024	% Variation 2020-2024
Armenia	10,4	31,6%	0,6	18,8%	51,4	5,9%	12,2	5,9%	0,9	-33,3%	9,3	51,4%	91,3	20,8%
Azerbaijan	6,2	20,9%	1,1	13,7%	29,9	4,6%	9,4	-26,9%	0,0	-	9,7	-	24,6	20,7%
Georgia	9,9	11,6%	0,5	-5,0%	49,0	2,6%	11,6	3,4%	1,5	3,6%	10,1	3,7%	147,2	15,0%
Republic of Moldova	13,7	-28,2%	0,7	-10,0%	70,9	4,0%	24,8	-5,6%	1,4	-26,7%	21,7	58,1%	84,8	6,7%
Ukraine	12,1	-8,6%	1,3	-10,0%	58,7	-9,3%	20,7	-3,5%	0,6	54,1%	11,2	19,5%	171,1	23,1%
EaP Average	10,5	5,4%	0,9	1,5%	52,0	1,6%	15,7	-5,3%	0,9	-0,6%	12,4	33,2%	103,8	17,3%

For reference only, the 2023 EU medians are as follows: 21,5 judges per 100 000 inhabitants; 60,2 non-judge staff per 100 000 inhabitants; 10,6 prosecutors per 100 000 inhabitants; 14,5 non-prosecutors staff per 100 000 inhabitants and 137,6 lawyers per 100 000 inhabitants.

Figure 2.1.1 Judges, non-judge staff, prosecutors and non-prosecutor staff per 100 000 inhabitants in 2024

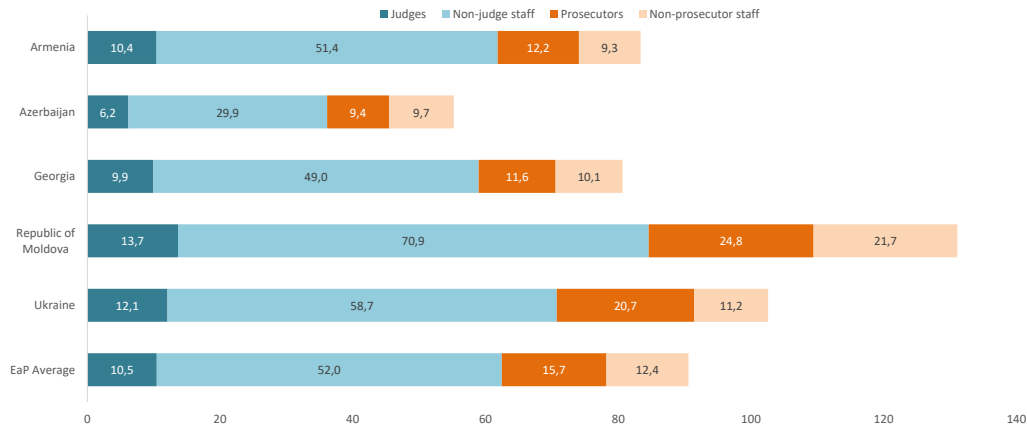
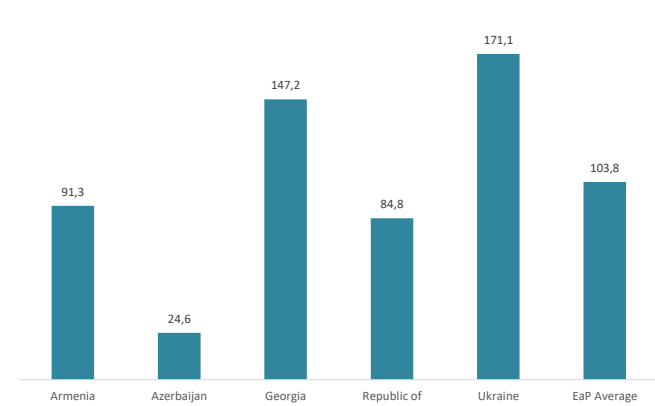


Figure 2.1.2 Lawyers per 100 000 inhabitants in 2024



2.2 Average gross salary of professional judges and prosecutors

Average gross salary of professional judges and prosecutors, and its ratio with the average gross annual national salary in 2024 and variation (%) between 2020 and 2024 (Tables 2.4.3 and 2.4.7)

Beneficiaries	Judges						Prosecutors					
	At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2024		At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2024	
	2024	% Variation 2020-2024	2024	% Variation 2020-2024	At the beginning of the career	At the Supreme Court	2024	% Variation 2020-2024	2024	% Variation 2020-2024	At the beginning of the career	At the Supreme Court
Armenia	41 812 €	154,1%	67 352 €	176,9%	5,2	8,3	28 665 €	274,7%	NAP	-	3,5	NAP
Azerbaijan	38 240 €	50,1%	62 261 €	59,6%	6,2	10,1	16 329 €	136,9%	39 866 €	121,3%	2,6	6,5
Georgia	39 588 €	231,9%	56 380 €	151,7%	4,8	6,9	16 107 €	95,3%	36 286 €	31,2%	2,0	4,4
Republic of Moldova	15 483 €	23,4%	23 809 €	27,8%	1,8	2,7	12 172 €	9,9%	19 184 €	16,3%	1,4	2,2
Ukraine	21 577 €	-29,5%	120 071 €	22,7%	4,4	24,6	17 947 €	48,1%	41 353 €	37,7%	3,7	8,5
EaP Average	31 340 €	86,0%	65 975 €	87,7%	4,5	10,5	18 244 €	113,0%	34 172 €	51,6%	2,6	5,4

For reference only, the 2023 EU median for:

- the ratio of the judges' salary at the beginning of the career with average gross annual national salary is 1,9
- the ratio of the judges' salary at the Supreme Court with average gross annual national salary is 4,1

For reference only, the 2023 EU median for:

- the ratio of the prosecutors' salary at the beginning of the career with average gross annual national salary is 1,7
- the ratio of the prosecutors' salary at the Supreme Court with average gross annual national salary is 3,1

Figure 2.2.1 Judges' salary - Ratio with average gross annual national salary in 2024

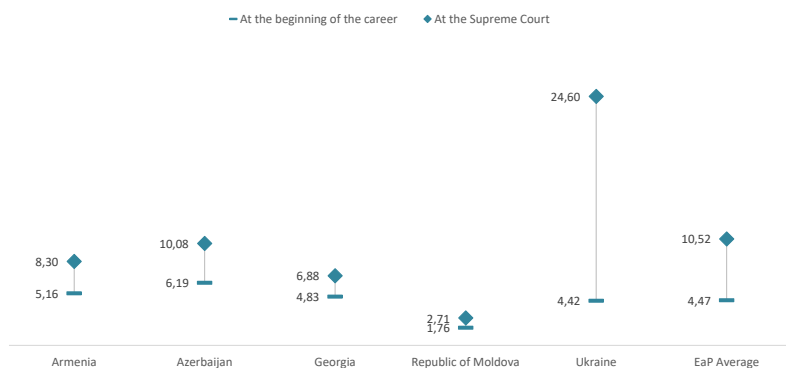
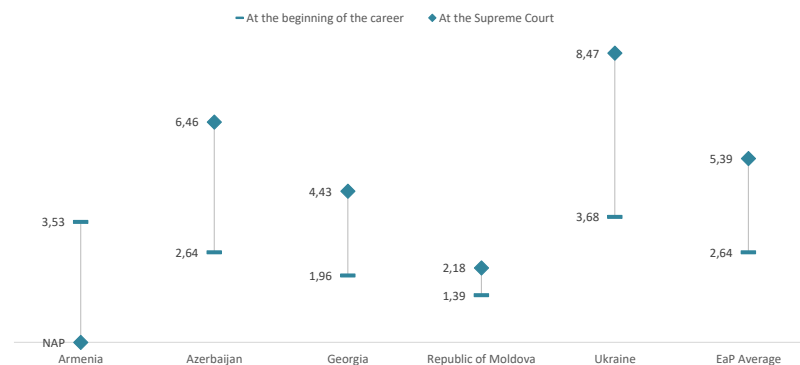


Figure 2.2.2 Prosecutors' salary - Ratio with average gross annual national salary in 2024



NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

2.3 Organisation of the court system

Number of first instance general jurisdiction and specialised courts as legal entities and number first instance of courts as geographic location per 100 000 inhabitants in 2024 (Tables 2.5.2 and 2.5.6)

Beneficiaries	Number of first instance courts per 100 000 inhabitants			
	Legal entities			Geographic location
	Total	General jurisdiction	Specialised courts	First instance
Armenia	0,5	0,4	0,1	1,2
Azerbaijan	1,1	0,8	0,2	1,0
Georgia	0,7	0,7	NAP	0,7
Republic of Moldova	0,6	0,6	NAP	1,7
Ukraine	1,6	1,4	0,1	1,6
EaP Average	0,9	0,8	0,2	1,2

Figure 2.5 Percentage of first instance specialised courts within the total number of first instance courts in 2024

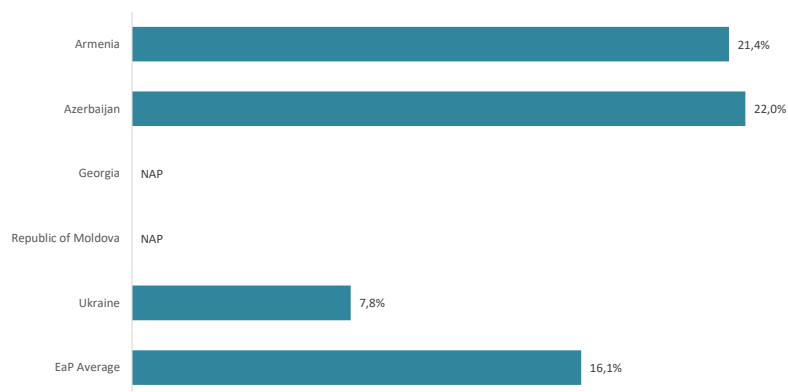
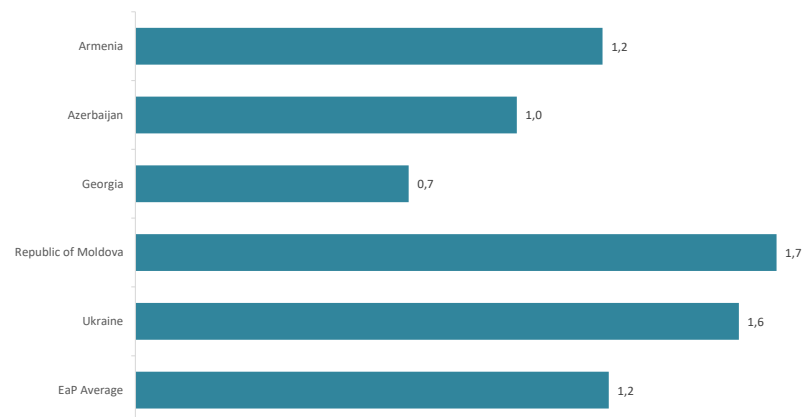


Figure 2.6 First instance courts (geographic locations) per 100 000 in 2024



2. Profile of judiciary - List of tables

2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance and variations between 2020 and 2024 (Q19)

Table 2.1.2 Number of professional judges per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q19)

Table 2.1.3 Distribution of professional judges by instance between 2020 and 2024 (Q19)

Table 2.1.4 Non-professional judges, professional judges on occasional basis and trial by jury with the participation of citizens in 2024 (Q22, Q23, Q24)

Table 2.1.5 Number of court presidents by instance in 2020 and 2024 (Q19-1)

Table 2.1.6 Number of court presidents per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q19-1)

Table 2.1.7 Number of professional judges per court presidents by instance in 2024 (Q19 and Q19-1)

Table 2.1.8 Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2020 and 2024 (Q1 and Q27)

Table 2.1.9 Number of non-judge staff by categories between 2020 and 2024 (Q26)

Table 2.1.10 Number and distribution of non-judge staff by instance in 2020 and 2024 (Q27)

Table 2.1.11 Ratio of non-judge staff per professional judge between 2020 and 2024 (Q19, Q27)

2.2 Public prosecutors and non-prosecutor staff

Table 2.2.1 Number of prosecutors by instance and its variation between 2020 and 2024, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Table 2.2.2 Number of prosecutors per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q28)

Table 2.2.3 Number of heads of prosecution offices by instance in 2020 and 2024 (Q28-1)

Table 2.2.4 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2020 and 2024 (Q1 and Q28-1)

Table 2.2.5 Number of prosecutors per head of prosecution offices in 2024 (Q28 and Q28-1)

Table 2.2.6 Number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2020 and 2024 (Q1 and Q32)

Table 2.2.7 Ratio of non-prosecutor staff per prosecutors between 2020 and 2024 (Q28, Q32)

2.3 Lawyers

Table 2.3.1 Number of lawyers (absolute number and per 100 000 inhabitants) between 2020 and 2024 and its variations (Q33 and Q34)

Table 2.3.2 Number of professional judges and lawyers per 100 000 inhabitants between 2020 and 2024 (Q19 and Q33)

2.4 Salaries of judges and public prosecutors

Table 2.4.1 Salaries of judges in € and in local currency in 2024 (Q15)

Table 2.4.2 Gross annual salary of judges, in €, between 2020 and 2024 (Q15)

Table 2.4.3 Net annual salary of judges, in €, between 2020 and 2024 (Q15)

Table 2.4.4 Ratio of the gross annual salaries of judges with average gross annual national salary in 2024 (Q14, Q15)

Table 2.4.5 Salaries of public prosecutors in € and in local currency in 2024 (Q15)

Table 2.4.6 Gross annual salary of prosecutors, in €, between 2020 and 2024 (Q14, Q15)

Table 2.4.7 Net annual salary of prosecutors, in €, between 2020 and 2024 (Q15)

Table 2.4.8 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2024 (Q14, Q15)

Table 2.4.9 Additional benefits and productivity bonuses for judges and prosecutors in 2024 (Q16 and Q18)

Table 2.4.10 Other financial benefits for judges and prosecutors in 2024 (Q17)

2.5 Organisation of the court system

Table 2.5.1 Number of courts (legal entities) in absolute number in 2024 (Q1, Q014-0-1 and Q014-0-2)

Table 2.5.2 Number of courts (general jurisdiction and specialised courts as legal entities) per 100 000 inhabitants in 2024 (Q1, Q014-0-1 and Q014-0-2)

Table 2.5.3 Number and distribution of first instance specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Table 2.5.4 Number and distribution of higher instances specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Table 2.5.5 Number of courts (geographic locations) in absolute number in 2024 (Q1, Q14-0-3)

Table 2.5.6 Number of courts (geographic locations) per 100 000 inhabitants in 2024 (Q1, Q14-0-3)

2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance and variations between 2020 and 2024 (Q19)

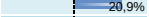
Beneficiaries	Number of professional judges by instance and variations between 2020 and 2024																					
	2020				2021				2022				2023				2024				% Variation of total number of professional judges	
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2020-2024	2023-2024
Armenia	244	183	44	17	303	219	65	19	297	215	55	27	314	221	65	28	321	229	65	27		
Azerbaijan	522	368	116	38	541	380	123	38	547	384	125	38	595	438	120	37	631	450	143	38		
Georgia	329	219	90	20	343	230	86	27	339	222	89	28	332	218	87	27	367	251	89	27		
Republic of Moldova	461	347	92	22	435	329	81	25	374	276	77	21	346	269	66	11	331	280	43	8		
Ukraine	5420	4307	930	183	4360	3439	742	179	5142	4144	820	178	4821	3972	701	148	4953	4153	647	153		
Average	1395	1085	254	56	1196	919	219	58	1340	1048	233	58	1282	1024	208	50	1321	1073	197	51		
Median	461	347	92	22	435	329	86	27	374	276	89	28	346	269	87	28	367	280	89	27		
Minimum	244	183	44	17	303	219	65	19	297	215	55	21	314	218	65	11	321	229	43	8		
Maximum	5420	4307	930	183	4360	3439	742	179	5142	4144	820	178	4821	3972	701	148	4953	4153	647	153		

Table 2.1.2 Number of professional judges per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q19)

Beneficiaries	Number of professional judges per 100 000 inhabitants by instance between 2020 and 2024																			
	2020				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	8,2	6,2	1,5	0,6	10,2	7,4	2,2	0,6	10,0	7,2	1,8	0,9	10,5	7,4	2,2	0,9	10,4	7,4	2,1	0,9
Azerbaijan	5,2	3,7	1,2	0,4	5,4	3,8	1,2	0,4	5,4	3,8	1,2	0,4	5,9	4,3	1,2	0,4	6,2	4,4	1,4	0,4
Georgia	8,8	5,9	2,4	0,5	9,3	6,2	2,3	0,7	9,1	5,9	2,4	0,7	8,9	5,8	2,3	0,7	9,9	6,8	2,4	0,7
Republic of Moldova	17,5	13,2	3,5	0,8	16,7	12,6	3,1	1,0	14,9	11,0	3,1	0,8	13,8	10,7	2,6	0,4	13,7	11,6	1,8	0,3
Ukraine	13,1	10,4	2,2	0,4	10,6	8,4	1,8	0,4	12,5	10,1	2,0	0,4	11,8	9,7	1,7	0,4	12,1	10,1	1,6	0,4
Average	10,6	7,9	2,2	0,6	10,5	7,7	2,1	0,6	10,4	7,6	2,1	0,7	10,2	7,6	2,0	0,6	10,5	8,1	1,9	0,5
Median	8,8	6,2	2,2	0,5	10,2	7,4	2,2	0,6	10,0	7,2	2,0	0,7	10,5	7,4	2,2	0,4	10,4	7,4	1,8	0,4
Minimum	5,2	3,7	1,2	0,4	5,4	3,8	1,2	0,4	5,4	3,8	1,2	0,4	5,9	4,3	1,2	0,4	6,2	4,4	1,4	0,3
Maximum	17,5	13,2	3,5	0,8	16,7	12,6	3,1	1,0	14,9	11,0	3,1	0,9	13,8	10,7	2,6	0,9	13,7	11,6	2,4	0,9

Table 2.1.3 Distribution of professional judges by instance between 2020 and 2024 (Q19)

Beneficiaries	Distribution of professional judges by instance between 2020 and 2024														
	2020			2021			2022			2023			2024		
	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court
Armenia	75,0%	18,0%	7,0%	72,3%	21,5%	6,3%	72,4%	18,5%	9,1%	70,4%	20,7%	8,9%	71,3%	20,2%	8,4%
Azerbaijan	70,5%	22,2%	7,3%	70,2%	22,7%	7,0%	70,2%	22,9%	6,9%	73,6%	20,2%	6,2%	71,3%	22,7%	6,0%
Georgia	66,6%	27,4%	6,1%	67,1%	25,1%	7,9%	65,5%	26,3%	8,3%	65,7%	26,2%	8,1%	68,4%	24,3%	7,4%
Republic of Moldova	75,3%	20,0%	4,8%	75,6%	18,6%	5,7%	73,8%	20,6%	5,6%	77,7%	19,1%	3,2%	84,6%	13,0%	2,4%
Ukraine	79,5%	17,2%	3,4%	78,9%	17,0%	4,1%	80,6%	15,9%	3,5%	82,4%	14,5%	3,1%	83,8%	13,1%	3,1%
Average	73,4%	20,9%	5,7%	72,8%	21,0%	6,2%	72,5%	20,8%	6,7%	74,0%	20,1%	5,9%	75,9%	18,6%	5,5%
Median	75,0%	20,0%	6,1%	72,3%	21,5%	6,3%	72,4%	20,6%	6,9%	73,6%	20,2%	6,2%	71,3%	20,2%	6,0%
Minimum	66,6%	17,2%	3,4%	67,1%	17,0%	4,1%	65,5%	15,9%	3,5%	65,7%	14,5%	3,1%	68,4%	13,0%	2,4%
Maximum	79,5%	27,4%	7,3%	78,9%	25,1%	7,9%	80,6%	26,3%	9,1%	82,4%	26,2%	8,9%	84,6%	24,3%	8,4%

Table 2.1.4 Non-professional judges, professional judges on occasional basis and trial by jury with the participation of citizens in 2024 (Q22, Q23, Q24)

Beneficiaries	Non-professional judges										Professional judges on occasional basis			Trial by jury with the participation of citizens		
	Gross figure	Full-time equivalents	Type of cases where non-professional judges are involved								Gross figure	Full-time equivalents	Do they deal with a significant part of cases?	Included in the system	Type of cases	
			Criminal cases (severe)	Criminal cases (misdemeanour and/or minor)	Family law cases	Labour law cases	Social law cases	Commercial law cases	Insolvency cases	Other civil cases					Criminal cases	Other than criminal cases
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	-	-	-	No	NAP	NAP
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	-	-	-	No	NAP	NAP
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	-	-	-	Yes	Yes	No
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	-	-	-	No	NAP	NAP
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	-	-	-	Yes	Yes	Yes
Average	-	-														
Median	-	-														
Minimum	-	-									0	0	0			
Maximum	-	-									0	0	0			

Table 2.1.5 Number of court presidents by instance in 2020 and 2024 (Q19-1)

Beneficiaries	Number of court presidents by instance in 2020 and 2024																				% Variation of total number of court presidents 2020-2024
	2020				2021				2022				2023				2024				
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Armenia	16	12	3	1	17	13	3	1	17	13	3	1	19	14	4	1	19	14	4	1	18,8%
Azerbaijan	102	95	6	1	95	88	6	1	104	97	6	1	101	94	6	1	116	109	6	1	13,7%
Georgia	20	17	2	1	21	18	2	1	22	19	2	1	24	21	2	1	19	16	2	1	-5,0%
Republic of Moldova	20	15	4	1	20	15	4	1	20	15	4	1	20	15	4	1	18	14	3	1	-10,0%
Ukraine	613	575	37	1	605	569	35	1	580	545	34	1	591	556	34	1	552	517	34	1	-10,0%
Average	154	143	10	1	152	141	10	1	149	138	10	1	151	140	10	1	145	134	10	1	1,5%
Median	20	17	4	1	21	18	4	1	22	19	4	1	24	21	4	1	19	16	4	1	-5,0%
Minimum	16	12	2	1	17	13	2	1	17	13	2	1	19	14	2	1	18	14	2	1	-10,0%
Maximum	613	575	37	1	605	569	35	1	580	545	34	1	591	556	34	1	552	517	34	1	18,8%

Table 2.1.6 Number of court presidents per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q19-1)

Beneficiaries	Number of court presidents per 100 000 inhabitants by instance between 2020 and 2024																			
	2020				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	0.5	0.4	0.1	0.0	0.5	0.4	0.1	0.0	0.5	0.4	0.1	0.0	0.5	0.5	0.1	0.0	0.6	0.5	0.1	0.0
Azerbaijan	1.0	1.0	0.1	0.0	0.9	0.9	0.1	0.0	1.0	1.0	0.1	0.0	1.0	0.9	0.1	0.0	1.1	1.1	0.1	0.0
Georgia	0.5	0.5	0.1	0.0	0.6	0.5	0.1	0.0	0.6	0.5	0.1	0.0	0.6	0.6	0.1	0.0	0.5	0.4	0.1	0.0
Republic of Moldova	0.8	0.6	0.2	0.0	0.8	0.6	0.2	0.0	0.8	0.6	0.2	0.0	0.8	0.6	0.2	0.0	0.7	0.6	0.1	0.0
Ukraine	1.5	1.4	0.1	0.0	1.5	1.4	0.1	0.0	1.4	1.3	0.1	0.0	1.4	1.4	0.1	0.0	1.3	1.3	0.1	0.0
Average	0.9	0.8	0.1	0.0	0.9	0.8	0.1	0.0	0.9	0.8	0.1	0.0	0.9	0.8	0.1	0.0	0.9	0.8	0.1	0.0
Median	0.8	0.6	0.1	0.0	0.8	0.6	0.1	0.0	0.8	0.6	0.1	0.0	0.8	0.6	0.1	0.0	0.7	0.6	0.1	0.0
Minimum	0.5	0.4	0.1	0.0	0.6	0.4	0.1	0.0	0.6	0.4	0.1	0.0	0.6	0.5	0.1	0.0	0.5	0.4	0.1	0.0
Maximum	1.5	1.4	0.2	0.0	1.5	1.4	0.2	0.0	1.4	1.3	0.2	0.0	1.4	1.4	0.2	0.0	1.3	1.3	0.1	0.0

Table 2.1.7 Number of professional judges per court presidents by instance in 2024 (Q19 and Q19-1)

Beneficiaries	Number of professional judges per court presidents by instance in 2024			
	Total	First instance	Second instance	Supreme court
Armenia	16,9	16,4	16,3	27,0
Azerbaijan	5,4	4,1	23,8	38,0
Georgia	19,3	15,7	44,5	27,0
Republic of Moldova	18,4	20,0	14,3	8,0
Ukraine	9,0	8,0	19,0	153,0
Average	13,8	12,8	23,6	50,6
Median	16,9	15,7	19,0	27,0
Minimum	5,4	4,1	14,3	8,0
Maximum	19,3	20,0	44,5	153,0

Table 2.1.8 Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2020 and 2024 (Q1 and Q27)

Beneficiaries	Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2020 and 2024											
	2020		2021		2022		2023		2024		% Variation of number of non-judge staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2020-2024	2023-2024
Armenia	1 438	48,5	1 525	51,5	1 582	53,1	1 578	53,0	1 581	51,4	5,9%	-3,0%
Azerbaijan	2 855	28,6	2 877	28,7	2 892	28,7	2 902	28,7	3 047	29,9	4,6%	4,4%
Georgia	1 782	47,8	1 798	48,7	1 834	49,1	1 818	48,7	1 812	49,0	2,6%	0,8%
Republic of Moldova	1 792	68,2	1 808	69,4	1 827	72,7	1 725	68,6	1 719	70,9	4,0%	3,3%
Ukraine	26 777	64,6	24 047	58,7	23 732	57,9	24 084	58,7	24 048	58,7	-9,3%	-0,1%
Average	6 929	51,6	6 411	51,4	6 373	52,3	6 421	51,5	6 441	52,0	1,6%	1,1%
Median	1 792	48,5	1 808	51,5	1 834	53,1	1 818	53,0	1 812	51,4	4,0%	0,8%
Minimum	1 438	28,6	1 525	28,7	1 582	28,7	1 578	28,7	1 581	29,9	-9,3%	-3,0%
Maximum	26 777	68,2	24 047	69,4	23 732	72,7	24 084	68,6	24 048	70,9	5,9%	4,4%

Table 2.1.9 Number of non-judge staff by categories between 2020 and 2024 (Q26)

Beneficiaries	Number of non-judge staff by categories between 2020 and 2024																									
	2020					2021					2022					2023					2024					
	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff		
Armenia	1 438	NAP	262	692	484	NAP	1 525	NAP	292	753	480	NAP	1 582	NAP	312	773	497	NAP	1 578	NAP	333	796	449	NAP	1 581	NAP
Azerbaijan	2 855	NAP	1 235	1 244	376	NAP	2 877	NAP	1 243	1 257	377	NAP	2 892	NAP	1 244	1 251	397	NAP	2 902	NAP	1 246	1 246	410	NAP	3 047	NAP
Georgia	1 585	3	710	80	792	NAP	1 798	4	817	139	838	NAP	1 834	4	842	139	849	NAP	1 818	4	828	139	847	NAP	1 812	4
Republic of Moldova	1 792	NAP	900	573	319	NAP	1 808	NAP	874	614	320	NAP	1 827	NAP	834	614	379	NAP	1 725	NAP	817	631	277	NAP	1 719	NAP
Ukraine	26 777	NAP	6 910	15 534	NA	NA	24 047	NAP	11 387	2 313	1 763	8 584	23 732	NAP	5 799	2 357	1 762	13 814	24 084	NAP	11 302	2 463	1 681	8 638	24 048	NAP
Average	6 889	-	2 003	3 625	493	-	6 411	-	2 923	1 015	756	-	6 373	-	1 806	1 027	777	-	6 421	-	2 905	1 055	733	-	6 441	-
Median	1 792	-	900	692	430	-	1 808	-	874	753	480	-	1 834	-	842	773	497	-	1 818	-	828	796	449	-	1 812	-
Minimum	1 438	-	262	80	319	-	1 525	-	292	139	320	-	1 582	-	312	139	379	-	1 578	-	333	139	277	-	1 581	-
Maximum	26 777	-	6 910	15 534	792	-	24 047	-	11 387	2 313	1 763	-	23 732	-	5 799	2 357	1 762	-	24 084	-	11 302	2 463	1 681	-	24 048	-

Table 2.1.10 Number and distribution of non-judge staff by instance in 2020 and 2024 (Q27)

Beneficiaries	Number and distribution of non-judge staff by instance in 2020 and 2024																			
	2020				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	1 438	1 139	205	94	1 525	1 213	215	97	1 582	1 230	244	108	1 578	1 220	238	120	1 581	1 277	202	102
Azerbaijan	2 855	2 146	474	235	2 877	2 159	483	235	2 892	2 155	488	249	2 902	2 160	490	252	3 047	2 344	440	263
Georgia	1 782	1 293	292	197	1 798	1 299	295	204	1 834	1 319	303	212	1 818	1 303	301	214	1 812	1 309	290	213
Republic of Moldova	1 792	1 332	304	156	1 808	1 326	318	164	1 827	1 368	309	150	1 725	1 261	310	154	1 719	1 274	314	131
Ukraine	26 777	20 606	4 724	1 447	24 047	19 488	4 559	1 422	23 732	19 475	4 257	1 455	24 084	18 807	4 152	1 125	24 048	18 747	4 034	1 267
Average	6 929	5 303	1 200	426	6 411	5 097	1 174	424	6 373	5 109	1 120	435	6 421	4 950	1 098	373	6 441	4 990	1 056	395
Median	1 792	1 332	304	197	1 808	1 326	318	204	1 834	1 368	309	212	1 818	1 303	310	214	1 812	1 309	314	213
Minimum	1 438	1 139	205	94	1 525	1 213	215	97	1 582	1 230	244	108	1 578	1 220	238	120	1 581	1 274	202	102
Maximum	26 777	20 606	4 724	1 447	24 047	19 488	4 559	1 422	23 732	19 475	4 257	1 455	24 084	18 807	4 152	1 125	24 048	18 747	4 034	1 267

Table 2.1.11 Ratio of non-judge staff per professional judge between 2020 and 2024 (Q19, Q27)

Beneficiaries	Ratio of non-judge staff per professional judge between 2020 and 2024								
	2020	2021	2022	2023	2024	% Variation of the ratio			
						2020-2024		2023-2024	
Armenia	5,9	5,0	5,3	5,0	4,9		-16,4%		-2,0%
Azerbaijan	5,5	5,3	5,3	4,9	4,8		-11,7%		-1,0%
Georgia	5,4	5,2	5,4	5,5	4,9		-8,8%		-9,8%
Republic of Moldova	3,9	4,2	4,9	5,0	5,2		33,6%		4,2%
Ukraine	4,9	5,5	4,6	5,0	4,9		-1,7%		-2,8%
Average	5,1	5,1	5,1	5,1	4,9		-1,0%		-2,3%
Median	5,4	5,2	5,3	5,0	4,9		-8,8%		-2,0%
Minimum	3,9	4,2	4,6	4,9	4,8		-16,4%		-9,8%
Maximum	5,9	5,5	5,4	5,5	5,2		33,6%		4,2%

2.2 Public prosecutors and non-prosecutor staff

Table 2.2.1 Number of prosecutors by instance and its variation between 2020 and 2024, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Beneficiaries	Number of prosecutors by instance and its variation between 2020 and 2024, and persons with similar duties as prosecutors																								
	Number of prosecutors																				Existence of persons with similar duties as prosecutors				
	2020				2021				2022				2023				2024				% Variation of total number of prosecutors		Persons with similar duties as prosecutors	Number in FTE	This number included in the number of public prosecutors
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2020-2024	2023-2024			
Armenia	355	NAP	NAP	NAP	398	NAP	NAP	NAP	399	NAP	NAP	NAP	376	NAP	NAP	NAP	376	NAP	NAP	NAP	5.9%	0.0%			
Azerbaijan	1303	NA	NA	NA	1200	NA	NA	NA	1229	NA	NA	NA	1242	NAP	NAP	NAP	953	NAP	NAP	NAP	-26.9%	-23.3%			
Georgia	414	NAP	NAP	NAP	432	NAP	NAP	NAP	415	NAP	NAP	NAP	438	NAP	NAP	NAP	428	NAP	NAP	NAP	3.4%	-2.3%			
Republic of Moldova	638	449	22	167	615	NAP	NAP	NAP	592	NAP	NAP	NAP	595	NAP	NAP	NAP	602	NAP	NAP	NAP	-5.6%	1.2%			
Ukraine	8800	NAP	NAP	NAP	9683	NAP	NAP	NAP	9445	NAP	NAP	NAP	9212	NAP	NAP	NAP	8489	4775	2802	912	-3.5%	-7.8%			
Average	2302	-	-	-	2466	-	-	-	2416	-	-	-	2373	-	-	-	2170	-	-	-	-5.3%	-6.4%	Yes		
Median	638	-	-	-	615	-	-	-	592	-	-	-	595	-	-	-	602	-	-	-	-3.5%	-2.3%	No		
Minimum	355	-	-	-	398	-	-	-	399	-	-	-	376	-	-	-	376	-	-	-	-26.9%	-23.3%	NA		
Maximum	8800	-	-	-	9683	-	-	-	9445	-	-	-	9212	-	-	-	8489	-	-	-	5.9%	1.2%	NAP		

Table 2.2.2 Number of prosecutors per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q28)

Beneficiaries	Number of prosecutors per 100 000 inhabitants by instance between 2020 and 2024																			
	2020				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
Armenia	11,98	NAP	NAP	NAP	13,44	NAP	NAP	NAP	13,40	NAP	NAP	NAP	12,63	NAP	NAP	NAP	12,22	NAP	NAP	NAP
Azerbaijan	13,06	NA	NA	NA	11,97	NA	NA	NA	12,21	NA	NA	NA	12,26	NAP	NAP	NAP	9,36	NAP	NAP	NAP
Georgia	11,10	NAP	NAP	NAP	11,71	NAP	NAP	NAP	11,11	NAP	NAP	NAP	11,72	NAP	NAP	NAP	11,58	NAP	NAP	NAP
Republic of Moldova	24,29	17,09	0,84	6,36	23,62	NAP	NAP	NAP	23,56	NAP	NAP	NAP	23,68	NAP	NAP	NAP	24,84	NAP	NAP	NAP
Ukraine	21,25	NAP	NAP	NAP	23,62	NAP	NAP	NAP	23,04	NAP	NAP	NAP	22,47	NAP	NAP	NAP	20,71	11,65	6,83	2,22
Average	16	-	-	-	17	-	-	-	17	-	-	-	17	-	-	-	16	-	-	-
Median	13	-	-	-	13	-	-	-	13	-	-	-	13	-	-	-	12	-	-	-
Minimum	11	-	-	-	12	-	-	-	11	-	-	-	12	-	-	-	9	-	-	-
Maximum	24	-	-	-	24	-	-	-	24	-	-	-	24	-	-	-	25	-	-	-

Table 2.2.3 Number of heads of prosecution offices by instance in 2020 and 2024 (Q28-1)

Beneficiaries	Number of heads of prosecution offices by instance in 2020 and 2024																				% Variation of total number of heads of prosecution offices 2020-2024
	2020				2021				2022				2023				2024				
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Armenia	42	NAP	NAP	NAP	41	NAP	NAP	NAP	28	NAP	NAP	NAP	28	NAP	NAP	NAP	28	NAP	NAP	NAP	-33.3%
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	100	NA	NA	NA	100	NAP	NAP	NAP	5	NAP	NAP	NAP	-
Georgia	55	NAP	NAP	NAP	58	NAP	NAP	NAP	59	NAP	NAP	NAP	59	NAP	NAP	NAP	57	NAP	NAP	NAP	3.6%
Republic of Moldova	45	39	3	3	40	34	3	3	38	32	3	3	40	34	3	3	33	27	3	3	-26.7%
Ukraine	157	NAP	NAP	NAP	239	NAP	NAP	NAP	237	209	27	1	238	NAP	NAP	NAP	242	211	30	1	54.1%
Average	75	-	-	-	95	-	-	-	92	-	-	-	93	-	-	-	73	-	-	-	-0.6%
Median	50	-	-	-	50	-	-	-	59	-	-	-	59	-	-	-	33	-	-	-	-11.5%
Minimum	42	-	-	-	40	-	-	-	28	-	-	-	28	-	-	-	5	-	-	-	-33.3%
Maximum	157	-	-	-	239	-	-	-	237	-	-	-	238	-	-	-	242	-	-	-	54.1%

Table 2.2.4 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2020 and 2024 (Q1 and Q28-1)

Beneficiaries	Number of heads of prosecution offices per 100 000 inhabitants by instance in 2020 and 2024																			
	2020				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Armenia	1.4	NAP	NAP	NAP	1.4	NAP	NAP	NAP	0.9	NAP	NAP	NAP	0.9	NAP	NAP	NAP	0.9	NAP	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	1.0	NA	NA	NA	1.0	NAP	NAP	NAP	0.0	NAP	NAP	NAP
Georgia	1.5	NAP	NAP	NAP	1.6	NAP	NAP	NAP	1.6	NAP	NAP	NAP	1.6	NAP	NAP	NAP	1.5	NAP	NAP	NAP
Republic of Moldova	1.7	1.5	0.1	0.1	1.5	1.3	0.1	0.1	1.5	1.3	0.1	0.1	1.6	1.4	0.1	0.1	1.4	1.1	0.1	0.1
Ukraine	0.4	NAP	NAP	NAP	0.6	NAP	NAP	NAP	0.6	0.5	0.1	0.0	0.6	NAP	NAP	NAP	0.6	0.5	0.1	0.0
Average	1.2	-	-	-	1.3	-	-	-	1.1	-	-	-	1.1	-	-	-	0.9	-	-	-
Median	1.4	-	-	-	1.5	-	-	-	1.0	-	-	-	1.0	-	-	-	0.9	-	-	-
Minimum	0.4	-	-	-	0.6	-	-	-	0.6	-	-	-	0.6	-	-	-	0.0	-	-	-
Maximum	1.7	-	-	-	1.6	-	-	-	1.6	-	-	-	1.6	-	-	-	1.5	-	-	-

Table 2.2.5 Number of prosecutors per head of prosecution offices in 2024 (Q28 and Q28-1)

Beneficiaries	Number of prosecutors per head of prosecution offices in 2024			
	2024			
	Total	First instance	Second instance	Supreme court
Armenia	13,4	NAP	NAP	NAP
Azerbaijan	190,6	NAP	NAP	NAP
Georgia	7,5	NAP	NAP	NAP
Republic of Moldova	18,2	NAP	NAP	NAP
Ukraine	35,1	22,6	93,4	912,0
Average	53	-	-	-
Median	18	-	-	-
Minimum	8	-	-	-
Maximum	191	-	-	-

Table 2.2.6 Number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2020 and 2024 (Q1 and Q32)

Beneficiaries	Number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2020 and 2024											
	2020		2021		2022		2023		2024		% Variation of number of non-prosecutor staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2020-2024	2023-2024
Armenia	182	6,1	181	6,1	274	9,2	307	10,3	286	9,3	51,4%	-9,8%
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	990	9,7	-	-
Georgia	363	9,7	355	9,6	360	9,6	361	9,7	373	10,1	3,7%	4,5%
Republic of Moldova	360	13,7	532	20,4	518	20,6	524	20,9	525	21,7	58,1%	3,9%
Ukraine	3 864	9,3	5 114	12,5	4 693	11,4	4 655	11,4	4 572	11,2	19,5%	-1,8%
Average	1192	9,7	1546	12,2	1461	12,7	1462	13,0	1349	12,4	33,2%	-0,8%
Median	362	9,5	444	11,0	439	10,5	443	10,8	525	10,1	35,5%	1,1%
Minimum	182	6,1	181	6,1	274	9,2	307	9,7	286	9,3	3,7%	-9,8%
Maximum	3864	13,7	5114	20,4	4693	20,6	4655	20,9	4572	21,7	58,1%	4,5%

Table 2.2.7 Ratio of non-prosecutor staff per prosecutors between 2020 and 2024 (Q28, Q32)

Beneficiaries	Ratio of non-prosecutor staff per prosecutors between 2020 and 2024							
	2020	2021	2022	2023	2024	% Variation of the ratio		
						2020-2024	2023-2024	
Armenia	0,51	0,45	0,69	0,82	0,76	48,4%	-6,8%	
Azerbaijan	NA	NA	NA	NA	1,04	-	-	
Georgia	0,88	0,82	0,87	0,82	0,87	-0,6%	5,7%	
Republic of Moldova	0,56	0,87	0,88	0,88	0,87	54,6%	-1,0%	
Ukraine	0,44	0,53	0,50	0,51	0,54	22,7%	6,6%	
Average	0,60	0,67	0,73	0,76	0,82	31,2%	1,1%	
Median	0,54	0,67	0,78	0,82	0,87	35,5%	2,4%	
Minimum	0,44	0,45	0,50	0,51	0,54	-0,6%	-6,8%	
Maximum	0,88	0,87	0,88	0,88	1,04	54,6%	6,6%	

2.3 Lawyers

Table 2.3.1 Number of lawyers (absolute number and per 100 000 inhabitants) between 2020 and 2024 and its variations (Q33 and Q34)

Beneficiaries	Number of lawyers (absolute number and per 100 000 inhabitants) between 2020 and 2024 and its variations													Do these figures include legal advisors?
	2020		2021		2022		2023		2024		% Variation of number of lawyers			
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2020-2024	2023-2024		
Armenia	2 240	75,6	2 482	83,8	2 520	84,6	2 664	89,5	2 808	91,3	20,8%	2,0%		
Azerbaijan	2 031	20,4	2 132	21,3	2 323	23,1	2 431	24,0	2 503	24,6	20,7%	2,4%		
Georgia	4 772	128,0	5 038	136,6	4 942	132,3	5 274	141,2	5 440	147,2	15,0%	4,3%		
Republic of Moldova	2 086	79,4	2 021	77,6	2 068	82,3	2 024	80,5	2 054	84,8	6,7%	5,2%		
Ukraine	57 591	139,0	65 000	158,5	64 594	157,6	66 651	162,6	70 152	171,1	23,1%	5,3%		
Average	13 744	88,5	15 335	95,6	15 289	96,0	15 809	99,6	16 591	103,8	17,3%	3,8%		
Median	2 240	79,4	2 482	83,8	2 520	84,6	2 664	89,5	2 808	91,3	20,7%	4,3%		
Minimum	2 031	20,4	2 021	21,3	2 068	23,1	2 024	24,0	2 054	24,6	6,7%	2,0%		
Maximum	57 591	139,0	65 000	158,5	64 594	157,6	66 651	162,6	70 152	171,1	23,1%	5,3%		
													Yes	
													No	
													NA	
													NAP	

Table 2.3.2 Number of professional judges and lawyers per 100 000 inhabitants between 2020 and 2024 (Q19 and Q33)

Beneficiaries	Number of professional judges and lawyers per 100 000 inhabitants between 2020 and 2024									
	2020		2021		2022		2023		2024	
	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants
Armenia	8,2	75,6	10,2	83,8	10,0	84,6	10,5	89,5	10,4	91,3
Azerbaijan	5,2	20,4	5,4	21,3	5,4	23,1	5,9	24,0	6,2	24,6
Georgia	8,8	128,0	9,3	136,6	9,1	132,3	8,9	141,2	9,9	147,2
Republic of Moldova	17,5	79,4	16,7	77,6	14,9	82,3	13,8	80,5	13,7	84,8
Ukraine	13,1	139,0	10,6	158,5	12,5	157,6	11,8	162,6	12,1	171,1
Average	10,6	88,5	10,5	95,6	10,4	96,0	10,2	99,6	10,5	103,8
Median	8,8	79,4	10,2	83,8	10,0	84,6	10,5	89,5	10,4	91,3
Minimum	5,2	20,4	5,4	21,3	5,4	23,1	5,9	24,0	6,2	24,6
Maximum	17,5	139,0	16,7	158,5	14,9	157,6	13,8	162,6	13,7	171,1

2.4 Salaries of judges and public prosecutors

Table 2.4.1 Salaries of judges in € and in local currency in 2024 (Q15)

Beneficiaries	Salaries of judges in € in 2024				Salaries of judges in local currency in 2024				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Armenia	41 812 €	67 352 €	33 449 €	53 640 €	AMD (Dram)	17 305 600	27 876 420	13 844 480	22 201 136
Azerbaijan	38 240 €	62 261 €	33 649 €	55 387 €	AZN (Manat)	67 776	110 662	59 640	98 444
Georgia	39 588 €	56 380 €	31 037 €	44 202 €	GEL (Lari)	115 960	165 150	90 913	129 477
Republic of Moldova	15 483 €	23 809 €	12 231 €	18 809 €	MDL (Leu)	298 092	458 400	235 493	362 136
Ukraine	21 577 €	120 071 €	17 370 €	96 320 €	UAH (Hryvnia)	942 747	5 163 050	758 911	4 141 772
Average	31 340 €	65 975 €	25 547 €	53 672 €					
Median	38 240 €	62 261 €	31 037 €	53 640 €					
Minimum	15 483 €	23 809 €	12 231 €	18 809 €					
Maximum	41 812 €	120 071 €	33 649 €	96 320 €					

Table 2.4.2 Gross annual salary of judges, in €, between 2020 and 2024 (Q15)

Beneficiaries	Gross annual salary of judges, in €, between 2020 and 2024													
	At the beginning of the career							At the Supreme Court						
	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024
Armenia	16 453 €	20 234 €	26 137 €	27 715 €	41 812 €	154,1%	50,9%	24 325 €	29 898 €	58 082 €	66 340 €	67 352 €	176,9%	1,5%
Azerbaijan	25 476 €	27 625 €	37 416 €	36 116 €	38 240 €	50,1%	5,9%	39 004 €	42 294 €	50 798 €	49 033 €	62 261 €	59,6%	27,0%
Georgia	11 928 €	20 634 €	30 024 €	34 712 €	39 588 €	231,9%	14,0%	22 404 €	39 413 €	47 812 €	50 707 €	56 380 €	151,7%	11,2%
Republic of Moldova	12 551 €	11 842 €	12 453 €	15 174 €	15 483 €	23,4%	2,0%	18 631 €	18 615 €	19 270 €	23 315 €	23 809 €	27,8%	2,1%
Ukraine	30 619 €	30 450 €	24 173 €	22 336 €	21 577 €	-29,5%	-3,4%	97 838 €	135 275 €	107 230 €	122 623 €	120 071 €	22,7%	-2,1%
Average	19 405 €	22 157 €	26 041 €	27 211 €	31 340 €	86,0%	13,9%	40 440 €	53 099 €	56 638 €	62 404 €	65 975 €	87,7%	7,9%
Median	16 453 €	20 634 €	26 137 €	27 715 €	38 240 €	50,1%	5,9%	24 325 €	39 413 €	50 798 €	50 707 €	62 261 €	59,6%	2,1%
Minimum	11 928 €	11 842 €	12 453 €	15 174 €	15 483 €	-29,5%	-3,4%	18 631 €	18 615 €	19 270 €	23 315 €	23 809 €	22,7%	-2,1%
Maximum	30 619 €	30 450 €	37 416 €	36 116 €	41 812 €	231,9%	50,9%	97 838 €	135 275 €	107 230 €	122 623 €	120 071 €	176,9%	27,0%

Table 2.4.3 Net annual salary of judges, in €, between 2020 and 2024 (Q15)

Beneficiaries	Net annual salary of judges, in €, between 2020 and 2024													
	At the beginning of the career							At the Supreme Court						
	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024
Armenia	12 668 €	15 782 €	15 985 €	22 172 €	33 449 €	164,0%	50,9%	18 730 €	23 320 €	45 885 €	53 072 €	53 640 €	186,4%	1,1%
Azerbaijan	22 162 €	24 031 €	32 925 €	31 781 €	33 649 €	51,8%	5,9%	34 667 €	37 591 €	43 818 €	42 296 €	55 387 €	59,8%	31,0%
Georgia	9 540 €	16 177 €	23 538 €	27 215 €	31 037 €	225,3%	14,0%	17 928 €	30 900 €	37 485 €	39 754 €	44 202 €	146,6%	11,2%
Republic of Moldova	10 041 €	9 628 €	9 838 €	11 897 €	12 231 €	21,8%	2,8%	14 905 €	15 051 €	15 224 €	18 419 €	18 809 €	26,2%	2,1%
Ukraine	24 648 €	24 512 €	19 459 €	17 980 €	17 370 €	-29,5%	-3,4%	78 760 €	108 896 €	86 320 €	98 712 €	96 320 €	22,3%	-2,4%
Average	15 812 €	18 026 €	20 349 €	22 209 €	25 547 €	86,7%	14,0%	32 998 €	43 152 €	45 746 €	50 451 €	53 672 €	88,2%	8,6%
Median	12 668 €	16 177 €	19 459 €	22 172 €	31 037 €	51,8%	5,9%	18 730 €	30 900 €	43 818 €	42 296 €	53 640 €	59,8%	2,1%
Minimum	9 540 €	9 628 €	9 838 €	11 897 €	12 231 €	-29,5%	-3,4%	14 905 €	15 051 €	15 224 €	18 419 €	18 809 €	22,3%	-2,4%
Maximum	24 648 €	24 512 €	32 925 €	31 781 €	33 649 €	225,3%	50,9%	78 760 €	108 896 €	86 320 €	98 712 €	96 320 €	186,4%	31,0%

Table 2.4.4 Ratio of the gross annual salaries of judges with average gross annual national salary in 2024 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of judges with average gross annual national salary in 2024	
	At the beginning of the career	At the Supreme Court
Armenia	5,16	8,30
Azerbaijan	6,19	10,08
Georgia	4,83	6,88
Republic of Moldova	1,76	2,71
Ukraine	4,42	24,60
Average	4,47	10,52
Median	4,83	8,30
Minimum	1,76	2,71
Maximum	6,19	24,60

Table 2.4.5 Salaries of public prosecutors in € and in local currency in 2024 (Q15)

Beneficiaries	Salaries of public prosecutors in € in 2024				Salaries of public prosecutors in local currency in 2024				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Armenia	28 665 €	NAP	20 551 €	NAP	AMD (Dram)	11 681 280	NAP	8 377 896	NAP
Azerbaijan	16 329 €	39 866 €	14 777 €	35 053 €	AZN (Manat)	29 111	71 074	25 810	62 492
Georgia	16 107 €	36 286 €	12 886 €	30 241 €	GEL (Lari)	47 203	106 339	37 765	88 624
Republic of Moldova	12 172 €	19 184 €	9 991 €	15 717 €	MDL (Leu)	234 360	369 360	192 362	302 600
Ukraine	17 947 €	41 353 €	13 819 €	31 842 €	UAH (Hryvnia)	784 012	1 806 532	603 689	1 391 030
Average	18 244 €	34 172 €	14 405 €	28 213 €					
Median	16 329 €	38 076 €	13 819 €	31 042 €					
Minimum	12 172 €	19 184 €	9 991 €	15 717 €					
Maximum	28 665 €	41 353 €	20 551 €	35 053 €					

Table 2.4.6 Gross annual salary of prosecutors, in €, between 2020 and 2024 (Q14, Q15)

Beneficiaries	Gross annual salary of prosecutors, in €, between 2020 and 2024													
	At the beginning of the career							At the Supreme Court						
	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024
Armenia	7 651 €	7 650 €	15 077 €	26 080 €	28 665 €	274,7%	9,9%	NA	NA	15 332 €	NAP	NAP	-	-
Azerbaijan	6 893 €	16 086 €	17 108 €	16 513 €	16 329 €	136,9%	-1,1%	18 014 €	42 163 €	44 842 €	43 284 €	39 866 €	121,3%	-7,9%
Georgia	8 247 €	12 307 €	14 900 €	15 893 €	16 107 €	95,3%	1,3%	27 656 €	27 656 €	33 568 €	35 804 €	36 286 €	31,2%	1,3%
Republic of Moldova	11 080 €	10 454 €	10 991 €	11 929 €	12 172 €	9,9%	2,0%	16 489 €	16 217 €	17 052 €	18 801 €	19 184 €	16,3%	2,0%
Ukraine	12 118 €	13 900 €	19 225 €	18 800 €	17 947 €	48,1%	-4,5%	30 023 €	37 200 €	40 641 €	44 300 €	41 353 €	37,7%	-6,7%
Average	9 198 €	12 079 €	15 460 €	17 843 €	18 244 €	113,0%	1,5%	23 046 €	30 809 €	30 287 €	35 547 €	34 172 €	51,6%	-2,8%
Median	8 247 €	12 307 €	15 077 €	16 513 €	16 329 €	95,3%	1,3%	22 835 €	32 428 €	33 568 €	39 544 €	38 076 €	34,5%	-2,7%
Minimum	6 893 €	7 650 €	10 991 €	11 929 €	12 172 €	9,9%	-4,5%	16 489 €	16 217 €	15 332 €	18 801 €	19 184 €	16,3%	-7,9%
Maximum	12 118 €	16 086 €	19 225 €	26 080 €	28 665 €	274,7%	9,9%	30 023 €	42 163 €	44 842 €	44 300 €	41 353 €	121,3%	2,0%

Table 2.4.7 Net annual salary of prosecutors, in €, between 2020 and 2024 (Q15)

Beneficiaries	Net annual salary of prosecutors, in €, between 2020 and 2024													
	At the beginning of the career							At the Supreme Court						
	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024	2020	2021	2022	2023	2024	% Variation 2020 - 2024	% Variation 2023 - 2024
Armenia	5 597 €	5 558 €	10 946 €	18 698 €	20 551 €	267,2%	9,9%	NA	NA	12 037 €	NAP	NAP	-	-
Azerbaijan	6 066 €	14 346 €	15 257 €	14 727 €	14 777 €	143,6%	0,3%	15 556 €	37 431 €	39 808 €	38 425 €	35 053 €	125,3%	-8,8%
Georgia	6 872 €	9 846 €	11 921 €	12 715 €	12 886 €	87,5%	1,3%	23 049 €	23 049 €	27 976 €	29 839 €	30 241 €	31,2%	1,3%
Republic of Moldova	8 872 €	8 371 €	8 693 €	9 792 €	9 991 €	12,6%	2,0%	13 491 €	12 987 €	13 471 €	15 403 €	15 717 €	16,5%	2,0%
Ukraine	9 755 €	11 100 €	15 476 €	15 200 €	13 819 €	41,7%	-9,1%	24 168 €	30 000 €	32 717 €	35 700 €	31 842 €	31,8%	-10,8%
Average	7 432 €	9 844 €	12 459 €	14 226 €	14 405 €	110,5%	0,9%	19 066 €	25 867 €	25 202 €	29 842 €	28 213 €	51,2%	-4,0%
Median	6 872 €	9 846 €	11 921 €	14 727 €	13 819 €	87,5%	1,3%	19 303 €	26 525 €	27 976 €	32 770 €	31 042 €	31,5%	-3,7%
Minimum	5 597 €	5 558 €	8 693 €	9 792 €	9 991 €	12,6%	-9,1%	13 491 €	12 987 €	12 037 €	15 403 €	15 717 €	16,5%	-10,8%
Maximum	9 755 €	14 346 €	15 476 €	18 698 €	20 551 €	267,2%	9,9%	24 168 €	37 431 €	39 808 €	38 425 €	35 053 €	125,3%	2,0%

Table 2.4.8 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2024 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2024	
	At the beginning of the career	At the Supreme Court
Armenia	3,53	NAP
Azerbaijan	2,64	6,46
Georgia	1,96	4,43
Republic of Moldova	1,39	2,18
Ukraine	3,68	8,47
Average	2,64	5,39
Median	2,64	5,44
Minimum	1,39	2,18
Maximum	3,68	8,47

Table 2.4.9 Additional benefits and productivity bonuses for judges and prosecutors in 2024 (Q16 and Q18)

Beneficiaries	Additional benefits and productivity bonuses for judges and prosecutors in 2024								
	Judges					Prosecutors			
	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.4.10)	Productivity bonuses	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.4.10)
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

Yes

No

NA

NAP

Table 2.4.10 Other financial benefits for judges and prosecutors in 2024 (Q17)

Beneficiaries	Other financial benefits for judges and prosecutors in 2024
Armenia	The complete list of social guarantees for judges is fixed in Article 57 of the Judicial Code. In particular, a judge's salary and increments added thereon, as well as the amount of pension, may not be reduced, except in cases when an equal reduction is made for all high-ranking officials. A judge shall be entitled to health insurance and casualty insurance at state expense, under the conditions and in the amount prescribed by the Government. In cases prescribed by the Supreme Judicial Council, a judge appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place. The procedure for providing compensation, the maximum amount, and the periods thereof shall be prescribed by the Government. A judge shall also enjoy the social guarantees prescribed for public servants. According to Article 65 of the "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. 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 examination and treatment of prosecutors. The examination and treatment of the prosecutor's health condition are 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. The complete list of social guarantees for prosecutors is fixed in Article 66.
Azerbaijan	For judges: Insurance, business trip expenses. Moreover, judges appointed for the first time get financial support in addition to salary for 5 years.
Georgia	Other financial benefits of Judges: 1. Life and health insurance 2. Fuel and Call deposits 3. Supreme Court Judges and Court Presidents can use Company Car. Other financial benefits of Prosecutors: Insurance; Fuel and call deposits; bonuses
Republic of Moldova	According with the Law No. 270 of 11.23.2018 on the unitary system of remuneration in the budgetary sector, all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity. So, the cumulative amount of the bonuses granted to a judge or prosecutor during a budget year can not exceed the official salary of the judge/prosecutor. In addition to the above, the law foresees an annual performance bonus, including for managers. Also, both judges and prosecutors have the right to be remunerated with a special compensation in cases of dismissal at their request.
Ukraine	NAP

2.5 Organisation of the court system

Table 2.5.1 Number of courts (legal entities) in absolute number in 2024 (Q1, Q014-0-1 and Q014-0-2)

Beneficiaries	Number of courts (legal entities) in absolute number in 2024								
	Total number of all courts legal entities (1 + 2)	General jurisdiction				Specialised courts			
		Total (1)	1st instance	2nd instance	Highest instance	Total (2)	1st instance	Higher instance	Percentage of total specialised courts out of the total number of all courts (legal entities)
Armenia	19	14	11	2	1	5	3	2	26,3%
Azerbaijan	116	92	85	6	1	24	24	NAP	20,7%
Georgia	29	29	26	2	1	NAP	NAP	NAP	-
Republic of Moldova	20	20	15	4	1	NAP	NAP	NAP	-
Ukraine	677	612	587	24	1	65	50	15	9,6%
Average	172	153	145	8	1	31	26	-	19%
Median	29	29	26	4	1	24	24	-	21%
Minimum	19	14	11	2	1	5	3	-	10%
Maximum	677	612	587	24	1	65	50	-	26%

Table 2.5.2 Number of courts (general jurisdiction and specialised courts as legal entities) per 100 000 inhabitants in 2024 (Q1, Q014-0-1 and Q014-0-2)

Beneficiaries	Number of courts (general jurisdiction and specialised courts as legal entities) per 100 000 inhabitants in 2024							
	Total number of all courts - legal entities (1 + 2)	General jurisdiction				Specialised courts		
		Total (1)	1st instance	2nd instance	Highest instance	Total (2)	1st instance	Higher instance
Armenia	0,62	0,46	0,36	0,07	0,03	0,16	0,10	0,07
Azerbaijan	1,14	0,90	0,83	0,06	0,01	0,24	0,24	NAP
Georgia	0,78	0,78	0,70	0,05	0,03	NAP	NAP	NAP
Republic of Moldova	0,83	0,83	0,62	0,17	0,04	NAP	NAP	NAP
Ukraine	1,65	1,49	1,43	0,06	0,00	0,16	0,12	0,04
Average	1,00	0,89	0,79	0,08	0,02	0,19	0,15	-
Median	0,83	0,83	0,70	0,06	0,03	0,16	0,12	-
Minimum	0,62	0,46	0,36	0,05	0,00	0,16	0,10	-
Maximum	1,65	1,49	1,43	0,17	0,04	0,24	0,24	-

Table 2.5.3 Number and distribution of first instance specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Beneficiaries	Number and distribution of first instance specialised courts (legal entities) in 2024														
	Total specialised courts of first instance		Commercial courts (excluded insolvency courts)	Insolvency courts	Labour courts	Family courts	Rent and tenancies courts	Enforcement of criminal sanctions courts	Fight against terrorism, organised crime and corruption	Internet related disputes	Administrative courts	Insurance and / or social welfare courts	Military courts	Juvenile courts	Other specialised courts
	Absolute number	per 100 000 inh													
Armenia	3	0	NAP	1	NAP	NAP	NAP	NAP	1	NAP	1	NAP	NAP	NAP	NAP
Azerbaijan	24	0	6	NAP	NAP	NAP	NAP	NAP	NAP	NAP	6	NAP	6	NAP	6
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	50	0	25	NAP	NAP	NAP	NAP	NAP	NAP	NAP	25	NAP	NAP	NAP	NAP
Average	26	0,2	-	-	-	-	-	-	-	-	11	-	-	-	-
Median	24	0,1	-	-	-	-	-	-	-	-	6	-	-	-	-
Minimum	3	0,1	-	-	-	-	-	-	-	-	1	-	-	-	-
Maximum	50	0,2	-	-	-	-	-	-	-	-	25	-	-	-	-

Table 2.5.4 Number and distribution of higher instances specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Beneficiaries	Number and distribution of higher instances specialised courts (legal entities) in 2024														
	Total specialised courts of higher instances		Commercial courts (excluded insolvency courts)	Insolvency courts	Labour courts	Family courts	Rent and tenancies courts	Enforcement of criminal sanctions courts	Fight against terrorism, organised crime and corruption	Internet related disputes	Administrative courts	Insurance and / or social welfare courts	Military courts	Juvenile courts	Other specialised courts
	Absolute number	per 100 000 inh													
Armenia	2	0	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	1	NAP	NAP	NAP	NAP
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	15	0	6	NAP	NAP	NAP	NAP	NAP	NAP	NAP	7	NAP	NAP	NAP	2
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 2.5.5 Number of courts (geographic locations) in absolute number in 2024 (Q1, Q14-0-3)

Beneficiaries	Number of courts (geographic locations) in absolute number in 2024		Percentage of first instance courts (geographic locations) within the total number of courts (geographic locations)
	All courts	First instance	
Armenia	42	37	88%
Azerbaijan	105	100	95%
Georgia	29	26	90%
Republic of Moldova	46	40	87%
Ukraine	677	637	94%
Average	180	168	91%
Median	46	40	90%
Minimum	29	26	87%
Maximum	677	637	95%

Table 2.5.6 Number of courts (geographic locations) per 100 000 inhabitants in 2024 (Q1, Q14-0-3)

Beneficiaries	Number of courts (geographic locations) per 100 000 inhabitants in 2024	
	All courts	First instance
Armenia	1,4	1,2
Azerbaijan	1,0	1,0
Georgia	0,8	0,7
Republic of Moldova	1,9	1,7
Ukraine	1,7	1,6
Average	1,3	1,2
Median	1,4	1,2
Minimum	0,8	0,7
Maximum	1,9	1,7

Indicator 2 - Profile of the judiciary

by country

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

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

Question 16. Do judges and public prosecutors have additional benefits?

Question 17. If “other financial benefit”

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

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

Question 19-1. Number of court presidents.

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

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

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

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

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

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

Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled).

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

Question 29. In your judicial system, do other persons have similar duties to those of public prosecutors?

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

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

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

Question 33. Total number of lawyers practicing in your country:

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

Question 014-0-2. Number of specialised courts – legal entities.

Question 014-0-3. Number of courts - geographic locations.

Armenia

Q015 (2024): 1. In 2023, a 60% additional fee was given only to the judges of the anti-corruption court of first instance, and from 2024, the said additional fee was given to all judges of the first instance courts. 2. Since 2024, judges have not been paid a special fee.

3. In 2023, the amounts of the 50% additional fee and the 2% additional fee for each year of judge work experience were included in the salary line, and in 2024, they were presented in separate lines. 4. Since 2024, judges have not been paid a special fee.

Q016 (2024): Although, the option "housing" is not selected, it should be noted that a judge or a prosecutor appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place. The additional salary includes supplements and surcharges. The special fee for judges is 16% of their salary (the special fee is an additional remuneration which is not based on performance or other criteria, and it is mainly the same for all judges). The complete list of social guarantees for judges is fixed in Article 57 of the Judicial Code. In particular, a judge's salary and increments added thereto, as well as the amount of pension, may not be reduced, except in cases where an equal reduction is made for all high-ranking officials. A judge shall be entitled to health insurance and casualty insurance at state expense, under the conditions and in the amount prescribed by the Government. In cases prescribed by the Supreme Judicial Council, a judge 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 location. The procedure for providing compensation, the maximum amount, and the duration thereof shall be prescribed by the Government. A judge shall also enjoy the social guarantees prescribed for public servants.

Q014-0-2 (2024): The court mentioned in "Fight against terrorism, organised crime and corruption" refers to the Anti-Corruption Court.

Q014-0-3 (2024): From 2023 to the first half of 2024, 9 residences (administrative buildings) of the regional courts of first instance of the Republic of Armenia were closed. The RA Civil Court of Appeal, the RA Criminal Court of Appeal, and the RA Administrative Court operate in one administrative building located at the same address, and the RA Administrative Court of Appeal and the RA Anti-Corruption Court operate in one administrative building located at the same address.

Azerbaijan

Q015 (2024): The financial support of judges is regulated by Article 106 of the Law "On Courts and Judges".

Q016 (2024): Regarding the issue of reduced tax payments for judges and state prosecutors, we note that, according to Article 102.1.14.15 of the Tax Code of the Republic of Azerbaijan, all types of payments made to judges and prosecutorial staff of prosecution authorities (except for salaries related to their official positions and military (special) ranks), including wages, bonuses, and other financial benefits, are exempt from income tax. With respect to pensions, we note that, pursuant to Article 20.1 of the Law "On Labor Pensions," former judges who have reached the retirement age or have been determined to have a disability affecting 81-100% of their bodily functions before reaching this age are entitled to additional payments to their labor pension based on their length of service. Specifically, former judges who have served for 15 years are entitled to an additional amount equal to 50% of their average monthly salary in the judicial position. Former judges with more than 15 years of judicial service are entitled to an additional amount equal to 50% of their average monthly salary, plus an additional 3% for each year of service beyond 15 years (calculated proportionally for incomplete years). However, the total amount of this supplement cannot exceed 80% of the judge's average monthly salary, and the difference between this amount and the labor pension determined by the Law is granted as an additional payment. Furthermore, under Article 20.1.5-1 of the Law, prosecutorial staff members who have reached the legally prescribed retirement age or have been determined to have a disability affecting 81-100% of their bodily functions before reaching this age are entitled to additional payments to their labor pension based on their length of service. Regarding housing provisions, we note that, in accordance with Article 20.1 of the Law "On Service in the Prosecutor's Office," prosecutorial staff members who have been appointed to a position and require housing or need improved housing conditions must be provided with accommodation within six months from the date of their appointment. Similarly, pursuant to Article 108 of the Law "On Courts and Judges," judges appointed to a position who require housing or need improved housing conditions must be provided with accommodation within six months from the date of their appointment.

Q019 (2024): In 2024, more women judges have been appointed to second instance courts and at the Supreme Court compared to 2023.

Q019-1 (General Comment): Ensuring gender equality to protect gender equality, leadership, existing gender policy and national and international legislation in this area appropriate measures are being taken. As a result of these measures, the number of female judges has increased, consequently leading to their advancement into leadership positions.

Q019-1 (2024): The total number of female court presidents was increased to 8 in 2024.

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

Q027 (2024): Discrepancies are because of the recent appointments

Q028 (2024): Out of the total 953 prosecutors, 124 are engaged in conducting prosecution before the courts. These are distributed as follows:

- First instance: 99 (83 men, 16 women)
- Second instance: 17 (14 men, 3 women)
- Supreme Court: 8 (6 men, 2 women)

Q028-1 (2024): The prosecution system of the Republic of Azerbaijan consists of the offices listed on the official website of the Prosecutor General's Office, as provided in the link: <https://genprosecutor.gov.az/en/page/prokurorluq/sistem>. Please also note that the offices are not divided by instances.

Q031 (2024): These persons are prosecutors of the Department for Non-Criminal Prosecution. They participate in court instances in the procedure of enforcing verdicts or other final decisions of the court (such as postponement of the sentence execution; release from serving the sentence due to illness or expiration of the enforcement period of the conviction; conditional early release from the sentence; substitution of the unserved part of the sentence with a lighter penalty; change of the type of penal or correctional institution, etc.), and they have the right to file a protest.

Q014-0-2 (2024): Other specialised courts are Grave crimes courts.

Q014-0-3 (2024): There are 109 first instance courts and 116 in total, but in terms of geographic locations there are 100 first instance and 105 all courts. Considering that there are 2 Court Complexes in Azerbaijan, and those Complexes include 3 or 4 courts, the number in terms of geographical locations for First instance courts and All courts are 100 and 105 accordingly

Georgia

Q014 (2024): Information is provided according the average annual gross salary of three quarters of 2024.

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

Q016 (2024): Other financial benefits of Judges: 1. Life and health insurance

2. Fuel and Call deposits

3. Supreme Court Judges and Court Presidents can use Company Car.

Other financial benefits of Prosecutors: Insurance; Fuel and call deposits; bonuses

Q018 (General Comment): The regulations for salary increment of judges of first and second instance courts is further provided by the Rule adopted by the HCJ on 5 February 2018. In line with the rule, judges may be given the a). monthly salary increment b). an (additional) increment taking into consideration the workload of a certain judge (court) or for their function as an internship coordinator of justice listener of the HSJ. As regards the judges of the Supreme Court, articles 18(2-j) and 69 (7) of the LCC prescribe that the Plenum of the Supreme Court is entitled to determine the amount of a salary increment and/or an (additional) increment to all judges of the Supreme Court. It should be emphasized that there are no discretionary payments. None of the judges is given a salary increment on an individual basis for fulfilment of quantitative objectives.

Q019-1 (2024): In 10 District Court position of Court President is vacant, but according the legislation Judge with longest experience performs duty of Court President (6 male and 4 female).

Q025 (2024): The case shall be heard by a jury if the charges are brought under Articles - 108 (Intentional killing) completed and 109 (intentional killing under aggravating circumstances) completed; Article 117(2; 4;6;8) (Intentional infliction of serious harm to health); Article 126(2) (Domestic violence) and other articles mentioned in article 226 of Criminal Procedural Code of Georgia.

Q028 (General Comment): The Prosecution Service of Georgia is not organized according to the court instances. Its structure is as follows:

☐ District Prosecutor's Offices ☐ Regional Prosecutor's Offices

☐ Tbilisi Prosecutor's Office ☐ Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia

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

Q028 (2024): The Prosecution Service of Georgia is not organized according to the court instances. Its structure is as follows:

▣ District Prosecutor's Offices ▣ Regional Prosecutor's Offices

▣ Tbilisi Prosecutor's Office ▣ Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia

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

Q028-1 (General Comment): The Prosecution Service of Georgia is not organized according to the court instances. Its structure is as follows:

▣ District Prosecutor's Offices ▣ Regional Prosecutor's Offices

▣ Tbilisi Prosecutor's Office ▣ Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia

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

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

Republic of Moldova

Q014 (2024): The data include social and economic units with 4 or more employees and all budgetary institutions regardless the number of employees. Average gross annual salary increased due to the Government policy in this regard.

Source: National Bureau of Statistics

Link: https://statistica.gov.md/ro/castigul-salarial-mediulunar-brut-si-indicele-numarului-mediul-9436_61682.html

Q015 (2024): A fixed monthly increase of 1300 MDL was introduced for all budget workers, which was included in the calculation of the salary for the year 2024.

The 2024 data on judges is not reflecting the increased salaries of several judges who passed successfully through the vetting process (one-time evaluation of the ethical and financial integrity), first instance professional judge gross annual salary- MDL 441816/EUR 22948 and judge of the Supreme Court gross annual salary -MDL 649800/EUR 33750. In 2024, 5 first instance and 4 SCJ judges received an increased salary. The data reflects the salaries for the majority of judges for whom the vetting was still ongoing or who were waiting to pass through this procedure. The 2024 data on the salaries of prosecutors is reflecting the salaries received by the majority of the prosecutors not different from 2023 (an increased salary received several prosecutors from the General Prosecutor's Office who passed successfully through the vetting process).

Q017 (General Comment): According with the Law No. 270 of 11.23.2018 on the unitary system of remuneration in the budgetary sector all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity.

The cumulative amount of the bonuses granted to a judge or prosecutor during a budgetary year can not exceed the official salary of the judge/prosecutor.

Q019 (2024): The data include the number of active judges on 31 December 2024. In 2024 some of the SCJ and many judges from courts of appeal resigned from their positions due to the extraordinary vetting exercise of judges, meant to improve the quality, professionalism and integrity of the justice sector. In order to avoid delays and ensure an efficient examination of the pending cases, 4 from 8 SCJ judges were transferred temporarily by the SCM from first instance courts to SCJ and 15 from 43 court of appeal judges were transferred temporarily from first instance courts. Thus, in 2nd instance courts there were 35% less total judges and in the SC 27% less total judges compared to 2023.

Q019-1 (2024): Until 26 December 2024, there were 20 courts and, respectively, court presidents. The data include the number of active court presidents on 31 December 2024, as required by the Explanatory Note, taking into account the judicial map reform. Starting with December 27, 2024, by Law no. 135/2024 for the amendment of some normative acts (revision of the judicial map) the number of courts was revised. The changes were aimed at changing the seats of the following courts: Balti, Cimislia, Edinet, Cahul, Comrat, Drochia, Hancesti and Causeni, and more specifically, some seats have been reassigned to other first instance courts.

The courts of appeal were reorganized and renamed, such as: Centre Court of Appeal, North Court of Appeal and South Court of Appeal, the latter having two seats - the central one in mun. Cahul and the secondary one in mun. Comrat.

From 27 December 2024 : Courts of first instance – 14, Courts of Appeal – 3, SCJ – 1.

Q026 (2024): In 2024, there was a 23% increase in the total number of male non-judge staff due to mainly increases in sub-categories 3 Staff in charge of administrative tasks and 4. Technical staff as a result of organised competitions.

Q027 (2024): In 2024, there was a 23% increase in the total number of male non-judge staff due to successful recruitment competitions organized especially by first instance courts. For example, Chisinau first instance court hired 101 non-judge employees in 2024.

Q028 (2024): Taking into account the specifics of the Prosecutor's Office system in the Republic of Moldova, the recording of number of prosecutors takes place according to different criteria. There are prosecutors from the territorial prosecutor's offices, prosecutors from the specialized prosecutor's offices and prosecutors from the General Prosecutor's Office, which do not necessarily correspond to the level of the courts. For example, the representation of the prosecution at the level of the Supreme Court of Justice is carried out only by certain prosecutors appointed from the Criminal Judicial Section of the General Prosecutor's Office, and for the representation of the accusation in the first instance, prosecutors from the specialized prosecutor's offices and even from the General Prosecutor's Office also participate.

Q028-1 (2024): In row 1 is reflected the number of heads of territorial prosecutor's offices.

In row 2 is reflected the number of heads of district prosecutor's offices (Chisinau, Balti, Cahul).

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

The data reflects active heads of prosecution offices. Discrepancies are due to the fact that the number of territorial offices is planned to be optimized starting with April, 2025 and not all offices had a president/head on 31 December 2024.

Source: General Prosecutor's Office

Q032 (2024): The following categories of personnel are included in the statistical indices indicated above:

leading positions of public officials, investigation officers, prosecutor consultants, main specialists, specialists and technical staff.

Q014-0-3 (General Comment): The territorial office "Șoldănești" of the Orhei first instance court has been moved into the building of "Rezina" territorial office, located in the city of Rezina.

Q014-0-3 (2024): First instance courts - 40 geographic locations

Courts of appeal - 4 geographic locations

SCJ - 2 geographic locations

Ukraine

Q015 (2024): ABOUT JUDGES:

Pursuant to Article 135 of the Law of Ukraine “On the Judicial System and Status of Judges”, judicial remuneration consists of a base salary and additional payments for:

- 1) length of service
- 2) holding an administrative position in a court
- 3) academic degree
- 4) work involving access to state secrets.

The base salary of a judge is as follows:

- 1) judges of local courts - 30 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year
- 2) a judge of an appellate court or a higher specialized court - 50 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year;

The following regional coefficients shall be additionally applied to the base salary determined by part three of this Article:

- 1) 1.1 - if the judge administers justice in a court located in a settlement with a population of at least one hundred thousand people;
- 2) 1.2 - if the judge administers justice in a court located in a settlement with a population of at least five hundred thousand people;
- 3) 1.25 - if a judge administers justice in a court located in a settlement with a population of at least one million people.

Judges are paid a monthly supplement for years of service in the amount of: if they have more than 3 years of service - 15 percent, more than 5 years - 20 percent, more than 10 years - 30 percent, more than 15 years - 40 percent, more than 20 years - 50 percent, more than 25 years - 60 percent, more than 30 years - 70 percent, more than 35 years - 80 percent of their official salary.

Judges are paid a monthly supplement for the degree of Candidate (Doctor of Philosophy) or Doctor of Science in the relevant specialty in the amount of 15 and 20 percent of the salary of a judge of the relevant court, respectively.

Judges are paid a monthly supplement for work involving access to state secrets in the amount depending on the degree of secrecy of the information: information and their media having the degree of secrecy “Top Secret” - 10 percent of the salary of a judge of the relevant court; information and their media having the degree of secrecy “Secret” - 5 percent of the salary of a judge of the relevant court.

Q016 (2024): Pursuant to Articles 83, 84, 86 of the Law of Ukraine “On the Prosecutor's Office”, upon appointment to the position, a prosecutor in need of better housing conditions is provided with official housing at the location of the prosecutor's office. Prosecutors are subject to compulsory state social insurance. Prosecutors are entitled to a long service pension if they have at least 25 years of service, including at least 15 years of work experience as prosecutors

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

Q028 (2024): In practice, prosecutors from district prosecutor's offices work in courts of first instance, prosecutors from regional prosecutor's offices work in courts of appeal, and prosecutors from the Prosecutor General's Office work in courts of cassation. Based on this, as of 2024 it was decided to provide the data disaggregated by instances.

Q028-1 (2024): The Prosecutor General resigned on October 31, 2024, and the acting Prosecutor General was in place until the end of the year.

Q029 (2024): Pursuant to Article 5 of the Law of Ukraine “On the Prosecutor's Office”, the functions of the Prosecutor's Office of Ukraine are exercised exclusively by prosecutors. Delegation of prosecutorial functions, as well as appropriation of these functions by other bodies or officials, is not allowed.

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

Q014-0-2 (2024): Other courts - the High Anti-corruption Court and the High Court on Intellectual Property.

Higher instances Administrative courts:

First Administrative Court of Appeal (Kramatorsk); Second Administrative Court of Appeal (Kharkiv); Third Administrative Court of Appeal (Dnipro); Fourth Administrative Court of Appeal (Kherson); Fifth Administrative Court of Appeal (Odesa); Sixth Administrative Court of Appeal (Kyiv); Seventh Administrative Court of Appeal (Vinnytsia); Eighth Administrative Court of Appeal (Lviv). The Fourth Administrative Court of Appeal (Kherson) is not working as it is under occupation.

Indicator 2 - Profile of the judiciary

by question No.

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

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

Question 16. Do judges and public prosecutors have additional benefits?

Question 17. If “other financial benefit”

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

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

Question 19-1. Number of court presidents.

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

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

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

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

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

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

Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled).

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

Question 29. In your judicial system, do other persons have similar duties to those of public prosecutors?

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

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

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

Question 33. Total number of lawyers practicing in your country:

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

Question 014-0-2. Number of specialised courts – legal entities.

Question 014-0-3. Number of courts - geographic locations.

Question 014

Georgia

(2024): Information is provided according the average annual gross salary of three quarters of 2024.

Republic of Moldova

(2024): The data include social and economic units with 4 or more employees and all budgetary institutions regardless the number of employees. Average gross annual salary increased due to the Government policy in this regard.

Source: National Bureau of Statistics

Link: https://statistica.gov.md/ro/castigul-salarial-mediulunar-brut-si-indicele-numarului-mediul-9436_61682.html

Question 015

Armenia

(2024): 1. In 2023, a 60% additional fee was given only to the judges of the anti-corruption court of first instance, and from 2024, the said additional fee was given to all judges of the first instance courts. 2. Since 2024, judges have not been paid a special fee.

3. In 2023, the amounts of the 50% additional fee and the 2% additional fee for each year of judge work experience were included in the salary line, and in 2024, they were presented in separate lines. 4. Since 2024, judges have not been paid a special fee.

Azerbaijan

(2024): The financial support of judges is regulated by Article 106 of the Law "On Courts and Judges".

Georgia

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

Republic of Moldova

(2024): A fixed monthly increase of 1300 MDL was introduced for all budget workers, which was included in the calculation of the salary for the year 2024.

The 2024 data on judges is not reflecting the increased salaries of several judges who passed successfully through the vetting process (one-time evaluation of the ethical and financial integrity), first instance professional judge gross annual salary- MDL 441816/EUR 22948 and judge of the Supreme Court gross annual salary -MDL 649800/EUR 33750. In 2024, 5 first instance and 4 SCJ judges received an increased salary. The data reflects the salaries for the majority of judges for whom the vetting was still ongoing or who were waiting to pass through this procedure. The 2024 data on the salaries of prosecutors is reflecting the salaries received by the majority of the prosecutors not different from 2023 (an increased salary received several prosecutors from the General Prosecutor's Office who passed successfully through the vetting process).

Ukraine

(2024): ABOUT JUDGES:

Pursuant to Article 135 of the Law of Ukraine “On the Judicial System and Status of Judges”, judicial remuneration consists of a base salary and additional payments for:

- 1) length of service
- 2) holding an administrative position in a court
- 3) academic degree
- 4) work involving access to state secrets.

The base salary of a judge is as follows:

- 1) judges of local courts - 30 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year
- 2) a judge of an appellate court or a higher specialized court - 50 subsistence minimums for able-bodied persons, the amount of which is set as of January 1 of the calendar year;

The following regional coefficients shall be additionally applied to the base salary determined by part three of this Article:

- 1) 1.1 - if the judge administers justice in a court located in a settlement with a population of at least one hundred thousand people;
- 2) 1.2 - if the judge administers justice in a court located in a settlement with a population of at least five hundred thousand people;
- 3) 1.25 - if a judge administers justice in a court located in a settlement with a population of at least one million people.

Judges are paid a monthly supplement for years of service in the amount of: if they have more than 3 years of service - 15 percent, more than 5 years - 20 percent, more than 10 years - 30 percent, more than 15 years - 40 percent, more than 20 years - 50 percent, more than 25 years - 60 percent, more than 30 years - 70 percent, more than 35 years - 80 percent of their official salary.

Judges are paid a monthly supplement for the degree of Candidate (Doctor of Philosophy) or Doctor of Science in the relevant specialty in the amount of 15 and 20 percent of the salary of a judge of the relevant court, respectively.

Judges are paid a monthly supplement for work involving access to state secrets in the amount depending on the degree of secrecy of the information: information and their media having the degree of secrecy “Top Secret” - 10 percent of the salary of a judge of the relevant court; information and their media having the degree of secrecy “Secret” - 5 percent of the salary of a judge of the relevant court.

Question 016

Armenia

(2024): Although, the option "housing" is not selected, it should be noted that a judge or a prosecutor appointed to a position outside the place of his or her permanent residence shall, based on his or her application, be provided with compensation equal to the rent of an apartment in the given place. The additional salary includes supplements and surcharges.

The special fee for judges is 16% of their salary (the special fee is an additional remuneration which is not based on performance or other criteria, and it is mainly the same for all judges). The complete list of social guarantees for judges is fixed in Article 57 of the Judicial Code. In particular, a judge’s salary and increments added thereto, as well as the amount of pension, may not be reduced, except in cases where an equal reduction is made for all high-ranking officials. A judge shall be entitled to health insurance and casualty insurance at state expense, under the conditions and in the amount prescribed by the Government. In cases prescribed by the Supreme Judicial Council, a judge 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 location. The procedure for providing compensation, the maximum amount, and the duration thereof shall be prescribed by the Government. A judge shall also enjoy the social guarantees prescribed for public servants.

Azerbaijan

(2024): Regarding the issue of reduced tax payments for judges and state prosecutors, we note that, according to Article 102.1.14.15 of the Tax Code of the Republic of Azerbaijan, all types of payments made to judges and prosecutorial staff of prosecution authorities (except for salaries related to their official positions and military (special) ranks), including wages, bonuses, and other financial benefits, are exempt from income tax. With respect to pensions, we note that, pursuant to Article 20.1 of the Law "On Labor Pensions," former judges who have reached the retirement age or have been determined to have a disability affecting 81-100% of their bodily functions before reaching this age are entitled to additional payments to their labor pension based on their length of service. Specifically, former judges who have served for 15 years are entitled to an additional amount equal to 50% of their average monthly salary in the judicial position. Former judges with more than 15 years of judicial service are entitled to an additional amount equal to 50% of their average monthly salary, plus an additional 3% for each year of service beyond 15 years (calculated proportionally for incomplete years). However, the total amount of this supplement cannot exceed 80% of the judge's average monthly salary, and the difference between this amount and the labor pension determined by the Law is granted as an additional payment. Furthermore, under Article 20.1.5-1 of the Law, prosecutorial staff members who have reached the legally prescribed retirement age or have been determined to have a disability affecting 81-100% of their bodily functions before reaching this age are entitled to additional payments to their labor pension based on their length of service. Regarding housing provisions, we note that, in accordance with Article 20.1 of the Law "On Service in the Prosecutor's Office," prosecutorial staff members who have been appointed to a position and require housing or need improved housing conditions must be provided with accommodation within six months from the date of their appointment. Similarly, pursuant to Article 108 of the Law "On Courts and Judges," judges appointed to a position who require housing or need improved housing conditions must be provided with accommodation within six months from the date of their appointment.

Georgia

(2024): Other financial benefits of Judges: 1. Life and health insurance
2. Fuel and Call deposits
3. Supreme Court Judges and Court Presidents can use Company Car.
Other financial benefits of Prosecutors: Insurance; Fuel and call deposits; bonuses

Ukraine

(2024): Pursuant to Articles 83, 84, 86 of the Law of Ukraine "On the Prosecutor's Office", upon appointment to the position, a prosecutor in need of better housing conditions is provided with official housing at the location of the prosecutor's office. Prosecutors are subject to compulsory state social insurance. Prosecutors are entitled to a long service pension if they have at least 25 years of service, including at least 15 years of work experience as prosecutors

Question 017

Republic of Moldova

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

Question 018

Georgia

(General Comment): The regulations for salary increment of judges of first and second instance courts is further provided by the Rule adopted by the HCJ on 5 February 2018. In line with the rule, judges may be given the a). monthly salary increment b). an (additional) increment taking into consideration the workload of a certain judge (court) or for their function as an internship coordinator of justice listener of the HSJ. As regards the judges of the Supreme Court, articles 18(2-j) and 69 (7) of the LCC prescribe that the Plenum of the Supreme Court is entitled to determine the amount of a salary increment and/or an (additional) increment to all judges of the Supreme Court. It should be emphasized that there are no discretionary payments. None of the judges is given a salary increment on an individual basis for fulfilment of quantitative objectives.

Question 019

Azerbaijan

(2024): In 2024, more women judges have been appointed to second instance courts and at the Supreme Court compared to 2023.

Republic of Moldova

(2024): The data include the number of active judges on 31 December 2024. In 2024 some of the SCJ and many judges from courts of appeal resigned from their positions due to the extraordinary vetting exercise of judges, meant to improve the quality, professionalism and integrity of the justice sector. In order to avoid delays and ensure an efficient examination of the pending cases, 4 from 8 SCJ judges were transferred temporarily by the SCM from first instance courts to SCJ and 15 from 43 court of appeal judges were transferred temporarily from first instance courts. Thus, in 2nd instance courts there were 35% less total judges and in the SC 27% less total judges compared to 2023.

Question 019-1

Azerbaijan

(General Comment): Ensuring gender equality to protect gender equality, leadership, existing gender policy and national and international legislation in this area appropriate measures are being taken. As a result of these measures, the number of female judges has increased, consequently leading to their advancement into leadership positions.

(2024): The total number of female court presidents was increased to 8 in 2024.

Georgia

(2024): In 10 District Court position of Court President is vacant, but according the legislation Judge with longest experience performs duty of Court President (6 male and 4 female).

Republic of Moldova

(2024): Until 26 December 2024, there were 20 courts and, respectively, court presidents. The data include the number of active court presidents on 31 December 2024, as required by the Explanatory Note, taking into account the judicial map reform. Starting with December 27, 2024, by Law no. 135/2024 for the amendment of some normative acts (revision of the judicial map) the number of courts was revised. The changes were aimed at changing the seats of the following courts: Balti, Cimislia, Edinet, Cahul, Comrat, Drochia, Hancesti and Causeni, and more specifically, some seats have been reassigned to other first instance courts.

The courts of appeal were reorganized and renamed, such as: Centre Court of Appeal, North Court of Appeal and South Court of Appeal, the latter having two seats - the central one in mun. Cahul and the secondary one in mun. Comrat.

From 27 December 2024 : Courts of first instance – 14, Courts of Appeal – 3, SCJ – 1.

Question 025

Georgia

(2024): The case shall be heard by a jury if the charges are brought under Articles - 108 (Intentional killing) completed and 109 (intentional killing under aggravating circumstances) completed; Article 117(2; 4;6;8) (Intentional infliction of serious harm to health); Article 126(2) (Domestic violence) and other articles mentioned in article 226 of Criminal Procedural Code of Georgia.

Question 026

Azerbaijan

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

Republic of Moldova

(2024): In 2024, there was a 23% increase in the total number of male non-judge staff due to mainly increases in sub-categories 3 Staff in charge of administrative tasks and 4. Technical staff as a result of organised competitions.

Question 027

Azerbaijan

(2024): Discrepancies are because of the recent appointments

Republic of Moldova

(2024): In 2024, there was a 23% increase in the total number of male non-judge staff due to successful recruitment competitions organized especially by first instance courts. For example, Chisinau first instance court hired 101 non-judge employees in 2024.

Question 028

Azerbaijan

(2024): Out of the total 953 prosecutors, 124 are engaged in conducting prosecution before the courts. These are distributed as follows:

- First instance: 99 (83 men, 16 women)
- Second instance: 17 (14 men, 3 women)
- Supreme Court: 8 (6 men, 2 women)

Georgia

(General Comment): The Prosecution Service of Georgia is not organized according to the court instances. Its structure is as follows:

▣ District Prosecutor's Offices ▣ Regional Prosecutor's Offices

▣ Tbilisi Prosecutor's Office ▣ Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia

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

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Republic of Moldova

(2024): Taking into account the specifics of the Prosecutor's Office system in the Republic of Moldova, the recording of number of prosecutors takes place according to different criteria. There are prosecutors from the territorial prosecutor's offices, prosecutors from the specialized prosecutor's offices and prosecutors from the General Prosecutor's Office, which do not necessarily correspond to the level of the courts. For example, the representation of the prosecution at the level of the Supreme Court of Justice is carried out only by certain prosecutors appointed from the Criminal Judicial Section of the General Prosecutor's Office, and for the representation of the accusation in the first instance, prosecutors from the specialized prosecutor's offices and even from the General Prosecutor's Office also participate.

Ukraine

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

(2024): In practice, prosecutors from district prosecutor's offices work in courts of first instance, prosecutors from regional prosecutor's offices work in courts of appeal, and prosecutors from the Prosecutor General's Office work in courts of cassation. Based on this, as of 2024 it was decided to provide the data disaggregated by instances.

Question 028-1

Azerbaijan

(2024): The prosecution system of the Republic of Azerbaijan consists of the offices listed on the official website of the Prosecutor General's Office, as provided in the link:

<https://genprosecutor.gov.az/en/page/prokurorluq/sistem>. Please also note that the offices are not divided by instances.

Georgia

(General Comment): The Prosecution Service of Georgia is not organized according to the court instances. Its structure is as follows:

▣ District Prosecutor's Offices ▣ Regional Prosecutor's Offices

▣ Tbilisi Prosecutor's Office ▣ Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia

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

Republic of Moldova

(2024): In row 1 is reflected the number of heads of territorial prosecutor's offices.

In row 2 is reflected the number of heads of district prosecutor's offices (Chisinau, Balti, Cahul).

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

The data reflects active heads of prosecution offices. Discrepancies are due to the fact that the number of territorial offices is planned to be optimized starting with April, 2025 and not all offices had a president/head on 31 December 2024.

Source: General Prosecutor's Office

Ukraine

(2024): The Prosecutor General resigned on October 31, 2024, and the acting Prosecutor General was in place until the end of the year.

Question 029

Georgia

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

Ukraine

(2024): Pursuant to Article 5 of the Law of Ukraine "On the Prosecutor's Office", the functions of the Prosecutor's Office of Ukraine are exercised exclusively by prosecutors. Delegation of prosecutorial functions, as well as appropriation of these functions by other bodies or officials, is not allowed.

Question 031

Azerbaijan

(2024): These persons are prosecutors of the Department for Non-Criminal Prosecution. They participate in court instances in the procedure of enforcing verdicts or other final decisions of the court (such as postponement of the sentence execution; release from serving the sentence due to illness or expiration of the enforcement period of the conviction; conditional early release from the sentence; substitution of the unserved part of the sentence with a lighter penalty; change of the type of penal or correctional institution, etc.), and they have the right to file a protest.

Question 032

Republic of Moldova

(2024): The following categories of personnel are included in the statistical indices indicated above:

leading positions of public officials, investigation officers, prosecutor consultants, main specialists, specialists and technical staff.

Question 033

Ukraine

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

Question 014-0-2

Armenia

(2024): The court mentioned in “Fight against terrorism, organised crime and corruption” refers to the Anti-Corruption Court.

Azerbaijan

(2024): Other specialised courts are Grave crimes courts.

Ukraine

(2024): Other courts - the High Anti-corruption Court and the High Court on Intellectual Property.

Higher instances Administrative courts:

First Administrative Court of Appeal (Kramatorsk); Second Administrative Court of Appeal (Kharkiv); Third Administrative Court of Appeal (Dnipro); Fourth Administrative Court of Appeal (Kherson); Fifth Administrative Court of Appeal (Odesa); Sixth Administrative Court of Appeal (Kyiv); Seventh Administrative Court of Appeal (Vinnytsia); Eighth Administrative Court of Appeal (Lviv). The Fourth Administrative Court of Appeal (Kherson) is not working as it is under occupation.

Question 014-0-3

Armenia

(2024): From 2023 to the first half of 2024, 9 residences (administrative buildings) of the regional courts of first instance of the Republic of Armenia were closed. The RA Civil Court of Appeal, the RA Criminal Court of Appeal, and the RA Administrative Court operate in one administrative building located at the same address, and the RA Administrative Court of Appeal and the RA Anti-Corruption Court operate in one administrative building located at the same address.

Azerbaijan

(2024): There are 109 first instance courts and 116 in total, but in terms of geographic locations there are 100 first instance and 105 all courts. Considering that there are 2 Court Complexes in Azerbaijan, and those Complexes include 3 or 4 courts, the number in terms of geographical locations for First instance courts and All courts are 100 and 105 accordingly

Republic of Moldova

(General Comment): The territorial office "Șoldănești" of the Orhei first instance court has been moved into the building of "Rezina" territorial office, located in the city of Rezina.

(2024): First instance courts - 40 geographic locations

Courts of appeal - 4 geographic locations

SCJ - 2 geographic locations

3. Efficiency - Overview

Performance indicators for first instance Civil (and Commercial) litigious cases

Civil (and commercial) litigious cases from 2020 to 2024 (Table 3.1.4)

Beneficiaries	Clearance Rate (1st instance)				
	2020	2021	2022	2023	2024
Armenia	126%	87%	94%	111%	230%
Azerbaijan	96%	103%	99%	97%	98%
Georgia	87%	91%	102%	97%	93%
Republic of Moldova	97%	100%	95%	98%	104%
Ukraine	98%	93%	112%	89%	91%
EaP Average	101%	95%	100%	98%	123%

For reference only: the 2023 EU median for the Clearance Rate for the first instance Civil (and commercial) litigious cases is 97%.

Beneficiaries	Disposition Time (1st instance)				
	2020	2021	2022	2023	2024
Armenia	126	185	187	135	123
Azerbaijan	88	52	58	65	69
Georgia	433	326	257	325	356
Republic of Moldova	171	144	171	165	251
Ukraine	122	165	168	169	165
EaP Average	188	174	168	172	193

For reference only: the 2023 EU median for the Disposition Time for the first instance Civil (and commercial) litigious cases is 247 days.

Figure 3.1 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases from 2020 to 2024

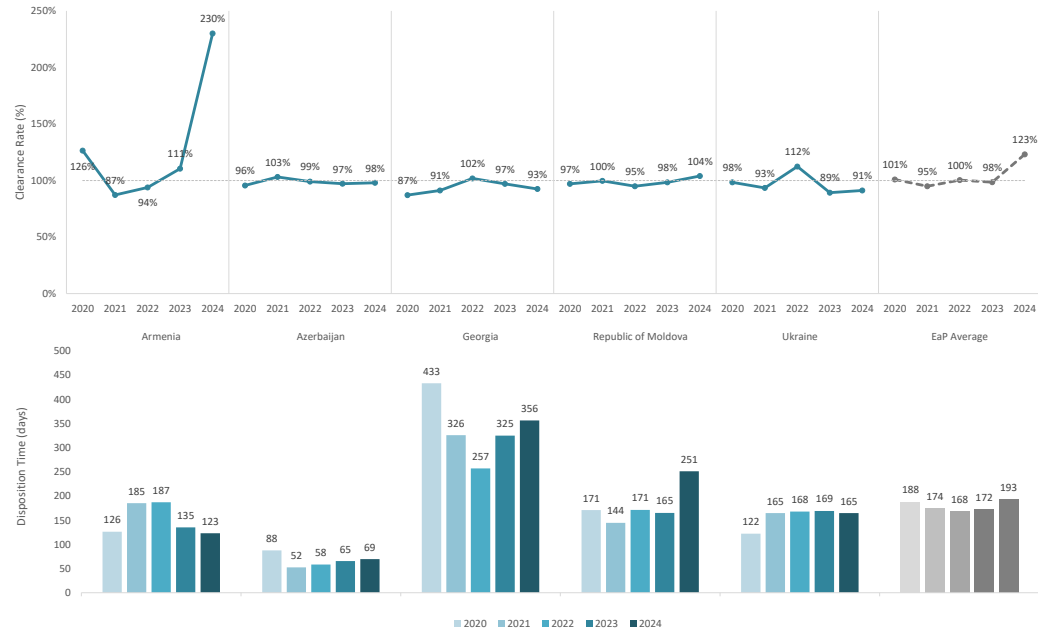
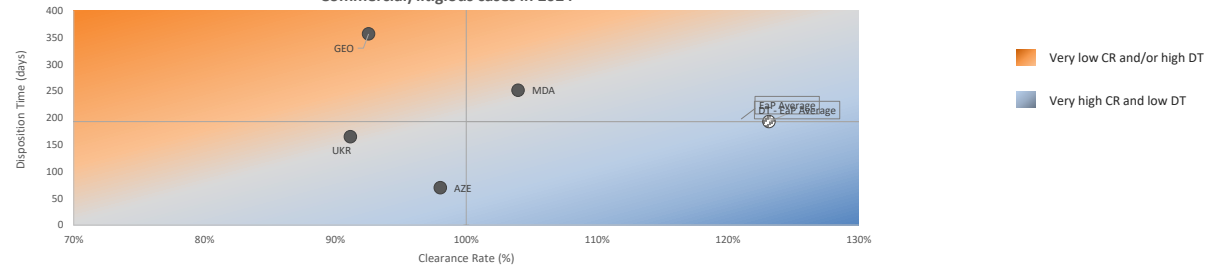


Figure 3.2 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases in 2024



Performance indicators for first instance Administrative cases

First instance Administrative cases from 2020 to 2024 (Table 3.1.4)

Beneficiaries	Clearance Rate (1st instance)				
	2020	2021	2022	2023	2024
Armenia	87%	95%	100%	83%	83%
Azerbaijan	91%	87%	86%	91%	87%
Georgia	75%	83%	80%	76%	80%
Republic of Moldova	95%	98%	76%	76%	151%
Ukraine	81%	NA	115%	93%	91%
EaP Average	86%	91%	92%	84%	98%

For reference only: the 2023 EU median for the Clearance Rate for the first instance Administrative cases is 101%.

Beneficiaries	Disposition Time (1st instance)				
	2020	2021	2022	2023	2024
Armenia	237	199	292	341	284
Azerbaijan	180	181	197	188	260
Georgia	440	463	529	633	695
Republic of Moldova	358	268	477	544	205
Ukraine	204	NA	108	87	140
EaP Average	283	278	321	359	317

For reference only: the 2023 EU median for the Disposition Time for the first instance Administrative cases is 322 days.

Figure 3.3 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases from 2020 to 2024

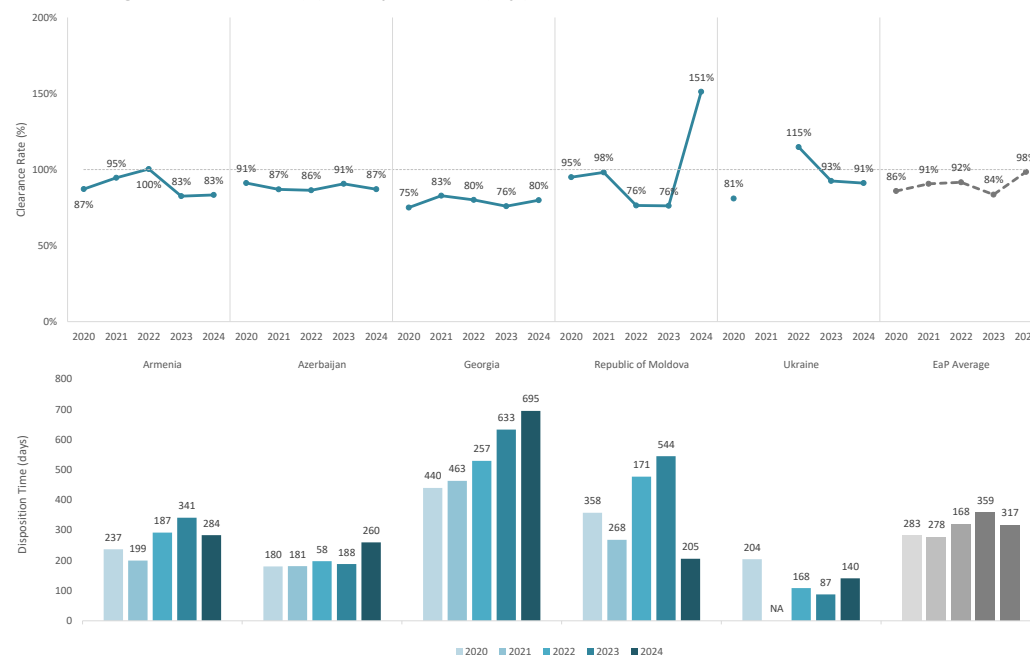
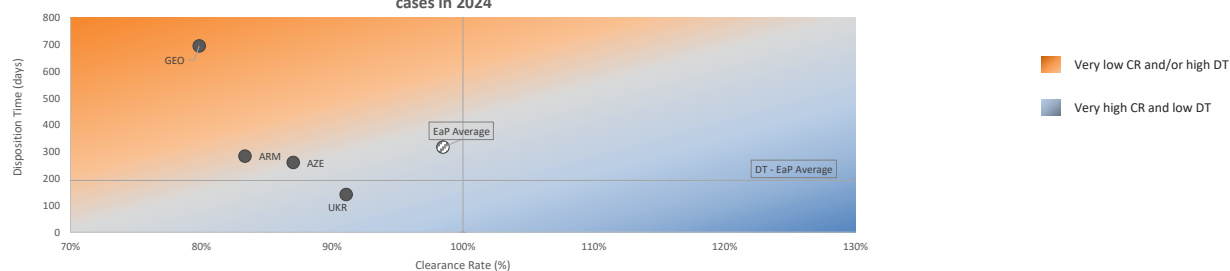


Figure 3.4 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases in 2024



Performance indicators for first instance Sum of Severe and Misdemeanour and / or minor criminal cases

First instance Sum of Severe and Misdemeanour and / or minor criminal cases from 2020 to 2024 (Table 3.2.4)

Beneficiaries	Clearance Rate (1st instance)				
	2020	2021	2022	2023	2024
Armenia	NA	NA	NA	NA	NA
Azerbaijan	86%	102%	94%	92%	104%
Georgia	91%	96%	98%	99%	98%
Republic of Moldova	NA	NA	NA	NA	NA
Ukraine	NA	97%	NA	NA	NA
EaP Average	-	98%	-	-	-

Beneficiaries	Disposition Time (1st instance)				
	2020	2021	2022	2023	2024
Armenia	NA	NA	NA	NA	NA
Azerbaijan	144	88	108	137	124
Georgia	126	62	55	59	80
Republic of Moldova	NA	NA	NA	NA	NA
Ukraine	NA	313	NA	NA	NA
EaP Average	-	154	-	-	-

Figure 3.5 Clearance Rate (%) and Disposition Time (days) for first instance Sum of Severe and Misdemeanour and / or minor criminal cases from 2020 to 2024

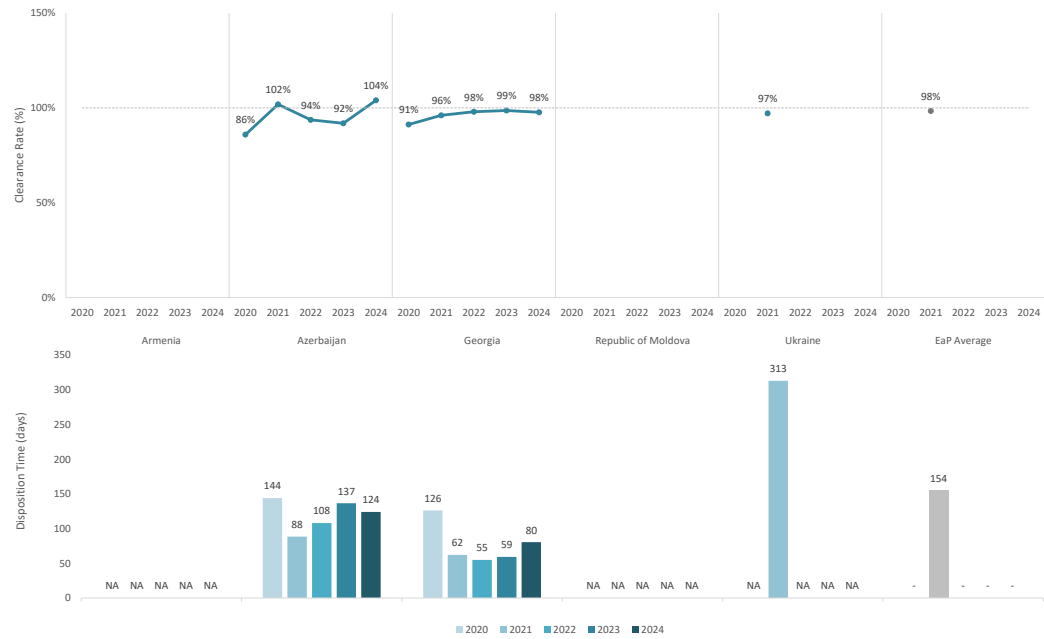
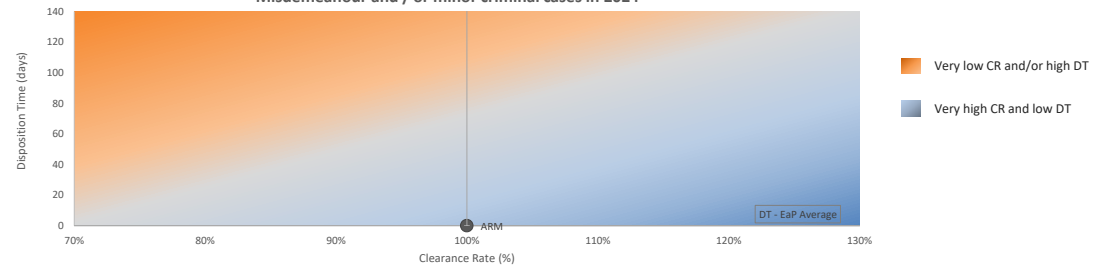


Figure 3.6 Clearance Rate (%) and Disposition Time (days) for first instance Sum of Severe and Misdemeanour and / or minor criminal cases in 2024



Number of first instance cases per 100 inhabitants

Number of first instance per 100 inhabitants and variation between 2020 and 2024 (Tables 3.1.2 and 3.2.2)

	Civil and Commercial litigious cases per 100 inhabitants			% variation 2023-2024		
	2024					
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	1,06	2,44	0,82	-80,9% ▼	-60,3% ▼	-63,9% ▼
Azerbaijan	2,12	2,08	0,40	3,5% ▲	4,4% ▲	10,9% ▲
Georgia	2,16	2,00	1,95	5,2% ▲	0,3% ▲	10,1% ▲
Republic of Moldova	2,49	2,59	1,78	-38,9% ▼	-35,4% ▼	-1,8% ▼
Ukraine	1,93	1,76	0,79	13,8% ▲	16,2% ▲	13,1% ▲
EaP Average	1,95	2,17	1,15	-19,5%	-15,0%	-6,3%

For reference only: the 2023 EU median for the number of first instance Civil and Commercial litigious cases per 100 inhabitants is 1,89 for the incoming cases, 1,68 for the resolved cases and 1,07 for the pending cases.

	Administrative cases per 100 inhabitants			% variation 2023-2024		
	2024					
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,69	0,58	0,45	55,2% ▲	56,7% ▲	30,3% ▲
Azerbaijan	0,27	0,24	0,17	-5,4% ▼	-9,2% ▼	25,7% ▲
Georgia	0,39	0,31	0,60	0,2% ▲	5,5% ▲	15,8% ▲
Republic of Moldova	0,17	0,26	0,14	-13,5% ▼	71,7% ▲	-35,2% ▼
Ukraine	1,24	1,13	0,43	-23,3% ▼	-24,5% ▼	21,4% ▲
EaP Average	0,55	0,50	0,36	2,6%	20,0%	11,6%

For reference only: the 2023 EU median for the number of first instance Administrative cases per 100 inhabitants is 0,36 for the incoming cases, 0,34 for the resolved cases and 0,22 for the pending cases.

	Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitants			% variation 2023-2024		
	2024					
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	NA	NA	NA	-	-	-
Azerbaijan	0,17	0,17	0,06	-13,4% ▼	-2,0% ▼	-11,0% ▼
Georgia	0,99	0,96	0,21	-16,7% ▼	-17,5% ▼	12,0% ▲
Republic of Moldova	NA	NA	NA	-	-	-
Ukraine	NA	NA	NA	-	-	-
EaP Average	-	-	-	-	-	-

Figure 3.7 Number of first instance Civil and Commercial litigious cases per 100 inhabitants and Clearance Rate (CR) in 2024

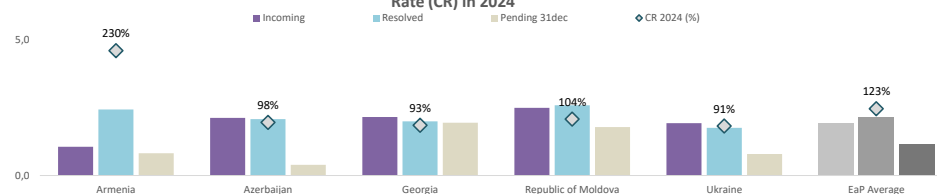


Figure 3.8 Number of first instance Administrative cases per 100 inhabitants and Clearance Rate (CR) in 2024

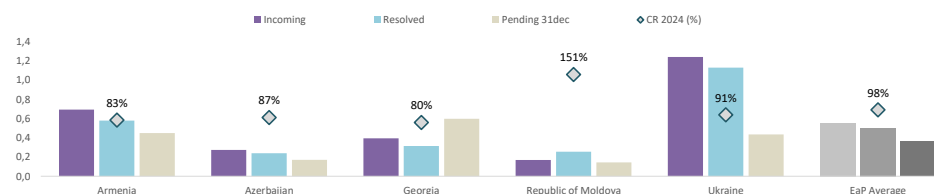
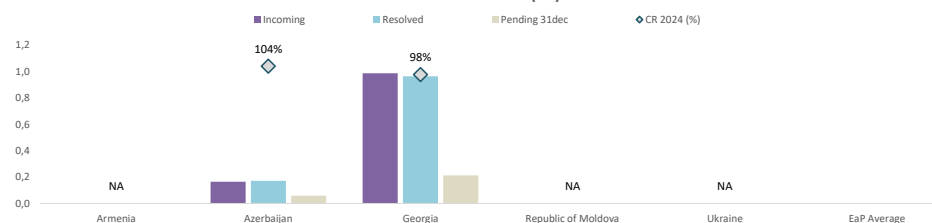


Figure 3.9 Number of first instance Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitants and Clearance Rate (CR) in 2024



Number of second instance cases per 100 inhabitants

Number of second instance per 100 inhabitants and variation between 2020 and 2024 (Tables 3.3.2 and 3.4.2)

	Civil and Commercial litigious cases per 100 inhabitants					
	2024			% variation 2023-2024		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,23	0,19	0,08	-15,6% ▼	-26,2% ▼	69,0% ▲
Azerbaijan	0,17	0,17	0,03	-7,8% ▼	-6,5% ▼	-10,3% ▼
Georgia	0,15	0,15	0,06	7,0% ▲	6,6% ▲	0,3% ▲
Republic of Moldova	0,53	0,41	0,27	6,8% ▲	-15,0% ▼	89,4% ▲
Ukraine	0,29	0,28	0,09	4,0% ▲	3,8% ▲	6,7% ▲
EaP Average	0,27	0,24	0,11	-1,1%	-7,5%	31,0%

For reference only: the 2023 EU median for the number of second instance Civil and Commercial litigious cases per 100 inhabitants is 0,18 for the incoming cases, 0,18 for the resolved cases and 0,12 for the pending cases.

	Administrative cases per 100 inhabitants					
	2024			% variation 2023-2024		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	0,28	0,21	0,21	87,5% ▲	25,2% ▲	53,6% ▲
Azerbaijan	0,07	0,07	0,02	-0,3% ▼	12,0% ▲	-11,8% ▼
Georgia	0,12	0,12	0,06	11,9% ▲	19,5% ▲	15,3% ▲
Republic of Moldova	0,15	0,13	0,07	39,5% ▲	23,3% ▲	58,2% ▲
Ukraine	0,60	0,58	0,11	28,3% ▲	24,8% ▲	30,0% ▲
EaP Average	0,24	0,22	0,09	33,4%	21,0%	29,1%

For reference only: the 2023 EU median for the number of second instance Administrative cases per 100 inhabitants is 0,05 for the incoming cases, 0,05 for the resolved cases and 0,06 for the pending cases.

	Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitants					
	2024			% variation 2023-2024		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Armenia	NA	NA	NA	-	-	-
Azerbaijan	NA	NA	0,06	-	-	-
Georgia	0,13	0,13	0,21	-18,4% ▼	-18,5% ▼	-12,0% ▼
Republic of Moldova	NA	NA	NA	-	-	-
Ukraine	NA	NA	NA	-	-	-
EaP Average	-	-	-	-	-	-

Figure 3.10 Number of second instance Civil and Commercial litigious cases per 100 inhabitants and Clearance Rate (CR) in 2024

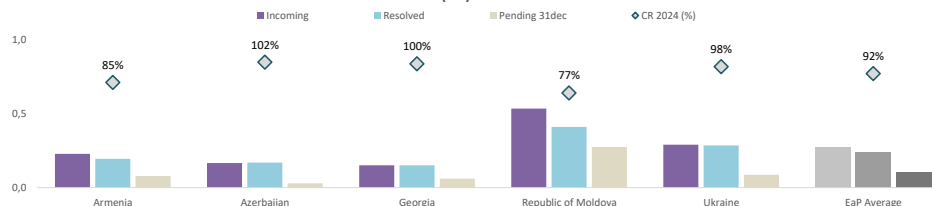


Figure 3.11 Number of second instance Administrative cases per 100 inhabitants and Clearance Rate (CR) in 2024

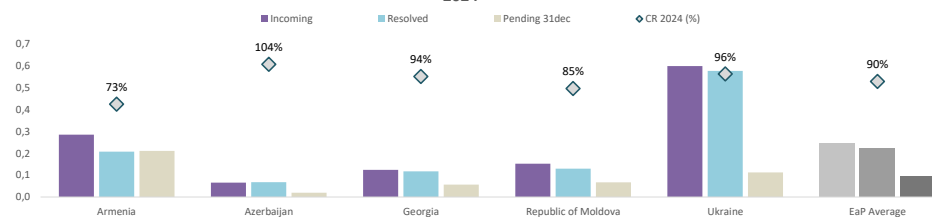
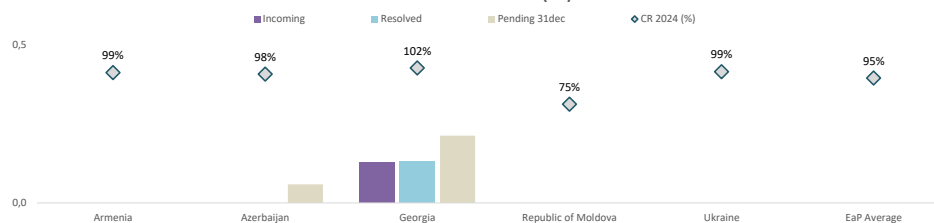


Figure 3.12 Number of second instance Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitants and Clearance Rate (CR) in 2024



ICT indices

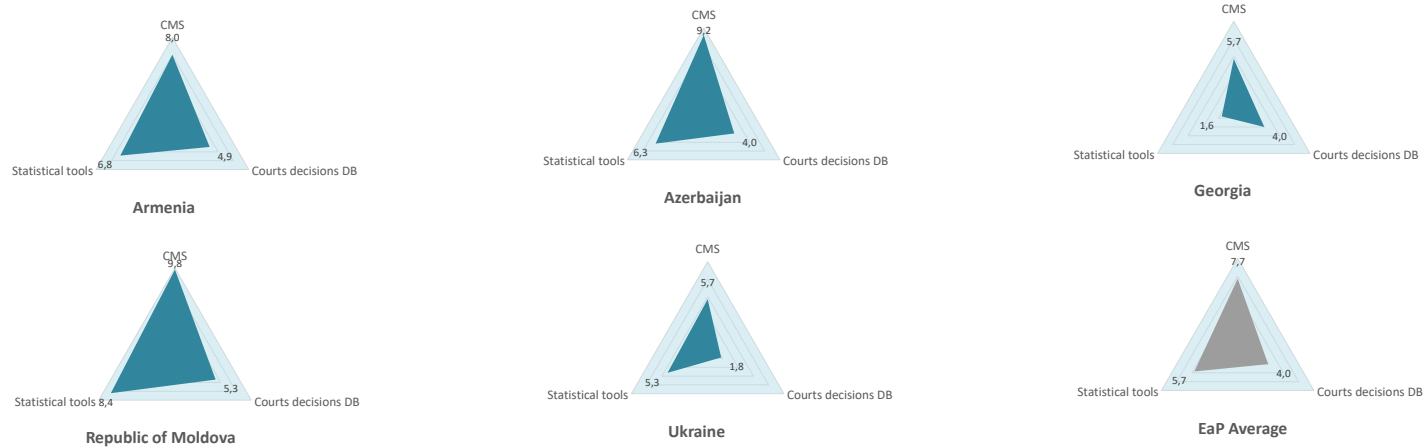
ICT Deployment indices (Table 3.8.2, 3.8.4 and 3.8.7)

	CMS	Courts decisions DB	Statistical tools
	(10 max)	(10 max)	(10 max)
Armenia	8,0	4,9	6,8
Azerbaijan	9,2	4,0	6,3
Georgia	5,7	4,0	1,6
Republic of Moldova	9,8	5,3	8,4
Ukraine	5,7	1,8	5,3

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

Beneficiary's CMS Index

Figure 3.13 ICT Deployment Index for each beneficiary in 2024



3. Efficiency - List of tables

Table 3.0.0 Case categories included in specific categories of "Other than criminal cases" in 2024 (Q36 and Q37)

3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2024 (Q35)

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2024 (Q1 and Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2023 and 2024 (Q35)

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q35)

Table 3.1.5 First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q35)

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2024 (Q38)

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2024 (Q1 and Q38)

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2023 and 2024 (Q38)

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q38)

Table 3.2.5 First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

3. Efficiency - List of tables

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts Number of other than criminal cases in 2024 (Q39)

Table 3.3.2 Second instance courts Number of other than criminal cases per 100 inhabitants in 2024 (Q1 and Q39)

Table 3.3.3 Second instance courts percentage variation of the number of other than criminal cases between 2023 and 2024 (Q39)

Table 3.3.4 Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q39)

Table 3.3.5 Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q39)

3.4 Second instance criminal cases

Table 3.4.1 Second instance courts number of criminal cases in 2024 (Q40)

Table 3.4.2 Second instance courts Number of Criminal cases per 100 inhabitants in 2024 (Q1 and Q40)

Table 3.4.3 Second instance courts percentage variation in number of criminal cases between 2023 and 2024 (Q40)

Table 3.4.4 Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2024 (Q40)

Table 3.4.5 Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q40)

3. Efficiency - List of tables

3.5 Specific category cases

- Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2024 (Q41)
- Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2024 (Q41)
- Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2024 (Q41)
- Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2024 (Q41)
- Table 3.5.5 Variation between 2023 and 2024 of: (Q41)
- Table 3.5.6 Variation between 2023 and 2024 of: (Q41)
- Table 3.5.7 Variation between 2023 and 2024 of: (Q41)

3. Efficiency - List of tables

3.6 Public prosecution

- Table 3.6.1 Role and powers of the public prosecutor in the criminal procedure in 2024 (Q41-1)
- Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2024 (Q41-2)
- Table 3.6.3 Public prosecution services: Case flow in 2024 (Q41-3, Q41-5)
- Table 3.6.4 Public prosecution services: Case flow (per 100 inhabitants) in 2024 (Q41-3)
- Table 3.6.5 Public prosecution: Distribution of different categories of processed cases within all processed cases in 2024 (see table 3.6.3) (Q41-3)
- Table 3.6.6 Number of cases concluded with the guilty plea procedure in 2024 (Q41-4)

3. Efficiency - List of tables

3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2024 (Q42 and Q43)

Table 3.7.2 Regular monitoring of courts' activities (performance and quality at court's level) in 2024 (Q58)

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality at the prosecution service's level) in 2024 (Q59)

Table 3.7.4 Evaluation of the performance at court level in 2024 (Q48, Q49, Q50, Q51 and Q56)

Table 3.7.5 Evaluation of performance at public prosecution services level in 2024 (Q52, Q53, Q54, Q55 and Q57)

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2024 (Q60 and Q61)

Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.) in 2024 (Q61-1)

Table 3.7.8 Information regarding courts' activity in 2024 (Q62, Q63, Q66, Q67 and Q68)

Table 3.7.9 Information regarding public prosecution services' activity in 2024 (Q64, Q65, Q69, Q70 and Q71)

Table 3.7.10 Quantitative performance targets defined for each judge in 2024 (Q74, Q75 and Q75-1)

Table 3.7.11 System of individual evaluation of judge's work in 2024 (Q76, Q76-1 and Q77)

Table 3.7.12 Quantitative performance defined for each public prosecutor in 2024 (Q78, Q79 and Q79-1)

Table 3.7.13 System of Individual evaluation of public prosecutors in 2024 (Q80, Q80-1 and Q81)

3. Efficiency - List of tables

3.8 Information and Communication Technology Tools

Table 3.8.1 IT Strategy and Case management system in 2024 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.8.2 Case management system - Deployment and usage rates in 2024 (Q83)

Table 3.8.3 Case management system - Functionalities in 2024 (Q83-1 and Q83-2)

Table 3.8.4 Database of court decisions - Deployment rates in 2024 (Q84)

Table 3.8.5 Database of court decisions - Modalities of publication in 2024 (Q84-1)

Table 3.8.6 Database of court decisions - Functionalities in 2024 (Q84-2)

Table 3.8.7 Statistical tools - Deployment rates in 2024 (Q85)

Table 3.8.8 Statistical tools - Functionalities in 2024 (Q85-1)

Table 3.8.9 Statistical tools - Data available for statistical analysis in 2024 (Q85-1)

Table 3.0.0 Case categories included in specific categories of "Other than criminal cases" in 2024 (Q36 and Q37)

Beneficiaries	Case categories included in specific categories of "Other than criminal cases"	
	Case categories included in "civil (and commercial) non-litigious cases"	Case categories included in "other cases"
Armenia	Regarding the case categories, which are included in civil (and commercial) non-litigious cases, it should be noted that according to the statistics provided by the Judicial department the following cases are included: statement for recognition of sui juris (emancipated), cases on declaring a citizen as having no active legal capacity or limiting the active legal capacity of a citizen, cases on involuntary hospitalization of the citizen in the psychiatric organization, cases on recognition of the citizen as missing or dead, cases on finding out the inaccuracies in the records of civil acts, cases on considering property as ownerless, cases on confirmation of the facts having legal value, cases on recovery of the rights on the lost bearer securities or order securities.	NAP
Azerbaijan	Not applicable	Not applicable
Georgia	NAP	Nap
Republic of Moldova	derived from an authenticated legal act; -resulted from a legal act concluded through a simple document, if the law does not stipulate other method; -based on a bill protest regarding non-payment, non-acceptance of the acceptance bill, authenticated by a notary; -Taking into account the child support of the minor that does not require the establishment of paternity, the challenge of paternity (maternity) or the involvement of other interested persons; -Following salary or other entitlements calculated but not paid to the employee; -Submitted by the police, the fiscal body, or the enforcement body of the court proceedings, in order to recover the costs of seeking the defendant or the debtor or his property or the child taken from the debt or by virtue of a court decision, as well as the cost of keeping the property seized by to the debtor and to the property of the debtor who was evicted from house; -resulted from purchase of goods in credit; -resulted failure to return the books borrowed from the library; -resulted from economic agent's failure to pay the Social Fund debt; -resulted from tax arrears or state social insurance; -following the forfeiture and forced sale of the pledge object (movable or immovable property); -other cases.	review in civil and commercial cases

Ukraine	Civil proceedings: 1. Cases of special proceedings on: - restriction of civil capacity of an individual, recognition of an individual as incapacitated and restoration of civil capacity of an individual; - restriction of an individual's access to gambling facilities and participation in gambling; - granting full civil capacity to a minor; - recognition of an individual as missing or declaration of death; - adoption; - establishing facts of legal significance; - restoration of rights to lost bearer securities and promissory notes; - transfer of ownerless real estate to municipal ownership; - recognition of inheritance from a deceased person; - providing a person with psychiatric care on a compulsory basis; - compulsory hospitalization to a tuberculosis institution; - disclosure by a bank of information containing banking secrecy regarding legal entities and individuals; - granting the right to marry; divorce at the request of spouses with children, at the request of either spouse if one of them is sentenced to imprisonment; establishing a separate residence regime at the request of spouses and other cases in cases established by law. 2. Cases of writ proceedings on: - recovery of accrued but unpaid wages and average earnings for the period of delay in payment; - compensation for the costs of searching for the defendant, the debtor, the child or the debtor's vehicles; - recovery of arrears for housing and communal services, electronic communication services, television and radio broadcasting services, taking into account the inflation index and 3 percent per annum accrued by the applicant on the amount of the debt; - recovery of alimony in the amount of one quarter for one child, one third for two children, and half of the alimony payer's earnings (income) for three or more children, but not more than ten subsistence minimums for a child of the corresponding age for each child, unless this requirement is related to the establishment or contestation of paternity (maternity) and the need to involve other interested parties; - recovery of child support in a fixed amount of 50 percent of the subsistence minimum for a child of the relevant age, if this requirement is not related to the establishment or contestation of paternity (maternity) and the need to involve other interested parties; - refund of the cost of goods of inadequate quality, if there is a court decision that has entered into force establishing the fact of the sale of goods of inadequate quality, made in favor of an indefinite number of consumers; - debt collection under an agreement (other than for the provision of housing and communal services, electronic communication services, television and radio broadcasting services) concluded in writing (including electronic), if the amount of the claim does not exceed one hundred times the minimum subsistence level for able-bodied persons. Commercial proceedings: Cases of writ proceedings on: - recovery of monetary debts under an agreement concluded in writing (including electronic), if the amount of the claim does not exceed one hundred minimum subsistence levels for able-bodied persons recovery of debt arises on the basis of a written agreement	Clause 4 "Other cases" includes cases of administrative offenses as a separate type of case in accordance with the procedural legislation of Ukraine. An administrative offense (misdemeanor) is an unlawful, culpable (intentional or negligent) act or omission that infringes upon public order, property, rights and freedoms of citizens, the established order of governance and for which the law provides for administrative liability. Administrative liability for offenses under the Code of Ukraine on Administrative Offenses occurs if these violations do not entail criminal liability by their nature under the law. Examples of administrative offenses include: violations of labor laws and labor protection requirements; violations of driving rules, rules for the use of seat belts or helmets; violations of animal quarantine rules and other veterinary and sanitary requirements; violations of trade and service rules; violations of the procedure for termination of legal or business activities by an individual entrepreneur, etc.
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3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2024 (Q35)

Beneficiaries	First instance courts: number of other than criminal cases in 2024																							
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases				3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	79 569	57 260	96 998	39 831	NA	67 574	32 566	74 913	25 227	NA	1 740	3 365	4 309	796	10 255	21 329	17 776	13 808	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	49 655	243 972	236 064	57 563	3 793	35 988	216 049	211 764	40 273	2 209	NAP	NAP	NAP	NAP	13 667	27 923	24 300	17 290	1 584	NAP	NAP	NAP	NAP	NAP
Georgia	88 547	101 937	92 585	97 899	37 445	66 035	79 658	73 710	71 983	28 444	3 348	7 737	7 264	3 821	19 164	14 542	11 611	22 095	8 797	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	55 251	79 251	85 312	49 190	1 927	45 634	60 413	62 810	43 237	1 534	3 893	14 638	16 188	2 343	5 575	4 096	6 189	3 482	393	149	104	125	128	0
Ukraine	505 317	2 701 447	2 573 653	633 111	NA	255 505	791 970	721 816	325 659	18 404	35 958	531 443	526 342	41 059	132 609	508 060	462 731	177 938	3 290	81 245	869 974	862 764	88 455	896
Average	155 668	636 773	616 922	175 519	14 388	94 147	236 131	229 003	101 276	12 648	11 235	139 296	138 526	12 005	36 254	115 190	104 521	46 923	3 516	-	-	-	-	-
Median	79 569	101 937	96 998	57 563	3 793	66 035	79 658	74 913	43 237	10 307	3 621	11 188	11 726	3 082	13 667	21 329	17 776	17 290	2 437	-	-	-	-	-
Minimum	49 655	57 260	85 312	39 831	1 927	35 988	32 566	62 810	25 227	1 534	1 740	3 365	4 309	796	5 575	4 096	6 189	3 482	393	-	-	-	-	-
Maximum	505 317	2 701 447	2 573 653	633 111	37 445	255 505	791 970	721 816	325 659	28 444	35 958	531 443	526 342	41 059	132 609	508 060	462 731	177 938	8 797	-	-	-	-	-

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2024 (Q1 and Q35)

Beneficiaries	First instance courts: number of other than criminal cases per 100 inhabitants in 2024																								
	Total of other than criminal cases (1+2+3+4)					1.Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	2,59	1,86	3,15	1,29	NA	2,20	1,06	2,44	0,82	NA	0,06	0,11	0,14	0,03	NA	0,33	0,69	0,58	0,45	NA	NAP	NAP	NAP	NAP	NA
Azerbaijan	0,49	2,40	2,32	0,57	0,04	0,35	2,12	2,08	0,40	0,02	NAP	NAP	NAP	NAP	NAP	0,13	0,27	0,24	0,17	0,02	NAP	NAP	NAP	NAP	NAP
Georgia	2,40	2,76	2,51	2,65	1,01	1,79	2,16	2,00	1,95	0,77	0,09	0,21	0,20	0,10	0,01	0,52	0,39	0,31	0,60	0,24	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	2,28	3,27	3,52	2,03	0,08	1,88	2,49	2,59	1,78	0,06	0,16	0,60	0,67	0,10	0,00	0,23	0,17	0,26	0,14	0,02	0,01	0,00	0,01	0,01	0,00
Ukraine	1,23	6,59	6,28	1,54	NA	0,62	1,93	1,76	0,79	0,04	0,09	1,30	1,28	0,10	NA	0,32	1,24	1,13	0,43	0,01	0,20	2,12	2,10	0,22	0,00
Average	1,80	3,38	3,56	1,62	0,38	1,37	1,95	2,17	1,15	0,22	0,10	0,55	0,57	0,08	-	0,31	0,55	0,50	0,36	0,07	-	-	-	-	-
Median	2,28	2,76	3,15	1,54	0,08	1,79	2,12	2,08	0,82	0,05	0,09	0,41	0,43	0,10	-	0,32	0,39	0,31	0,43	0,02	-	-	-	-	-
Minimum	0,49	1,86	2,32	0,57	0,04	0,35	1,06	1,76	0,40	0,02	0,06	0,11	0,14	0,03	-	0,13	0,17	0,24	0,14	0,01	-	-	-	-	-
Maximum	2,59	6,59	6,28	2,65	1,01	2,20	2,49	2,59	1,95	0,77	0,16	1,30	1,28	0,10	-	0,52	1,24	1,13	0,60	0,24	-	-	-	-	-

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2023 and 2024 (Q35)

Beneficiaries	First instance courts: percentage variation of number of other than criminal cases between 2023 and 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases				3. Administrative cases					4. Other cases					
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	
Armenia	-17%	-73%	-57%	-50%	NA	-20%	-80%	-59%	-63%	NA	-44%	-90%	-87%	-54%	29%	60%	62%	35%	NA	NAP	NAP	NAP	NAP	NAP	NA
Azerbaijan	20%	3%	3%	16%	229%	19%	4%	5%	12%	170%	NAP	NAP	NAP	NAP	25%	-5%	-9%	26%	373%	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	7%	3%	0%	10%	9%	3%	4%	-1%	9%	2%	9%	0%	-2%	13%	22%	-1%	4%	14%	36%	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	3%	-35%	-30%	-11%	-25%	4%	-41%	-38%	-5%	-26%	-27%	-1%	0%	-40%	27%	-17%	66%	-38%	-19%	3%	-41%	-27%	-14%	-	-
Ukraine	22%	-4%	-3%	12%	NA	20%	14%	16%	13%	-15%	19%	0%	1%	12%	36%	-23%	-25%	21%	30%	13%	-6%	-5%	-4%	-38%	-
Average	7%	-21%	-17%	-5%	71%	5%	-20%	-15%	-7%	33%	-11%	-23%	-22%	-17%	28%	3%	20%	12%	105%	-	-	-	-	-	-
Median	7%	-4%	-3%	10%	9%	4%	4%	-1%	9%	-6%	-9%	0%	-1%	-14%	27%	-5%	4%	21%	33%	-	-	-	-	-	-
Minimum	-17%	-73%	-57%	-50%	-25%	-20%	-80%	-59%	-63%	-26%	-44%	-90%	-87%	-54%	22%	-23%	-25%	-38%	-19%	-	-	-	-	-	-
Maximum	22%	3%	3%	16%	229%	20%	14%	16%	13%	170%	19%	0%	1%	13%	36%	60%	66%	35%	373%	-	-	-	-	-	-

Lowest value  Highest value

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q35)

Beneficiaries	First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024													
	Total of other than criminal cases (1+2+3 +4)			1. Civil (and commercial) litigious cases			2. Non litigious cases		3. Administrative cases			4. Other cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	169%	150	NA	230%	123	NA	128%	67	83%	284	NA	NAP	NAP	NA
Azerbaijan	97%	89	7%	98%	69	5%	NAP	NAP	87%	260	9%	NAP	NAP	NAP
Georgia	91%	386	38%	93%	356	40%	94%	192	80%	695	40%	NAP	NAP	NAP
Republic of Moldova	108%	210	4%	104%	251	4%	111%	53	151%	205	11%	120%	374	0%
Ukraine	95%	90	NA	91%	165	6%	99%	28	91%	140	2%	99%	37	1%
Average	112%	185	16%	123%	193	14%	108%	85	98%	317	16%	-	-	-
Median	97%	150	7%	98%	165	6%	105%	60	87%	260	10%	-	-	-
Minimum	91%	89	4%	91%	69	4%	94%	28	80%	140	2%	-	-	-
Maximum	169%	386	38%	230%	356	40%	128%	192	151%	695	40%	-	-	-

Low CR  High CR
 Low DT  High DT

Table 3.1.5 First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q35)

Beneficiaries	First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases		3. Administrative cases			4. Other cases			
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	
Armenia	61,6	17,3%	NA	119,5	-9,1%	NA	23,9	258,8%	0,8	-16,9%	NA	NAP	NAP	NA	
Azerbaijan	0,4	11,9%	4,3	0,8	6,3%	3,2	NAP	NAP	-3,6	38,4%	6,7	NAP	NAP	NAP	
Georgia	-3,0	10,6%	-0,5	-4,5	9,8%	-2,6	-2,3	16,0%	4,0	9,8%	6,3	NAP	NAP	NAP	
Republic of Moldova	8,8	26,3%	-0,7	5,6	52,2%	-1,0	0,9	-39,6%	75,0	-62,3%	2,6	23,0	18,2%	0,0	
Ukraine	0,6	16,2%	NA	1,9	-2,7%	-1,9	0,3	10,9%	-1,5	60,9%	0,1	1,3	0,8%	-0,6	
Average	13,7	16,5%	1,0	24,7	11,3%	-0,6	5,7	61,5%	14,9	6,0%	3,9	-	-	-	
Median	0,6	16,2%	-0,5	1,9	6,3%	-1,4	0,6	13,5%	0,8	9,8%	4,4	-	-	-	
Minimum	-3,0	10,6%	-0,7	-4,5	-9,1%	-2,6	-2,3	-39,6%	-3,6	-62,3%	0,1	-	-	-	
Maximum	61,6	26,3%	4,3	119,5	52,2%	3,2	23,9	258,8%	75,0	60,9%	6,7	-	-	-	

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2024 (Q38)

Beneficiaries	First instance courts: number of Criminal cases in 2024																			
	Total criminal cases (1+2+3)					2. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	7 019	11 507	10 800	7 726	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	6 612	16 821	17 489	5 944	578	2 563	2 828	3 508	1 883	285	4 049	13 993	13 981	4 061	293	NAP	NAP	NAP	NAP	NAP
Georgia	6 989	36 459	35 607	7 841	1 858	3 157	7 846	7 548	3 455	691	3 832	28 613	28 059	4 386	1 167	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	16 848	26 560	28 406	15 002	972	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	124 511	922 646	898 977	148 180	8 475	48 632	48 445	39 711	57 366	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	32 396	202 799	198 256	36 939	2 971	18 117	19 706	16 922	20 901	-	-	-	-	-	-	-	-	-	-	-
Median	7 019	26 560	28 406	7 841	1 415	3 157	7 846	7 548	3 455	-	-	-	-	-	-	-	-	-	-	-
Minimum	6 612	11 507	10 800	5 944	578	2 563	2 828	3 508	1 883	-	-	-	-	-	-	-	-	-	-	-
Maximum	124 511	922 646	898 977	148 180	8 475	48 632	48 445	39 711	57 366	-	-	-	-	-	-	-	-	-	-	-

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2024 (Q1 and Q38)

Beneficiaries	First instance courts: number of Criminal cases per 100 inhabitants in 2024																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	0,23	0,37	0,35	0,25	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0,06	0,17	0,17	0,06	0,01	0,03	0,03	0,03	0,02	0,00	0,04	0,14	0,14	0,04	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,19	0,99	0,96	0,21	0,05	0,09	0,21	0,20	0,09	0,02	0,10	0,77	0,76	0,12	0,03	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,70	1,10	1,17	0,62	0,04	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,30	2,25	2,19	0,36	0,02	0,12	0,12	0,10	0,14	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	0,30	0,97	0,97	0,30	0,03	0,08	0,12	0,11	0,08	-	-	-	-	-	-	-	-	-	-	-
Median	0,23	0,99	0,96	0,25	0,03	0,09	0,12	0,10	0,09	-	-	-	-	-	-	-	-	-	-	-
Minimum	0,06	0,17	0,17	0,06	0,01	0,03	0,03	0,03	0,02	-	-	-	-	-	-	-	-	-	-	-
Maximum	0,70	2,25	2,19	0,62	0,05	0,12	0,21	0,20	0,14	-	-	-	-	-	-	-	-	-	-	-

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2023 and 2024 (Q38)

Beneficiaries	First instance courts: percentage variation of the number of criminal cases between 2023 and 2024																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	31%	47%	76%	10%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	30%	-13%	-1%	-11%	335%	71%	-29%	20%	-27%	383%	13%	-9%	-6%	0%	296%	NAP	NAP	NAP	NAP	NAP
Georgia	8%	-18%	-18%	11%	47%	13%	-5%	-3%	8%	51%	4%	-21%	-22%	13%	45%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	-4%	-7%	-2%	-11%	-18%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	14%	4%	3%	15%	-16%	-5%	-13%	-8%	-10%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	16%	3%	11%	3%	87%	27%	-16%	3%	-10%	-	-	-	-	-	-	-	-	-	-	-
Median	14%	-7%	-1%	10%	15%	13%	-13%	-3%	-10%	-	-	-	-	-	-	-	-	-	-	-
Minimum	-4%	-18%	-18%	-11%	-18%	-5%	-29%	-8%	-27%	-	-	-	-	-	-	-	-	-	-	-
Maximum	31%	47%	76%	15%	335%	71%	-5%	20%	8%	-	-	-	-	-	-	-	-	-	-	-

Lowest value  Highest value

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q38)

Beneficiaries	First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	94%	261	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	104%	124	10%	124%	196	15%	100%	106	7%	NAP	NAP	NAP
Georgia	98%	80	24%	96%	167	20%	98%	57	27%	NAP	NAP	NAP
Republic of Moldova	107%	193	6%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	97%	60	6%	82%	527	NA	NA	NA	NA	NA	NA	NA
Average	100%	144	11%	101%	297	-	-	-	-	-	-	-
Median	98%	124	8%	96%	196	-	-	-	-	-	-	-
Minimum	94%	60	6%	82%	167	-	-	-	-	-	-	-
Maximum	107%	261	24%	124%	527	-	-	-	-	-	-	-

Low CR  High CR
 Low DT  High DT

Table 3.2.5 First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

Beneficiaries	First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	15,3	-37,5%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	12,1	-9,2%	7,7	50,9	-38,9%	12,8	3,2	5,7%	5,4	NAP	NAP	NAP
Georgia	-1,0	35,7%	5,8	1,3	11,8%	5,7	-1,4	44,3%	5,8	NAP	NAP	NAP
Republic of Moldova	4,7	-8,7%	-0,6	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	-0,4	11,7%	-2,1	4,8	-2,9%	NA	NA	NA	NA	NA	NA	NA
Average	6,2	-1,6%	2,7	19,0	-10,0%	-	-	-	-	-	-	-
Median	4,7	-8,7%	2,6	4,8	-2,9%	-	-	-	-	-	-	-
Minimum	15,3	35,7%	7,7	50,9	11,8%	-	-	-	-	-	-	-
Maximum	-1,0	-37,5%	-2,1	1,3	-38,9%	-	-	-	-	-	-	-

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts Number of other than criminal cases in 2024 (Q39)

Beneficiaries	Second instance courts Number of other than criminal cases in 2024																							
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases				3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	1 390	7 012	5 975	2 427	NA	NA	NA	NA	NA	4 071	8 748	6 357	6 462	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	5 457	23 578	24 120	4 915	417	3 204	16 913	17 199	2 918	343	NAP	NAP	NAP	NAP	2 253	6 665	6 921	1 997	74	NAP	NAP	NAP	NAP	NAP
Georgia	4 096	10 167	9 926	4 337	341	2 250	5 557	5 575	2 232	125	0	21	21	0	1 846	4 589	4 330	2 105	216	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	4 749	16 784	13 174	8 359	0	3 640	12 921	9 912	6 649	0	NAP	NAP	NAP	NAP	1 064	3 692	3 133	1 623	0	45	171	129	87	0
Ukraine	NA	NA	NA	NA	NA	33 354	118 863	116 510	35 707	386	NA	NA	NA	NA	36 963	245 030	235 951	46 042	358	4 014	34 502	33 948	4 568	9
Average	4 767	16 843	15 740	5 870	253	8 768	32 253	31 034	9 987	214	-	-	-	-	9 239	53 745	51 338	11 646	162	-	-	-	-	-
Median	4 749	16 784	13 174	4 915	341	3 204	12 921	9 912	2 918	234	-	-	-	-	2 253	6 665	6 357	2 105	145	-	-	-	-	-
Minimum	4 096	10 167	9 926	4 337	0	1 390	5 557	5 575	2 232	0	-	-	-	-	1 064	3 692	3 133	1 623	0	-	-	-	-	-
Maximum	5 457	23 578	24 120	8 359	417	33 354	118 863	116 510	35 707	386	-	-	-	-	36 963	245 030	235 951	46 042	358	-	-	-	-	-

Table 3.3.2 Second instance courts Number of other than criminal cases per 100 inhabitants in 2024 (Q1 and Q39)

Beneficiaries	Second instance courts Number of other than criminal cases per 100 inhabitants in 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	NA	NA	NA	NA	NA	0,05	0,23	0,19	0,08	NA	NA	NA	NA	NA	NA	0,13	0,28	0,21	0,21	NA	NAP	NAP	NAP	NAP	NAP
Azerbaijan	0,05	0,23	0,24	0,05	0,00	0,03	0,17	0,17	0,03	0,00	NAP	NAP	NAP	NAP	NAP	0,02	0,07	0,07	0,02	0,00	NAP	NAP	NAP	NAP	NAP
Georgia	0,11	0,28	0,27	0,12	0,01	0,06	0,15	0,15	0,06	0,00	0,00	0,00	0,00	0,00	0,00	0,05	0,12	0,12	0,06	0,01	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,20	0,69	0,54	0,34	0,00	0,15	0,53	0,41	0,27	0,00	NAP	NAP	NAP	NAP	NAP	0,04	0,15	0,13	0,07	0,00	0,00	0,01	0,01	0,00	0,00
Ukraine	NA	NA	NA	NA	NA	0,08	0,29	0,28	0,09	0,00	NA	NA	NA	NA	NA	0,09	0,60	0,58	0,11	0,00	0,01	0,08	0,08	0,01	0,00
Average	0,12	0,40	0,35	0,17	0,00	0,07	0,27	0,24	0,11	0,00	-	-	-	-	-	0,07	0,24	0,22	0,09	0,00	-	-	-	-	-
Median	0,11	0,28	0,27	0,12	0,00	0,06	0,23	0,19	0,08	0,00	-	-	-	-	-	0,05	0,15	0,13	0,07	0,00	-	-	-	-	-
Minimum	0,05	0,23	0,24	0,05	0,00	0,03	0,15	0,15	0,03	0,00	-	-	-	-	-	0,02	0,07	0,07	0,02	0,00	-	-	-	-	-
Maximum	0,20	0,69	0,54	0,34	0,01	0,15	0,53	0,41	0,27	0,00	-	-	-	-	-	0,13	0,60	0,58	0,21	0,01	-	-	-	-	-

Table 3.3.3 Second instance courts percentage variation of the number of other than criminal cases between 2023 and 2024 (Q39)

Beneficiaries	Second instance courts percentage variation of the number of other than criminal cases between 2023 and 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases				3. Administrative cases					4. Other cases					
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	
Armenia	NA	NA	NA	NA	NA	17%	-13%	-24%	75%	NA	NA	NA	NA	NA	-9%	94%	29%	59%	NA	NAP	NAP	NAP	NAP	NAP	
Azerbaijan	8%	-5%	-1%	-10%	369%	-3%	-7%	-6%	-10%	364%	NAP	NAP	NAP	NAP	29%	0%	13%	-11%	393%	NAP	NAP	NAP	NAP	NAP	
Georgia	12%	8%	11%	6%	55%	-2%	6%	5%	-1%	21%	-	40%	40%	-	35%	11%	18%	14%	85%	NAP	NAP	NAP	NAP	NAP	
Republic of Moldova	14%	8%	-12%	76%	-100%	15%	3%	-18%	83%	-	NAP	NAP	NAP	NAP	12%	35%	19%	53%	-100%	-6%	-15%	-37%	93%	-	
Ukraine	NA	NA	NA	NA	NA	6%	4%	4%	7%	-74%	NA	NA	NA	NA	10%	28%	25%	30%	32%	14%	3%	3%	13%	-89%	
Average	11%	4%	-1%	24%	108%	7%	-1%	-8%	31%	104%	-	-	-	-	16%	33%	21%	29%	102%	-	-	-	-	-	
Median	12%	8%	-1%	6%	55%	6%	3%	-6%	7%	21%	-	-	-	-	12%	28%	19%	30%	58%	-	-	-	-	-	
Minimum	8%	-5%	-12%	-10%	-100%	-3%	-13%	-24%	-10%	-74%	-	-	-	-	-9%	0%	13%	-11%	-100%	-	-	-	-	-	
Maximum	14%	8%	11%	76%	369%	17%	6%	5%	83%	364%	-	-	-	-	35%	94%	29%	59%	393%	-	-	-	-	-	

Lowest value  Highest value

Table 3.3.4 Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q39)

Beneficiaries	Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024														
	Total of other than criminal cases (1+2+3)			1. Civil (and commercial) litigious cases			2. Non litigious cases		3. Administrative cases			4. Other cases			
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	
Armenia	NA	NA	NA	85%	148	NA	NA	NA	73%	371	NA	NAP	NAP	NAP	
Azerbaijan	102%	74	8%	102%	62	12%	NAP	NAP	104%	105	4%	NAP	NAP	NAP	
Georgia	98%	159	8%	100%	146	6%	100%	0	94%	177	10%	NAP	NAP	NAP	
Republic of Moldova	78%	232	0%	77%	245	0%	NAP	NAP	85%	189	0%	75%	246	0%	
Ukraine	NA	NA	NA	98%	112	1%	NA	NA	96%	71	1%	98%	49	0%	
Average	93%	155	5%	92%	143	5%	-	-	90%	183	4%	-	-	-	
Median	98%	159	8%	98%	146	3%	-	-	94%	177	2%	-	-	-	
Minimum	78%	74	0%	77%	62	0%	-	-	73%	71	0%	-	-	-	
Maximum	102%	232	8%	102%	245	12%	-	-	104%	371	10%	-	-	-	

Low CR  High CR
 Low DT  High DT

Table 3.3.5 Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q39)

Beneficiaries	Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases		3. Administrative cases			4. Other cases			
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	
Armenia	NA	NA	NA	-12,2	129,0%	NA	NA	NA	-36,1	22,7%	NA	NAP	NAP	NAP	
Azerbaijan	4,1	-9,3%	6,9	1,4	-4,1%	9,5	NAP	NAP	11,5	-21,3%	3,0	NAP	NAP	NAP	
Georgia	2,4	-4,4%	2,5	-0,4	-5,9%	1,0	0,0	-	6,0	-3,5%	3,9	NAP	NAP	NAP	
Republic of Moldova	-17,8	99,4%	-0,3	-19,6	122,7%	0,0	NAP	NAP	-11,1	28,2%	-1,3	-26,1	205,7%	0,0	
Ukraine	NA	NA	NA	-0,2	2,9%	-3,4	NA	NA	-2,7	4,1%	0,0	-0,1	9,5%	-1,8	
Average	-3,8	28,6%	3,0	-6,2	48,9%	1,8	-	-	-6,5	6,1%	1,4	-	-	-	
Median	2,4	-4,4%	2,5	-0,4	2,9%	0,5	-	-	-2,7	4,1%	1,5	-	-	-	
Minimum	-17,8	-9,3%	-0,3	-19,6	-5,9%	-3,4	-	-	-36,1	-21,3%	-1,3	-	-	-	
Maximum	4,1	99,4%	6,9	1,4	129,0%	9,5	-	-	11,5	28,2%	3,9	-	-	-	

3.4 Second instance criminal cases

Table 3.4.1 Second instance courts number of criminal cases in 2024 (Q40)

Beneficiaries	Second instance courts number of criminal cases in 2024																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	626	6 962	6 877	711	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	829	5 629	5 497	961	41	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Georgia	826	4 725	4 835	716	39	534	941	984	491	38	292	3 784	3 851	225	1	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	7 029	12 576	9 406	10 199	891	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	13 352	210 075	208 960	14 467	225	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	4 532	47 993	47 115	5 411	299	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	829	6 962	6 877	961	133	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	626	4 725	4 835	711	39	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	13 352	210 075	208 960	14 467	891	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.4.2 Second instance courts Number of Criminal cases per 100 inhabitants in 2024 (Q1 and Q40)

Beneficiaries	Second instance courts Number of Criminal cases per 100 inhabitants in 2024																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	0,02	0,23	0,22	0,02	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0,01	0,06	0,05	0,01	0,00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Georgia	0,02	0,13	0,13	0,02	0,00	0,01	0,03	0,03	0,01	0,00	0,01	0,10	0,10	0,01	0,00	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	0,29	0,52	0,39	0,42	0,04	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	0,03	0,51	0,51	0,04	0,00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	0,07	0,29	0,26	0,10	0,01	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	0,02	0,23	0,22	0,02	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	0,01	0,06	0,05	0,01	0,00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	0,29	0,52	0,51	0,42	0,04	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.4.3 Second instance courts percentage variation in number of criminal cases between 2023 and 2024 (Q40)

Beneficiaries	Second instance courts percentage variation in number of criminal cases between 2023 and 2024																			
	Total criminal cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Armenia	-13%	2%	0%	14%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	0%	18%	15%	16%	156%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Georgia	-14%	-19%	-19%	-13%	3%	2%	-7%	-2%	-8%	3%	-33%	-22%	-23%	-23%	0%	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	-9%	10%	-22%	45%	7%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP
Ukraine	6%	3%	3%	7%	-66%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-6%	3%	-5%	14%	25%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-9%	3%	0%	14%	5%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-14%	-19%	-22%	-13%	-66%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	6%	18%	15%	45%	156%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Lowest value  Highest value

Table 3.4.4 Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2024 (Q40)

Beneficiaries	Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2024											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Armenia	99%	38	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	98%	64	4%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Georgia	102%	54	5%	105%	182	8%	102%	21	0%	NAP	NAP	NAP
Republic of Moldova	75%	396	9%	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	99%	25	2%	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	95%	115	5%	-	-	-	-	-	-	-	-	-
Median	99%	54	5%	-	-	-	-	-	-	-	-	-
Minimum	75%	25	2%	-	-	-	-	-	-	-	-	-
Maximum	102%	396	9%	-	-	-	-	-	-	-	-	-

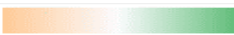
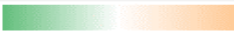
Low CR  High CR
 Low DT  High DT

Table 3.4.5 Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q40)

Beneficiaries	Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2023 and 2024											
	Total criminal cases (1+2+3)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Armenia	 -2,6	 14,0%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	 -2,4	 0,3%	2,3	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Georgia	 -0,1	 7,9%	0,8	5,3	 -5,4%	0,8	 -1,3	 -0,2%	0,1	NAP	NAP	NAP
Republic of Moldova	 -31,0	 85,9%	 -3,1	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Ukraine	 0,0	 3,8%	 -3,3	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-7,2	22%	-0,8	-	-	-	-	-	-	-	-	-
Median	-2,4	8%	-1,1	-	-	-	-	-	-	-	-	-
Minimum	-31,0	0%	-3,3	-	-	-	-	-	-	-	-	-
Maximum	0,0	86%	2,3	-	-	-	-	-	-	-	-	-

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2024 (Q41)

Beneficiaries	Civil and commercial litigious cases and Litigious divorce cases in 2024												
	Civil and commercial litigious cases						Litigious divorce cases						
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Azerbaijan	9%	73	62	68	67	3%	NA	NA	NA	NA	NA	NA	
Georgia	0%	238	153	218	1079	57%	0%	166	134	166	659	100%	
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Ukraine	NA	100	103	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Average	-	137	106	-	-	-	-	-	-	-	-	-	
Median	-	100	103	-	-	-	-	-	-	-	-	-	
Minimum	-	73	62	-	-	-	-	-	-	-	-	-	
Maximum	-	238	153	-	-	-	-	-	-	-	-	-	

Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2024 (Q41)

Beneficiaries	Specific category cases: Employment dismissal cases and Insolvency cases in 2024											
	Employment dismissal cases						Insolvency cases					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	1%	180	128	261	1031	56%	26%	658	21	NAP	668	NAP
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2024 (Q41)

Beneficiaries	Specific category cases: Robbery cases and Intentional homicide cases in 2024											
	Robbery case						Intentional homicide					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	10%	169	232	131	220	17%	7%	191	256	111	506	0,0%
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2024 (Q41)

Beneficiaries	Specific category cases: Bribery cases and Trading in influence cases in 2024											
	Bribery cases						Trading in influence					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	0%	94	0	0	0	0%	0%	7	0	0	0	0%
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.5 Variation between 2023 and 2024 of: (Q41)

Beneficiaries	Variation between 2023 and 2024 of:											
	Civil and commercial litigious cases						Litigious divorce cases					
	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	0,0	-3,6%	-3,8%	-3,5%	3,9%	1,80	0,0	1%	26%	26%	-18%	50,00
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	3,1%	-5,5%	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.6 Variation between 2023 and 2024 of: (Q41)

Beneficiaries	Variation between 2023 and 2024 of:											
	Employment dismissal cases						Insolvency cases					
	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	 -3,9	 21,6%	 -0,8%	 39,6%	 9,1%	 5,2	 -6,9	 -19,7%	 40,0%	NA	 -9,6%	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

Table 3.5.7 Variation between 2023 and 2024 of: (Q41)

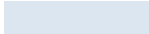
Beneficiaries	Variation between 2023 and 2024 of:											
	Robbery case						Intentional homicide					
	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)	Percentage of decisions subject to appeal (percentage points)	Average length in 1st instance	Average length in 2nd instance	Average length in 3rd instance	Average length - total procedure	Percentage of cases pending for more than 3 years for all instances (percentage points)
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	5,6	17,4%	-20,3%	29,7%	-55,1%	-1,5	2,9	-43,8%	-25,4%	0,0%	-31,0%	-20,0
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

3.6 Public prosecution

Table 3.6.1 Role and powers of the public prosecutor in the criminal procedure in 2024 (Q41-1)

Beneficiaries	Role and powers of the public prosecutor in the criminal procedure in 2024									
	To conduct or supervise investigation	When necessary, to request investigation measures from the judge	To charge	To present the case in the court	To propose a sentence to the judge	To appeal	To supervise the enforcement procedure	To discontinue a case without needing a decision by a judge	To end the case by imposing or negotiating a penalty or measure	Other significant powers
Armenia	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes
Azerbaijan	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes
Nb of Yes	5	4	5	5	5	5	3	5	2	2

Yes 

No/NAP 

NA 

Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2024 (Q41-2)

Beneficiaries	Role of the public prosecutor in civil, administrative and insolvency cases in 2024		
	Civil cases	Administrative cases	Insolvency cases
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			
Nb of Yes	5	5	2

Yes	
No/NAP	
NA	

Table 3.6.3 Public prosecution services: Case flow in 2024 (Q41-3, Q41-5)

Beneficiaries	Public prosecution: Total number of first instance criminal cases in 2024											
	1. Pending cases on 1 Jan.	2. Incoming/ received cases	3. Processed cases (3.1+3.2+3.3)	3.1. Discontinue d during the reference year (3.1.1+3.1.2 +3.1.3+3.1.4)	3.1.1 Discontinued by the public prosecutor because the offender could not be identified	3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	3.1.3 Discontinued by the public prosecutor for reasons of opportunity	3.1.4 Discontinued for other reasons	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases brought to court	4. Pending cases on 31 Dec.	Figures provided include traffic offence cases
Armenia	140 835	68 586	51 185	39 339	17 813	NA	NAP	21 526	NAP	11 846	158 236	
Azerbaijan	6 885	27 920	29 076	15 525	5 479	2 151	1 414	6 481	NAP	13 551	5 729	
Georgia	NA	49 976	44 095	22 972	2 552	15 442	4 325	653	3 535	17 588	NA	
Republic of Moldova	11 256	29 310	23 379	12 260	5 113	2 531	1 030	3 586	15	11 104	16 191	
Ukraine	1 186 034	921 209	445 339	312 131	NAP	240 267	NAP	71 864	NAP	133 208	1 371 696	
Average	336 253	219 400	118 615	80 445	7 739	65 098	2 256	20 822	-	37 459	387 963	
Median	76 046	49 976	44 095	22 972	5 296	8 987	1 414	6 481	-	13 551	87 214	
Minimum	6 885	27 920	23 379	12 260	2 552	2 151	1 030	653	-	11 104	5 729	
Maximum	1 186 034	921 209	445 339	312 131	17 813	240 267	4 325	71 864	-	133 208	1 371 696	

Table 3.6.4 Public prosecution services: Case flow (per 100 inhabitants) in 2024 (Q41-3)

Beneficiaries	Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2024										
	1. Pending cases on 1 Jan.	2. Incoming/ received cases	3. Processed cases (3.1+3.2+3.3)	3.1. Discontinue d during the reference year (3.1.1+3.1.2 +3.1.3)	3.1.1 <i>Discontinued by the public prosecutor because the offender could not be identified</i>	3.1.2 <i>Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</i>	3.1.3 <i>Discontinued by the public prosecutor for reasons of opportunity</i>	3.1.4 <i>Discontinued for other reasons</i>	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases brought to court	4. Pending cases on 31 Dec.
Armenia	4,58	2,23	1,66	1,28	0,58	NA	NAP	0,70	NAP	0,39	5,14
Azerbaijan	0,07	0,27	0,29	0,15	0,05	0,02	0,01	0,06	NAP	0,13	0,06
Georgia	NA	1,35	1,19	0,62	0,07	0,42	0,12	0,02	0,096	0,48	NA
Republic of Moldova	0,46	1,21	0,96	0,51	0,21	0,10	0,04	0,15	0,001	0,46	0,67
Ukraine	2,89	2,25	1,09	0,76	NAP	0,59	NAP	0,18	NAP	0,32	3,35
Average	2,00	1,46	1,04	0,66	0,23	0,28	0,06	0,22	-	0,36	2,30
Median	1,68	1,35	1,09	0,62	0,14	0,26	0,04	0,15	-	0,39	2,01
Minimum	0,07	0,27	0,29	0,15	0,05	0,02	0,01	0,02	-	0,13	0,06
Maximum	4,58	2,25	1,66	1,28	0,58	0,59	0,12	0,70	-	0,48	5,14

Table 3.6.5 Public prosecution: Distribution of different categories of processed cases within all processed cases in 2024 (see table 3.6.3) (Q41-3)

Beneficiaries	Public prosecution: Distribution of different categories of processed cases within all processed cases in 2024 (see table 3.6.3)						
	% of discontinued cases within all processed cases	% of discontinued cases because the offender could not be identified within all discontinued cases	% of discontinued cases due to the lack of an established offence or a specific legal situation within all discontinued cases	% of discontinued cases for reasons of opportunity within all discontinued cases	% of discontinued cases for other reasons within all discontinued cases	% of concluded cases by a penalty or a measure imposed or negotiated by the public prosecutor within all processed cases	% of cases brought to court within all processed cases
Armenia	77%	45%	NA	NAP	55%	NAP	23%
Azerbaijan	53%	35%	14%	9%	42%	NAP	47%
Georgia	52%	11%	67%	19%	3%	8%	40%
Republic of Moldova	52%	42%	21%	8%	29%	0%	47%
Ukraine	70%	NAP	77%	NAP	23%	NAP	30%
Average	61%	33%	45%	12%	30%	-	37%
Median	53%	38%	44%	9%	29%	-	40%
Minimum	52%	11%	14%	8%	3%	-	23%
Maximum	77%	45%	77%	19%	55%	-	47%

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

Table 3.6.6 Number of cases concluded with the guilty plea procedure in 2024 (Q41-4)

Beneficiaries	Number of cases concluded with the guilty plea procedure in 2024								
	Total			Before the main trial			During the main trial		
	Total	Severe criminal cases	Misdemeanour and/or minor criminal cases	Total	Severe criminal cases	Misdemeanour and/or minor criminal cases	Total	Severe criminal cases	Misdemeanour and/or minor criminal cases
Armenia	2 268	NA	NA	NAP	NAP	NAP	2 268	NA	NA
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	11 669	5 908	5 761	7 741	3 510	4 231	3 928	2 398	1 530
Republic of Moldova	6 338	NA	NA	402	NA	NA	5 936	NA	NA
Ukraine	9 632	NA	NA	NA	NA	NA	NA	NA	NA
Average	7 477	-	-	-	-	-	4 044	-	-
Median	7 985	-	-	-	-	-	3 928	-	-
Minimum	2 268	-	-	-	-	-	2 268	-	-
Maximum	11 669	-	-	-	-	-	5 936	-	-

3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2024 (Q42 and Q43)

Beneficiaries	Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2024		
	Quality standards determined for the judicial system at the national level	Specialised personnel entrusted with the implementation of these standards	
		Within the courts	Within the public prosecution services
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

Yes

No

NA

NAP

Table 3.7.2 Regular monitoring of courts' activities (performance and quality at court's level) in 2024 (Q58)

Beneficiaries	Regular monitoring of courts' activities (performance and quality at court's level) in 2024													
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction of users (regarding the services delivered by the courts)	Costs of the judicial procedures	Number of appeals	Appeal ratio	Clearance rate	Disposition time	Other
Armenia														
Azerbaijan														
Georgia														
Republic of Moldova														
Ukraine														

Yes

No

NA

NAP

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality at the prosecution service's level) in 2024 (Q59)

Beneficiaries	Regular monitoring of public prosecution activities (performance and quality at the prosecution service's level) in 2024												
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of prosecutors and prosecution staff	Satisfaction of prosecution staff	Satisfaction of users (regarding the services delivered by the by the public prosecution)	Costs of the judicial procedures	Clearance rate	Disposition time	Percentage of convictions and acquittals	Other
Armenia													
Azerbaijan													
Georgia													
Republic of Moldova													
Ukraine													

Yes

No

NA

NAP

Table 3.7.4 Evaluation of the performance at court level in 2024 (Q48, Q49, Q50,Q51 and Q56)

Beneficiaries	Evaluation of the performance at court level in 2024														
	Existence of a system to regularly evaluate court performance based on the monitored indicators	Frequency of the performance evaluation			Evaluation of the court activity used for the later allocation of resources within a court	Action taken for the allocation of resources within the court following the evaluation of the court activity				Body/authority responsible for evaluating the performance of the courts					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance)	Reengineering of internal procedures to increase efficiency	Other	Judicial Council	Ministry of justice	Inspection authority	Supreme court	External audit body	Other
Armenia															
Azerbaijan															
Georgia															
Republic of Moldova															
Ukraine															

Yes
 No
 NA
 NAP

Table 3.7.5 Evaluation of performance at public prosecution services level in 2024 (Q52, Q53, Q54, Q55 and Q57)

Beneficiaries	Evaluation of performance at public prosecution services level in 2024														
	Existence of a system to regularly evaluate the performance of the public prosecution services based on the monitored indicators	Frequency of the performance evaluation			Evaluation of public prosecution services' activity used for the later allocation of resources within a public prosecution service	Action taken for the allocation of resources following the evaluation of the public prosecutotion services				Body/authority responsible for evaluating the performance of the public prosecution services					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance)	Reengineering of internal procedures to increase efficiency	Other	Public prosecutorial Council	Ministry of Justice	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	External audit body	Other
Armenia															
Azerbaijan															
Georgia															
Republic of Moldova															
Ukraine															

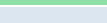
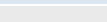
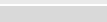
Yes 
 No 
 NA 
 NAP 

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2024 (Q60 and Q61)

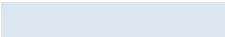
Beneficiaries	Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2024				
	Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs)			Monitoring the waiting time during judicial proceedings	
	Civil cases	Criminal cases	Administrative cases	Within the courts	Within the public prosecution services
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

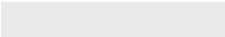
Yes	
No	
NA	
NAP	

Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.) in 2024 (Q61-1)

Beneficiaries	Possibility for courts and lawyers to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.) in 2024
Armenia	
Azerbaijan	
Georgia	
Republic of Moldova	
Ukraine	

Yes 

No 

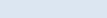
NA 

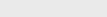
NAP 

Table 3.7.8 Information regarding courts' activity in 2024 (Q62, Q63, Q66, Q67 and Q68)

Beneficiaries	Information regarding courts' activity in 2024											
	Centralised institution responsible for collecting statistical data regarding the functioning of the courts		Publication of statistics on the functioning of each court by this institution			Individual courts required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Armenia		Judicial Department of RA (www.court.am); Armenia, 0010, Yerevan, Koryun 15/1										
Azerbaijan		High Judicial Council										
Georgia		Statistical Sector of Supreme court of Georgia										
Republic of Moldova		1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, http://aaij.justice.md										
Ukraine		The State Judicial Administration of Ukraine organizes the work on maintaining judicial statistics on the administration of justice in local and appellate courts. Address: 18/5 Lipska St., Kyiv, 00020										

Yes 

No 

NA 

NAP 

Table 3.7.9 Information regarding public prosecution services' activity in 2024 (Q64, Q65, Q69, Q70 and Q71)

Beneficiaries	Information regarding public prosecution services' activity in 2024											
	Centralised institution responsible for collecting statistical data regarding the functioning of the public prosecution services		Publication of statistics on the functioning of each public prosecution service by this institution			Public prosecution services required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Armenia		The Department of Statistics and Analysis within the Prosecutor General's Office (Address: 5 Vazgen Sargsyan, Yerevan, 0010,Armenia)										
Azerbaijan		Statistics Unit of the Department for Organizational and Executive Supervision of the Prosecutor Generals office The Department for the Defense of Public Prosecution of the Prosecutor Generals Office										
Georgia		☐The Prosecution Service of Georgia (Tbilisi, Gorgasali Str. N24, 0114); ☐ National Statistics Office of Georgia (Tbilisi, Tsotne Dadiani Str. N30, 0180).										
Republic of Moldova		General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova										
Ukraine		Office of the Prosecutor General, 13/15 Riznytska St., Kyiv										

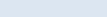
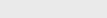
Yes 
 No 
 NA 
 NAP 

Table 3.7.10 Quantitative performance targets defined for each judge in 2024 (Q74, Q75 and Q75-1)

Beneficiaries	Quantitative performance targets defined for each judge in 2024																
	Existence of quantitative performance targets defined for each judge	Body responsible for setting these targets for each judge					Consequences for a judge if quantitative targets are not met										
		Executive power	Legislative power	Judicial power	President of the court	Other	Without disciplinary procedure					With disciplinary procedure					No consequences
							Warning by court's president	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	Warning by court's president	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	
Armenia																	
Azerbaijan																	
Georgia																	
Republic of Moldova																	
Ukraine																	

Table 3.7.11 System of individual evaluation of judge's work in 2024 (Q76, Q76-1 and Q77)

Beneficiaries	System of individual evaluation of judge's work in 2024										
	Existence of a system of qualitative individual assessment of the judges' work		Body responsible for setting the criteria for qualitative assessment of the judges' work					Frequency of this assessment			
	Quantitative	Qualitative	Executive power	Legislative power	Judicial power	President of the court	Other	Annual	Less frequent	More frequent	Different frequencies used
Armenia											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine											

Yes
No
NA
NAP

Table 3.7.12 Quantitative performance defined for each public prosecutor in 2024 (Q78, Q79 and Q79-1)

Beneficiaries	Quantitative performance defined for each public prosecutor in 2024																
	Existence of quantitative performance targets defined for each public prosecutor	Body responsible for setting the individual targets for each public prosecutor					Consequences for a prosecutor if quantitative targets are not met										
		Executive power	Prosecutor General/State public prosecutor	Public prosecutorial Council	Head of the operational unit or hierarchical superior public prosecutor	Other	Without disciplinary procedure					With disciplinary procedure					No consequences
							Warning by head of prosecution	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	Warning by head of prosecution	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please specify:	
Armenia																	
Azerbaijan																	
Georgia																	
Republic of Moldova																	
Ukraine																	

Table 3.7.13 System of individual evaluation of public prosecutors in 2024 (Q80, Q80-1 and Q81)

Beneficiaries	System of individual evaluation of public prosecutors in 2024										
	Existence of a system of qualitative individual assessment of the public prosecutors' work		Body responsible for setting the criteria for qualitative assessment of the public prosecutors' work					Frequency of this assessment			
	Quantitative	Qualitative	Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Annual	Less frequent	More frequent	Different frequencies used
Armenia											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine											

Yes	
No	
NA	
NAP	

3.8 Information and Communication Technology Tools

Table 3.8.1 IT Strategy and Case management system in 2024 (Q82-0, Q82, Q82-1 and Q82-2)

Beneficiaries	IT Strategy and Case management system in 2024							
	Existence of an IT strategy for the judiciary	Existence of a Case Management System (CMS)	Development of the running CMS or major redevelopment					Plans for a significant change in the present IT system in the judiciary in the next year
			In the last 2 years	Between 2 and 5 years	Between 5 and 10 years	More than 10 years	Other	
Armenia	Yes	Yes	No	No	No	Yes	No	Yes
Azerbaijan	No	Yes	No	No	No	Yes	No	Yes
Georgia	No	Yes	No	No	No	Yes	No	Yes
Republic of Moldova	Yes	Yes	No	Yes	No	No	No	No
Ukraine	Yes	Yes	No	No	No	Yes	No	No
Nb of Yes	3	5	0	1	0	4	0	3

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 3.8.2 Case management system - Deployment and usage rates in 2024 (Q83)

States	Case management system - Deployment and usage rates in 2024					
	Civil and commercial		Administrative		Criminal	
	Deployment rate	Usage rate	Deployment rate	Usage rate	Deployment rate	Usage rate
Armenia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Azerbaijan	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Georgia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Republic of Moldova	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Ukraine	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
95-100 %	5	5	5	5	5	5
75-95 %	0	0	0	0	0	0
50-75 %	0	0	0	0	0	0
25-50 %	0	0	0	0	0	0
1-25 %	0	0	0	0	0	0
0%	0	0	0	0	0	0
NAP	0	0	0	0	0	0
NA	0	0	0	0	0	0

Table 3.8.3 Case management system - Functionalities in 2024 (Q83-1 and Q83-2)

States	Case management system - Functionalities in 2024																																							
	Civil and commercial												Administrative										Criminal																	
	Centralised and/or interoperable CMS	Active case management	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another	Anonymisation of decisions to be	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other special functionality	Centralised and/or interoperable CMS	Active case management	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a (unique or linked id)	Electronic transfer of a case to another instance/court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems (civil register, tax register, ...)	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other												
Armenia																																								
Azerbaijan																																								
Georgia																																								
Republic of Moldova																																								
Ukraine																																								
Nb of Yes	4	3	5	3	5	5	4	4	4	4	3	4	1	4	3	5	3	5	5	4	3	4	4	3	3	1	4	3	5	3	5	5	4	1	3	4	4	3	3	1

Yes

No

NA

NAP

Table 3.8.4 Database of court decisions - Deployment rates in 2024 (Q84)

States	Database of court decisions - Deployment rates in 2024								
	Civil and commercial			Administrative			Criminal		
	1st instance	2nd instance	Supreme court	1st instance	2nd instance	Supreme court	1st instance	2nd instance	Supreme court
Armenia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Azerbaijan	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Georgia	NA	NA	95-100 %	NA	NA	95-100 %	NA	NA	95-100 %
Republic of Moldova	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Ukraine	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
95-100 %	4	4	5	4	4	5	4	4	5
75-95 %	0	0	0	0	0	0	0	0	0
50-75 %	0	0	0	0	0	0	0	0	0
25-50 %	0	0	0	0	0	0	0	0	0
1-25 %	0	0	0	0	0	0	0	0	0
0%	0	0	0	0	0	0	0	0	0
NAP	0	0	0	0	0	0	0	0	0
NA	1	1	0	1	1	0	1	1	0

Table 3.8.5 Database of court decisions - Modalities of publication in 2024 (Q84-1)

[illegible]

Yes	
No	
NA	
NAP	

Table 3.8.6 Database of court decisions - Functionalities in 2024 (Q84-2)

States	Database of court decisions - Functionalities in 2024																																
	Civil and commercial											Administrative										Criminal											
	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Armenia																																	
Azerbaijan																																	
Georgia																																	
Republic of Moldova																																	
Ukraine																																	
Nb of Yes	3	2	5	0	2	4	1	2	2	0	0	3	2	5	0	2	4	1	2	2	0	0	3	2	5	0	2	4	1	2	2	0	0
Yes No NA NAP																																	

Table 3.8.7 Statistical tools - Deployment rates in 2024 (Q85)

	Statistical tools - Deployment rates in 2024		
States	Deployment rate		
	Civil and commercial	Administrative	Criminal
Armenia	95-100 %	95-100 %	95-100 %
Azerbaijan	95-100 %	95-100 %	95-100 %
Georgia	NA	NA	NA
Republic of Moldova	95-100 %	95-100 %	95-100 %
Ukraine	95-100 %	95-100 %	95-100 %
95-100 %	4	4	4
75-95 %	0	0	0
50-75 %	0	0	0
25-50 %	0	0	0
1-25 %	0	0	0
0%	0	0	0
NAP	0	0	0
NA	1	1	1

Table 3.8.8 Statistical tools - Functionalities in 2024 (Q85-1)

States	Statistical tools - Functionalities in 2024																										
	Civil and commercial									Administrative									Criminal								
	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality
Armenia																											
Azerbaijan																											
Georgia																											
Republic of Moldova																											
Ukraine																											
Nb of Yes	4	2	5	2	3	2	3	3	0	4	2	5	2	3	2	3	3	0	4	2	5	2	3	2	3	3	0

Yes

No

NA

NAP

Table 3.8.9 Statistical tools - Data available for statistical analysis in 2024 (Q85-1)

States	Statistical tools - Data available for statistical analysis in 2024																										
	Civil and commercial									Administrative									Criminal								
	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Armenia																											
Azerbaijan																											
Georgia																											
Republic of Moldova																											
Ukraine																											
Nb of Yes	5	4	3	3	5	2	3	4	4	5	4	3	3	5	2	3	4	4	5	4	3	3	5	2	3	4	4

Yes
No
NA
NAP

Indicator 3 - Efficiency and productivity

by country

Question 36. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

Question 39. Second instance courts (appeal): Number of “other than criminal law” cases.

Question 40. Second instance courts (appeal): Number of criminal law cases.

Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.

Question 41-1. Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):

Question 41-2. Does the public prosecutor also have a role in:

Question 41-3. Public prosecutors: Total number of 1st instance criminal cases.

Question 41-4. If the guilty plea procedure exists, how many cases were concluded by this procedure?

Question 41-5. Do the figures provided in Q41-3 include traffic offence cases?

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?

Question 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?

Question 49. If yes, please specify the frequency:

Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?

Question 51. If yes, which courses of action are taken (multiple replies possible)?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 59?

Question 53. If yes, please specify the frequency:

Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Question 55. If yes, which courses of action are taken (multiple replies possible)?

Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):

Question 58. Do you regularly monitor court activities (performance and quality) concerning:

Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:

Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.)?

Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Question 63. Are the statistics on the functioning of each court published:

Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Question 65. Are the statistics on the functioning of each public prosecution service published?

Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Question 67. If yes, please specify in which form this report is released:

Question 68. If yes, please, indicate the periodicity at which the report is released:

Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Question 70. If yes, please specify in which form this report is released:

Question 71. If yes, please, indicate the periodicity at which the report is released:

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Question 75. Who is responsible for setting these targets for each judge?

Question 75-1. What are the consequences for a judge if these targets are not met?

Question 76. Is there a system of individual evaluation of the judges' work?

Question 76-1. Who is responsible for setting the criteria for the evaluation of the judges' work?

Question 77. Please specify the frequency of this evaluation:

Question 78. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Question 79. Who is responsible for setting these targets for each public prosecutor?

Question 79-1. What are the consequences for a prosecutor if these targets are not met?

Question 80. Is there a system of individual evaluation of the public prosecutors' work?

Question 80-1. Who is responsible for setting the criteria for the evaluation of the public prosecutors' work?

Question 81. Please specify the frequency of this evaluation:

Question 82-0. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

Question 82. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

Question 82-1. When was the running CMS developed (or in case of major redevelopment when it was redesigned)?

Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)

Question 82-1-0. In case there is more than one CMS, how many are they? Please specify and explain.

Question 83. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

Question 083-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

Question 083-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 84. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

Question 084-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

Question 084-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 85. If there are statistical tools for analysing court case data, what is their deployment rate?

Question 085-1. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

Armenia

Q041-1 (General Comment): According to article 176 of the Constitution of the Republic of Armenia, the Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:

- (1) instigate criminal prosecution;
- (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
- (3) pursue a charge at court;
- (4) appeal against the civil judgments, criminal judgments and decisions of courts;
- (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.

The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

It should be noted that the powers of the prosecutor at the pre-trial proceedings of the criminal case, and also powers during consideration of the criminal case or materials in the court are prescribed by the Criminal Procedure Code (Articles 53 and 54). Also according to the law on "Confiscation of Property of Illegal Origin" (which defines all the main legal procedures and functions of confiscation of property of illegal origin) the responsible subdivision of the Prosecutor General's Office of the Republic of Armenia is an authorized body in the proceedings of confiscation of property of illegal origin (the authorized body carries out examination, collects information containing confidential information protected by law and performs other powers during examination and also is authorized to bring an action for the confiscation of property).

In accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law.

Q041-1 (2024): In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority.

However, if saying "police investigation" we should understand police operative-investigative activities, than in accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary investigation.

Q041-2 (General Comment): According to Article 176 of the Constitution of the Republic of Armenia, The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

According to the Article 29 of "Law on Prosecutor's office of RA":

1. The filing by a prosecutor of a claim for the protection of state interests shall include:

- 1) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of civil procedure;
- 2) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of administrative procedure; 3) Filing a claim for compensation of pecuniary damage inflicted upon the state as a direct consequence of a crime in the frameworks of criminal procedure; and
- 4) Filing a claim for confiscation of property on the basis of the "Law on Confiscation of Property of Illegal Origin".

2. The prosecutor shall file a claim for the protection of state interests only if:

- 1) During the exercise of his powers, the prosecutor finds that a state or local government body that had the right to file a claim on such matters related to the protection of state interests, having knowledge of the violation of state interests, did not file such a claim in a reasonable period or did not file such a claim after receiving the prosecutor's suggestion to do so, or
- 2) The state interests were violated in respect of matters for which no state or local government body has the right, under the legislation, to file a claim, or
- 3) According to the results of the study conducted on the basis of the "Law On Confiscation of Property of Illegal Origin", there are grounds to file a lawsuit for confiscation of property.

Q041-2 (2024): According to part 2 of the Article 4 of the Law “On the Prosecutor’s office” of RA: “In accordance with part 3 of Article 176 of the Constitution of RA, the Prosecutor’s Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of State (Community) interests.

According to part 1 of the Article 29 of the same Law: “Bringing an action by the prosecutor with regard to protection of State (Community) interests, includes:

- (1) bringing an action with regard to protection of property and non-property interests of the State (Community) through civil procedure;
- (2) bringing an action with regard to protection of property and non-property interests of the State (Community) through administrative procedure;
- (3) bringing an action through criminal procedure with regard to compensation of property damage caused directly to the State (Community) by crime;
- (4) bringing an action with regard to confiscation of property based on the Law of the Republic of Armenia “On civil forfeiture of Property of illicit origin.”

According to part 2 of the same Article: “The prosecutor shall bring an action with regard to protection of State (Community) interests only in the following exceptional cases:

- (1) he or she reveals, in the course of exercising his or her powers, that the state or local self-government body entitled to bring an action with regard to issues related to the protection of State (Community) interests, being aware of the fact of violation of state interests, has failed to bring an action within a reasonable time period following the receipt of a proposal of the prosecutor on bringing an action; or
- (2) a violation of State (Community) interests has been committed with regard to issues in respect of which bringing an action is not reserved by legislation to any state or local self-government body, or
- (3) based on the results of the examination conducted under the Law of the Republic of Armenia “On civil forfeiture of Property of illicit origin”, there are grounds for bringing an action for the forfeiture of property”.

According to part 1 of the Article 6 of the Law of the Republic of Armenia “On Bankruptcy”: “If there are grounds prescribed by law for declaring the debtor bankrupt as a result of monetary obligations to the budgets of the Republic of Armenia and the community (including taxes, duties, and other payments) the competent state or local self-government bodies are obligated to apply to the court with a request to declare the debtor bankrupt.”

According to part 3 of the same article: “If the relevant state authorities fail to submit the bankruptcy application within the prescribed period, the application is submitted by the bodies of the Prosecutor’s Office.”

Q041-3 (General Comment): The reasons mentioned in 3.1.4 are grounds established by the Article 35 (1) of the Criminal Procedure Code. Thus, according to the Article 35 (1) of the Criminal Procedure Code: Criminal case cannot be instituted, and criminal prosecution may not be started, and the instituted criminal case shall be dismissed:

- 1) in the absence of any criminal act; 2) if the alleged act contains no corpus delicti;
- 3) if the alleged act, which has resulted in damages, is legitimate under criminal law;
- 4) in the event of absence of a complaint of the injured, in cases prescribed by this Code; 5) in the event of reconciliation of the injured party and the suspect or the accused, in cases prescribed by this Code; 6) the prescription has expired; 7) against the person and upon a cause, with respect to whom and upon which cause the court has already passed a judgment and such judgment has entered into legal force, or any other enforceable judicial decision is available to exclude criminal prosecution; 8) against the person and upon the same charge, with respect to whom and upon which charge the agency for inquest, the investigator, or the prosecutor has already made a decision denying criminal prosecution, and such decision is still in force;
- 9) At the moment of commitment of the crime the person had not reached the age punishable by law, as established by law;
- 10) The person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or to resume the case on occasion of new circumstances with regard to other persons; 11) The person refused to complete the crime of one’s own accord, if the action already committed has no other formal elements of crime;
- 12) The person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia; 13) Amnesty act has been adopted. The mentioned data was calculated by collecting the data received from the subdivisions of the RA Prosecutor’s Office.

Referring to the terminology “justifying grounds” and “non justifying grounds” it should be noted that this terminology was suggested by the Cassation court of RA. Thus, grounds which are mentioned in the Article 35, part 1, points 1-3 and part 2 of the Criminal Procedure Code of RA, are considered as “justifying grounds”. As for the grounds mentioned in the Article 35, part 1, points 4-13, they are considered as “non justifying grounds”.

Q041-3 (2024): Of the 51185 criminal proceedings concluded, 26212 were terminated, 11846 were sent to court, 7035 were merged into other criminal proceedings, 6092 were sent under jurisdiction. The number of the cases discontinued by the public prosecutor because the offender could not be identified are available for ref. year. 3.1.4. Discontinued for other reasons includes also 7035 cases that were merged and 6092 cases that were sent under jurisdiction.

In connection with the incoming cases, it is worth noting that, in accordance with the requirements of Part 4 of Article 483 of the Criminal Procedure Code of the Republic of Armenia, proceedings in criminal cases suspended until July 1, 2022 were resumed within one year by decision of the investigator or court. Moreover, in the vast majority of the aforementioned criminal proceedings, the relevant decisions were made during 2023 and they were accepted for proceedings by the investigators (therefore, they were included under incoming cases). Since the aforementioned process was completed by July 1, 2023, there were no resumptions of previously suspended criminal proceedings during 2024, therefore, the corresponding numerical indicator for 2024 (incoming cases) is significantly lower than the indicator for 2023.

Q056 (2024): The performance of courts is not evaluated, and the performance of judges is evaluated by the Judicial Performance Evaluation Committee of the General Assembly of Judges.

Q057 (2024): There is no evaluation system for public prosecutions services, although the individual prosecutors are evaluated. The Evaluation is carried out by the relevant unit within the General Prosecutor's Office or by special working group created by the order of the Prosecutor General.

Q058 (2024): There is no toolkit to monitor the duration (time limit) of proceedings, but studies are regularly conducted on procedural deadlines.

Q059 (2024): 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.

Q060 (2024): Monitoring of compliance with reasonable terms for the examination of all judicial cases is carried out by the presidents of the courts of first instance and appeals, and the procedure for its implementation was established by the decision of the Supreme Judicial Council No. SJ-25-N-10 of March 18, 2024. According to the aforementioned decision, after the end of the first half of each year, within a month, a summary of information on the terms for the examination of cases received, transferred, as well as redistributed among judges during the given period is carried out, as a result of which a report is compiled, in which the fact of exceeding the reasonable term for the examination of each case is qualified by taking into account the following criteria:

- 1) the legal and factual complexity of the case,
- 2) the behavior of the participants in the trial,
- 3) the inadequacy of the court's actions in the case,
- 4) the inadequacy of the actions of other competent bodies and officials in the case.

The president of the court sends the report to the Judicial Department. In case of violations discovered during the preparation of the report, the president of the court has the right to apply to the Ethics and Disciplinary Issues Committee of the General Assembly of Judges and to the Authorized Body authorized to initiate disciplinary proceedings against the judge.

Q062 (General Comment): Judicial Department of RA (www.court.am); Armenia, 0010, Yerevan, Vazgen Sargsian 5

Q064 (General Comment): The relevant subdivision of the Republic of Armenia Prosecutor's Office, the Department of Statistics and Analysis. Address: 5 Vazgen Sargsyan, Yerevan, Armenia

Q066 (General Comment): The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

Q067 (2024): Judicial statistics on the activities of the courts of the Republic of Armenia (by courts and by judges) are conducted by the Judicial Department in accordance with the requirements established by Article 19 of the Constitutional Law "Judicial Code of the Republic of Armenia" and Resolution No. 1542-N of the Government of the Republic of Armenia of December 27, 2018, on a semi-annual and annual basis, which is published on the official website of the Judiciary: www.court.am (link: <https://court.am/hy/statistic>). A separate report, as such, is not published.

In 2024 the activity report was not distributed in paper.

Q070 (2024): Every year each public prosecution service prepares an activity report regarding all aspects of prosecutorial activities which is presented to the Prosecutor General

Q074 (General Comment): The cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the relevant legislation.

Q076 (2024): The evaluation of a judge's performance is carried out by the Judges' Performance Evaluation Committee of the General Assembly of Judges, in accordance with the Constitutional Law "Judicial Code of the Republic of Armenia" and the Supreme Judicial Council's Resolution No. SJC 81-N-32 of 26.08.2024. The following are checked in the process of evaluating the performance of a judge: 1) audio minutes of 10 court sessions presided over by the evaluated judge, and in his absence, paper minutes. 2) 10 court cases examined by the evaluated judge, including a judicial act resolving the case on the merits. 3) 10 interim judicial acts made by the evaluated judge (except for judicial acts containing confidential information provided for by the legislation). 4) information on the average duration of the examination of cases completed by the evaluated judge and the average duration of the examination of cases in the courts of the same instance, his individual performance and the average performance of other judges of the court, the number of judicial acts resolving the case on the merits and overturned judicial acts made by him, as well as the number of judicial acts overturned on unconditional grounds. 5) information on ongoing and completed disciplinary proceedings against the evaluated judge. 6) a questionnaire filled out by the president of the court in accordance with Form 1 of the Decision of the Supreme Court of Justice of the Republic of Armenia No. 81-N-32. Chapter 8 of the Law defines the purpose, criteria, types, procedure, summary of results and consequences of the evaluation. According to Article 136 of the same Law, the objectives of the evaluation are to contribute to the selection of the best candidates during the promotion of judges, to assist in the selection of training directions, to identify ways to improve work efficiency, to contribute to self-improvement and to increase the efficiency of the court's activities. Article 138 defines the evaluation criteria, which include the quality of the judge's work, efficiency, professionalism and behavior. The main criteria for evaluating professionalism are the ability to substantiate judicial acts and conduct court sessions. Performance criteria include effective workload management, timely processing of cases and adjudication, and the ability to provide a safe working environment. Conduct and ethics criteria include adherence to codes of conduct, building public trust in the court, and positive relationships with colleagues and staff.

Q077 (2024): Every 4 years

Q080 (2024): According to Article 50, Part 10 and 11 of the Law "On Prosecutor's Office": The immediate superior prosecutor shall submit the appraisal of the prosecutor at least two weeks before the competency evaluation. The appraisal must contain data on the prosecutor, on his or her practical and personal features and a justified evaluation of the results of his or her official activities. This evaluation must be based on the conclusions of the immediate superior prosecutor with respect to the reports submitted to him or her by the prosecutor once a year, which relate to the activities carried out by the latter during the period following the previous competency evaluation. 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. A process is currently underway to introduce quantitative and qualitative criteria for evaluating the individual performance of prosecutors.

Q081 (General Comment): Prosecutors are evaluated (attestation) every three years. A person holding the position of a prosecutor for the first time passes the attestation three years after being appointed to the position. The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years' professional activities of the prosecutor concerned submitted to his/her direct supervisor.

Q082-0 (2024): Case Management Systems(CMS), ICT strategy is integrated as part of the 2022-2026 Strategy of Legal and Judicial Reforms.

Q082-1 (2024): The "Electronic Litigation" civil module has been implemented since February 1, 2024. At the same time, it is worth noting that the program for sending Enforcement Orders is working smoothly.

Q082-2 (2024): Currently, the administrative and bankruptcy modules of "Electronic Trial" are being tested in the courts. The process specified in Appendix No. 2 to the Strategy of Judicial and Legal Reforms of the Republic of Armenia for 2022-2026 and the Action Plan arising therefrom, approved by the Government Resolution No. 1133-L of July 21, 2022, and Appendix No. 1 to the Action Plan of the Government of the Republic of Armenia for 2021-2026, approved by the Government Resolution No. 1902-L of November 18, 2021, is in the process of being implemented.

- Q082-1-0 (2024):** 1. "Court System" computer program (hereinafter referred to as CAST). All types of court proceedings are conducted in CAST.
2. "Electronic Litigation" civil module (<https://cabinet.court.am>). This system allows for the submission of electronic claims in civil cases. (launched on February 1, 2024).
3. "Electronic Litigation" administrative module. Developed by order of the Ministry of Justice of the Republic of Armenia.
4. "Electronic Litigation" criminal module. Developed by order of the Ministry of Justice of the Republic of Armenia.
5. "Electronic Litigation" bankruptcy module. Developed by order of the Ministry of Justice of the Republic of Armenia.
6. Enforcement writ sending system (<https://ces.armlex.am>)

The work on the implementation of the modules specified in paragraphs 3-5 of the aforementioned question is currently underway, in accordance with the schedule set out in Appendix No. 2 to the Strategy of Judicial and Legal Reforms of the Republic of Armenia for 2022-2026 and the Action Plan arising therefrom, approved by the Government's Resolution No. 1133-L of July 21, 2022, and Appendix No. 1 to the Action Plan of the Government of the Republic of Armenia for 2021-2026, approved by the Government's Resolution No. 1902-L of November 18, 2021. Electronic modules for civil, criminal, bankruptcy and administrative cases are considered different systems. Civil module have been working since January 1, 2024, other modules are currently underway. The final objective is to combine all these modules into one "E-Justice" system, but as for now they are separate. In addition, enforcement writ sending system belongs to Compulsory Enforcement Service of the Ministry of Justice of the Republic of Armenia. Judges have access to the system for sending enforcement writs. So the system is separate.

Q083 (2024): The percentages for civil cases refer to CAST and the "Electronic Trial" civil module.

Azerbaijan

Q040 (2024): Source is statistical report

Q041-2 (2024): Participation in civil and administrative cases is carried out by prosecutors of the Department of Non-Criminal Proceedings of the Prosecutor General's Office of the Republic of Azerbaijan

Q041-3 (2024): Source: General Prosecutor Office

Q042 (General Comment): The Judicial-Legal Council of Azerbaijan plays a pivotal role in overseeing the judiciary. According to the "Law of the Republic of Azerbaijan On Judicial-Legal Council", the Council is responsible for ensuring the organization of the court system and maintaining the independence of judges and the judiciary within the country. The "Law of the Republic of Azerbaijan On Courts and Judges" outlines the structure and functions of the judiciary, specifying various courts such as district (city) courts, Grave Crimes Courts, military courts, and others. This law establishes the framework for judicial proceedings and the administration of justice.

Q043 (2024): (For Prosecution - source: General Prosecutor Office)

Q061 (2024): Monitoring waiting time in judicial proceedings is essential to ensure efficiency and prevent excessive delays. For tracking the waiting time, the courts and the Judicial-Legal Council use the electronic court system. The Judicial-Legal Council regularly monitors case delays and investigates the complaints about excessive waiting times.

Q065 (2024): <https://www.stat.gov.az/source/crimes/>

Q069 (2024): The report covers different fields of activity of the Prosecutor General's Office and it includes data on the number of incoming cases, the number of processed cases, the number of processed cases, the number of pending cases, the number of convictions and acquittals, the number of appeals, amount of damage, and others.

Q071 (2024): Biannual

Q074 (General Comment): According to the Law on Judicial Legal Council, Article 13.4, the performance of judges is assessed on the basis of quantitative (judicial workload and ability to cope with it) and qualitative (quality of management of judicial acts and court proceedings, communication skills, judicial ethics and discipline) indicators, which allow determining their level of professionalism based on materials collected by the Judicial Evaluation Committee.

Q076 (2024): The Judicial and Legal Council established the Judges Evaluation Committee has been established and is operating in accordance with the legislation. The Committee consists of 9 members (three judges of the Supreme Court of the Republic of Azerbaijan, three judges of the courts of appeal, three judges of the courts of first instance). The activities of judges will be evaluated on the basis of quantitative (judicial workload and ability to cope with it) and qualitative (quality of management of judicial acts and court proceedings, communication skills, judicial ethics and discipline) indicators, which will allow determining the level of their professionalism based on the materials collected by the Judges Evaluation Committee under the new Rules. The activities of court chairmen, deputy chairmen and chairmen of the board in the exercise of administrative powers will be evaluated based on the materials collected by the Judges Evaluation Committee, based on criteria that allow determining their management skills (observance of labor and executive discipline in the relevant court and the state of organization of work (conducting court statistics and archival work, compliance with clerical rules, organization of management of the court apparatus, the state of studying and generalizing judicial practice, reception of citizens, organization of work in the court in the field of considering applications). The activities of judges are evaluated taking into account the results of monitoring the activities of the courts, information from the Office of the Judicial-Legal Council, the judge whose activities are evaluated, as well as the chairmen of the Supreme Court of the Republic of Azerbaijan, courts of appeal and first instance, and the number of cases referred for mediation in accordance with the Law of the Republic of Azerbaijan "On Mediation". When evaluating the activities of judges, information available to members of the Judicial-Legal Council may be used. As a result of the evaluation of the judge's performance, one of 3 (high, satisfactory and professional deficiency) results will be determined, not 2 as before, and if the performance is highly evaluated, the Judicial-Legal Council will be able to consider the possibility of promoting the judge to the position. The Committee also intends to draw up a final opinion on the evaluation of the judge's performance and to approve this opinion by discussing it with the Judicial-Legal Council. It is envisaged that the Judicial-Legal Council will adopt detailed rules and methodology for evaluating the performance of judges.

Q076-1 (2024): High Judicial Council

Q080 (2024): The evaluation is carried out in accordance with the requirements of the General Prosecutor's Office's "Rules of Work Organization."

According to Article 152.1 of these Rules, the employee's service performance for the period from January 1 to December 31 of the calendar year is assessed at the end of that year by their direct supervisor.

Based on Article 154 of the "Rules of Work Organization," the Prosecutor General may implement one of the following measures based on the results of the prosecutor's evaluation:

- If the rating is excellent (between 5 and 4.6) – If the employee receives this rating for two consecutive years, they may be promoted to a higher position, included in the Personnel Reserve Registry for leadership roles, or receive other incentive measures.
- If the rating is good (between 4.5 and 3.6) – If the employee receives this rating for three consecutive years, they may be promoted to a higher position or be eligible for incentive measures.
- If the rating is satisfactory (between 3.5 and 2.6) – Appropriate measures may be taken to improve the employee's work performance and enhance their skills, such as additional education or specialized training.
- If the rating is unsatisfactory (2.5 or below) – If this rating remains unchanged in the next evaluation, the employee may be transferred to another equivalent position. If the rating remains unchanged in a subsequent evaluation, they may be demoted to a lower position.

The employee's service performance throughout the year is assessed based on the following criteria:

- Professional knowledge, Attitude toward official duties, Analytical, problem-solving, and decision-making skills, Creativity and initiative, Work experience and knowledge sharing, Teamwork and communication skills

Q082 (General Comment): In 2011, the application of the "Electronic Court" system was started in pilot mode. The official application of this System was started with the Decree of the President of the Republic of Azerbaijan on the creation of the "Electronic court" information system dated February 13, 2014.

Q082 (2024): Electronic Court Information System

Q084-1 (2024): Court decisions are published online (public website) anonymized

Q084-1 (2024): Court decisions are published online (public website) anonymized

Georgia

Q037 (General Comment): Administrative infractions (offences)

Q038 (General Comment): The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty). According Criminal Procedural Code of Georgia, those criminal cases where detention as a measure of restraint isn't used against accused, should be resolved in 24 months (and few kind of cases in 36 months) by First Instance Court. Thus, time limit for first Instance court for above mentioned criminal cases (where detention against accused isn't used) is about two years. In 2023, 25 701 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

Q038 (2024): According Criminal Procedural Code of Georgia, those criminal cases where detention as a measure of restraint isn't used against accused, should be resolved in 24 months (and few kind of cases in 36 months) by First Instance Court. Thus, time limit for first Instance court for above mentioned criminal cases (where detention against accused isn't used) is about two years. In 2024, 18 871 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

Q040 (General Comment): In Data of Misdemeanor/Minor cases are also included Administrative offences (Pending - 102 (on 1st January 2024) cases; Incoming - 1993 cases; Resolved - 2021 cases; pending on 31st December 2024 - 74 cases.

Q040 (2024): In Data of Misdemeanor/Minor cases are also included Administrative offences (Pending - 102 (on 1st January 2024) cases; Incoming - 1993 cases; Resolved - 2021 cases; pending on 31st December 2024 - 74 cases.

Q041 (General Comment): Trading in influence cases and Bribery cases have not been appealed in Appeal and Supreme Court during Reference year. Insolvency cases have no time limits. Decisions of Appeal Court on Insolvency cases are final and can't be appealed in Supreme Court.

Q041 (2024): Trading in influence cases and Bribery cases have not been appealed in Appeal and Supreme Court during Reference year. Insolvency cases have no time limits in first Instance. Decisions of Appeal Court on Insolvency cases are final and can't be appealed in Supreme Court.

Q041-1 (General Comment): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria.

Regarding imposing or negotiating a penalty - According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

Q041-1 (2024): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria.

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Q041-2 (2024): Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecution Service.

Q041-3 (General Comment): No general comment.

Q041-3 (2024): Information regarding the received cases is provided as the result of the Workshop on Case Flow of Prosecution Services.

Q042 (2024): The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the Courts of Appeal and the Supreme Court that are available on the website of High Council of Justice. It should be mentioned that since 2023, Georgian courts are actively involved in CEPEJ projects and activity programmes related with improvement of judicial quality standards.

Q043 (2024): Department of Court Management of the HCJ – the body created by the LLC specifically for ensuring efficiency and quality of the common courts system. Quality standards are locally in each court implemented by Court Managers.

Q053 (2024): The performance appraisal of prosecutors is conducted once in 2 years.

Q057 (2024): The Department for Supervision of Prosecutorial Activities and Strategic Development of the Office of the Prosecutor General of Georgia is responsible for performance evaluation of prosecutors.

Q059 (2024): Overall quality of prosecutorial activities.

Q062 (2024): Approximately all large Courts have Statistical Sectors or Court statistics. All important information is collected and accumulated at Statistical Sector of Supreme Court of Georgia

Q066 (2024): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Secretary and Chair person of High Council of Justice of Georgia. Reports are presented at Annual Conference of Judges of Common Courts of Georgia and are also published on the website. Reports show statistical and analytical overview of the activities of the High Council of Justice of Georgia, as well as activities of Courts.

Q068 (2024): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Secretary and Chair person of High Council of Justice of Georgia. Reports are presented at Annual Conference of Judges of Common Courts of Georgia and are also published on the website. Reports show statistical and analytical overview of the activities of the High Council of Justice of Georgia, as well as activities of Courts.

Q069 (2024): The Report of the Prosecutor General of Georgia about the activities of the PSG during 12 months is released annually, and published on the website. The report includes statistical and analytical overview of the PSG activities, implemented criminal policy, challenges and plans.

Q070 (2024): The Report of the Prosecutor General of Georgia about the activities of the PSG during 12 months is released annually, and published on the website. The report includes statistical and analytical overview of the PSG activities, implemented criminal policy, challenges and plans.

Q074 (General Comment): According the law there isn't quantitative performance targets defined for each judge.

Q076 (2024): Individual evaluation of Judge's work exists only during the probation period for Judges, annually, during 3 years.

Q076-1 (2024): Criteria for evaluation of Judges work during probation period is already provided in Organic Law of Common Courts

Q080 (2024): PSG comment: The performance appraisal of prosecutors is conducted based on the Organic Law on the Prosecution Service of Georgia (Chapter XIV) and Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators, which are available online.

The assessment is conducted once in 2 years. There is an exam in case of failure to meet the lowest level of competence followed by the re-evaluation. The results of the evaluation can be appealed. The performance appraisal is taken into account when deciding on grading, incentivizing and promoting prosecutors. The evaluation is carried out by the specialised PSG department through the extensive use of the electronic criminal case management system. There are three main areas for evaluation: Quality of work Workload Assessment of supervisor
The below factors have no direct impact on the performance appraisal, but they are taken into account during the decision-making on grading, incentivizing, promotion, disciplining, demotion and dismissal of prosecutors and investigators:

Participation in the Mentorship Program

Participation in trainings and training results Participation in preventive and other activities

The appraisal system is based on clear and objective criteria and transparent procedures. The PSG first introduced it in 2017. Since then, it has been gradually improved and upgraded.

Q080-1 (2024): The Organic Law on Prosecution of Georgia (Chapter XIV) and Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators provide the criteria for the performance evaluation of prosecutors.

Q082-0 (2024): At the moment there isn't officially approved IT Strategy for the Judiciary, but concept and vision of IT strategy for the Judiciary is prepared.

Q082-2 (2024): At the moment Information Technology Service of High Council of Justice of Georgia is working on development of new Case Management program.

Q084-1 (2024): Georgian Court system has two main websites for publication of Court Decisions:

1. www.ecd.court.ge - All decisions taken by Courts (by all Instance Courts) had been automatically published (with anonymized data) on this website.

2. www.supremecourt.ge - All decisions taken by Supreme Court of Georgia are published (with anonymized data) on this website. After decision made by Constitutional Court of Georgia in June 2019, it has become important to adopt clear and obvious regulations about publication form of Court Decisions. Georgian Parliament adopted the new regulation regarding the publication of court decisions. This legal changes came into force from June 2024. In 2024 Decisions of Supreme Court of Georgia were being uploaded.

In 2022-2023 there was gap in legislation regarding publication of 1st and 2nd instance court decisions, this is the reason why during this period the publication of 1st and 2nd instance court decisions were suspended.

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Q085 (General Comment): Since the current case management program was created in 2011, it does not fully take into account the requirements of contemporary statistical reports. Therefore, only the implementation of the statistical module without the use of artificial intelligence will not give us results. We are working on the development of a new case management program, where the functionality will be adjusted to the process of conducting court cases and collecting statistical information.

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Republic of Moldova

Q039 (2024): A general increase of the pending cases on 31 December 2024 compared with 2023 can be explained due to a decreased number of resolved cases. The initiation of the vetting proceeding for second instance judges has impacted many judges to leave the system. In order to fix the problem, the Superior Council of Magistracy has complemented a part of the vacant positions temporarily with first instance judges willing to work for the courts of appeal.

Q040 (2024): A general increase of the pending cases on 31 December 2024 compared with 2023 can be explained due to a decreased number of resolved cases. The initiation of the vetting proceeding for second instance judges has impacted many judges to leave the system. The Superior Council of Magistracy, in order to fix the problem, has complemented a part of the vacant positions temporarily with first instance judges willing to work for the courts of appeal.

Q041 (General Comment): There is available data concerning the percent of decisions subject to appeal and percent of cases pending for more than 3 years for first instance courts.

Q041-1 (2024): The role and powers of public prosecutor in the criminal procedure are stipulated by articles 52,53, 53/1 of the Criminal Procedure Code. The public prosecutor conducts the criminal investigation in specific cases in Moldova.

Q041-2 (General Comment): In civil matters, the public prosecutor takes part in the investigation of first instance if s/he her/himself filed a petition for legal action. The prosecutor may lodge a petition for compensation for the damage caused to public authorities by a criminal offence, as well as for the annulment of the acts that caused the damage, in the case of ceasing or non-commencement of the criminal prosecution under art. 275 (4), 5) and 9) of the Code of Criminal Procedure. The petition may be filed regardless of the consent of the public authority. The prosecutor who has brought an action has the applicant's rights and procedural obligations, except for the right to terminate the transaction and the obligation to pay the costs. The dismissal of the prosecutor's claim submitted in defence of the interests of the public authority does not deprive the prosecutor of the right to request the examination of the case. The dismissal of the public authority of the action brought by the prosecutor does not affect the examination of the case if the prosecutor requests that. The absence of the prosecutor legally summoned in court does not terminate the examination of the case if the public authority in whose interests the action was brought supports the examination of the case. The prosecutor is a subject with a right to appeal the administrative court under the terms of Article 5 of the Code of Civil Procedure in order to contest the acts issued by the public authorities.

Q041-2 (2024): In accordance with the art. 5 letter j) of the Law on the Prosecutor's Office no. 3/2016, in cases of non-start or termination of the criminal investigation, under the law, the prosecutor initiates a civil action and participates in its examination. Also, a structural subdivision is designated by the General Prosecutor's Office for representing the authority in courts, when the administrative acts issued by Prosecutor's office are disputed.

Q041-3 (General Comment): The reflected data include:

1. Pending cases according to Info GPO Information System.
2. Incoming cases according to Info GPO Information System. Data include criminal cases on which criminal investigation was started, reopened cases, separated cases.
- 3.1.2 Cases discontinued on reasons that allow rehabilitation of the person, such as:
 - there is not any fact of criminal violation;
 - the violation does not meet the elements of the crime, except for the cases when the crime was committed by a legal person;
 - the violation is not included in the penal/criminal law;
 - amnesty.
- 3.1.3. Cases discontinued for reasons of opportunity, such as: - for minor offences;
 - for minors;
 - for minor offences committed for the first time;
 - for active repentance;
 - for willingly renouncement on the commission of crime.
- 3.1.4 Other cases discontinued for reasons, such as:
 1. The offender passed away.
 2. The complaint of the victim is missing or it was withdrawn.
 3. A final court decision on the same offender and charge of refusal for criminal investigation was issued.
 4. A decision on the same offender and charge of refusal to start or cease the criminal investigation was issued.
 5. Suspended cases when the offender is hiding from the prosecution and when the offender is severe ill.
- 3.2 Cases where the criminal investigation was suspended conditionally for a term up to 1 year, with the subsequent release from criminal liability.(e.g. accused persons of minor or less serious crimes who admitted the guilt, do not present a social danger and can be re-educated without the application of a criminal punishment. Once suspended, the case does not reach the court and is considered resolved at the stage of criminal investigation by the prosecutor. In fact, the prosecutor does not apply any punishment but imposes certain conditions which, if met, determine the release of the person from criminal liability).
- 3.3 Cases brought to court with an indictment according to Info GPO Information System.
4. Pending cases are provided here according to Info GPO Information System. The formula: 1+2-3=4 for data included in this table is not applicable due to the fact that a part of cases that had been initially registered into the system, at a later stage were aggregated. The joint cases are not counted in Pending, as there is no record kept in the system to be able to identify them as processed or pending.

Q041-3 (2024): Pending cases (31.12.2024) according to Info GPO Information System. The formula: 1+2-3=4 for data included in this table is not applicable due to the fact that a part of cases that had been initially registered into the system, at a later stage were merged. The joint cases are not counted in Pending, as there is no record kept in the system to identify them as processed or pending.

Q041-4 (2024): The procedures under the sub-category "Before the main trial" are those validated by a court during the criminal investigation phase.

The procedures under the sub-category "During main trial" are reported based on Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase, and the recognition of the evidence by the defendant in front of the judge. These procedures have been reflected in the CEPEJ questionnaire starting with 2023 as "guilty plea procedures during the main trial", based on the guidance of the Supreme Court of Moldova, which recognises these as guilty plea during main (even if simplified) trial.

Q042 (General Comment): On September 12, 2014 through an order signed by General Prosecutor's Office jointly with the Ministry of Internal Affairs, the National Anticorruption Center and the Customs Service were approved the Performance Indicators for the institutions involved in the criminal process and the Methodology for evaluating the effectiveness of the criminal investigation activity, but in practice these indicators are not applied.

The Superior Council of Magistracy approved by its Decision nb. 457/2023 the Regulation on the minimum quality standards concerning the organizational activity and administration for first instance courts and courts of appeal. The standards cover the following areas:

(1) court performance, (2) online services, (3) court infrastructure, (4) quality management and (5) communication with the media and the general public.

Q043 (General Comment): For different quality standards established by SCM for first instance courts and courts of appeal there is specialised personnel entrusted with implementation. For example, a Working Group composed of judges, staff, head of secretariat and chaired by the president of the court monitors and analyse every 6 months the court performance; the head of the secretariat has the duty to collect statistics every 3 months and to present the data to the president of the court; a communication specialist is contracted/employed to improve the communication of the court with the media and the general public, etc.

Q049 (2024): The SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of courts activity for first instance courts and courts of appeal recommends to the heads of secretariat to collect data and to present them to the court presidents every 3 months. A Working Group created by each court based on the afore-mentioned SCM decision has the competence to evaluate the court performance every 6 months.

With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been active in 2024 at the national level to uniformise the methodology of annual reporting on court performance. The methodology is expected to be approved by SCM in 2025.

At the national level, the Judicial Inspection (not earlier than 2025) should evaluate the alignment of the courts to the aforementioned standards once in 3 years.

Q053 (2024): GPO publishes an annual activity report with aggregated data per system and for each specialised prosecutor's office. Each individual public prosecution service collects data and fills every month statistics in Info PG Information System.

Q056 (General Comment): The Agency for Courts Administration is an entity subordinated to the Ministry of Justice who is responsible for data collection and analysis of court performance at the central level (excepting individual performance of judges) for policy making specifically for facilitating access to justice, improving court staff training, court IT solutions, cybersecurity, data protection, facilitating the maintenance/renovation/building of court premises and other court facilities, improving other internal court processes.

Q056 (2024): The Ministry of Justice through its specialised Agency for Courts Administration collects every 3 months, aggregates and analyses statistical data from courts. The Agency publishes the aggregated statistical reports on its web page. The Superior Council of Magistracy, collects statistical data every 3 months from courts, includes them in its annual activity report and periodically verifies the organizational activity of courts in the administration of justice, through the specialized body created within it, namely the Judicial Inspection.

The Judicial Inspection within the SCM represents the specialized body with the powers established by law and the purposes of improving the organizational performance and functionality of courts; making judges accountable; identifying vulnerabilities in the judicial system; eliminating dysfunctions and preventing risks of violation of citizens' rights; formulating proposals for improving the relevant legal framework.

In accordance with the provisions of art. 72 para. (1) of the Law on the Superior Council of Magistracy, the organizational activity of courts in the administration of justice is verified in order to ensure:

- a) speed of the process;
- b) transparency of the activity of administering justice and openness to society;
- c) efficiency of the activity of courts, judges and court staff;
- d) compliance with the Code of Ethics of the judge;
- e) high professional conduct of court staff;
- f) continuous improvement of the performance of judges and court staff.

Paragraph (2) of the same article states that the organizational activity of courts in administering justice can be verified in two forms:

- a) ordinary control – for the examination of a specific case or a distinct field of activity;
- b) complex control – for the examination of the entire activity of administering justice.

Complex ordinary controls are carried out in accordance with the Annual Activity Plan of the Judicial Inspection, which is placed for transparency on the SCM website, in the Judicial Inspection section (<https://www.csm.md/ro/organe-subordonate/inspectia-judiciara/planuri-de-activitate-ij.html>).

Following the inspection of the court's activity, a draft Control Act is drawn up, which is submitted to the inspected court for information, and which, within 10 days, has the opportunity to present objections in relation to what was found and reflected by the control team in the Act.

At the same time, it is noted that the courts verified by the Judicial Inspection in most cases, through the position expressed on the Control Acts, predominantly accepted what was found and reflected by the Inspection with the assumption of eliminating the established deficiencies (<https://www.csm.md/ro/organe-subordonate/inspectia-judiciara/controale-ij.html>).

Q057 (2024): The Prosecutor General has the duty to present an annual activity report of the prosecution to the Parliament.

The General Assembly of Prosecutors has the mission to receive/hear an activity report of prosecution institutions during their meetings.

Q058 (General Comment): The Moldovan Court Information System reflects regularly the number of pending civil cases older than 200 days, criminal cases older than 100 days and misdemeanor (administrative offences) cases older than 30 days.

The Moldovan Court Information System reflects also regularly for all case types the pending cases older than 12, 24 and 36 months.

According to the SCM Decision no.854 / 37 of 19.12.2017 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Rate of resolved cases (taking into account all pending cases at the beginning of the year and number of incoming cases), Rate of successful appeals, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislation).

Two more indicators (satisfaction of court staff and satisfaction of users) were built in the Court information System in 2022 and can be used by courts by a regular monitoring of their activity performance. This set of court performance indicators (qualitative and quantitative) is being monitored regularly by the judiciary.

Based on aforementioned indicators, through SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of court's activity for first instance courts and courts of appeal, 13 quality standards have been approved for Moldovan courts. The standard 1 "Measuring courts' efficiency" has the following progress indicators:

1. Clearance rate - at least 100%
2. Rate of postponed court hearings - less than 20%
3. Age of cases resolved in less than 2 years - 90% of cases
4. Age of pending cases more than 3 years - 4% of cases
5. Disposition time in first instance courts - less than European median in 2020 (civil cases-293 days, administrative cases-397 days, criminal cases - 199 days).
6. Disposition time in courts of appeal - less than European median in 2020 (civil cases-282 days, administrative cases-500 days, criminal cases - 186 days).

Q058 (2024): Other: Rate of postponed court hearings, Rate of resolved cases (taking into account all pending cases at the beginning of the year and number of incoming cases), Rate of successful appeals, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislative provisions).

Q059 (General Comment): The prosecutors ensure the examination of cases within a reasonable time, monitoring this aspect in general (pending cases more than 12, 24, 36 months), but there are no established certain special terms for the examination of certain types of criminal cases, to be monitored. The prosecutors monitor some aspects related to the recovery of legal expenses in the criminal process.

Pending cases are also monitored.

Q062 (General Comment): The institutions responsible for collecting statistical data regarding the functioning of the courts and judiciary are the Superior Council of Magistracy and the Agency for Courts Administration.

According to art. 54 of the Law no. 514 on judicial organization, the courts present to the Superior Council of Magistracy and to the Agency for Courts Administration statistical information on the cases examined in civil, commercial, administrative, administrative offences and criminal cases, as established by the courts. The Agency for Courts Administration has the following attributions in the field of judicial statistics:

- a) develops the mechanism and rules for keeping of judicial statistics;
- b) carries out the collection, analysis and systematization of data on judicial statistics;
- c) verifies the correctness of the statistical reports produced by the courts, as well as the statistical reports generated by the Integrated Case Management Program;
- d) ensures the keeping and storing of generalized statistical reports and related information submitted by the courts;
- e) collects, checks, stores and keeps records of the statistical records of the defendants and of the checklists presented by the courts and their lists, as well as ensures the compliance of the number of records of the defendants with the number of convicted persons in the statistical reports;
- f) collects and generalizes other information related to judicial statistics submitted by the courts;
- g) provides methodological assistance and support to court personnel as regards the bookkeeping, generalization and analysis of judicial statistics;
- h) examines requests and inquiries from interested institutions and representatives of civil society regarding the provision of statistical information;
- i) prepares quarterly and annual reports on judicial statistics and submits them to the Supreme Court of Justice, the Superior Council of Magistracy and other interested bodies for information, as well as publishes them on the official website of the Ministry of Justice and on the Agency's webpage.

Therefore, two institutions are responsible for maintaining judicial statistics in the Republic of Moldova:

1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ;
2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aaij.justice.md> .

Q062 (2024): 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aaij.justice.md>

Q063 (2024): SCM publishes annual activity reports with aggregated data per system. ACA publishes aggregated data per system every 3 months. Each court publishes individual activity reports on its webpage in "statistics" menu on National Court's web Portal (E.g. Chisinau first instance court - <https://jc.instante.justice.md/ro/content/statistica>). The JUSTAT information system (developed with the EU/CoE joint support) is another solution publicly available for free that reflects court statistics.

Q064 (2024): General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

Q065 (2024): GPO publishes an annual activity report with aggregated data per system and for each specialised prosecutor's office. Each individual public prosecution service is filling every month statistics in Info PG Information System (internally).

Q067 (2024): According to legal provisions individual courts are required to analyze regularly their activity and present statistical data to the Superior Council of Magistracy and Agency for Courts Administration. The courts publish on their webpages their reports.

Each court is responsible for preparing an activity report that includes, for example, data on the number of resolved cases, pending cases, the number of judges and administrative staff, etc. The data are extracted from the Integrated Case Management System. The statistical data are taken into account when adopting decisions of the SCM Plenum on various issues related to the administration of courts, the specialization of judges, the temporary transfer of judges, the permanent transfer of judge positions from one court to another, the evaluation of the activity of judges, the development of forecasts regarding the increase or decrease in the number of judges in courts, as well as proposals for amending the regulatory or legislative framework.

According to the SCM recommendations in 2023, the head of the secretariat presents every 3 months data to the court president and a Working Group analyses every 6 months the court performance (first evaluation using the SCM recommendations is proposed not earlier than in 2 years from the date the SCM recommendations have been issued).

Q068 (General Comment): The report is accessible to the general public, Agency for Courts Administration and Superior Council of Magistracy. The structure of the report is determined at the general level and contains information on the number of examined cases, the number of filed cases, the number of pending cases, the number of judges, the workload per judge. The report reflects the information on the activity of the court, including also the issued decisions, maintained decisions, quashed, modified decisions, etc.

Q068 (2024): The courts in 2024 have a different practice, some of them release on their webpages an activity report every 3 months, other-every 6 months, other-once per year. With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 and its activity was ongoing in 2024 to uniformise the methodology of annual reporting on court performance.

Q070 (2024): The General Prosecutor submits to the Parliament annually, by March 31 of the current year, a report on the activity of the Prosecutor's Office in the previous year, which is published on the website of the Prosecutor's Office <https://www.procuratura.md/sites/default/files/2024-02/Raportul%20de%20activitate%20al%20Procuraturii%20pentru%20anul%202023.pdf>. Each public prosecution service is filling every month statistics in Info PG Information System (internally).

Q071 (2024): Monthly for each prosecution service;

Q075 (General Comment): All cases are randomly distributed by Integrated Case Management System based on case complexity and on a specific percentage of examination established by the Superior Council of Magistrates. The investigative judges examine specific criminal materials and 50% of other case categories. If the workload of a judge is high, the president of the court will set less case types to be distributed in order to balance the workload.

The ordinary performance evaluation is initiated by the selection and evaluation Board on the basis of an evaluation plan approved by the Superior Council of the Magistracy.

The ordinary evaluation of judges' performances is carried out based on the following criteria:

- a) professional competence;
- b) organizational competence;
- c) integrity.

Professional competence is evaluated based on the following indicators:

- a) the percentage of upheld judgments/conclusions from contested ones, with the exception of overturned judgments for reasons not attributable to the judge;
- b) the number and percentage of annulled decisions/conclusions from those examined, with the presentation of the confirmatory extract from the Integrated File Management Program;
- c) the presence of violations of the European Convention for Human Rights, found by the European Court of Human Rights;
- d) clarity of verbal and written presentation;
- e) the quality of the reasoning of court decisions;
- f) the professional training of the judge;
- g) possession and application of IT knowledge.

Organizational competence is evaluated based on the following indicators:

- a) the resolution rate of files in relation to the number of files distributed for examination;
- b) compliance with reasonable deadlines in the process of administration of justice;
- c) the weight of the decisions drawn up in compliance with the term established by law;
- d) the average deadlines for examining files, depending on their complexity;
- e) the way of organizing the professional activity;
- f) the number of meetings in the evaluation period that were postponed for reasons attributable to the judge, relative to the total number of meetings;
- g) the number of judgments and court rulings published on the website of the court, relative to the total number of judgments or, as the case may be, court rulings issued;
- h) the average rate of the number of interrupted meetings in relation to the total number of meetings;
- i) fulfilment within legal terms of other duties established by law.

Integrity is evaluated based on the following indicators:

- a) compliance with professional ethics;
- b) the number of disciplinary sanctions applied during the period under evaluation;
- c) non-involvement in political activities;

Q077 (2024): According to the provisions of the Law 147/2023 on the selection and individual evaluation of judges:

- 1) the ordinary evaluation of judges' performance is carried out once in 5 years.
- 2) the extraordinary evaluation of judges' performance is carried out: a) in case of participation in the competition for the position of court president or vice-president;
- b) in case of request to be promoted in a higher court;
- c) in case of request to be transferred in another court;
- d) in case of obtaining the qualification "insufficient" not more often than 1 year after obtaining such qualification.
- e) in the case of an existing disciplinary case requesting the extraordinary assessment a the performance of the judge concerned in a disciplinary procedure;
- f) in case there are doubts that the judge is not realizing his/her managerial competencies as a court president or vice-president.

In situations listed from a) to c) the extraordinary evaluation will be carried out just if the judge has not been evaluated in the last 2 years.

Q080 (2024): According to Article 28 of Law no. 3/2016, the performance of prosecutors is evaluated by the Board for the Selection and Evaluation of Prosecutors subordinated to the Superior Council of Prosecutors in order to assess the activity, level of knowledge and professional skills of prosecutors, their suitability for the positions held, as well as to stimulate the improvement of professional skills and increase the efficiency of the prosecutor's activity.

As part of the performance evaluation, the following are evaluated:

- a) the quality of the prosecutor's activity in general;
- b) the activity of the prosecutor during the criminal investigation phase;
- c) the activity of the prosecutor during the trial phase of criminal cases;
- d) promptness of the prosecutor in the professional activity;
- e) compliance with the institutional regulations within the Prosecutor's Office;
- f) integration and communication skills;
- g) reputation and integrity.

Q081 (General Comment): According to Article 29 of the Law no.3/2016 on the Prosecutors Office, the evaluation of prosecutors performance is carried out in two forms:

- a) periodic evaluation;
- b) extraordinary evaluation.

The prosecutor is subject to periodic performance evaluation once every 5 years. The performance of the person appointed as a prosecutor is evaluated during the first year of service.

The prosecutor is subject to extraordinary performance evaluation:

- (a) at his or her request, but not more often than once in 2 years;
- (b) in case of participation in the competition for the post of Chief Prosecutor;
- (c) in case of obtaining the qualification "insufficient".

Q081 (2024): According to Article 29 of the Law no.3/2016 on the Prosecutors Office, the evaluation of prosecutors performance is carried out in two forms:

- a) periodic evaluation;
- b) extraordinary evaluation.

The prosecutor is subject to periodic performance evaluation once every 5 years. The performance of the person appointed as a prosecutor is evaluated during the first year of service.

The prosecutor is subject to extraordinary performance evaluation:

- (a) at his or her request, but not more often than once in 2 years;
- (b) in case of participation in the competition for the post of Chief Prosecutor;
- (c) in case of obtaining the qualification "insufficient".

The Regulation on selection and evaluation procedure of the prosecutor's performance and the activity of the Selection and Performance Board nb. 1-16 2024 reflects as well another circumstance for extraordinary performance evaluation d) in the case of the request by the SCP of an extraordinary assessment of the performance of the prosecutor concerned by a disciplinary procedure.

Q082-0 (2024): In order to develop and implement judicial information systems, specific activities on ICT are planned in the actual 2022-2025 Strategy for Ensuring the Independence and Integrity in the Justice Sector and its Action Plan.

This is including the information systems owned by the Legal Aid Council, Prosecution authorities, Judiciary and Enforcement system.

Please see the attached document (unofficial translation in English).

Q082 (General Comment): The Moldovan CMS was developed and it is functional for over than 10 years. It has been redesigned (major redevelopments) in 2019-2021.

Q084-2 (General Comment): All courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

Q084-2 (General Comment): All courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

Ukraine

Q038 (2024): Categories 2 and 3 are NA, as it is not possible to distinguish between some minor and other criminal cases.

Q039 (General Comment): With respect to the change of many items from NA to NAP, the previous cycle shall be harmonized with the 2016 cycle, because there were no changes in legislation in that respect.

To 'other cases' the data on the number of cases on administrative offenses is indicated (in both cycles).

Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle.

Plus, the difference in total numbers for 2014 compared with 2016 cycle was caused by the sharp increase in administrative cases number, the reasons of which is NA for now. That was an official statistics given by the State Judicial Administration of Ukraine which is documented.

With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). The reasons for that changes are NA for now.

Q040 (General Comment): The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanor and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanor/minor offences cases is not available.

Q041-1 (General Comment): According to the amendments to the Constitution of Ukraine of June 2, 2016, Ukraine has a Prosecutor's office that organizes and manages procedural pre-trial investigations, resolves other issues in accordance with the law during criminal proceedings, supervises covert and other investigative actions of law enforcement agencies. The power to conduct investigations was removed from the Prosecutor's office.

Thus, pursuant to Article 131-1 of the Constitution of Ukraine, the prosecutor's office maintains public prosecution in court, organizes and supervises pre-trial investigations, resolves other issues in criminal proceedings in accordance with the law, and supervises covert and other investigative and detective activities of law enforcement agencies. In addition, pursuant to clause 9 of the Transitional Provisions of the Constitution of Ukraine, the prosecutor's office continues to perform, in accordance with applicable laws, the function of supervising the observance of laws in the execution of court decisions in criminal cases, and in the application of other coercive measures related to the restriction of personal freedom of citizens - until the law on the establishment of a dual system of regular penitentiary inspections comes into force. The prosecutor, while supervising the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, is authorized to - initiate a pre-trial investigation if there are grounds provided for by the Criminal Procedure Code; - instruct the pre-trial investigation body to conduct pre-trial investigation; - instruct the investigator, pre-trial investigation body to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions or give instructions on their conduct or participate in them within the time limit set by the prosecutor, and, where necessary, personally conduct investigative (detective) and procedural actions in the manner prescribed by this Code; - cancel illegal and unreasonable decisions of investigators; - to initiate before the head of the pre-trial investigation body the issue of removing the investigator from the pre-trial investigation and appointing another investigator if there are grounds for his/her removal provided for by this Code or in case of ineffective pre-trial investigation; - to make procedural decisions in cases stipulated by this Code, including closure of criminal proceedings and extension of the pre-trial investigation if there are grounds stipulated by this Code; - to approve or refuse to approve investigator's motions to the investigating judge to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions in cases stipulated by this Code, or to submit such motions to the investigating judge independently; - notify a person of suspicion; - file a civil action in the interests of the state; - to approve or refuse to approve an indictment, motions for the application of compulsory medical or educational measures, to draw up an indictment or the said motions independently; to apply to the court with an indictment or the said motions - support the state prosecution in court, refuse to support the state prosecution, change it or bring additional charges in accordance with the procedure established by this Code - appeal against court decisions in accordance with the procedure established by this Code; - exercise other powers provided for by this Code.

Q041-1 (2024): Pursuant to Article 131-1 of the Constitution of Ukraine, the prosecutor's office maintains public prosecution in court, organizes and supervises pre-trial investigations, resolves other issues in criminal proceedings in accordance with the law, and supervises covert and other investigative and detective activities of law enforcement agencies.

In addition, pursuant to clause 9 of the Transitional Provisions of the Constitution of Ukraine, the prosecutor's office continues to perform, in accordance with applicable laws, the function of supervising the observance of laws in the execution of court decisions in criminal cases, and in the application of other coercive measures related to the restriction of personal freedom of citizens - until the law on the establishment of a dual system of regular penitentiary inspections comes into force.

prosecutor's office, among others, include representation of the state's interests in court in exceptional cases and in accordance with the procedure established by law.

The grounds and procedure for the realization of this function, which consists in the prosecutor's procedural and other activities aimed at protecting the state in court, are regulated by Article 23 of the Law of Ukraine "On the Prosecutor's Office".

Thus, part 3 of Article 23 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the prosecutor may represent the interests of the state in court in case of their violation or threat of violation and in case if the protection of these interests is not carried out or is improperly carried out by a public authority, local self-government body or other subject of power, whose competence includes the relevant powers, as well as in the absence of such a body.

The existence of grounds for representation of the state's interests in court in accordance with the provisions of part 4 of the same provision must be substantiated by the prosecutor in court, and the right to exercise them in a particular case is acquired by him after the court confirms the grounds for representation.

These provisions of the Law correspond to the provisions of the procedural codes of Ukraine - Article 56 of the Civil Procedure Code of Ukraine, Article 53 of the Commercial Procedure Code of Ukraine, Article 53 of the Administrative Court of Ukraine.

Thus, according to the national legislation, the prosecutor's powers to represent the interests of the state and the possibility of their exercise in court do not depend on the type of proceedings and the category of case, but are conditioned by the presence of violated interests of the state/threat of their violation in the disputed legal relations, as well as the above and legally defined grounds for their exercise.

When representing the interests of the state in court, the prosecutor is entitled, in accordance with the procedure provided for by the procedural law and the law regulating enforcement proceedings (part 6 of Article 23 of the Law of Ukraine "On the Prosecutor's Office")

- 1) to file a lawsuit (application, petition) with the court
- 2) intervene in a case initiated by a claim (application, petition) of another person at any stage of court proceedings;
- 3) initiate review of court decisions, including in a case initiated by a claim (application, petition) of another person;
- 4) participate in the proceedings;
- 5) to file a civil claim in criminal proceedings in cases and in accordance with the procedure established by the criminal procedural law;
- 6) participate in enforcement proceedings in the course of execution of decisions in a case in which the prosecutor represented the interests of the state in court;
- 7) with the permission of the court, to familiarize themselves with the case file in court and the materials of the enforcement proceedings, to make extracts from them, to receive free copies of documents contained in the case file or enforcement proceedings.

We also note that the prosecutor may represent the interests of the state in court, within and outside criminal proceedings.

In particular, pursuant to the provisions of part 2 of Article 24 of the Law of Ukraine "On the Prosecutor's Office", the right to file a civil action in criminal proceedings is granted to the prosecutor who participates in it.

The right of the prosecutor to file a civil action in the interests of the state within criminal proceedings is provided for in clause 12 of part 2 of Article 36, part 3 of Article 128 of the CPC of

Q041-3 (General Comment): The information for 2018 contained data on criminal proceedings (indictments, motions) investigated and sent to court, the pre-trial investigation of which was carried out directly by investigators of the prosecutor's offices in accordance with the reporting form No. 1-СЛ "On the work of investigators of the prosecutor's offices" and "On the work of investigators of military prosecutor's offices". Pursuant to the provisions of Article 131(1) of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On the Prosecutor's Office", Article 216 of the CPC of Ukraine, starting from November 20, 2019, the prosecutor's offices do not perform pre-trial investigation functions in criminal proceedings. At the same time, Article 36 of the CPC of Ukraine defines the powers of the prosecutor to supervise the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, and support of the public prosecution in court. In view of the above, when preparing the answer to Question 41-3 "State prosecutors: Total number of criminal cases in the 1st instance" for 2021, the data on criminal proceedings investigated and sent to court by the prosecutor (procedural supervisor), the pre-trial investigation of which was carried out by investigators of the police, security, State Bureau of Investigation, tax authorities and the National Anti-Corruption Bureau of Ukraine in accordance with the reporting forms No. 1-СЛ (НП) "On the work of pre-trial investigation bodies of the National Police", No. 1-СЛ (ДБП) "On the work of pre-trial investigation bodies of the State Bureau of Investigation", No. 1-СЛ (ДФС) "On the work of pre-trial investigation bodies exercising control over compliance with tax legislation", No. 1-СЛ (НАБУ) "On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", No. 1-СЛ (СБУ) "On the work of pre-trial security investigation bodies", the indicators of which are generated automatically on the basis of information entered by registrars into the Unified Register of Pre-trial Investigations.

Q041-4 (General Comment): The Criminal Procedure Code refers to criminal proceedings based on agreements. According to its Chapter 35, the following types of agreements may be concluded: reconciliation agreement between the victim and the suspect or the accused; plea agreement between the public prosecutor and the suspect or the accused about pleading guilty.

Q042 (General Comment): Starting from 2015 the "Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods (CPEF)" is applied in Ukraine. This system is aimed to evaluate the work of the court for improving the organization of their work, namely to increase the productivity, efficiency, and quality of court procedures. CPEF consists of basic indicators (recommended to be applied by the courts every 6 months; the results of the evaluation shall be published on the websites of the courts) and 4 following modules: "Judicial Administration", "Timeliness of Trial" (optional), "Judicial Decision" (optional), "Satisfaction of the court users with the work of the court" (optional). By its decision the Council of Judges of Ukraine recommended to the courts of Ukraine to apply CPEF to evaluate the work of the court both in full or its individual modules, depending on the managerial purpose and the tasks aimed at improving the work of the court.

CPEF was based on the instruments developed by the CEPEJ Working group on the quality of justice (Checklist for promoting the quality of justice and the courts (2008), Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe's Member States (2010), Questionnaire for collecting information on the organization and accessibility of Court premises (2013) etc.)

By decision of April 26, 2016, No. 26, the Council of Judges of Ukraine approved the methodological guide "Application of the Court Evaluation System" and the list of basic court performance indicators.

Also, the order of the State Judicial Administration of Ukraine dated June 28, 2018 No. 286 approved the Methodology for analyzing the activity of courts. The SJA of Ukraine is analyzing the activity of the courts to be used in making objective management decisions to improve the state of litigation and the rational use of budgetary funds.

In the process of analyzing the activities of the courts, two main aspects that characterize the activities of the court are examined, namely:

- 1) effectiveness of litigation;
- 2) efficient use of resources.

Q043 (General Comment): On 16.10.2020, the Prosecutor General's Order No. 489 approved the Prosecution Development Strategy for 2021-2023, and subsequently, in May 2021, the corresponding Action Plan, which sets out the deadlines for the implementation of measures to implement each of the strategic priorities, the executors of clear goals, the achievement of which is measured by a specific result. The first priority of the Strategy is aimed at ensuring a high level of quality and efficiency in the implementation of the constitutional functions of the prosecutor's office, which involves the development of standards for prosecutors, including standards for pre-trial investigation, as well as the introduction of the approved standards into the curricula of initial, special training, advanced training of prosecutors and other training programs. In addition, the Department of Criminal Policy and Investment Protection, together with experts from the International Development Law Organization (IDLO), ensures the development and implementation of a system of individual performance evaluation of prosecutors. The said evaluation should be conducted every four years and will include an assessment of the quality of performance, which will determine the suitability of the position held and provide recommendations for further development and promotion. In accordance with the Rules of Procedure of the Prosecutor General's Office, the implementation of certain measures is monitored on a quarterly basis and the Prosecutor General is informed of the status of their implementation. The main tasks of the structural units, including those responsible for the implementation of quality standards, their functions and powers of employees are set forth in the relevant regulations approved by the order of the Prosecutor General

Q050 (General Comment): The decision of the Council of Judges of Ukraine No. 61 of September 16, 2016 recommended applying the Regulation on the Procedure for Planning the Expenditure of Courts Based on the Expected Result approved by the Chairman of the State Judicial Administration of Ukraine.

This planning methodology is based on understandable for society performance indicators of the judiciary, as well as the formula for determining them basing on the budget of the judiciary with the possibility of inverse modeling of performance depending on the allocated financial resources.

If according to the results of statistical reporting in some courts deviation of the actual number of resolved model cases from their planned number is found out, by the initiative of the chief spending unit the budget (appropriations approved by the state budget schedule and estimates) are adjusted.

Based on the results of statistical reporting on the consideration of court cases during the current budget year, the SJA calculates model budgets of consumption and adjusts expenditures for consumption. Based on the adjustments, the proportional redistribution of planned expenditures in terms of economic classification codes is carried out without changing the state budget outline.

Q052 (General Comment): The performance evaluation of prosecutors is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

Information on the activities of the prosecutor's office is also made public in the national and local print media and on official web sites of the prosecutor's office.

According to clause 2 of the Order of the Prosecutor General dated 30.09.2021 No. 309, organizational support for the exercise of powers by the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies in criminal proceedings is carried out in accordance with the competence of independent structural units of prosecutor's offices of the relevant level, which provide

- daily monitoring of the URPTI, systematic monitoring of the Unified State Register of Court Decisions and the Information and Analytical System "Accounting and Statistics of Prosecutor's Offices";
- requesting and studying information on the course and results of pre-trial investigation and court consideration of criminal proceedings, criminal proceedings materials and certified copies of court decisions;
- drafting procedural and other documents on the activities of prosecutors in criminal proceedings, which are submitted for signature to the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies;
- studying, if necessary, the state of compliance with the requirements of the criminal procedural legislation;
- providing information, analytical and methodological support to prosecutors, studying and summarizing the practice of application of legislation;
- preparing and holding meetings on the activities of prosecutors, involving relevant employees of lower-level prosecutor's offices in such meetings;
- fulfillment of other instructions of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies.

As a rule, prosecutors within the assigned areas of work within their competence carry out a monthly review of all available statistical information in general, including information on the activities of lower level prosecutor's offices, as well as information from the Unified Register of Pre-trial Investigations.

On a quarterly and annual basis, the said data is studied in more depth, in particular, when planning the work of the respective prosecutor's offices, preparing materials for meetings, including final ones, with the heads of prosecutor's offices, preparing for visits to conduct inspections and provide practical assistance to heads of lower-level prosecutor's offices, during methodological work, as well as for timely optimization of the structure and staffing of each prosecutor's office within the maximum number of prosecutors.

Q053 (General Comment): The report on the implementation of budget program passports is submitted annually to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic in the form.

At the same time, according to Article 6 of the Law of Ukraine 'On the Prosecutor's Office', the prosecutor's office also informs the public about its activities at least twice a year through media reports.

In accordance with the requirements of part two of this article, the Prosecutor General shall submit to the Parliament of Ukraine a report on the activities of the prosecutor's office by April 1 of each year, which shall contain the information provided for in this article.

The Prosecutor General personally reports on the activities of the prosecutor's office to the Verkhovna Rada of Ukraine at its plenary session. Heads of regional and district prosecutor's offices at an open plenary session of the relevant council, to which media representatives are invited, at least twice a year inform the society of the relevant administrative-territorial unit about the results of activities in this area by providing generalized statistical and analytical data.

Information on the activities of the prosecutor's office is published in national and local print media and on the official websites of the prosecutor's office.

In addition, the results of the work of the prosecutor's office, ways to improve the efficiency of their activities are periodically discussed at operational meetings with the heads of the prosecutor's office, where the priorities and main tasks for the next period is determined.

Q054 (General Comment): In particular, according to subpara. 9.3 of clause 9 of the Order of the Prosecutor General of Ukraine No. 309 dated 30.09.2021, heads of prosecutor's offices of all levels, their first deputies and deputies, in accordance with the distribution of responsibilities and within the powers provided for by the CPC of Ukraine, when determining the prosecutor who will exercise the powers of the prosecutor in a particular criminal proceeding, take into account

- the number of investigators conducting pre-trial investigation in a particular criminal proceeding, their experience and specialization;
- the number of criminal proceedings in which the relevant prosecutor exercises the powers of the prosecutor independently and as part of a group of prosecutors, their work experience, specialization;
- number of prosecutors in a particular criminal proceeding;
- workload (complexity of criminal proceedings in which the prosecutor exercises procedural control, in particular, multi-episodic nature, publicity, gravity of the criminal offense, place of commission, need for priority, urgent investigative (detective) and covert investigative (detective) and other procedural actions, their scope and participation of the prosecutor in consideration of motions and complaints by investigating judges during pre-trial investigation, term of pre-trial investigation and preventive measure against the suspect, need for preparation of the prosecutor's report).

In addition, based on the performance assessment, issues of optimizing the structure and staffing of each prosecutor's office within the maximum number of prosecutors are resolved.

At the same time, it should be noted that according to Article 90 of the Law of Ukraine "On the Prosecutor's Office", the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period. At the same time, the "assessment of the performance of the prosecution bodies" does not directly affect the distribution of financial resources within the prosecution body.

According to Article 90 of the Law, the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period.

The "Performance Assessment of the Prosecutor's Office" does not directly affect the allocation of resources within the prosecutor's office

Q056 (General Comment): The State Judicial Administration of Ukraine analyses the activities of the courts to take objective managerial decisions on improving consideration of court cases and rational use of budget funds.

Q058 (General Comment): CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

- 1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

- 1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6) Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

The system was developed with the international technical assistance provided by the USAID.

Q059 (General Comment): In accordance with the requirements of the Temporary Instruction on Record Keeping in the Prosecutor's Offices of Ukraine, in order to summarize information on the number of documents processed and the workload of each employee, prosecutor's offices at all levels keep monthly records of incoming, outgoing and internal documents. This information is accumulated and summarized by the prosecutor's office and used to study trends in the state of workflow, make appropriate forecasts, prepare for inspections and provide practical assistance, methodological work, and timely resolve issues of staffing for workflow processes.

The results of document circulation accounting are summarized annually by the document management service and used to take measures to improve the organization of work with documents.

Accounting of the volume of electronic document circulation is carried out in the automated mode of the IS "EDMS".

The issues of organizing the activities of the prosecutor's office in maintaining the Unified Register of Pre-trial Investigations, statistics and its analysis are regulated by the Order of the Prosecutor General dated 17.03.2021 No. 69, which determines the reliability and objectivity of reporting on the work of the prosecutor's office and the state of criminal unlawfulness, preparation of information and analytical materials on these issues.

Pursuant to the Order of the Prosecutor General No. 11 dated January 20, 2021 "On Approval of Reporting in Form No. P "Report on the Work of the Prosecutor's Office" and the Instructions for its Compilation", prosecutors prepare administrative quarterly reporting in the form No. P "On the Work of the Prosecutor's Office".

In order to ensure a unified record of data on criminal offenses, their perpetrators, and the movement of criminal proceedings, according to the Order of the Prosecutor General No. 299 "On Approval of Forms of Unified Reporting on the Status of Criminal Unlawfulness" dated 30.06.2020, monthly administrative reporting was introduced in the following forms: No. 1 "Unified Report on Criminal Offenses"; No. 2 "Unified Report on Persons Who Committed Criminal Offenses"; No. 5 "Report on Criminal Offenses Committed at Enterprises, Institutions, Organizations, by Type of Economic Activity"; No. 1-O3 "Report on the Results of Combating Organized Groups and Criminal Organizations". The reporting form No. 1-LFT "Report on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction", approved by Order of the Prosecutor General No. 110 dated 29.06.2022, records information on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction (from

This reporting is generated automatically on the basis of information entered into the URPTI regarding registered criminal offenses, persons served with notices of suspicion, and proceedings sent to court (with an indictment, a motion for release from criminal liability, or closure under clause 3-1, part 1, Article 284 of the CPC of Ukraine, etc.)

In order to identify trends in the state and structure of crime, the results of the work of prosecutors and pre-trial investigation bodies, statistical data are periodically analyzed (clause 2.7 of the Order of the Prosecutor General of Ukraine No. 69 of 03/17/2021).

Surveys are also conducted on internal communication and the level of satisfaction with the work of prosecutors. The results of the survey reflected information on general practices of internal communication and the level of satisfaction and motivation of prosecutors, data on the problems of the prosecutor's office that need to be addressed, and current issues of material support and working conditions.

Q062 (General Comment): The State Judicial Administration of Ukraine is responsible for organization of the statistic work.

Q064 (General Comment): Pursuant to the Law of Ukraine "On State Statistics" and in accordance with the normative legal acts of the Prosecutor General's Office of Ukraine, the Prosecutor General's Office of Ukraine for the purpose of fulfilling its administrative duties and tasks, forms consolidated reports on the results of prosecutorial and investigative activities, as well as provides proper organization of the work of the prosecution bodies on these issues.

Q064 (2024): In addition, the Office of the Prosecutor General submits reports in the forms No. 1, 2, 5 and 1-O3, as defined by the Order of the Prosecutor General dated 30.06.2020 No. 299, to the State Statistics Service of Ukraine no later than every 6th day of the month following the reporting period and in the form No. П "Report on the work of the prosecution authorities" for the six months and a year, sent to the State Statistics Service of Ukraine on the 35th day following the reporting period. Form No. 1-ЛФТ "Report on the results of investigation of criminal proceedings on criminal offenses regarding legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction" is submitted to the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, the Bureau of Economic Security of Ukraine, the State Bureau of Investigation, the National Anti-Corruption Bureau of Ukraine no later than January 6 of the year following the reporting year, and the State Financial Monitoring Service of Ukraine

Q065 (General Comment): According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics Service of Ukraine.

In addition, in accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by posting on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by this order (within five days after their signature).

Q066 (General Comment): According to the Law of Ukraine "On the Judiciary and Status of Judges", the State Judicial Administration of Ukraine organizes work on conducting judicial statistics. In order to report on the effectiveness of the administration of justice by local and appellate courts, ensuring the timely receipt of the information on the observance by courts of time for review of lawsuits, the adoption of sound management decisions and in accordance with designated powers, the State Judicial Administration of Ukraine develops forms of reporting on the implementation of legal proceedings, rules for filling out forms of state reporting the consideration of court cases and materials, as well as the procedure for their submission, which are approved by orders. The said orders are approved by the State Statistics Service of Ukraine in accordance with the established procedure. In addition, draft forms of reporting are agreed with the higher specialized courts and the Supreme Court of Ukraine.

The reports contain data on the total number of cases pending before the courts, the results of their consideration by types of proceedings, as well as other applications, petitions, complaints handled by the courts of the first and appellate instances.

In the reports on civil, criminal and administrative cases, information is provided on cases dealt with in violation of the time limits established by the procedural law.

The reports also contain information on criminal, administrative and civil cases in which proceedings are not completed at the end of the reporting period: more than 6 months to 1 year; more than 1 year to 2 years; more than 2 years.

Q067 (2024): reporting on the administration of justice in local and appellate courts

Q069 (General Comment): The processing of the working results of the prosecutor (prosecution office) is carried out in accordance with the order of the Prosecutor General of Ukraine. This normative document defines the procedure for formation, submission of reports to higher-level prosecutor's offices, as well as the format and its content.

These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

Q070 (General Comment): In accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by publishing on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by the order (within five days after their signature).

Q070 (2024): Pursuant to Article 6 of the Law of Ukraine “On the Prosecutor's Office”, the prosecution authorities shall inform the public about their activities at least twice a year through media reports.

The Prosecutor General annually submits to the Verkhovna Rada of Ukraine a report on the activities of the prosecutor's office by April 1, which should contain information on

- statistical and analytical data on the performance of the functions entrusted to the prosecutor's office
- the actual number of prosecution bodies in terms of the number of prosecutors, civil servants, other employees, their professional development, special training, and the activities of the Training Center of Prosecutors of Ukraine;
- ensuring the independence of prosecutors, including the number of reports on threats to the independence of prosecutors received by the Council of Prosecutors of Ukraine and information on decisions taken on such reports;
- ensuring the legality and integrity of the prosecution, in particular, the number of integrity checks of prosecutors, internal investigations, disciplinary complaints against prosecutors and information on the decisions taken, etc;
- other information related to the performance of the prosecutor's office.

The Prosecutor General personally reports on the activities of the prosecution bodies to the Verkhovna Rada of Ukraine at its plenary session.

The heads of regional and district prosecutor's offices at the plenary session of the respective council at least twice a year inform the population of the respective administrative-territorial unit about the results of their activities by providing generalized statistical and analytical data

Q071 (General Comment): The report on the work of the prosecutor is made quarterly (every 3 months), which is formed by the cumulative result from the beginning of the year. The report is generated in an automated mode using a software package - information and analytical system "Accounting and Statistics of the Prosecutor's Office" on the basis of primary accounting data entered into the system by prosecutors who performed the work being accounted for.

Q071 (2024): quarterly

Q076 (General Comment): The quantitative factor is taken into account within the qualification assessment of judges, when the record of a judge is studied.

According to the Law of Ukraine On the Judiciary and Status of Judges, the record of a judge shall include information on the effectiveness of judicial proceedings, in particular:

- a) the total number of cases considered;
- b) the number of canceled court decisions and the grounds for their cancellation;
- c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations;
- d) the number of amended court decisions and the reasons for their change;
- e) observance of terms of consideration of cases;
- e) average length of the text of the motivated decision;
- e) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the judge.

Q076 (2024): The High Qualification Commission of Judges of Ukraine conducts qualification assessment to determine the ability of a judge to administer justice in the relevant court according to the criteria established by law: competence (professional, personal, social, etc.); professional ethics; and integrity.

Qualification assessment is a procedure established by the Law of Ukraine “On the Judiciary and the Status of Judges” and the Regulation on the Procedure and Methodology of Qualification Assessment, Indicators of Compliance with Qualification Assessment Criteria and Means of Establishing Them (as amended by the Commission's decision of 13.02.2018 No. 20/zp-18), for determining the Commission's ability to determine the ability of a judge to administer justice in a relevant court or to assess the judge's suitability for the position.

The current regulations provide that the qualification assessment may be conducted by the Commission in the following cases:

1) upon application for participation in a competition for a vacant judicial position;

2) by the decision of the Commission:

a) in connection with the imposition of a disciplinary sanction against a judge under clause 4 of part one of Article 109 of the Law of Ukraine “On the Judicial System and Status of Judges”

b) for the purposes of verifying the judge's suitability for the position.

Please note that qualification assessment is not a regular part of a judge's career.

Pursuant to Article 90 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is regularly evaluated during his/her tenure in order to identify individual needs for improvement, encourage him/her to maintain qualifications at the appropriate level and professional growth

Q076-1 (2024): Article 83 of the Law of Ukraine “On the Judiciary and the Status of Judges” defines the criteria for qualification assessment, namely: competence (professional, personal, social, etc.); professional ethics; and integrity. According to paragraph 6 of part one of Article 93 of this Law, the High Qualification Commission of Judges of Ukraine, in particular, approves the procedure and methodology for qualification assessment. The Regulation on the Procedure and Methodology of Qualification Assessment, Indicators of Compliance with Qualification Assessment Criteria and Means of Their Establishment, approved as amended by the Commission's decision of 13.02.2018 No. 20/зп-18, regulates the procedure for determining the Commission's ability to determine the ability of a judge (candidate for the position of a judge) to administer justice in a relevant court or to assess the suitability of a judge for the position.

Q078 (2024): The organizational and administrative documents of the Prosecutor General's Office do not provide for the establishment of minimum quantitative goals for each prosecutor.

At the same time, according to part 1 of Article 9 of the Law of Ukraine “On the Prosecutor's Office”, the Prosecutor General approves the procedure for measuring and regulating the workload of prosecutors

Q080 (2024): According to clauses 7-2 of part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the regulations on the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors.

There is no quantitative system of individual performance evaluation of prosecutors. At the same time, the quality of prosecutors' work for the calendar year is assessed annually.

Such evaluation is carried out in accordance with the Temporary Regulation on the System of Performance Evaluation of Prosecutors and Bonuses for Prosecutors, approved by the Order of the Prosecutor General No. 503 dated October 30, 2020 (hereinafter - the Temporary Regulation).

In addition, the Prosecutor General's Order No. 407 dated 12/29/2021 approved the Regulation on the Performance Evaluation System for Prosecutors, which entered into force on January 01, 2024.

This Regulation defines the procedure for assessing the performance of prosecutors of the Prosecutor General's Office, the Specialized Anti-Corruption Prosecutor's Office, regional, specialized (with the rights of regional), district, and specialized (with the rights of district) prosecutor's offices, as well as the procedure and conditions for annual bonuses for prosecutors based on the results of such assessment. The performance appraisal of prosecutors is carried out in order to determine the effectiveness of the performance of their official duties; to motivate prosecutors to improve their professional development; to ensure the effective achievement of goals in the implementation of the prosecution development strategy; and to improve the quality of personnel management in the prosecution bodies.

The performance evaluation system for prosecutors consists of assessing the quality of work and identifying areas for professional development. Currently, annual performance appraisals are conducted in a test mode in certain structural units of the Prosecutor General's Office and some regional and district prosecutor's offices.

In addition, the working group on the development and implementation of the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors, which includes, inter alia, international experts/partners and representatives of the Specialized Anti-Corruption Prosecutor's Office, developed and approved the concept of the system of individual performance evaluation of prosecutors and the criteria for such evaluation for procedural supervisors. The assessment will cover the prosecutor's professional ethics and behavior, functional and managerial competencies, work results (workload), and business activity.

Q082-0 (2024): In order to ensure compliance with the requirements of the Laws of Ukraine "On the Judiciary and Status of Judges", "On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" and "On the National Informatization Program", the SJA of Ukraine approved the sectoral Program of Informatization of Local and Appellate Courts and the project for the construction of the Unified Judicial Information and Telecommunication System for 2022-2024.

Q082-1-0 (General Comment): According to clause 1.4. of the Regulation on the Automated Court Document Management System - "Peculiarities of the Information and Communication Technology (ICT) Strategy Case Management System (CMS) Automated System Functioning in Courts of General Jurisdiction" provides that in local and appellate administrative courts, the High Administrative Court of Ukraine, the computer program "Record Keeping of a Specialized Court" developed by the administrator of the automated system for courts of administrative jurisdiction is used; local and appellate commercial courts, the High Commercial Court of Ukraine use the computer program "Specialized Court Proceedings" developed by the administrator of the automated system for commercial courts; local and appellate general courts (except for the Kyiv City Court of Appeal) use the D-3 computer program developed by the administrator of the automated system for general courts. The Kyiv City Court of Appeal uses the automated electronic document management system "Appeal" developed by the Kyiv City Court of Appeal.

Indicator 3 - Efficiency and productivity

by question No.

Question 36. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

Question 39. Second instance courts (appeal): Number of “other than criminal law” cases.

Question 40. Second instance courts (appeal): Number of criminal law cases.

Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.

Question 41-1. Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):

Question 41-2. Does the public prosecutor also have a role in:

Question 41-3. Public prosecutors: Total number of 1st instance criminal cases.

Question 41-4. If the guilty plea procedure exists, how many cases were concluded by this procedure?

Question 41-5. Do the figures provided in Q41-3 include traffic offence cases?

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?

Question 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?

Question 49. If yes, please specify the frequency:

Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?

Question 51. If yes, which courses of action are taken (multiple replies possible)?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 59?

Question 53. If yes, please specify the frequency:

Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Question 55. If yes, which courses of action are taken (multiple replies possible)?

Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):

Question 58. Do you regularly monitor court activities (performance and quality) concerning:

Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:

Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.)?

Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Question 63. Are the statistics on the functioning of each court published:

Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Question 65. Are the statistics on the functioning of each public prosecution service published?

Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Question 67. If yes, please specify in which form this report is released:

Question 68. If yes, please, indicate the periodicity at which the report is released:

Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Question 70. If yes, please specify in which form this report is released:

Question 71. If yes, please, indicate the periodicity at which the report is released:

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Question 75. Who is responsible for setting these targets for each judge?

Question 75-1. What are the consequences for a judge if these targets are not met?

Question 76. Is there a system of individual evaluation of the judges' work?

Question 76-1. Who is responsible for setting the criteria for the evaluation of the judges' work?

Question 77. Please specify the frequency of this evaluation:

Question 78. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Question 79. Who is responsible for setting these targets for each public prosecutor?

Question 79-1. What are the consequences for a prosecutor if these targets are not met?

Question 80. Is there a system of individual evaluation of the public prosecutors' work?

Question 80-1. Who is responsible for setting the criteria for the evaluation of the public prosecutors' work?

Question 81. Please specify the frequency of this evaluation:

Question 82-0. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

Question 82. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

Question 82-1. When was the running CMS developed (or in case of major redevelopment when it was redesigned)?

Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)

Question 82-1-0. In case there is more than one CMS, how many are they? Please specify and explain.

Question 83. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

Question 083-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

Question 083-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 84. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

Question 084-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

Question 084-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 85. If there are statistical tools for analysing court case data, what is their deployment rate?

Question 085-1. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

Question 037

Georgia

(General Comment): Administrative infractions (offences)

Question 038

Georgia

(General Comment): The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty). According Criminal Procedural Code of Georgia, those criminal cases where detention as a measure of restraint isn't used against accused, should be resolved in 24 months (and few kind of cases in 36 months) by First Instance Court. Thus, time limit for first Instance court for above mentioned criminal cases (where detention against accused isn't used) is about two years. In 2023, 25 701 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

(2024): According Criminal Procedural Code of Georgia, those criminal cases where detention as a measure of restraint isn't used against accused, should be resolved in 24 months (and few kind of cases in 36 months) by First Instance Court. Thus, time limit for first Instance court for above mentioned criminal cases (where detention against accused isn't used) is about two years. In 2024, 18 871 cases (Received and Resolved) are Administrative offences and is included in Data of Misdemeanor/minor criminal cases according to the Explanatory Note.

Ukraine

(2024): Categories 2 and 3 are NA, as it is not possible to distinguish between some minor and other criminal cases.

Question 039

Republic of Moldova

(2024): A general increase of the pending cases on 31 December 2024 compared with 2023 can be explained due to a decreased number of resolved cases. The initiation of the vetting proceeding for second instance judges has impacted many judges to leave the system. In order to fix the problem, the Superior Council of Magistracy has complemented a part of the vacant positions temporarily with first instance judges willing to work for the courts of appeal.

Ukraine

(General Comment): With respect to the change of many items from NA to NAP, the previous cycle shall be harmonized with the 2016 cycle, because there were no changes in legislation in that respect.

To 'other cases' the data on the number of cases on administrative offenses is indicated (in both cycles).

Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. Plus, the difference in total numbers for 2014 compared with 2016 cycle was caused by the sharp increase in administrative cases number, the reasons of which is NA for now. That was an official statistics given by the State Judicial Administration of Ukraine which is documented.

With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). The reasons for that changes are NA for now.

Question 040

Azerbaijan

(2024): Source is statistical report

Georgia

(General Comment): In Data of Misdemeanour/Minor cases are also included Administrative offences (Pending - 102 (on 1st January 2024) cases; Incoming - 1993 cases; Resolved - 2021 cases; pending on 31st December 2024 - 74 cases.

(2024): In Data of Misdemeanour/Minor cases are also included Administrative offences (Pending - 102 (on 1st January 2024) cases; Incoming - 1993 cases; Resolved - 2021 cases; pending on 31st December 2024 - 74 cases.

Republic of Moldova

(2024): A general increase of the pending cases on 31 December 2024 compared with 2023 can be explained due to a decreased number of resolved cases. The initiation of the vetting proceeding for second instance judges has impacted many judges to leave the system. The Superior Council of Magistracy, in order to fix the problem, has complemented a part of the vacant positions temporarily with first instance judges willing to work for the courts of appeal.

Ukraine

(General Comment): The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanor and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanor/minor offences cases is not available.

Question 041

Georgia

(General Comment): Trading in influence cases and Bribery cases have not been appealed in Appeal and Supreme Court during Reference year. Insolvency cases have no time limits. Decisions of Appeal Court on Insolvency cases are final and can't be appealed in Supreme Court.

(2024): Trading in influence cases and Bribery cases have not been appealed in Appeal and Supreme Court during Reference year. Insolvency cases have no time limits in first Instance. Decisions of Appeal Court on Insolvency cases are final and can't be appealed in Supreme Court.

Republic of Moldova

(General Comment): There is available data concerning the percent of decisions subject to appeal and percent of cases pending for more than 3 years for first instance courts.

Question 041-1

Armenia

(General Comment): According to article 176 of the Constitution of the Republic of Armenia, the Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:

- (1) instigate criminal prosecution;
- (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
- (3) pursue a charge at court;
- (4) appeal against the civil judgments, criminal judgments and decisions of courts;
- (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.

The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

It should be noted that the powers of the prosecutor at the pre-trial proceedings of the criminal case, and also powers during consideration of the criminal case or materials in the court are prescribed by the Criminal Procedure Code (Articles 53 and 54). Also according to the law on "Confiscation of Property of Illegal Origin" (which defines all the main legal procedures and functions of confiscation of property of illegal origin) the responsible subdivision of the Prosecutor General's Office of the Republic of Armenia is an authorized body in the proceedings of confiscation of property of illegal origin (the authorized body carries out examination, collects information containing confidential information protected by law and performs other powers during examination and also is authorized to bring an action for the confiscation of property).

In accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law.

(2024): In regard of conducting or supervising police investigation, it should be noted that the term "supervising police investigation" is not envisaged by the RA legislation and the RA Prosecutor's Office does not have such authority. However, if saying "police investigation" we should understand police operative-investigative activities, than in accordance with the Article 35 of the RA Law on Operative Investigation, the prosecutor exercises control over the legality of operative-investigative activities, while conducting procedural oversight of the preliminary investigation and inquiry in the scope of the powers vested to him by law, and if "police investigation" means investigation conducted by the police, than In accordance with the Constitution of the Republic of Armenia, the prosecutor's office exercises control over the legality of the investigation and preliminary investigation.

Georgia

(General Comment): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria. Regarding imposing or negotiating a penalty - According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

(2024): Regarding to Proposal of a Sentence - During hearing of case on the merits, prosecutor is not authorized to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor's motion based on the existing criteria. Regarding imposing or negotiating a penalty - According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

Republic of Moldova

(2024): The role and powers of public prosecutor in the criminal procedure are stipulated by articles 52,53, 53/1 of the Criminal Procedure Code. The public prosecutor conducts the criminal investigation in specific cases in Moldova.

Ukraine

(General Comment): According to the amendments to the Constitution of Ukraine of June 2, 2016, Ukraine has a Prosecutor's office that organizes and manages procedural pre-trial investigations, resolves other issues in accordance with the law during criminal proceedings, supervises covert and other investigative actions of law enforcement agencies. The power to conduct investigations was removed from the Prosecutor's office.

Thus, pursuant to Article 131-1 of the Constitution of Ukraine, the prosecutor's office maintains public prosecution in court, organizes and supervises pre-trial investigations, resolves other issues in criminal proceedings in accordance with the law, and supervises covert and other investigative and detective activities of law enforcement agencies. In addition, pursuant to clause 9 of the Transitional Provisions of the Constitution of Ukraine, the prosecutor's office continues to perform, in accordance with applicable laws, the function of supervising the observance of laws in the execution of court decisions in criminal cases, and in the application of other coercive measures related to the restriction of personal freedom of citizens - until the law on the establishment of a dual system of regular penitentiary inspections comes into force. The prosecutor, while supervising the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, is authorized to - initiate a pre-trial investigation if there are grounds provided for by the Criminal Procedure Code; - instruct the pre-trial investigation body to conduct pre-trial investigation; - instruct the investigator, pre-trial investigation body to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions or give instructions on their conduct or participate in them within the time limit set by the prosecutor, and, where necessary, personally conduct investigative (detective) and procedural actions in the manner prescribed by this Code; - cancel illegal and unreasonable decisions of investigators; - to initiate before the head of the pre-trial investigation body the issue of removing the investigator from the pre-trial investigation and appointing another investigator if there are grounds for his/her removal provided for by this Code or in case of ineffective pre-trial investigation; - to make procedural decisions in cases stipulated by this Code, including closure of criminal proceedings and extension of the pre-trial investigation if there are grounds stipulated by this Code; - to approve or refuse to approve investigator's motions to the investigating judge to conduct investigative (detective) actions, covert investigative (detective) actions, other procedural actions in cases stipulated by this Code, or to submit such motions to the investigating judge independently; - notify a person of suspicion; - file a civil action in the interests of the state; - to approve or refuse to approve an indictment, motions for the application of compulsory medical or educational measures, to draw up an indictment or the said motions independently; to apply to the court with an indictment or the said motions - support the state prosecution in court, refuse to support the state prosecution, change it or bring additional charges in accordance with the procedure established by this Code - appeal against court decisions in accordance with the procedure established by this Code; - exercise other powers provided for by this Code.

(2024): Pursuant to Article 131-1 of the Constitution of Ukraine, the prosecutor's office maintains public prosecution in court, organizes and supervises pre-trial investigations, resolves other issues in criminal proceedings in accordance with the law, and supervises covert and other investigative and detective activities of law enforcement agencies.

In addition, pursuant to clause 9 of the Transitional Provisions of the Constitution of Ukraine, the prosecutor's office continues to perform, in accordance with applicable laws, the function of supervising the observance of laws in the execution of court decisions in criminal cases, and in the application of other coercive measures related to the restriction of personal freedom of citizens - until the law on the establishment of a dual system of regular penitentiary inspections comes into force.

Question 041-2

Armenia

(General Comment): According to Article 176 of the Constitution of the Republic of Armenia, The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.

According to the Article 29 of "Law on Prosecutor's office of RA":

1.The filing by a prosecutor of a claim for the protection of state interests shall include:

- 1) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of civil procedure;
- 2) Filing a claim for the protection of the pecuniary and non-pecuniary interests of the state in the frameworks of administrative procedure; 3) Filing a claim for compensation of pecuniary damage inflicted upon the state as a direct consequence of a crime in the frameworks of criminal procedure; and
- 4) Filing a claim for confiscation of property on the basis of the "Law on Confiscation of Property of Illegal Origin".

2. The prosecutor shall file a claim for the protection of state interests only if:

- 1) During the exercise of his powers, the prosecutor finds that a state or local government body that had the right to file a claim on such matters related to the protection of state interests, having knowledge of the violation of state interests, did not file such a claim in a reasonable period or did not file such a claim after receiving the prosecutor's suggestion to do so, or
- 2) The state interests were violated in respect of matters for which no state or local government body has the right, under the legislation, to file a claim, or
- 3) According to the results of the study conducted on the basis of the "Law On Confiscation of Property of Illegal Origin", there are grounds to file a lawsuit for confiscation of property.

(2024): According to part 2 of the Article 4 of the Law "On the Prosecutor's office" of RA: "In accordance with part 3 of Article 176 of the Constitution of RA, the Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of State (Community) interests.

According to part 1 of the Article 29 of the same Law: "Bringing an action by the prosecutor with regard to protection of State (Community) interests, includes:

- (1) bringing an action with regard to protection of property and non-property interests of the State (Community) through civil procedure;
- (2) bringing an action with regard to protection of property and non-property interests of the State (Community) through administrative procedure;
- (3) bringing an action through criminal procedure with regard to compensation of property damage caused directly to the State (Community) by crime;
- (4) bringing an action with regard to confiscation of property based on the Law of the Republic of Armenia "On civil forfeiture of Property of illicit origin."

According to part 2 of the same Article: "The prosecutor shall bring an action with regard to protection of State (Community) interests only in the following exceptional cases:

- (1) he or she reveals, in the course of exercising his or her powers, that the state or local self-government body entitled to bring an action with regard to issues related to the protection of State (Community) interests, being aware of the fact of violation of state interests, has failed to bring an action within a reasonable time period following the receipt of a proposal of the prosecutor on bringing an action; or
- (2) a violation of State (Community) interests has been committed with regard to issues in respect of which bringing an action is not reserved by legislation to any state or local self-government body, or
- (3) based on the results of the examination conducted under the Law of the Republic of Armenia "On civil forfeiture of Property of illicit origin", there are grounds for bringing an action for the forfeiture of property".

According to part 1 of the Article 6 of the Law of the Republic of Armenia "On Bankruptcy": "If there are grounds prescribed by law for declaring the debtor bankrupt as a result of monetary obligations to the budgets of the Republic of Armenia and the community (including taxes, duties, and other payments) the competent state or local self-government bodies are obligated to apply to the court with a request to declare the debtor bankrupt."

According to part 3 of the same article: "If the relevant state authorities fail to submit the bankruptcy application within the prescribed period, the application is submitted by the bodies of the Prosecutor's Office."

Azerbaijan

(2024): Participation in civil and administrative cases is carried out by prosecutors of the Department of Non-Criminal Proceedings of the Prosecutor General's Office of the Republic of Azerbaijan

Georgia

(2024): Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecution Service.

Republic of Moldova

(General Comment): In civil matters, the public prosecutor takes part in the investigation of first instance if s/he her/himself filed a petition for legal action. The prosecutor may lodge a petition for compensation for the damage caused to public authorities by a criminal offence, as well as for the annulment of the acts that caused the damage, in the case of ceasing or non-commencement of the criminal prosecution under art. 275 (4), 5) and 9) of the Code of Criminal Procedure. The petition may be filed regardless of the consent of the public authority. The prosecutor who has brought an action has the applicant's rights and procedural obligations, except for the right to terminate the transaction and the obligation to pay the costs. The dismissal of the prosecutor's claim submitted in defence of the interests of the public authority does not deprive the prosecutor of the right to request the examination of the case. The dismissal of the public authority of the action brought by the prosecutor does not affect the examination of the case if the prosecutor requests that. The absence of the prosecutor legally summoned in court does not terminate the examination of the case if the public authority in whose interests the action was brought supports the examination of the case. The prosecutor is a subject with a right to appeal the administrative court under the terms of Article 5 of the Code of Civil Procedure in order to contest the acts issued by the public authorities.

(2024): In accordance with the art. 5 letter j) of the Law on the Prosecutor's Office no. 3/2016, in cases of non-start or termination of the criminal investigation, under the law, the prosecutor initiates a civil action and participates in its examination. Also, a structural subdivision is designated by the General Prosecutor's Office for representing the authority in courts, when the administrative acts issued by Prosecutor's office are disputed.

Ukraine

office, among others, include representation of the state's interests in court in exceptional cases and in accordance with the procedure established by law.

The grounds and procedure for the realization of this function, which consists in the prosecutor's procedural and other activities aimed at protecting the state in court, are regulated by Article 23 of the Law of Ukraine "On the Prosecutor's Office".

Thus, part 3 of Article 23 of the Law of Ukraine "On the Prosecutor's Office" stipulates that the prosecutor may represent the interests of the state in court in case of their violation or threat of violation and in case if the protection of these interests is not carried out or is improperly carried out by a public authority, local self-government body or other subject of power, whose competence includes the relevant powers, as well as in the absence of such a body.

The existence of grounds for representation of the state's interests in court in accordance with the provisions of part 4 of the same provision must be substantiated by the prosecutor in court, and the right to exercise them in a particular case is acquired by him after the court confirms the grounds for representation.

These provisions of the Law correspond to the provisions of the procedural codes of Ukraine - Article 56 of the Civil Procedure Code of Ukraine, Article 53 of the Commercial Procedure Code of Ukraine, Article 53 of the Administrative Court of Ukraine.

Thus, according to the national legislation, the prosecutor's powers to represent the interests of the state and the possibility of their exercise in court do not depend on the type of proceedings and the category of case, but are conditioned by the presence of violated interests of the state/threat of their violation in the disputed legal relations, as well as the above and legally defined grounds for their exercise.

When representing the interests of the state in court, the prosecutor is entitled, in accordance with the procedure provided for by the procedural law and the law regulating enforcement proceedings (part 6 of Article 23 of the Law of Ukraine "On the Prosecutor's Office")

- 1) to file a lawsuit (application, petition) with the court
- 2) intervene in a case initiated by a claim (application, petition) of another person at any stage of court proceedings;
- 3) initiate review of court decisions, including in a case initiated by a claim (application, petition) of another person;
- 4) participate in the proceedings;
- 5) to file a civil claim in criminal proceedings in cases and in accordance with the procedure established by the criminal procedural law;
- 6) participate in enforcement proceedings in the course of execution of decisions in a case in which the prosecutor represented the interests of the state in court;
- 7) with the permission of the court, to familiarize themselves with the case file in court and the materials of the enforcement proceedings, to make extracts from them, to receive free copies of documents contained in the case file or enforcement proceedings.

We also note that the prosecutor may represent the interests of the state in court, within and outside criminal proceedings.

In particular, pursuant to the provisions of part 2 of Article 24 of the Law of Ukraine "On the Prosecutor's Office", the right to file a civil action in criminal proceedings is granted to the prosecutor who participates in it.

The right of the prosecutor to file a civil action in the interests of the state within criminal proceedings is provided for in clause 12 of part 2 of Article 36, part 3 of Article 128 of the CPC of

Question 041-3

Armenia

(General Comment): The reasons mentioned in 3.1.4 are grounds established by the Article 35 (1) of the Criminal Procedure Code. Thus, according to the Article 35 (1) of the Criminal Procedure Code: Criminal case cannot be instituted, and criminal prosecution may not be started, and the instituted criminal case shall be dismissed:

- 1) in the absence of any criminal act; 2) if the alleged act contains no corpus delicti;
- 3) if the alleged act, which has resulted in damages, is legitimate under criminal law;
- 4) in the event of absence of a complaint of the injured, in cases prescribed by this Code; 5) in the event of reconciliation of the injured party and the suspect or the accused, in cases prescribed by this Code; 6) the prescription has expired; 7) against the person and upon a cause, with respect to whom and upon which cause the court has already passed a judgment and such judgment has entered into legal force, or any other enforceable judicial decision is available to exclude criminal prosecution; 8) against the person and upon the same charge, with respect to whom and upon which charge the agency for inquest, the investigator, or the prosecutor has already made a decision denying criminal prosecution, and such decision is still in force;
- 9) At the moment of commitment of the crime the person had not reached the age punishable by law, as established by law;
- 10) The person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or to resume the case on occasion of new circumstances with regard to other persons; 11) The person refused to complete the crime of one's own accord, if the action already committed has no other formal elements of crime;
- 12) The person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia; 13) Amnesty act has been adopted. The mentioned data was calculated by collecting the data received from the subdivisions of the RA Prosecutor's Office.

Referring to the terminology “justifying grounds” and “non justifying grounds” it should be noted that this terminology was suggested by the Cassation court of RA. Thus, grounds which are mentioned in the Article 35, part 1, points 1-3 and part 2 of the Criminal Procedure Code of RA, are considered as “justifying grounds”. As for the grounds mentioned in the Article 35, part 1, points 4-13, they are considered as “non justifying grounds”.

(2024): Of the 51185 criminal proceedings concluded, 26212 were terminated, 11846 were sent to court, 7035 were merged into other criminal proceedings, 6092 were sent under jurisdiction. The number of the cases discontinued by the public prosecutor because the offender could not be identified are available for ref. year. 3.1.4. Discontinued for other reasons includes also 7035 cases that were merged and 6092 cases that were sent under jurisdiction.

In connection with the incoming cases, it is worth noting that, in accordance with the requirements of Part 4 of Article 483 of the Criminal Procedure Code of the Republic of Armenia, proceedings in criminal cases suspended until July 1, 2022 were resumed within one year by decision of the investigator or court. Moreover, in the vast majority of the aforementioned criminal proceedings, the relevant decisions were made during 2023 and they were accepted for proceedings by the investigators (therefore, they were included under incoming cases). Since the aforementioned process was completed by July 1, 2023, there were no resumptions of previously suspended criminal proceedings during 2024, therefore, the corresponding numerical indicator for 2024 (incoming cases) is significantly lower than the indicator for 2023.

Azerbaijan

(2024): Source: General Prosecutor Office

Georgia

(General Comment): No general comment.

(2024): Information regarding the received cases is provided as the result of the Workshop on Case Flow of Prosecution Services.

Republic of Moldova

(General Comment): The reflected data include:

1. Pending cases according to Info GPO Information System.
2. Incoming cases according to Info GPO Information System. Data include criminal cases on which criminal investigation was started, reopened cases, separated cases.
- 3.1.2 Cases discontinued on reasons that allow rehabilitation of the person, such as:
 - there is not any fact of criminal violation;
 - the violation does not meet the elements of the crime, except for the cases when the crime was committed by a legal person;
 - the violation is not included in the penal/criminal law;
 - amnesty.
- 3.1.3. Cases discontinued for reasons of opportunity, such as: - for minor offences;
 - for minors;
 - for minor offences committed for the first time;
 - for active repentance;
 - for willingly renouncement on the commission of crime.
- 3.1.4 Other cases discontinued for reasons, such as:
 1. The offender passed away.
 2. The complaint of the victim is missing or it was withdrawn.
 3. A final court decision on the same offender and charge of refusal for criminal investigation was issued.
 4. A decision on the same offender and charge of refusal to start or cease the criminal investigation was issued.
 5. Suspended cases when the offender is hiding from the prosecution and when the offender is severe ill.
- 3.2 Cases where the criminal investigation was suspended conditionally for a term up to 1 year, with the subsequent release from criminal liability.(e.g. accused persons of minor or less serious crimes who admitted the guilt, do not present a social danger and can be re-educated without the application of a criminal punishment. Once suspended, the case does not reach the court and is considered resolved at the stage of criminal investigation by the prosecutor. In fact, the prosecutor does not apply any punishment but imposes certain conditions which, if met, determine the release of the person from criminal liability).
- 3.3 Cases brought to court with an indictment according to Info GPO Information System.
4. Pending cases are provided here according to Info GPO Information System. The formula: $1+2-3=4$ for data included in this table is not applicable due to the fact that a part of cases that had been initially registered into the system, at a later stage were aggregated. The joint cases are not counted in Pending, as there is no record kept in the system to be able to identify them as processed or pending.

(2024): Pending cases (31.12.2024) according to Info GPO Information System. The formula: $1+2-3=4$ for data included in this table is not applicable due to the fact that a part of cases that had been initially registered into the system, at a later stage were merged. The joint cases are not counted in Pending, as there is no record kept in the system to identify them as processed or pending.

Ukraine

(General Comment): The information for 2018 contained data on criminal proceedings (indictments, motions) investigated and sent to court, the pre-trial investigation of which was carried out directly by investigators of the prosecutor's offices in accordance with the reporting form No. 1-СЛ "On the work of investigators of the prosecutor's offices" and "On the work of investigators of military prosecutor's offices". Pursuant to the provisions of Article 131(1) of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On the Prosecutor's Office", Article 216 of the CPC of Ukraine, starting from November 20, 2019, the prosecutor's offices do not perform pre-trial investigation functions in criminal proceedings. At the same time, Article 36 of the CPC of Ukraine defines the powers of the prosecutor to supervise the observance of laws during the pre-trial investigation in the form of procedural guidance of the pre-trial investigation, and support of the public prosecution in court. In view of the above, when preparing the answer to Question 41-3 "State prosecutors: Total number of criminal cases in the 1st instance" for 2021, the data on criminal proceedings investigated and sent to court by the prosecutor (procedural supervisor), the pre-trial investigation of which was carried out by investigators of the police, security, State Bureau of Investigation, tax authorities and the National Anti-Corruption Bureau of Ukraine in accordance with the reporting forms No. 1-СЛ (НП) "On the work of pre-trial investigation bodies of the National Police", No. 1-СЛ (ДБР) "On the work of pre-trial investigation bodies of the State Bureau of Investigation", No. 1-СЛ (ДФС) "On the work of pre-trial investigation bodies exercising control over compliance with tax legislation", No. 1-СЛ (НАБУ) "On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", No. 1-СЛ (СБУ) "On the work of pre-trial security investigation bodies", the indicators of which are generated automatically on the basis of information entered by registrars into the Unified Register of Pre-trial Investigations.

Question 041-4

Republic of Moldova

(2024): The procedures under the sub-category "Before the main trial" are those validated by a court during the criminal investigation phase. The procedures under the sub-category "During main trial" are reported based on Article 364/1 of the Criminal Procedure Code - Judgment based on evidence administered during the criminal investigation phase, and the recognition of the evidence by the defendant in front of the judge. These procedures have been reflected in the CEPEJ questionnaire starting with 2023 as "guilty plea procedures during the main trial", based on the guidance of the Supreme Court of Moldova, which recognises these as guilty plea during main (even if simplified) trial.

Ukraine

(General Comment): The Criminal Procedure Code refers to criminal proceedings based on agreements. According to its Chapter 35, the following types of agreements may be concluded: reconciliation agreement between the victim and the suspect or the accused; plea agreement between the public prosecutor and the suspect or the accused about pleading guilty.

Question 042

Azerbaijan

(General Comment): The Judicial-Legal Council of Azerbaijan plays a pivotal role in overseeing the judiciary. According to the "Law of the Republic of Azerbaijan On Judicial-Legal Council", the Council is responsible for ensuring the organization of the court system and maintaining the independence of judges and the judiciary within the country. The "Law of the Republic of Azerbaijan On Courts and Judges" outlines the structure and functions of the judiciary, specifying various courts such as district (city) courts, Grave Crimes Courts, military courts, and others. This law establishes the framework for judicial proceedings and the administration of justice.

Georgia

(2024): The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the Courts of Appeal and the Supreme Court that are available on the website of High Council of Justice. It should be mentioned that since 2023, Georgian courts are actively involved in CEPEJ projects and activity programmes related with improvement of judicial quality standards.

Republic of Moldova

(General Comment): On September 12, 2014 through an order signed by General Prosecutor's Office jointly with the Ministry of Internal Affairs, the National Anticorruption Center and the Customs Service were approved the Performance Indicators for the institutions involved in the criminal process and the Methodology for evaluating the effectiveness of the criminal investigation activity, but in practice these indicators are not applied.

The Superior Council of Magistracy approved by its Decision nb. 457/2023 the Regulation on the minimum quality standards concerning the organizational activity and administration for first instance courts and courts of appeal. The standards cover the following areas:

(1) court performance, (2) online services, (3) court infrastructure, (4) quality management and (5) communication with the media and the general public.

Ukraine

(General Comment): Starting from 2015 the "Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods (CPEF)" is applied in Ukraine. This system is aimed to evaluate the work of the court for improving the organization of their work, namely to increase the productivity, efficiency, and quality of court procedures. CPEF consists of basic indicators (recommended to be applied by the courts every 6 months; the results of the evaluation shall be published on the websites of the courts) and 4 following modules: "Judicial Administration", "Timeliness of Trial" (optional), "Judicial Decision" (optional), "Satisfaction of the court users with the work of the court" (optional). By its decision the Council of Judges of Ukraine recommended to the courts of Ukraine to apply CPEF to evaluate the work of the court both in full or its individual modules, depending on the managerial purpose and the tasks aimed at improving the work of the court.

CPEF was based on the instruments developed by the CEPEJ Working group on the quality of justice (Checklist for promoting the quality of justice and the courts (2008), Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe's Member States (2010), Questionnaire for collecting information on the organization and accessibility of Court premises (2013) etc.)

By decision of April 26, 2016, No. 26, the Council of Judges of Ukraine approved the methodological guide "Application of the Court Evaluation System" and the list of basic court performance indicators.

Also, the order of the State Judicial Administration of Ukraine dated June 28, 2018 No. 286 approved the Methodology for analyzing the activity of courts. The SJA of Ukraine is analyzing the activity of the courts to be used in making objective management decisions to improve the state of litigation and the rational use of budgetary funds.

In the process of analyzing the activities of the courts, two main aspects that characterize the activities of the court are examined, namely:

- 1) effectiveness of litigation;
- 2) efficient use of resources.

Question 043

Azerbaijan

(2024): (For Prosecution - source: General Prosecutor Office)

Georgia

(2024): Department of Court Management of the HCJ – the body created by the LLC specifically for ensuring efficiency and quality of the common courts system. Quality standards are locally in each court implemented by Court Managers.

Republic of Moldova

(General Comment): For different quality standards established by SCM for first instance courts and courts of appeal there is specialised personnel entrusted with implementation. For example, a Working Group composed of judges, staff, head of secretariat and chaired by the president of the court monitors and analyse every 6 months the court performance; the head of the secretariat has the duty to collect statistics every 3 months and to present the data to the president of the court; a communication specialist is contracted/employed to improve the communication of the court with the media and the general public, etc.

Ukraine

(General Comment): On 16.10.2020, the Prosecutor General's Order No. 489 approved the Prosecution Development Strategy for 2021-2023, and subsequently, in May 2021, the corresponding Action Plan, which sets out the deadlines for the implementation of measures to implement each of the strategic priorities, the executors of clear goals, the achievement of which is measured by a specific result. The first priority of the Strategy is aimed at ensuring a high level of quality and efficiency in the implementation of the constitutional functions of the prosecutor's office, which involves the development of standards for prosecutors, including standards for pre-trial investigation, as well as the introduction of the approved standards into the curricula of initial, special training, advanced training of prosecutors and other training programs. In addition, the Department of Criminal Policy and Investment Protection, together with experts from the International Development Law Organization (IDLO), ensures the development and implementation of a system of individual performance evaluation of prosecutors. The said evaluation should be conducted every four years and will include an assessment of the quality of performance, which will determine the suitability of the position held and provide recommendations for further development and promotion. In accordance with the Rules of Procedure of the Prosecutor General's Office, the implementation of certain measures is monitored on a quarterly basis and the Prosecutor General is informed of the status of their implementation. The main tasks of the structural units, including those responsible for the implementation of quality standards, their functions and powers of employees are set forth in the relevant regulations approved by the order of the Prosecutor General

Question 049

Republic of Moldova

(2024): The SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of courts activity for first instance courts and courts of appeal recommends to the heads of secretariat to collect data and to present them to the court presidents every 3 months. A Working Group created by each court based on the afore-mentioned SCM decision has the competence to evaluate the court performance every 6 months.

With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been active in 2024 at the national level to uniformise the methodology of annual reporting on court performance. The methodology is expected to be approved by SCM in 2025.

At the national level, the Judicial Inspection (not earlier than 2025) should evaluate the alignment of the courts to the aforementioned standards once in 3 years.

Question 050

Ukraine

(General Comment): The decision of the Council of Judges of Ukraine No. 61 of September 16, 2016 recommended applying the Regulation on the Procedure for Planning the Expenditure of Courts Based on the Expected Result approved by the Chairman of the State Judicial Administration of Ukraine.

This planning methodology is based on understandable for society performance indicators of the judiciary, as well as the formula for determining them basing on the budget of the judiciary with the possibility of inverse modeling of performance depending on the allocated financial resources.

If according to the results of statistical reporting in some courts deviation of the actual number of resolved model cases from their planned number is found out, by the initiative of the chief spending unit the budget (appropriations approved by the state budget schedule and estimates) are adjusted.

Based on the results of statistical reporting on the consideration of court cases during the current budget year, the SJA calculates model budgets of consumption and adjusts expenditures for consumption. Based on the adjustments, the proportional redistribution of planned expenditures in terms of economic classification codes is carried out without changing the state budget outline.

Question 052

Ukraine

(General Comment): The performance evaluation of prosecutors is made on the basis of the general system of reporting. In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports. The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

Information on the activities of the prosecutor's office is also made public in the national and local print media and on official web sites of the prosecutor's office.

According to clause 2 of the Order of the Prosecutor General dated 30.09.2021 No. 309, organizational support for the exercise of powers by the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies in criminal proceedings is carried out in accordance with the competence of independent structural units of prosecutor's offices of the relevant level, which provide

- daily monitoring of the URPTI, systematic monitoring of the Unified State Register of Court Decisions and the Information and Analytical System "Accounting and Statistics of Prosecutor's Offices";
- requesting and studying information on the course and results of pre-trial investigation and court consideration of criminal proceedings, criminal proceedings materials and certified copies of court decisions;
- drafting procedural and other documents on the activities of prosecutors in criminal proceedings, which are submitted for signature to the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies;
- studying, if necessary, the state of compliance with the requirements of the criminal procedural legislation;
- providing information, analytical and methodological support to prosecutors, studying and summarizing the practice of application of legislation;
- preparing and holding meetings on the activities of prosecutors, involving relevant employees of lower-level prosecutor's offices in such meetings;
- fulfillment of other instructions of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies.

As a rule, prosecutors within the assigned areas of work within their competence carry out a monthly review of all available statistical information in general, including information on the activities of lower level prosecutor's offices, as well as information from the Unified Register of Pre-trial Investigations.

On a quarterly and annual basis, the said data is studied in more depth, in particular, when planning the work of the respective prosecutor's offices, preparing materials for meetings, including final ones, with the heads of prosecutor's offices, preparing for visits to conduct inspections and provide practical assistance to heads of lower-level prosecutor's offices, during methodological work, as well as for timely optimization of the structure and staffing of each prosecutor's office within the maximum number of prosecutors.

Question 053

Georgia

(2024): The performance appraisal of prosecutors is conducted once in 2 years.

Republic of Moldova

(2024): GPO publishes an annual activity report with aggregated data per system and for each specialised prosecutor's office. Each individual public prosecution service collects data and fills every month statistics in Info PG Information System.

Ukraine

(General Comment): The report on the implementation of budget program passports is submitted annually to the Ministry of Finance of Ukraine within the deadlines set for the submission of consolidated annual budget reports, according to the form approved by the order of the Ministry of Finance of Ukraine dated 29.12.2002 № 1098 'On budget program passports', in paper and electronic in the form.

At the same time, according to Article 6 of the Law of Ukraine 'On the Prosecutor's Office', the prosecutor's office also informs the public about its activities at least twice a year through media reports.

In accordance with the requirements of part two of this article, the Prosecutor General shall submit to the Parliament of Ukraine a report on the activities of the prosecutor's office by April 1 of each year, which shall contain the information provided for in this article.

The Prosecutor General personally reports on the activities of the prosecutor's office to the Verkhovna Rada of Ukraine at its plenary session. Heads of regional and district prosecutor's offices at an open plenary session of the relevant council, to which media representatives are invited, at least twice a year inform the society of the relevant administrative-territorial unit about the results of activities in this area by providing generalized statistical and analytical data.

Information on the activities of the prosecutor's office is published in national and local print media and on the official websites of the prosecutor's office.

In addition, the results of the work of the prosecutor's office, ways to improve the efficiency of their activities are periodically discussed at operational meetings with the heads of the prosecutor's office, where the priorities and main tasks for the next period is determined.

Question 054

Ukraine

(General Comment): In particular, according to subpara. 9.3 of clause 9 of the Order of the Prosecutor General of Ukraine No. 309 dated 30.09.2021, heads of prosecutor's offices of all levels, their first deputies and deputies, in accordance with the distribution of responsibilities and within the powers provided for by the CPC of Ukraine, when determining the prosecutor who will exercise the powers of the prosecutor in a particular criminal proceeding, take into account

- the number of investigators conducting pre-trial investigation in a particular criminal proceeding, their experience and specialization;
- the number of criminal proceedings in which the relevant prosecutor exercises the powers of the prosecutor independently and as part of a group of prosecutors, their work experience, specialization;
- number of prosecutors in a particular criminal proceeding;
- workload (complexity of criminal proceedings in which the prosecutor exercises procedural control, in particular, multi-episodic nature, publicity, gravity of the criminal offense, place of commission, need for priority, urgent investigative (detective) and covert investigative (detective) and other procedural actions, their scope and participation of the prosecutor in consideration of motions and complaints by investigating judges during pre-trial investigation, term of pre-trial investigation and preventive measure against the suspect, need for preparation of the prosecutor's report).

In addition, based on the performance assessment, issues of optimizing the structure and staffing of each prosecutor's office within the maximum number of prosecutors are resolved.

At the same time, it should be noted that according to Article 90 of the Law of Ukraine "On the Prosecutor's Office", the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period. At the same time, the "assessment of the performance of the prosecution bodies" does not directly affect the distribution of financial resources within the prosecution body.

According to Article 90 of the Law, the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period.

The "Performance Assessment of the Prosecutor's Office" does not directly affect the allocation of resources within the prosecutor's office

Question 056

Armenia

(2024): The performance of courts is not evaluated, and the performance of judges is evaluated by the Judicial Performance Evaluation Committee of the General Assembly of Judges.

Republic of Moldova

(General Comment): The Agency for Courts Administration is an entity subordinated to the Ministry of Justice who is responsible for data collection and analysis of court performance at the central level (excepting individual performance of judges) for policy making specifically for facilitating access to justice, improving court staff training, court IT solutions, cybersecurity, data protection, facilitating the maintenance/renovation/building of court premises and other court facilities, improving other internal court processes.

(2024): The Ministry of Justice through its specialised Agency for Courts Administration collects every 3 months, aggregates and analyses statistical data from courts. The Agency publishes the aggregated statistical reports on its web page. The Superior Council of Magistracy, collects statistical data every 3 months from courts, includes them in its annual activity report and periodically verifies the organizational activity of courts in the administration of justice, through the specialized body created within it, namely the Judicial Inspection. The Judicial Inspection within the SCM represents the specialized body with the powers established by law and the purposes of improving the organizational performance and functionality of courts; making judges accountable; identifying vulnerabilities in the judicial system; eliminating dysfunctions and preventing risks of violation of citizens' rights; formulating proposals for improving the relevant legal framework.

In accordance with the provisions of art. 72 para. (1) of the Law on the Superior Council of Magistracy, the organizational activity of courts in the administration of justice is verified in order to ensure:

- a) speed of the process;
- b) transparency of the activity of administering justice and openness to society;
- c) efficiency of the activity of courts, judges and court staff;
- d) compliance with the Code of Ethics of the judge;
- e) high professional conduct of court staff;
- f) continuous improvement of the performance of judges and court staff.

Paragraph (2) of the same article states that the organizational activity of courts in administering justice can be verified in two forms:

- a) ordinary control – for the examination of a specific case or a distinct field of activity;
- b) complex control – for the examination of the entire activity of administering justice.

Complex ordinary controls are carried out in accordance with the Annual Activity Plan of the Judicial Inspection, which is placed for transparency on the SCM website, in the Judicial Inspection section (<https://www.csm.md/ro/organe-subordonate/inspectia-judiciara/planuri-de-activitate-ij.html>).

Following the inspection of the court's activity, a draft Control Act is drawn up, which is submitted to the inspected court for information, and which, within 10 days, has the opportunity to present objections in relation to what was found and reflected by the control team in the Act.

At the same time, it is noted that the courts verified by the Judicial Inspection in most cases, through the position expressed on the Control Acts, predominantly accepted what was found and reflected by the Inspection with the assumption of eliminating the established deficiencies (<https://www.csm.md/ro/organe-subordonate/inspectia-judiciara/controale-ij.html>).

Ukraine

(General Comment): The State Judicial Administration of Ukraine analyses the activities of the courts to take objective managerial decisions on improving consideration of court cases and rational use of budget funds.

Question 057

Armenia

(2024): There is no evaluation system for public prosecutions services, although the individual prosecutors are evaluated. The Evaluation is carried out by the relevant unit within the General Prosecutor's Office or by special working group created by the order of the Prosecutor General.

Georgia

(2024): The Department for Supervision of Prosecutorial Activities and Strategic Development of the Office of the Prosecutor General of Georgia is responsible for performance evaluation of prosecutors.

Republic of Moldova

(2024): The Prosecutor General has the duty to present an annual activity report of the prosecution to the Parliament. The General Assembly of Prosecutors has the mission to receive/hear an activity report of prosecution institutions during their meetings.

Question 058

Armenia

(2024): There is no toolkit to monitor the duration (time limit) of proceedings, but studies are regularly conducted on procedural deadlines.

Republic of Moldova

(General Comment): The Moldovan Court Information System reflects regularly the number of pending civil cases older than 200 days, criminal cases older than 100 days and misdemeanor (administrative offences) cases older than 30 days.

The Moldovan Court Information System reflects also regularly for all case types the pending cases older than 12, 24 and 36 months.

According to the SCM Decision no.854 / 37 of 19.12.2017 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Rate of resolved cases (taking into account all pending cases at the beginning of the year and number of incoming cases), Rate of successful appeals, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislation).

Two more indicators (satisfaction of court staff and satisfaction of users) were built in the Court information System in 2022 and can be used by courts by a regular monitoring of their activity performance. This set of court performance indicators (qualitative and quantitative) is being monitored regularly by the judiciary.

Based on aforementioned indicators, through SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of court's activity for first instance courts and courts of appeal, 13 quality standards have been approved for Moldovan courts. The standard 1 "Measuring courts' efficiency" has the following progress indicators:

1. Clearance rate - at least 100%
2. Rate of postponed court hearings - less than 20%
3. Age of cases resolved in less than 2 years - 90% of cases
4. Age of pending cases more than 3 years - 4% of cases
5. Disposition time in first instance courts - less than European median in 2020 (civil cases-293 days, administrative cases-397 days, criminal cases - 199 days).
6. Disposition time in courts of appeal - less than European median in 2020 (civil cases-282 days, administrative cases-500 days, criminal cases - 186 days).

(2024): Other: Rate of postponed court hearings, Rate of resolved cases (taking into account all pending cases at the beginning of the year and number of incoming cases), Rate of successful appeals, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislative provisions).

Ukraine

(General Comment): CPEF contains two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.

Basic indicators contain the following: Data from the automated record-keeping system:

1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges.

Data according to basic indicators:

1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6) Conducting surveys among citizens participating in court proceedings; 7) Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as "good" (4) and "excellent" (5).

The system was developed with the international technical assistance provided by the USAID.

Question 059

Armenia

(2024): 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.

Georgia

(2024): Overall quality of prosecutorial activities.

Republic of Moldova

(General Comment): The prosecutors ensure the examination of cases within a reasonable time, monitoring this aspect in general (pending cases more than 12, 24, 36 months), but there are no established certain special terms for the examination of certain types of criminal cases, to be monitored. The prosecutors monitor some aspects related to the recovery of legal expenses in the criminal process.

Pending cases are also monitored.

Ukraine

(General Comment): In accordance with the requirements of the Temporary Instruction on Record Keeping in the Prosecutor's Offices of Ukraine, in order to summarize information on the number of documents processed and the workload of each employee, prosecutor's offices at all levels keep monthly records of incoming, outgoing and internal documents. This information is accumulated and summarized by the prosecutor's office and used to study trends in the state of workflow, make appropriate forecasts, prepare for inspections and provide practical assistance, methodological work, and timely resolve issues of staffing for workflow processes.

The results of document circulation accounting are summarized annually by the document management service and used to take measures to improve the organization of work with documents.

Accounting of the volume of electronic document circulation is carried out in the automated mode of the IS "EDMS".

The issues of organizing the activities of the prosecutor's office in maintaining the Unified Register of Pre-trial Investigations, statistics and its analysis are regulated by the Order of the Prosecutor General dated 17.03.2021 No. 69, which determines the reliability and objectivity of reporting on the work of the prosecutor's office and the state of criminal unlawfulness, preparation of information and analytical materials on these issues.

Pursuant to the Order of the Prosecutor General No. 11 dated January 20, 2021 "On Approval of Reporting in Form No. P "Report on the Work of the Prosecutor's Office" and the Instructions for its Compilation", prosecutors prepare administrative quarterly reporting in the form No. P "On the Work of the Prosecutor's Office".

In order to ensure a unified record of data on criminal offenses, their perpetrators, and the movement of criminal proceedings, according to the Order of the Prosecutor General No. 299 "On Approval of Forms of Unified Reporting on the Status of Criminal Unlawfulness" dated 30.06.2020, monthly administrative reporting was introduced in the following forms: No. 1 "Unified Report on Criminal Offenses"; No. 2 "Unified Report on Persons Who Committed Criminal Offenses"; No. 5 "Report on Criminal Offenses Committed at Enterprises, Institutions, Organizations, by Type of Economic Activity"; No. 1-O3 "Report on the Results of Combating Organized Groups and Criminal Organizations". The reporting form No. 1-LFT "Report on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction", approved by Order of the Prosecutor General No. 110 dated 29.06.2022, records information on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction (from

This reporting is generated automatically on the basis of information entered into the URPTI regarding registered criminal offenses, persons served with notices of suspicion, and proceedings sent to court (with an indictment, a motion for release from criminal liability, or closure under clause 3-1, part 1, Article 284 of the CPC of Ukraine, etc.)

In order to identify trends in the state and structure of crime, the results of the work of prosecutors and pre-trial investigation bodies, statistical data are periodically analyzed (clause 2.7 of the Order of the Prosecutor General of Ukraine No. 69 of 03/17/2021).

Surveys are also conducted on internal communication and the level of satisfaction with the work of prosecutors. The results of the survey reflected information on general practices of internal communication and the level of satisfaction and motivation of prosecutors, data on the problems of the prosecutor's office that need to be addressed, and current issues of material support and working conditions.

Question 060

Armenia

(2024): Monitoring of compliance with reasonable terms for the examination of all judicial cases is carried out by the presidents of the courts of first instance and appeals, and the procedure for its implementation was established by the decision of the Supreme Judicial Council No. SJC-25-N-10 of March 18, 2024. According to the aforementioned decision, after the end of the first half of each year, within a month, a summary of information on the terms for the examination of cases received, transferred, as well as redistributed among judges during the given period is carried out, as a result of which a report is compiled, in which the fact of exceeding the reasonable term for the examination of each case is qualified by taking into account the following criteria:

- 1) the legal and factual complexity of the case,
- 2) the behavior of the participants in the trial,
- 3) the inadequacy of the court's actions in the case,
- 4) the inadequacy of the actions of other competent bodies and officials in the case.

The president of the court sends the report to the Judicial Department. In case of violations discovered during the preparation of the report, the president of the court has the right to apply to the Ethics and Disciplinary Issues Committee of the General Assembly of Judges and to the Authorized Body authorized to initiate disciplinary proceedings against the judge.

Question 061

Azerbaijan

(2024): Monitoring waiting time in judicial proceedings is essential to ensure efficiency and prevent excessive delays. For tracking the waiting time, the courts and the Judicial-Legal Council use the electronic court system. The Judicial-Legal Council regularly monitors case delays and investigates the complaints about excessive waiting times.

Question 062

Armenia

(General Comment): Judicial Department of RA (www.court.am); Armenia, 0010, Yerevan, Vazgen Sargisian 5

Georgia

(2024): Approximately all large Courts have Statistical Sectors or Court statistics. All important information is collected and accumulated at Statistical Sector of Supreme Court of Georgia

Republic of Moldova

(General Comment): The institutions responsible for collecting statistical data regarding the functioning of the courts and judiciary are the Superior Council of Magistracy and the Agency for Courts Administration.

According to art. 54 of the Law no. 514 on judicial organization, the courts present to the Superior Council of Magistracy and to the Agency for Courts Administration statistical information on the cases examined in civil, commercial, administrative, administrative offences and criminal cases, as established by the courts. The Agency for Courts Administration has the following attributions in the field of judicial statistics:

- a) develops the mechanism and rules for keeping of judicial statistics;
- b) carries out the collection, analysis and systematization of data on judicial statistics;
- c) verifies the correctness of the statistical reports produced by the courts, as well as the statistical reports generated by the Integrated Case Management Program;
- d) ensures the keeping and storing of generalized statistical reports and related information submitted by the courts;
- e) collects, checks, stores and keeps records of the statistical records of the defendants and of the checklists presented by the courts and their lists, as well as ensures the compliance of the number of records of the defendants with the number of convicted persons in the statistical reports;
- f) collects and generalizes other information related to judicial statistics submitted by the courts;
- g) provides methodological assistance and support to court personnel as regards the bookkeeping, generalization and analysis of judicial statistics;
- h) examines requests and inquiries from interested institutions and representatives of civil society regarding the provision of statistical information;
- i) prepares quarterly and annual reports on judicial statistics and submits them to the Supreme Court of Justice, the Superior Council of Magistracy and other interested bodies for information, as well as publishes them on the official website of the Ministry of Justice and on the Agency's webpage.

Therefore, two institutions are responsible for maintaining judicial statistics in the Republic of Moldova:

1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ;
2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aaij.justice.md> .

(2024): 1. Superior Council of Magistracy, Chisinau mun., M.Eminescu 5, www.csm.md ; 2. Agency for Courts Administration under the Ministry of Justice, Chisinau mun., Ștefan cel Mare and Sfint str., 124 B, et. 2, <http://aaij.justice.md>

Ukraine

(General Comment): The State Judicial Administration of Ukraine is responsible for organization of the statistic work.

Question 063

Republic of Moldova

(2024): SCM publishes annual activity reports with aggregated data per system. ACA publishes aggregated data per system every 3 months. Each court publishes individual activity reports on its webpage in "statistics" menu on National Court's web Portal (E.g. Chisinau first instance court - <https://jc.instante.justice.md/ro/content/statistica>). The JUSTAT information system (developed with the EU/CoE joint support) is another solution publicly available for free that reflects court statistics.

Question 064

Armenia

(General Comment): The relevant subdivision of the Republic of Armenia Prosecutor's Office, the Department of Statistics and Analysis. Address: 5 Vazgen Sargsyan, Yerevan, Armenia

Republic of Moldova

(2024): General Prosecution Office, bd. Ștefan cel Mare și Sfânt, 73, Chișinău Moldova

Ukraine

(General Comment): Pursuant to the Law of Ukraine "On State Statistics" and in accordance with the normative legal acts of the Prosecutor General's Office of Ukraine, the Prosecutor General's Office of Ukraine for the purpose of fulfilling its administrative duties and tasks, forms consolidated reports on the results of prosecutorial and investigative activities, as well as provides proper organization of the work of the prosecution bodies on these issues.

(2024): In addition, the Office of the Prosecutor General submits reports in the forms No. 1, 2, 5 and 1-O3, as defined by the Order of the Prosecutor General dated 30.06.2020 No. 299, to the State Statistics Service of Ukraine no later than every 6th day of the month following the reporting period and in the form No. П "Report on the work of the prosecution authorities" for the six months and a year, sent to the State Statistics Service of Ukraine on the 35th day following the reporting period. Form No. 1-ЛФТ "Report on the results of investigation of criminal proceedings on criminal offenses regarding legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction" is submitted to the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, the Bureau of Economic Security of Ukraine, the State Bureau of Investigation, the National Anti-Corruption Bureau of Ukraine no later than January 6 of the year following the reporting year, and the State Financial Monitoring Service of Ukraine

Question 065

Azerbaijan

(2024): <https://www.stat.gov.az/source/crimes/>

Republic of Moldova

(2024): GPO publishes an annual activity report with aggregated data per system and for each specialised prosecutor's office. Each individual public prosecution service is filling every month statistics in Info PG Information System (internally).

Ukraine

(General Comment): According to the results of the work for the six months and the year, on 35-day of the reporting period, consolidated reports on prosecutorial and investigative work in paper form are submitted to the central body of executive power, which implements the state policy in the field of statistics - State Statistics Service of Ukraine. In addition, in accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by posting on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by this order (within five days after their signature).

Question 066

Armenia

(General Comment): The requirement for courts to prepare an activity report introduced by the Judicial Code adopted in 2018. The report shall be submitted to the Judicial Department.

Georgia

(2024): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Secretary and Chair person of High Council of Justice of Georgia. Reports are presented at Annual Conference of Judges of Common Courts of Georgia and are also published on the website. Reports show statistical and analytical overview of the activities of the High Council of Justice of Georgia, as well as activities of Courts.

Ukraine

(General Comment): According to the Law of Ukraine "On the Judiciary and Status of Judges", the State Judicial Administration of Ukraine organizes work on conducting judicial statistics. In order to report on the effectiveness of the administration of justice by local and appellate courts, ensuring the timely receipt of the information on the observance by courts of time for review of lawsuits, the adoption of sound management decisions and in accordance with designated powers, the State Judicial Administration of Ukraine develops forms of reporting on the implementation of legal proceedings, rules for filling out forms of state reporting the consideration of court cases and materials, as well as the procedure for their submission, which are approved by orders. The said orders are approved by the State Statistics Service of Ukraine in accordance with the established procedure. In addition, draft forms of reporting are agreed with the higher specialized courts and the Supreme Court of Ukraine.

The reports contain data on the total number of cases pending before the courts, the results of their consideration by types of proceedings, as well as other applications, petitions, complaints handled by the courts of the first and appellate instances.

In the reports on civil, criminal and administrative cases, information is provided on cases dealt with in violation of the time limits established by the procedural law.

The reports also contain information on criminal, administrative and civil cases in which proceedings are not completed at the end of the reporting period: more than 6 months to 1 year; more than 1 year to 2 years; more than 2 years.

Question 067

Armenia

(2024): Judicial statistics on the activities of the courts of the Republic of Armenia (by courts and by judges) are conducted by the Judicial Department in accordance with the requirements established by Article 19 of the Constitutional Law "Judicial Code of the Republic of Armenia" and Resolution No. 1542-N of the Government of the Republic of Armenia of December 27, 2018, on a semi-annual and annual basis, which is published on the official website of the Judiciary: www.court.am (link: <https://court.am/hy/statistic>). A separate report, as such, is not published. In 2024 the activity report was not distributed in paper.

Republic of Moldova

(2024): According to legal provisions individual courts are required to analyze regularly their activity and present statistical data to the Superior Council of Magistracy and Agency for Courts Administration. The courts publish on their webpages their reports.

Each court is responsible for preparing an activity report that includes, for example, data on the number of resolved cases, pending cases, the number of judges and administrative staff, etc. The data are extracted from the Integrated Case Management System. The statistical data are taken into account when adopting decisions of the SCM Plenum on various issues related to the administration of courts, the specialization of judges, the temporary transfer of judges, the permanent transfer of judge positions from one court to another, the evaluation of the activity of judges, the development of forecasts regarding the increase or decrease in the number of judges in courts, as well as proposals for amending the regulatory or legislative framework.

According to the SCM recommendations in 2023, the head of the secretariat presents every 3 months data to the court president and a Working Group analyses every 6 months the court performance (first evaluation using the SCM recommendations is proposed not earlier than in 2 years from the date the SCM recommendations have been issued).

Ukraine

(2024): reporting on the administration of justice in local and appellate courts

Question 068

Georgia

(2024): Activity report of Courts and High Council of Justice of Georgia is annually prepared by Secretary and Chair person of High Council of Justice of Georgia. Reports are presented at Annual Conference of Judges of Common Courts of Georgia and are also published on the website. Reports show statistical and analytical overview of the activities of the High Council of Justice of Georgia, as well as activities of Courts.

Republic of Moldova

(General Comment): The report is accessible to the general public, Agency for Courts Administration and Superior Council of Magistracy. The structure of the report is determined at the general level and contains information on the number of examined cases, the number of filed cases, the number of pending cases, the number of judges, the workload per judge. The report reflects the information on the activity of the court, including also the issued decisions, maintained decisions, quashed, modified decisions, etc.

(2024): The courts in 2024 have a different practice, some of them release on their webpages an activity report every 3 months, other-every 6 months, other-once per year. With support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 and its activity was ongoing in 2024 to uniformise the methodology of annual reporting on court performance.

Question 069

Azerbaijan

(2024): The report covers different fields of activity of the Prosecutor General's Office and it includes data on the number of incoming cases, the number of processed cases, the number of processed cases, the number of pending cases, the number of convictions and acquittals, the number of appeals, amount of damage, and others.

Georgia

(2024): The Report of the Prosecutor General of Georgia about the activities of the PSG during 12 months is released annually, and published on the website. The report includes statistical and analytical overview of the PSG activities, implemented criminal policy, challenges and plans.

Ukraine

(General Comment): The processing of the working results of the prosecutor (prosecution office) is carried out in accordance with the order of the Prosecutor General of Ukraine. This normative document defines the procedure for formation, submission of reports to higher-level prosecutor's offices, as well as the format and its content. These reports include the results of representative work in the field of protection of the interests of the state, data on the supervision of law compliance by bodies conducting pre-trial investigation and investigative activity, the participation of the prosecutor in the judicial review of criminal proceedings and review of court decisions, supervision of compliance with the law in criminal cases, international legal cooperation in criminal proceedings, consideration of appeals, requests for information, as well as coverage of the activities of the prosecution bodies.

Question 070

Armenia

(2024): Every year each public prosecution service prepares an activity report regarding all aspects of prosecutorial activities which is presented to the Prosecutor General

Georgia

(2024): The Report of the Prosecutor General of Georgia about the activities of the PSG during 12 months is released annually, and published on the website. The report includes statistical and analytical overview of the PSG activities, implemented criminal policy, challenges and plans.

Republic of Moldova

(2024): The General Prosecutor submits to the Parliament annually, by March 31 of the current year, a report on the activity of the Prosecutor's Office in the previous year, which is published on the website of the Prosecutor's Office <https://www.procuratura.md/sites/default/files/2024-02/Raportul%20de%20activitate%20al%20Procuraturii%20pentru%20anul%20%202023.pdf>. Each public prosecution service is filling every month statistics in Info PG Information System (internally).

Ukraine

(General Comment): In accordance with the Law on Access to Public Information and in accordance with the order of the Prosecutor General's Office of Ukraine, these reports are made public by publishing on the official site of the Prosecutor General's Office of Ukraine in the open-access within the period specified by the order (within five days after their signature).

(2024): Pursuant to Article 6 of the Law of Ukraine “On the Prosecutor’s Office”, the prosecution authorities shall inform the public about their activities at least twice a year through media reports.

The Prosecutor General annually submits to the Verkhovna Rada of Ukraine a report on the activities of the prosecutor's office by April 1, which should contain information on

- statistical and analytical data on the performance of the functions entrusted to the prosecutor's office
- the actual number of prosecution bodies in terms of the number of prosecutors, civil servants, other employees, their professional development, special training, and the activities of the Training Center of Prosecutors of Ukraine;
- ensuring the independence of prosecutors, including the number of reports on threats to the independence of prosecutors received by the Council of Prosecutors of Ukraine and information on decisions taken on such reports;
- ensuring the legality and integrity of the prosecution, in particular, the number of integrity checks of prosecutors, internal investigations, disciplinary complaints against prosecutors and information on the decisions taken, etc;
- other information related to the performance of the prosecutor's office.

The Prosecutor General personally reports on the activities of the prosecution bodies to the Verkhovna Rada of Ukraine at its plenary session.

The heads of regional and district prosecutor's offices at the plenary session of the respective council at least twice a year inform the population of the respective administrative-territorial unit about the results of their activities by providing generalized statistical and analytical data

Question 071

Azerbaijan
(2024): Biannual

Republic of Moldova
(2024): Monthly for each prosecution service;

Ukraine
(General Comment): The report on the work of the prosecutor is made quarterly (every 3 months), which is formed by the cumulative result from the beginning of the year. The report is generated in an automated mode using a software package - information and analytical system "Accounting and Statistics of the Prosecutor's Office" on the basis of primary accounting data entered into the system by prosecutors who performed the work being accounted for.

(2024): quarterly

Question 074

Armenia

(General Comment): The cases are distributed electronically and the judges is expected to resolve the cases assigned to him/her in time limits set by the relevant legislation.

Azerbaijan
(General Comment): According to the Law on Judicial Legal Council, Article 13.4, the performance of judges is assessed on the basis of quantitative (judicial workload and ability to cope with it) and qualitative (quality of management of judicial acts and court proceedings, communication skills, judicial ethics and discipline) indicators, which allow determining their level of professionalism based on materials collected by the Judicial Evaluation Committee.

Georgia
(General Comment): According the law there isn't quantitative performance targets defined for each judge.

Question 075

Republic of Moldova
(General Comment): All cases are randomly distributed by Integrated Case Management System based on case complexity and on a specific percentage of examination established by the Superior Council of Magistrates. The investigative judges examine specific criminal materials and 50% of other case categories. If the workload of a judge is high, the president of the court will set less case types to be distributed in order to balance the workload.

Question 076

Armenia

(2024): The evaluation of a judge's performance is carried out by the Judges' Performance Evaluation Committee of the General Assembly of Judges, in accordance with the Constitutional Law "Judicial Code of the Republic of Armenia" and the Supreme Judicial Council's Resolution No. SJC 81-N-32 of 26.08.2024. The following are checked in the process of evaluating the performance of a judge: 1) audio minutes of 10 court sessions presided over by the evaluated judge, and in his absence, paper minutes. 2) 10 court cases examined by the evaluated judge, including a judicial act resolving the case on the merits. 3) 10 interim judicial acts made by the evaluated judge (except for judicial acts containing confidential information provided for by the legislation). 4) information on the average duration of the examination of cases completed by the evaluated judge and the average duration of the examination of cases in the courts of the same instance, his individual performance and the average performance of other judges of the court, the number of judicial acts resolving the case on the merits and overturned judicial acts made by him, as well as the number of judicial acts overturned on unconditional grounds. 5) information on ongoing and completed disciplinary proceedings against the evaluated judge. 6) a questionnaire filled out by the president of the court in accordance with Form 1 of the Decision of the Supreme Court of Justice of the Republic of Armenia No. 81-N-32. Chapter 8 of the Law defines the purpose, criteria, types, procedure, summary of results and consequences of the evaluation. According to Article 136 of the same Law, the objectives of the evaluation are to contribute to the selection of the best candidates during the promotion of judges, to assist in the selection of training directions, to identify ways to improve work efficiency, to contribute to self-improvement and to increase the efficiency of the court's activities. Article 138 defines the evaluation criteria, which include the quality of the judge's work, efficiency, professionalism and behavior. The main criteria for evaluating professionalism are the ability to substantiate judicial acts and conduct court sessions. Performance criteria include effective workload management, timely processing of cases and adjudication, and the ability to provide a safe working environment. Conduct and ethics criteria include adherence to codes of conduct, building public trust in the court, and positive relationships with colleagues and staff.

Azerbaijan

(2024): The Judicial and Legal Council established the Judges Evaluation Committee has been established and is operating in accordance with the legislation. The Committee consists of 9 members (three judges of the Supreme Court of the Republic of Azerbaijan, three judges of the courts of appeal, three judges of the courts of first instance). The activities of judges will be evaluated on the basis of quantitative (judicial workload and ability to cope with it) and qualitative (quality of management of judicial acts and court proceedings, communication skills, judicial ethics and discipline) indicators, which will allow determining the level of their professionalism based on the materials collected by the Judges Evaluation Committee under the new Rules. The activities of court chairmen, deputy chairmen and chairmen of the board in the exercise of administrative powers will be evaluated based on the materials collected by the Judges Evaluation Committee, based on criteria that allow determining their management skills (observance of labor and executive discipline in the relevant court and the state of organization of work (conducting court statistics and archival work, compliance with clerical rules, organization of management of the court apparatus, the state of studying and generalizing judicial practice, reception of citizens, organization of work in the court in the field of considering applications). The activities of judges are evaluated taking into account the results of monitoring the activities of the courts, information from the Office of the Judicial-Legal Council, the judge whose activities are evaluated, as well as the chairmen of the Supreme Court of the Republic of Azerbaijan, courts of appeal and first instance, and the number of cases referred for mediation in accordance with the Law of the Republic of Azerbaijan "On Mediation". When evaluating the activities of judges, information available to members of the Judicial-Legal Council may be used. As a result of the evaluation of the judge's performance, one of 3 (high, satisfactory and professional deficiency) results will be determined, not 2 as before, and if the performance is highly evaluated, the Judicial-Legal Council will be able to consider the possibility of promoting the judge to the position. The Committee also intends to draw up a final opinion on the evaluation of the judge's performance and to approve this opinion by discussing it with the Judicial-Legal Council. It is envisaged that the Judicial-Legal Council will adopt detailed rules and methodology for evaluating the performance of judges.

Georgia

(2024): Individual evaluation of Judge's work exists only during the probation period for Judges, annually, during 3 years.

Republic of Moldova

The ordinary performance evaluation is initiated by the selection and evaluation Board on the basis of an evaluation plan approved by the Superior Council of the Magistracy.

The ordinary evaluation of judges' performances is carried out based on the following criteria:

- a) professional competence;
- b) organizational competence;
- c) integrity.

Professional competence is evaluated based on the following indicators:

- a) the percentage of upheld judgments/conclusions from contested ones, with the exception of overturned judgments for reasons not attributable to the judge;
- b) the number and percentage of annulled decisions/conclusions from those examined, with the presentation of the confirmatory extract from the Integrated File Management Program;
- c) the presence of violations of the European Convention for Human Rights, found by the European Court of Human Rights;
- d) clarity of verbal and written presentation;
- e) the quality of the reasoning of court decisions;
- f) the professional training of the judge;
- g) possession and application of IT knowledge.

Organizational competence is evaluated based on the following indicators:

- a) the resolution rate of files in relation to the number of files distributed for examination;
- b) compliance with reasonable deadlines in the process of administration of justice;
- c) the weight of the decisions drawn up in compliance with the term established by law;
- d) the average deadlines for examining files, depending on their complexity;
- e) the way of organizing the professional activity;
- f) the number of meetings in the evaluation period that were postponed for reasons attributable to the judge, relative to the total number of meetings;
- g) the number of judgments and court rulings published on the website of the court, relative to the total number of judgments or, as the case may be, court rulings issued;
- h) the average rate of the number of interrupted meetings in relation to the total number of meetings;
- i) fulfilment within legal terms of other duties established by law.

Integrity is evaluated based on the following indicators:

- a) compliance with professional ethics;
- b) the number of disciplinary sanctions applied during the period under evaluation;
- c) non-involvement in political activities;

Ukraine

(General Comment): The quantitative factor is taken into account within the qualification assessment of judges, when the record of a judge is studied.

According to the Law of Ukraine On the Judiciary and Status of Judges, the record of a judge shall include information on the effectiveness of judicial proceedings, in particular:

- a) the total number of cases considered;
- b) the number of canceled court decisions and the grounds for their cancellation;
- c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations;
- d) the number of amended court decisions and the reasons for their change;
- e) observance of terms of consideration of cases;
- e) average length of the text of the motivated decision;
- e) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the judge.

(2024): The High Qualification Commission of Judges of Ukraine conducts qualification assessment to determine the ability of a judge to administer justice in the relevant court according to the criteria established by law: competence (professional, personal, social, etc.); professional ethics; and integrity.

Qualification assessment is a procedure established by the Law of Ukraine “On the Judiciary and the Status of Judges” and the Regulation on the Procedure and Methodology of Qualification Assessment, Indicators of Compliance with Qualification Assessment Criteria and Means of Establishing Them (as amended by the Commission's decision of 13.02.2018 No. 20/zp-18), for determining the Commission's ability to determine the ability of a judge to administer justice in a relevant court or to assess the judge's suitability for the position.

The current regulations provide that the qualification assessment may be conducted by the Commission in the following cases:

1) upon application for participation in a competition for a vacant judicial position;

2) by the decision of the Commission:

a) in connection with the imposition of a disciplinary sanction against a judge under clause 4 of part one of Article 109 of the Law of Ukraine “On the Judicial System and Status of Judges”

b) for the purposes of verifying the judge's suitability for the position.

Please note that qualification assessment is not a regular part of a judge's career.

Pursuant to Article 90 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is regularly evaluated during his/her tenure in order to identify individual needs for improvement, encourage him/her to maintain qualifications at the appropriate level and professional growth

Question 076-1

Azerbaijan

(2024): High Judicial Council

Georgia

(2024): Criteria for evaluation of Judges work during probation period is already provided in Organic Law of Common Courts

Ukraine

(2024): Article 83 of the Law of Ukraine “On the Judiciary and the Status of Judges” defines the criteria for qualification assessment, namely: competence (professional, personal, social, etc.); professional ethics; and integrity. According to paragraph 6 of part one of Article 93 of this Law, the High Qualification Commission of Judges of Ukraine, in particular, approves the procedure and methodology for qualification assessment. The Regulation on the Procedure and Methodology of Qualification Assessment, Indicators of Compliance with Qualification Assessment Criteria and Means of Their Establishment, approved as amended by the Commission's decision of 13.02.2018 No. 20/зп-18, regulates the procedure for determining the Commission's ability to determine the ability of a judge (candidate for the position of a judge) to administer justice in a relevant court or to assess the suitability of a judge for the position.

Question 077

Armenia

(2024): Every 4 years

Republic of Moldova

(2024): According to the provisions of the Law 147/2023 on the selection and individual evaluation of judges:

- 1) the ordinary evaluation of judges' performance is carried out once in 5 years.
- 2) the extraordinary evaluation of judges' performance is carried out: a) in case of participation in the competition for the position of court president or vice-president;
- b) in case of request to be promoted in a higher court;
- c) in case of request to be transferred in another court;
- d) in case of obtaining the qualification "insufficient" not more often than 1 year after obtaining such qualification.
- e) in the case of an existing disciplinary case requesting the extraordinary assessment a the performance of the judge concerned in a disciplinary procedure;
- f) in case there are doubts that the judge is not realizing his/her managerial competencies as a court president or vice-president.

In situations listed from a) to c) the extraordinary evaluation will be carried out just if the judge has not been evaluated in the last 2 years.

Question 078

Ukraine

(2024): The organizational and administrative documents of the Prosecutor General's Office do not provide for the establishment of minimum quantitative goals for each prosecutor.

At the same time, according to part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the procedure for measuring and regulating the workload of prosecutors

Question 080

Armenia

(2024): According to Article 50, Part 10 and 11 of the Law "On Prosecutor's Office":The immediate superior prosecutor shall submit the appraisal of the prosecutor at least two weeks before the competency evaluation. The appraisal must contain data on the prosecutor, on his or her practical and personal features and a justified evaluation of the results of his or her official activities. This evaluation must be based on the conclusions of the immediate superior prosecutor with respect to the reports submitted to him or her by the prosecutor once a year, which relate to the activities carried out by the latter during the period following the previous competency evaluation. 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. A process is currently underway to introduce quantitative and qualitative criteria for evaluating the individual performance of prosecutors.

Azerbaijan

(2024): The evaluation is carried out in accordance with the requirements of the General Prosecutor's Office's "Rules of Work Organization."

According to Article 152.1 of these Rules, the employee's service performance for the period from January 1 to December 31 of the calendar year is assessed at the end of that year by their direct supervisor.

Based on Article 154 of the "Rules of Work Organization," the Prosecutor General may implement one of the following measures based on the results of the prosecutor's evaluation:

- If the rating is excellent (between 5 and 4.6) – If the employee receives this rating for two consecutive years, they may be promoted to a higher position, included in the Personnel Reserve Registry for leadership roles, or receive other incentive measures.
- If the rating is good (between 4.5 and 3.6) – If the employee receives this rating for three consecutive years, they may be promoted to a higher position or be eligible for incentive measures.
- If the rating is satisfactory (between 3.5 and 2.6) – Appropriate measures may be taken to improve the employee's work performance and enhance their skills, such as additional education or specialized training.
- If the rating is unsatisfactory (2.5 or below) – If this rating remains unchanged in the next evaluation, the employee may be transferred to another equivalent position. If the rating remains unchanged in a subsequent evaluation, they may be demoted to a lower position.

The employee's service performance throughout the year is assessed based on the following criteria:

- Professional knowledge, Attitude toward official duties, Analytical, problem-solving, and decision-making skills, Creativity and initiative, Work experience and knowledge sharing, Teamwork and communication skills

Georgia

(2024): PSG comment: The performance appraisal of prosecutors is conducted based on the Organic Law on the Prosecution Service of Georgia (Chapter XIV) and Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators, which are available online.

The assessment is conducted once in 2 years. There is an exam in case of failure to meet the lowest level of competence followed by the re-evaluation. The results of the evaluation can be appealed. The performance appraisal is taken into account when deciding on grading, incentivizing and promoting prosecutors. The evaluation is carried out by the specialised PSG department through the extensive use of the electronic criminal case management system. There are three main areas for evaluation: ☑Quality of work ☑Workload ☑Assessment of supervisor
The below factors have no direct impact on the performance appraisal, but they are taken into account during the decision-making on grading, incentivizing, promotion, disciplining, demotion and dismissal of prosecutors and investigators:

☑Participation in the Mentorship Program

☑Participation in trainings and training results ☑Participation in preventive and other activities

The appraisal system is based on clear and objective criteria and transparent procedures. The PSG first introduced it in 2017. Since then, it has been gradually improved and upgraded.

Republic of Moldova

(2024): According to Article 28 of Law no. 3/2016, the performance of prosecutors is evaluated by the Board for the Selection and Evaluation of Prosecutors subordinated to the Superior Council of Prosecutors in order to assess the activity, level of knowledge and professional skills of prosecutors, their suitability for the positions held, as well as to stimulate the improvement of professional skills and increase the efficiency of the prosecutor's activity.

As part of the performance evaluation, the following are evaluated:

- a) the quality of the prosecutor's activity in general;
- b) the activity of the prosecutor during the criminal investigation phase;
- c) the activity of the prosecutor during the trial phase of criminal cases;
- d) promptness of the prosecutor in the professional activity;
- e) compliance with the institutional regulations within the Prosecutor's Office;
- f) integration and communication skills;
- g) reputation and integrity.

Ukraine

(2024): According to clauses 7-2 of part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the regulations on the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors.

There is no quantitative system of individual performance evaluation of prosecutors. At the same time, the quality of prosecutors' work for the calendar year is assessed annually.

Such evaluation is carried out in accordance with the Temporary Regulation on the System of Performance Evaluation of Prosecutors and Bonuses for Prosecutors, approved by the Order of the Prosecutor General No. 503 dated October 30, 2020 (hereinafter - the Temporary Regulation).

In addition, the Prosecutor General's Order No. 407 dated 12/29/2021 approved the Regulation on the Performance Evaluation System for Prosecutors, which entered into force on January 01, 2024.

This Regulation defines the procedure for assessing the performance of prosecutors of the Prosecutor General's Office, the Specialized Anti-Corruption Prosecutor's Office, regional, specialized (with the rights of regional), district, and specialized (with the rights of district) prosecutor's offices, as well as the procedure and conditions for annual bonuses for prosecutors based on the results of such assessment. The performance appraisal of prosecutors is carried out in order to determine the effectiveness of the performance of their official duties; to motivate prosecutors to improve their professional development; to ensure the effective achievement of goals in the implementation of the prosecution development strategy; and to improve the quality of personnel management in the prosecution bodies.

The performance evaluation system for prosecutors consists of assessing the quality of work and identifying areas for professional development. Currently, annual performance appraisals are conducted in a test mode in certain structural units of the Prosecutor General's Office and some regional and district prosecutor's offices.

In addition, the working group on the development and implementation of the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors, which includes, inter alia, international experts/partners and representatives of the Specialized Anti-Corruption Prosecutor's Office, developed and approved the concept of the system of individual performance evaluation of prosecutors and the criteria for such evaluation for procedural supervisors. The assessment will cover the prosecutor's professional ethics and behavior, functional and managerial competencies, work results (workload), and business activity.

Question 080-1

Georgia

(2024): The Organic Law on Prosecution of Georgia (Chapter XIV) and Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators provide the criteria for the performance evaluation of prosecutors.

Question 081

Armenia

(General Comment): Prosecutors are evaluated (attestation) every three years. A person holding the position of a prosecutor for the first time passes the attestation three years after being appointed to the position. The attestation of prosecutors is carried out by the Qualification Commission. The evaluation concerns the professional, personal qualities of the prosecutor and the results of his/her professional activities. The attestation is based on the annual reports on the previous 3 years' professional activities of the prosecutor concerned submitted to his/her direct supervisor.

Republic of Moldova

(General Comment): According to Article 29 of the Law no.3/2016 on the Prosecutors Office, the evaluation of prosecutors performance is carried out in two forms:

- a) periodic evaluation;
- b) extraordinary evaluation.

The prosecutor is subject to periodic performance evaluation once every 5 years. The performance of the person appointed as a prosecutor is evaluated during the first year of service.

The prosecutor is subject to extraordinary performance evaluation:

- (a) at his or her request, but not more often than once in 2 years;
- (b) in case of participation in the competition for the post of Chief Prosecutor;
- (c) in case of obtaining the qualification "insufficient".

(2024): According to Article 29 of the Law no.3/2016 on the Prosecutors Office, the evaluation of prosecutors performance is carried out in two forms:

- a) periodic evaluation;
- b) extraordinary evaluation.

The prosecutor is subject to periodic performance evaluation once every 5 years. The performance of the person appointed as a prosecutor is evaluated during the first year of service.

The prosecutor is subject to extraordinary performance evaluation:

- (a) at his or her request, but not more often than once in 2 years;
- (b) in case of participation in the competition for the post of Chief Prosecutor;
- (c) in case of obtaining the qualification "insufficient".

The Regulation on selection and evaluation procedure of the prosecutor's performance and the activity of the Selection and Performance Board nb. 1-16 2024 reflects as well another circumstance for extraordinary performance evaluation d) in the case of the request by the SCP of an extraordinary assessment of the performance of the prosecutor concerned by a disciplinary procedure.

Question 082-0

Armenia

(2024): Case Management Systems(CMS), ICT strategy is integrated as part of the 2022-2026 Strategy of Legal and Judicial Reforms.

Georgia

(2024): At the moment there isn't officially approved IT Strategy for the Judiciary, but concept and vision of IT strategy for the Judiciary is prepared.

Republic of Moldova

(2024): In order to develop and implement judicial information systems, specific activities on ICT are planned in the actual 2022-2025 Strategy for Ensuring the Independence and Integrity in the Justice Sector and its Action Plan.

This is including the information systems owned by the Legal Aid Council, Prosecution authorities, Judiciary and Enforcement system.

Please see the attached document (unofficial translation in English).

Ukraine

(2024): In order to ensure compliance with the requirements of the Laws of Ukraine "On the Judiciary and Status of Judges", "On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" and "On the National Informatization Program", the SJA of Ukraine approved the sectoral Program of Informatization of Local and Appellate Courts and the project for the construction of the Unified Judicial Information and Telecommunication System for 2022-2024.

Question 082

Azerbaijan

(General Comment): In 2011, the application of the "Electronic Court" system was started in pilot mode. The official application of this System was started with the Decree of the President of the Republic of Azerbaijan on the creation of the "Electronic court" information system dated February 13, 2014.

(2024): Electronic Court Information System

Republic of Moldova

(General Comment): The Moldovan CMS was developed and it is functional for over than 10 years. It has been redesigned (major redevelopments) in 2019-2021.

Question 082-1

Armenia

(2024): The "Electronic Litigation" civil module has been implemented since February 1, 2024. At the same time, it is worth noting that the program for sending Enforcement Orders is working smoothly.

Question 082-2

Armenia

(2024): Currently, the administrative and bankruptcy modules of "Electronic Trial" are being tested in the courts. The process specified in Appendix No. 2 to the Strategy of Judicial and Legal Reforms of the Republic of Armenia for 2022-2026 and the Action Plan arising therefrom, approved by the Government Resolution No. 1133-L of July 21, 2022, and Appendix No. 1 to the Action Plan of the Government of the Republic of Armenia for 2021-2026, approved by the Government Resolution No. 1902-L of November 18, 2021, is in the process of being implemented.

Georgia

(2024): At the moment Information Technology Service of High Council of Justice of Georgia is working on development of new Case Management program.

Question 082-1-0

Armenia

(2024): 1. "Court System" computer program (hereinafter referred to as CAST). All types of court proceedings are conducted in CAST.

2. "Electronic Litigation" civil module (<https://cabinet.court.am>). This system allows for the submission of electronic claims in civil cases. (launched on February 1, 2024).

3. "Electronic Litigation" administrative module. Developed by order of the Ministry of Justice of the Republic of Armenia.

4. "Electronic Litigation" criminal module. Developed by order of the Ministry of Justice of the Republic of Armenia.

5. "Electronic Litigation" bankruptcy module. Developed by order of the Ministry of Justice of the Republic of Armenia.

6. Enforcement writ sending system (<https://ces.armlex.am>)

The work on the implementation of the modules specified in paragraphs 3-5 of the aforementioned question is currently underway, in accordance with the schedule set out in Appendix No. 2 to the Strategy of Judicial and Legal Reforms of the Republic of Armenia for 2022-2026 and the Action Plan arising therefrom, approved by the Government's Resolution No. 1133-L of July 21, 2022, and Appendix No. 1 to the Action Plan of the Government of the Republic of Armenia for 2021-2026, approved by the Government's Resolution No. 1902-L of November 18, 2021.

Electronic modules for civil, criminal, bankruptcy and administrative cases are considered different systems. Civil module have been working since January 1, 2024, other modules are currently underway. The final objective is to combine all these modules into one "E-Justice" system, but as for now they are separate.

In addition, enforcement writ sending system belongs to Compulsory Enforcement Service of the Ministry of Justice of the Republic of Armenia. Judges have access to the system for sending enforcement writs. So the system is separate.

Ukraine

(General Comment): According to clause 1.4. of the Regulation on the Automated Court Document Management System - "Peculiarities of the Information and Communication Technology (ICT) Strategy Case Management System (CMS) Automated System Functioning in Courts of General Jurisdiction" provides that in local and appellate administrative courts, the High Administrative Court of Ukraine, the computer program "Record Keeping of a Specialized Court" developed by the administrator of the automated system for courts of administrative jurisdiction is used; local and appellate commercial courts, the High Commercial Court of Ukraine use the computer program "Specialized Court Proceedings" developed by the administrator of the automated system for commercial courts; local and appellate general courts (except for the Kyiv City Court of Appeal) use the D-3 computer program developed by the administrator of the automated system for general courts. The Kyiv City Court of Appeal uses the automated electronic document management system "Appeal" developed by the Kyiv City Court of Appeal.

Question 083

Armenia

(2024): The percentages for civil cases refer to CAST and the "Electronic Trial" civil module.

Question 084-1

Azerbaijan

(2024): Court decisions are published online (public website) anonymized

Georgia

(2024): Georgian Court system has two main websites for publication of Court Decisions:

1. www.ecd.court.ge - All decisions taken by Courts (by all Instance Courts) had been automatically published (with anonymized data) on this website.
2. www.supremecourt.ge - All decisions taken by Supreme Court of Georgia are published (with anonymized data) on this website. After decision made by Constitutional Court of Georgia in June 2019, it has become important to adopt clear and obvious regulations about publication form of Court Decisions. Georgian Parliament adopted the new regulation regarding the publication of court decisions. This legal changes came into force from June 2024. In 2024 Decisions of Supreme Court of Georgia were being uploaded. In 2022-2023 there was gap in legislation regarding publication of 1st and 2nd instance court decisions, this is the reason why during this period the publication of 1st and 2nd instance court decisions were suspended.

Question 084-2

Republic of Moldova

(General Comment): All courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

Question 084

Georgia

(2024): Georgian Court system has two main websites for publication of Court Decisions:

1. www.ecd.court.ge - All decisions taken by Courts (by all Instance Courts) had been automatically published (with anonymized data) on this website.
2. www.supremecourt.ge - All decisions taken by Supreme Court of Georgia are published (with anonymized data) on this website. After decision made by Constitutional Court of Georgia in June 2019, it has become important to adopt clear and obvious regulations about publication form of Court Decisions. Georgian Parliament adopted the new regulation regarding the publication of court decisions. This legal changes came into force from June 2024. In 2024 Decisions of Supreme Court of Georgia were being uploaded. In 2022-2023 there was gap in legislation regarding publication of 1st and 2nd instance court decisions, this is the reason why during this period the publication of 1st and 2nd instance court decisions were suspended.

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Question 084-2

Republic of Moldova

(General Comment): All courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

Question 085

Georgia

(General Comment): Since the current case management program was created in 2011, it does not fully take into account the requirements of contemporary statistical reports. Therefore, only the implementation of the statistical module without the use of artificial intelligence will not give us results. We are working on the development of a new case management program, where the functionality will be adjusted to the process of conducting court cases and collecting statistical information.

(2024): Since the current case management program was created in 2011, it does not fully take into account the requirements of contemporary statistical reports. Therefore, only the implementation of the statistical module without the use of artificial intelligence will not give us results. We are working on the development of a new case management program, where the functionality will be adjusted to the process of conducting court cases and collecting statistical information.

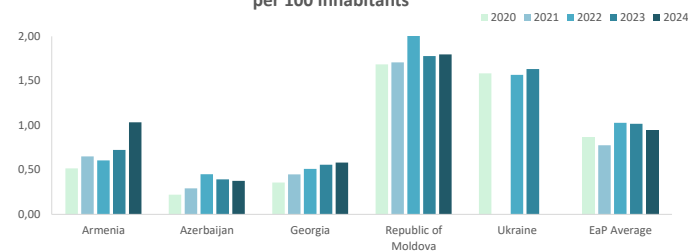
4. Access to justice - Overview

Legal Aid

Total number of cases per 100 inhabitants in which legal aid was granted from 2020 to 2024 (Table 4.3.2)

Beneficiaries	Number of cases for which legal aid has been granted per 100 inhabitants				
	2020	2021	2022	2023	2024
Armenia	0,52	0,65	0,61	0,72	1,03
Azerbaijan	0,22	0,29	0,45	0,39	0,38
Georgia	0,36	0,45	0,51	0,56	0,58
Republic of Moldova	1,69	1,71	2,00	1,78	1,80
Ukraine	1,58	-	1,57	1,63	NA
EaP Average	0,87	0,78	1,03	1,02	0,95

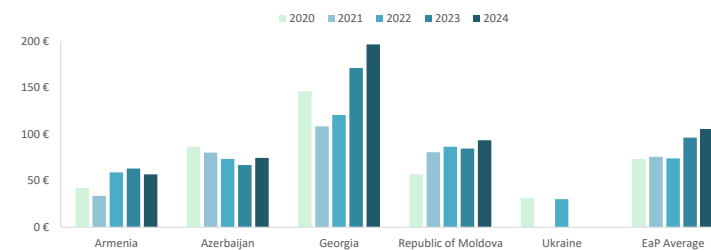
Figure 4.1 Number of cases for which legal aid has been granted per 100 inhabitants



Average amount per case for which legal aid has been granted from 2020 to 2024 (Table 4.3.3)

Beneficiaries	Average amount per case for which legal aid has been granted				
	2020	2021	2022	2023	2024
Armenia	42,2 €	33,8 €	59,0 €	63,1 €	56,7 €
Azerbaijan	86,5 €	80,3 €	73,4 €	66,9 €	74,5 €
Georgia	146,1 €	108,4 €	120,7 €	171,2 €	196,6 €
Republic of Moldova	56,7 €	80,6 €	86,6 €	84,6 €	93,5 €
Ukraine	31,4 €	NA	30,1 €	NA	NA
EaP Average	72,6 €	75,8 €	74,0 €	96,4 €	105,3 €

Figure 4.2 Average amount per case for which legal aid has been granted



4. Access to justice - List of tables

4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2024 (Q12 and Q13-2)

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2024 (Q13 and Q13-2)

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2024 and its evolution between 2020 and 2024 (Q1 and Q13)

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2024 (Q1 and Q13)

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2024 (Q86-0-0)

Table 4.2.2 Organisation of the legal aid system in 2024 (Q86-0)

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2024 (Q87, Q88)

Table 4.2.4 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2024 (Q88-1)

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2024 (Q86)

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2024 (Q1, Q86)

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2024 (Q13 and Q86)

Table 4.3.4 Access to justice - Number of recipients of legal aid in 2024 2024 (Q86-1)

Table 4.3.5 Access to justice - Number of recipients of legal aid per 100 inhabitants in 2024 2024 (Q86-1)

Table 4.3.6 Access to justice - Average amount granted per recipient of legal aid in 2024 (Q13 and Q86)

4.4 Favourable arrangements to vulnerable persons

Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2024 (Q163)

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2024 (Q163)

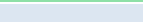
Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2024 (Q163)

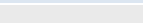
4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2024 (Q12 and Q13-2)

Beneficiaries	Access to justice - Approved budget for legal aid and coverage of court fees in 2024										
	Approved budget for legal aid									Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases				
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Coverage of court fees	Exemption from court fees
Armenia	1 805 497 €	NA	NA	NA	NA	NA	NA	NA	NA		
Azerbaijan	2 854 915 €	NA	NA	NA	NA	NA	NA	NA	NA		
Georgia	4 267 376 €	NA	NA	NA	NA	NA	NA	NA	NA		
Republic of Moldova	4 080 739 €	3 830 907 €	249 832 €	NA	NA	NA	NA	NA	NA		
Ukraine	25 467 044 €	17 906 557 €	7 560 487 €	11 617 441 €	11 204 116 €	413 325 €	13 849 603 €	6 702 441 €	7 147 162 €		
Average	7 695 114 €	-	-	-	-	-	-	-	-		
Median	4 080 739 €	-	-	-	-	-	-	-	-		
Minimum	1 805 497 €	-	-	-	-	-	-	-	-		
Maximum	25 467 044 €	-	-	-	-	-	-	-	-		

Yes 

No 

NA 

NAP 

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2024 (Q13 and Q13-2)

Beneficiaries			Access to justice - Implemented budget for legal aid and coverage of court fees in 2024										
			Implemented budget for legal aid									Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases						
	Code		Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Coverage of court fees	Exemption from court fees
Search Key			2024#013.1.1	2024#013.1.2	2024#013.1.3	2024#013.2.1	2024#013.2.2	2024#013.2.3	2024#013.3.1	2024#013.3.2	2024#013.3.3	2024#013-2.1.1.1	2024#013-2.1.2.1
A	B	C	D	E	F	G	H	I	J	K	L	M	N
Armenia	ARM	-	1 805 497 €	NA	NA	NA	NA	NA	NA	NA	NA		
Azerbaijan	AZE	-	2 854 915 €	1 390 216 €	1 464 698 €	2 840 845 €	NA	NA	14 069 €	NA	NA		
Georgia	GEO	-	4 229 460 €	NA	NA	NA	NA	NA	NA	NA	NA		
Republic of Moldova	MDA	-	4 069 931 €	3 826 482 €	243 449 €	NA	NA	NA	NA	NA	NA		
Ukraine	UKR	-	25 431 696 €	18 700 325 €	6 731 371 €	12 678 488 €	12 166 814 €	511 674 €	12 753 208 €	6 533 511 €	6 219 697 €		
Average			7 678 300 €	7 972 341 €	2 813 173 €	-	-	-	-	-	-		
Median			4 069 931 €	3 826 482 €	1 464 698 €	-	-	-	-	-	-		
Minimum			1 805 497 €	1 390 216 €	243 449 €	-	-	-	-	-	-		
Maximum			25 431 696 €	18 700 325 €	6 731 371 €	-	-	-	-	-	-		

Yes

No

NA

NAP

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2024 and its evolution between 2020 and 2024 (Q1 and Q13)

Beneficiaries	Access to justice - Total implemented budget for legal aid per inhabitant in 2024 and its evolution between 2020 and 2024								
	Total implemented budget for legal aid per inhabitant			Evolution					
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	2020	2021	2022	2023	2024	Trend 2020 - 2024
Armenia	0,59 €	NA	NA	0,22 €	0,22 €	0,36 €	0,46 €	0,59 €	
Azerbaijan	0,28 €	0,14 €	0,14 €	0,19 €	0,24 €	0,33 €	0,26 €	0,28 €	
Georgia	1,14 €	NA	NA	0,52 €	0,49 €	0,62 €	0,96 €	1,14 €	
Republic of Moldova	1,68 €	1,58 €	0,1 €	0,96 €	1,38 €	1,74 €	1,50 €	1,68 €	
Ukraine	0,62 €	0,46 €	0,16 €	0,50 €	NA	0,47 €	NA	0,62 €	
Average	0,86 €	0,72 €	0,14 €	0,48 €	0,58 €	0,70 €	0,80 €	0,86 €	
Median	0,62 €	0,46 €	0,14 €	0,50 €	0,36 €	0,47 €	0,71 €	0,62 €	
Minimum	0,28 €	0,14 €	0,10 €	0,19 €	0,22 €	0,33 €	0,26 €	0,28 €	
Maximum	1,68 €	1,58 €	0,16 €	0,96 €	1,38 €	1,74 €	1,50 €	1,68 €	

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2024 (Q1 and Q13)

Beneficiaries	Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2024			
	Distribution of the total implemented budget for legal aid between:		Distribution of the total implemented budget for legal aid between:	
	Cases brought to court	Cases not brought to court	Criminal cases	Other than criminal cases
Armenia	NA	NA	NA	NA
Azerbaijan	48,7%	51,3%	99,5%	0,5%
Georgia	NA	NA	NA	NA
Republic of Moldova	94,0%	6,0%	NA	NA
Ukraine	73,5%	26,5%	49,9%	50,1%
Average	72,1%	27,9%	-	-
Median	73,5%	26,5%	-	-
Minimum	48,7%	6,0%	-	-
Maximum	94,0%	51,3%	-	-

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2024 (Q86-0-0)

Beneficiaries	Types of legal aid in 2024			
	Criminal cases		Other than criminal cases	
	Representation in court	Legal advice, ADR, and other legal services	Representation in court	Legal advice, ADR, and other legal services
Armenia				
Azerbaijan				
Georgia				
Republic of Moldova				
Ukraine				

Yes

No

NA

NAP

Table 4.2.2 Organisation of the legal aid system in 2024 (Q86-0)

Beneficiaries	Organisation of the legal aid system in 2024
Armenia	Free (state funded) legal aid is provided through the Public Defender's Office which is a structural unit of the Chamber of Advocates of RA. Free (state funded) legal aid includes: 1) Consultation – writing of claims, applications, complaints and other procedural documents of legal nature, including provision of legal information; 2) Representation or defense on criminal, civil, administrative and constitutional cases. Free (state funded) legal aid is provided to the following individuals under the following procedure: 1. Individuals subjected to criminal prosecution (suspect or defendant) in cases envisioned by the RA Criminal Procedure Code based on the decision or application of the body (investigator, court) performing the proceedings; 2. 20 groups of individuals defined by the RA Law on Advocacy, based on their applications. In case of applying to the Public Defender's Office free legal aid is provided to the following 20 groups: 1. Members of families of soldiers who died during the defense of RA borders 2. People with 1st and 2nd category disability 3. Convicts 4. Members of families registered in the family insecurity evaluation system 5. Participants of military actions during the Great Patriotic War and defence of the borders of RA 6. The unemployed 7. Pensioners who live alone 8. Children deprived of parental care, as well as persons falling into the category of children deprived of parental care 9. Refugees 10. People who received temporary protection in RA 11. Insolvent natural persons, who present trustworthy data confirming their insolvency 12. Persons with mental disorders who receive treatment in psychiatric institutions 13. Persons recognised as a victims or special victims by the commission of identification of victims of human trafficking and abuse 14. Asylum seekers in the Republic of Armenia 15. Persons who are victims of tortures, for the purpose of receiving compensation under the procedure defined by article 1087.3 of RA Civil Code 16. People subjected to domestic violence according to the RA Law on Prevention of Domestic Violence, Protection of Persons Subjected Domestic Violence and Restoration of Solidarity in the Family 17 Respondents in civil cases initiated on the basis of the Law of the RA "On Confiscation of Property of Illegal Origin". 18. Foreigners who appeal the decision on deportation 19. Persons in respect of whom proceedings are being carried out to recognize them incapacitated or of limited functional capacity; to recognize a citizen recognized as incapacitated as functional or to eliminate restrictions on a citizen's functional capacity 20. Injured persons who are conscripts or children under the age of 16.
Azerbaijan	Article 67-1.2 Civil Procedure Code provides that individuals who need legal assistance in civil cases (in the district or Appeal) and second instances) but cannot afford to pay for a lawyer may be provided with one at the state's expense. The court decides whether the person qualifies for this support. If legal help is needed before going to court, the local district (city) court handles the request based on an application from the person and a petition from the lawyers' organization. If the case is already in court, the court hearing the case decides based on a written request from the individual. This provision explains mechanism of provision of legal aid at the states expense both at court and other legal services before the court. When it comes to criminal cases a lawyer is appointed for a Low Income Person (LIP) in court on the basis of a court decision, this applies to both court representation and before court investigation process.

Georgia	The Legal Aid Service is an independent state organization that is accountable to the Parliament of Georgia. Free Legal aid includes: legal advice, drafting legal documents, representation in court and administrative body. The legal aid is guaranteed to all socially vulnerable beneficiaries (i.e. persons who are registered in socially vulnerable household database and whose score is below 70,000). Besides, the Legal Aid Service has a special mandate for the following categories of persons: Asylum seekers and persons with international protection, minors, victims of violence against women and domestic violence/alleged victims, persons receiving support, persons with disabilities. These individuals enjoy legal aid regardless of their solvency and the importance and complexity of the case. Cases of mandatory protection are provided for criminal cases, according to the Criminal Procedure Code of Georgia.
Republic of Moldova	The main body administering the legal aid system is the National Legal Aid Council (NLAC) and its territorial Offices. Ministry of Justice is the policy making body in the field. The Bar Association cooperates with the NLAC for ensuring the delivery of legal aid. The National Legal Aid Council has four territorial offices, OT Chisinau, OT Balti, OT Comrat and OT Cahul. The territorial offices administer the process of granting the legal aid and operate in the cities (municipalities) where the courts of appeal/their territorial offices) are located. The activity of ensuring the delivery of qualified legal aid is carried out directly by the coordinator of the territorial office, selected and delegated by the National Council on the basis of a contest organized in the established way. The Legal aid provides three types of legal aid: qualified legal aid – legal consultation and representation in criminal investigation offices, courts and public authorities, which is provided by lawyers, irrespective of their type; primary legal aid – basic information about law and assistance for drafting different acts, provided by paralegals; legal aid for mediation - free of cost mediation services. All three types of legal aid, primary legal aid, qualified legal aid, legal aid for mediation are delivered for all types of cases (criminal and non-criminal). Emergency legal assistance is provided in the event of detention in criminal or misdemeanor cases, including the examination of the arrest warrants. Eligibility is based on the financial criterion, but for certain types of cases, legal aid is granted regardless of the person's income level. The concept of state-guaranteed legal aid includes only the compensation of expenses for the services provided by the lawyer on behalf of the state, not other court costs. Public attorneys, lawyers on request and paralegals are involved in the process of providing state-guaranteed legal aid. Another body, the Mediation Council in coordination with NLAC, establishes the criteria to assess the quality of the mediation services for legal aid and supervises the activity of mediators, applies sanctions to mediators and designates one of its representatives as a member of NLAC.
Ukraine	The state legal aid system includes the following 2 types of such aid: 1.Primary legal aid is the type of state guarantee, which is to inform a person of his or her rights and freedoms, the order of its realization, restoration in case of their violation and procedure for appealing against decisions, actions or inactions of the state bodies, local self-government bodies, officials and servants. Primary legal aid includes the following types of legal services: - providing legal information; - providing consultations and clarifications on legal issues; - assistance in making appeals, claims and other documents of legal nature (except court procedural documents); - providing assistance in ensuring access of a person to secondary legal aid and mediation; The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine "On the Legal Aid" have all individuals, who are under the jurisdiction of Ukraine. 2.Secondary legal aid is the type of state guarantee which is to create equal opportunities for access to justice by persons. Secondary legal aid includes the following types of legal services: - protection; -representation of interests of persons in courts, other state governmental bodies, self-government bodies, before other persons; -drafting of court procedural documents. Legal aid is provided within the framework of the Ukrainian Bar Association's (UBA) Hotline project to provide legal assistance to citizens and businesses affected by the war and its consequences.

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2024 (Q87, Q88)

Beneficiaries	Income and assets evaluation for granting full or partial legal aid in 2024								
	Income and assets evaluation for granting full or partial legal aid	Full legal aid				Partial legal aid			
		Criminal cases		Other than criminal cases		Criminal cases		Other than criminal cases	
		Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value
Armenia		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia		NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova		3 116 €	NAP	3 116 €	NAP	3 116 €	NAP	3 116 €	NAP
Ukraine		1 690 €	NA	1 690 €	NA	NAP	NAP	NAP	NAP
Average		-	-	-	-	-	-	-	-
Median		-	-	-	-	-	-	-	-
Minimum		-	-	-	-	-	-	-	-
Maximum		-	-	-	-	-	-	-	-

Yes 

No 

NA 

NAP 

Table 4.2.4 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2024 (Q88-1)

Beneficiaries	Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2024	
	Maximum duration prescribed in law/regulation (in days)	Actual average duration (in days)
Armenia	2	1
Azerbaijan	NAP	NA
Georgia	2	1
Republic of Moldova	3	1
Ukraine	10	NA
Average	4	1
Median	3	1
Minimum	2	1
Maximum	10	1

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2024 (Q86)

Beneficiaries	Access to justice - Number of cases for which legal aid was granted in 2024								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	31 830	NA	NA	23 910	NA	NA	7 920	NA	NA
Azerbaijan	38 334	25 240	13 094	38 128	NA	NA	206	NA	NA
Georgia	21 512	11 399	10 113	14 369	4 715	9 654	7 143	6 684	459
Republic of Moldova	43 530	NA	NA	34 113	NA	NA	9 417	NA	NA
Ukraine	NA	169 473	NA	NA	111 147	NA	524 070	58 326	465 744
Average	33 802	68 704	-	27 630	-	-	109 751	-	-
Median	35 082	25 240	-	29 012	-	-	7 920	-	-
Minimum	21 512	11 399	-	14 369	-	-	206	-	-
Maximum	43 530	169 473	-	38 128	-	-	524 070	-	-

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2024 (Q1, Q86)

Beneficiaries	Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2024								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	1,03	NA	NA	0,78	NA	NA	0,26	NA	NA
Azerbaijan	0,38	0,25	0,13	0,37	NA	NA	0,00	NA	NA
Georgia	0,58	0,31	0,27	0,39	0,13	0,26	0,19	0,18	0,01
Republic of Moldova	1,80	NA	NA	1,41	NA	NA	0,39	NA	NA
Ukraine	NA	0,41	NA	NA	0,27	NA	1,28	0,14	1,14
Average	0,95	0,32	-	0,74	-	-	0,42	-	-
Median	0,81	0,31	-	0,58	-	-	0,26	-	-
Minimum	0,38	0,25	-	0,37	-	-	0,00	-	-
Maximum	1,80	0,41	-	1,41	-	-	1,28	-	-

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2024 (Q13 and Q86)

Beneficiaries	Access to justice - Average amount per case for which legal aid was granted in 2024								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	56,7 €	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	74,5 €	55,1 €	111,9 €	74,5 €	NA	NA	68,3 €	NA	NA
Georgia	196,6 €	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	93,5 €	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	110,3 €	NA	NA	109,5 €	NA	24,3 €	112,0 €	13,4 €
Average	105,3 €	-	-	-	-	-	-	-	-
Median	84,0 €	-	-	-	-	-	-	-	-
Minimum	56,7 €	-	-	-	-	-	-	-	-
Maximum	196,6 €	-	-	-	-	-	-	-	-

Table 4.3.4 Access to justice - Number of recipients of legal aid in 2024 2024 (Q86-1)

Beneficiaries	Access to justice - Number of recipients of legal aid in 2024								
	Total number of recipients (1+2)			1. Recipients for criminal cases			2. Recipients for other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	23 922	11 507	12 415	15 373	4 701	10 672	8 549	6 806	1 743
Republic of Moldova	43 530	NA	NA	34 113	NA	NA	9 417	NA	NA
Ukraine	NA	159 857	NA	NA	110 076	NA	353 899	49 781	304 118
Average	-	-	-	-	-	-	123 955	-	-
Median	-	-	-	-	-	-	9 417	-	-
Minimum	-	-	-	-	-	-	8 549	-	-
Maximum	-	-	-	-	-	-	353 899	-	-

Table 4.3.5 Access to justice - Number of recipients of legal aid per 100 inhabitants in 2024 2024 (Q86-1)

Beneficiaries	Access to justice - Number of recipients of legal aid per 100 inhabitants in 2024								
	Total number of recipients (1+2)			1. Recipients for criminal cases			2. Recipients for other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	0,647	0,311	0,336	0,416	0,127	0,289	0,231	0,184	0,047
Republic of Moldova	1,796	NA	NA	1,408	NA	NA	0,389	NA	NA
Ukraine	NA	0,390	NA	NA	0,268	NA	0,863	0,121	0,742
Average	-	-	-	-	-	-	0,494	-	-
Median	-	-	-	-	-	-	0,389	-	-
Minimum	-	-	-	-	-	-	0,231	-	-
Maximum	-	-	-	-	-	-	0,863	-	-

Table 4.3.6 Access to justice - Average amount granted per recipient of legal aid in 2024 (Q13 and Q86)

Beneficiaries	Average amount granted per recipient of legal aid in 2024								
	Total number of recipients (1+2)			1. Recipients for criminal cases			2. Recipients for other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	176,8 €	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	93,5 €	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	117,0 €	NA	NA	110,5 €	NA	36,0 €	131,2 €	20,5 €
Average	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-

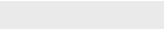
4.4 Favourable arrangements to vulnerable persons

Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2024 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2024								
	Victims of sexual violence/rape			Victims of terrorism			Victims of domestic violence		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

Yes 

No 

NA 

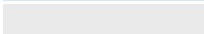
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Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2024 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2024					
	Minors (witnesses or victims)			Juvenile offenders		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

Yes 

No 

NA 

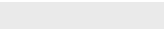
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Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2024 (Q163)

Beneficiaries	Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2024								
	Ethnic minorities			Persons with disabilities			Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

Yes 

No 

NA 

NAP 

Indicator 4. Access to justice-legal aid

by country

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

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

Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:

Question 86. Please indicate the number of cases for which legal aid has been granted:

Question 86-0. Please briefly describe the organisation of the legal aid system in your country.

Question 86-0-0. Does legal aid apply to:

Question 86-1. Please indicate the number of recipients of legal aid:

Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?

Question 88. If yes, please specify in the table:

Question 88-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final decision on the legal aid request:

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Armenia

Q012 (2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Q013 (2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Q086 (2024): There are several reasons for the increase of the cases:

1. The need for mandatory involvement of a public defender in certain actions in criminal proceedings.
2. An increase in the number of crimes or criminal cases investigated by the bodies conducting the proceedings.
3. Legal assistance provided to citizens displaced from Nagorno-Karabakh after September 19, 2023.
4. Increase of public awareness and legal awareness of the activities of the Public Defender's Office, improvement of the professional training of public defenders and increase of trust in the Office.

Q086-1 (2024): Statistics are collected based on the number of cases. Therefore, no statistics on the number of recipients can be provided, as the same person may seek assistance for several different cases.

Q087 (General Comment): Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. According to the Law on Advocacy, the Head of the PDO (Public Defender's office) has the right to make a decision on eligibility of persons for legal aid – to grant the services or to refuse them, based on the set of criteria established by Article 41 of the Law on Advocacy, listed under point 2.1. The Law gives the right to the Head of PDO to apply to state or local self-government bodies or economic entities to verify the insolvency of insolvent persons, as well as to obtain the necessary information to provide free legal aid. It seems that in practice, however, the criterion of insolvency is difficult to check. The situation with checking the criteria for eligibility for state-guaranteed legal aid has not been made clearer nor easier since 2013. It is still identified as one of the main problems facing the PDO and unduly contributing to its heavy workload. Especially, this concerns the criteria of insolvency, as there is no system for quickly and reliably checking the income and property status of an applicant, through an electronic system or otherwise. It is still not possible to check information about criteria of eligibility for state-guaranteed legal aid (e.g., the unemployment status) by electronic means. But it should be noted that in order to solve the mentioned problems the amendments to the Law on Advocacy were adopted in 2022. According to the new regulation, in case of applying to the public defender's office for free legal aid, the person shall submit a written declaration. The declaration form and filling procedure shall be approved by the Council of the Chamber of Advocates.

Q088 (General Comment): The criterion that is taken into account for the granting of legal aid according to Law on Advocacy is that a person should be unable to pay, meaning that a person does not have enough income or does not live with someone who is employed or besides his own apartment does not have any property or does not possess automobile the cost of which does not exceed 1 000 000 AMD.

In addition to providing legal aid to the suspect or accused in criminal cases, free legal aid is provided to people fallen under the following category:

According to the paragraph 5 of the Article 41 of the Law on Advocacy, in addition to providing legal aid to the suspect or accused in criminal cases, the Public Defender Office also provides free legal aid to the following persons: 1) to the members of the families of military servicemen who perished (died) while defending the borders of the Republic of Armenia. 2) to the disabled of the 1-st and 2-nd groups. 3) to the convicted. 4) to the members of families who are registered in the system of family insolvency estimation and have insolvency units above 0. 5) To the participants of the Great Patriotic War and the participants of military actions during the defense of the borders of the Republic of Armenia. 6) to the unemployed. 7) to the living alone retired people. 8) to children who have remained without parental custody, as also to the ones belonging to the number of persons who have remained without parental custody. 9) to refugees. 10) to the ones who have received temporary defense in the Republic of Armenia. 11) to other insolvent individuals who present reliable data proving their insolvency. According to this point an insolvent is considered the individual who doesn't have sufficient income, a cohabit working member of a family, as also except for his private flat has no other property of his own or a vehicle exceeding in its price a thousand times the minimal salary. 12) to individuals having mental disorders and receiving medical treatment in an asylum. 13) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 14) to the ones searching shelter in the Republic of Armenia. 15) persons who have suffered from torture in order to receive compensation in accordance with the procedure established by Article 1087.3 of the Civil Code of the Republic of Armenia. 16) persons who have been subjected to domestic violence in accordance with the Law of the Republic of Armenia "On Prevention of Domestic Violence, Protection of persons who have been subjected to Domestic Violence and restoration of solidarity in the family". 17) defendants in civil cases initiated on the basis of the Law of the Republic of Armenia on confiscation of property of illegal origin". 18) foreigners - for protesting the decision on deportation. 19) persons in respect of whom proceedings are being carried out on cases of recognition as incapacitated or with limited legal capacity, on recognition as incapacitated of a citizen recognized as incapacitated, or on the abolition of restrictions on the legal capacity of a citizen. 20) victims, if they are conscripts or a child under 16 years of age. Paragraph 6 of Article 41 stipulates that free legal aid can't be provided to individuals mentioned in paragraph 5 of this Article: 1) on cases of entrepreneurial character (including corporate quarrels). 2) on cases of property (sum) claims that exceed the minimal salary by one thousand, with the exception of the cases where the individual comes out as defendant or the third party acting on behalf of the defendant. 3) if there is reliable factual evidence denying the insolvency of the applicant. 4) if the applicant's claims are clearly unreasonable. 5) if a person receives legal assistance from another lawyer on the same issue on which he applied to the office of the public defender.

Q088-1 (2024): Maximum duration is not prescribed in law or other normative legal act, but it should be noted that maximum duration of time has been envisaged in the decision of the council of the Chamber of Advocates ("The regulations on procedure for providing free legal assistance" N 2/10-L).

Q163 (General Comment): There are different regulations ensuring minors protection.

According to the Civil Procedure Code the courts shall involve the legal representative of a minor witness in the interrogation thereof, and in case of interrogation of minors under fourteen years of age — also a child psychologist or a pedagogue. When interrogating a witness under fourteen years of age, persons participating in the case shall be removed from the courtroom, if they have a representative or their participation may influence the testimony of the witness. The representative of a person, participating in the case who has been removed, shall participate in the session. During interrogation of a witness under sixteen years old, the Court of First Instance shall make sure that the method of interrogation or questions does not confuse the witness or subject him or her to undue psychological pressure, and, for that purpose, may remove any question, interrupt or stop the interrogation of the witness.

According to the Criminal Procedure Code the Court of First Instance shall explain to a witness under sixteen years of age the importance of giving testimony and communicating only the truth, without forewarning him or her of the criminal liability for giving false testimony or refusing to give testimony.

Q163 (2024): On the official website of the judicial authority, personal life data, biometric data and personal data of a special category, judicial acts containing personal data of a child are published anonymously.

A person with disabilities due to auditory or oral limitations has the opportunity to exercise procedural rights through a sign language interpreter in the manner provided for by this article for an interpreter.

In an administrative case, a participant in the trial, and in a civil case, a person participating in the case has the right to an assistant at the expense of public funds if he proves that he does not have enough funds to receive a paid assistant.

If it is necessary to provide the services of an interpreter, sign language interpreter or an assistant to a disabled person due to visual restrictions at the expense of public funds, this person is appointed by a court decision.

A witness may be questioned by a court of first instance at his place of residence by way of a court order if:

- 1) the presence of a witness at the trial is impractical due to the long distance;
- 2) the witness cannot leave his/her location due to illness or other reason.

In cases provided for by law, minors, citizens recognized as legally incompetent or with limited legal capacity, may independently represent their interests in court.

In order to protect the privacy of the participants in the trial, including commercial secrets, the interests of minors or justice, as well as State security, public order or morality, the court may conduct the trial or part of it behind closed doors at the request or on its own initiative of the person involved in the case.

If necessary, copies of the judicial act are provided to the police and the authorized body provided for by the law "On the Prevention of Domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in the family", as well as the enforcement service to monitor the execution of the decision. If a judicial act affects the interests of a minor or an incapacitated person, it is also sent to the guardianship and guardianship authority.

The applicant is exempt from court costs related to the consideration of a case on the recognition of a citizen as legally incompetent or with limited legal capacity.

The adoption proceedings are conducted behind closed doors, which is decided upon when accepting the application for production.

Minors between the ages of fourteen and eighteen, as well as persons recognized as having limited legal capacity, have the right to be heard during the consideration of the case. The court may grant a minor who has not turned fourteen years old, or a person recognized as legally incompetent, the right to be heard during the consideration of the case.

Azerbaijan

Q012 (2024): At the beginning of the year, it is not possible to determine in advance how much will be spent on each specific category, as the allocation and implementation of funds are carried out based on the nature and needs of the cases that arise throughout the year. Consequently, the respective fields in the first table are marked as "data not available" (NA).

Q013 (2024): Source: Bar Association

Q086 (General Comment): The decrease in granted legal aid since 2018 is explained by two factors: firstly, as mentioned before it is related to decrease in number of cases. secondly, it is also has correlation with the improvement of advocacy institute in general, as the number of qualified advocates increased and population started applying to them more often than before.

Q086 (2024): The number was provided by the Bar Association, we have requested for additional clarification

Q086-0 (General Comment): Regarding the assessment and categories of low-income people: Persons belonging to certain categories mentioned below can be considered as "Low-income person": For example (categories): 1. persons entitled to receive social assistance and their family members; 2. members of the families of martyrs; 3. Group I and II disabled people; 4. January 20, disabled people of Karabakh, World War II, and Chernobyl; 5. war veterans; 6. victims of domestic violence; 7. abandoned children and orphaned minors; 8. Unemployed persons; 9. Persons whose per capita monthly income is below the minimum subsistence level for the country. Also, persons in addition to these categories may receive legal assistance at the expense of the state, depending on the actual circumstances of the case. More importantly, courts can immediately obtain this information by submitting an electronic request to government agencies and verify whether they are truly low-income people.

Q088-1 (2024): There is no limit in legislation for maximum duration prescribed in law and actual average duration is immediately reacted

Q163 (General Comment): According to the Criminal Procedural Code, all evidences which open personal or family secrets as well as State's secrets, professional and commercial secrets are to be considered in closed session of the court.

Q163 (2024): When reviewing information about a committed or planned crime, an investigator, inquiry officer, or prosecutor overseeing the pre-trial investigation issues a decision granting the victim of human trafficking a 30-day recovery and reflection period. This period allows the victim to make an informed decision regarding restoring their situation, avoiding the influence of perpetrators, and cooperating with law enforcement authorities. (Code of Criminal Procedure of the Azerbaijan Republic, article 123-1).

Georgia

Q013-2 (2024): Legal aid does not include coverage of court fees, according to Article 7 of the Law on Legal Aid, "if, when considering civil or administrative proceedings, the court makes a decision in favour of a legal aid beneficiary, the reimbursement of legal aid expenses shall be imposed on the opposing party for the benefit of the Legal Aid Unit, under the procedure established by the legislation of Georgia."

Q087 (General Comment): Free legal aid includes legal advice, document drafting, and representation in court or before administrative bodies. Legal consultations are free for everyone. Full legal aid, including document drafting and court representation, is available to all beneficiaries who are classified as socially vulnerable. This includes individuals registered in the socially vulnerable household database with a score below 70,000. Additionally, the Legal Aid Service has a special mandate to assist the following categories of individuals: asylum seekers, persons with international protection, minors, victims of violence (including domestic violence and violence against women or alleged victims), individuals receiving social support, and persons with disabilities.

- A person is considered insolvent and entitled to free legal aid, if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 70,000.

Also, person is considered insolvent and is entitled to free legal aid if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 100,000 and belongs to one of the following categories:

- a) a member of a large family that has 3 or more children under the age of 18;
- b) veteran of war and defense forces;
- c) a disabled person under the age of 18;
- d) an adult with a severely or significantly disabled status;
- e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;
- f) orphaned child under the age of 18;
- g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

In case of Domestic violence: During the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days The turnover does not exceed 1500 GEL.

Q088 (2024): Free legal aid includes legal advice, document drafting, and representation in court or before administrative bodies. Legal consultations are free for everyone. Full legal aid, including document drafting and court representation, is available to all beneficiaries who are classified as socially vulnerable. This includes individuals registered in the socially vulnerable household database with a score below 70,000. Additionally, the Legal Aid Service has a special mandate to assist the following categories of individuals: asylum seekers, persons with international protection, minors, victims of violence (including domestic violence and violence against women or alleged victims), individuals receiving social support, and persons with disabilities.

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- a) a member of a large family that has 3 or more children under the age of 18;
- b) veteran of war and defense forces;
- c) a disabled person under the age of 18;
- d) an adult with a severely or significantly disabled status;
- e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;
- f) orphaned child under the age of 18;
- g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

In case of Domestic violence: During the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days The turnover does not exceed 1500 GEL.

Q088-1 (2024): The timeframe for granting legal aid is determined by the nature of the case and the urgency of the situation. As a general rule, a lawyer is appointed in a reasonable time after the initial request, taking into account the complexity and relevance of the case.

In criminal cases, lawyers are appointed immediately or within 24 hours, depending on the nature of the case. Once the lawyer is appointed, they must meet with the beneficiary immediately or within 48 hours, in line with internal regulations (bylaws). The decision to involve a public advocate in a criminal case is made without delay.

For civil and administrative cases, if the circumstances do not require immediate legal intervention, the head of the bureau or the consultant at the Consultation centre will make a decision on appointing a lawyer within 2 working days after receiving the application or appeal. If the decision is to proceed with legal aid, the lawyer is appointed immediately. After the case is transferred, the lawyer must meet with the client immediately or within 24 hours. In exceptional cases where meeting the client within 24 hours is not possible, the lawyer/consultant will meet with the client at the earliest opportunity, within a reasonable timeframe, without delaying the client's interests.

These timeframes are outlined in the Legal Aid Service's regulations, including Article 30 (Involvement of the lawyer of the Legal Aid Bureau in the case) and Chapter V (Standard 1: Timely representation, Standard 2: First meeting with the client and meeting time). These standards aim to ensure the timely and effective provision of legal aid services.

Q163 (2024): According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called juvenile offenders. Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priori be represented by a qualified lawyer.

Other Specific arrangement is Institution of Diversion. If there is a probable cause that a minor has committed a minor or a serious crime, the possibility of applying diversion shall be considered in the first place and it shall be evaluated whether diversion can ensure the re-socialization and rehabilitation of the minor and the prevention of a new crime.

Fixed-term imprisonment may be imposed on a minor if he/she has committed a serious or a particularly serious crime, if he/she has avoided serving a non-custodial sentence, and/or a judgment of conviction has been delivered against him/her in the past.

Other vulnerable persons are - victims of human trafficking, victims of forced marriage, victims of sexual mutilation, also victims of other types of violence or domestic violence.

Republic of Moldova

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

Q012 (2024): The upward trend in approved budget for 2024 compared with 2023 for primary legal aid, is due to the fact that the fixed monthly remuneration of the para-legals has increased with 150 % in 2023.

Q086 (General Comment): The legal provisions on legal aid make a distinction between primary legal aid (providing information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the manner of realization and capitalization of judicial and extrajudicial rights; legal advice; providing assistance in drafting legal documents; providing other forms of assistance, which do not fall into the category of qualified legal assistance), qualified legal aid (providing legal consultancy, representation and / or defence services in criminal investigation bodies, in courts, for criminal, misdemeanor, civil or administrative cases; providing representation before public administration authorities) and legal aid for mediation.

Q087 (General Comment): According to the Law on Legal Aid LP198/2007 of 26.07.2007 and its subsequent amendments, primary legal aid refers to the provision of information on the legal system of the country, on the normative acts in force, the rights and obligations of legal subjects, on the manner of achieving and capitalizing on rights through judicial and extrajudicial means; provision of consultancy on legal issues; provision of assistance in drawing up legal acts; provision of other forms of assistance, which do not fall into the category of qualified legal assistance. Qualified legal aid – provision of legal consultancy services, representation and/or defense in criminal investigation bodies, in courts of law on criminal, contravention (administrative offences), civil or administrative cases, representation in public administration authorities.

Q088 (2024): Starting with 01 January 2024, qualified legal aid is granted to applicants whose income is lower than the monthly minimum income per country established by the Government. In assessing the income of the applicant for legal aid, the monthly average income and the gains achieved in the six months preceding the month of application is taken into account. Qualified legal aid is granted regardless of the income of the person when the applicant needs urgent legal aid in the case of arrest during a criminal trial, or a misdemeanor procedure, children victims of crimes, victims of domestic violence, victims of sex crimes, persons under the risk to be deported, beneficiaries of social aid in the last 6 months preceding the month of application, victims of trafficking in human beings and torture crimes, asylum seekers, foreigners in case they are under risk to be placed in public custody, severe disabled persons, legal entities in particular cases. Qualified legal aid cannot be granted to applicants who have the possibility to cover the costs of legal assistance with the value of their assets, excepting the assets which cannot be seized. Primary legal aid continues to be granted regardless of the income/assets in 2024. Partial legal aid is granted to applicants whose income is over the value indicated and who can pay a part of the legal assistance services.

Q088-1 (2024): According to the provisions of art. 18, 26 and 36/6 of the Law no. 198 on legal aid, the primary legal assistance is granted immediately, after the moment the request is received. In case of impossibility to provide immediate assistance, the applicant is notified about date and time of the hearing which should be held within 3 days from the date of submission of the written or oral request. The decision on the legal aid for mediation and qualified legal aid is issued within 3 working days from the date the request has been received by the legal aid territorial office.

Q163 (General Comment): Upon the request of domestic violence victims, the court can issue a special order granting protection by means of the following obligations imposed to the aggressor: obligation to leave temporary the common housing or to keep distance from the victim's house, regardless of the property title; obligation to keep distance from the victim, ensuring his/her safety; obligation not to contact the victim, his/her children or other persons depending on her/him; prohibition to visit the working place of the victim; restriction on the unilateral use of joint property; obligation to undergo a medical examination and, if needed, to follow a compulsory medical treatment; obligation to participate in a special conciliation program if the court considers such measure necessary; prohibition of having arms (article 21-1 of the Criminal Procedure Code and article 318/4 of the Civil Procedure Code). The case of a minor is subdivided to the maximum extent and constitutes a single file when adults have participated to the commission of the offence (article 476 of the Criminal Procedure Code). Custody or preventive arrest of minors are possible only in exceptional situations of serious offences with use of violence, severe and extremely severe crimes (the prosecutor, the parents or other legal representatives of the concerned minor are immediately informed about these measures (article 477 of the Criminal procedure Code)).

According to art. 14 of the Law no. 105 of 16.05.2008 on the protection of witnesses and other participants in the criminal proceeding, the following protection measures may be applied in respect of the protected person: a) protection of identity data; b) hearing by applying special arrangements; c) change of domicile or place of work or study; d) change of identity, change of appearance; e) installing an alarm system at home or residence; f) changing the phone number; g) ensuring the protection of the goods.

"Protected person" - a person with whom a protection agreement has been concluded under the law and which has the procedural status of: a) a witness in a criminal case involving serious, extremely serious or exceptionally serious offenses, in the phase of criminal investigation or trial, according to art.90 of the Criminal Procedure Code; b) injured party in a criminal case related to serious offenses, extremely serious or exceptionally serious, in the phase of criminal investigation or trial, according to art.59 of the Criminal Procedure Code; c) a victim in criminal proceedings involving serious, extremely serious or exceptionally serious offenses, in the criminal investigation or trial phase, who accept to cooperate until the criminal proceedings are commenced; d) a suspected, accused, defendant who accepts to make statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; e) convicted during the execution of a custodial sentence of imprisonment or life imprisonment who accepts to submit statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; f) a person who does not have a procedural quality but agrees to provide information on the preparation of serious, particularly serious or exceptionally serious crimes. At the request of the persons mentioned in letters a) -f), the close relatives and their family members may also be protected. In accordance with recent amendments of the legislation on prevention and combat of the violence against women and domestic violence, victims have the right to be protected and to get information on the follow-up to the complaints they have launched, on their rights, legal aid, medical aid, to be informed in case of the release of the aggressor. Life and identity of such victims is protected. They also have the right to ask for a compensation from the state and from the aggressor for material and moral damage. Their case in court can be heard by the use of videoconference.

Q163 (2024): Please see the general comments.

Ukraine

Q013-2 (2024): The Law of Ukraine “On Court Fees” defines the legal basis for the collection of court fees, payers, objects and rates of court fees, the procedure for payment, exemption from payment and refund of court fees.

Pursuant to Article 2 of the said Law, the payers of the court fee are citizens of Ukraine, foreigners, stateless persons, enterprises, institutions, organizations, other legal entities (including foreign ones) and individual entrepreneurs who apply to court or against whom a court decision has been made as provided for by this Law.

Articles 5 and 8 of this Law set forth the grounds for exemption of a party to a case from paying court fees or, taking into account the person's financial situation, for deferral or installment of court fees for a certain period of time.

According to the Quality Standards for the Provision of Free Secondary Legal Aid in Civil and Administrative Proceedings and Representation in Criminal Proceedings, approved by the Order of the Ministry of Justice of Ukraine No. 4125/5 dated 21.12.2017, when providing a person with free secondary legal aid, if there are legal grounds for filing a lawsuit, a lawyer prepares a substantiated request for deferral and installment of court costs, reduction of their amount or exemption of the client from their payment

Q086 (General Comment): Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at the territorial community level.

The column "Cases brought to court" provides statistical information on the number of issued instructions for secondary legal aid in criminal cases and information on the number of issued orders for secondary legal aid in non-criminal cases. The column "Cases not brought to court" provides statistical information on the provision of free primary legal aid.

Q086 (2024): The column “Cases brought to court” provides statistical information on the number of instructions issued by free legal aid centers to lawyers to ensure the provision of free secondary legal aid in criminal cases and the number of orders issued by free legal aid centers to provide free secondary legal aid to persons in non-criminal cases.

The column “Cases not brought to court” provides statistical information on the number of processed client appeals, in which the staff of free legal aid centers provided free primary legal aid.

Q086-1 (General Comment): The column "Cases brought to court" provides statistical information on the number of persons in criminal cases for whom an order for free secondary legal aid was issued, and in civil cases on the number of persons whose applications were approved for free secondary legal aid.

The column "Cases not brought to court" provides statistical information on the number of persons who were provided with free primary legal aid.

Q086-1 (2024): The column “Cases brought to court” contains statistical information on the number of persons in respect of whom free legal aid centers issued instructions to lawyers to provide free secondary legal aid in criminal cases and the number of persons upon whose requests free legal aid centers issued orders to provide free secondary legal aid in non-criminal cases. The column “Cases not brought to court” provides statistical information on the number of people who were provided with free primary legal aid by the staff of the centers

Q088 (General Comment): According to Ukrainian legislation, there is no any system of assets evaluation in case of primary legal aid. The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine “On the legal aid” have all individuals, who are under the jurisdiction of Ukraine.

However, in case of secondary legal aid the system of assets evaluation applies in some cases. According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On free legal aid” the following persons refer to subjects of law for receiving secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsistence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsistence minimum for disabled persons. Subjects for receiving secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On legal aid”, during submitting an application for receiving secondary legal aid should provide documents confirming their respective level of income; At the same time, financial unsecured people is not the only group of people entitled to secondary legal aid. The legislation of Ukraine provides other groups (persons protected by the law of Ukraine “On refugees and persons in need of additional or temporarily protection”, veterans of war and persons covered by the law of Ukraine “On the status of war veterans, guarantees of their social protection” etc). Such other categories of persons, who have the right to secondary legal aid, shall not provide any confirmation of their level of income.

Mechanisms of partial payment for primary and secondary legal aid by the state are not foreseen by Ukrainian legislation.

for the purpose of providing such legal aid.

According to Article 14 of the Law, certain categories of individuals have the right to free secondary legal aid. Among the categories are those to whom legal aid is provided without regard to the amount of income or property of an individual, including

- persons subject to administrative detention;
- persons subject to administrative arrest; - persons who are considered detained in accordance with the provisions of the Criminal Procedure Code of Ukraine, as well as if such persons are applicants, recognized as victims or witnesses in other criminal proceedings, in connection with the illegality of such detention, in case of violation of the rights of the detained person, use of violence, torture, other cruel, inhuman or degrading treatment during detention;
- persons in respect of whom a preventive measure in the form of detention has been chosen, as well as in case of violence, torture, other cruel, inhuman or degrading treatment during detention;
- persons in criminal proceedings in respect of whom, in accordance with the provisions of the Criminal Procedure Code of Ukraine, a defense counsel is engaged to provide defense as assigned, as well as in case of violence, torture, other cruel, inhuman or degrading treatment;
- Persons in criminal proceedings in respect of whom a defense counsel is engaged for a separate procedural action in accordance with the provisions of the Criminal Procedure Code of Ukraine;
- Children; - Persons covered by the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" (from the moment a person submits an application for recognition as a refugee or a person in need of additional or temporary protection in Ukraine until the final decision on the application is made);
- foreigners and stateless persons detained for the purpose of identification and enforcement of forced expulsion (from the moment of detention);
- persons who have applied for recognition as a stateless person (from the date of submission of the application for recognition as a stateless person until the final decision on the application is made, as well as during the appeal of a refusal to recognize a stateless person, obtaining an immigration permit, or obtaining a temporary or permanent residence permit);
- persons who do not have identity documents confirming their citizenship of Ukraine (on the issues of establishing facts of legal significance related to the execution and issuance of such documents in court);
- internally displaced persons;
- persons who have applied for registration as internally displaced persons (on issues related to appealing against a decision to refuse to obtain a certificate of registration of an internally displaced person, until the receipt of the said certificate or on issues related to the establishment of facts of legal significance in relation to such persons);
- Citizens of Ukraine residing in the temporarily occupied territory or on the territory of territorial communities located in the area of military (combat) operations or under temporary occupation, encirclement (blockade) (on issues related to the protection of violated, unrecognized or disputed rights, freedoms or interests of individuals (including compensation for damage caused as a result of restrictions on the exercise of ownership of real estate or its

Q163 (General Comment): Victims of rape have the possibility of closed procedure that excludes the public; ethnic minorities and disabled persons should be granted language interpreter and other required assistance during court proceeding; in respect of juvenile offenders, there is an obligation to hear the opinion of an association protecting the interest of a minor accused of a crime. Besides, other specific arrangements include ramps that are built to provide free access to the court buildings. At the acceptable height, there is a call button and accessibility badges for visually impaired people (Braille signs). It is also possible to freely receive information as to the case (its consideration, date of the hearing, the decision taken), telephone numbers of the court.

Indicator 4. Access to justice-legal aid

by question No.

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

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

Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:

Question 86. Please indicate the number of cases for which legal aid has been granted:

Question 86-0. Please briefly describe the organisation of the legal aid system in your country.

Question 86-0-0. Does legal aid apply to:

Question 86-1. Please indicate the number of recipients of legal aid:

Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?

Question 88. If yes, please specify in the table:

Question 88-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final decision on the legal aid request:

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Question 012

Armenia

(2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Azerbaijan

(2024): At the beginning of the year, it is not possible to determine in advance how much will be spent on each specific category, as the allocation and implementation of funds are carried out b

Republic of Moldova

(General Comment): The primary legal aid is granted pursuant to Law No. 198 of 26 July 2007 on legal aid guaranteed by the State, by paralegals and specialised social associations in the grantir

(2024): The upward trend in approved budget for 2024 compared with 2023 for primary legal aid, is due to the fact that the fixed monthly remuneration of the para-legals has increased with 15%

Question 013

Armenia

(2024): The number of the staff of the office of Public Defender increased during 2024 with 15 new positions.

Azerbaijan

(2024): Source: Bar Association

Question 013-2

Georgia

(2024): Legal aid does not include coverage of court fees, according to Article 7 of the Law on Legal Aid, “if, when considering civil or administrative proceedings, the court makes a decision in fa

Ukraine

(2024): The Law of Ukraine “On Court Fees” defines the legal basis for the collection of court fees, payers, objects and rates of court fees, the procedure for payment, exemption from payment and refund of court fees.

Pursuant to Article 2 of the said Law, the payers of the court fee are citizens of Ukraine, foreigners, stateless persons, enterprises, institutions, organizations, other legal entities (including foreign ones) and individual entrepreneurs who apply to court or against whom a court decision has been made as provided for by this Law.

Articles 5 and 8 of this Law set forth the grounds for exemption of a party to a case from paying court fees or, taking into account the person's financial situation, for deferral or installment of court fees for a certain period of time.

According to the Quality Standards for the Provision of Free Secondary Legal Aid in Civil and Administrative Proceedings and Representation in Criminal Proceedings, approved by the Order of the Ministry of Justice of Ukraine No. 4125/5 dated 21.12.2017, when providing a person with free secondary legal aid, if there are legal grounds for filing a lawsuit, a lawyer prepares a substantiated request for deferral and installment of court costs, reduction of their amount or exemption of the client from their payment

Question 086

Armenia

(2024): There are several reasons for the increase of the cases:

1. The need for mandatory involvement of a public defender in certain actions in criminal proceedings.
2. An increase in the number of crimes or criminal cases investigated by the bodies conducting the proceedings.
3. Legal assistance provided to citizens displaced from Nagorno-Karabakh after September 19, 2023.
4. Increase of public awareness and legal awareness of the activities of the Public Defender's Office, improvement of the professional training of public defenders and increase of trust in the Office.

Azerbaijan

(General Comment): The decrease in granted legal aid since 2018 is explained by two factors: firstly, as mentioned before it is related to decrease in number of cases. secondly, it is also has con

(2024): The number was provided by the Bar Assosiation, we have requested for additional clarification

Republic of Moldova

(General Comment): The legal provisions on legal aid make a distinction between primary legal aid (providing information on the legal system of the Republic of Moldova, on the normative acts

Ukraine

(General Comment): Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at the territorial community level.

The column "Cases brought to court" provides statistical information on the number of issued instructions for secondary legal aid in criminal cases and information on the number of issued orders for secondary legal aid in non-criminal cases. The column "Cases not brought to court" provides statistical information on the provision of free primary legal aid.

(2024): The column "Cases brought to court" provides statistical information on the number of instructions issued by free legal aid centers to lawyers to ensure the provision of free secondary legal aid in criminal cases and the number of orders issued by free legal aid centers to provide free secondary legal aid to persons in non-criminal cases.

The column "Cases not brought to court" provides statistical information on the number of processed client appeals, in which the staff of free legal aid centers provided free primary legal aid.

Question 086-0

Azerbaijan

(General Comment): Regarding the assessment and categories of low-income people: Persons belonging to certain categories mentioned below can be considered as "Low-income person": For

Question 086-1

Armenia

(2024): Statistics are collected based on the number of cases. Therefore, no statistics on the number of recipients can be provided, as the same person may seek assistance for several different

Ukraine

(General Comment): The column "Cases brought to court" provides statistical information on the number of persons in criminal cases for whom an order for free secondary legal aid was issued, and in civil cases on the number of persons whose applications were approved for free secondary legal aid.

The column "Cases not brought to court" provides statistical information on the number of persons who were provided with free primary legal aid.

(2024): The column "Cases brought to court" contains statistical information on the number of persons in respect of whom free legal aid centers issued instructions to lawyers to provide free secondary legal aid in criminal cases and the number of persons upon whose requests free legal aid centers issued orders to provide free secondary legal aid in non-criminal cases.

The column "Cases not brought to court" provides statistical information on the number of people who were provided with free primary legal aid by the staff of the centers

Question 087

Armenia

(General Comment): Article 41 paragraph 5 (4) provides that the families having more than 0 level of social insecurity are entitled to free legal aid. According to the Law on Advocacy, the Head of the PDO (Public Defender's office) has the right to make a decision on eligibility of persons for legal aid – to grant the services or to refuse them, based on the set of criteria established by Article 41 of the Law on Advocacy, listed under point 2.1. The Law gives the right to the Head of PDO to apply to state or local self-government bodies or economic entities to verify the insolvency of insolvent persons, as well as to obtain the necessary information to provide free legal aid. It seems that in practice, however, the criterion of insolvency is difficult to check. The situation with checking the criteria for eligibility for state-guaranteed legal aid has not been made clearer nor easier since 2013. It is still identified as one of the main problems facing the PDO and unduly contributing to its heavy workload. Especially, this concerns the criteria of insolvency, as there is no system for quickly and reliably checking the income and property status of an applicant, through an electronic system or otherwise. It is still not possible to check information about criteria of eligibility for state-guaranteed legal aid (e.g., the unemployment status) by electronic means. But it should be noted that in order to solve the mentioned problems the amendments to the Law on Advocacy were adopted in 2022. According to the new regulation, in case of applying to the public defender's office for free legal aid, the person shall submit a written declaration. The declaration form and filling procedure shall be approved by the Council of the Chamber of Advocates.

Georgia

(General Comment): Free legal aid includes legal advice, document drafting, and representation in court or before administrative bodies. Legal consultations are free for everyone. Full legal aid, including document drafting and court representation, is available to all beneficiaries who are classified as socially vulnerable. This includes individuals registered in the socially vulnerable household database with a score below 70,000. Additionally, the Legal Aid Service has a special mandate to assist the following categories of individuals: asylum seekers, persons with international protection, minors, victims of violence (including domestic violence and violence against women or alleged victims), individuals receiving social support, and persons with disabilities.

- A person is considered insolvent and entitled to free legal aid, if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 70,000.

Also, person is considered insolvent and is entitled to free legal aid if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 100,000 and belongs to one of the following categories:

- a) a member of a large family that has 3 or more children under the age of 18;
- b) veteran of war and defense forces;
- c) a disabled person under the age of 18;
- d) an adult with a severely or significantly disabled status;
- e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;
- f) orphaned child under the age of 18;
- g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

In case of Domestic violence: During the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days The turnover does not exceed 1500 GEL.

Republic of Moldova

(General Comment): According to the Law on Legal Aid LP198/2007 of 26.07.2007 and its subsequent amendments, primary legal aid refers to the provision of information on the legal system c

Question 088

Armenia

(General Comment): The criterion that is taken into account for the granting of legal aid according to Law on Advocacy is that a person should be unable to pay, meaning that a person does not have enough income or does not live with someone who is employed or besides his own apartment does not have any property or does not possess automobile the cost of which does not exceed 1 000 000 AMD.

In addition to providing legal aid to the suspect or accused in criminal cases, free legal aid is provided to people fallen under the following category:

According to the paragraph 5 of the Article 41 of the Law on Advocacy, in addition to providing legal aid to the suspect or accused in criminal cases, the Public Defender Office also provides free legal aid to the following persons: 1) to the members of the families of military servicemen who perished (died) while defending the borders of the Republic of Armenia. 2) to the disabled of the 1-st and 2-nd groups. 3) to the convicted. 4) to the members of families who are registered in the system of family insolvency estimation and have insolvency units above 0. 5) To the participants of the Great Patriotic War and the participants of military actions during the defense of the borders of the Republic of Armenia. 6) to the unemployed. 7) to the living alone retired people. 8) to children who have remained without parental custody, as also to the ones belonging to the number of persons who have remained without parental custody. 9) to refugees. 10) to the ones who have received temporary defense in the Republic of Armenia. 11) to other insolvent individuals who present reliable data proving their insolvency. According to this point an insolvent is considered the individual who doesn't have sufficient income, a cohabit working member of a family, as also except for his private flat has no other property of his own or a vehicle exceeding in its price a thousand times the minimal salary. 12) to individuals having mental disorders and receiving medical treatment in an asylum. 13) to individuals who have been recognized as victims or special category victims by the identification committee of human trafficking and exploitation in order prescribed by the law. 14) to the ones searching shelter in the Republic of Armenia. 15) persons who have suffered from torture in order to receive compensation in accordance with the procedure established by Article 1087.3 of the Civil Code of the Republic of Armenia. 16) persons who have been subjected to domestic violence in accordance with the Law of the Republic of Armenia "On Prevention of Domestic Violence, Protection of persons who have been subjected to Domestic Violence and restoration of solidarity in the family". 17) defendants in civil cases initiated on the basis of the Law of the Republic of Armenia on confiscation of property of illegal origin". 18) foreigners - for protesting the decision on deportation. 19) persons in respect of whom proceedings are being carried out on cases of recognition as incapacitated or with limited legal capacity, on recognition as incapacitated of a citizen recognized as incapacitated, or on the abolition of restrictions on the legal capacity of a citizen. 20) victims, if they are conscripts or a child under 16 years of age. Paragraph 6 of Article 41 stipulates that free legal aid can't be provided to individuals mentioned in paragraph 5 of this Article: 1) on cases of entrepreneurial character (including corporate quarrels). 2) on cases of property (sum) claims that exceed the minimal salary by one thousand, with the exception of the cases where the individual comes out as defendant or the third party acting on behalf of the defendant. 3) if there is reliable factual evidence denying the insolvency of the applicant. 4) if the applicant's claims are clearly unreasonable. 5) if a person receives legal assistance from another lawyer on the same issue on which he applied to the office of the public defender.

Georgia

(2024): Free legal aid includes legal advice, document drafting, and representation in court or before administrative bodies. Legal consultations are free for everyone. Full legal aid, including document drafting and court representation, is available to all beneficiaries who are classified as socially vulnerable. This includes individuals registered in the socially vulnerable household database with a score below 70,000. Additionally, the Legal Aid Service has a special mandate to assist the following categories of individuals: asylum seekers, persons with international protection, minors, victims of violence (including domestic violence and violence against women or alleged victims), individuals receiving social support, and persons with disabilities.

- A person is considered insolvent and entitled to free legal aid, if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 70,000.

Also, person is considered insolvent and is entitled to free legal aid if he is a member of a family registered in the unified database of socially vulnerable families, whose rating score is equal to or less than 100,000 and belongs to one of the following categories:

- a) a member of a large family that has 3 or more children under the age of 18;
- b) veteran of war and defense forces;
- c) a disabled person under the age of 18;
- d) an adult with a severely or significantly disabled status;
- e) a person with a severely, significantly or moderately expressed disability status, if the disability has been present since childhood;
- f) orphaned child under the age of 18;
- g) A person displaced as a result of the military aggression carried out by the Russian Federation against Georgia.

In case of Domestic violence: During the 12 months prior to applying to the legal aid service, the taxable income of the person as a natural person did not exceed 6000 GEL, at the same time, the amount of money in the account opened in his name in a commercial bank registered in Georgia at the time of issuing the relevant notice did not exceed 500 GEL, and in the last 90 days The turnover does not exceed 1500 GEL.

Republic of Moldova

(2024): Starting with 01 January 2024, qualified legal aid is granted to applicants whose income is lower than the monthly minimum income per country established by the Government. In assessing the income of the applicant for legal aid, the monthly average income and the gains achieved in the six months preceding the month of application is taken into account. Qualified legal aid is granted regardless of the income of the person when the applicant needs urgent legal aid in the case of arrest during a criminal trial, or a misdemeanor procedure, children victims of crimes, victims of domestic violence, victims of sex crimes, persons under the risk to be deported, beneficiaries of social aid in the last 6 months preceding the month of application, victims of trafficking in human beings and torture crimes, asylum seekers, foreigners in case they are under risk to be placed in public custody, severe disabled persons, legal entities in particular cases. Qualified legal aid cannot be granted to applicants who have the possibility to cover the costs of legal assistance with the value of their assets, excepting the assets which cannot be seized.

Primary legal aid continues to be granted regardless of the income/assets in 2024

Partial legal aid is granted to applicants whose income is over the value indicated and who can pay a part of the legal assistance services.

Ukraine

(General Comment): According to Ukrainian legislation, there is no any system of assets evaluation in case of primary legal aid. The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine “On the legal aid” have all individuals, who are under the jurisdiction of Ukraine.

However, in case of secondary legal aid the system of assets evaluation applies in some cases. According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On free legal aid” the following persons refer to subjects of law for receiving secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsistence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsistence minimum for disabled persons. Subjects for receiving secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On legal aid”, during submitting an application for receiving secondary legal aid should provide documents confirming their respective level of income; At the same time, financial unsecured people is not the only group of people entitled to secondary legal aid. The legislation of Ukraine provides other groups (persons protected by the law of Ukraine “On refugees and persons in need of additional or temporarily protection”, veterans of war and persons covered by the law of Ukraine “On the status of war veterans, guarantees of their social protection” etc). Such other categories of persons, who have the right to secondary legal aid, shall not provide any confirmation of their level of income. Mechanisms of partial payment for primary and secondary legal aid by the state are not foreseen by Ukrainian legislation.

the purpose of providing such legal aid.

According to Article 14 of the Law, certain categories of individuals have the right to free secondary legal aid. Among the categories are those to whom legal aid is provided without regard to the amount of income or property of an individual, including

- persons subject to administrative detention;
- persons subject to administrative arrest; - persons who are considered detained in accordance with the provisions of the Criminal Procedure Code of Ukraine, as well as if such persons are applicants, recognized as victims or witnesses in other criminal proceedings, in connection with the illegality of such detention, in case of violation of the rights of the detained person, use of violence, torture, other cruel, inhuman or degrading treatment during detention;
- persons in respect of whom a preventive measure in the form of detention has been chosen, as well as in case of violence, torture, other cruel, inhuman or degrading treatment during detention;
- persons in criminal proceedings in respect of whom, in accordance with the provisions of the Criminal Procedure Code of Ukraine, a defense counsel is engaged to provide defense as assigned, as well as in case of violence, torture, other cruel, inhuman or degrading treatment;
- Persons in criminal proceedings in respect of whom a defense counsel is engaged for a separate procedural action in accordance with the provisions of the Criminal Procedure Code of Ukraine;
- Children; - Persons covered by the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" (from the moment a person submits an application for recognition as a refugee or a person in need of additional or temporary protection in Ukraine until the final decision on the application is made);
- foreigners and stateless persons detained for the purpose of identification and enforcement of forced expulsion (from the moment of detention);
- persons who have applied for recognition as a stateless person (from the date of submission of the application for recognition as a stateless person until the final decision on the application is made, as well as during the appeal of a refusal to recognize a stateless person, obtaining an immigration permit, or obtaining a temporary or permanent residence permit);
- persons who do not have identity documents confirming their citizenship of Ukraine (on the issues of establishing facts of legal significance related to the execution and issuance of such documents in court);
- internally displaced persons;
- persons who have applied for registration as internally displaced persons (on issues related to appealing against a decision to refuse to obtain a certificate of registration of an internally displaced person, until the receipt of the said certificate or on issues related to the establishment of facts of legal significance in relation to such persons);
- Citizens of Ukraine residing in the temporarily occupied territory or on the territory of territorial communities located in the area of military (combat) operations or under temporary occupation, encirclement (blockade) (on issues related to the protection of violated, unrecognized or disputed rights, freedoms or interests of individuals (including compensation for damage caused as a result of restrictions on the exercise of ownership of real estate or its

Question 088-1

Armenia

(2024): Maximum duration is not prescribed in law or other normative legal act, but it should be noted that maximum duration of time has been envisaged in the decision of the council of the C

Azerbaijan

(2024): There is no limit in legislation for maximum duration prescribed in law and actual average duration is immediately reacted

Georgia

(2024): The timeframe for granting legal aid is determined by the nature of the case and the urgency of the situation. As a general rule, a lawyer is appointed in a reasonable time after the initial request, taking into account the complexity and relevance of the case.

In criminal cases, lawyers are appointed immediately or within 24 hours, depending on the nature of the case. Once the lawyer is appointed, they must meet with the beneficiary immediately or within 48 hours, in line with internal regulations (bylaws). The decision to involve a public advocate in a criminal case is made without delay.

For civil and administrative cases, if the circumstances do not require immediate legal intervention, the head of the bureau or the consultant at the Consultation centre will make a decision on appointing a lawyer within 2 working days after receiving the application or appeal. If the decision is to proceed with legal aid, the lawyer is appointed immediately. After the case is transferred, the lawyer must meet with the client immediately or within 24 hours. In exceptional cases where meeting the client within 24 hours is not possible, the lawyer/consultant will meet with the client at the earliest opportunity, within a reasonable timeframe, without delaying the client's interests.

These timeframes are outlined in the Legal Aid Service's regulations, including Article 30 (Involvement of the lawyer of the Legal Aid Bureau in the case) and Chapter V (Standard 1: Timely representation, Standard 2: First meeting with the client and meeting time). These standards aim to ensure the timely and effective provision of legal aid services.

Republic of Moldova

(2024): According to the provisions of art. 18, 26 and 36/6 of the Law no. 198 on legal aid, the primary legal assistance is granted immediately, after the moment the request is received. In case

Question 163

Armenia

(General Comment): There are different regulations ensuring minors protection.

According to the Civil Procedure Code the courts shall involve the legal representative of a minor witness in the interrogation thereof, and in case of interrogation of minors under fourteen years of age — also a child psychologist or a pedagogue. When interrogating a witness under fourteen years of age, persons participating in the case shall be removed from the courtroom, if they have a representative or their participation may influence the testimony of the witness. The representative of a person, participating in the case who has been removed, shall participate in the session. During interrogation of a witness under sixteen years old, the Court of First Instance shall make sure that the method of interrogation or questions does not confuse the witness or subject him or her to undue psychological pressure, and, for that purpose, may remove any question, interrupt or stop the interrogation of the witness.

According to the Criminal Procedure Code the Court of First Instance shall explain to a witness under sixteen years of age the importance of giving testimony and communicating only the truth, without forewarning him or her of the criminal liability for giving false testimony or refusing to give testimony.

(2024): On the official website of the judicial authority, personal life data, biometric data and personal data of a special category, judicial acts containing personal data of a child are published anonymously.

A person with disabilities due to auditory or oral limitations has the opportunity to exercise procedural rights through a sign language interpreter in the manner provided for by this article for an interpreter.

In an administrative case, a participant in the trial, and in a civil case, a person participating in the case has the right to an assistant at the expense of public funds if he proves that he does not have enough funds to receive a paid assistant.

If it is necessary to provide the services of an interpreter, sign language interpreter or an assistant to a disabled person due to visual restrictions at the expense of public funds, this person is appointed by a court decision.

A witness may be questioned by a court of first instance at his place of residence by way of a court order if:

- 1) the presence of a witness at the trial is impractical due to the long distance;
- 2) the witness cannot leave his/her location due to illness or other reason.

In cases provided for by law, minors, citizens recognized as legally incompetent or with limited legal capacity, may independently represent their interests in court.

In order to protect the privacy of the participants in the trial, including commercial secrets, the interests of minors or justice, as well as State security, public order or morality, the court may conduct the trial or part of it behind closed doors at the request or on its own initiative of the person involved in the case.

If necessary, copies of the judicial act are provided to the police and the authorized body provided for by the law "On the Prevention of Domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in the family", as well as the enforcement service to monitor the execution of the decision. If a judicial act affects the interests of a minor or an incapacitated person, it is also sent to the guardianship and guardianship authority.

The applicant is exempt from court costs related to the consideration of a case on the recognition of a citizen as legally incompetent or with limited legal capacity.

The adoption proceedings are conducted behind closed doors, which is decided upon when accepting the application for production.

Minors between the ages of fourteen and eighteen, as well as persons recognized as having limited legal capacity, have the right to be heard during the consideration of the case. The court may grant a minor who has not turned fourteen years old, or a person recognized as legally incompetent, the right to be heard during the consideration of the case.

Azerbaijan

(General Comment): According to the Criminal Procedural Code, all evidences which open personal or family secrets as well as State's secrets, professional and commercial secrets are to be considered in closed session of the court.

(2024): When reviewing information about a committed or planned crime, an investigator, inquiry officer, or prosecutor overseeing the pre-trial investigation issues a decision granting the victim of human trafficking a 30-day recovery and reflection period. This period allows the victim to make an informed decision regarding restoring their situation, avoiding the influence of perpetrators, and cooperating with law enforcement authorities. (Code of Criminal Procedure of the Azerbaijan Republic, article 123-1).

Georgia

(2024): According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called juvenile offenders.

Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priory be represented by a qualified lawyer.

Other Specific arrangement is Institution of Diversion. If there is a probable cause that a minor has committed a minor or a serious crime, the possibility of applying diversion shall be considered in the first place and it shall be evaluated whether diversion can ensure the re-socialization and rehabilitation of the minor and the prevention of a new crime.

Fixed-term imprisonment may be imposed on a minor if he/she has committed a serious or a particularly serious crime, if he/she has avoided serving a non-custodial sentence, and/or a judgment of conviction has been delivered against him/her in the past.

Other vulnerable persons are - victims of human trafficking, victims of forced marriage, victims of sexual mutilation, also victims of other types of violence or domestic violence.

Republic of Moldova

(General Comment): Upon the request of domestic violence victims, the court can issue a special order granting protection by means of the following obligations imposed to the aggressor: obligation to leave temporary the common housing or to keep distance from the victim's house, regardless of the property title; obligation to keep distance from the victim, ensuring his/her safety; obligation not to contact the victim, his/her children or other persons depending on her/him; prohibition to visit the working place of the victim; restriction on the unilateral use of joint property; obligation to undergo a medical examination and, if needed, to follow a compulsory medical treatment; obligation to participate in a special conciliation program if the court considers such measure necessary; prohibition of having arms (article 21-1 of the Criminal Procedure Code and article 318/4 of the Civil Procedure Code). The case of a minor is subdivided to the maximum extent and constitutes a single file when adults have participated to the commission of the offence (article 476 of the Criminal Procedure Code). Custody or preventive arrest of minors are possible only in exceptional situations of serious offences with use of violence, severe and extremely severe crimes (the prosecutor, the parents or other legal representatives of the concerned minor are immediately informed about these measures (article 477 of the Criminal procedure Code)).

According to art. 14 of the Law no. 105 of 16.05.2008 on the protection of witnesses and other participants in the criminal proceeding, the following protection measures may be applied in respect of the protected person: a) protection of identity data; b) hearing by applying special arrangements; c) change of domicile or place of work or study; d) change of identity, change of appearance; e) installing an alarm system at home or residence; f) changing the phone number; g) ensuring the protection of the goods.

"Protected person" - a person with whom a protection agreement has been concluded under the law and which has the procedural status of: a) a witness in a criminal case involving serious, extremely serious or exceptionally serious offenses, in the phase of criminal investigation or trial, according to art.90 of the Criminal Procedure Code; b) injured party in a criminal case related to serious offenses, extremely serious or exceptionally serious, in the phase of criminal investigation or trial, according to art.59 of the Criminal Procedure Code; c) a victim in criminal proceedings involving serious, extremely serious or exceptionally serious offenses, in the criminal investigation or trial phase, who accept to cooperate until the criminal proceedings are commenced; d) a suspected, accused, defendant who accepts to make statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; e) convicted during the execution of a custodial sentence of imprisonment or life imprisonment who accepts to submit statements that may constitute conclusive evidence of a serious, particularly serious or exceptionally serious offense, or to provide information on the preparation of serious, particularly serious or exceptionally serious offenses; f) a person who does not have a procedural quality but agrees to provide information on the preparation of serious, particularly serious or exceptionally serious crimes. At the request of the persons mentioned in letters a) -f), the close relatives and their family members may also be protected. In accordance with recent amendments of the legislation on prevention and combat of the violence against women and domestic violence, victims have the right to be protected and to get information on the follow-up to the complaints they have launched, on their rights, legal aid, medical aid, to be informed in case of the release of the aggressor. Life and identity of such victims is protected. They also have the right to ask for a compensation from the state and from the aggressor for material and moral damage. Their case in court can be heard by the use of videoconference.

(2024): Please see the general comments.

Ukraine

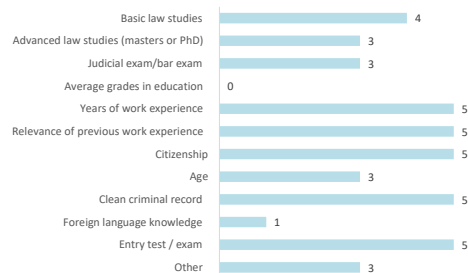
(General Comment): Victims of rape have the possibility of closed procedure that excludes the public; ethnic minorities and disabled persons should be granted language interpreter and other r

5. and 6. Appointment, recruitment and promotion of judges and prosecutors - Overview

Appointment, recruitment and promotion of judges

Tables no. 5.1.2, 5.1.5, 5.1.6, 5.1.8, 5.1.9, 5.1.10, 6.1.1 and 6.1.2

Figure 5.1 Entry criteria to become a judge
(No. of beneficiaries by criteria)

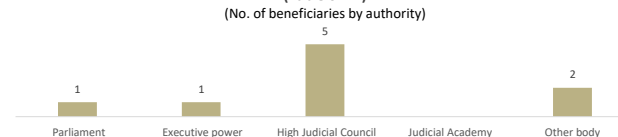


Possibility for non pre-selected judge candidates to appeal in 5 beneficiaries
(ARM - AZE - GEO - MDA - UKR)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (1) (AZE)
- Judicial Academy (1) (MDA)
- Court (3) (ARM - AZE - UKR)
- Other body (2) (ARM - GEO)

Figure 6.1 Authority competent for the promotion of judges
(Table 6.1.1)
(No. of beneficiaries by authority)



Possibility to appeal the decision on the promotion of judges in 5 beneficiaries
(ARM - AZE - GEO - MDA - UKR)

Body competent to decide on appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (1) (MDA)
- Court (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (1) (GEO)

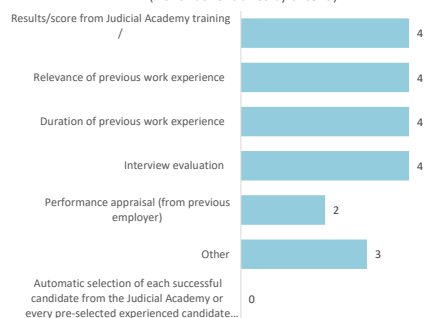
Entry selection

Selection process

Final Appointment

Promotion

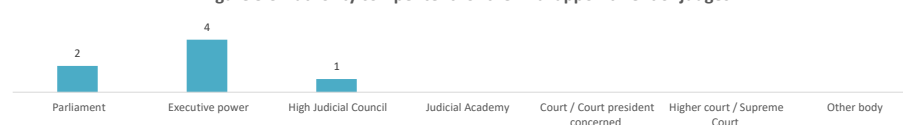
Figure 5.2 Criteria in the selection procedure for judges
(No. of beneficiaries by criteria)



Authority competent for selection of judges
(no. of beneficiaries):

- Parliament (1) (GEO)
- Executive power (0)
- High Judicial Council (4) (ARM - AZE - GEO - MDA)
- Judicial Academy (0)
- Other body (1) (UKR)

Figure 5.3 Authority competent for the final appointment of judges



Possibility for non-selected candidates to appeal against the decision of appointment 5 beneficiaries
(ARM - AZE - GEO - MDA - UKR)

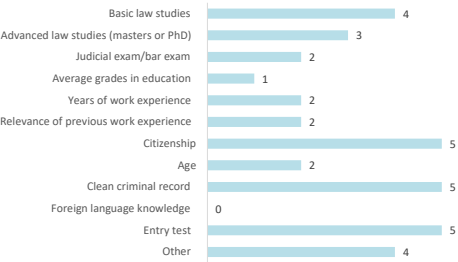
Body competent for the appeal (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (1) (AZE)
- Court (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (1) (GEO)

Appointment, recruitment and promotion of prosecutors

Tables no. 5.2.2, 5.2.5, 5.2.6, 5.2.8, 5.2.9, 5.2.10, 6.1.4, and 6.1.5

Figure 5.4 Entry criteria to become a prosecutor
(No. of beneficiaries by criteria)



Possibility for non pre-selected prosecutor candidates to appeal in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Prosecution services (1) (AZE)
- Judicial Academy (1) (MDA)
- Court (4) (ARM - GEO - MDA - UKR)
- Other body (1) (UKR)

Figure 6.2 Authority competent for the promotion of prosecutor (Table 6.1.4)
(No. of beneficiaries by authority)



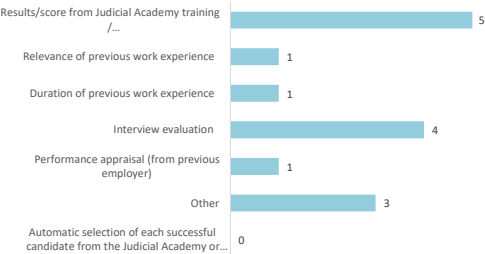
Possibility to appeal the decision on the promotion of prosecutors in 5 beneficiaries (ARM - AZE - GEO - MDA - UKR -)

Body competent to decide on appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Court / Prosecution office (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (0)



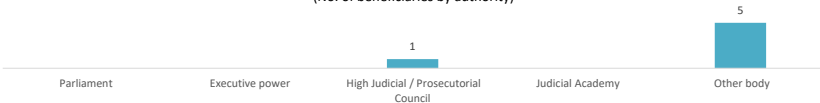
Figure 5.5 Criteria in the selection procedure for prosecutors (No. of beneficiaries by criteria)



Authority competent for selection of prosecutors (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (1) (MDA)
- Prosecutorial services (2) (AZE - GEO)
- Judicial Academy (0)
- Other body (2) (ARM - UKR)

Figure 5.6 Authority competent for the final appointment of prosecutors
(No. of beneficiaries by authority)



Possibility for non-selected candidates to appeal against the decision of appointment 5 beneficiaries (ARM - AZE - GEO - MDA - UKR)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (5) (ARM - AZE - GEO - MDA - UKR)
- Judicial Academy (0)
- Other body (0)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.1 Recruitment of judges

Table 5.1.1 Recruitment of Judges - Procedure in 2024 (Q89)

Table 5.1.2 Entry criteria into the process to become a judge in 2024 (Q90)

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2024 (Q91)

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2024 (Q92, Q93 and Q94)

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2024 (Q95 and Q96)

Table 5.1.6 Criteria in the selection procedure for judges in 2024 (Q97)

Table 5.1.7 Measures in place to ensure transparency in case of an interview evaluation to select a judge in 2024 (Q97-1)

Table 5.1.8 Authority competent for selection of judges in 2024 (Q98)

Table 5.1.9 Authority competent for the final appointment of judges in 2024 (Q99 and Q100)

Table 5.1.10 Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q101 and Q102)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.2 Recruitment of prosecutors

- Table 5.2.1 Recruitment process for prosecutors in 2024 (Q111)
- Table 5.2.2 Entry criteria to become a prosecutor in 2024 (Q112)
- Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2024 (Q113)
- Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2024 (Q114, Q115 and Q116)
- Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2024 (Q117 and Q118)
- Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2024 (Q119)
- Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2024 (Q119-1)
- Table 5.2.8 Authority competent for selection of prosecutors in 2024 (Q120)
- Table 5.2.9 Authority competent for the final appointment of prosecutors and its competences in 2024 (Q121 and Q121-1)
- Table 5.2.10 Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q122 and Q123)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check integrity of candidates for judges in 2024 (Q103)

Table 5.3.2 Mandate of judges and compulsory retirement age in 2024 (Q104, Q108 and Q109)

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2024 (Q105, Q106 and Q107)

Table 5.3.4 Methods to check integrity of candidates for prosecutors in 2024 (Q124)

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2024 (Q125, Q129 and Q130)

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2024 (Q126, Q127 and Q128)

5.1 Recruitment of judges

Table 5.1.1 Recruitment of Judges - Procedure in 2024 (Q89)

Beneficiaries	Recruitment of Judges - Procedure in 2024		
	Competitive exam	Recruitment procedure for experienced legal professionals	Other
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

Yes

No

NA

NAP

Table 5.1.2 Entry criteria into the process to become a judge in 2024 (Q90)

Beneficiaries	Entry criteria into the process to become a judge in 2024											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test / exam	Other
Armenia												
Azerbaijan												
Georgia												
Republic of Moldova												
Ukraine												

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2024 (Q91)

Beneficiaries	Authority competent for evaluation and decision during the entry selection of judges in 2024				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

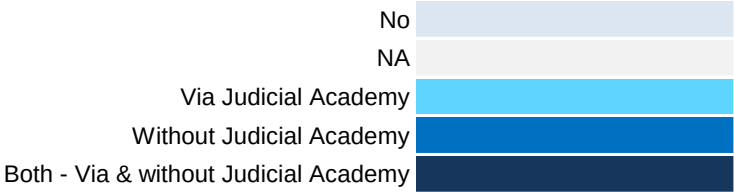


Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2024 (Q92, Q93 and Q94)

Beneficiaries	Public availability of call, entry criteria and list of pre-selected candidates for judges in 2024								
	Public availability of call for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2024 (Q95 and Q96)

Beneficiaries	Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2024						
	Possibility for non pre-selected candidates to appeal	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.1.6 Criteria in the selection procedure for judges in 2024 (Q97)

Beneficiaries	Criteria in the selection procedure for judges in 2024						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate outside of Judicial Academy
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.1.7 Measures in place to ensure transparency in case of an interview evaluation to select a judge in 2024 (Q97-1)

Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a judge in 2024				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes

No

NA

NAP

Table 5.1.8 Authority competent for selection of judges in 2024 (Q98)

Beneficiaries	Authority competent for selection of judges in 2024				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

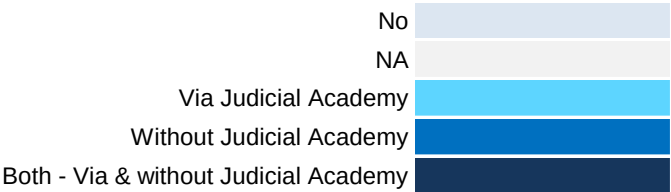


Table 5.1.9 Authority competent for the final appointment of judges in 2024 (Q99 and Q100)

Beneficiaries	Authority competent for the final appointment of judges in 2024										
	Authority							Authority's competences			
	Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Armenia											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine											

Yes

No

NA

NAP

Table 5.1.10 Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q101 and Q102)

Beneficiaries	Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024							
	Possibility to appeal against the decision of appointment	Competent body to decide on the appeal						
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	Comment on Other body
Armenia								
Azerbaijan								
Georgia								Qualification Chamber of Supreme court of Georgia
Republic of Moldova								
Ukraine								

Yes

No

NA

NAP

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment process for prosecutors in 2024 (Q111)

Beneficiaries	Recruitment process for prosecutors in 2024		
	Competitive exam	Recruitment procedure for experienced legal professionals	Other
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

Yes

No

NA

NAP

Table 5.2.2 Entry criteria to become a prosecutor in 2024 (Q112)

Beneficiaries	Entry criteria to become a prosecutor in 2024											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test	Other
Armenia												
Azerbaijan												
Georgia												
Republic of Moldova												
Ukraine												

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2024 (Q113)

Beneficiaries	Authority competent for evaluation and decision during the entry selection of prosecutors in 2024					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2024 (Q114, Q115 and Q116)

Beneficiaries	Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2024								
	Public availability of for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2024 (Q117 and Q118)

Beneficiaries	Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2024							
	Possibility for non pre-selected candidates to appeal	Body competent for appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Court	Other body
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2024 (Q119)

Beneficiaries	Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2024						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2024 (Q119-1)

Beneficiaries	Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation” in 2024				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes

No

NA

NAP

Table 5.2.8 Authority competent for selection of prosecutors in 2024 (Q120)

Beneficiaries	Authority competent for selection of prosecutors in 2024					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecutorial services	Judicial Academy	Other body
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

No

NA

Via Judicial Academy

Without Judicial Academy

Both - Via & without Judicial Academy

Table 5.2.9 Authority competent for the final appointment of prosecutors and its competences in 2024 (Q121 and Q121-1)

Beneficiaries	Authority competent for the final appointment of prosecutors and its competences in 2024								
	Authority					Authority's competences			
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

Yes

No

NA

NAP

Table 5.2.10 Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q122 and Q123)

Beneficiaries	Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024							
	Possibility for non-selected candidates (for a prosecutor position) to appeal against the decision of appointment	Competent body to decide on the appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body	Comment on Other body
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								

Yes

No

NA

NAP

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check integrity of candidates for judges in 2024 (Q103)

	Methods to check integrity of candidates for judges in 2024					
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment	Other
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

Yes

No

NA

NAP

Table 5.3.2 Mandate of judges and compulsory retirement age in 2024 (Q104, Q108 and Q109)

Beneficiaries	Mandate of judges and compulsory retirement age in 2024			
	Mandate of judges			Compulsory retirement age
	Appointed to office for an undetermined period	Length of the mandate (if it is not undetermined)	Renewable mandate	
Armenia				65
Azerbaijan				-
Georgia				65
Republic of Moldova				65
Ukraine				65

Yes

No

NA

NAP

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2024 (Q105, Q106 and Q107)

Beneficiaries	Probation period for judges and institution responsible to decide if the probation period is successful in 2024									
	Probation period for judges	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	
Armenia										
Azerbaijan		3								
Georgia		3								
Republic of Moldova										
Ukraine										

Yes

No

NA

NAP

Table 5.3.4 Methods to check integrity of candidates for prosecutors in 2024 (Q124)

	Methods to check integrity of candidates for prosecutors in 2024					
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment	Other
Armenia	Yes	Yes	No	Yes	No	No
Azerbaijan	No	No	No	No	No	Yes
Georgia	Yes	Yes	No	No	No	Yes
Republic of Moldova	Yes	Yes	Yes	Yes	No	Yes
Ukraine	Yes	Yes	Yes	Yes	No	No

Yes

No

NA

NAP

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2024 (Q125, Q129 and Q130)

Beneficiaries	Mandate of prosecutors and compulsory retirement age in 2024			
	Mandate of prosecutors			Compulsory retirement age
	Appointed to office for an undetermined period	Length of the mandate (if it is not undetermined)	Renewable mandate	
Armenia				65
Azerbaijan				60
Georgia				Nap
Republic of Moldova				65
Ukraine				65

Yes	
No	
NA	
NAP	

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2024 (Q126, Q127 and Q128)

Beneficiaries	Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2024									
	Probation period for prosecutor	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial/ Prosecutorial Council	Judicial Academy	Prosecution office concerned	Higher prosecution office / Prosecutor general (State public prosecutor)	Other body	
Armenia										
Azerbaijan		three months								
Georgia										
Republic of Moldova										
Ukraine										

Yes

No

NA

NAP

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by country

Question 89. How are judges recruited?

Question 90. What are the entry criteria (pre-conditions) into the process to become a judge?

Question 91. Which authority is competent during the entry selection procedure?

Question 92. Is there a public call for candidates to become a judge?

Question 93. Are the entry criteria to become a judge publicly available?

Question 94. Is there a list of pre-selected candidates which is public?

Question 95. Is there a possibility for non pre-selected candidates to appeal?

Question 96. If yes, what body is competent to decide on appeal?

Question 97. What are the criteria for the selection of judges?

Question 97-1. If you selected "Interview evaluation" in the previous question, please indicate what measures are in place to ensure the transparency of the interview process:

Question 98. Which authority is competent to select judges?

Question 99. Which authority is competent for the final appointment of a judge?

Question 100. Which competences has this authority in the final appointment procedure (multiple replies possible):

Question 101. May non-selected candidates appeal against the decision of appointment?

Question 102. If yes, what body is competent to decide on appeal?

Question 103. How do you check the integrity of candidate judges?

Question 104. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Question 106. If yes, which authority is competent to decide if the probation period is successful?

Question 107. Is there a possibility to appeal against this decision?

Question 108. If the mandate of judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?

Question 109. Is it renewable?

Question 111. How are public prosecutors recruited?

Question 112. What are the entry criteria (pre-conditions) into the process to become a prosecutor?

Question 113. Which authority is competent during the entry selection procedure?

Question 114. Is there a public call for candidates to become a prosecutor?

Question 115. Are the entry criteria to become a prosecutor publicly available?

Question 116. Is there a list of pre-selected candidates which is public?

Question 117. Is there a possibility for non pre-selected candidates to appeal?

Question 118. If yes, what body is competent to decide on appeal?

Question 119. What are the criteria of selection of public prosecutor?

Question 120. Which authority is competent during the selection procedure of a public prosecutor?

Question 121. Which authority is competent for the final appointment of a prosecutor?

Question 121-1. Which competences has this authority in the final appointment procedure ? (multiple replies possible):

Question 122. May non-selected candidates appeal against the decision of appointment?

Question 123. *If yes, what body is competent to decide on appeal?*

Question 124. *How do you check the integrity of candidate prosecutors?*

Question 125. *Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?*

Question 126. *Is there a probation period for public prosecutors? If yes, how long is this period?*

Question 127. *If yes, which authority is competent to decide if the probation period is successful?*

Question 128. *Is there a possibility to appeal against this decision?*

Question 129. *If the mandate of public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?*

Question 130. *Is it renewable?*

Question 132. *Which authority is competent for the promotion of judges?*

Question 133. *What is the procedure for the promotion of judges? (multiple replies possible)*

Question 134. *Please indicate the criteria used for the promotion of a judge? (multiple replies possible)*

Question 135. *Can a decision on the promotion of judges be appealed?*

Question 136. *If yes, what is the body competent to decide on appeal?*

Question 137. *Which authority is competent for the promotion of prosecutors?*

Question 138. *What is the procedure for the promotion of prosecutors? (multiple replies possible)*

Question 139. *Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):*

Question 140. *Can a decision on the promotion of prosecutors be appealed?*

Question 141. *If yes, what is the body competent to decide on appeal?*

Armenia

Q089 (General Comment): Competitive exam includes the following stages.

-written exam, -psychological test,
-interview.

Persons holding an academic degree in the field of law and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least five years during the last 10 years, shall have the right to submit an application to the Supreme Judicial Council in order to be included in the list of contenders for judge candidates. A contender holding an academic degree shall undergo the stage of interview of the qualification check

Q090 (2024): A person applying for inclusion in the list of candidates for judges, within one month from the date of publication of the decision on the qualification check, submits an application to the Supreme Judicial Council in the form established by the Supreme Judicial Council (Part 1 of Article 98 of the Constitutional Law "Judicial Code of the Republic of Armenia"). Persons between the ages of 25 and 60, who have the right to vote, may participate in the qualification check for inclusion in the list of candidates for judges if:

1. They possess only the citizenship of the Republic of Armenia.
2. They have obtained a Bachelor of Law qualification degree in the Republic of Armenia or the qualification of a certified specialist with higher legal education, or have received the corresponding degree in a foreign country.
3. They are proficient in Armenian.
4. They have the appropriate level of language knowledge established by the Supreme Judicial Council in at least one of the English, Russian, and French languages tested using standardized test systems.
5. Only in the case of a Bachelor of Law degree or obtaining an appropriate degree in a foreign country, they have professional work experience of at least five years. In the case of a Bachelor of Law and Master of Law degree or a qualified degree of a certified specialist with higher legal education or obtaining an appropriate degree in a foreign country, they should have professional work experience of at least three years.
6. There are no restrictions provided for by Judicial Code for the appointment of a judge.

Candidates with extensive experience in the field of law (experienced legal professionals) are eligible to apply for inclusion in the list of judicial candidates if they meet the requirements set out in paragraphs 1-4 and 6 above, and:

1. Have at least eight years of professional work experience in the last 10 years.
2. Have an academic degree in law and have taught law for at least five years in a higher educational institution or the state non-profit organization "Academy of Justice," the foundation "Academy of Advocates of the Republic of Armenia" or have performed scientific work in a scientific institution over the past 10 years.

In this case, the candidate undergoes the interview stage to assess their qualifications in accordance with the established procedure.

In accordance with article 112 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", a person cannot be appointed a judge:

- 1) who has been convicted of a crime and whose criminal record has not been removed or has not been removed;
- 2) who has been convicted of an intentional crime or has served a sentence related to deprivation of liberty, regardless of whether the criminal record has been withdrawn or withdrawn;
- 6) in respect of whom criminal prosecution has been initiated.

Q092 (2024): Through Judicial Department

Q096 (2024): In cases when the candidate shall attend the Academy of Justice, according to parts 1 and 2 of the Article 105.1 of the Judicial Code of RA: "The results of the written examination may be appealed to the Appeals Commission within a 15-day time period upon publication thereof. The appeals commission for the relevant specialization shall be formed within a 5-day period upon receipt of the first appeal against the results of the examination for the specialization concerned, composed of two judges and one academic lawyer who are, by a drawing, elected by the composition of 5 academic lawyer candidates for the given specialization nominated by the Training Commission and at least 3 academic lawyer candidates in the relevant field of law nominated by the Authorized Body, upon their consent. Members of the evaluation commission may not be included in the composition of the Appeals Commission". Moreover, according to part 5 of the Article 105.1 of the Judicial Code, the results of the written examination may be appealed in court on the basis of procedural violations, if they have been appealed to the Appeals Commission. The competent court is the administrative court. It should be noted that the Judicial Code does not describe the appeal procedure neither of decisions made during interview and other stages of candidate selection, nor for the cases when the candidate is selected without attending to the Academy of Justice, but in practice it is not excluded the possibility to appeal to the Administrative court.

Q098 (2024): The Supreme Judicial Council shall include the contenders for judge candidates, having completed the training at the Academy of Justice, in the list of judge candidates according to the relevant specializations. In cases when the candidate shall not attend the Academy of Justice the list of judge candidates is compiled by the Supreme Judicial Council.

Q099 (2024): In case the candidate gives his or her consent, the Supreme Judicial Council shall propose his or her candidacy to the President of the Republic by introducing also his or her personal file, the documents submitted thereby in case he or she is not a judge and those acquired as a result of their check. In case the President of the Republic returns to the Supreme Judicial Council the proposal with the objections therein, the Supreme Judicial Council shall be obliged to convene a session.

The Supreme Judicial Council shall consider the issue of not accepting the objection of the President of the Republic and make a decision by secret ballot. Where the Supreme Judicial Council does not accept the objection of the President of the Republic, the President of the Republic shall, within a period of three days, adopt a decree on appointing the proposed candidate or apply to the Constitutional Court.

Where the Constitutional Court decides that the proposal complies with the Constitution, the President of the Republic shall adopt, within a period of three days, a decree on appointing the proposed candidate.

Where the President of the Republic fails to carry out, within a period of three days, the actions specified in parts 2, 4 or 5 of this Article, the decree of the President of the Republic on appointing the relevant candidate shall enter into force by virtue of law, whereon the Chairperson of the Supreme Judicial Council shall, within a period of three days, publish an announcement on the official website of the judiciary

Q103 (2024): The candidates should fill an integrity questionnaire and submit it to the Judicial Department. The Judicial Department shall submit the questionnaire to the Commission for the Prevention of Corruption for the purpose of receiving an advisory opinion within a one month period.

Q104 (2024): Following the examination of a matter regarding the disciplinary accountability of a judge in accordance with Article 149 of the Constitutional Law "Judicial Code of the Republic of Armenia", the Supreme Judicial Council may impose disciplinary sanctions on a judge, including the termination of their powers, for a significant disciplinary violation

The powers of a judge shall cease if:

- 1) he submits his resignation.
- 2) he has reached the age of 65.
- 3) the court decision recognizing him as incompetent, missing or deceased has entered into legal force;
- 4) the guilty verdict against him/her has entered into legal force, or the criminal prosecution has been terminated on non-excusing grounds;
- 5) has lost the citizenship of the Republic of Armenia or has acquired the citizenship of another state;
- 6) he died.

Q111 (General Comment): According to the Article 177 of the Constitution, the Prosecutor General shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two consecutive terms. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General. The law may prescribe additional requirements for the Prosecutor General.

According to the Law on Prosecutor's Office, to be eligible for appointment to the position of a Deputy Prosecutor General, a person must meet the requirements prescribed in Article 33 part 1, holding citizenship of only the Republic of Armenia, with high professional qualities, and at least seven years of professional work experience after receiving higher legal education. If the candidate for Deputy Prosecutor General holds the position of prosecutor, he / she may be appointed by the Prosecutor General, after consultation with the Board of the Prosecutor General, without a competition held in accordance with this Article. In case of not being appointed by Prosecutor General as described, the candidates (candidate) for Deputy Prosecutor General shall be selected by the Qualification Commission through a competition held in accordance with the established procedure. The Qualification Commission makes a decision by secret ballot with at least six members of it. The Prosecutor General shall appoint one of the candidates as Deputy Prosecutor General. (Article 36)

For appointment to the position of a prosecutor a person must meet the requirements prescribed in Article 33 part 1. The list of prosecutor candidates shall be supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule, once a year, in January of each year. If so instructed by the Prosecutor General, a closed competition of candidates may be held during the year in order to supplement the list of prosecutor candidates. The Qualification Commission shall check the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by him with other requirements stipulated by law. The candidacies of applicants about whom the Qualification Commission issues a positive opinion shall be submitted to the Prosecutor General, who shall include the candidates acceptable to him in the list of prosecutor candidates. A person included in the list of prosecutor candidates shall complete a program of studies in the Academy of Justice and take a qualification exam. A person is relieved of the requirement to study and take a qualification exam, if he/she: has 3 years of professional work experience as a prosecutor, judge, investigator, or advocate, unless more than 5 years have passed since the person stopped performing such work; has 3 years of professional work experience as a prosecutor unless more than 10 years have passed since the person stopped performing such work and if he/she retired according to the specific grounds prescribed by law; has a PhD degree in Law and has 3 years of professional work experience; or has a PhD Candidate degree in law and 5 years of experience working as a lawyer. The grounds for exemption from training at the Academy of Justice do not apply to persons included in the list of candidates for prosecutors with the function of confiscating property of illegal origin.

Q111 (2024): According to Article 33 of the Law on the Prosecutor's Office, a citizen of the Republic of Armenia aged from 22 to 65 years, who

1) has received a bachelor's degree or a certified specialist of higher legal education in the Republic of Armenia, or has acquired a similar degree in a foreign country, the recognition and establishment of equivalence of which in the Republic of Armenia are carried out in accordance with the procedure established by law;

2) speaks Armenian;

3) which is not subject to the restrictions established by part 1 of Article 34 of this Law;

4) has completed the relevant training at the Academy of Justice, if, in the cases established by part 10 of Article 38 of this Law, is not exempt from training at the Academy of Justice.

2. A person with at least two years of professional experience as a lawyer may be appointed as a prosecutor of a subdivision performing functions for the recovery of property of illegal origin.

To make additions to the list of candidates for prosecutors, a closed competition of applicants may be held on behalf of the Prosecutor General during the year.

The Qualification Commission checks the applicant's professional training, practical skills, awareness of the requirements of the fundamental legal acts concerning his/her status, his/her personal qualities and merits (self-control, behavior, listening skills, communication skills, analytical abilities, etc.), as well as compliance of the documents submitted by him/her with the requirements stipulated by law, when the applicant is a candidate of legal sciences or a doctor of law and has at least four years of scientific experience, the qualification commission checks only the compliance of the documents submitted by the applicant with the requirements provided by law, his/her personal qualities and merits to assess the qualities necessary to occupy this position (self-control, behavior, listening skills, communication skills, analytical abilities, presentation of a position on one brief legal issue in the field of relevant specialization).

Candidates of applicants, on which the qualification commission gives a positive conclusion, are submitted to the Prosecutor General.

The Prosecutor General makes a reasoned decision not to include the applicant in the List, which the applicant can appeal in court.

A person included in the list of candidates for prosecutors undergoes a training program at the Academy of Justice, with the exception of persons established by part 10 of this Article and legal scholars established by part 7 of this Article.

Q112 (2024): Please note that "years of work experience" is a criterion only for the prosecutor of a unit performing functions aimed at the confiscation of property of illegal origin, where at least two years of professional experience as a lawyer is required for the appointment.

According to Article 34 of the Law of the Republic of Armenia "On the Prosecutor's Office", an individual convicted of an intentional crime cannot be appointed as a prosecutor, regardless of whether the criminal record has been expunged or removed. In the case of a crime of negligence, appointment is prohibited until the criminal record has been expunged or removed.

Furthermore, a law enacted on April 14, 2021, introduced a relevant addition to Article 38 of the fundamental law on the Prosecutor's Office, stipulating that individuals applying for the position of prosecutor must undergo an integrity check.

Q113 (2024): The Qualification Commission is responsible for the recruitment and nomination of public prosecutors. According to article 23 of Law on Prosecution- The Qualification Commission shall have nine members, and for choosing the candidates of prosecutors for carrying out the activities stipulated in "Forfeiture of unlawfully acquired property" law, the Commission shall have 11 members. The Qualification Commission shall consist of one deputy of the Prosecutor General, four prosecutors, three law academics and the Rector of the Academy of Justice, and in the 2-nd case the Commission shall include 2 experts (appointed by the Prosecutor General) having at least 3 year's experience in the field of forfeiture of unlawfully acquired property.

Q114 (2024): The procedure of the organization of the closed and open competitions is regulated by the order of the Prosecutor General. A closed competition of candidates may also be held during the year based on the instructions of the Prosecutor General. No public call is published during closed competitions and participants are notified by written or oral invitation. Person can participate in the closed competition if:

- 1) he/she meets the requirements provided by law and is exempted from studying in the Academy of Justice as prescribed by law,
- 2) he/she has appealed through a judicial procedure against the rejection of the application by the Qualification Commission, and the court satisfied the complaint, but open competition has ended. In cases prescribed by the 2nd point the candidate must attend the Academy of Justice.

Q118 (2024): The appeal can be submitted to the Administrative court.

Q119 (2024): The results of the candidate's education at the Academy of Justice are taken into account when appointing a prosecutor, and in case the candidate is exempted from studying at the Academy of Justice in accordance with the law, the results of the interview are taken into account.

In any case person may be appointed to the position of a prosecutor if he/she meets the requirements set out in Article 35 of the "Law on Prosecutor's Office" and there are no restrictions on the appointment of a prosecutor prescribed by law. For more details please see the comment of Q112.

Q120 (2024): Qualification Commission

Q123 (2024): According to the "Law on Prosecution", the candidacies of applicants about whom the Qualification Committee issues a positive opinion shall be submitted to the Prosecutor General, who has a right to include the candidates in the list of prosecutor candidates.

The Prosecutor General makes a reasoned decision on not including the applicant in the list, which the applicant can appeal through judicial procedure. Prosecutors are appointed by the Prosecutor General from among such persons included in the list of prosecutor candidates. Although the "Law on Prosecution" does not contain provision regarding appeal procedure, actions of the Prosecutor General can be appealed through judicial procedure, as the Constitution guarantees the right to judicial remedies.

Q124 (2024): In accordance with Article 26.1 of the RA Law "On the Commission for the Prevention of Corruption":

The Commission shall conduct an investigation into integrity within the time limits established by law. The integrity questionnaire shall include the following information:

Brief information about the candidate and the property status of their family members within the meaning of the law "On Public Service" - property and income.

Information about the candidate's education and employment history, including the name(s) of educational institutions attended and past and present positions held.

Information on any criminal, administrative, or disciplinary liabilities.

Information regarding relationships as defined by the Law "On Public Service" between persons holding a public position and other such persons.

Information about affiliation with a criminal subculture.

The study of integrity, as defined by law, includes:

Verification of the accuracy of the information provided in the integrity questionnaire.

Investigation into any previous criminal, administrative, or disciplinary liabilities, including involvement in corrupt activities, violations of conduct rules, conflicts of interest, non-compliance with requirements, and other restrictions.

Review of information about the individual published in the media and on social networks.

Examination of the consistency between the individual's property status and their actual income, as well as previously submitted declarations.

Investigation into the individual's employment history.

Examination of the potential affiliation with a criminal subculture.

Q132 (General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. 2. The promotion lists of judge candidates shall be as follows:

- (1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;
- (2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

Q132 (2024): Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years. The same person may be elected as chairperson of a chamber of the Court of Cassation only once.

The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.

Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council.

The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of the corresponding court, for a term of three years. The chairperson of the court may not be re-appointed to this position within three years following the expiry of his or her term of office.

Q133 (General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

- (1) A judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;
- (2) A former judge having held office during the last 10 years who possesses at least five years of experience as a judge.
- (3) A person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

- (1) A judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (2) A former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;
- (3) A person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

2000 (2001), the Supreme Judicial Council compile and approve, including supplementing and amending, the lists of candidates for judges subject to promotion.

The lists of candidates for judges subject to promotion are:

- 1) List of candidates for promotion to judges in courts of appeal, by criminal, civil, administrative and anti-corruption specialization sections. The anti-corruption specialization section includes the subsections of investigation of corruption crimes and investigation of anti-corruption civil cases.
- 2) List of candidates for promotion to the position of judge in the Court of Cassation.

In the event of a vacancy for the position of judge of the Court of Appeal, when selecting a candidate for appointment to the President of the Republic, a proposal shall be submitted in the following sequence:

- 1) First of all, to a reserve judge from the Court of Cassation who has the appropriate specialization for the vacant position. In the event of several persons, preference shall be given to the senior judge of the Court of Cassation.
- 2) secondly, to the judge of the relevant specialization of the Court of Cassation who has previously applied in writing to the Supreme Judicial Council, requesting to be transferred to the position of judge of the Court of Appeal. In the event of several applicants, preference shall be given to the oldest.
- 3) Thirdly, to the person included earlier in the promotion list. In the event of several persons, preference shall be given to the oldest.

When selecting a candidate for nomination to the President of the Republic, a proposal shall not be submitted to a person against whom criminal prosecution has been initiated.

The written proposals specified in this Article shall be submitted by the Judicial Department within three days from the date of the relevant grounds arising by e-mail, and in case of impossibility, by postal delivery.

The Judicial Department shall not submit a recommendation to a candidate referred to in Part 1 of this Article if the Supreme Judicial Council has made a decision not to submit a recommendation to the relevant candidate. The decision referred to in this Part shall result in the relevant candidate being removed from the list of candidates for judges eligible for promotion to the position of judge in the courts of appeal.

After the deadline for accepting applications, within one working day, the Judicial Department shall submit the completed questionnaire on good conduct to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a twenty-day period. And in the case of persons specified in Part 4.1 of Article 132 of this Code, the Judicial Department shall apply to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a one-month period, informing the electronic system about the completion of the questionnaire on the examination of good conduct. After receiving the advisory opinion on good conduct, within a five-day period, the Supreme Judicial Council shall examine the personal file of the candidate at its session, and in the case of a candidate who is not a judge, the documents submitted by him and obtained as a result of their examination, including the advisory opinion on good conduct, as well as, if necessary, invite them for an interview.

When compiling the list of candidates for judges subject to promotion, the Supreme Judicial Council takes into account the skills and qualities necessary to effectively perform the position of judge of the Court of Cassation, the advisory opinion on good conduct provided by the Corruption Prevention Commission on the candidate, and for the judge, the results of the performance evaluation.

The Supreme Judicial Council holds an open vote, during which each member of the Supreme Judicial Council votes "for" or "against" according to his or her inner conviction.

Q134 (General Comment): In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance evaluation thereof.

Q134 (2024): The following may be included in the list of candidates for promotion to the position of judge in the courts of appeal:

- 1) a judge with at least three years of professional experience as a judge of a first instance court of the relevant specialization, who has no disciplinary sanction of reprimand or severe reprimand;
- 2) a former judge who has held office within the last 10 years and has at least five years of judicial experience.
- 3) a person who.

- a) has a law degree and has taught law at a higher education institution for at least six years out of the last eight years or has carried out scientific work at a scientific institution, or;
- b) has at least 8 years of professional work experience within the last 10 years. (Article 123 of the Judicial Code)

The following persons who have reached the age of forty, are citizens of the Republic of Armenia, have the right to vote, and have high professional qualifications may be included in the list of candidates for promotion to the position of judge of the Court of Cassation:

- 1) a judge of the relevant profession who has at least 10 years of professional work experience, of which at least five years are as a judge.
- 2) a former judge who has held office within the last 10 years and has at least 10 years of professional work experience, of which at least five have been as a judge.
- 3) a person who.

- a) has a law degree and has taught law at a higher education institution for at least 8 years in the last 10 years or has carried out scientific work at a scientific institution, or
- b) has at least 10 years of professional work experience within the last 12 years; (Article 1, Section 32 of the Judicial Code)

Q136 (2024): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

Q138 (General Comment): The prosecutors promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
 - 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
 - 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.
- The "Law on Prosecutor's Office" explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

Q138 (2024): The procedure is described by Article 39 of the Law on the Prosecutor's Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

Q139 (General Comment): Absence of disciplinary sanctions is also a criteria.

Azerbaijan

Q089 (General Comment): The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge:

*First and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

According to the legislation of Azerbaijan judges recruitment procedures are consisted of 4 stages: 1. Test exam 2. Written exam 3. Oral exam After the one year training in the Justice Academy and practice in courts 4. Interview with members of the Judicial-legal Council.

According to the Law on Judicial-Legal Council, the latter is endowed with the responsibility of selecting candidates to be appointed to vacant judicial posts through the Judges Selection Committee. More than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power, the Judicial-Legal Council administrative body, the Apparatus of the Milli Majlis (Parliament), the advocacy and the legal scholar. All the candidates are given an equal opportunity and undergo a written and oral examination. Those candidates who successfully passed the exam are entitled to directly attend the long-term training stage at the Academy of Justice. After finishing the probation period in courts, the Judges Selection Committee assesses candidates according to the results of the training and conducts a final interview. The evaluation results and opinion on candidates' specialization are given to the Judicial-Legal Council. The latter proposes to the President of the Republic of Azerbaijan appointments to vacant judicial posts.

*Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the procedures provided by the legislation. They are not subject to examination and training at Justice Academy. But in practice in is very rarely used procedure.

Q090 (General Comment): According to Constitution of Republic of Azerbaijan in order to become a judge you need at least 5 years of experience in legal profession. The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law there are two possible ways of becoming judge: first and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the procedures provided by the legislation. They are not subject to examination and training at Justice Academy. But in practice in is very rarely used procedure.

Q091 (General Comment): According to Article 1 of the Law “on the Judicial-Legal Council”, the Council is the body, which, within its competence, ensures organization of the court system, independence of judges and court system in Azerbaijan Republic; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements self-governance functions of the judiciary.

According to the legislation (Articles 14 of the Law “on the Judicial-Legal Council” and Articles 93-2 of the Law “on Courts and Judges”), the Judicial-Legal Council forms Judges' Selection Committee consisting of 11 members, more than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power (Ministry of Justice), the Judicial-Legal

Council administrative body, the Apparatus of the Milli Majlis (Parliament), the advocacy and the legal scholar. The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005.

According to Article 93-3 of Law on Judges, the applicants for the post of judge are selected as the result of written exam and oral exam.

Judges Selection Committee arranges these exams to select candidates. The results of these exams are evaluated by the Judges Selection Committee. The Judges Selection Committee may engage ad hoc commission in the implementation of this function. The applicants who have succeeded in these exams are automatically admitted to perform a long-term training period. This training period is organized by the training center (Justice Academy). The working places and salaries of the applicants admitted to perform a long-term training will be kept.

Q096 (General Comment): According to the law "on Judicial-Legal Council" a candidate for the position of a judge may appeal to the Plenum of the Supreme Court of the Republic of Azerbaijan on the correctness of the application of the legislation on legal issues within twenty days from the date of submission of these decisions by the Judicial Legal Council. For this reason we selected High Judicial Council and Court.

Q097 (General Comment): At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system. The applicants shall be classified according to their merit, based on the mark obtained. According to the changes made to the rules on 31.08.2023, preference is given to those who have obtained equal results, to those who have completed a higher level of higher education, and if the level of education is the same, to those who have graduated from an educational institution with honors and who know a foreign language.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

Q099 (General Comment): According to Article 93-4 of the Law "On Courts and Judges", when judges are appointed under a special procedure, their appointment to appellate and cassation instances is carried out by a decision of the Milli Majlis (Parliament).

Q103 (2024): The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005. The selection of candidates for the vacant judge position is carried out transparently through written and oral exams and interview in order to determine the candidates' level of knowledge, general outlook, and suitability for the position of judge.

Q104 (General Comment): 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.

Q104 (2024): for Supreme Court judges is 68, and for judges of other courts is 66.

Q111 (General Comment): All prosecutors shall be recruited to the prosecutor's office in a transparent manner and in accordance with international requirements, as well as on the basis of a competition consisting of tests, written examinations and interviews. When appointing a public prosecutor from among the candidates who passed the competition successfully, the business acumen, level of professionalism, results of work, and moral qualities shall be taken into account. To conduct the recruitment competition for the prosecutor's office, a seven-member Competition Commission is established within the General Prosecutor's Office in accordance with the "Regulations on the Procedure for Conducting a Competition for Candidates Applying for Employment in the Prosecutor's Office", approved by the Decree of the President of the Republic of Azerbaijan dated June 19, 2001.

Q116 (2024): Competition for recruitment into the prosecutor's office is conducted by the Competition Commission of the General Prosecutor's Office. The competition consists of qualification exams, namely a test exam and a written exam, as well as an interview stage. Detailed information about this process is provided to the public in advance. Additionally, the list of candidates who successfully pass these stages is published in the media in accordance with the relevant procedures.

Q119 (2024): Other criteria is efficiency, the level of professionalism, the results of his work and moral qualities. In order to determine whether the candidates have the necessary qualities to work in the prosecutor's office, interviews are conducted with those who have passed the qualification exams (tests and written exams). Each candidate is interviewed individually for approximately 20 (twenty) minutes. Questions and answers are recorded by the members of the Commission on the scoreboard and evaluated and submitted to the Chairman of the Commission. Candidates who score less than 20 points in the interview will lose the right to participate in the competition

Q124 (2024): There is no specific method in checking integrity. But all the candidates pass the interview during which they are checked verbally by asking specific questions

Q125 (General Comment): This term can be prolonged till the age of 65 by the General Prosecutor.

Q132 (General Comment): According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan "On the Judicial-Legal Council" (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

Q133 (General Comment): The judges' promotion procedure is based on assessment of judges performance.

Q134 (General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Q138 (General Comment): Promotion of prosecutors is regulated in the Prosecutor's Office Act (POA), the Act on Service in the Prosecutor's Office (POSA) and the Civil Service Act, according to which performance appraisal constitutes one of the key principles of the civil service, to which all prosecutors belong. Prosecutors have the right to be promoted, following successful service in a particular grade for one to two years, on average (Article 32, POA). Vacancies are publicly advertised, also at the medium and senior level. Applications to any vacant position are managed by the Personnel Department of the Prosecutor General's Office that makes relevant submissions to the Prosecutor General, based on the performance indicators of the applicant and his/her superiors' references. Performance indicators for promotion within the grade include: 1. diligence; 2. professional qualifications; 3. work results; and 4. personal qualities (Article 11.3, POSA). All prosecutors, including senior ones (employees of the Prosecutor's Office holding positions corresponding to the 3rd-9th grade, except the Prosecutor General, his/her first deputy, deputies, the Director of the Anti-Corruption Directorate, Military Prosecutor and Prosecutor of Nakhchivan Autonomous Republic who hold positions corresponding to the 1st and 2nd grade) undergo performance evaluation every five years by Attestation Commissions composed of prosecutors representing the Prosecutor General's Office, the Military Prosecutor's Office, the Baku Prosecutor's Office and the NAR Prosecutor's Office, respectively. Evaluation is conducted via interview. Any change in position (promotion, transfer, demotion or dismissal) is to be formalised in a written and reasoned order issued by the Prosecutor General.

Georgia

Q089 (General Comment): Apart from passing the qualification exam, candidates are expected to have masters degree in law and 5 years experience.– Candidates should complete special initial training course of sixteen-months duration conducted by the High School of Justice Georgia. The Article 34 (3),(6) of the LCC prescribes cases of exemption from applying to a training course at the HSJ: a) A person nominated for election to the office of a Supreme Court judge; b) a former judge who has passed a qualification exam for judges, who has served as a judge of the Supreme Court or a district (city) court and/or a court of appeals and who has at least 18 months of working experience as a judge; c) a person who completed a full training course of the HSJ and who has been included in the Justice Listener Qualifications List, regardless of the period he/she served as a judge or whether he/she had been appointed to the office of a judge since graduation from the HSJ; d) both current and former members of the Constitutional Court and the Supreme Court of Georgia.

Q089 (2024): Judges are recruited according a combination of both (competitive exam and working experience) ways. Apart from passing the qualification exam, candidates are expected to have masters' degree in law and 5 years' experience. Candidates should complete special training course of 16-months duration conducted by the High School of Justice. Candidates participate in a competition announced by High School of Justice. The later requirement does not extend to candidates who are former Supreme Court judges, or former judges with 18 months experience of judgeship. Decision on appointment of the first and second instance judges is made by the High Council of Justice. Supreme Court judges are nominated by High Council of Justice and appointed by the Parliament of Georgia.

Q090 (2024): A competent citizen of Georgia of 30 years of age who has a higher legal education with at least a master's or equal academic degree/higher education diploma, at least five years of working experience in the specialty, has the command of the official language, has passed a judge's qualification exam, has completed a full training course of the High School of Justice and is entered on the Justice Trainee Qualifications List may be appointed (elected) as a judge. The later requirement does not extend to candidates who are former Supreme Court Judges, Constitutional Court Judges or former judges with 18 months experience as judges and a person nominated for election to the office of a Supreme Court judge. A person to be elected to the position of a judge of the Supreme Court shall be released for passing a judicial qualification exam.

A former judge of general courts of Georgia shall be released from the judge's qualification exam until 10 years have passed after the powers of the judge are terminated.

After open competition, interviews and assessment the decision on appointment of judges of the first and the second instance courts is made by the High Council of Justice of Georgia. Supreme Court judges are nominated by the High Council of Justice and elected by the Parliament of Georgia.

A person with previous conviction, or a person who has been discharged from the position of a judge on the ground of committing disciplinary misconduct or committing a corruption offence as determined in the Law of Georgia on Conflicts of Interest and Corruption at Public Institutions may not be appointed/elected to the position of a judge.

Q091 (2024): The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia. First and the second instance Judges are appointed by High Council of Justice of Georgia.

Q095 (2024): A candidate may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Q096 (2024): A candidate may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Q097 (2024): In addition, a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The characteristics of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity.

Q098 (2024): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice of Georgia and elected by the Parliament of Georgia.

Q099 (2024): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

Q102 (2024): A candidate may appeal the decision of the High Council of Justice of Georgia on refusing to appoint or nominate him/her for the position of a judge to the Chamber of Qualification of the Supreme Court. The decision of the Parliament can be appealed in court.

Q103 (2024): During checking the integrity of candidate consideration shall be given to his/her, as a citizen's honesty, good faith, consciousness corresponding to duties and responsibility, transparency, accuracy and precision when performing official or other duties, financial or other obligations - for example, when paying a bank or other debts, paying utility or other fees, paying a fine for violating traffic regulation and etc. Consideration shall be given also to his/her ethics in interacting with colleagues and other people, self-possession, ability to manage own emotions, disputes in a court to which he/she has been a party, whether there is a criminal charge against him/her, etc.

Q104 (General Comment): Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment at first Instance court, the judge may be appointed for three-year term until 31 December 2024.

As of 2023 there are number of judges (3 judges) at the Supreme Court who are still appointed for 10-years term.

Q104 (2024): Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment at First instance Court, the judge may be appointed for three-year term until 31 December 2024.

As of 2025 there is a judge (1 judge) at the Supreme Court who is still appointed for 10-years term.

Q107 (2024): Qualification chamber of Supreme Court of Georgia

Q111 (General Comment): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience

Q111 (2024): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience.

Q112 (2024): Article 34 §3 of the Organic Law On Prosecution Service of Georgia prescribes main criteria of selection of public prosecutor. The criteria are as follows:

A citizen of Georgia who has a higher education in law, has a command of the language of legal proceedings, has passed a qualification examination for the Prosecution Service, has completed an internship in the bodies of the Prosecution Service, has taken the oath of an employee of the Prosecution Service, and is able, based on his/her working and moral qualities, as well as his/her health status, to perform the duties of a prosecutor or investigator of the Prosecution Service, may be appointed to the position of a prosecutor.

Exceptions to this rule are stipulated in this Law.

Q120 (2024): Since December 2023, the Career Management, Ethics, and Incentives Council is responsible for the selection procedure of prosecutors, replacing the Internship Commission. The Council is composed of the First Deputy Prosecutor General, three Deputy General Prosecutors, eight members of the Prosecutorial Council, the Head of the PSG General Inspectorate, the Head of the PSG Human Resources Management and Development Department, and the Head of the PSG Department for Supervision over Prosecutorial Activities and Strategic Development.

Q121 (2024): After the vetting of a candidate is finished, the PSG Human Resources Management and Development Department and the General Inspectorate submit separate reports to the Prosecutor General of Georgia on appointing a candidate as a prosecutor. The Prosecutor General is the competent authority for the final appointment of a prosecutor.

Q124 (2024): Chapter X of the Organic Law of Georgia on Prosecution Service of Georgia prescribes general rules for assessing the integrity of candidates. According to the provisions of this chapter, the following information on a person shall be subject to an examination:

☐a criminal record and a current administrative penalty;

☐information regarding income and financial liabilities;

☐information regarding the possession and disposal of shares in entrepreneurial and non-entrepreneurial legal entities;

☐Previous work experience.

Q125 (General Comment): All prosecutors, except for the Prosecutor General, are appointed for an undetermined period. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

The legislation of Georgia does not stipulate compulsory retirement age. According to the Organic Law on Prosecution Service of Georgia and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age.

Q125 (2024): All prosecutors, except for the Prosecutor General, are appointed for an undetermined period. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

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Q132 (2024): Promotion of district (city) court judges to courts of appeals is decided by the HCJ.

Election to the position of Supreme Court judges is conducted by Parliament, upon nomination of candidates by the HCJ.

process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the court of appeals through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge inter alia at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence according the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice by open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

3. Appointment of judge at Court of Appeal under article 37 - Article 37 of the LCC sets forth the rule for appointment of a judge to another court (to another court of the same instance or to the court of appeals). In particular, “when there is a vacancy, a judge of a district (city) court may be appointed to the court of appeals

Q133 (2024): Amendments of Supreme Court Judges – In the course of 2022-2023 and also in 2023-2024, the Parliament of Georgia adopted the legislation, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this process are:

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Q134 (2024): A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.

Q136 (2024): Decision related with appointment (promotion) at Supreme Court of Georgia should be appealed at Qualification Chamber of Supreme Court of Georgia.

Q137 (General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: the First Deputy General Prosecutor, 3 Deputy General Prosecutors, 8 members of the Prosecutorial Council, the Head of the General Inspectorate, 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

Q137 (2024): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: the First Deputy General Prosecutor, 3 Deputy General Prosecutors, 8 members of the Prosecutorial Council, the Head of the General Inspectorate, 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

Q138 (2024): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. In March 2021, GRECO concluded that Georgia had implemented its recommendation xi satisfactorily. The recommendation stipulated, “(i) regulating, in more detail, the recruitment and promotion of prosecutors so as to ensure that decisions are based on precise and objective criteria, notably merit; (ii) providing for transparent procedures – including by making the above-mentioned criteria public – and ensuring that any decisions in those procedures are reasoned.”

Q139 (2024): Detailed information on the performance appraisal of prosecutors is available in the comment to Question 120 of CEPEJ Questionnaire.

Republic of Moldova

Q089 (General Comment): Judges are recruited through a competitive exam. The open competition refers to all candidates (applicants which passed via National Institute of Justice and experienced applicants-legal professionals).

Q090 (2024): Other criteria provided for by the Law on the Status of the Judge include: the knowledge of the official language of the Republic of Moldova, specific medical certificate. Additionally, the candidates entering the National Institute of Justice to become judges must file declarations of assets and interests, which are subject to verification and control by the National Integrity Authority, according to LP152/2006. As an exception, the Constitutional Court judges and international courts' judges who have 5 years of experience in such positions are not required to take a judicial exam, as a pre-condition to become a judge in Moldova.

Q091 (2024): In accordance with last amendments the National Institute of Justice is the competent authority during the entry selection procedure.

Q093 (2024): Available as a part of a public call provided on the web page of the National Institute of Justice (<https://www.inj.md/ro/admiterea-inj>). All entry criteria are as well publicly available free of charge in the legal provisions (Law on status of judges and Law on the National Institute of Justice).

Q096 (2024): The National Institute of Justice is the competent authority during the entry selection procedure to decide on appeal.

Q097 (2024): Other criteria according to the provisions of the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023):

1. participation in non-formal education activities, projects or initiatives;
2. knowledge of one of the official languages of the Council of Europe;
3. possession of personal qualities such as verticality, fairness, the ability to manage stressful situations, analytical ability, the ability to make decisions, attested by the result of psychological testing;
4. possession of the ability to understand and solve complex legal situations;
5. other criteria established by the regulation approved by the Superior Council of Magistracy. A new Regulation on the selection and evaluation of the judges performance has been approved in 2024 by the SCM. It is available at the following link: https://www.csm.md/files/Acte_normative/Legislatia/Interne/2024/Regulament_selectie_evaluare_ro.pdf In accordance with the aforementioned Regulation, performance appraisal from previous employer or from university is a document requested from all candidates. As well, duration of previous work experience and relevance of previous work experience (in the justice field) are criteria evaluated for all candidates by the Selection and evaluation Board.

Q097-1 (2024): Minutes of the SCM meetings (including the interviews) are taken.

Other: The decisions of the SCM and the NIJ Council are published on the web pages of the institutions.

Q099 (2024): Due to 2022 amendments to the Constitution the President of the Republic of Moldova is competent for the final appointment of a judge at the proposal of the Superior Council of Magistracy.

Q102 (2024): The non-selected candidates may appeal against the final decision of appointment in court. The matter is examined by the court, according to the provisions of the Administrative Code.

Q103 (2024): According to the amended provisions in 2024 of the article 9 of the Law of the status of the judge, the Superior Council of Magistracy requests from the National Integrity Authority to verify whether there are any doubts regarding the origin of the assets or the correctness of the declaration of assets and personal interests by the candidate, and from the National Anticorruption Center and the Intelligence and Security Service – information regarding the professional integrity of the candidate. A copy of the documents received from the National Integrity Authority, the National Anticorruption Center and the Intelligence and Security Service is sent to the candidate, giving him/her the opportunity to present his/her position on them. The candidate may present, in writing, his/her opinion within 5 working days.

Q104 (General Comment): Dismissal of a judge due to: - obtaining the "insufficient" rating in two consecutive performance evaluations;

- committing a disciplinary offense specified in Law no. 178 of July 25, 2014 on the disciplinary liability of judges;

- issuing a final conviction;

- establishing, through the final act of finding, the direct conclusion or through a third party of a legal act, the issuance or participation in the issuance of a decision without resolving the real conflict of interest in accordance with the provisions of the legislation on the regulation of conflict of interest;

- failure to submit the declaration of personal assets and interests or refusal to submit it, under the conditions of art. 27 paragraph (8) of Law no. 132 of June 17, 2016 on the National Integrity Authority;

- the court's order, by irrevocable decision, to confiscate unjustified assets;

- the negative result of the professional integrity test based on the decision of the disciplinary board

shall entail the deprivation of his/her right to the single dismissal remuneration, and to the establishment of the pension under the conditions of art.32 of Law no.544/1995. Judges who fall under the incidence of those listed above, shall have the right to a pension according to the general conditions established by Law.

In the event of the annulment of the decision to dismiss the judge from office, he/she shall be reinstated in all previous rights.

Q104 (2024): Exceptions:

1. at judge's request to resign from position;
2. dismissal as a result of qualifying as "insufficient" in two consecutive performance evaluations;
3. in case of transfer to another position;
4. dismissal as a disciplinary sanction;
5. dismissal as a result of a final conviction;
6. dismissal as a result of acting in a conflict of interest;
7. dismissal as a result of failure or refusal to submit the declaration on assets and conflicts of interest;
8. dismissal as a result of an order issued by a court on confiscation of unjustified assets;
9. dismissal as a result of a negative result of the integrity test required by the disciplinary body;
10. loss of citizenship of the Republic of Moldova;
11. non-compliance with different interdictions established by the special law on the status of judges;
12. ascertaining the inability to work, proven by a medical certificate;
13. dismissal as a result of establishing a judicial protection measure referring to the judge;
14. in case of death.

Q109 (General Comment): In cases of dismissals, it will be possible to be reappointed as a judge, if the reasons for dismissal are not proved.

Q111 (General Comment): Candidates for the position of prosecutor - graduates of the National Institute of Justice and candidates on the basis of 5 years of service in the positions of prosecutor or judge in national or international courts, as a criminal investigation officer, as a lawyer, as a Ombudsman, as a prosecutor consultant, as a judicial assistant in the court, also candidates who held specialized legal positions in

the apparatus of the Constitutional Court, of the Superior Council of Prosecutors, of the Superior Council of Magistrates, of the Ministry of Justice, of the Ministry of Internal Affairs, of the National Anticorruption Center, of the Customs Service

or candidates who are professors of law in accredited higher education institutions - take the graduation exam before the Graduation Commission at the National Institute of Justice, register in the Register of candidates for the position of prosecutor, kept by the Council's Secretariat and participate in the selection procedures organized by the College for the selection and career of prosecutors.

Candidates on the basis of 10 years of service as a prosecutor, judge or lawyer register in the Register of candidates for the position of prosecutor without taking any exams, but participating in the selection procedures organized by the Board for the selection and evaluation of prosecutors.

Q112 (General Comment): Explanation according to Article 20(1) and (2) of Law no. 3/2016 on the Public Prosecutors' Office:

(1) A person who meets the following conditions may apply for the position of prosecutor:

(a) he/she is a citizen of the Republic of Moldova;

b) he/she knows the Romanian language;

c) no judicial protection measure is in place for him/her;

d) has a bachelors degree and a masters degree in the field of law or other equivalent legal studies, recognized by the structure authorized for the recognition and equivalence of studies and qualifications;

e) has completed the initial training courses for prosecutors at the National Institute of Justice or, in the case of a person who has the necessary seniority to be appointed to the position, has passed the examination before the National Institute of Justice Graduation Commission;

e/1) has the general graduation average of the National Institute of Justice or the average grade in the exam taken before the National Institute of Justice Graduation Commission equal to or higher than 8.00.

f) enjoys an irreproachable reputation;

g) has not previously been found guilty of a criminal offence;

g1) does not have, in the last 5 years, in the record of professional integrity, entries on the negative result of the professional integrity test for violation of the obligation provided for in Article 7 para. (2) letter a) of the Law no. 325/2013 on institutional integrity assessment;

h) is medically fit to perform the function of prosecutor.

(2) A person may not be considered as having an irreproachable reputation within the meaning of para. (1) and may not be a candidate for the office of public prosecutor if one of the following circumstances exists:

(a) he has been dismissed from the office specified in para. (3) for violations in professional activity during the last 5 years;

b) he/she abuses alcohol or is a user of psychotropic or toxic substances or drugs.

c) is prohibited from holding a public office or a position of public dignity, which derives from a finding of the National Integrity Authority.

Concerning the possession of a bachelor's degree, the law degrees of candidates for the position of prosecutor based on 10 years of service - Article 20 paragraph (31) of Law no. 3/2016, obtained until 2003 (before the implementation of the Bologna system) are equivalent to a master's

Q112 (2024): Other: candidates entering the National Institute of Justice to become prosecutors must file declarations of assets and interests, which are subject to verification and control by the National Integrity Authority, according to LP152/2006.

Q113 (General Comment): Selection and Evaluation Board, a SCP body, is competent during the entry selection procedure and National Institute of Justice Admission Commission and NIJ Graduation Commission are competent to check some of the reflected entry criteria (pre-conditions).

Q118 (General Comment): According to Article 191(3) of the Administrative Code, Article 79 of the Law 3/2016 on Prosecutor's Office, the decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was communicated to him/her. Appeals against decisions of the Superior Council of Prosecutors shall be examined by the court panel which examines appeals against decisions of the Superior Council of Prosecutors.

Candidates for the position of prosecutor on the basis of 5 years of seniority and the beneficiaries of the NIJ initial training, may contest the results of the exams at the National Institute of Justice Commission of Appeals.

Candidates for the position of prosecutor on the basis of 10 years of service (art.20 paragraph (31) of Law no.3/2016) do not take any exams at the National Institute of Justice, so this category of candidates can challenge the decision

of the Superior Council of Prosecutors on their selection in court.

Q119 (General Comment): According to the provisions of Article 23(2) and (3) of Law 3/2016, in the competition, candidates are assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- (d) the quality and efficiency of work as a prosecutor;
- (e) compliance with the rules of professional ethics.

The procedure and criteria for the selection of candidates for the posts of public prosecutor and for the career of public prosecutor shall be laid down in detail in the regulations referred to in paragraph 1. (1), which shall be published on the official website of the Supreme Council of Prosecutors.

According to the Regulation on Selection and Evaluation Procedure of Prosecutors and functioning of the Selection and Evaluation Board, approved by the Decision of the Superior Council of Prosecutors No.1-16/2024, the Board shall evaluate:

- Professional experience and competence, their relevance to the post for which they are applying.
- Motivation for entering the post for which he/she is applying.
- Performance at interview at the Board
- Involvement of the candidate in teaching activities and areas relevant for Prosecution service.
- Knowledge of foreign languages of international circulation.
- Ethical profile and professional integrity
- Managerial skills

According to the Regulation of the Superior Council of Prosecutors, Annex no.4, the Board shall evaluate:

- Reputation and integrity
- Effective communication skills
- Self-control and resilience to stress

Q119 (2024): Please see the general comments.

Concerning the conditions to become a prosecutor, starting with 2024 the Law nb. 3/2016 on prosecution service has been complemented with Article 20 (3) letter e/1) has the general graduation average of the National Institute of Justice or the average grade in the exam taken before the National Institute of Justice Graduation Commission equal to or higher than 8.00.

Q121 (General Comment): The SCP proposes candidates for appointment to the Prosecutor General. If candidates are rejected by the Prosecutor General a reasoned refusal shall be issued. The SCP can propose the same candidate/candidates to be appointed second time. The Prosecutor General can not refuse the second proposal. Both, the refusal of the Prosecutor General and the SCP decision can be contested when the procedure ends.

Q121 (2024): For Prosecutor General appointment, the President of The Republic of Moldova is the competent authority.

Q123 (2024): The candidate has the right to challenge the decision of the Superior Council of Prosecutors at the Supreme Court of Justice and to challenge the order of the Prosecutor General in court, in administrative disputes procedure.

Q124 (2024): Pursuant to the provisions of Article 24(5) of Law no.3/2016 and according to the Regulation of the Superior Council of Prosecutor's, adopted by Decision no.12-225/16, at the phase of evaluation of the applications submitted in the announced competitions, the Council will request for all candidates whose files have been submitted to the Board for the Selection and Evaluation of Prosecutors the following:

- (a) National Integrity Authority - certificate of integrity;
- b) National Anti-Corruption Centre - certificate of professional integrity;
- c) Intelligence and Security Service - information on the absence or existence of risk factors that may prejudice the rule of law, state security, public order;
- d) the Prosecutor General Office - opinion on the professional performance within the organs of the Prosecutor's Office.

Prosecutor service relations cease in circumstances beyond the control of the parties and in case of dismissal.

The circumstances beyond the control of the parties are: (a) loss of citizenship of the Republic of Moldova; (b) reaching the age of 65; (c) the expiration of the term for which he/she was appointed in the case of refusal to be appointed to another position as a prosecutor; (d) if the judgement establishing the prosecutor's guilty for committing a crime is final; (e) depriving the prosecutor of the right to occupy certain positions or to carry out certain activities, as a basic punishment or complementary punishment, on the basis of a final court judgment ordering this sanction; (f) where the prosecutor is declared to have disappeared by a final court order; (g) death or declaration of death of the prosecutor by a final court judgement; (h) in case the court judgement on the limitation of the exercise capacity or the prosecutor's incapacity for work remains final; (i) the finding, after his/her appointment, of at least one reason why the person can not be appointed as a prosecutor.

The prosecutor, the chief prosecutor and the deputy of the Prosecutor General shall be released from office in the case of: a) submitting the resignation request;

- b) refusing to be transferred to another prosecutor's office or subdivision of the prosecutor's office, if the prosecutor's office or subdivision of the prosecutor's office in which he worked is liquidated or reorganized;
- c) refusal to submit to the disciplinary sanctions of demotion;
- d) the application of disciplinary sanctions for release from the position of prosecutor when it became irrevocable;
- e) obtaining the qualification "insufficient" in two consecutive evaluations or performance evaluations;
- f) not showing up, for unfounded reasons, twice in a row, for performance evaluation;
- g) circumstances as a candidate on the list of a political party or a socio-political organization in elections for Parliament or for local public administration authorities;
- h) in which the act confirming its state of incompatibility or the violation of prohibitions remains definitive;
- i) in which he is considered medically unfit to perform his duties;
- j) the refusal to be subject to verification pursuant to Law no. 271-XVI of December 18, 2008 on the verification of holders and candidates for public positions;
- k) appointment to a position incompatible with the position of prosecutor;
- l) establishing, by means of the deed of ascertainment, the conclusion directly or through a third party of a legal act, taking or participating in the taking of a decision without resolving the real conflict of interests in accordance with the provisions of the legislation on the regulation of the conflict of interests ;
- m) failure to submit the declaration of wealth and personal interests or refusal to submit it, under the terms of art. 27 para. (8) from Law no. 132 of June 17, 2016 on the National Integrity Authority;
- n) ordering by the court, through an irrevocable decision, of the confiscation of unjustified assets.

Q132 (2024): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

Q133 (General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. Candidates choose their competitive positions in descending order of the competition average grade. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision about the candidate who wins the competition.

Q133 (2024): Other procedure (interview and psychological test)

Q133 (General Comment): According to the amendments in 2023 of the Law on status of judges, a person must have working experience as a judge of at least 1 year and 20 years, respectively, can apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

Professional competence is assessed based on the following indicators:

- a) percentage of decisions/conclusions issued out of those contested, with the exception of decisions annulled for reasons not attributable to the judge;
- b) number and percentage of decisions/conclusions annulled of those examined, with the presentation of the confirmatory act from the Integrated Case Management System;
- c) presence of violations of the European Convention on Human Rights, found by the European Court of Human Rights;
- d) clarity of the oral and written presentation;
- e) quality of the reasoning of the court decisions;
- f) professional training of the judge;
- g) possession of knowledge of the application of information technologies.

(3) Organizational competence is assessed based on the following indicators:

- a) clearance rate;
- b) compliance with reasonable deadlines in the process of administering justice;
- c) rate of decisions issued in compliance with the deadline established by law;
- d) the average deadlines for examining cases, taking into account their complexity;
- e) method of organizing professional activity;
- f) number of hearings during the evaluation period that were postponed for reasons attributable to the judge, compared to the total number of hearings;
- g) the number of judgments and court orders published on the court's website, compared to the total number of judgments or, as the case may be, court orders issued by the same judge;
- h) the number of hearings interrupted in relation to the total number of hearings;
- i) fulfillment of other duties established by law within legal deadlines.

(4) Integrity is assessed based on the following indicators:

- a) compliance with professional ethics;
- b) the number of disciplinary sanctions applied during the period subject to assessment pursuant to art. 4 para. (1) let. a), d), e), f), l), m1), n) of Law no. 178/2014 on the disciplinary liability of judges;

Q134 (2024): A new SCM Regulation (274/19 from 2024) on selection and evaluation of judges was approved. It is available at:

https://www.csm.md/files/Acte_normative/Legislatia/Interne/2024/Regulament_selectie_evaluate_ro.pdf

Q135 (General Comment): A promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. The alignment with the criteria provided by the Law n°147/2023 is assessed by the Selection and Evaluation Board (body subordinated to the SCM) and its decisions can be appealed to the Superior Council of Magistracy. The candidate for promotion who has the evaluation of the Selection and Evaluation Board can proceed to be additionally evaluated by the SCM which adds up to 30% to the score awarded by the Selection and Evaluation Board. The decisions of SCM in this regard can be appealed in court (Supreme Court of Justice).

Q137 (2024): The Superior Council of Prosecutors including the Selection and Evaluation Board (SCP body) are involved in the promotion of prosecutors. The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

Q138 (General Comment): According to the provisions of Article 54 paragraph (11) of Law no. 3/2016, the promotion of the prosecutor is made by competition, under the conditions provided by law.

According to the provisions of Article 22(4) of the same law, the prosecutor in office who wishes to be promoted may be entered in the Register if in the last two years before the submission of the application for entry in the Register he/she has been subject to a performance evaluation. A prosecutor seeking appointment as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he or she has been subject to a performance appraisal in the two years preceding the submission of the application for entry in the Register. In accordance with the provisions of Article 23(1) of the above-mentioned Law, the Selection and Evaluation Board under the Superior Council of Prosecutors shall assess the candidates entered in the Register referred to in Article 22 on the basis of the criteria laid down in this Law and in accordance with the regulations approved by the Superior Council of Prosecutors.

Phases:

1. The Superior Council of Prosecutors announces the competition;
2. Candidates register to fill vacant posts;
3. Candidates pass a test at the Board on Selection and Evaluation of Prosecutors;
4. Candidates pass an interview at the SCP;

Conditions for promotion to the position of prosecutor at the Prosecutor General's Office, specialised prosecutor's offices, chief prosecutor and deputy chief prosecutor of the territorial prosecutor's offices, chief prosecutor and deputy chief prosecutor of the subdivision of the Prosecutor General's Office are the following:

- having at least 4 years of experience as a prosecutor;
- qualify at least as „very good” at the performance evaluation;
- knowing the Gagauz language, for candidates for the post of Deputy Chief Prosecutor of the Prosecutor's Office of the ATU Gagauzia.

Q139 (General Comment): According to the Law no.3/2016 on the Prosecutor's Office, article 23 (2), in the competition, candidates shall be assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- d) the quality and efficiency of work as a prosecutor;
- e) compliance with the rules of professional ethics.

Article 25/1

(1) For the position of chief prosecutor of the specialized prosecutor's office may be a candidate the person who meets the following conditions:

- (a) has at least 10 years of professional experience in the field of law, obtained in the jurisdiction of the Republic of Moldova or foreign jurisdictions, including international organizations, of which at least 4 years in the position of judge, prosecutor, lawyer or criminal investigation officer;
- b) fulfills the conditions set out in Art. 20 para. (1) letters a)-d), g) and h);
- c) has managerial competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- (c1) has professional competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- d) in the last 3 years prior to the announcement of the competition has not been a member and/or has not been politically active in a political party or a socio-political organization;
- e) has not been a member of the Superior Council of Public Prosecutors for the last 6 months;
- f) has an irreproachable reputation and there are no reasonable suspicions regarding the commission of acts of corruption, acts related to them or acts corruptible within the meaning of Integrity Law no. 82/2017.

Article 25/2

Appointment to office of deputy chiefs of the specialized prosecution offices: (2) has at least 5 years of professional experience as a prosecutor within the last 15 years and organizational skills.

Article 20 For the position of prosecutor at the General Prosecutor's Office, specialized prosecutor's offices, as well as for the positions referred to in Article 25 para. (4) may be a candidate the applicant who:

- a) has at least 4 years of seniority in the prosecutor's office;
- b) has been qualified at least as "very good" in the performance evaluation.

Q140 (General Comment): The decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was notified to him/her.

Ukraine

2022 (General Comment), in order to become a local court judge, a person intending to become a judge must meet the requirements for judicial candidates set forth in Article 69 of the Law of Ukraine “On the Judicial System and Status of Judges”, pass the stages of selection for the position of a local court judge, one of which is the qualification exam, and participate in the competition.

According to Article 69 of the Law of Ukraine "On Judiciary and the Status of Judges" a citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law is competent, honest and speaks the state language in accordance with the level determined by the National Commission on the Standards of the State Language, may be appointed to the position of a judge.

The procedure of selection to a judicial position includes the following general stages:

- 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions; 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine; 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted; 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam; 6) taking admission exam by a person who was qualified to participate in the selection; 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine; 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law;
- 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training; 10) taking a qualification examination by the candidates who went through initial training and determining its results; 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list; 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions; 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge; 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge; 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice makes a proposal on appointing a judge to the office.

Selection of judicial candidates with at least three years of record of service as judge’s assistant shall be conducted with specific features determined by the decision of the High Qualification

Q090 (General Comment): According to Article 69 of the Law of Ukraine ‘On the Judiciary and the Status of Judges’, a citizen of Ukraine, not younger than thirty and not older than sixty-five years, who has a higher legal education and at least five years of professional experience in the field of law, is competent, has integrity and speaks the state language in accordance with the level determined by the National Commission on State Language Standards, may be appointed as a judge.

A citizen who:

- 1) has been recognised by a court as having limited legal capacity or incapacitated;
 - 2) has chronic mental or other diseases that prevent him/her from performing the functions of administration of justice
 - 3) has an unsent or outstanding criminal record.
3. A person who is prohibited by law from holding the respective position may not apply for the position of a judge.

A person who holds the position of a member of the High Council of Justice, a member of the High Qualification Commission of Judges of Ukraine during the period of holding the respective position and within one year after dismissal or termination of powers may not be eligible for the position of a judge.

A person who has been dismissed from the position of judge for committing a significant disciplinary offense, gross or systematic neglect of duties that is incompatible with the status of a judge or has revealed his incompatibility with the position held, violation of requirements regarding incompatibility, violation of the obligation to confirm the legality of the source of origin of property, or in connection with the entry into force of a conviction against such a person, except for cases where the decision to dismiss on the specified grounds is recognized as unlawful in court or the court's conviction is canceled.

A person who has been dismissed from the position of a judge based on the results of the qualification assessment cannot apply for the position of a judge

Q091 (General Comment): According to item 2 of part one of Article 93 of the Law of Ukraine “On the Judiciary and the Status of Judges” the High Qualification Commission of Judges of Ukraine shall select candidates for the appointment to the position of a judge, organise a special background and security check-in respect of them in accordance with the law and administer a qualification examination.

Q091 (2024): On 09.12.2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3511-IX “On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ and Certain Legislative Acts of Ukraine on Improving the Procedures for Judicial Career”, which entered into force on 30.12.2023. The Law provides, inter alia, for the reduction of the stages of selection and competition procedures, changes in the formation procedure, establishment of peculiarities of completion of selection and competition procedures not completed by the High Qualification Commission of Judges of Ukraine, etc. The Law also provides for the approval by the High Council of Justice of the Uniform Indicators for Assessing the Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge), the possibility for the High Qualification Commission of Judges of Ukraine to conduct an examination of the personal moral and psychological qualities of candidates for the position of judge, and defines the components of the qualification examination - anonymous testing and a practical task

Q097 (2024): Paragraph 20 of Section XII “Final and Transitional Provisions” of the Law of Ukraine “On the Judicial System and Status of Judges” (the “Law”) provides that the suitability for the position of a judge appointed for a five-year term or elected as a judge for an unlimited term before the entry into force of the Law of Ukraine “On Amendments to the Constitution of Ukraine (regarding Justice)” is assessed by the panels of the High Qualification Commission of Judges of Ukraine in accordance with the procedure established by this Law.

According to part one of Article 83 of the Law, the qualification assessment is conducted by the High Qualification Commission of Judges of Ukraine to determine the ability of a judge (candidate for the position of a judge) to administer justice in the relevant court according to the criteria established by law.

According to part two of Article 83 of the Law, the criteria for qualification assessment are:

- 1) competence (professional (level of knowledge in the field of law, level of practical skills and abilities in law enforcement, efficiency of administration of justice, activities to improve professional level), personal (cognitive, emotional, motivational and volitional qualities of a person, personality qualities), social (communication skills, organizational skills, managerial qualities and moral traits of a person), etc;)
- 2) professional ethics
- 3) integrity.

Q098 (2024): According to paragraph 2 of part one of Article 93 of the Law of Ukraine “On the Judicial System and Status of Judges”, the High Qualification Commission of Judges of Ukraine selects candidates for appointment to the position of a judge, including organizing a special inspection in accordance with the law and taking a qualification exam

Q099 (General Comment): According to part one of Article 128 of the Constitution of Ukraine, the appointment of a judge is carried out by the President of Ukraine upon the proposal of the High Council of Justice in accordance with the procedure established by law

Q100 (General Comment): Article 80 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that the appointment to judicial office shall be made by the President of Ukraine on the basis of and within the terms of a submission made by the High Council of Justice, without any verification of compliance with the requirements established by this Law for candidates for judicial office and the procedure for selection or qualification assessment of candidates.

No submissions regarding a candidate for judicial office shall preclude his/her appointment. The facts set forth in such submissions may create grounds for the President of Ukraine to raise before the competent authorities the issue of verifying these facts in the manner prescribed by law.

The President of Ukraine shall issue a decree on the appointment of a judge no later than thirty days from the date of receipt of the relevant submission of the High Council of Justice.

Q100 (2024): Article 80 of the Law of Ukraine “On the Judiciary and Status of Judges” provides that the appointment of a judge is made by the President of Ukraine on the basis of and within the framework of a proposal by the High Council of Justice, without verifying compliance with the requirements for candidates for the position of judge and the procedure for selecting or qualifying candidates.

Any appeals against a candidate for the position of a judge shall not prevent his or her appointment. The facts set forth in such appeals may be the basis for the President of Ukraine to raise the issue of verification of these facts before the competent authorities in accordance with the procedure established by law.

The President of Ukraine shall issue a decree on the appointment of a judge no later than thirty days from the date of receipt of the relevant submission of the High Council of Justice

Q102 (2024): In accordance with Articles 7-8 of the Law of Ukraine “On the Judiciary and Status of Judges”, everyone is guaranteed protection of their rights, freedoms and interests within a reasonable time by an independent, impartial and fair court established by law.

Access to justice for everyone is ensured in accordance with the Constitution of Ukraine and in accordance with the procedure established by the laws of Ukraine

No one may be deprived of the right to have his or her case heard by a court under the jurisdiction of which it is referred by the procedural law

... (General comment), in accordance with paragraph 3 of part one of Article 72 of the Law of Ukraine "On the Judiciary and the Status of Judges", in order to participate in the selection process, a candidate for the position of a judge shall submit to the High Qualification Commission of Judges of Ukraine, in particular, a declaration of family ties and a declaration of integrity of the candidate for the position of a judge.

The compliance of a person who has expressed an intention to become a judge, in particular, with the integrity criterion, is established by the High Qualification Commission of Judges of Ukraine during his/her participation in the selection of a judge as a candidate (Article 73 of the Law).

A candidate for the position of a judge meets the integrity criterion if there are no reasonable doubts about his/her independence, honesty, impartiality, integrity, good faith, compliance with ethical standards, impeccable behavior in professional and personal life, as well as the legality of the sources of his/her property, compliance of the standard of living of the candidate for the position of a judge or his/her family members with the declared income, compliance of the lifestyle of the candidate for the position of a judge with his/her previous status (Article 69 of the Law).

After making a decision to admit candidates for the position of judge to the special vetting, the High Qualification Commission of Judges of Ukraine sends requests to the authorized state bodies to verify the information on the candidates regarding their compliance with the requirements set forth in this Law and the authenticity of the submitted documents.

The list of authorized state bodies, terms and requirements for information to be provided or received shall be determined by the High Qualification Commission of Judges of Ukraine, taking into account the information contained in the dossier of candidates for the position of judge.

In order to compile the dossier of a candidate for the position of a judge and conduct a special inspection, the High Qualification Commission of Judges of Ukraine also has the right to receive free of charge information about the candidate and his/her family members or close relatives in accordance with the procedure provided for in Article 86 of the Law.

It should be noted that in order to participate in the selection of candidates for the position of a judge or a competition for a vacant position of a judge, candidates for the position of a judge shall submit a declaration of persons authorized to perform the functions of the state or local self-government, a declaration of family ties and a declaration of integrity.

Compliance with the criteria, including integrity, is established by the Commission during the qualification assessment of a person as a candidate for the position of a judge.

The compliance of a candidate for the position of a judge with the integrity criterion shall be assessed (established) by the following indicators:

1. Reliability of the information provided by the candidate for the position of judge in the declaration of a person authorized to perform the functions of the state or local self-government, declaration of income from professional activities for a self-employed person, individual entrepreneur.
2. Reliability of the information provided by the candidate for the position of judge in the declaration of family ties and declaration of integrity, as well as other documents submitted by the candidate.
3. Availability of information on the commission of misdemeanors or offenses by the candidate for the position of judge that indicate his/her dishonesty, as well as the facts of bringing him/her to justice.
4. The presence of unsecured property obligations that may have a significant impact on the administration of justice.
5. Compliance of the expenses and property of the candidate for the position of judge and his/her family members and close relatives with the declared income.
6. Compliance by the judicial candidate with the legislation governing his/her professional activity.

2017 (2017), on December 27, 2017, the High Qualification Commission approved the criteria indicators for assessing the integrity and professional ethics of a judge (candidate for the position of Judge).

In addition, in order to establish whether the standard of living of a judge is in line with the property owned by him/her and his/her family members and the income received by them, the lifestyle of a judge is monitored in accordance with the law, as stated in the COE Opinion No. 21 (2018) "Prevention of corruption among judges" and the fourth round of GRECO reports. Judges are required to submit annual declarations of persons authorized to perform state or local government functions to the National Agency for the Prevention of Corruption (hereinafter - NAPC). These declarations are posted in the Unified State Register maintained by the NAPC. The National Agency for the Prevention of Corruption verifies the data in the submitted declarations. Failure to submit or untimely submission of declarations of persons authorized to perform state or local government functions, or submission of knowingly false (including incomplete) information is grounds for bringing a judge (candidate for the position of judge) to administrative or criminal liability in accordance with the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine.

A full verification of the declaration of a person authorized to perform the functions of the state or local self-government is carried out in respect of each judge at least once every five years (unless otherwise provided by law), as well as upon the relevant request of the High Qualification Commission of Judges of Ukraine or the High Council of Justice.

In addition, judges are required to submit annually by May 1, by filling out a declaration of kinship and a declaration of integrity in the form determined by the Commission on the official website of the High Qualification Commission of Judges of Ukraine.

In the declaration of kinship, judges shall indicate whether they have persons with whom they have kinship relations who are or have been within the last five years

- a) members of the High Council of Justice, High Council of Justice, employees of the secretariat of the High Council of Justice, High Council of Justice;
- b) members of the High Qualification Commission of Judges of Ukraine, employees of the secretariat or inspectors of the High Qualification Commission of Judges of Ukraine;
- c) members of the Temporary Special Commission for the Verification of Judges of Courts of General Jurisdiction;
- d) judges, court staff members;
- e) judges of the Constitutional Court of Ukraine, employees of the Secretariat of the Constitutional Court of Ukraine;
- f) members of the Public Integrity Council, members of the Public Council of International Experts, which is established in accordance with the law defining the principles of organization and operation of the High Anti-Corruption Court;
- g) prosecutors, law enforcement officers, attorneys, notaries;
- h) officials of the State Judicial Administration of Ukraine and its territorial departments;
- i) The President of Ukraine;
- j) The Head of the Presidential Administration of Ukraine or his/her deputies;
- k) the Secretary of the National Security and Defense Council of Ukraine or his/her deputies;
- l) People's Deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city, district in a city, village, settlement councils;
- m) members of the Cabinet of Ministers of Ukraine, heads or deputy heads of central executive bodies, including those with special status, members of the Council of Ministers of the

Q104 (General Comment): The institute of the appointment as a judge for the first time for the 5 year term was cancelled after the introduction of amendments to the Constitution of Ukraine in part of justice in 2016.

Q104 (2024): According to Article 126 of the Constitution of Ukraine judge shall hold office for an unlimited term.

A judge shall be dismissed on the following grounds:

- 1) inability to exercise his/her powers for health reasons;
- 2) violation by him/her of incompatibility requirements;
- 3) committing a significant disciplinary misdemeanour, gross or systematic disregard of his/her duties, which is incompatible with the status of judge or has shown his/her incompatibility with the position held;
- 4) the submission by a judge of a statement of resignation or of voluntary dismissal from office;
- 5) failure to give consent to transferring to another court in case of liquidation or reorganisation of the court where the judge holds office;
- 6) failure to prove the legitimate origin of income.

The authority of the judge shall be terminated in the following cases:

- 1) attaining the age of sixty-five;
- 2) termination of the citizenship of Ukraine or acquisition of foreign citizenship;
- 3) the entry into legal force of a court decision that declares him or her missing or deceased, incapable or partially capable;
- 4) death of the judge;
- 5) the entry into legal force of a guilty verdict against him or her for a committed crime.

Q111 (General Comment): Pursuant to the provisions of Article 29 of the Law of Ukraine “On Prosecution” (hereinafter - the Law), the selection of candidates and their appointment to the position of a district prosecutor is carried out in accordance with the procedure established by the Law and includes:

- 1) adoption by the relevant body conducting disciplinary proceedings (starting from March 16, 2023, the Qualification and Disciplinary Commission of Prosecutors, hereinafter referred to as the QDCP, the Commission) of a decision on the selection of candidates for the position of a prosecutor, which shall be posted on the official website of the QDCP and shall contain a statement of the requirements stipulated by the Law that a candidate for the position of a prosecutor must meet, as well as a list of documents to be submitted to the QDCP and the deadline for their submission;
- 2) submission of the relevant application and documents to the QDCP by persons who have expressed their desire to become a prosecutor, as defined by this Law;
- 3) the QDCP shall verify the compliance of persons with the requirements established for a candidate for the position of a prosecutor on the basis of the documents submitted by the candidate for the position of a prosecutor;
- 4) passing the qualification exam by persons who meet the requirements for a candidate for the position of a prosecutor;
- 5) publication by the QDCP on its official website of the list of candidates who have successfully passed the qualification exam;
- 6) organization by the QDCP of a special examination of candidates who have successfully passed the qualification exam;
- 7) determination by the QDCP of the ranking of candidates for the position of a prosecutor among the persons who have successfully passed the qualification exam and have been subject to a special check, as well as their inclusion in the reserve for filling vacant positions of prosecutors of district prosecutor's offices;
- 8) announcement by the QDCP of a competition for appointment as a trainee prosecutor of the district prosecutor's office among the candidates who are in the reserve for filling vacant positions of district prosecutors;
- 9) the QDCP conducts a competition for appointment as a trainee prosecutor of the district prosecutor's office based on the rating of candidates;
- 10) the QDCP submits a proposal to the head of the regional prosecutor's office to appoint the candidate as a trainee prosecutor of the district prosecutor's office;
- 11) appointment of a person as a trainee prosecutor of the district prosecutor's office;
- 12) taking the oath of office of a prosecutor;
- 13) completion of special training by the trainee prosecutor of the district prosecutor's office;
- 14) appointment of a prosecutor-intern of the district prosecutor's office who has successfully completed the special training to the position of a prosecutor of the district prosecutor's office.

Pursuant to Article 28 of the Law of Ukraine “On Prosecution”, candidates for the position of a prosecutor shall be selected from among persons who meet the requirements set forth in Article 27 of this Law.

Q112 (General Comment): According to the Law of Ukraine on the Prosecutor's Office, the selection of candidates for the position of prosecutor is carried out by submitting a statement and documents specified by this Law to persons who have expressed a desire to become a prosecutor to the relevant body conducting disciplinary proceedings. Such candidates must meet the criteria set out in the Law. Persons who meet the criteria of the Law pass the first stage of selection - the qualifying exam. The relevant body conducting disciplinary proceedings shall determine the rating of candidates for the position of prosecutor among persons who have successfully passed the qualifying examination and in respect of whom a special examination has been conducted, and shall include them in the reserve for filling vacant positions of prosecutors. A person who has not passed the qualifying examination at this stage has the right to retake the examination in a year.

Candidates from the reserve to fill vacant positions of prosecutors undergo special training at the Training Center of Prosecutors of Ukraine. A candidate for the position of a prosecutor is considered to have successfully passed special training if he / she has received more than 50 percent of the maximum possible score as a result of the examination.

In case of opening vacant positions of prosecutors of the competition for such positions among the candidates who are in the reserve and have undergone special training, the competition is announced by the relevant body conducting disciplinary proceedings. Based on the results of the competition, the relevant body conducting disciplinary proceedings shall send to the head of the relevant prosecutor's office a proposal to appoint a candidate for the position of prosecutor of the prosecutor's office to fill the vacant position in which the candidate applied.

Pursuant to part one of Article 27 of the Law of Ukraine "On Prosecution", a citizen of Ukraine who has a higher legal education, speaks the state language in accordance with the level determined by the National Commission for State Language Standards, and has undergone basic military training or military service, except for persons declared unfit for military service for health reasons, may be appointed as a prosecutor of the district prosecutor's office (including a prosecutor - trainee of the district prosecutor's office in cases specified by this Law) based on the results of the selection.

Anyone who meets the established requirements for a candidate for the position of a prosecutor has the right to apply to the Qualification and Disciplinary Commission of Prosecutors for participation in the selection of candidates for the position of a prosecutor (Article 28 of the Law).

Q113 (2024): Qualification and Disciplinary Commission of Prosecutors

Q115 (2024): According to Art. 29 of the Law, the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by the Law and includes the adoption by the HQCP of a decision on the selection of candidates for the position of a prosecutor, which is posted on the official website of the HQCP and must contain a statement of the requirements provided for by this Law that a candidate for the position of a prosecutor must meet, as well as a list of documents to be submitted and the deadline for their submission

Q116 (2024): Pursuant to Article 29 of the Law, the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by the Law and includes the publication by the HQCP on its official website of the list of candidates who have successfully passed the qualification exam.

Q117 (2024): According to clause 11.1 of Section XI of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, clause 6. 3 of Section VI of the Regulation on the Procedure for Passing the Qualification Exam, the Minimum Passing Score for Admission to the Next Stage of the Qualification Exam and the Evaluation Methodology (approved by the HQCP decisions No. 113n-21 and No. 123n-21 as amended on October 26, 2021), the HQCP's decisions on the selection process, including the qualification exam and its results, may be appealed to the court or to the HQCP.

Q118 (General Comment): Part 1 of Art. 27 of the Code of Administrative Procedure of Ukraine stipulates that administrative cases on appealing against acts, actions or omissions of the body conducting disciplinary proceedings are resolved by the district administrative court, the territorial jurisdiction of which extends to the city of Kyiv. Thus, in 2021, appeals against decisions of the relevant disciplinary body on the selection of candidates for the position of prosecutor fell within the exclusive competence of the Kyiv District Administrative Court. In addition, pursuant to part 5 of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor who was unsuccessful in special training (which is one of the stages of selection of candidates for the position of a prosecutor) may appeal such a decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receiving a copy of such a decision. In accordance with paragraph 11.1 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority on 26.10.2021 No. 113п-21, the decision to refuse to admit a person to the qualification exam, terminate participation in the selection, prevent the candidate from undergoing special training, exclude the candidate from the reserve for filling vacant positions of a prosecutor, as well as other decisions on the selection of candidates for the position of a district prosecutor, shall be made by the relevant disciplinary authority within five days from the date of the decision.

Q118 (2024): Pursuant to the second paragraph of part five of Article 32 of the Law of Ukraine "On the Prosecutor's Office", the decision of the disciplinary body to refuse to enroll a candidate for a position of a district prosecutor in the reserve for filling vacant positions may be appealed to the court.

Pursuant to the provisions of part five of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor in respect of whom a decision is made to terminate special training or to fail to complete it, shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law. Also, the procedure for appealing against the Commission's decisions on selection is regulated by Section XI of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority dated October 26, 2021, No. 113п-21 (as amended).

Thus, clause 11.1 of this Regulation stipulates that decisions to refuse to allow a person to take the qualification exam, to terminate participation in the selection, to prevent the candidate from undergoing special training, to exclude the candidate from the reserve for filling vacant prosecutor positions, as well as other decisions on the selection process may be appealed to the Commission or to the court.

A person who has expressed a desire to become a prosecutor or a candidate shall file a complaint against the decision in electronic form by sending it to the Commission's e-mail address within three calendar days from the date of publication of the relevant decision on the official website of the Commission.

The complaint shall be signed by the person who has expressed a desire to become a prosecutor, a candidate (clause 11.2 of the Regulation). The complaint against the decision is considered at a meeting of the Commission. The candidate is notified of the decision by sending a letter to the e-mail address specified in the complaint, with a copy of the relevant decision attached (clause 11.3 of the Regulation).

Repeated complaints and complaints from other persons, as well as those filed in violation of the established time limit and procedure, are not accepted for consideration (clause 11.4 of the Regulations).

In addition, pursuant to Article 5 of the Code of Administrative Procedure of Ukraine, every person has the right to apply to an administrative court in accordance with the procedure established by this Code if he or she believes that his or her rights, freedoms or legitimate interests have been violated by a decision, action or inaction of a public authority.

... ensure the selection of judges and prosecutors, their professional training, evaluation, consideration of cases of their disciplinary liability, financial and organizational support of courts. According to parts one and two of Article 73 of the Law of Ukraine “On Prosecution”, the body conducting disciplinary proceedings is the Qualification and Disciplinary Commission of Prosecutors, which is a collegial body that, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed their intention to hold the position of a prosecutor and decides on the disciplinary liability of prosecutors, transfer and dismissal of prosecutors. The Commission is a legal entity, has a seal with the image of the State Emblem of Ukraine and its name, an independent balance sheet and accounts with the State Treasury of Ukraine.

It is worth noting that the relevant body conducting disciplinary proceedings was renamed the Qualification and Disciplinary Commission of Prosecutors after the Law No. 2203-IX of April 14, 2022, came into force on March 15, 2023.

In accordance with part three of the same article, the Commission's working procedure is determined by the regulation adopted by the All-Ukrainian Conference of Prosecutors on April 27, 2017 (as amended).

Part one of Article 74 of the Law of Ukraine “On Prosecution” stipulates that the Commission consists of eleven members who are citizens of Ukraine, have a higher legal education and at least ten years of experience in the field of law, of whom:

- 1) five prosecutors are appointed by the All-Ukrainian Conference of Prosecutors;
- 2) two persons (scholars) are appointed by the congress of representatives of law schools and research institutions;
- 3) one person (lawyer) is appointed by the Congress of Advocates of Ukraine;
- 4) three persons are appointed by the Ukrainian Parliament Commissioner for Human Rights in agreement with the committee of the Verkhovna Rada of Ukraine responsible for the organization and operation of the prosecution authorities.

According to part one of Article 76 of the Law of Ukraine “On Prosecution”, the powers of a member of the Commission are terminated in the event of:

- 1) expiration of the term for which he/she was appointed
- 2) submission of a voluntary resignation
- 3) committing actions incompatible with the position of a member of the Commission;
- 4) holding a position provided for in part two of Article 74 of this Law;
- 5) inability to fulfill their powers for health reasons;
- 6) entry into force of a guilty verdict against him/her;
- 7) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 8) being declared missing or declared dead
- 9) death.

According to part one of Article 77 of the Law of Ukraine “On Prosecution”, the Commission:

Q120 (2024): Qualification and Disciplinary Commission of Prosecutors

Q123 (2024): Pursuant to Article 33(5) of the Law of Ukraine “ On Prosecution ”, a person in respect of whom a decision is made to terminate special training or to fail to complete it shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law

Q124 (General Comment): Pursuant to Article 32 of the Law, the QDCP organizes a special vetting of candidates for the position of prosecutor who have successfully passed the qualification exam in accordance with the procedure established by the legislation on corruption prevention. In order to conduct a special vetting, the QDCP sends requests to the authorized bodies to verify information about the candidates. Individuals, legal entities, and public organizations may submit information to the QDCP on the integrity of candidates.

In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the QDCP shall consider it at its meeting with the participation of such candidate. The candidate for the position of a prosecutor has the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the QDCP may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. Such a decision may be appealed to the court.

Pursuant to parts three and five of the Law of Ukraine "On the Prosecutor's Office", individuals, legal entities and public organizations may submit information on the integrity of candidates for the position of prosecutor to the body conducting disciplinary proceedings within one month from the date of official publication of the list of candidates who have successfully passed the qualification exam. In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the relevant body conducting disciplinary proceedings shall consider it at its meeting with the participation of such candidate. The candidate for the position of a prosecutor shall have the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the relevant disciplinary body may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. The decision of the body conducting disciplinary proceedings to refuse to enroll a candidate to the reserve for filling vacant positions of district prosecutors may be appealed to the court.

Q125 (General Comment): The prosecutor shall be dismissed from office in case of:

- 1) inability to perform his/her duties for health reasons
- 2) violation of the requirements for incompatibility provided for in Article 18 of this Law;
- 3) entry into force of a court decision on bringing the prosecutor to administrative liability for an offense related to corruption;
- 3-1) entry into force of a court decision recognizing the prosecutor's assets or assets acquired on his/her behalf by other persons or in other cases provided for in Article 290 of the Civil Procedure Code of Ukraine as unjustified and their recovery as state revenue;
- 4) impossibility of transfer to another position due to direct subordination to a close person;
- 5) entry into force of a court verdict of guilty against him/her;
- 6) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 7) submission of a resignation letter at his/her own request;
- 8) impossibility of further holding a temporarily vacant position;
- 9) liquidation or reorganization of the prosecutor's office where the prosecutor holds the position, or in case of reduction of the number of prosecutors in the prosecutor's office;

In addition to the grounds provided for in paragraphs 1-9 of this part, the Deputy Prosecutor General is dismissed from office in case of violation of the requirements of the Law of Ukraine “On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” in terms of submission, compliance with the deadlines for submission of the declaration of contacts (part 3 of Article 16, Article 51 of the Law of Ukraine “On Prosecution”)

The prosecutor may be subject to disciplinary sanctions in the form of dismissal from the position in the prosecution bodies (clause 3, part 1, Article 49 of the Law of Ukraine “On Prosecution”).

If a prosecutor refuses to be appointed to a vacant position in the relevant prosecution body or to be transferred to another prosecution body, after dismissal from an administrative position, the prosecutor is dismissed from the position of a prosecutor within the specified period (Article 41(5) of the Law of Ukraine “On Prosecution”).

The powers of a prosecutor are terminated upon reaching the age of sixty-five (Article 51(3) of the Law of Ukraine, “On Prosecution”).

Prosecutors and investigators of the prosecution bodies are dismissed by the Prosecutor General, the head of the regional (oblast) prosecutor's office from the position of a prosecutor in case of unsuccessful certification (clause 19 of Section II of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of the Prosecution Bodies”).

Q125 (2024): See General comments

Q126 (General Comment): The Law of Ukraine “On Prosecution” does not provide for a probationary period for prosecutors.

The procedure for selecting a district prosecutor provides for the appointment of a trainee prosecutor and special training after successful completion of the qualification exam and special inspection (Articles 29-34 of the Law). Special training (Article 33 of the Law) consists of: - initial training: lasts for 2 months and is conducted by the Training Center of Prosecutors of Ukraine; - internship: lasts for 6 months and is conducted at the relevant district prosecutor's office. A person in respect of whom the QDCP makes a reasoned decision on unsuccessful completion of special training is dismissed. Such a decision may be appealed to the court in accordance with the procedure established by law (Article 33 of the Law).

Q132 (General Comment): According to Article 93 of the Law of Ukraine “On the Judiciary and Status of Judges”, the High Qualification Commission of Judges of Ukraine, in particular:

- makes a recommendation on the transfer of a judge in accordance with this Law, except for transfer as a disciplinary sanction; - conducts qualification assessment.

In accordance with paragraphs 1, 10 of part one of Article 3 of the Law of Ukraine “On the High Council of Justice”, the High Council of Justice, in accordance with its powers, in particular, submits a proposal for the appointment of a judge to the position; decides on the transfer of a judge from one court to another.

Q133 (General Comment): The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II “Final and transitional provisions” of the Law of Ukraine On Amendments to the Law of Ukraine “On the Judiciary and Status of Judges” and Some Laws of Ukraine on the Activity of Judicial Governance Bodies” No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

Q133 (2024): Law “On the Judicial System and Status of Judges”

Article 82. General principles of transfer of a judge to another court

1. A judge may be transferred, including temporarily by way of secondment, to the position of a judge in another court by the High Council of Justice in the manner prescribed by law.
2. A judge shall be transferred to the position of a judge in another court on the basis and within the framework of the recommendation of the High Qualifications Commission of Judges of Ukraine made on the basis of the results of the competition for the vacant position of a judge held in accordance with the procedure established in Chapter 3 of this Section.
3. A judge who has expressed his/her intention to be transferred to another local court based on the results of a competition for a vacant position of a judge shall, simultaneously with the candidates participating in the selection for the position of a judge, take a qualification examination in the manner prescribed by Article 74 of this Law, taking into account the peculiarities specified in this Article.
4. The High Qualification Commission of Judges of Ukraine shall publish an announcement on the acceptance of applications from judges referred to in part three of this Article for the qualification examination simultaneously with the publication of the decision to announce the selection for the position of a judge provided for in Article 71 of this Law. The deadline for submitting applications to the High Qualification Commission of Judges of Ukraine may not be less than 15 days from the date of the announcement. It is prohibited to require judges to submit documents other than the application.
5. During the qualification examination, the judge referred to in part three of this Article shall take an anonymous test of cognitive abilities, history of Ukrainian statehood, general knowledge in the field of law, as well as an anonymous test and perform a practical task in one or more court specializations of his/her choice. A judge is considered to have passed the qualification exam in the chosen court specialization if he or she:
 - 1) scored at least 75 percent of the maximum possible score in the test on the history of Ukrainian statehood, general knowledge of law and the relevant court specialization
 - 2) scored at least 75 percent of the maximum possible score for the practical task on the relevant court specialization;
 - 3) successfully passed the cognitive skills test.

Q134 (General Comment): The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

Q134 (2024): Article 28 of the Law of Ukraine “On the Judiciary and the Status of Judges” stipulates that a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the court of appeal based on the results of the qualification assessment, and meets one of the following requirements may be a judge of the court of appeal

- 1) has at least five years of work experience as a judge;
- 2) has an academic degree in law and at least seven years of experience in scientific work in the field of law;
- 3) has at least seven years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least seven years of total work (professional activity) experience in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 28 of the said Law.

Article 38 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that a judge of the Supreme Court may be a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification assessment, and also meets one of the following requirements

- 1) has at least ten years of work experience as a judge;
- 2) has an academic degree in law and at least ten years of experience in scientific work in the field of law;
- 3) has at least ten years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least ten years of total work experience (professional activity) in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 38 of the Law of Ukraine “On the Judicial System and Status of Judges”.

Additionally, it's the same criteria as for a candidate for the position of a judge for the first time.

Q135 (2024): The decision of the High Council of Justice to refuse to submit a proposal to the President of Ukraine to appoint a judge to a position, or to refuse to transfer a judge to another court based on the results of a competition, may be appealed and canceled solely on the following grounds:

- 1) the composition of the High Council of Justice that made the relevant decision did not have the authority to make it;
- 2) the decision is not signed by a member of the High Council of Justice who participated in its adoption;
- 3) the decision does not contain a reference to the grounds for refusal to submit a proposal to the President of Ukraine to appoint a judge to the position, grounds for refusal to transfer a judge to another court based on the results of the competition, or does not contain the reasons on which the High Council of Justice reached the relevant conclusion.

Q136 (2024): The decision of the High Council of Justice may be appealed to the Supreme Court within thirty days from the date of its adoption.

The President of the Supreme Court may not participate in the review by the Supreme Court of decisions of the High Council of Justice.

Q137 (General Comment): In accordance with clause 22 of Law 113-IX, the transfer of prosecutors to a higher-level prosecutor's office until September 1, 2021, was carried out upon the results of the selection in accordance with the Procedure for the transfer of a prosecutor to a higher-level prosecutor's office, approved by the order of the Prosecutor General dated September 16, 2020 No. 454 and in accordance with the orders of the Prosecutor General dated April 14, 2021 No. 93-122, which established the relevant HR commissions in all regional prosecutor's offices and ensured the selection in the order of transfer to a higher-level prosecutor's office. Prosecutors in the Office of the Prosecutor General and regional prosecutor's offices were appointed by decisions of such commissions. A condition for a prosecutor to participate in the selection was that he or she submit an application for transfer and have the relevant seniority provided for in parts two and three of Article 27 of the Law of Ukraine "On the Prosecutor's Office". In addition, Law 113-IX temporarily suspended until September 1, 2021, part 4 of Article 39 of the Law of Ukraine "On the Prosecutor's Office," which defines the procedure for appointing prosecutors to administrative positions. Paragraph 22 of Section II of this Law stipulates that temporarily, until September 1, 2021, appointments to administrative positions in the prosecution authorities are made after the relevant approval of the Commission for the Selection of the Management of the Prosecutor's Office. Orders of the Prosecutor General No. 335 of December 16, 2019, No. 190 of April 15, 2020, and No. 168 of May 31, 2021 approved the Regulations on the Commission for the Selection of the Management of the Prosecutor's Office. The composition of the above commissions was approved by the orders of the Prosecutor General No. 340 dated December 19, 2019, No. 196 dated April 22, 2020, and No. 213 dated June 29, 2021. The Commission was authorized to make decisions on approving or refusing to approve the appointment of persons to administrative positions provided for in paragraphs 4-15 of part one of Article 39 of the Law of Ukraine "On the Prosecutor's Office", as specified in subparagraph 6 of paragraph 22 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Starting from September 1, 2021, the procedure for appointment to administrative positions in the prosecutor's office, as defined in Article 39(4) of the Law of Ukraine "On the Prosecutor's Office", as well as transfer to a higher-level prosecutor's office upon the results of a competition, the procedure for which is determined by the relevant body conducting disciplinary proceedings (Article 38 of the Law of Ukraine "On the Prosecutor's Office"), has been restored. First deputies, deputies of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies, and heads of district prosecutor's offices were also appointed on the recommendation of the Council of Prosecutors of Ukraine. Prosecutors of the Prosecutor General's Office were appointed by the Prosecutor General, prosecutors of the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office - by the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

Q139 (General Comment): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 133п-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

Q141 (2024): Appeals are filed with the administrative court with jurisdiction over the city of Kyiv

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by question No.

Question 89. How are judges recruited?

Question 90. What are the entry criteria (pre-conditions) into the process to become a judge?

Question 91. Which authority is competent during the entry selection procedure?

Question 92. Is there a public call for candidates to become a judge?

Question 93. Are the entry criteria to become a judge publicly available?

Question 94. Is there a list of pre-selected candidates which is public?

Question 95. Is there a possibility for non pre-selected candidates to appeal?

Question 96. If yes, what body is competent to decide on appeal?

Question 97. What are the criteria for the selection of judges?

Question 97-1. If you selected "Interview evaluation" in the previous question, please indicate what measures are in place to ensure the transparency of the interview process:

Question 98. Which authority is competent to select judges?

Question 99. Which authority is competent for the final appointment of a judge?

Question 100. Which competences has this authority in the final appointment procedure (multiple replies possible):

Question 101. May non-selected candidates appeal against the decision of appointment?

Question 102. If yes, what body is competent to decide on appeal?

Question 103. How do you check the integrity of candidate judges?

Question 104. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Question 106. If yes, which authority is competent to decide if the probation period is successful?

Question 107. Is there a possibility to appeal against this decision?

Question 108. If the mandate of judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?

Question 109. Is it renewable?

Question 111. How are public prosecutors recruited?

Question 112. What are the entry criteria (pre-conditions) into the process to become a prosecutor?

Question 113. Which authority is competent during the entry selection procedure?

Question 114. Is there a public call for candidates to become a prosecutor?

Question 115. Are the entry criteria to become a prosecutor publicly available?

Question 116. Is there a list of pre-selected candidates which is public?

Question 117. Is there a possibility for non pre-selected candidates to appeal?

Question 118. If yes, what body is competent to decide on appeal?

Question 119. What are the criteria of selection of public prosecutor?

Question 120. Which authority is competent during the selection procedure of a public prosecutor?

Question 121. Which authority is competent for the final appointment of a prosecutor?

Question 121-1. Which competences has this authority in the final appointment procedure ? (multiple replies possible):

Question 122. May non-selected candidates appeal against the decision of appointment?

Question 123. If yes, what body is competent to decide on appeal?

Question 124. How do you check the integrity of candidate prosecutors?

Question 125. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Question 126. Is there a probation period for public prosecutors? If yes, how long is this period?

Question 127. If yes, which authority is competent to decide if the probation period is successful?

Question 128. Is there a possibility to appeal against this decision?

Question 129. If the mandate of public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?

Question 130. Is it renewable?

Question 132. Which authority is competent for the promotion of judges?

Question 133. What is the procedure for the promotion of judges? (multiple replies possible)

Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

Question 135. Can a decision on the promotion of judges be appealed?

Question 136. If yes, what is the body competent to decide on appeal?

Question 137. Which authority is competent for the promotion of prosecutors?

Question 138. What is the procedure for the promotion of prosecutors? (multiple replies possible)

Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):

Question 140. Can a decision on the promotion of prosecutors be appealed?

Question 141. If yes, what is the body competent to decide on appeal?

Question 089

Armenia

(General Comment): Competitive exam includes the following stages.

-written exam, -psychological test,
-interview.

Persons holding an academic degree in the field of law and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least five years during the last 10 years, shall have the right to submit an application to the Supreme Judicial Council in order to be included in the list of contenders for judge candidates. A contender holding an academic degree shall undergo the stage of interview of the qualification check

Azerbaijan

(General Comment): The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law we have two possible ways of becoming judge: *First and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

According to the legislation of Azerbaijan judges recruitment procedures are consisted of 4 stages: 1. Test exam 2. Written exam 3. Oral exam After the one year training in the Justice Academy and practice in courts 4. Interview with members of the Judicial-legal Council.

According to the Law on Judicial-Legal Council, the latter is endowed with the responsibility of selecting candidates to be appointed to vacant judicial posts through the Judges Selection Committee. More than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power, the Judicial-Legal Council administrative body, the Apparatus of the Milli Majlis (Parliament), the advocacy and the legal scholar. All the candidates are given an equal opportunity and undergo a written and oral examination. Those candidates who successfully passed the exam are entitled to directly attend the long-term training stage at the Academy of Justice. After finishing the probation period in courts, the Judges Selection Committee assesses candidates according to the results of the training and conducts a final interview. The evaluation results and opinion on candidates' specialization are given to the Judicial-Legal Council. The latter proposes to the President of the Republic of Azerbaijan appointments to vacant judicial posts.

*Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the procedures provided by the legislation. They are not subject to examination and training at Justice Academy. But in practice in is very rarely used procedure.

Georgia

(General Comment): Apart from passing the qualification exam, candidates are expected to have masters degree in law and 5 years experience.– Candidates should complete special initial training course of sixteen-months duration conducted by the High School of Justice Georgia. The Article 34 (3),(6) of the LCC prescribes cases of exemption from applying to a training course at the HSJ: a) A person nominated for election to the office of a Supreme Court judge; b) a former judge who has passed a qualification exam for judges, who has served as a judge of the Supreme Court or a district (city) court and/or a court of appeals and who has at least 18 months of working experience as a judge; c) a person who completed a full training course of the HSJ and who has been included in the Justice Listener Qualifications List, regardless of the period he/she served as a judge or whether he/she had been appointed to the office of a judge since graduation from the HSJ; d) both current and former members of the Constitutional Court and the Supreme Court of Georgia.

(2024): Judges are recruited according a combination of both (competitive exam and working experience) ways. Apart from passing the qualification exam, candidates are expected to have masters' degree in law and 5 years' experience. Candidates should complete special training course of 16-months duration conducted by the High School of Justice. Candidates participate in a competition announced by High School of Justice. The later requirement does not extend to candidates who are former Supreme Court judges, or former judges with 18 months experience of judgeship. Decision on appointment of the first and second instance judges is made by the High Council of Justice. Supreme Court judges are nominated by High Council of Justice and appointed by the Parliament of Georgia.

Republic of Moldova

(General Comment): Judges are recruited through a competitive exam. The open competition refers to all candidates (applicants which passed via National Institute of Justice and experienced applicants-legal professionals).

Ukraine

Ukraine “On the Judicial System and Status of Judges”, pass the stages of selection for the position of a local court judge, one of which is the qualification exam, and participate in the competition.

According to Article 69 of the Law of Ukraine "On Judiciary and the Status of Judges" a citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has higher education in law and at least five years of record of professional work in the field of law is competent, honest and speaks the state language in accordance with the level determined by the National Commission on the Standards of the State Language, may be appointed to the position of a judge.

The procedure of selection to a judicial position includes the following general stages:

1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions; 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine; 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted; 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam; 6) taking admission exam by a person who was qualified to participate in the selection; 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine; 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law; 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training; 10) taking a qualification examination by the candidates who went through initial training and determining its results; 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list; 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of competition for filling such positions; 13) holding by the High Qualification Commission of Judges of Ukraine of competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice regarding the appointment of a candidate for a position of a judge; 14) consideration by the High Council of Justice of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge; 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice makes a proposal on appointing a judge to the office.

Selection of judicial candidates with at least three years of record of service as judge’s assistant shall be conducted with specific features determined by the decision of the High Qualification

Question 090

Armenia

(2024): A person applying for inclusion in the list of candidates for judges, within one month from the date of publication of the decision on the qualification check, submits an application to the Supreme Judicial Council in the form established by the Supreme Judicial Council (Part 1 of Article 98 of the Constitutional Law "Judicial Code of the Republic of Armenia"). Persons between the ages of 25 and 60, who have the right to vote, may participate in the qualification check for inclusion in the list of candidates for judges if:

1. They possess only the citizenship of the Republic of Armenia.
2. They have obtained a Bachelor of Law qualification degree in the Republic of Armenia or the qualification of a certified specialist with higher legal education, or have received the corresponding degree in a foreign country.
3. They are proficient in Armenian.
4. They have the appropriate level of language knowledge established by the Supreme Judicial Council in at least one of the English, Russian, and French languages tested using standardized test systems.
5. Only in the case of a Bachelor of Law degree or obtaining an appropriate degree in a foreign country, they have professional work experience of at least five years. In the case of a Bachelor of Law and Master of Law degree or a qualified degree of a certified specialist with higher legal education or obtaining an appropriate degree in a foreign country, they should have professional work experience of at least three years.
6. There are no restrictions provided for by Judicial Code for the appointment of a judge.

Candidates with extensive experience in the field of law (experienced legal professionals) are eligible to apply for inclusion in the list of judicial candidates if they meet the requirements set out in paragraphs 1-4 and 6 above, and:

1. Have at least eight years of professional work experience in the last 10 years.
2. Have an academic degree in law and have taught law for at least five years in a higher educational institution or the state non-profit organization "Academy of Justice," the foundation "Academy of Advocates of the Republic of Armenia" or have performed scientific work in a scientific institution over the past 10 years.

In this case, the candidate undergoes the interview stage to assess their qualifications in accordance with the established procedure.

In accordance with article 112 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", a person cannot be appointed a judge:

- 1) who has been convicted of a crime and whose criminal record has not been removed or has not been removed;
- 2) who has been convicted of an intentional crime or has served a sentence related to deprivation of liberty, regardless of whether the criminal record has been withdrawn or withdrawn;
- 6) in respect of whom criminal prosecution has been initiated.

Azerbaijan

(General Comment): According to Constitution of Republic of Azerbaijan in order to become a judge you need at least 5 years of experience in legal profession. The Law on Courts and Judges specify the requirements and procedures to become a judge. According to the said law there are two possible ways of becoming judge: first and most applicable way is via competition, which includes multiple exams, training at Judicial Academy, etc. This procedure is regulated in detail by bylaw adopted by Judicial-Legal Council. In order to qualify for this procedure you need to have 5 years of experience in legal profession, pass all the exams and training at Justice Academy.

Second way of becoming judge is via special procedure. According to Article 93-4 of the Law on Courts and Judges, outside procedures prescribed above, the person who meets the requirements provided by paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan, is prominent in the legal area, has 20 years of experience as a law practitioner and has high moral qualities, on proposal of the Judicial-Legal Council may be appointed to the high judicial posts according to the procedures provided by the legislation. They are not subject to examination and training at Justice Academy. But in practice it is very rarely used procedure.

Georgia

(2024): A competent citizen of Georgia of 30 years of age who has a higher legal education with at least a master's or equal academic degree/higher education diploma, at least five years of working experience in the specialty, has the command of the official language, has passed a judge's qualification exam, has completed a full training course of the High School of Justice and is entered on the Justice Trainee Qualifications List may be appointed (elected) as a judge. The later requirement does not extend to candidates who are former Supreme Court Judges, Constitutional Court Judges or former judges with 18 months experience as judges and a person nominated for election to the office of a Supreme Court judge. A person to be elected to the position of a judge of the Supreme Court shall be released for passing a judicial qualification exam.

A former judge of general courts of Georgia shall be released from the judge's qualification exam until 10 years have passed after the powers of the judge are terminated.

After open competition, interviews and assessment the decision on appointment of judges of the first and the second instance courts is made by the High Council of Justice of Georgia. Supreme Court judges are nominated by the High Council of Justice and elected by the Parliament of Georgia.

A person with previous conviction, or a person who has been discharged from the position of a judge on the ground of committing disciplinary misconduct or committing a corruption offence as determined in the Law of Georgia on Conflicts of Interest and Corruption at Public Institutions may not be appointed/elected to the position of a judge.

Republic of Moldova

(2024): Other criteria provided for by the Law on the Status of the Judge include: the knowledge of the official language of the Republic of Moldova, specific medical certificate. Additionally, the candidates entering the National Institute of Justice to become judges must file declarations of assets and interests, which are subject to verification and control by the National Integrity Authority, according to LP152/2006. As an exception, the Constitutional Court judges and international courts' judges who have 5 years of experience in such positions are not required to take a judicial exam, as a pre-condition to become a judge in Moldova.

Ukraine

(General Comment): According to Article 69 of the Law of Ukraine 'On the Judiciary and the Status of Judges', a citizen of Ukraine, not younger than thirty and not older than sixty-five years, who has a higher legal education and at least five years of professional experience in the field of law, is competent, has integrity and speaks the state language in accordance with the level determined by the National Commission on State Language Standards, may be appointed as a judge.

A citizen who:

- 1) has been recognised by a court as having limited legal capacity or incapacitated;
 - 2) has chronic mental or other diseases that prevent him/her from performing the functions of administration of justice
 - 3) has an unspent or outstanding criminal record.
3. A person who is prohibited by law from holding the respective position may not apply for the position of a judge.

A person who holds the position of a member of the High Council of Justice, a member of the High Qualification Commission of Judges of Ukraine during the period of holding the respective position and within one year after dismissal or termination of powers may not be eligible for the position of a judge.

A person who has been dismissed from the position of judge for committing a significant disciplinary offense, gross or systematic neglect of duties that is incompatible with the status of a judge or has revealed his incompatibility with the position held, violation of requirements regarding incompatibility, violation of the obligation to confirm the legality of the source of origin of property, or in connection with the entry into force of a conviction against such a person, except for cases where the decision to dismiss on the specified grounds is recognized as unlawful in court or the court's conviction is canceled.

A person who has been dismissed from the position of a judge based on the results of the qualification assessment cannot apply for the position of a judge

Question 091

Azerbaijan

(General Comment): According to Article 1 of the Law “on the Judicial-Legal Council”, the Council is the body, which, within its competence, ensures organization of the court system, independence of judges and court system in Azerbaijan Republic; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements self-governance functions of the judiciary.

According to the legislation (Articles 14 of the Law “on the Judicial-Legal Council” and Articles 93-2 of the Law “on Courts and Judges”), the Judicial-Legal Council forms Judges' Selection Committee consisting of 11 members, more than half of the 11 members of the Judges Selection Committee are judges. The other members represent the executive power (Ministry of Justice), the Judicial-Legal

Council administrative body, the Apparatus of the Milli Majlis (Parliament), the advocacy and the legal scholar. The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005.

According to Article 93-3 of Law on Judges, the applicants for the post of judge are selected as the result of written exam and oral exam.

Judges Selection Committee arranges these exams to select candidates. The results of these exams are evaluated by the Judges Selection Committee. The Judges Selection Committee may engage ad hoc commission in the implementation of this function. The applicants who have succeeded in these exams are automatically admitted to perform a long-term training period. This training period is organized by the training center (Justice Academy). The working places and salaries of the applicants admitted to perform a long-term training will be kept.

Georgia

(2024): The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia. First and the second instance Judges are appointed by High Council of Justice of Georgia.

Republic of Moldova

(2024): In accordance with last amendments the National Institute of Justice is the competent authority during the entry selection procedure.

Ukraine

(General Comment): According to item 2 of part one of Article 93 of the Law of Ukraine “On the Judiciary and the Status of Judges” the High Qualification Commission of Judges of Ukraine shall select candidates for the appointment to the position of a judge, organise a special background and security check-in respect of them in accordance with the law and administer a qualification examination.

(2024): On 09.12.2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3511-IX “On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ and Certain Legislative Acts of Ukraine on Improving the Procedures for Judicial Career”, which entered into force on 30.12.2023. The Law provides, inter alia, for the reduction of the stages of selection and competition procedures, changes in the formation procedure, establishment of peculiarities of completion of selection and competition procedures not completed by the High Qualification Commission of Judges of Ukraine, etc. The Law also provides for the approval by the High Council of Justice of the Uniform Indicators for Assessing the Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge), the possibility for the High Qualification Commission of Judges of Ukraine to conduct an examination of the personal moral and psychological qualities of candidates for the position of judge, and defines the components of the qualification examination - anonymous testing and a practical task

Question 092

Armenia

(2024): Through Judicial Department

Question 093

Republic of Moldova

(2024): Available as a part of a public call provided on the web page of the National Institute of Justice (<https://www.inj.md/ro/admiterea-inj>). All entry criteria are as well publicly available free of charge in the legal provisions (Law on status of judges and Law on the National Institute of Justice).

Question 095

Georgia

(2024): A candidate may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Question 096

Armenia

(2024): In cases when the candidate shall attend the Academy of Justice, according to parts 1 and 2 of the Article 105.1 of the Judicial Code of RA: “The results of the written examination may be appealed to the Appeals Commission within a 15-day time period upon publication thereof. The appeals commission for the relevant specialization shall be formed within a 5-day period upon receipt of the first appeal against the results of the examination for the specialization concerned, composed of two judges and one academic lawyer who are, by a drawing, elected by the composition of 5 academic lawyer candidates for the given specialization nominated by the Training Commission and at least 3 academic lawyer candidates in the relevant field of law nominated by the Authorized Body, upon their consent. Members of the evaluation commission may not be included in the composition of the Appeals Commission”. Moreover, according to part 5 of the Article 105.1 of the Judicial Code, the results of the written examination may be appealed in court on the basis of procedural violations, if they have been appealed to the Appeals Commission. The competent court is the administrative court. It should be noted that the Judicial Code does not describe the appeal procedure neither of decisions made during interview and other stages of candidate selection, nor for the cases when the candidate is selected without attending to the Academy of Justice, but in practice it is not excluded the possibility to appeal to the Administrative court.

Azerbaijan

(General Comment): According to the law "on Judicial-Legal Council" a candidate for the position of a judge may appeal to the Plenum of the Supreme Court of the Republic of Azerbaijan on the correctness of the application of the legislation on legal issues within twenty days from the date of submission of these decisions by the Judicial Legal Council. For this reason we selected High Judicial Council and Court.

Georgia

(2024): A candidate may appeal the decision of the High Council of Justice of Georgia to the Chamber of Qualification of the Supreme Court of Georgia.

Republic of Moldova

(2024): The National Institute of Justice is the competent authority during the entry selection procedure to decide on appeal.

Question 097

Azerbaijan

(General Comment): At the end of this training, each trainee is evaluated. The results of this evaluation are based on the considerations made by the Training Center on the results of training and final interview with the members of the Judge Selection Committee. The evaluation is based on the mark system. The applicants shall be classified according to their merit, based on the mark obtained. According to the changes made to the rules on 31.08.2023, preference is given to those who have obtained equal results, to those who have completed a higher level of higher education, and if the level of education is the same, to those who have graduated from an educational institution with honors and who know a foreign language.

The results of this evaluation are submitted to the Judicial-Legal Council. The Judicial-Legal Council proposes to the relevant executive body of the Republic of Azerbaijan (President of Republic of Azerbaijan) the appointment of the candidates according to the number of the judge positions.

Georgia

(2024): In addition, a candidate for judge shall be selected on the basis of two basic criteria – good faith (integrity) and competence. The characteristics of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The characteristics of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity.

Republic of Moldova

(2024): Other criteria according to the provisions of the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023):

1. participation in non-formal education activities, projects or initiatives;
2. knowledge of one of the official languages of the Council of Europe;
3. possession of personal qualities such as verticality, fairness, the ability to manage stressful situations, analytical ability, the ability to make decisions, attested by the result of psychological testing;
4. possession of the ability to understand and solve complex legal situations;
5. other criteria established by the regulation approved by the Superior Council of Magistracy. A new Regulation on the selection and evaluation of the judges performance has been approved in 2024 by the SCM. It is available at the following link: https://www.csm.md/files/Acte_normative/Legislatia/Interne/2024/Regulament_selectie_evaluare_ro.pdf In accordance with the aforementioned Regulation, performance appraisal from previous employer or from university is a document requested from all candidates. As well, duration of previous work experience and relevance of previous work experience (in the justice field) are criteria evaluated for all candidates by the Selection and evaluation Board.

Ukraine

(2024): Paragraph 20 of Section XII “Final and Transitional Provisions” of the Law of Ukraine “On the Judicial System and Status of Judges” (the “Law”) provides that the suitability for the position of a judge appointed for a five-year term or elected as a judge for an unlimited term before the entry into force of the Law of Ukraine “On Amendments to the Constitution of Ukraine (regarding Justice)” is assessed by the panels of the High Qualification Commission of Judges of Ukraine in accordance with the procedure established by this Law.

According to part one of Article 83 of the Law, the qualification assessment is conducted by the High Qualification Commission of Judges of Ukraine to determine the ability of a judge (candidate for the position of a judge) to administer justice in the relevant court according to the criteria established by law.

According to part two of Article 83 of the Law, the criteria for qualification assessment are:

- 1) competence (professional (level of knowledge in the field of law, level of practical skills and abilities in law enforcement, efficiency of administration of justice, activities to improve professional level), personal (cognitive, emotional, motivational and volitional qualities of a person, personality qualities), social (communication skills, organizational skills, managerial qualities and moral traits of a person), etc);
- 2) professional ethics
- 3) integrity.

Question 097-1

Republic of Moldova

(2024): Minutes of the SCM meetings (including the interviews) are taken.

Other: The decisions of the SCM and the NIJ Council are published on the web pages of the institutions.

Question 098

Armenia

(2024): The Supreme Judicial Council shall include the contenders for judge candidates, having completed the training at the Academy of Justice, in the list of judge candidates according to the relevant specializations. In cases when the candidate shall not attend the Academy of Justice the list of judge candidates is compiled by the Supreme Judicial Council.

Georgia

(2024): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice of Georgia and elected by the Parliament of Georgia.

Ukraine

(2024): According to paragraph 2 of part one of Article 93 of the Law of Ukraine “On the Judicial System and Status of Judges”, the High Qualification Commission of Judges of Ukraine selects candidates for appointment to the position of a judge, including organizing a special inspection in accordance with the law and taking a qualification exam

Question 099

Armenia

(2024): In case the candidate gives his or her consent, the Supreme Judicial Council shall propose his or her candidacy to the President of the Republic by introducing also his or her personal file, the documents submitted thereby in case he or she is not a judge and those acquired as a result of their check. In case the President of the Republic returns to the Supreme Judicial Council the proposal with the objections therein, the Supreme Judicial Council shall be obliged to convene a session.

The Supreme Judicial Council shall consider the issue of not accepting the objection of the President of the Republic and make a decision by secret ballot. Where the Supreme Judicial Council does not accept the objection of the President of the Republic, the President of the Republic shall, within a period of three days, adopt a decree on appointing the proposed candidate or apply to the Constitutional Court.

Where the Constitutional Court decides that the proposal complies with the Constitution, the President of the Republic shall adopt, within a period of three days, a decree on appointing the proposed candidate.

Where the President of the Republic fails to carry out, within a period of three days, the actions specified in parts 2, 4 or 5 of this Article, the decree of the President of the Republic on appointing the relevant candidate shall enter into force by virtue of law, whereon the Chairperson of the Supreme Judicial Council shall, within a period of three days, publish an announcement on the official website of the judiciary

Azerbaijan

(General Comment): According to Article 93-4 of the Law "On Courts and Judges", when judges are appointed under a special procedure, their appointment to appellate and cassation instances is carried out by a decision of the Milli Majlis (Parliament).

Georgia

(2024): The judges of district/city court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

Republic of Moldova

(2024): Due to 2022 amendments to the Constitution the President of the Republic of Moldova is competent for the final appointment of a judge at the proposal of the Superior Council of Magistracy.

Ukraine

(General Comment): According to part one of Article 128 of the Constitution of Ukraine, the appointment of a judge is carried out by the President of Ukraine upon the proposal of the High Council of Justice in accordance with the procedure established by law

Question 100

Ukraine

(General Comment): Article 80 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that the appointment to judicial office shall be made by the President of Ukraine on the basis of and within the terms of a submission made by the High Council of Justice, without any verification of compliance with the requirements established by this Law for candidates for judicial office and the procedure for selection or qualification assessment of candidates.

No submissions regarding a candidate for judicial office shall preclude his/her appointment. The facts set forth in such submissions may create grounds for the President of Ukraine to raise before the competent authorities the issue of verifying these facts in the manner prescribed by law.

The President of Ukraine shall issue a decree on the appointment of a judge no later than thirty days from the date of receipt of the relevant submission of the High Council of Justice.

(2024): Article 80 of the Law of Ukraine “On the Judiciary and Status of Judges” provides that the appointment of a judge is made by the President of Ukraine on the basis of and within the framework of a proposal by the High Council of Justice, without verifying compliance with the requirements for candidates for the position of judge and the procedure for selecting or qualifying candidates.

Any appeals against a candidate for the position of a judge shall not prevent his or her appointment. The facts set forth in such appeals may be the basis for the President of Ukraine to raise the issue of verification of these facts before the competent authorities in accordance with the procedure established by law.

The President of Ukraine shall issue a decree on the appointment of a judge no later than thirty days from the date of receipt of the relevant submission of the High Council of Justice

Question 102

Georgia

(2024): A candidate may appeal the decision of the High Council of Justice of Georgia on refusing to appoint or nominate him/her for the position of a judge to the Chamber of Qualification of the Supreme Court. The decision of the Parliament can be appealed in court.

Republic of Moldova

(2024): The non-selected candidates may appeal against the final decision of appointment in court. The matter is examined by the court, according to the provisions of the Administrative Code.

Ukraine

(2024): In accordance with Articles 7-8 of the Law of Ukraine “On the Judiciary and Status of Judges”, everyone is guaranteed protection of their rights, freedoms and interests within a reasonable time by an independent, impartial and fair court established by law.

Access to justice for everyone is ensured in accordance with the Constitution of Ukraine and in accordance with the procedure established by the laws of Ukraine

No one may be deprived of the right to have his or her case heard by a court under the jurisdiction of which it is referred by the procedural law

Question 103

Armenia

(2024): The candidates should fill an integrity questionnaire and submit it to the Judicial Department. The Judicial Department shall submit the questionnaire to the Commission for the Prevention of Corruption for the purpose of receiving an advisory opinion within a one month period.

Azerbaijan

(2024): The procedure for selecting candidates for the position of a judge is carried out in accordance with Article 93-3 of the Law “on Courts and Judges” and “the Rules for selection of non-judge candidates to vacant judicial posts” approved by the Judicial-Legal Council on 11 March 2005. The selection of candidates for the vacant judge position is carried out transparently through written and oral exams and interview in order to determine the candidates' level of knowledge, general outlook, and suitability for the position of judge.

Georgia

(2024): During checking the integrity of candidate consideration shall be given to his/her, as a citizen’s honesty, good faith, consciousness corresponding to duties and responsibility, transparency, accuracy and precision when performing official or other duties, financial or other obligations - for example, when paying a bank or other debts, paying utility or other fees, paying a fine for violating traffic regulation and etc. Consideration shall be given also to his/her ethics in interacting with colleagues and other people, self-possession, ability to manage own emotions, disputes in a court to which he/she has been a party, whether there is a criminal charge against him/her, etc.

Republic of Moldova

(2024): According to the amended provisions in 2024 of the article 9 of the Law of the status of the judge, the Superior Council of Magistracy requests from the National Integrity Authority to verify whether there are any doubts regarding the origin of the assets or the correctness of the declaration of assets and personal interests by the candidate, and from the National Anticorruption Center and the Intelligence and Security Service – information regarding the professional integrity of the candidate. A copy of the documents received from the National Integrity Authority, the National Anticorruption Center and the Intelligence and Security Service is sent to the candidate, giving him/her the opportunity to present his/her position on them. The candidate may present, in writing, his/her opinion within 5 working days.

Ukraine

General commentary: In accordance with paragraph 1 of persons entitled 12 of the Law of Ukraine "On the Judiciary, and State Judges", in order to participate in the selection process, a candidate for the position of a judge shall submit to the High Qualification Commission of Judges of Ukraine, in particular, a declaration of family ties and a declaration of integrity of the candidate for the position of a judge.

The compliance of a person who has expressed an intention to become a judge, in particular, with the integrity criterion, is established by the High Qualification Commission of Judges of Ukraine during his/her participation in the selection of a judge as a candidate (Article 73 of the Law).

A candidate for the position of a judge meets the integrity criterion if there are no reasonable doubts about his/her independence, honesty, impartiality, integrity, good faith, compliance with ethical standards, impeccable behavior in professional and personal life, as well as the legality of the sources of his/her property, compliance of the standard of living of the candidate for the position of a judge or his/her family members with the declared income, compliance of the lifestyle of the candidate for the position of a judge with his/her previous status (Article 69 of the Law).

After making a decision to admit candidates for the position of judge to the special vetting, the High Qualification Commission of Judges of Ukraine sends requests to the authorized state bodies to verify the information on the candidates regarding their compliance with the requirements set forth in this Law and the authenticity of the submitted documents.

The list of authorized state bodies, terms and requirements for information to be provided or received shall be determined by the High Qualification Commission of Judges of Ukraine, taking into account the information contained in the dossier of candidates for the position of judge.

In order to compile the dossier of a candidate for the position of a judge and conduct a special inspection, the High Qualification Commission of Judges of Ukraine also has the right to receive free of charge information about the candidate and his/her family members or close relatives in accordance with the procedure provided for in Article 86 of the Law.

It should be noted that in order to participate in the selection of candidates for the position of a judge or a competition for a vacant position of a judge, candidates for the position of a judge shall submit a declaration of persons authorized to perform the functions of the state or local self-government, a declaration of family ties and a declaration of integrity.

Compliance with the criteria, including integrity, is established by the Commission during the qualification assessment of a person as a candidate for the position of a judge.

The compliance of a candidate for the position of a judge with the integrity criterion shall be assessed (established) by the following indicators:

1. Reliability of the information provided by the candidate for the position of judge in the declaration of a person authorized to perform the functions of the state or local self-government, declaration of income from professional activities for a self-employed person, individual entrepreneur.
2. Reliability of the information provided by the candidate for the position of judge in the declaration of family ties and declaration of integrity, as well as other documents submitted by the candidate.
3. Availability of information on the commission of misdemeanors or offenses by the candidate for the position of judge that indicate his/her dishonesty, as well as the facts of bringing him/her to justice.
4. The presence of unsecured property obligations that may have a significant impact on the administration of justice.
5. Compliance of the expenses and property of the candidate for the position of judge and his/her family members and close relatives with the declared income.
6. Compliance by the judicial candidate with the legislation governing his/her professional activity.

...by 31 December 2017, the High Council of Justice approved the criteria indicators for assessing the integrity and professional ethics of judges (candidates for the position of judge). In addition, in order to establish whether the standard of living of a judge is in line with the property owned by him/her and his/her family members and the income received by them, the lifestyle of a judge is monitored in accordance with the law, as stated in the COE Opinion No. 21 (2018) "Prevention of corruption among judges" and the fourth round of GRECO reports. Judges are required to submit annual declarations of persons authorized to perform state or local government functions to the National Agency for the Prevention of Corruption (hereinafter - NAPC). These declarations are posted in the Unified State Register maintained by the NAPC. The National Agency for the Prevention of Corruption verifies the data in the submitted declarations. Failure to submit or untimely submission of declarations of persons authorized to perform state or local government functions, or submission of knowingly false (including incomplete) information is grounds for bringing a judge (candidate for the position of judge) to administrative or criminal liability in accordance with the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine.

A full verification of the declaration of a person authorized to perform the functions of the state or local self-government is carried out in respect of each judge at least once every five years (unless otherwise provided by law), as well as upon the relevant request of the High Qualification Commission of Judges of Ukraine or the High Council of Justice.

In addition, judges are required to submit annually by May 1, by filling out a declaration of kinship and a declaration of integrity in the form determined by the Commission on the official website of the High Qualification Commission of Judges of Ukraine.

In the declaration of kinship, judges shall indicate whether they have persons with whom they have kinship relations who are or have been within the last five years

- a) members of the High Council of Justice, High Council of Justice, employees of the secretariat of the High Council of Justice, High Council of Justice;
- b) members of the High Qualification Commission of Judges of Ukraine, employees of the secretariat or inspectors of the High Qualification Commission of Judges of Ukraine;
- c) members of the Temporary Special Commission for the Verification of Judges of Courts of General Jurisdiction;
- d) judges, court staff members;
- e) judges of the Constitutional Court of Ukraine, employees of the Secretariat of the Constitutional Court of Ukraine;
- f) members of the Public Integrity Council, members of the Public Council of International Experts, which is established in accordance with the law defining the principles of organization and operation of the High Anti-Corruption Court;
- g) prosecutors, law enforcement officers, attorneys, notaries;
- h) officials of the State Judicial Administration of Ukraine and its territorial departments;
- i) The President of Ukraine;
- j) The Head of the Presidential Administration of Ukraine or his/her deputies;
- k) the Secretary of the National Security and Defense Council of Ukraine or his/her deputies;
- l) People's Deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city, district in a city, village, settlement councils;
- m) members of the Cabinet of Ministers of Ukraine, heads or deputy heads of central executive bodies, including those with special status, members of the Council of Ministers of the Autonomous Republic of Crimea;

Question 104

Armenia

(2024): Following the examination of a matter regarding the disciplinary accountability of a judge in accordance with Article 149 of the Constitutional Law "Judicial Code of the Republic of Armenia", the Supreme Judicial Council may impose disciplinary sanctions on a judge, including the termination of their powers, for a significant disciplinary violation

The powers of a judge shall cease if:

- 1) he submits his resignation.
- 2) he has reached the age of 65.
- 3) the court decision recognizing him as incompetent, missing or deceased has entered into legal force;
- 4) the guilty verdict against him/her has entered into legal force, or the criminal prosecution has been terminated on non-excusing grounds;
- 5) has lost the citizenship of the Republic of Armenia or has acquired the citizenship of another state;
- 6) he died.

Azerbaijan

(General Comment): 66 age - for the judges of first and second instance courts, 68 age - for the judges of the Supreme Court.

(2024): for Supreme Court judges is 68, and for judges of other courts is 66.

Georgia

(General Comment): Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment at first Instance court, the judge may be appointed for three-year term until 31 December 2024.

As of 2023 there are number of judges (3 judges) at the Supreme Court who are still appointed for 10-years term.

(2024): Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment at First instance Court, the judge may be appointed for three-year term until 31 December 2024.

As of 2025 there is a judge (1 judge) at the Supreme Court who is still appointed for 10-years term.

Republic of Moldova

(General Comment): Dismissal of a judge due to: - obtaining the "insufficient" rating in two consecutive performance evaluations;

- committing a disciplinary offense specified in Law no. 178 of July 25, 2014 on the disciplinary liability of judges;

- issuing a final conviction;

- establishing, through the final act of finding, the direct conclusion or through a third party of a legal act, the issuance or participation in the issuance of a decision without resolving the real conflict of interest in accordance with the provisions of the legislation on the regulation of conflict of interest;

- failure to submit the declaration of personal assets and interests or refusal to submit it, under the conditions of art. 27 paragraph (8) of Law no. 132 of June 17, 2016 on the National Integrity Authority;

- the court's order, by irrevocable decision, to confiscate unjustified assets;

- the negative result of the professional integrity test based on the decision of the disciplinary board

shall entail the deprivation of his/her right to the single dismissal remuneration, and to the establishment of the pension under the conditions of art.32 of Law no.544/1995. Judges who fall under the incidence of those listed above, shall have the right to a pension according to the general conditions established by Law.

In the event of the annulment of the decision to dismiss the judge from office, he/she shall be reinstated in all previous rights.

(2024): Exceptions:

1. at judge's request to resign from position;

2. dismissal as a result of qualifying as "insufficient" in two consecutive performance evaluations;

3. in case of transfer to another position;

4. dismissal as a disciplinary sanction;

5. dismissal as a result of a final conviction;

6. dismissal as a result of acting in a conflict of interest;

7. dismissal as a result of failure or refusal to submit the declaration on assets and conflicts of interest;

8. dismissal as a result of an order issued by a court on confiscation of unjustified assets;

9. dismissal as a result of a negative result of the integrity test required by the disciplinary body;

10. loss of citizenship of the Republic of Moldova;

11. non-compliance with different interdictions established by the special law on the status of judges;

12. ascertaining the inability to work, proven by a medical certificate;

13. dismissal as a result of establishing a judicial protection measure referring to the judge;

14. in case of death.

Ukraine

(General Comment): The institute of the appointment as a judge for the first time for the 5 year term was cancelled after the introduction of amendments to the Constitution of Ukraine in part of justice in 2016.

(2024): According to Article 126 of the Constitution of Ukraine judge shall hold office for an unlimited term.

A judge shall be dismissed on the following grounds:

- 1) inability to exercise his/her powers for health reasons;
- 2) violation by him/her of incompatibility requirements;
- 3) committing a significant disciplinary misdemeanour, gross or systematic disregard of his/her duties, which is incompatible with the status of judge or has shown his/her incompatibility with the position held;
- 4) the submission by a judge of a statement of resignation or of voluntary dismissal from office;
- 5) failure to give consent to transferring to another court in case of liquidation or reorganisation of the court where the judge holds office;
- 6) failure to prove the legitimate origin of income.

The authority of the judge shall be terminated in the following cases:

- 1) attaining the age of sixty-five;
- 2) termination of the citizenship of Ukraine or acquisition of foreign citizenship;
- 3) the entry into legal force of a court decision that declares him or her missing or deceased, incapable or partially capable;
- 4) death of the judge;
- 5) the entry into legal force of a guilty verdict against him or her for a committed crime.

Question 107

Georgia

(2024): Qualification chamber of Supreme Court of Georgia

Question 109

Republic of Moldova

(General Comment): In cases of dismissals, it will be possible to be reappointed as a judge, if the reasons for dismissal are not proved.

Question 111

Armenia

(General Comment): According to the Article 177 of the Constitution, the Prosecutor General shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two consecutive terms. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General. The law may prescribe additional requirements for the Prosecutor General.

According to the Law on Prosecutor's Office, to be eligible for appointment to the position of a Deputy Prosecutor General, a person must meet the requirements prescribed in Article 33 part 1, holding citizenship of only the Republic of Armenia, with high professional qualities, and at least seven years of professional work experience after receiving higher legal education. If the candidate for Deputy Prosecutor General holds the position of prosecutor, he / she may be appointed by the Prosecutor General, after consultation with the Board of the Prosecutor General, without a competition held in accordance with this Article. In case of not being appointed by Prosecutor General as described, the candidates (candidate) for Deputy Prosecutor General shall be selected by the Qualification Commission through a competition held in accordance with the established procedure. The Qualification Commission makes a decision by secret ballot with at least six members of it. The Prosecutor General shall appoint one of the candidates as Deputy Prosecutor General. (Article 36)

For appointment to the position of a prosecutor a person must meet the requirements prescribed in Article 33 part 1. The list of prosecutor candidates shall be supplemented by open or closed competition. The open competition is held by the Qualification Commission of the Prosecutor's Office, as a rule, once a year, in January of each year. If so instructed by the Prosecutor General, a closed competition of candidates may be held during the year in order to supplement the list of prosecutor candidates. The Qualification Commission shall check the applicant's professional competence, practical skills, and moral attributes, as well as the conformity of documents presented by him with other requirements stipulated by law. The candidacies of applicants about whom the Qualification Commission issues a positive opinion shall be submitted to the Prosecutor General, who shall include the candidates acceptable to him in the list of prosecutor candidates. A person included in the list of prosecutor candidates shall complete a program of studies in the Academy of Justice and take a qualification exam. A person is relieved of the requirement to study and take a qualification exam, if he/she: has 3 years of professional work experience as a prosecutor, judge, investigator, or advocate, unless more than 5 years have passed since the person stopped performing such work; has 3 years of professional work experience as a prosecutor unless more than 10 years have passed since the person stopped performing such work and if he/she retired according to the specific grounds prescribed by law; has a PhD degree in Law and has 3 years of professional work experience; or has a PhD Candidate degree in law and 5 years of experience working as a lawyer. The grounds for exemption from training at the Academy of Justice do not apply to persons included in the list of candidates for prosecutors with the function of confiscating property of illegal origin.

(2024): According to Article 33 of the Law on the Prosecutor's Office, a citizen of the Republic of Armenia aged from 22 to 65 years, who

1) has received a bachelor's degree or a certified specialist of higher legal education in the Republic of Armenia, or has acquired a similar degree in a foreign country, the recognition and establishment of equivalence of which in the Republic of Armenia are carried out in accordance with the procedure established by law;

2) speaks Armenian;

3) which is not subject to the restrictions established by part 1 of Article 34 of this Law;

4) has completed the relevant training at the Academy of Justice, if, in the cases established by part 10 of Article 38 of this Law, is not exempt from training at the Academy of Justice.

2. A person with at least two years of professional experience as a lawyer may be appointed as a prosecutor of a subdivision performing functions for the recovery of property of illegal origin.

To make additions to the list of candidates for prosecutors, a closed competition of applicants may be held on behalf of the Prosecutor General during the year.

The Qualification Commission checks the applicant's professional training, practical skills, awareness of the requirements of the fundamental legal acts concerning his/her status, his/her personal qualities and merits (self-control, behavior, listening skills, communication skills, analytical abilities, etc.), as well as compliance of the documents submitted by him/her with the requirements stipulated by law, when the applicant is a candidate of legal sciences or a doctor of law and has at least four years of scientific experience, the qualification commission checks only the compliance of the documents submitted by the applicant with the requirements provided by law, his/her personal qualities and merits to assess the qualities necessary to occupy this position (self-control, behavior, listening skills, communication skills, analytical abilities, presentation of a position on one brief legal issue in the field of relevant specialization).

Candidates of applicants, on which the qualification commission gives a positive conclusion, are submitted to the Prosecutor General.

The Prosecutor General makes a reasoned decision not to include the applicant in the List, which the applicant can appeal in court.

A person included in the list of candidates for prosecutors undergoes a training program at the Academy of Justice, with the exception of persons established by part 10 of this Article and legal scholars established by part 7 of this Article.

Azerbaijan

(General Comment): All prosecutors shall be recruited to the prosecutor's office in a transparent manner and in accordance with international requirements, as well as on the basis of a competition consisting of tests, written examinations and interviews. When appointing a public prosecutor from among the candidates who passed the competition successfully, the business acumen, level of professionalism, results of work, and moral qualities shall be taken into account. To conduct the recruitment competition for the prosecutor's office, a seven-member Competition Commission is established within the General Prosecutor's Office in accordance with the "Regulations on the Procedure for Conducting a Competition for Candidates Applying for Employment in the Prosecutor's Office", approved by the Decree of the President of the Republic of Azerbaijan dated June 19, 2001.

Georgia

(General Comment): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience

(2024): Prosecutors are recruited through mixed procedure that involves both, a competitive exam and working experience.

Republic of Moldova

(General Comment): Candidates for the position of prosecutor - graduates of the National Institute of Justice and candidates on the basis of 5 years of service in the positions of prosecutor or judge in national or international courts, as a criminal investigation officer, as a lawyer, as a Ombudsman, as a prosecutor consultant, as a judicial assistant in the court, also candidates who held specialized legal positions in

the apparatus of the Constitutional Court, of the Superior Council of Prosecutors, of the Superior Council of Magistrates, of the Ministry of Justice, of the Ministry of Internal Affairs, of the National Anticorruption Center, of the Customs Service

or candidates who are professors of law in accredited higher education institutions - take the graduation exam before the Graduation Commission at the National Institute of Justice, register in the Register of candidates for the position of prosecutor, kept by the Council's Secretariat and participate in the selection procedures organized by the College for the selection and career of prosecutors.

Candidates on the basis of 10 years of service as a prosecutor, judge or lawyer register in the Register of candidates for the position of prosecutor without taking any exams, but participating in the selection procedures organized by the Board for the selection and evaluation of prosecutors.

Ukraine

(General Comment): Pursuant to the provisions of Article 29 of the Law of Ukraine “On Prosecution” (hereinafter - the Law), the selection of candidates and their appointment to the position of a district prosecutor is carried out in accordance with the procedure established by the Law and includes:

- 1) adoption by the relevant body conducting disciplinary proceedings (starting from March 16, 2023, the Qualification and Disciplinary Commission of Prosecutors, hereinafter referred to as the QDCP, the Commission) of a decision on the selection of candidates for the position of a prosecutor, which shall be posted on the official website of the QDCP and shall contain a statement of the requirements stipulated by the Law that a candidate for the position of a prosecutor must meet, as well as a list of documents to be submitted to the QDCP and the deadline for their submission;
 - 2) submission of the relevant application and documents to the QDCP by persons who have expressed their desire to become a prosecutor, as defined by this Law;
 - 3) the QDCP shall verify the compliance of persons with the requirements established for a candidate for the position of a prosecutor on the basis of the documents submitted by the candidate for the position of a prosecutor;
 - 4) passing the qualification exam by persons who meet the requirements for a candidate for the position of a prosecutor;
 - 5) publication by the QDCP on its official website of the list of candidates who have successfully passed the qualification exam;
 - 6) organization by the QDCP of a special examination of candidates who have successfully passed the qualification exam;
 - 7) determination by the QDCP of the ranking of candidates for the position of a prosecutor among the persons who have successfully passed the qualification exam and have been subject to a special check, as well as their inclusion in the reserve for filling vacant positions of prosecutors of district prosecutor's offices;
 - 8) announcement by the QDCP of a competition for appointment as a trainee prosecutor of the district prosecutor's office among the candidates who are in the reserve for filling vacant positions of district prosecutors;
 - 9) the QDCP conducts a competition for appointment as a trainee prosecutor of the district prosecutor's office based on the rating of candidates;
 - 10) the QDCP submits a proposal to the head of the regional prosecutor's office to appoint the candidate as a trainee prosecutor of the district prosecutor's office;
 - 11) appointment of a person as a trainee prosecutor of the district prosecutor's office;
 - 12) taking the oath of office of a prosecutor;
 - 13) completion of special training by the trainee prosecutor of the district prosecutor's office;
 - 14) appointment of a prosecutor-intern of the district prosecutor's office who has successfully completed the special training to the position of a prosecutor of the district prosecutor's office.
- Pursuant to Article 28 of the Law of Ukraine “On Prosecution”, candidates for the position of a prosecutor shall be selected from among persons who meet the requirements set forth in Article 27 of this Law.

Question 112

Armenia

(2024): Please note that "years of work experience" is a criterion only for the prosecutor of a unit performing functions aimed at the confiscation of property of illegal origin, where at least two years of professional experience as a lawyer is required for the appointment.

According to Article 34 of the Law of the Republic of Armenia "On the Prosecutor's Office", an individual convicted of an intentional crime cannot be appointed as a prosecutor, regardless of whether the criminal record has been expunged or removed. In the case of a crime of negligence, appointment is prohibited until the criminal record has been expunged or removed.

Furthermore, a law enacted on April 14, 2021, introduced a relevant addition to Article 38 of the fundamental law on the Prosecutor's Office, stipulating that individuals applying for the position of prosecutor must undergo an integrity check.

Georgia

(2024): Article 34 §3 of the Organic Law On Prosecution Service of Georgia prescribes main criteria of selection of public prosecutor. The criteria are as follows:

A citizen of Georgia who has a higher education in law, has a command of the language of legal proceedings, has passed a qualification examination for the Prosecution Service, has completed an internship in the bodies of the Prosecution Service, has taken the oath of an employee of the Prosecution Service, and is able, based on his/her working and moral qualities, as well as his/her health status, to perform the duties of a prosecutor or investigator of the Prosecution Service, may be appointed to the position of a prosecutor.

Exceptions to this rule are stipulated in this Law.

Republic of Moldova

(1) A person who meets the following conditions may apply for the position of prosecutor:

(a) he/she is a citizen of the Republic of Moldova;

b) he/she knows the Romanian language;

c) no judicial protection measure is in place for him/her;

d) has a bachelors degree and a masters degree in the field of law or other equivalent legal studies, recognized by the structure authorized for the recognition and equivalence of studies and qualifications;

e) has completed the initial training courses for prosecutors at the National Institute of Justice or, in the case of a person who has the necessary seniority to be appointed to the position, has passed the examination before the National Institute of Justice Graduation Commission;

e/1) has the general graduation average of the National Institute of Justice or the average grade in the exam taken before the National Institute of Justice Graduation Commission equal to or higher than 8.00.

f) enjoys an irreproachable reputation;

g) has not previously been found guilty of a criminal offence;

g1) does not have, in the last 5 years, in the record of professional integrity, entries on the negative result of the professional integrity test for violation of the obligation provided for in Article 7 para. (2) letter a) of the Law no. 325/2013 on institutional integrity assessment;

h) is medically fit to perform the function of prosecutor.

(2) A person may not be considered as having an irreproachable reputation within the meaning of para. (1) and may not be a candidate for the office of public prosecutor if one of the following circumstances exists:

(a) he has been dismissed from the office specified in para. (3) for violations in professional activity during the last 5 years;

b) he/she abuses alcohol or is a user of psychotropic or toxic substances or drugs.

c) is prohibited from holding a public office or a position of public dignity, which derives from a finding of the National Integrity Authority.

Concerning the possession of a bachelor's degree, the law degrees of candidates for the position of prosecutor based on 10 years of service - Article 20 paragraph (31) of Law no. 3/2016, obtained until 2003 (before the implementation of the Bologna system) are equivalent to a master's

(2024): Other: candidates entering the National Institute of Justice to become prosecutors must file declarations of assets and interests, which are subject to verification and control by the National Integrity Authority, according to LP152/2006.

Ukraine

(General Comment): According to the Law of Ukraine on the Prosecutor's Office, the selection of candidates for the position of prosecutor is carried out by submitting a statement and documents specified by this Law to persons who have expressed a desire to become a prosecutor to the relevant body conducting disciplinary proceedings. Such candidates must meet the criteria set out in the Law. Persons who meet the criteria of the Law pass the first stage of selection - the qualifying exam. The relevant body conducting disciplinary proceedings shall determine the rating of candidates for the position of prosecutor among persons who have successfully passed the qualifying examination and in respect of whom a special examination has been conducted, and shall include them in the reserve for filling vacant positions of prosecutors. A person who has not passed the qualifying examination at this stage has the right to retake the examination in a year.

Candidates from the reserve to fill vacant positions of prosecutors undergo special training at the Training Center of Prosecutors of Ukraine. A candidate for the position of a prosecutor is considered to have successfully passed special training if he / she has received more than 50 percent of the maximum possible score as a result of the examination.

In case of opening vacant positions of prosecutors of the competition for such positions among the candidates who are in the reserve and have undergone special training, the competition is announced by the relevant body conducting disciplinary proceedings. Based on the results of the competition, the relevant body conducting disciplinary proceedings shall send to the head of the relevant prosecutor's office a proposal to appoint a candidate for the position of prosecutor of the prosecutor's office to fill the vacant position in which the candidate applied.

Pursuant to part one of Article 27 of the Law of Ukraine "On Prosecution", a citizen of Ukraine who has a higher legal education, speaks the state language in accordance with the level determined by the National Commission for State Language Standards, and has undergone basic military training or military service, except for persons declared unfit for military service for health reasons, may be appointed as a prosecutor of the district prosecutor's office (including a prosecutor - trainee of the district prosecutor's office in cases specified by this Law) based on the results of the selection.

Anyone who meets the established requirements for a candidate for the position of a prosecutor has the right to apply to the Qualification and Disciplinary Commission of Prosecutors for participation in the selection of candidates for the position of a prosecutor (Article 28 of the Law).

Question 113

Armenia

(2024): The Qualification Commission is responsible for the recruitment and nomination of public prosecutors. According to article 23 of Law on Prosecution- The Qualification Commission shall have nine members, and for choosing the candidates of prosecutors for carrying out the activities stipulated in "Forfeiture of unlawfully acquired property" law, the Commission shall have 11 members. The Qualification Commission shall consist of one deputy of the Prosecutor General, four prosecutors, three law academics and the Rector of the Academy of Justice, and in the 2-nd case the Commission shall include 2 experts (appointed by the Prosecutor General) having at least 3 year's experience in the field of forfeiture of unlawfully acquired property.

Republic of Moldova

(General Comment): Selection and Evaluation Board, a SCP body, is competent during the entry selection procedure and National Institute of Justice Admission Commission and NIJ Graduation Commission are competent to check some of the reflected entry criteria (pre-conditions).

Ukraine

(2024): Qualification and Disciplinary Commission of Prosecutors

Question 114

Armenia

(2024): The procedure of the organization of the closed and open competitions is regulated by the order of the Prosecutor General. A closed competition of candidates may also be held during the year based on the instructions of the Prosecutor General. No public call is published during closed competitions and participants are notified by written or oral invitation. Person can participate in the closed competition if:

- 1) he/she meets the requirements provided by law and is exempted from studying in the Academy of Justice as prescribed by law,
- 2) he/she has appealed through a judicial procedure against the rejection of the application by the Qualification Commission, and the court satisfied the complaint, but open competition has ended. In cases prescribed by the 2nd point the candidate must attend the Academy of Justice.

Question 115

Ukraine

(2024): According to Art. 29 of the Law, the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by the Law and includes the adoption by the HQCP of a decision on the selection of candidates for the position of a prosecutor, which is posted on the official website of the HQCP and must contain a statement of the requirements provided for by this Law that a candidate for the position of a prosecutor must meet, as well as a list of documents to be submitted and the deadline for their submission

Question 116

Azerbaijan

(2024): Competition for recruitment into the prosecutor's office is conducted by the Competition Commission of the General Prosecutor's Office. The competition consists of qualification exams, namely a test exam and a written exam, as well as an interview stage. Detailed information about this process is provided to the public in advance. Additionally, the list of candidates who successfully pass these stages is published in the media in accordance with the relevant procedures.

Ukraine

(2024): Pursuant to Article 29 of the Law, the selection of candidates and their appointment to the position of a prosecutor is carried out in accordance with the procedure established by the Law and includes the publication by the HQCP on its official website of the list of candidates who have successfully passed the qualification exam.

Question 117

Ukraine

(2024): According to clause 11.1 of Section XI of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, clause 6. 3 of Section VI of the Regulation on the Procedure for Passing the Qualification Exam, the Minimum Passing Score for Admission to the Next Stage of the Qualification Exam and the Evaluation Methodology (approved by the HQCP decisions No. 113n-21 and No. 123n-21 as amended on October 26, 2021), the HQCP's decisions on the selection process, including the qualification exam and its results, may be appealed to the court or to the HQCP.

Question 118

Armenia

(2024): The appeal can be submitted to the Administrative court.

Republic of Moldova

(General Comment): According to Article 191(3) of the Administrative Code, Article 79 of the Law 3/2016 on Prosecutor's Office, the decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was communicated to him/her. Appeals against decisions of the Superior Council of Prosecutors shall be examined by the court panel which examines appeals against decisions of the Superior Council of Prosecutors.

Candidates for the position of prosecutor on the basis of 5 years of seniority and the beneficiaries of the NIJ initial training, may contest the results of the exams at the National Institute of Justice Commission of Appeals.

Candidates for the position of prosecutor on the basis of 10 years of service (art.20 paragraph (31) of Law no.3/2016) do not take any exams at the National Institute of Justice, so this category of candidates can challenge the decision of the Superior Council of Prosecutors on their selection in court.

Ukraine

(General Comment): Part 1 of Art. 27 of the Code of Administrative Procedure of Ukraine stipulates that administrative cases on appealing against acts, actions or omissions of the body conducting disciplinary proceedings are resolved by the district administrative court, the territorial jurisdiction of which extends to the city of Kyiv. Thus, in 2021, appeals against decisions of the relevant disciplinary body on the selection of candidates for the position of prosecutor fell within the exclusive competence of the Kyiv District Administrative Court. In addition, pursuant to part 5 of Article 33 of the Law of Ukraine "On the Prosecutor's Office", a candidate for the position of a prosecutor who was unsuccessful in special training (which is one of the stages of selection of candidates for the position of a prosecutor) may appeal such a decision to the relevant body conducting disciplinary proceedings within 15 days from the date of receiving a copy of such a decision. In accordance with paragraph 11.1 of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority on 26.10.2021 No. 113n-21, the decision to refuse to admit a person to the qualification exam, terminate participation in the selection, prevent the candidate from undergoing special training, exclude the candidate from the reserve for filling vacant positions of a prosecutor, as well as other decisions on the selection of candidates for the position of a district prosecutor, shall be made by the relevant disciplinary authority within five days from the date of the decision.

(2024): Pursuant to the second paragraph of part five of Article 32 of the Law of Ukraine “On the Prosecutor's Office”, the decision of the disciplinary body to refuse to enroll a candidate for a position of a district prosecutor in the reserve for filling vacant positions may be appealed to the court.

Pursuant to the provisions of part five of Article 33 of the Law of Ukraine “On the Prosecutor's Office”, a candidate for the position of a prosecutor in respect of whom a decision is made to terminate special training or to fail to complete it, shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law. Also, the procedure for appealing against the Commission's decisions on selection is regulated by Section XI of the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority dated October 26, 2021, No. 11zp-21 (as amended).

Thus, clause 11.1 of this Regulation stipulates that decisions to refuse to allow a person to take the qualification exam, to terminate participation in the selection, to prevent the candidate from undergoing special training, to exclude the candidate from the reserve for filling vacant prosecutor positions, as well as other decisions on the selection process may be appealed to the Commission or to the court.

A person who has expressed a desire to become a prosecutor or a candidate shall file a complaint against the decision in electronic form by sending it to the Commission's e-mail address within three calendar days from the date of publication of the relevant decision on the official website of the Commission.

The complaint shall be signed by the person who has expressed a desire to become a prosecutor, a candidate (clause 11.2 of the Regulation). The complaint against the decision is considered at a meeting of the Commission. The candidate is notified of the decision by sending a letter to the e-mail address specified in the complaint, with a copy of the relevant decision attached (clause 11.3 of the Regulation).

Repeated complaints and complaints from other persons, as well as those filed in violation of the established time limit and procedure, are not accepted for consideration (clause 11.4 of the Regulations).

In addition, pursuant to Article 5 of the Code of Administrative Procedure of Ukraine, every person has the right to apply to an administrative court in accordance with the procedure established by this Code if he or she believes that his or her rights, freedoms or legitimate interests have been violated by a decision, action or inaction of a public authority.

Question 119

Armenia

(2024): The results of the candidate's education at the Academy of Justice are taken into account when appointing a prosecutor, and in case the candidate is exempted from studying at the Academy of Justice in accordance with the law, the results of the interview are taken into account.

In any case person may be appointed to the position of a prosecutor if he/she meets the requirements set out in Article 35 of the "Law on Prosecutor's Office" and there are no restrictions on the appointment of a prosecutor prescribed by law. For more details please see the comment of Q112.

Azerbaijan

(2024): Other criteria is efficiency, the level of professionalism, the results of his work and moral qualities. In order to determine whether the candidates have the necessary qualities to work in the prosecutor's office, interviews are conducted with those who have passed the qualification exams (tests and written exams). Each candidate is interviewed individually for approximately 20 (twenty) minutes. Questions and answers are recorded by the members of the Commission on the scoreboard and evaluated and submitted to the Chairman of the Commission. Candidates who score less than 20 points in the interview will lose the right to participate in the competition

Republic of Moldova

(General Comment): According to the provisions of Article 23(2) and (3) of Law 3/2016, in the competition, candidates are assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- (d) the quality and efficiency of work as a prosecutor;
- (e) compliance with the rules of professional ethics.

The procedure and criteria for the selection of candidates for the posts of public prosecutor and for the career of public prosecutor shall be laid down in detail in the regulations referred to in paragraph 1. (1), which shall be published on the official website of the Supreme Council of Prosecutors.

According to the Regulation on Selection and Evaluation Procedure of Prosecutors and functioning of the Selection and Evaluation Board, approved by the Decision of the Superior Council of Prosecutors No.1-16/2024, the Board shall evaluate:

- Professional experience and competence, their relevance to the post for which they are applying.
- Motivation for entering the post for which he/she is applying.
- Performance at interview at the Board
- Involvement of the candidate in teaching activities and areas relevant for Prosecution service.
- Knowledge of foreign languages of international circulation.
- Ethical profile and professional integrity
- Managerial skills

According to the Regulation of the Superior Council of Prosecutors, Annex no.4, the Board shall evaluate:

- Reputation and integrity
- Effective communication skills
- Self-control and resilience to stress

(2024): Please see the general comments.

Concerning the conditions to become a prosecutor, starting with 2024 the Law nb. 3/2016 on prosecution service has been complemented with Article 20 (3) letter e/1) has the general graduation average of the National Institute of Justice or the average grade in the exam taken before the National Institute of Justice Graduation Commission equal to or higher than 8.00.

Question 120

Armenia

(2024): Qualification Commission

Georgia

(2024): Since December 2023, the Career Management, Ethics, and Incentives Council is responsible for the selection procedure of prosecutors, replacing the Internship Commission. The Council is composed of the First Deputy Prosecutor General, three Deputy General Prosecutors, eight members of the Prosecutorial Council, the Head of the PSG General Inspectorate, the Head of the PSG Human Resources Management and Development Department, and the Head of the PSG Department for Supervision over Prosecutorial Activities and Strategic Development.

Ukraine

According to part one of Article 66 of the Constitution of Ukraine stipulates that, in accordance with the law, bodies and institutions shall be established in the justice system to ensure the selection of judges and prosecutors, their professional training, evaluation, consideration of cases of their disciplinary liability, financial and organizational support of courts.

According to parts one and two of Article 73 of the Law of Ukraine “On Prosecution”, the body conducting disciplinary proceedings is the Qualification and Disciplinary Commission of Prosecutors, which is a collegial body that, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed their intention to hold the position of a prosecutor and decides on the disciplinary liability of prosecutors, transfer and dismissal of prosecutors. The Commission is a legal entity, has a seal with the image of the State Emblem of Ukraine and its name, an independent balance sheet and accounts with the State Treasury of Ukraine.

It is worth noting that the relevant body conducting disciplinary proceedings was renamed the Qualification and Disciplinary Commission of Prosecutors after the Law No. 2203-IX of April 14, 2022, came into force on March 15, 2023.

In accordance with part three of the same article, the Commission's working procedure is determined by the regulation adopted by the All-Ukrainian Conference of Prosecutors on April 27, 2017 (as amended).

Part one of Article 74 of the Law of Ukraine “On Prosecution” stipulates that the Commission consists of eleven members who are citizens of Ukraine, have a higher legal education and at least ten years of experience in the field of law, of whom:

- 1) five prosecutors are appointed by the All-Ukrainian Conference of Prosecutors;
- 2) two persons (scholars) are appointed by the congress of representatives of law schools and research institutions;
- 3) one person (lawyer) is appointed by the Congress of Advocates of Ukraine;
- 4) three persons are appointed by the Ukrainian Parliament Commissioner for Human Rights in agreement with the committee of the Verkhovna Rada of Ukraine responsible for the organization and operation of the prosecution authorities.

According to part one of Article 76 of the Law of Ukraine “On Prosecution”, the powers of a member of the Commission are terminated in the event of:

- 1) expiration of the term for which he/she was appointed
- 2) submission of a voluntary resignation
- 3) committing actions incompatible with the position of a member of the Commission;
- 4) holding a position provided for in part two of Article 74 of this Law;
- 5) inability to fulfill their powers for health reasons;
- 6) entry into force of a guilty verdict against him/her;
- 7) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 8) being declared missing or declared dead
- 9) death.

According to part one of Article 77 of the Law of Ukraine “On Prosecution”, the Commission:

(2024): Qualification and Disciplinary Commission of Prosecutors

Question 121

Georgia

(2024): After the vetting of a candidate is finished, the PSG Human Resources Management and Development Department and the General Inspectorate submit separate reports to the Prosecutor General of Georgia on appointing a candidate as a prosecutor. The Prosecutor General is the competent authority for the final appointment of a prosecutor.

Republic of Moldova

(General Comment): The SCP proposes candidates for appointment to the Prosecutor General. If candidates are rejected by the Prosecutor General a reasoned refusal shall be issued. The SCP can propose the same candidate/candidates to be appointed second time. The Prosecutor General can not refuse the second proposal. Both, the refusal of the Prosecutor General and the SCP decision can be contested when the procedure ends.

(2024): For Prosecutor General appointment, the President of The Republic of Moldova is the competent authority.

Question 123

Armenia

(2024): According to the "Law on Prosecution", the candidacies of applicants about whom the Qualification Committee issues a positive opinion shall be submitted to the Prosecutor General, who has a right to include the candidates in the list of prosecutor candidates.

The Prosecutor General makes a reasoned decision on not including the applicant in the list, which the applicant can appeal through judicial procedure. Prosecutors are appointed by the Prosecutor General from among such persons included in the list of prosecutor candidates. Although the "Law on Prosecution" does not contain provision regarding appeal procedure, actions of the Prosecutor General can be appealed through judicial procedure, as the Constitution guarantees the right to judicial remedies.

Republic of Moldova

(2024): The candidate has the right to challenge the decision of the Superior Council of Prosecutors at the Supreme Court of Justice and to challenge the order of the Prosecutor General in court, in administrative disputes procedure.

Ukraine

(2024): Pursuant to Article 33(5) of the Law of Ukraine “ On Prosecution ”, a person in respect of whom a decision is made to terminate special training or to fail to complete it shall be dismissed from his/her position. Such decisions may be appealed to the court in accordance with the procedure established by law

Question 124

Armenia

(2024): In accordance with Article 26.1 of the RA Law "On the Commission for the Prevention of Corruption":

The Commission shall conduct an investigation into integrity within the time limits established by law. The integrity questionnaire shall include the following information:

Brief information about the candidate and the property status of their family members within the meaning of the law "On Public Service" - property and income.

Information about the candidate's education and employment history, including the name(s) of educational institutions attended and past and present positions held.

Information on any criminal, administrative, or disciplinary liabilities.

Information regarding relationships as defined by the Law "On Public Service" between persons holding a public position and other such persons.

Information about affiliation with a criminal subculture.

The study of integrity, as defined by law, includes:

Verification of the accuracy of the information provided in the integrity questionnaire.

Investigation into any previous criminal, administrative, or disciplinary liabilities, including involvement in corrupt activities, violations of conduct rules, conflicts of interest, non-compliance with requirements, and other restrictions.

Review of information about the individual published in the media and on social networks.

Examination of the consistency between the individual's property status and their actual income, as well as previously submitted declarations.

Investigation into the individual's employment history.

Examination of the potential affiliation with a criminal subculture.

Azerbaijan

(2024): There is no specific method in checking integrity. But all the candidates pass the interview during which they are checked verbally by asking specific questions

Georgia

(2024): Chapter X of the Organic Law of Georgia on Prosecution Service of Georgia prescribes general rules for assessing the integrity of candidates. According to the provisions of this chapter, the following information on a person shall be subject to an examination:

☐ a criminal record and a current administrative penalty;

☐ information regarding income and financial liabilities;

☐ information regarding the possession and disposal of shares in entrepreneurial and non-entrepreneurial legal entities;

☐ Previous work experience.

Republic of Moldova

(2024): Pursuant to the provisions of Article 24(5) of Law no.3/2016 and according to the Regulation of the Superior Council of Prosecutor's, adopted by Decision no.12-225/16, at the phase of evaluation of the applications submitted in the announced competitions, the Council will request for all candidates whose files have been submitted to the Board for the Selection and Evaluation of Prosecutors the following:

- (a) National Integrity Authority - certificate of integrity;
- b) National Anti-Corruption Centre - certificate of professional integrity;
- c) Intelligence and Security Service - information on the absence or existence of risk factors that may prejudice the rule of law, state security, public order;
- d) the Prosecutor General Office - opinion on the professional performance within the organs of the Prosecutor's Office.

Ukraine

(General Comment): Pursuant to Article 32 of the Law, the QDCP organizes a special vetting of candidates for the position of prosecutor who have successfully passed the qualification exam in accordance with the procedure established by the legislation on corruption prevention. In order to conduct a special vetting, the QDCP sends requests to the authorized bodies to verify information about the candidates. Individuals, legal entities, and public organizations may submit information to the QDCP on the integrity of candidates.

In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the QDCP shall consider it at its meeting with the participation of such candidate.

The candidate for the position of a prosecutor has the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the QDCP may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. Such a decision may be appealed to the court.

Pursuant to parts three and five of the Law of Ukraine "On the Prosecutor's Office", individuals, legal entities and public organizations may submit information on the integrity of candidates for the position of prosecutor to the body conducting disciplinary proceedings within one month from the date of official publication of the list of candidates who have successfully passed the qualification exam. In case of receipt of information that may indicate dishonesty of a candidate for the position of a prosecutor, the relevant body conducting disciplinary proceedings shall consider it at its meeting with the participation of such candidate. The candidate for the position of a prosecutor shall have the right to familiarize himself/herself with such information, provide relevant explanations, refute or deny it. Based on the results of the review, the relevant disciplinary body may decide to refuse to enroll the candidate in the reserve for filling vacant positions of district prosecutors. The decision of the body conducting disciplinary proceedings to refuse to enroll a candidate to the reserve for filling vacant positions of district prosecutors may be appealed to the court.

Question 125

Azerbaijan

(General Comment): This term can be prolonged till the age of 65 by the General Prosecutor.

Georgia

(General Comment): All prosecutors, except for the Prosecutor General, are appointed for an undetermined period. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

The legislation of Georgia does not stipulate compulsory retirement age. According to the Organic Law on Prosecution Service of Georgia and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age.

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Republic of Moldova

Prosecutor service relations cease in circumstances beyond the control of the parties and in case of dismissal.

The circumstances beyond the control of the parties are: (a) loss of citizenship of the Republic of Moldova; (b) reaching the age of 65; (c) the expiration of the term for which he/she was appointed in the case of refusal to be appointed to another position as a prosecutor; (d) if the judgement establishing the prosecutor's guilty for committing a crime is final; (e) depriving the prosecutor of the right to occupy certain positions or to carry out certain activities, as a basic punishment or complementary punishment, on the basis of a final court judgment ordering this sanction; (f) where the prosecutor is declared to have disappeared by a final court order; (g) death or declaration of death of the prosecutor by a final court judgement; (h) in case the court judgement on the limitation of the exercise capacity or the prosecutor's incapacity for work remains final; (i) the finding, after his/her appointment, of at least one reason why the person can not be appointed as a prosecutor.

The prosecutor, the chief prosecutor and the deputy of the Prosecutor General shall be released from office in the case of: a) submitting the resignation request;

b) refusing to be transferred to another prosecutor's office or subdivision of the prosecutor's office, if the prosecutor's office or subdivision of the prosecutor's office in which he worked is liquidated or reorganized;

c) refusal to submit to the disciplinary sanctions of demotion;

d) the application of disciplinary sanctions for release from the position of prosecutor when it became irrevocable;

e) obtaining the qualification "insufficient" in two consecutive evaluations or performance evaluations;

f) not showing up, for unfounded reasons, twice in a row, for performance evaluation;

g) circumstances as a candidate on the list of a political party or a socio-political organization in elections for Parliament or for local public administration authorities;

h) in which the act confirming its state of incompatibility or the violation of prohibitions remains definitive;

i) in which he is considered medically unfit to perform his duties;

j) the refusal to be subject to verification pursuant to Law no. 271-XVI of December 18, 2008 on the verification of holders and candidates for public positions;

k) appointment to a position incompatible with the position of prosecutor;

l) establishing, by means of the deed of ascertainment, the conclusion directly or through a third party of a legal act, taking or participating in the taking of a decision without resolving the real conflict of interests in accordance with the provisions of the legislation on the regulation of the conflict of interests ;

m) failure to submit the declaration of wealth and personal interests or refusal to submit it, under the terms of art. 27 para. (8) from Law no. 132 of June 17, 2016 on the National Integrity Authority;

n) ordering by the court, through an irrevocable decision, of the confiscation of unjustified assets.

Ukraine

(General Comment): The prosecutor shall be dismissed from office in case of:

- 1) inability to perform his/her duties for health reasons
- 2) violation of the requirements for incompatibility provided for in Article 18 of this Law;
- 3) entry into force of a court decision on bringing the prosecutor to administrative liability for an offense related to corruption;
- 3-1) entry into force of a court decision recognizing the prosecutor's assets or assets acquired on his/her behalf by other persons or in other cases provided for in Article 290 of the Civil Procedure Code of Ukraine as unjustified and their recovery as state revenue;
- 4) impossibility of transfer to another position due to direct subordination to a close person;
- 5) entry into force of a court verdict of guilty against him/her;
- 6) termination of Ukrainian citizenship or acquisition of citizenship of another state;
- 7) submission of a resignation letter at his/her own request;
- 8) impossibility of further holding a temporarily vacant position;
- 9) liquidation or reorganization of the prosecutor's office where the prosecutor holds the position, or in case of reduction of the number of prosecutors in the prosecutor's office;

In addition to the grounds provided for in paragraphs 1-9 of this part, the Deputy Prosecutor General is dismissed from office in case of violation of the requirements of the Law of Ukraine “On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” in terms of submission, compliance with the deadlines for submission of the declaration of contacts (part 3 of Article 16, Article 51 of the Law of Ukraine “On Prosecution”)

The prosecutor may be subject to disciplinary sanctions in the form of dismissal from the position in the prosecution bodies (clause 3, part 1, Article 49 of the Law of Ukraine “On Prosecution”).

If a prosecutor refuses to be appointed to a vacant position in the relevant prosecution body or to be transferred to another prosecution body, after dismissal from an administrative position, the prosecutor is dismissed from the position of a prosecutor within the specified period (Article 41(5) of the Law of Ukraine “On Prosecution”).

The powers of a prosecutor are terminated upon reaching the age of sixty-five (Article 51(3) of the Law of Ukraine, “On Prosecution”).

Prosecutors and investigators of the prosecution bodies are dismissed by the Prosecutor General, the head of the regional (oblast) prosecutor's office from the position of a prosecutor in case of unsuccessful certification (clause 19 of Section II of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of the Prosecution Bodies”).

(2024): See General comments

Question 126

Ukraine

(General Comment): The Law of Ukraine “On Prosecution” does not provide for a probationary period for prosecutors.

The procedure for selecting a district prosecutor provides for the appointment of a trainee prosecutor and special training after successful completion of the qualification exam and special inspection (Articles 29-34 of the Law). Special training (Article 33 of the Law) consists of: - initial training: lasts for 2 months and is conducted by the Training Center of Prosecutors of Ukraine; - internship: lasts for 6 months and is conducted at the relevant district prosecutor's office. A person in respect of whom the QDCP makes a reasoned decision on unsuccessful completion of special training is dismissed. Such a decision may be appealed to the court in accordance with the procedure established by law (Article 33 of the Law).

Question 132

Armenia

(General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. 2. The promotion lists of judge candidates shall be as follows:

- (1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;
- (2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

(2024): Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years. The same person may be elected as chairperson of a chamber of the Court of Cassation only once.

The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.

Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council.

The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of the corresponding court, for a term of three years. The chairperson of the court may not be re-appointed to this position within three years following the expiry of his or her term of office.

Azerbaijan

(General Comment): According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan “On the Judicial-Legal Council” (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

Georgia

(2024): Promotion of district (city) court judges to courts of appeals is decided by the HCJ.

Election to the position of Supreme Court judges is conducted by Parliament, upon nomination of candidates by the HCJ.

Republic of Moldova

(2024): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

Ukraine

(General Comment): According to Article 93 of the Law of Ukraine “On the Judiciary and Status of Judges”, the High Qualification Commission of Judges of Ukraine, in particular:

- makes a recommendation on the transfer of a judge in accordance with this Law, except for transfer as a disciplinary sanction; - conducts qualification assessment.

In accordance with paragraphs 1, 10 of part one of Article 3 of the Law of Ukraine “On the High Council of Justice”, the High Council of Justice, in accordance with its powers, in particular, submits a proposal for the appointment of a judge to the position; decides on the transfer of a judge from one court to another.

Question 133

Armenia

(General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

(1) a judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;

(2) a former judge having held office during the last 10 years who possesses at least five years of experience as a judge.

(3) a person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

(1) a judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(2) a former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(3) a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

...the Supreme Judicial Council compiles and approves, including supplementing and amending, the list of candidates for judges subject to promotion.

The lists of candidates for judges subject to promotion are:

- 1) List of candidates for promotion to judges in courts of appeal, by criminal, civil, administrative and anti-corruption specialization sections. The anti-corruption specialization section includes the subsections of investigation of corruption crimes and investigation of anti-corruption civil cases.
- 2) List of candidates for promotion to the position of judge in the Court of Cassation.

In the event of a vacancy for the position of judge of the Court of Appeal, when selecting a candidate for appointment to the President of the Republic, a proposal shall be submitted in the following sequence:

- 1) First of all, to a reserve judge from the Court of Cassation who has the appropriate specialization for the vacant position. In the event of several persons, preference shall be given to the senior judge of the Court of Cassation.
- 2) secondly, to the judge of the relevant specialization of the Court of Cassation who has previously applied in writing to the Supreme Judicial Council, requesting to be transferred to the position of judge of the Court of Appeal. In the event of several applicants, preference shall be given to the oldest.
- 3) Thirdly, to the person included earlier in the promotion list. In the event of several persons, preference shall be given to the oldest.

When selecting a candidate for nomination to the President of the Republic, a proposal shall not be submitted to a person against whom criminal prosecution has been initiated.

The written proposals specified in this Article shall be submitted by the Judicial Department within three days from the date of the relevant grounds arising by e-mail, and in case of impossibility, by postal delivery.

The Judicial Department shall not submit a recommendation to a candidate referred to in Part 1 of this Article if the Supreme Judicial Council has made a decision not to submit a recommendation to the relevant candidate. The decision referred to in this Part shall result in the relevant candidate being removed from the list of candidates for judges eligible for promotion to the position of judge in the courts of appeal.

After the deadline for accepting applications, within one working day, the Judicial Department shall submit the completed questionnaire on good conduct to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a twenty-day period. And in the case of persons specified in Part 4.1 of Article 132 of this Code, the Judicial Department shall apply to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a one-month period, informing the electronic system about the completion of the questionnaire on the examination of good conduct. After receiving the advisory opinion on good conduct, within a five-day period, the Supreme Judicial Council shall examine the personal file of the candidate at its session, and in the case of a candidate who is not a judge, the documents submitted by him and obtained as a result of their examination, including the advisory opinion on good conduct, as well as, if necessary, invite them for an interview.

When compiling the list of candidates for judges subject to promotion, the Supreme Judicial Council takes into account the skills and qualities necessary to effectively perform the position of judge of the Court of Cassation, the advisory opinion on good conduct provided by the Corruption Prevention Commission on the candidate, and for the judge, the results of the performance evaluation.

The Supreme Judicial Council holds an open vote, during which each member of the Supreme Judicial Council votes "for" or "against" according to his or her inner conviction.

Azerbaijan

(General Comment): The judges' promotion procedure is based on assessment of judges performance.

Georgia

~~General comment:~~ ~~Amendment of Supreme Court Judges~~ In the course of 2020-2022 and also in 2023-2024, the Parliament of Georgia adopted the legislation, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the court of appeals through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge *inter alia* at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence according the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice by open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

3. Appointment of judge at Court of Appeal under article 37 - Article 37 of the LCC sets forth the rule for appointment of a judge to another court (to another court of the same instance or to the court of appeals). In particular, “when there is a vacancy, a judge of a district (city) court may be appointed to the court of appeals

...; appointment of supreme court judges. In the course of 2022-2023 and also in 2023-2024, the Parliament of Georgia adopted the legislation, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this process are:

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- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
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Republic of Moldova

(General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. Candidates choose their competitive positions in descending order of the competition average grade. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision about the candidate who wins the competition.

(2024): Other procedure (interview and psychological test)

Ukraine

(General Comment): The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II “Final and transitional provisions” of the Law of Ukraine On Amendments to the Law of Ukraine “On the Judiciary and Status of Judges” and Some Laws of Ukraine on the Activity of Judicial Governance Bodies” No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

(2024): Law “On the Judicial System and Status of Judges”

Article 82. General principles of transfer of a judge to another court

1. A judge may be transferred, including temporarily by way of secondment, to the position of a judge in another court by the High Council of Justice in the manner prescribed by law.
2. A judge shall be transferred to the position of a judge in another court on the basis and within the framework of the recommendation of the High Qualifications Commission of Judges of Ukraine made on the basis of the results of the competition for the vacant position of a judge held in accordance with the procedure established in Chapter 3 of this Section.
3. A judge who has expressed his/her intention to be transferred to another local court based on the results of a competition for a vacant position of a judge shall, simultaneously with the candidates participating in the selection for the position of a judge, take a qualification examination in the manner prescribed by Article 74 of this Law, taking into account the peculiarities specified in this Article.
4. The High Qualification Commission of Judges of Ukraine shall publish an announcement on the acceptance of applications from judges referred to in part three of this Article for the qualification examination simultaneously with the publication of the decision to announce the selection for the position of a judge provided for in Article 71 of this Law. The deadline for submitting applications to the High Qualification Commission of Judges of Ukraine may not be less than 15 days from the date of the announcement. It is prohibited to require judges to submit documents other than the application.
5. During the qualification examination, the judge referred to in part three of this Article shall take an anonymous test of cognitive abilities, history of Ukrainian statehood, general knowledge in the field of law, as well as an anonymous test and perform a practical task in one or more court specializations of his/her choice. A judge is considered to have passed the qualification exam in the chosen court specialization if he or she:
 - 1) scored at least 75 percent of the maximum possible score in the test on the history of Ukrainian statehood, general knowledge of law and the relevant court specialization
 - 2) scored at least 75 percent of the maximum possible score for the practical task on the relevant court specialization;
 - 3) successfully passed the cognitive skills test.

Question 134

Armenia

(General Comment): In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance evaluation thereof.

(2024): The following may be included in the list of candidates for promotion to the position of judge in the courts of appeal:

- 1) a judge with at least three years of professional experience as a judge of a first instance court of the relevant specialization, who has no disciplinary sanction of reprimand or severe reprimand;
- 2) a former judge who has held office within the last 10 years and has at least five years of judicial experience.
- 3) a person who.
 - a) has a law degree and has taught law at a higher education institution for at least six years out of the last eight years or has carried out scientific work at a scientific institution, or;
 - b) has at least 8 years of professional work experience within the last 10 years. (Article 123 of the Judicial Code)

The following persons who have reached the age of forty, are citizens of the Republic of Armenia, have the right to vote, and have high professional qualifications may be included in the list of candidates for promotion to the position of judge of the Court of Cassation:

- 1) a judge of the relevant profession who has at least 10 years of professional work experience, of which at least five years are as a judge.
- 2) a former judge who has held office within the last 10 years and has at least 10 years of professional work experience, of which at least five have been as a judge.
- 3) a person who.
 - a) has a law degree and has taught law at a higher education institution for at least 8 years in the last 10 years or has carried out scientific work at a scientific institution, or
 - b) has at least 10 years of professional work experience within the last 12 years; (Article 1, Section 32 of the Judicial Code)

Azerbaijan

(General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Georgia

(2024): A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.

Republic of Moldova

(General Comment): According to the amendments in 2023 of the Law on Status of Judges, a person must have working experience as a judge of at least 1, 10 and 20 years, respectively, can apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

Professional competence is assessed based on the following indicators:

- a) percentage of decisions/conclusions issued out of those contested, with the exception of decisions annulled for reasons not attributable to the judge;
- b) number and percentage of decisions/conclusions annulled of those examined, with the presentation of the confirmatory act from the Integrated Case Management System;
- c) presence of violations of the European Convention on Human Rights, found by the European Court of Human Rights;
- d) clarity of the oral and written presentation;
- e) quality of the reasoning of the court decisions;
- f) professional training of the judge;
- g) possession of knowledge of the application of information technologies.

(3) Organizational competence is assessed based on the following indicators:

- a) clearance rate;
- b) compliance with reasonable deadlines in the process of administering justice;
- c) rate of decisions issued in compliance with the deadline established by law;
- d) the average deadlines for examining cases, taking into account their complexity;
- e) method of organizing professional activity;
- f) number of hearings during the evaluation period that were postponed for reasons attributable to the judge, compared to the total number of hearings;
- g) the number of judgments and court orders published on the court's website, compared to the total number of judgments or, as the case may be, court orders issued by the same judge;
- h) the number of hearings interrupted in relation to the total number of hearings;
- i) fulfillment of other duties established by law within legal deadlines.

(4) Integrity is assessed based on the following indicators:

- a) compliance with professional ethics;
- b) the number of disciplinary sanctions applied during the period subject to assessment pursuant to art. 4 para. (1) let. a), d), e), f), l), m1), n) of Law no. 178/2014 on the disciplinary liability of judges;

(2024): A new SCM Regulation (274/19 from 2024) on selection and evaluation of judges was approved. It is available at:

https://www.csm.md/files/Acte_normative/Legislatia/Interne/2024/Regulament_selectie_evaluare_ro.pdf

Ukraine

(General Comment): The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

(2024): Article 28 of the Law of Ukraine “On the Judiciary and the Status of Judges” stipulates that a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the court of appeal based on the results of the qualification assessment, and meets one of the following requirements may be a judge of the court of appeal

- 1) has at least five years of work experience as a judge;
- 2) has an academic degree in law and at least seven years of experience in scientific work in the field of law;
- 3) has at least seven years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least seven years of total work (professional activity) experience in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 28 of the said Law.

Article 38 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that a judge of the Supreme Court may be a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification assessment, and also meets one of the following requirements

- 1) has at least ten years of work experience as a judge;
- 2) has an academic degree in law and at least ten years of experience in scientific work in the field of law;
- 3) has at least ten years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least ten years of total work experience (professional activity) in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 38 of the Law of Ukraine “On the Judicial System and Status of Judges”.

Additionally, it's the same criteria as for a candidate for the position of a judge for the first time.

Question 135

Republic of Moldova

(General Comment): A promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. The alignment with the criteria provided by the Law n°147/2023 is assessed by the Selection and Evaluation Board (body subordinated to the SCM) and its decisions can be appealed to the Superior Council of Magistracy. The candidate for promotion who has the evaluation of the Selection and Evaluation Board can proceed to be additionally evaluated by the SCM which adds up to 30% to the score awarded by the Selection and Evaluation Board. The decisions of SCM in this regard can be appealed in court (Supreme Court of Justice).

Ukraine

(2024): The decision of the High Council of Justice to refuse to submit a proposal to the President of Ukraine to appoint a judge to a position, or to refuse to transfer a judge to another court based on the results of a competition, may be appealed and canceled solely on the following grounds:

- 1) the composition of the High Council of Justice that made the relevant decision did not have the authority to make it;
- 2) the decision is not signed by a member of the High Council of Justice who participated in its adoption;
- 3) the decision does not contain a reference to the grounds for refusal to submit a proposal to the President of Ukraine to appoint a judge to the position, grounds for refusal to transfer a judge to another court based on the results of the competition, or does not contain the reasons on which the High Council of Justice reached the relevant conclusion.

Question 136

Armenia

(2024): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

Georgia

(2024): Decision related with appointment (promotion) at Supreme Court of Georgia should be appealed at Qualification Chamber of Supreme Court of Georgia.

Ukraine

(2024): The decision of the High Council of Justice may be appealed to the Supreme Court within thirty days from the date of its adoption. The President of the Supreme Court may not participate in the review by the Supreme Court of decisions of the High Council of Justice.

Question 137

Georgia

(General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: the First Deputy General Prosecutor, 3 Deputy General Prosecutors, 8 members of the Prosecutorial Council, the Head of the General Inspectorate, 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

(2024): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: the First Deputy General Prosecutor, 3 Deputy General Prosecutors, 8 members of the Prosecutorial Council, the Head of the General Inspectorate, 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

Republic of Moldova

(2024): The Superior Council of Prosecutors including the Selection and Evaluation Board (SCP body) are involved in the promotion of prosecutors. The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

Ukraine

(General Comment): In accordance with clause 22 of Law 113-IX, the transfer of prosecutors to a higher-level prosecutor's office until September 1, 2021, was carried out upon the results of the selection in accordance with the Procedure for the transfer of a prosecutor to a higher-level prosecutor's office, approved by the order of the Prosecutor General dated September 16, 2020 No. 454 and in accordance with the orders of the Prosecutor General dated April 14, 2021 No. 93-122, which established the relevant HR commissions in all regional prosecutor's offices and ensured the selection in the order of transfer to a higher-level prosecutor's office. Prosecutors in the Office of the Prosecutor General and regional prosecutor's offices were appointed by decisions of such commissions. A condition for a prosecutor to participate in the selection was that he or she submit an application for transfer and have the relevant seniority provided for in parts two and three of Article 27 of the Law of Ukraine "On the Prosecutor's Office". In addition, Law 113-IX temporarily suspended until September 1, 2021, part 4 of Article 39 of the Law of Ukraine "On the Prosecutor's Office," which defines the procedure for appointing prosecutors to administrative positions. Paragraph 22 of Section II of this Law stipulates that temporarily, until September 1, 2021, appointments to administrative positions in the prosecution authorities are made after the relevant approval of the Commission for the Selection of the Management of the Prosecutor's Office. Orders of the Prosecutor General No. 335 of December 16, 2019, No. 190 of April 15, 2020, and No. 168 of May 31, 2021 approved the Regulations on the Commission for the Selection of the Management of the Prosecutor's Office. The composition of the above commissions was approved by the orders of the Prosecutor General No. 340 dated December 19, 2019, No. 196 dated April 22, 2020, and No. 213 dated June 29, 2021. The Commission was authorized to make decisions on approving or refusing to approve the appointment of persons to administrative positions provided for in paragraphs 4-15 of part one of Article 39 of the Law of Ukraine "On the Prosecutor's Office", as specified in subparagraph 6 of paragraph 22 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Starting from September 1, 2021, the procedure for appointment to administrative positions in the prosecutor's office, as defined in Article 39(4) of the Law of Ukraine "On the Prosecutor's Office", as well as transfer to a higher-level prosecutor's office upon the results of a competition, the procedure for which is determined by the relevant body conducting disciplinary proceedings (Article 38 of the Law of Ukraine "On the Prosecutor's Office"), has been restored. First deputies, deputies of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies, and heads of district prosecutor's offices were also appointed on the recommendation of the Council of Prosecutors of Ukraine. Prosecutors of the Prosecutor General's Office were appointed by the Prosecutor General, prosecutors of the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office - by the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

Question 138

Armenia

(General Comment): The prosecutors

promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The "Law on Prosecutor's Office" explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

(2024): The procedure is described by Article 39 of the Law on the Prosecutor’s Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

Azerbaijan

(General Comment): Promotion of prosecutors is regulated in the Prosecutor’s Office Act (POA), the Act on Service in the Prosecutor’s Office (POSA) and the Civil Service Act, according to which performance appraisal constitutes one of the key principles of the civil service, to which all prosecutors belong. Prosecutors have the right to be promoted, following successful service in a particular grade for one to two years, on average (Article 32, POA). Vacancies are publicly advertised, also at the medium and senior level. Applications to any vacant position are managed by the Personnel Department of the Prosecutor General’s Office that makes relevant submissions to the Prosecutor General, based on the performance indicators of the applicant and his/her superiors’ references. Performance indicators for promotion within the grade include: 1. diligence; 2. professional qualifications; 3. work results; and 4. personal qualities (Article 11.3, POSA). All prosecutors, including senior ones (employees of the Prosecutor’s Office holding positions corresponding to the 3rd-9th grade, except the Prosecutor General, his/her first deputy, deputies, the Director of the Anti-Corruption Directorate, Military Prosecutor and Prosecutor of Nakhchivan Autonomous Republic who hold positions corresponding to the 1st and 2nd grade) undergo performance evaluation every five years by Attestation Commissions composed of prosecutors representing the Prosecutor General’s Office, the Military Prosecutor’s Office, the Baku Prosecutor’s Office and the NAR Prosecutor’s Office, respectively. Evaluation is conducted via interview. Any change in position (promotion, transfer, demotion or dismissal) is to be formalised in a written and reasoned order issued by the Prosecutor General.

Georgia

(2024): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. In March 2021, GRECO concluded that Georgia had implemented its recommendation xi satisfactorily. The recommendation stipulated, “(i) regulating, in more detail, the recruitment and promotion of prosecutors so as to ensure that decisions are based on precise and objective criteria, notably merit; (ii) providing for transparent procedures – including by making the above-mentioned criteria public – and ensuring that any decisions in those procedures are reasoned.”

Republic of Moldova

(General Comment): According to the provisions of Article 54 paragraph (11) of Law no. 3/2016, the promotion of the prosecutor is made by competition, under the conditions provided by law.

According to the provisions of Article 22(4) of the same law, the prosecutor in office who wishes to be promoted may be entered in the Register if in the last two years before the submission of the application for entry in the Register he/she has been subject to a performance evaluation. A prosecutor seeking appointment as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he or she has been subject to a performance appraisal in the two years preceding the submission of the application for entry in the Register. In accordance with the provisions of Article 23(1) of the above-mentioned Law, the Selection and Evaluation Board under the Superior Council of Prosecutors shall assess the candidates entered in the Register referred to in Article 22 on the basis of the criteria laid down in this Law and in accordance with the regulations approved by the Superior Council of Prosecutors.

Phases:

1. The Superior Council of Prosecutors announces the competition;
2. Candidates register to fill vacant posts;
3. Candidates pass a test at the Board on Selection and Evaluation of Prosecutors;
4. Candidates pass an interview at the SCP;

Conditions for promotion to the position of prosecutor at the Prosecutor General's Office, specialised prosecutor's offices, chief prosecutor and deputy chief prosecutor of the territorial prosecutor's offices, chief prosecutor and deputy chief prosecutor of the subdivision of the Prosecutor General's Office are the following:

- having at least 4 years of experience as a prosecutor;
- qualify at least as „very good” at the performance evaluation;
- knowing the Gagauz language, for candidates for the post of Deputy Chief Prosecutor of the Prosecutor's Office of the ATU Gagauzia.

Question 139

Armenia

(General Comment): Absence of disciplinary sanctions is also a criteria.

Georgia

(2024): Detailed information on the performance appraisal of prosecutors is available in the comment to Question 120 of CEPEJ Questionnaire.

Republic of Moldova

(General Comment): According to the Law no.3/2016 on the Prosecutor's Office, article 23 (2), in the competition, candidates shall be assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- d) the quality and efficiency of work as a prosecutor;
- e) compliance with the rules of professional ethics.

Article 25/1

(1) For the position of chief prosecutor of the specialized prosecutor's office may be a candidate the person who meets the following conditions:

- (a) has at least 10 years of professional experience in the field of law, obtained in the jurisdiction of the Republic of Moldova or foreign jurisdictions, including international organizations, of which at least 4 years in the position of judge, prosecutor, lawyer or criminal investigation officer;
- b) fulfills the conditions set out in Art. 20 para. (1) letters a)-d), g) and h);
- c) has managerial competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- (c1) has professional competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- d) in the last 3 years prior to the announcement of the competition has not been a member and/or has not been politically active in a political party or a socio-political organization;
- e) has not been a member of the Superior Council of Public Prosecutors for the last 6 months;
- f) has an irreproachable reputation and there are no reasonable suspicions regarding the commission of acts of corruption, acts related to them or acts corruptible within the meaning of Integrity Law no. 82/2017.

Article 25/2

Appointment to office of deputy chiefs of the specialized prosecution offices: (2) has at least 5 years of professional experience as a prosecutor within the last 15 years and organizational skills.

Article 20 For the position of prosecutor at the General Prosecutor's Office, specialized prosecutor's offices, as well as for the positions referred to in Article 25 para. (4) may be a candidate the applicant who:

- a) has at least 4 years of seniority in the prosecutor's office;
- b) has been qualified at least as "very good" in the performance evaluation.

Ukraine

(General Comment): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 133п-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

Question 140

Republic of Moldova

(General Comment): The decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was notified to him/her.

Question 141

Ukraine

(2024): Appeals are filed with the administrative court with jurisdiction over the city of Kyiv

6.Promotion - List of tables

- Table 6.1.1 Authority competent for the promotion of judges in 2024 (Q132)
- Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2024 (Q135 and Q136)
- Table 6.1.3 Procedure and criteria for the promotion of judges in 2024 (Q133 and Q134)
- Table 6.1.4 Authority competent for the promotion of prosecutors in 2024 (Q137)
- Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2024 (Q140 and Q141)
- Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2024 (Q138 and Q139)

Table 6.1.1 Authority competent for the promotion of judges in 2024 (Q132)

Beneficiaries	Authority competent for the promotion of judges in 2024				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Armenia	Yes	No	Yes	No	Yes
Azerbaijan	No	No	Yes	No	No
Georgia	No	No	Yes	No	No
Republic of Moldova	No	Yes	Yes	No	No
Ukraine	No	No	Yes	No	Yes

Yes

No

NA

NAP

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2024 (Q135 and Q136)

Beneficiaries	Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2024						
	Possibility to appeal the decision on the promotion of judges	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							

Yes

No

NA

NAP

Table 6.1.3 Procedure and criteria for the promotion of judges in 2024 (Q133 and Q134)

Beneficiaries	Procedure and criteria for the promotion of judges in 2024									
	Procedure for the promotion of judges				Criteria used for the promotion of a judge					
	Competitive test / Exam	Previous individual evaluations	Other procedure(s) (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine										

Yes

No

NA

NAP

Table 6.1.4 Authority competent for the promotion of prosecutors in 2024 (Q137)

Beneficiaries	Authority competent for the promotion of prosecutors in 2024				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes	
No	
NA	
NAP	

Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2024 (Q140 and Q141)

Beneficiaries	Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2024						
	Possibility to appeal the decision on the promotion of prosecutors	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							

Yes

No

NA

NAP

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2024 (Q138 and Q139)

Beneficiaries	Procedure and criteria for the promotion of prosecutors in 2024									
	Procedure for the promotion of prosecutors				Criteria used for the promotion of a prosecutor					
	Competitive test / Exam	Previous individual evaluations	Other procedure(s) (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine										

Yes

No

NA

NAP

Indicator 6- Promotion

by country

Question 132. Which authority is competent for the promotion of judges?

Question 133. What is the procedure for the promotion of judges? (multiple replies possible)

Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

Question 135. Can a decision on the promotion of judges be appealed?

Question 136. If yes, what is the body competent to decide on appeal?

Question 137. Which authority is competent for the promotion of prosecutors?

Question 138. What is the procedure for the promotion of prosecutors? (multiple replies possible)

Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):

Question 140. Can a decision on the promotion of prosecutors be appealed?

Question 141. If yes, what is the body competent to decide on appeal?

Armenia

Q132 (General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. 2. The promotion lists of judge candidates shall be as follows:

(1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;

(2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

Q132 (2024): Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years. The same person may be elected as chairperson of a chamber of the Court of Cassation only once.

The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.

Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council.

The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of the corresponding court, for a term of three years. The chairperson of the court may not be re-appointed to this position within three years following the expiry of his or her term of office.

Q133 (General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

(1) a judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;

(2) a former judge having held office during the last 10 years who possesses at least five years of experience as a judge.

(3) a person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

(1) a judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(2) a former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(3) a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

2000 (2001), the Supreme Judicial Council compile and approve, including supplementing and amending, the lists of candidates for judges subject to promotion.

The lists of candidates for judges subject to promotion are:

- 1) List of candidates for promotion to judges in courts of appeal, by criminal, civil, administrative and anti-corruption specialization sections. The anti-corruption specialization section includes the subsections of investigation of corruption crimes and investigation of anti-corruption civil cases.
- 2) List of candidates for promotion to the position of judge in the Court of Cassation.

In the event of a vacancy for the position of judge of the Court of Appeal, when selecting a candidate for appointment to the President of the Republic, a proposal shall be submitted in the following sequence:

- 1) First of all, to a reserve judge from the Court of Cassation who has the appropriate specialization for the vacant position. In the event of several persons, preference shall be given to the senior judge of the Court of Cassation.
- 2) secondly, to the judge of the relevant specialization of the Court of Cassation who has previously applied in writing to the Supreme Judicial Council, requesting to be transferred to the position of judge of the Court of Appeal. In the event of several applicants, preference shall be given to the oldest.
- 3) Thirdly, to the person included earlier in the promotion list. In the event of several persons, preference shall be given to the oldest.

When selecting a candidate for nomination to the President of the Republic, a proposal shall not be submitted to a person against whom criminal prosecution has been initiated.

The written proposals specified in this Article shall be submitted by the Judicial Department within three days from the date of the relevant grounds arising by e-mail, and in case of impossibility, by postal delivery.

The Judicial Department shall not submit a recommendation to a candidate referred to in Part 1 of this Article if the Supreme Judicial Council has made a decision not to submit a recommendation to the relevant candidate. The decision referred to in this Part shall result in the relevant candidate being removed from the list of candidates for judges eligible for promotion to the position of judge in the courts of appeal.

After the deadline for accepting applications, within one working day, the Judicial Department shall submit the completed questionnaire on good conduct to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a twenty-day period. And in the case of persons specified in Part 4.1 of Article 132 of this Code, the Judicial Department shall apply to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a one-month period, informing the electronic system about the completion of the questionnaire on the examination of good conduct. After receiving the advisory opinion on good conduct, within a five-day period, the Supreme Judicial Council shall examine the personal file of the candidate at its session, and in the case of a candidate who is not a judge, the documents submitted by him and obtained as a result of their examination, including the advisory opinion on good conduct, as well as, if necessary, invite them for an interview.

When compiling the list of candidates for judges subject to promotion, the Supreme Judicial Council takes into account the skills and qualities necessary to effectively perform the position of judge of the Court of Cassation, the advisory opinion on good conduct provided by the Corruption Prevention Commission on the candidate, and for the judge, the results of the performance evaluation.

The Supreme Judicial Council holds an open vote, during which each member of the Supreme Judicial Council votes "for" or "against" according to his or her inner conviction.

Q134 (General Comment): In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance evaluation thereof.

Q134 (2024): The following may be included in the list of candidates for promotion to the position of judge in the courts of appeal:

- 1) a judge with at least three years of professional experience as a judge of a first instance court of the relevant specialization, who has no disciplinary sanction of reprimand or severe reprimand;
- 2) a former judge who has held office within the last 10 years and has at least five years of judicial experience.
- 3) a person who.

- a) has a law degree and has taught law at a higher education institution for at least six years out of the last eight years or has carried out scientific work at a scientific institution, or;
- b) has at least 8 years of professional work experience within the last 10 years. (Article 123 of the Judicial Code)

The following persons who have reached the age of forty, are citizens of the Republic of Armenia, have the right to vote, and have high professional qualifications may be included in the list of candidates for promotion to the position of judge of the Court of Cassation:

- 1) a judge of the relevant profession who has at least 10 years of professional work experience, of which at least five years are as a judge.
- 2) a former judge who has held office within the last 10 years and has at least 10 years of professional work experience, of which at least five have been as a judge.
- 3) a person who.

- a) has a law degree and has taught law at a higher education institution for at least 8 years in the last 10 years or has carried out scientific work at a scientific institution, or
- b) has at least 10 years of professional work experience within the last 12 years; (Article 1, Section 32 of the Judicial Code)

Q136 (2024): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

Q138 (General Comment): The prosecutors promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
 - 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
 - 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.
- The "Law on Prosecutor's Office" explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

Q138 (2024): The procedure is described by Article 39 of the Law on the Prosecutor's Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

Q139 (General Comment): Absence of disciplinary sanctions is also a criteria.

Azerbaijan

Q132 (General Comment): According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan “On the Judicial-Legal Council” (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

Q133 (General Comment): The judges' promotion procedure is based on assessment of judges performance.

Q134 (General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Q138 (General Comment): Promotion of prosecutors is regulated in the Prosecutor’s Office Act (POA), the Act on Service in the Prosecutor’s Office (POSA) and the Civil Service Act, according to which performance appraisal constitutes one of the key principles of the civil service, to which all prosecutors belong. Prosecutors have the right to be promoted, following successful service in a particular grade for one to two years, on average (Article 32, POA). Vacancies are publicly advertised, also at the medium and senior level. Applications to any vacant position are managed by the Personnel Department of the Prosecutor General’s Office that makes relevant submissions to the Prosecutor General, based on the performance indicators of the applicant and his/her superiors’ references. Performance indicators for promotion within the grade include: 1. diligence; 2. professional qualifications; 3. work results; and 4. personal qualities (Article 11.3, POSA). All prosecutors, including senior ones (employees of the Prosecutor’s Office holding positions corresponding to the 3rd-9th grade, except the Prosecutor General, his/her first deputy, deputies, the Director of the Anti-Corruption Directorate, Military Prosecutor and Prosecutor of Nakhchivan Autonomous Republic who hold positions corresponding to the 1st and 2nd grade) undergo performance evaluation every five years by Attestation Commissions composed of prosecutors representing the Prosecutor General’s Office, the Military Prosecutor’s Office, the Baku Prosecutor’s Office and the NAR Prosecutor’s Office, respectively. Evaluation is conducted via interview. Any change in position (promotion, transfer, demotion or dismissal) is to be formalised in a written and reasoned order issued by the Prosecutor General.

Georgia

Q132 (2024): Promotion of district (city) court judges to courts of appeals is decided by the HCJ.

Election to the position of Supreme Court judges is conducted by Parliament, upon nomination of candidates by the HCJ.

2022 (General Comments), an amendment of Supreme Court Judges – in the course of 2022-2023 and also in 2023-2024, the Parliament of Georgia adopted the regulatory, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the court of appeals through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge inter alia at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence according the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice by open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

3. Appointment of judge at Court of Appeal under article 37 - Article 37 of the LCC sets forth the rule for appointment of a judge to another court (to another court of the same instance or to the court of appeals). In particular, “when there is a vacancy, a judge of a district (city) court may be appointed to the court of appeals

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Q134 (2024): A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.

Q136 (2024): Decision related with appointment (promotion) at Supreme Court of Georgia should be appealed at Qualification Chamber of Supreme Court of Georgia.

Q137 (General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: the First Deputy General Prosecutor, 3 Deputy General Prosecutors, 8 members of the Prosecutorial Council, the Head of the General Inspectorate, 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

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The Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

Q138 (2024): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. In March 2021, GRECO concluded that Georgia had implemented its recommendation xi satisfactorily. The recommendation stipulated, “(i) regulating, in more detail, the recruitment and promotion of prosecutors so as to ensure that decisions are based on precise and objective criteria, notably merit; (ii) providing for transparent procedures – including by making the above-mentioned criteria public – and ensuring that any decisions in those procedures are reasoned.”

Q139 (2024): Detailed information on the performance appraisal of prosecutors is available in the comment to Question 120 of CEPEJ Questionnaire.

Republic of Moldova

Q132 (2024): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

Q133 (General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. Candidates choose their competitive positions in descending order of the competition average grade. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision about the candidate who wins the competition.

Q133 (2024): Other procedure (interview and psychological test)

apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

Professional competence is assessed based on the following indicators:

- a) percentage of decisions/conclusions issued out of those contested, with the exception of decisions annulled for reasons not attributable to the judge;
- b) number and percentage of decisions/conclusions annulled of those examined, with the presentation of the confirmatory act from the Integrated Case Management System;
- c) presence of violations of the European Convention on Human Rights, found by the European Court of Human Rights;
- d) clarity of the oral and written presentation;
- e) quality of the reasoning of the court decisions;
- f) professional training of the judge;
- g) possession of knowledge of the application of information technologies.

(3) Organizational competence is assessed based on the following indicators:

- a) clearance rate;
- b) compliance with reasonable deadlines in the process of administering justice;
- c) rate of decisions issued in compliance with the deadline established by law;
- d) the average deadlines for examining cases, taking into account their complexity;
- e) method of organizing professional activity;
- f) number of hearings during the evaluation period that were postponed for reasons attributable to the judge, compared to the total number of hearings;
- g) the number of judgments and court orders published on the court's website, compared to the total number of judgments or, as the case may be, court orders issued by the same judge;
- h) the number of hearings interrupted in relation to the total number of hearings;
- i) fulfillment of other duties established by law within legal deadlines.

(4) Integrity is assessed based on the following indicators:

- a) compliance with professional ethics;
- b) the number of disciplinary sanctions applied during the period subject to assessment pursuant to art. 4 para. (1) let. a), d), e), f), l), m1), n) of Law no. 178/2014 on the disciplinary liability of judges;

Q134 (2024): A new SCM Regulation (274/19 from 2024) on selection and evaluation of judges was approved. It is available at:

https://www.csm.md/files/Acte_normative/Legislatia/Interne/2024/Regulament_selectie_evaluare_ro.pdf

Q135 (General Comment): A promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. The alignment with the criteria provided by the Law n°147/2023 is assessed by the Selection and Evaluation Board (body subordinated to the SCM) and its decisions can be appealed to the Superior Council of Magistracy. The candidate for promotion who has the evaluation of the Selection and Evaluation Board can proceed to be additionally evaluated by the SCM which adds up to 30% to the score awarded by the Selection and Evaluation Board. The decisions of SCM in this regard can be appealed in court (Supreme Court of Justice).

Q137 (2024): The Superior Council of Prosecutors including the Selection and Evaluation Board (SCP body) are involved in the promotion of prosecutors. The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

Q138 (General Comment): According to the provisions of Article 54 paragraph (11) of Law no. 3/2016, the promotion of the prosecutor is made by competition, under the conditions provided by law.

According to the provisions of Article 22(4) of the same law, the prosecutor in office who wishes to be promoted may be entered in the Register if in the last two years before the submission of the application for entry in the Register he/she has been subject to a performance evaluation. A prosecutor seeking appointment as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he or she has been subject to a performance appraisal in the two years preceding the submission of the application for entry in the Register. In accordance with the provisions of Article 23(1) of the above-mentioned Law, the Selection and Evaluation Board under the Superior Council of Prosecutors shall assess the candidates entered in the Register referred to in Article 22 on the basis of the criteria laid down in this Law and in accordance with the regulations approved by the Superior Council of Prosecutors.

Phases:

1. The Superior Council of Prosecutors announces the competition;
2. Candidates register to fill vacant posts;
3. Candidates pass a test at the Board on Selection and Evaluation of Prosecutors;
4. Candidates pass an interview at the SCP;

Conditions for promotion to the position of prosecutor at the Prosecutor General's Office, specialised prosecutor's offices, chief prosecutor and deputy chief prosecutor of the territorial prosecutor's offices, chief prosecutor and deputy chief prosecutor of the subdivision of the Prosecutor General's Office are the following:

- having at least 4 years of experience as a prosecutor;
- qualify at least as „very good” at the performance evaluation;
- knowing the Gagauz language, for candidates for the post of Deputy Chief Prosecutor of the Prosecutor's Office of the ATU Gagauzia.

Q139 (General Comment): According to the Law no.3/2016 on the Prosecutor's Office, article 23 (2), in the competition, candidates shall be assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- d) the quality and efficiency of work as a prosecutor;
- e) compliance with the rules of professional ethics.

Article 25/1

(1) For the position of chief prosecutor of the specialized prosecutor's office may be a candidate the person who meets the following conditions:

- (a) has at least 10 years of professional experience in the field of law, obtained in the jurisdiction of the Republic of Moldova or foreign jurisdictions, including international organizations, of which at least 4 years in the position of judge, prosecutor, lawyer or criminal investigation officer;
- b) fulfills the conditions set out in Art. 20 para. (1) letters a)-d), g) and h);
- c) has managerial competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- (c1) has professional competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- d) in the last 3 years prior to the announcement of the competition has not been a member and/or has not been politically active in a political party or a socio-political organization;
- e) has not been a member of the Superior Council of Public Prosecutors for the last 6 months;
- f) has an irreproachable reputation and there are no reasonable suspicions regarding the commission of acts of corruption, acts related to them or acts corruptible within the meaning of Integrity Law no. 82/2017.

Article 25/2

Appointment to office of deputy chiefs of the specialized prosecution offices: (2) has at least 5 years of professional experience as a prosecutor within the last 15 years and organizational skills.

Article 20 For the position of prosecutor at the General Prosecutor's Office, specialized prosecutor's offices, as well as for the positions referred to in Article 25 para. (4) may be a candidate the applicant who:

- a) has at least 4 years of seniority in the prosecutor's office;
- b) has been qualified at least as "very good" in the performance evaluation.

Q140 (General Comment): The decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was notified to him/her.

Ukraine

Q132 (General Comment): According to Article 93 of the Law of Ukraine "On the Judiciary and Status of Judges", the High Qualification Commission of Judges of Ukraine, in particular:

- makes a recommendation on the transfer of a judge in accordance with this Law, except for transfer as a disciplinary sanction; - conducts qualification assessment.

In accordance with paragraphs 1, 10 of part one of Article 3 of the Law of Ukraine "On the High Council of Justice", the High Council of Justice, in accordance with its powers, in particular, submits a proposal for the appointment of a judge to the position; decides on the transfer of a judge from one court to another.

Q133 (General Comment): The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II “Final and transitional provisions” of the Law of Ukraine On Amendments to the Law of Ukraine “On the Judiciary and Status of Judges” and Some Laws of Ukraine on the Activity of Judicial Governance Bodies” No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

Q133 (2024): Law “On the Judicial System and Status of Judges”

Article 82. General principles of transfer of a judge to another court

1. A judge may be transferred, including temporarily by way of secondment, to the position of a judge in another court by the High Council of Justice in the manner prescribed by law.
2. A judge shall be transferred to the position of a judge in another court on the basis and within the framework of the recommendation of the High Qualifications Commission of Judges of Ukraine made on the basis of the results of the competition for the vacant position of a judge held in accordance with the procedure established in Chapter 3 of this Section.
3. A judge who has expressed his/her intention to be transferred to another local court based on the results of a competition for a vacant position of a judge shall, simultaneously with the candidates participating in the selection for the position of a judge, take a qualification examination in the manner prescribed by Article 74 of this Law, taking into account the peculiarities specified in this Article.
4. The High Qualification Commission of Judges of Ukraine shall publish an announcement on the acceptance of applications from judges referred to in part three of this Article for the qualification examination simultaneously with the publication of the decision to announce the selection for the position of a judge provided for in Article 71 of this Law. The deadline for submitting applications to the High Qualification Commission of Judges of Ukraine may not be less than 15 days from the date of the announcement. It is prohibited to require judges to submit documents other than the application.
5. During the qualification examination, the judge referred to in part three of this Article shall take an anonymous test of cognitive abilities, history of Ukrainian statehood, general knowledge in the field of law, as well as an anonymous test and perform a practical task in one or more court specializations of his/her choice. A judge is considered to have passed the qualification exam in the chosen court specialization if he or she:
 - 1) scored at least 75 percent of the maximum possible score in the test on the history of Ukrainian statehood, general knowledge of law and the relevant court specialization
 - 2) scored at least 75 percent of the maximum possible score for the practical task on the relevant court specialization;
 - 3) successfully passed the cognitive skills test.

Q134 (General Comment): The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

Q134 (2024): Article 28 of the Law of Ukraine “On the Judiciary and the Status of Judges” stipulates that a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the court of appeal based on the results of the qualification assessment, and meets one of the following requirements may be a judge of the court of appeal

- 1) has at least five years of work experience as a judge;
- 2) has an academic degree in law and at least seven years of experience in scientific work in the field of law;
- 3) has at least seven years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least seven years of total work (professional activity) experience in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 28 of the said Law.

Article 38 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that a judge of the Supreme Court may be a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification assessment, and also meets one of the following requirements

- 1) has at least ten years of work experience as a judge;
- 2) has an academic degree in law and at least ten years of experience in scientific work in the field of law;
- 3) has at least ten years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least ten years of total work experience (professional activity) in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 38 of the Law of Ukraine “On the Judicial System and Status of Judges”.

Additionally, it's the same criteria as for a candidate for the position of a judge for the first time.

Q135 (2024): The decision of the High Council of Justice to refuse to submit a proposal to the President of Ukraine to appoint a judge to a position, or to refuse to transfer a judge to another court based on the results of a competition, may be appealed and canceled solely on the following grounds:

- 1) the composition of the High Council of Justice that made the relevant decision did not have the authority to make it;
- 2) the decision is not signed by a member of the High Council of Justice who participated in its adoption;
- 3) the decision does not contain a reference to the grounds for refusal to submit a proposal to the President of Ukraine to appoint a judge to the position, grounds for refusal to transfer a judge to another court based on the results of the competition, or does not contain the reasons on which the High Council of Justice reached the relevant conclusion.

Q136 (2024): The decision of the High Council of Justice may be appealed to the Supreme Court within thirty days from the date of its adoption.

The President of the Supreme Court may not participate in the review by the Supreme Court of decisions of the High Council of Justice.

Q137 (General Comment): In accordance with clause 22 of Law 113-IX, the transfer of prosecutors to a higher-level prosecutor's office until September 1, 2021, was carried out upon the results of the selection in accordance with the Procedure for the transfer of a prosecutor to a higher-level prosecutor's office, approved by the order of the Prosecutor General dated September 16, 2020 No. 454 and in accordance with the orders of the Prosecutor General dated April 14, 2021 No. 93-122, which established the relevant HR commissions in all regional prosecutor's offices and ensured the selection in the order of transfer to a higher-level prosecutor's office. Prosecutors in the Office of the Prosecutor General and regional prosecutor's offices were appointed by decisions of such commissions. A condition for a prosecutor to participate in the selection was that he or she submit an application for transfer and have the relevant seniority provided for in parts two and three of Article 27 of the Law of Ukraine "On the Prosecutor's Office". In addition, Law 113-IX temporarily suspended until September 1, 2021, part 4 of Article 39 of the Law of Ukraine "On the Prosecutor's Office," which defines the procedure for appointing prosecutors to administrative positions. Paragraph 22 of Section II of this Law stipulates that temporarily, until September 1, 2021, appointments to administrative positions in the prosecution authorities are made after the relevant approval of the Commission for the Selection of the Management of the Prosecutor's Office. Orders of the Prosecutor General No. 335 of December 16, 2019, No. 190 of April 15, 2020, and No. 168 of May 31, 2021 approved the Regulations on the Commission for the Selection of the Management of the Prosecutor's Office. The composition of the above commissions was approved by the orders of the Prosecutor General No. 340 dated December 19, 2019, No. 196 dated April 22, 2020, and No. 213 dated June 29, 2021. The Commission was authorized to make decisions on approving or refusing to approve the appointment of persons to administrative positions provided for in paragraphs 4-15 of part one of Article 39 of the Law of Ukraine "On the Prosecutor's Office", as specified in subparagraph 6 of paragraph 22 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Starting from September 1, 2021, the procedure for appointment to administrative positions in the prosecutor's office, as defined in Article 39(4) of the Law of Ukraine "On the Prosecutor's Office", as well as transfer to a higher-level prosecutor's office upon the results of a competition, the procedure for which is determined by the relevant body conducting disciplinary proceedings (Article 38 of the Law of Ukraine "On the Prosecutor's Office"), has been restored. First deputies, deputies of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies, and heads of district prosecutor's offices were also appointed on the recommendation of the Council of Prosecutors of Ukraine. Prosecutors of the Prosecutor General's Office were appointed by the Prosecutor General, prosecutors of the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office - by the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

Q139 (General Comment): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 133п-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

Q141 (2024): Appeals are filed with the administrative court with jurisdiction over the city of Kyiv

- Question 132. Which authority is competent for the promotion of judges?
- Question 133. What is the procedure for the promotion of judges? (multiple replies possible)
- Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)
- Question 135. Can a decision on the promotion of judges be appealed?
- Question 136. If yes, what is the body competent to decide on appeal?
- Question 137. Which authority is competent for the promotion of prosecutors?
- Question 138. What is the procedure for the promotion of prosecutors? (multiple replies possible)
- Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):
- Question 140. Can a decision on the promotion of prosecutors be appealed?
- Question 141. If yes, what is the body competent to decide on appeal?

Question 132

Armenia

(General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. 2. The promotion lists of judge candidates shall be as follows:

- (1) The promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal with relevant sections of criminal, civil and administrative specialisations;
- (2) The promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation.

(2024): Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years. The same person may be elected as chairperson of a chamber of the Court of Cassation only once.

The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.

Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council.

The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of the corresponding court, for a term of three years. The chairperson of the court may not be re-appointed to this position within three years following the expiry of his or her term of office.

Azerbaijan

(General Comment): According to the Constitution of the Republic of Azerbaijan, judges of the courts of first instance are appointed by the President of the Republic of Azerbaijan, and judges of higher courts are appointed by the Milli Majlis upon the submission of the President. However, in accordance with the Law of the Republic of Azerbaijan “On the Judicial-Legal Council” (Article 12.0.4), the exclusive powers of the Council include the submission of proposals for the reassignment of all judges and their promotion. The promotion of judges, as well as their appointment to higher courts is carried out by the Judicial-Legal Council based on the results of the evaluation of their performance.

Georgia

(2024): Promotion of district (city) court judges to courts of appeals is decided by the HCJ.

Election to the position of Supreme Court judges is conducted by Parliament, upon nomination of candidates by the HCJ.

Republic of Moldova

(2024): The Superior Council of Magistracy makes proposals to the President of the Republic of Moldova of the candidates to be promoted in a higher court.

Ukraine

(General Comment): According to Article 93 of the Law of Ukraine “On the Judiciary and Status of Judges”, the High Qualification Commission of Judges of Ukraine, in particular:

- makes a recommendation on the transfer of a judge in accordance with this Law, except for transfer as a disciplinary sanction; - conducts qualification assessment.

In accordance with paragraphs 1, 10 of part one of Article 3 of the Law of Ukraine “On the High Council of Justice”, the High Council of Justice, in accordance with its powers, in particular, submits a proposal for the appointment of a judge to the position; decides on the transfer of a judge from one court to another.

Question 133

Armenia

(General Comment): The Supreme Judicial Council shall draw up and approve, as well as supplement and modify the promotion lists of judge candidates. The following persons may be included in the promotion list of judge candidates to be appointed to the position of a judge at the courts of appeal:

(1) a judge possessing professional work experience of at least three years in the position of a judge of relevant specialisation at a court of first instance against whom no disciplinary penalty in the form of reprimand or severe reprimand has been imposed;

(2) a former judge having held office during the last 10 years who possesses at least five years of experience as a judge.

(3) a person holding an academic degree in the field of jurisprudence and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 6 years during the last 8 years.

The following persons having attained the age of forty, holding the citizenship of only the Republic of Armenia, having the right of suffrage, possessing high professional qualities may be included in the promotion list of judge candidates to be appointed to the position of a judge at the Court of Cassation:

(1) a judge of relevant specialisation who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(2) a former judge having held office during the last 10 years, who possesses at least 10 years of professional work experience, at least five years out of which— in the position of a judge;

(3) a person holding the academic Degree of Doctor of Sciences (Law) and having taught law at a higher educational institution or having carried out scientific work at a scientific institution for at least 8 years in last 10 years.

...the Supreme Judicial Council compiles and approves, including supplementing and amending, the list of candidates for judges subject to promotion.

The lists of candidates for judges subject to promotion are:

- 1) List of candidates for promotion to judges in courts of appeal, by criminal, civil, administrative and anti-corruption specialization sections. The anti-corruption specialization section includes the subsections of investigation of corruption crimes and investigation of anti-corruption civil cases.
- 2) List of candidates for promotion to the position of judge in the Court of Cassation.

In the event of a vacancy for the position of judge of the Court of Appeal, when selecting a candidate for appointment to the President of the Republic, a proposal shall be submitted in the following sequence:

- 1) First of all, to a reserve judge from the Court of Cassation who has the appropriate specialization for the vacant position. In the event of several persons, preference shall be given to the senior judge of the Court of Cassation.
- 2) secondly, to the judge of the relevant specialization of the Court of Cassation who has previously applied in writing to the Supreme Judicial Council, requesting to be transferred to the position of judge of the Court of Appeal. In the event of several applicants, preference shall be given to the oldest.
- 3) Thirdly, to the person included earlier in the promotion list. In the event of several persons, preference shall be given to the oldest.

When selecting a candidate for nomination to the President of the Republic, a proposal shall not be submitted to a person against whom criminal prosecution has been initiated.

The written proposals specified in this Article shall be submitted by the Judicial Department within three days from the date of the relevant grounds arising by e-mail, and in case of impossibility, by postal delivery.

The Judicial Department shall not submit a recommendation to a candidate referred to in Part 1 of this Article if the Supreme Judicial Council has made a decision not to submit a recommendation to the relevant candidate. The decision referred to in this Part shall result in the relevant candidate being removed from the list of candidates for judges eligible for promotion to the position of judge in the courts of appeal.

After the deadline for accepting applications, within one working day, the Judicial Department shall submit the completed questionnaire on good conduct to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a twenty-day period. And in the case of persons specified in Part 4.1 of Article 132 of this Code, the Judicial Department shall apply to the Commission for the Prevention of Corruption in order to obtain an advisory opinion within a one-month period, informing the electronic system about the completion of the questionnaire on the examination of good conduct. After receiving the advisory opinion on good conduct, within a five-day period, the Supreme Judicial Council shall examine the personal file of the candidate at its session, and in the case of a candidate who is not a judge, the documents submitted by him and obtained as a result of their examination, including the advisory opinion on good conduct, as well as, if necessary, invite them for an interview.

When compiling the list of candidates for judges subject to promotion, the Supreme Judicial Council takes into account the skills and qualities necessary to effectively perform the position of judge of the Court of Cassation, the advisory opinion on good conduct provided by the Corruption Prevention Commission on the candidate, and for the judge, the results of the performance evaluation.

The Supreme Judicial Council holds an open vote, during which each member of the Supreme Judicial Council votes "for" or "against" according to his or her inner conviction.

Azerbaijan

(General Comment): The judges' promotion procedure is based on assessment of judges performance.

Georgia

~~General comment:~~ ~~Amendment of Supreme Court Judges~~ In the course of 2020-2022 and also in 2023-2024, the Parliament of Georgia adopted the legislation, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this process are:

- The High Council of Justice and the Parliament of Georgia are engaged in the process that increase transparency, objectivity, and broad and inclusive participation.
- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the court of appeals through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge *inter alia* at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence according the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice by open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

3. Appointment of judge at Court of Appeal under article 37 - Article 37 of the LCC sets forth the rule for appointment of a judge to another court (to another court of the same instance or to the court of appeals). In particular, “when there is a vacancy, a judge of a district (city) court may be appointed to the court of appeals

...; appointment of supreme court judges. In the course of 2022-2023 and also in 2023-2024, the Parliament of Georgia adopted the legislation, which regulates the process of selection and election of judges of the Supreme Court. More precisely, the LCC has been amended several times for the purpose of complying the selection procedure of the Supreme Court judges with international standards and the recommendations delivered by the Venice Commission. Currently, some of the key characteristics of this process are:

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- Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website.
- Formation of the list of candidates to be nominated to the Parliament according to the points (best rating indicators) accumulated by them during the evaluation of the candidates' competence and integrity criteria;
- Admissibility of re-appeals of decisions of the High Council of Justice as a result of appeals;
- Clearly stated principle of equal treatment of candidates during the public hearing in the High Council of Justice;
- Open committee hearings in the Parliament, with live broadcasting and the opportunity for attendance at and engagement in the process of the hearings from local and international nongovernmental organizations, diplomatic corps, citizens, etc.;
- High quorums for voting both in the High Council of Justice and the Parliament of Georgia.

2. Promotion of judge at Court of Appeal - According to Article 35 of the LCC, a judge of the first instance court may be appointed to the court of appeals through the competition announced by the HCJ. More precisely, the HCJ announces the competition in case there is a vacant position of a judge *inter alia* at the court of appeals and determines the period for submission of applications which should not be less than 15 calendar days. The HCJ shall review the applications of judges participating in the competition, and the attached documents within five working days. After verifying that the applications and the enclosed documents submitted by the candidates comply with the requirements of the law, the relevant structural unit of the HCJ commences obtaining of reliable information about candidates prior to their interviewing. Importantly, while reviewing the applications, the HCJ takes into account that applicants have at least 5 years of judicial experience. In the course of the process the unit thoroughly studies the professional reputation and professional activities of the candidates. Importantly, the brief background information of those candidates whose documents comply with the requirements established under the legislation of Georgia shall be published on the website of the HCJ. The applicant judge shall be evaluated on the basis of two criteria – integrity and competence according the points-based assessment system and the forms filled out by members of the HCJ independently following the interview. The High Council of Justice shall appoint a person as a judge of appeal court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice by open ballot. After the legal changes made in organic law on Common Courts of Georgia in June 2023, for appointment of Judge in first Instance or Appeal court, there are same standards and procedures as it is for Judges of Supreme Court of Georgia (Open and fair voting procedure in the HCoJ – the members of the High Council of Justice provide written justifications of their evaluations, which are public and open and uploaded on the website; Formation of the of candidates should be according to the points (best rating indicators) accumulated by them and only candidates with best scores can be selected).

3. Appointment of judge at Court of Appeal under article 37 - Article 37 of the LCC sets forth the rule for appointment of a judge to another court (to another court of the same instance or to the court of appeals). In particular, “when there is a vacancy, a judge of a district (city) court may be appointed to the court of appeals

Republic of Moldova

(General Comment): According to article 20 of the Law n°544-XIII of 20 July 1995 on the status of judges, a promotion of a judge is only made with his/her agreement, based on a proposal from the Superior Council of Magistracy by the President of the Republic. The promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. In this case, the weight of the score awarded by the Superior Council of Magistracy cannot exceed 30% of the competition average. The positions of judge, vice-president and president of the court are held on a competitive basis. Candidates choose their competitive positions in descending order of the competition average grade. In case of equal scores of candidates who claim the same position, the Superior Council of the Magistracy will take a reasoned decision about the candidate who wins the competition.

(2024): Other procedure (interview and psychological test)

Ukraine

(General Comment): The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation.

Qualification evaluation shall be conducted by the HQCJU in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.

The criteria for qualification evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

The examination is the primary means to determine meeting by a judge (judicial candidate) the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination. The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described in the comments to the Q110.

Please note that according to paragraph 2 of section II “Final and transitional provisions” of the Law of Ukraine On Amendments to the Law of Ukraine “On the Judiciary and Status of Judges” and Some Laws of Ukraine on the Activity of Judicial Governance Bodies” No.193–IX dated October 16, 2019, powers of members of the High Qualification Commission of judges of Ukraine were terminated on November 7, 2019.

As of October 29, 2021, no new Commission has been formed.

(2024): Law “On the Judicial System and Status of Judges”

Article 82. General principles of transfer of a judge to another court

1. A judge may be transferred, including temporarily by way of secondment, to the position of a judge in another court by the High Council of Justice in the manner prescribed by law.
2. A judge shall be transferred to the position of a judge in another court on the basis and within the framework of the recommendation of the High Qualifications Commission of Judges of Ukraine made on the basis of the results of the competition for the vacant position of a judge held in accordance with the procedure established in Chapter 3 of this Section.
3. A judge who has expressed his/her intention to be transferred to another local court based on the results of a competition for a vacant position of a judge shall, simultaneously with the candidates participating in the selection for the position of a judge, take a qualification examination in the manner prescribed by Article 74 of this Law, taking into account the peculiarities specified in this Article.
4. The High Qualification Commission of Judges of Ukraine shall publish an announcement on the acceptance of applications from judges referred to in part three of this Article for the qualification examination simultaneously with the publication of the decision to announce the selection for the position of a judge provided for in Article 71 of this Law. The deadline for submitting applications to the High Qualification Commission of Judges of Ukraine may not be less than 15 days from the date of the announcement. It is prohibited to require judges to submit documents other than the application.
5. During the qualification examination, the judge referred to in part three of this Article shall take an anonymous test of cognitive abilities, history of Ukrainian statehood, general knowledge in the field of law, as well as an anonymous test and perform a practical task in one or more court specializations of his/her choice. A judge is considered to have passed the qualification exam in the chosen court specialization if he or she:
 - 1) scored at least 75 percent of the maximum possible score in the test on the history of Ukrainian statehood, general knowledge of law and the relevant court specialization
 - 2) scored at least 75 percent of the maximum possible score for the practical task on the relevant court specialization;
 - 3) successfully passed the cognitive skills test.

Question 134

Armenia

(General Comment): In the course of drawing up the promotion list of judge candidates the Supreme Judicial Council shall take into account the skills and qualities necessary for acting effectively in the office of a judge of a court of appeal or cassation, whereas in respect of a judge — also the results of performance evaluation thereof.

(2024): The following may be included in the list of candidates for promotion to the position of judge in the courts of appeal:

- 1) a judge with at least three years of professional experience as a judge of a first instance court of the relevant specialization, who has no disciplinary sanction of reprimand or severe reprimand;
- 2) a former judge who has held office within the last 10 years and has at least five years of judicial experience.
- 3) a person who.
 - a) has a law degree and has taught law at a higher education institution for at least six years out of the last eight years or has carried out scientific work at a scientific institution, or;
 - b) has at least 8 years of professional work experience within the last 10 years. (Article 123 of the Judicial Code)

The following persons who have reached the age of forty, are citizens of the Republic of Armenia, have the right to vote, and have high professional qualifications may be included in the list of candidates for promotion to the position of judge of the Court of Cassation:

- 1) a judge of the relevant profession who has at least 10 years of professional work experience, of which at least five years are as a judge.
- 2) a former judge who has held office within the last 10 years and has at least 10 years of professional work experience, of which at least five have been as a judge.
- 3) a person who.
 - a) has a law degree and has taught law at a higher education institution for at least 8 years in the last 10 years or has carried out scientific work at a scientific institution, or
 - b) has at least 10 years of professional work experience within the last 12 years; (Article 1, Section 32 of the Judicial Code)

Azerbaijan

(General Comment): Number of changed or deleted decisions, number of resolved cases and etc.

Georgia

(2024): A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years' experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.

Republic of Moldova

(General comment): According to the amendments in 2023 of the Law on status of judges, a person must have working experience as a judge of at least 1, 10 and 20 years, respectively, can apply for the position of judge of the court of appeal or judge of the Supreme Court of Justice.

The ordinary assessment of judges' performances is carried out based on the following criteria:

- a) professional competence, which has a weight of 50% of the total evaluation;
- b) organizational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 30% of the total evaluation.

Professional competence is assessed based on the following indicators:

- a) percentage of decisions/conclusions issued out of those contested, with the exception of decisions annulled for reasons not attributable to the judge;
- b) number and percentage of decisions/conclusions annulled of those examined, with the presentation of the confirmatory act from the Integrated Case Management System;
- c) presence of violations of the European Convention on Human Rights, found by the European Court of Human Rights;
- d) clarity of the oral and written presentation;
- e) quality of the reasoning of the court decisions;
- f) professional training of the judge;
- g) possession of knowledge of the application of information technologies.

(3) Organizational competence is assessed based on the following indicators:

- a) clearance rate;
- b) compliance with reasonable deadlines in the process of administering justice;
- c) rate of decisions issued in compliance with the deadline established by law;
- d) the average deadlines for examining cases, taking into account their complexity;
- e) method of organizing professional activity;
- f) number of hearings during the evaluation period that were postponed for reasons attributable to the judge, compared to the total number of hearings;
- g) the number of judgments and court orders published on the court's website, compared to the total number of judgments or, as the case may be, court orders issued by the same judge;
- h) the number of hearings interrupted in relation to the total number of hearings;
- i) fulfillment of other duties established by law within legal deadlines.

(4) Integrity is assessed based on the following indicators:

- a) compliance with professional ethics;
- b) the number of disciplinary sanctions applied during the period subject to assessment pursuant to art. 4 para. (1) let. a), d), e), f), l), m1), n) of Law no. 178/2014 on the disciplinary liability of judges;

(2024): A new SCM Regulation (274/19 from 2024) on selection and evaluation of judges was approved. It is available at:

https://www.csm.md/files/Acte_normative/Legislatia/Interne/2024/Regulament_selectie_evaluare_ro.pdf

Ukraine

(General Comment): The Law "On Judiciary and the Status of Judges" establishes general criteria regarding the judicial candidate (for instance, citizenship, the knowledge of state language, years of experience, professional education) depending on the court to be applied. For more details please see the comments to the Q110.

At the same time, the HQCJU has also 3 criteria as part of qualification evaluation within the competition. For more details, please see the comments to the Q113.

(2024): Article 28 of the Law of Ukraine “On the Judiciary and the Status of Judges” stipulates that a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the court of appeal based on the results of the qualification assessment, and meets one of the following requirements may be a judge of the court of appeal

- 1) has at least five years of work experience as a judge;
- 2) has an academic degree in law and at least seven years of experience in scientific work in the field of law;
- 3) has at least seven years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least seven years of total work (professional activity) experience in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 28 of the said Law.

Article 38 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that a judge of the Supreme Court may be a person who meets the requirements for candidates for the position of a judge, has confirmed the ability to administer justice in the Supreme Court based on the results of the qualification assessment, and also meets one of the following requirements

- 1) has at least ten years of work experience as a judge;
- 2) has an academic degree in law and at least ten years of experience in scientific work in the field of law;
- 3) has at least ten years of experience as an advocate, including representation in court and/or defense against criminal charges;
- 4) has at least ten years of total work experience (professional activity) in accordance with the requirements set forth in paragraphs 1-3 of part one of Article 38 of the Law of Ukraine “On the Judicial System and Status of Judges”.

Additionally, it's the same criteria as for a candidate for the position of a judge for the first time.

Question 135

Republic of Moldova

(General Comment): A promotion in a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges and also by the criteria of the Superior Council of Magistracy. The alignment with the criteria provided by the Law n°147/2023 is assessed by the Selection and Evaluation Board (body subordinated to the SCM) and its decisions can be appealed to the Superior Council of Magistracy. The candidate for promotion who has the evaluation of the Selection and Evaluation Board can proceed to be additionally evaluated by the SCM which adds up to 30% to the score awarded by the Selection and Evaluation Board. The decisions of SCM in this regard can be appealed in court (Supreme Court of Justice).

Ukraine

(2024): The decision of the High Council of Justice to refuse to submit a proposal to the President of Ukraine to appoint a judge to a position, or to refuse to transfer a judge to another court based on the results of a competition, may be appealed and canceled solely on the following grounds:

- 1) the composition of the High Council of Justice that made the relevant decision did not have the authority to make it;
- 2) the decision is not signed by a member of the High Council of Justice who participated in its adoption;
- 3) the decision does not contain a reference to the grounds for refusal to submit a proposal to the President of Ukraine to appoint a judge to the position, grounds for refusal to transfer a judge to another court based on the results of the competition, or does not contain the reasons on which the High Council of Justice reached the relevant conclusion.

Question 136

Armenia

(2024): The decision may be appealed to the Administrative court. It should be noted that in 2023, the Constitutional Court has commented on this issue, among other issues, in the decision of the Constitutional Court SDO-1691 of June 2, 2023.

Georgia

(2024): Decision related with appointment (promotion) at Supreme Court of Georgia should be appealed at Qualification Chamber of Supreme Court of Georgia.

Ukraine

(2024): The decision of the High Council of Justice may be appealed to the Supreme Court within thirty days from the date of its adoption. The President of the Supreme Court may not participate in the review by the Supreme Court of decisions of the High Council of Justice.

Question 137

Georgia

(General Comment): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: the First Deputy General Prosecutor, 3 Deputy General Prosecutors, 8 members of the Prosecutorial Council, the Head of the General Inspectorate, 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

(2024): The Career Management, Ethics and Incentives Council plays a key role in the promotion of prosecutors. It is composed of the following 15 members: the First Deputy General Prosecutor, 3 Deputy General Prosecutors, 8 members of the Prosecutorial Council, the Head of the General Inspectorate, 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 Prosecutor General promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the Prosecutor General shall provide the reasons.

Republic of Moldova

(2024): The Superior Council of Prosecutors including the Selection and Evaluation Board (SCP body) are involved in the promotion of prosecutors. The Prosecutor General has the competence to appoint the prosecutors in their new positions at the proposal of the Superior Council of Prosecutors.

Ukraine

(General Comment): In accordance with clause 22 of Law 113-IX, the transfer of prosecutors to a higher-level prosecutor's office until September 1, 2021, was carried out upon the results of the selection in accordance with the Procedure for the transfer of a prosecutor to a higher-level prosecutor's office, approved by the order of the Prosecutor General dated September 16, 2020 No. 454 and in accordance with the orders of the Prosecutor General dated April 14, 2021 No. 93-122, which established the relevant HR commissions in all regional prosecutor's offices and ensured the selection in the order of transfer to a higher-level prosecutor's office. Prosecutors in the Office of the Prosecutor General and regional prosecutor's offices were appointed by decisions of such commissions. A condition for a prosecutor to participate in the selection was that he or she submit an application for transfer and have the relevant seniority provided for in parts two and three of Article 27 of the Law of Ukraine "On the Prosecutor's Office". In addition, Law 113-IX temporarily suspended until September 1, 2021, part 4 of Article 39 of the Law of Ukraine "On the Prosecutor's Office," which defines the procedure for appointing prosecutors to administrative positions. Paragraph 22 of Section II of this Law stipulates that temporarily, until September 1, 2021, appointments to administrative positions in the prosecution authorities are made after the relevant approval of the Commission for the Selection of the Management of the Prosecutor's Office. Orders of the Prosecutor General No. 335 of December 16, 2019, No. 190 of April 15, 2020, and No. 168 of May 31, 2021 approved the Regulations on the Commission for the Selection of the Management of the Prosecutor's Office. The composition of the above commissions was approved by the orders of the Prosecutor General No. 340 dated December 19, 2019, No. 196 dated April 22, 2020, and No. 213 dated June 29, 2021. The Commission was authorized to make decisions on approving or refusing to approve the appointment of persons to administrative positions provided for in paragraphs 4-15 of part one of Article 39 of the Law of Ukraine "On the Prosecutor's Office", as specified in subparagraph 6 of paragraph 22 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Starting from September 1, 2021, the procedure for appointment to administrative positions in the prosecutor's office, as defined in Article 39(4) of the Law of Ukraine "On the Prosecutor's Office", as well as transfer to a higher-level prosecutor's office upon the results of a competition, the procedure for which is determined by the relevant body conducting disciplinary proceedings (Article 38 of the Law of Ukraine "On the Prosecutor's Office"), has been restored. First deputies, deputies of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies, and heads of district prosecutor's offices were also appointed on the recommendation of the Council of Prosecutors of Ukraine. Prosecutors of the Prosecutor General's Office were appointed by the Prosecutor General, prosecutors of the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office - by the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices - by the heads of the respective regional prosecutor's offices.

Question 138

Armenia

(General Comment): The prosecutors

promotion lists shall be compiled by the Qualification Commission:

- 1) During the regular attestation of prosecutors;
- 2) In an extraordinary procedure, when the Prosecutor General submits a proposal to the Qualification Commission on including a prosecutor in the promotion list as an encouragement, together with an appropriate assessment by him or his deputy. The prosecutor shall be included in the promotion lists of prosecutors in case the Qualification Commission has issued a positive opinion; and
- 3) In exceptional cases, when the Qualification Committee decides that a person relieved of the duty to study in the Justice Academy shall be included concurrently in both the list of prosecutor candidates and the promotion lists of prosecutors.

The "Law on Prosecutor's Office" explicitly provides the years of experience and absence of disciplinary sanctions as requirements for promotion.

(2024): The procedure is described by Article 39 of the Law on the Prosecutor’s Office. According to it, the official promotion lists of prosecutors shall be drawn up by the Qualification Commission upon the order of the Prosecutor General: (1) in the course of regular competency evaluation of prosecutors; (2) on an extraordinary basis, when the Prosecutor General submits to the Qualification Commission a proposal on including a prosecutor in the promotion list by submitting relevant appraisal issued by the Prosecutor General or the Deputy Prosecutor General coordinating the respective field. The prosecutor shall be included in the official promotion list of prosecutors upon the positive conclusion of the Qualification Commission; (3) in the manner prescribed by part 11 of Article 38 of this Law, when the Qualification Commission adopts a decision on including the person, exempt from studies at the Academy of Justice prescribed by part 9 of Article 38 of this Law, simultaneously in the lists of candidates for prosecutors and lists of official promotion thereof prescribed by this Article.

Azerbaijan

(General Comment): Promotion of prosecutors is regulated in the Prosecutor’s Office Act (POA), the Act on Service in the Prosecutor’s Office (POSA) and the Civil Service Act, according to which performance appraisal constitutes one of the key principles of the civil service, to which all prosecutors belong. Prosecutors have the right to be promoted, following successful service in a particular grade for one to two years, on average (Article 32, POA). Vacancies are publicly advertised, also at the medium and senior level. Applications to any vacant position are managed by the Personnel Department of the Prosecutor General’s Office that makes relevant submissions to the Prosecutor General, based on the performance indicators of the applicant and his/her superiors’ references. Performance indicators for promotion within the grade include: 1. diligence; 2. professional qualifications; 3. work results; and 4. personal qualities (Article 11.3, POSA). All prosecutors, including senior ones (employees of the Prosecutor’s Office holding positions corresponding to the 3rd-9th grade, except the Prosecutor General, his/her first deputy, deputies, the Director of the Anti-Corruption Directorate, Military Prosecutor and Prosecutor of Nakhchivan Autonomous Republic who hold positions corresponding to the 1st and 2nd grade) undergo performance evaluation every five years by Attestation Commissions composed of prosecutors representing the Prosecutor General’s Office, the Military Prosecutor’s Office, the Baku Prosecutor’s Office and the NAR Prosecutor’s Office, respectively. Evaluation is conducted via interview. Any change in position (promotion, transfer, demotion or dismissal) is to be formalised in a written and reasoned order issued by the Prosecutor General.

Georgia

(2024): The Career Management, Ethics and Incentives Council plays an important role in promotion of prosecutors. A prosecutor may be promoted to a managerial position based on the experience and conditions stipulated by Article 36 of the Organic Law on the Prosecution Service of Georgia. As a rule, upon the recommendation of the Career Management, Ethics and Incentives Council, the Prosecutor General is authorized to decide on the promotion of a prosecutor, based on the following criteria:

☑Length of work and experience; ☑Competence;

☑Personal and professional skills;

☑Results of the performance appraisal. The Prosecutor General may disagree with the recommendation of the Career Management, Ethics and Incentives Council, however, in the latter case, he/she has an obligation to substantiate the dissenting opinion. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorized to decide on the promotion of a prosecutor without a recommendation of the Career Management, Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by a head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. 2020 Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service of Georgia explicitly provide that all decisions regarding the promotion of prosecutors should be reasoned and that information on any decision taken under these rules should be published online. In March 2021, GRECO concluded that Georgia had implemented its recommendation xi satisfactorily. The recommendation stipulated, “(i) regulating, in more detail, the recruitment and promotion of prosecutors so as to ensure that decisions are based on precise and objective criteria, notably merit; (ii) providing for transparent procedures – including by making the above-mentioned criteria public – and ensuring that any decisions in those procedures are reasoned.”

Republic of Moldova

(General Comment): According to the provisions of Article 54 paragraph (11) of Law no. 3/2016, the promotion of the prosecutor is made by competition, under the conditions provided by law.

According to the provisions of Article 22(4) of the same law, the prosecutor in office who wishes to be promoted may be entered in the Register if in the last two years before the submission of the application for entry in the Register he/she has been subject to a performance evaluation. A prosecutor seeking appointment as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he or she has been subject to a performance appraisal in the two years preceding the submission of the application for entry in the Register. In accordance with the provisions of Article 23(1) of the above-mentioned Law, the Selection and Evaluation Board under the Superior Council of Prosecutors shall assess the candidates entered in the Register referred to in Article 22 on the basis of the criteria laid down in this Law and in accordance with the regulations approved by the Superior Council of Prosecutors.

Phases:

1. The Superior Council of Prosecutors announces the competition;
2. Candidates register to fill vacant posts;
3. Candidates pass a test at the Board on Selection and Evaluation of Prosecutors;
4. Candidates pass an interview at the SCP;

Conditions for promotion to the position of prosecutor at the Prosecutor General's Office, specialised prosecutor's offices, chief prosecutor and deputy chief prosecutor of the territorial prosecutor's offices, chief prosecutor and deputy chief prosecutor of the subdivision of the Prosecutor General's Office are the following:

- having at least 4 years of experience as a prosecutor;
- qualify at least as „very good” at the performance evaluation;
- knowing the Gagauz language, for candidates for the post of Deputy Chief Prosecutor of the Prosecutor's Office of the ATU Gagauzia.

Question 139

Armenia

(General Comment): Absence of disciplinary sanctions is also a criteria.

Georgia

(2024): Detailed information on the performance appraisal of prosecutors is available in the comment to Question 120 of CEPEJ Questionnaire.

Republic of Moldova

(General Comment): According to the Law no.3/2016 on the Prosecutor's Office, article 23 (2), in the competition, candidates shall be assessed on the basis of the following main criteria:

- a) level of knowledge and professional skills;
- b) ability to apply knowledge in practice;
- d) the quality and efficiency of work as a prosecutor;
- e) compliance with the rules of professional ethics.

Article 25/1

(1) For the position of chief prosecutor of the specialized prosecutor's office may be a candidate the person who meets the following conditions:

- (a) has at least 10 years of professional experience in the field of law, obtained in the jurisdiction of the Republic of Moldova or foreign jurisdictions, including international organizations, of which at least 4 years in the position of judge, prosecutor, lawyer or criminal investigation officer;
- b) fulfills the conditions set out in Art. 20 para. (1) letters a)-d), g) and h);
- c) has managerial competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- (c1) has professional competence appropriate to the function of chief public prosecutor of the specialized public prosecution service;
- d) in the last 3 years prior to the announcement of the competition has not been a member and/or has not been politically active in a political party or a socio-political organization;
- e) has not been a member of the Superior Council of Public Prosecutors for the last 6 months;
- f) has an irreproachable reputation and there are no reasonable suspicions regarding the commission of acts of corruption, acts related to them or acts corruptible within the meaning of Integrity Law no. 82/2017.

Article 25/2

Appointment to office of deputy chiefs of the specialized prosecution offices: (2) has at least 5 years of professional experience as a prosecutor within the last 15 years and organizational skills.

Article 20 For the position of prosecutor at the General Prosecutor's Office, specialized prosecutor's offices, as well as for the positions referred to in Article 25 para. (4) may be a candidate the applicant who:

- a) has at least 4 years of seniority in the prosecutor's office;
- b) has been qualified at least as "very good" in the performance evaluation.

Ukraine

(General Comment): The Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26.10.2021 No. 133п-21 (as amended), sets out clear indicators for each of these criteria. For example, the candidate's compliance with the criterion of professional level and experience is assessed by the following indicators: application of legal knowledge (skills and abilities to apply this knowledge in practice, ability to formulate legal positions, etc.), interaction with other bodies, institutions and organizations, specific knowledge and skills in a particular area of activity (practical experience in positions with a similar area of work, positive results and achievements). When deciding whether to approve the appointment of a prosecutor to an administrative position, the Commission for Selection of the Management of Prosecutor's Offices also took into account their professional and moral qualities, managerial and organizational skills, work experience and the conclusions of the General Inspectorate of the Prosecutor General's Office on the integrity of prosecutors during interviews with candidates

Question 140

Republic of Moldova

(General Comment): The decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was notified to him/her.

Question 141

Ukraine

(2024): Appeals are filed with the administrative court with jurisdiction over the city of Kyiv

7. Training - Overview

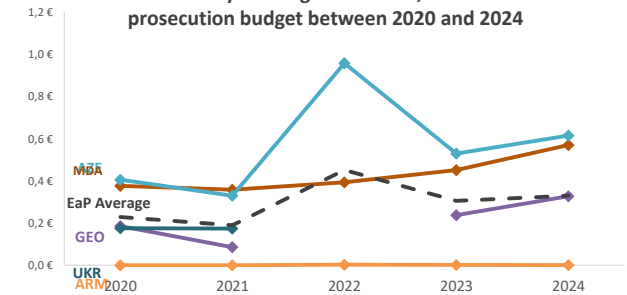
Training budget

Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2020 and 2024 (Table 7.1.3)

Beneficiaries	Total budget for training per inhabitant covered by training institutions, court and prosecution budget						
	2020	2021	2022	2023	2024	Variation 2020-2024 (%)	Variation 2023-2024 (%)
Armenia	0,00 €	0,00 €	0,00 €	0,00 €	0,00 €	NA	-60,8%
Azerbaijan	0,41 €	0,33 €	0,96 €	0,53 €	0,62 €	51,6%	16,2%
Georgia	0,19 €	0,09 €	NA	0,24 €	0,33 €	76,1%	37,7%
Republic of Moldova	0,38 €	0,36 €	0,39 €	0,45 €	0,57 €	51,5%	26,4%
Ukraine	0,18 €	0,17 €	NA	NA	0,14 €	-22,3%	NA
EaP Average	0,23 €	0,19 €	0,45 €	0,31 €	0,33 €	39,2%	4,9%

N.B.: In 2022, the total budget for training also includes donors' budget

Figure 7.1 Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2020 and 2024



Number of trainings

Number of trainings in 2024 (Tables 7.2.4, 7.2.5 and 7.2.6)

Beneficiaries	Number of live (in person, hybrid, video conference) trainings						Number of internet-based trainings	
	Available			Delivered			Provided by the public institution(s)	Completed on other e-learning platforms
	Total	For judges	For prosecutors	Total	For judges	For prosecutors		
Armenia	108	64	39	108	64	39	18	2
Azerbaijan	336	293	20	459	416	20	2	NA
Georgia	222	56	88	209	31	119	NAP	34
Republic of Moldova	147	88	78	354	233	217	18	15
Ukraine	711	127	188	891	193	262	93	NA
EaP Average	305	126	83	404	187	131	33	17

Figure 7.2 Average number of days per delivered live training in 2024

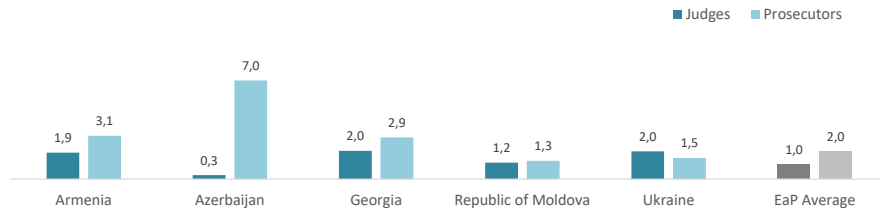
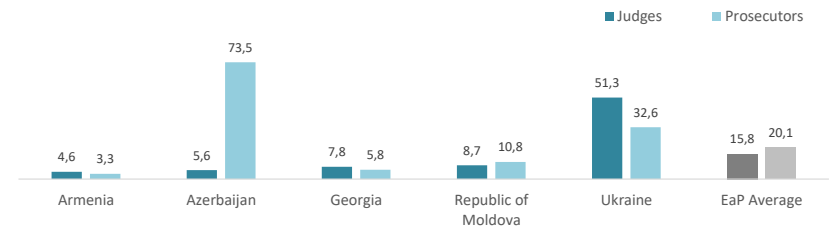


Figure 7.3 Average number of training participants per live training in 2024

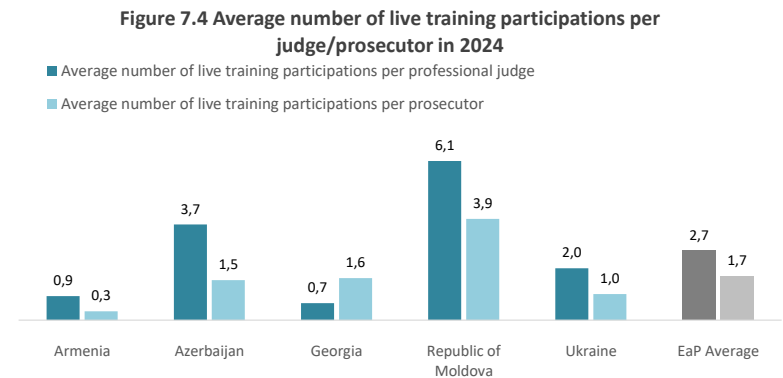


Training participants in live trainings

CEPEJ distinguish these types of trainings:
“A live” training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
“Internet-based” trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Trainings participants (judges and prosecutors) on live and internet-based trainings, and average number of training participants per professional judge/prosecutor in 2024 (Tables 7.2.5 and 7.2.8)

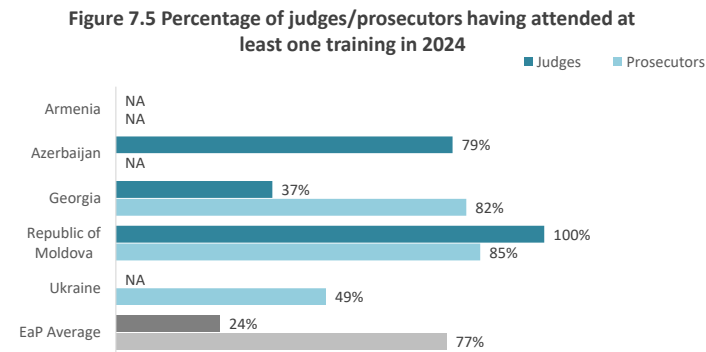
Beneficiaries	Live trainings					
	Participating judges	Total number of professional judges (all instances)	Average number of live training participations per professional judge	Participating prosecutors	Total number of public prosecutors (all instances)	Average number of live training participations per prosecutor
Armenia	297	321	0,9	127	376	0,3
Azerbaijan	2 326	631	3,7	1 470	953	1,5
Georgia	241	367	0,7	695	428	1,6
Republic of Moldova	2 031	331	6,1	2 350	602	3,9
Ukraine	9 904	4 953	2,0	8 554	8 489	1,0
EaP Average	2 960	1 321	2,7	2 639	2 170	1,7



The average number of live training participations per professional is calculated by dividing the number of participants in live trainings by the number of professionals (for each professional category). For example, the EaP Average for judges is 2,7. This means that, on average, each judge in the region participated to 2,7 live trainings.

Number of unique participants** on trainings and percentage of judges or prosecutors attending at least one training in 2024 (Table 7.2.8)

Beneficiaries	Number of unique participants in live trainings		Percentage of judges/prosecutors having attended at least one training	
	Judges	Prosecutors	Judges	Prosecutors
Armenia	NA	NA	NA	NA
Azerbaijan	496	NA	79%	NA
Georgia	134	350	37%	82%
Republic of Moldova	331	512	100%	85%
Ukraine	NA	4 162	NA	49%
EaP Average	320	1 675	24%	77%



***“Unique participants” shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

Trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of training courses organised by institutions responsible for trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2024
(Tables no. 7.3.1 and 7.3.2)

Beneficiaries	Training courses organised by institutions responsible for training			
	Number of live trainings organised by the public institution(s) responsible for training		Number of internet-based trainings provided on the e-learning platform of the training institution	
	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights
Armenia	NAP	7	NAP	1
Azerbaijan	5	13	NA	NA
Georgia	2	12	NAP	NAP
Republic of Moldova	6	23	15	15
Ukraine	NA	78	5	4
EaP Average	4	27	10,0	7

Figure 7.7 Training on EU Law in 2024

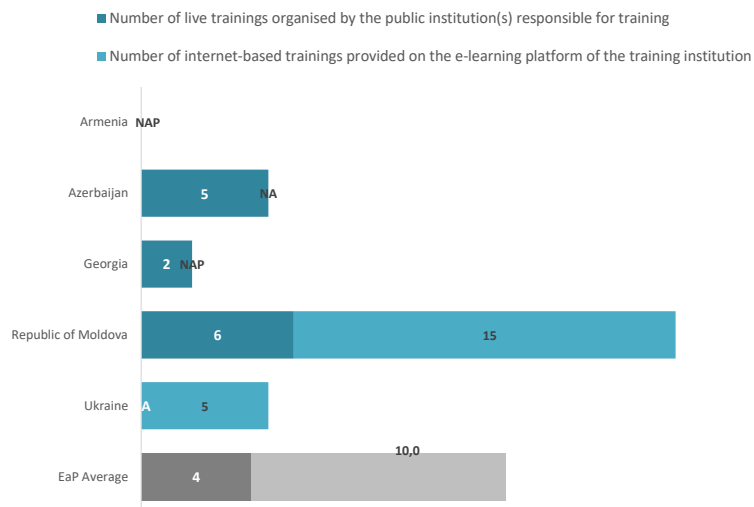


Figure 7.6 Number of days of delivered live trainings in 2024

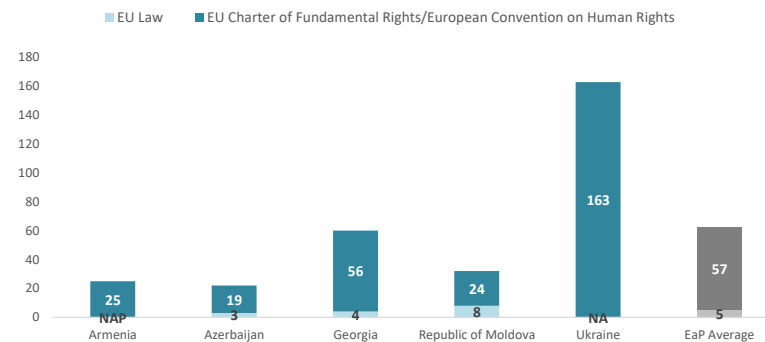
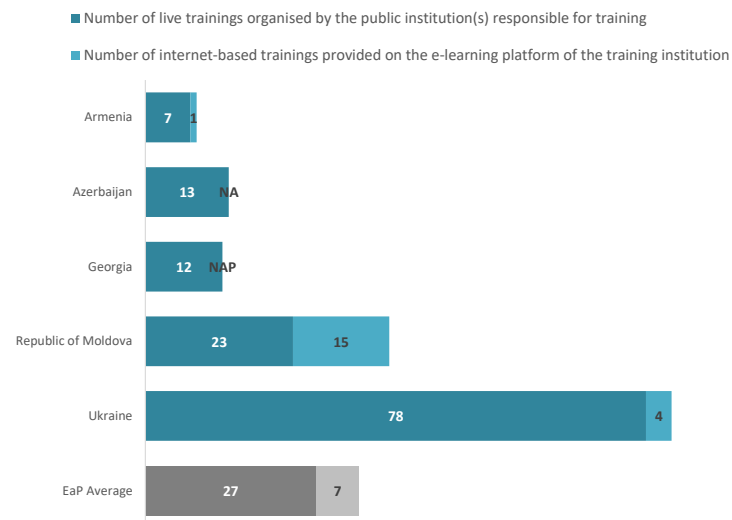


Figure 7.8 EU Charter of Fundamental Rights/European Convention on Human Rights in 2024



Number of participations to live trainings and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of participations to live training and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2024
(Tables 7.3.1, 7.3.2 and 7.3.3)

Beneficiaries	Training courses organised by institutions responsible for training					
	Number of participations to live trainings		Number of participations to internet-based trainings provided on the e-learning platform of the training institution		Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	285	12	17	9	11	0
Azerbaijan	227	200	NA	NA	NA	NA
Georgia	2	55	NAP	NAP	0	63
Republic of Moldova	171	210	154	147	174	193
Ukraine	NA	2 667	355	4 747	120	2 667
EaP Average	171	629	181	1 634	76	731

Figure 7.9 Number of participants to live trainings in 2024 (judges and prosecutors)

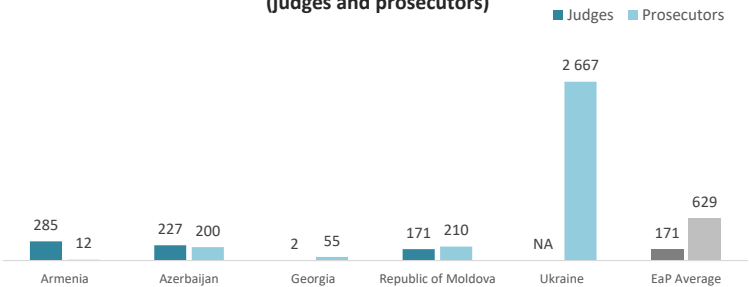


Figure 7.10 Number of participations to internet-based trainings provided on the e-learning platform of the training institution in 2024 (judges and prosecutors)

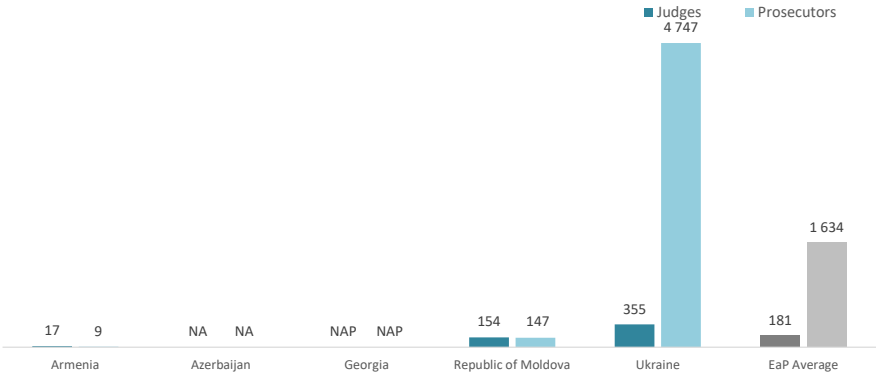
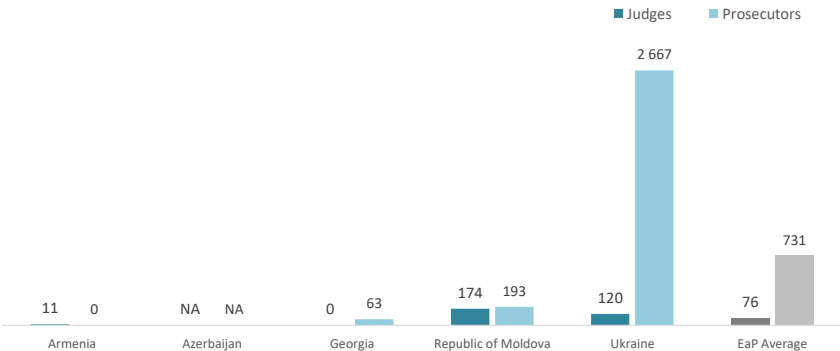


Figure 7.11 Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024 (judges and prosecutors)



7.Training - List of tables

7.1 Training - Budget

Table 7.1.1 Total implemented budget of training: implemented budget of the training institution(s) and implemented courts and public prosecution services budget allocated to training in 2024 (Q4, Q6, Q142)

Table 7.1.2 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2020 and 2024 (Q4, Q6, Q142)

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2020 and 2024 (Q1, Q4, Q6, Q142)

Table 7.1.4 Amount of the implemented budget of the training institutions funded by external donors in 2024 (Q142 and Q142-1)

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2024 (Q143, Q143-1, Q145 and Q145-1)

Table 7.2.2 Types and frequency of training courses for prosecutors in 2024 (Q144, Q144-1, Q146 and Q146-1-0)

Table 7.2.3 Minimum number of compulsory trainings in 2024 (Q146-1)

Table 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2024 (Q148 and Q149)

Table 7.2.5 In-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2024 (Q147 and Q147-1)

Table 7.2.6 Internet-based trainings available on the e-learning platform of the training institution (not live) in 2024 (Q147 and Q147-1)

Table 7.2.7 In-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2024 (Q147-3)

Table 7.2.8 Number of unique participants** in live (in-person, hybrid, video conference) trainings in 2024 (Q147-2)

7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights

Table 7.3.1 Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training in 2024 (Q154 and Q154-1)

Table 7.3.2 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2024 (Q154 and Q154-1)

Table 7.3.3 Number of participations in internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024 (Q154-1)

Table 7.3.4 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes and number of participating judges and prosecutors in 2024 (Q155 and Q155-1)

Table 7.3.5 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2024 (Q155 and Q155-1)

Table 7.3.6 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024 (Q155 and Q155-1)

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2024 (Q153)

Table 7.4.2 Assessment of future training needs and frequency of assessment in 2024 (Q155-2)

Table 7.4.3 Evaluation of the in-service trainings in 2024 (Q155-4, Q155-4, Q155-4 and Q155-7)

7.1 Training - Budget

Table 7.1.1 Total implemented budget of training: implemented budget of the training institution(s) and implemented courts and public prosecution services budget allocated to training in 2024 (Q4, Q6, Q142)

Beneficiaries	Total implemented budget for training: budget of training institutions and courts and public prosecution services budget allocated to training in 2024					
	Total implemented budget for training covered by training institutions, court and prosecution budget (1 + 2 + 3)	Training institutions (1)			Implemented courts budget allocated to training (2)	Implemented public prosecution services budget allocated to training (3)
		Institution(s) for judges	Institution(s) for prosecutors	Institution(s) for both judges and prosecutors		
Armenia	1 999 €	NAP	NAP	NAP	1 999 €	NAP
Azerbaijan	6 274 555 €	1 955 018 €	1 414 413 €	NAP	1 490 711 €	1 414 413 €
Georgia	1 212 000 €	1 212 000 €	NAP	NAP	0 €	NAP
Republic of Moldova	1 384 635 €	NAP	NAP	1 376 560 €	7 638 €	437 €
Ukraine	5 602 939 €	2 056 055 €	1 725 356 €	NAP	16 856 €	1 804 672 €
Average	2 895 226 €	1 741 024 €	-	-	303 441 €	1 073 174 €
Median	1 384 635 €	1 955 018 €	-	-	7 638 €	1 414 413 €
Minimum	1 999 €	1 212 000 €	-	-	0 €	437 €
Maximum	6 274 555 €	2 056 055 €	-	-	1 490 711 €	1 804 672 €

Table 7.1.2 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2020 and 2024 (Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget					Variations	
	2020	2021	2022	2023	2024	2020 - 2024 (%)	2023 - 2024 (%)
Armenia	- €	- €	8 348 €	5 102 €	1 999 €	NA	-60,8%
Azerbaijan	4 138 176 €	3 363 270 €	9 773 712 €	5 400 022 €	6 274 555 €	51,6%	16,2%
Georgia	688 113 €	317 233 €	NA	880 208 €	1 212 000 €	76,1%	37,7%
Republic of Moldova	913 891 €	869 745 €	955 458 €	1 095 172 €	1 384 635 €	51,5%	26,4%
Ukraine	7 212 699 €	7 147 308 €	NA	NA	5 602 939 €	-22,3%	NA
Average	2 590 576 €	2 339 511 €	3 579 173 €	1 845 126 €	2 895 226 €	39,2%	4,9%
Median	913 891 €	869 745 €	955 458 €	987 690 €	1 384 635 €	51,6%	21,3%
Minimum	0 €	0 €	8 348 €	5 102 €	1 999 €	-22,3%	-60,8%
Maximum	7 212 699 €	7 147 308 €	9 773 712 €	5 400 022 €	6 274 555 €	76,1%	37,7%

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2020 and 2024 (Q1, Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget per inhabitant					Variations	
	2020	2021	2022	2023	2024	2020 - 2024 (%)	2023 - 2024 (%)
Armenia	€0,00	€0	€0	€0,0017	€0,0006	NA	-60,8%
Azerbaijan	€0,41	€0,33	€0,96	€0,53	€ 0,62	51,6%	16,2%
Georgia	€0,19	€0,09	NA	€0,24	€ 0,33	76,1%	37,7%
Republic of Moldova	€0,38	€0,36	€0,39	€0,45	€ 0,57	51,5%	26,4%
Ukraine	€0,18	€0,17	NA	NA	€ 0,14	-22,3%	NA
Average	€0,23	€0,19	€0,45	€0,31	€ 0,33	39,2%	4,9%
Median	€0,19	€0,17	€0,39	€0,35	€ 0,33	51,6%	21,3%
Minimum	€0,00	€0,00	€0,00	€0,00	€ 0,00	-22,3%	-60,8%
Maximum	€0,41	€0,36	€0,96	€0,53	€ 0,62	76,1%	37,7%

Table 7.1.4 Amount of the implemented budget of the training institutions funded by external donors in 2024 (Q142 and Q142-1)

Beneficiaries	Amount of the implemented budget of the training institutions funded by external donors in 2024								
	Institution(s) for judges			Institution(s) for prosecutors			Institution(s) for both judges and prosecutors		
	Implemented budget	Amount funded by external donors	Percentage of the implemented budget covered by external donors	Implemented budget	Amount funded by external donors	Percentage of the implemented budget covered by external donors	Implemented budget	Amount funded by external donors	Percentage of the implemented budget covered by external donors
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	1 955 018 €	NAP	NAP	1 414 413 €	NAP	NAP	NAP	NAP	NAP
Georgia	1 212 000 €	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	1 376 560 €	NA	NA
Ukraine	2 056 055 €	35 701 €	1,7%	1 725 356 €	0 €	0,0%	NAP	NAP	NAP
Average	1 741 024 €	-	-	-	-	-	-	-	-
Median	1 955 018 €	-	-	-	-	-	-	-	-
Minimum	1 212 000 €	-	-	-	-	-	-	-	-
Maximum	2 056 055 €	-	-	-	-	-	-	-	-

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2024 (Q143, Q143-1, Q145 and Q145-1)

Beneficiaries	Types and frequency of training courses for judges in 2024																				
	Initial training for judges	In-service training for judges																			
		General		For specialised judicial functions		For management functions		For the use of computer facilities in courts		On ethics		On child-friendly justice		On gender equality		On prevention of corruption		On conflicts of interest		Other	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Armenia																					
Azerbaijan																					
Georgia																					
Republic of Moldova																					
Ukraine																					

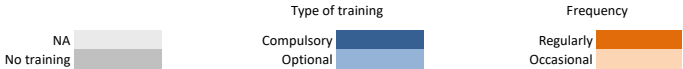


Table 7.2.2 Types and frequency of training courses for prosecutors in 2024 (Q144, Q144-1, Q146 and Q146-1-0)

Beneficiaries	Types and frequency of training courses for prosecutors in 2024																					
	Initial training for prosecutors	In-service training for prosecutors																				
		General		For specialised judicial functions		For management functions		For the use of computer facilities in courts		On ethics		On child-friendly justice		On gender equality		On prevention of corruption		On conflicts of interest		Other		
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	
Armenia																						
Azerbaijan																						
Georgia																						
Republic of Moldova																						
Ukraine																						

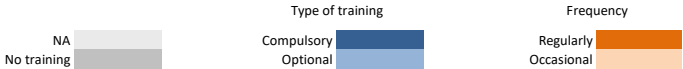


Table 7.2.3 Minimum number of compulsory trainings in 2024 (Q146-1)

Beneficiaries	Minimum number of compulsory trainings in 2024							
	For judges				For prosecutors			
	Initial compulsory training		In-service compulsory trainings		Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year
Armenia	NAP	30	2	NAP	NAP	30	2	NAP
Azerbaijan	1	120	NAP	NAP	1	20	NAP	NAP
Georgia	85	240	NA	NA	47	40	NAP	NAP
Republic of Moldova	NA	540	5	5	NA	540	5	5
Ukraine	NA	NA	NA	NA	NA	60	2	NA
Average	-	233	-	-	-	138	3	-
Median	-	180	-	-	-	40	2	-
Minimum	-	30	-	-	-	20	2	-
Maximum	-	540	-	-	-	540	5	-

Table 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2024 (Q148 and Q149)

Beneficiaries	Existence of sanctions for not attending compulsory in-service trainings in 2024	
	Judges	Prosecutors
Armenia	Yes	Yes
Azerbaijan	No	Yes
Georgia	No	No
Republic of Moldova	No	No
Ukraine	Yes	Yes

Yes

No

NA

NAP

Table 7.2.5 In-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2024 (Q147 and Q147-1)

Beneficiaries	In-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2024																			
	Number of different available live trainings					Number of delivered live trainings					Number of days of delivered live trainings					Number of participants in live trainings				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Armenia	108	64	39	5	NAP	108	64	39	5	NAP	328	120	120	88	NAP	706	297	127	282	NAP
Azerbaijan	336	293	20	18	5	459	416	20	18	5	273	115	140	18	NA	4 841	2 326	1 470	390	655
Georgia	222	56	88	29	49	209	31	119	25	54	708	62	351	50	285	1 359	241	695	226	197
Republic of Moldova	147	88	78	36	33	354	233	217	78	70	420	270	280	78	75	7 392	2 031	2 350	2 267	744
Ukraine	711	127	188	368	28	891	193	262	402	34	1 751	379	391	823	158	49 920	9 904	8 554	28 496	2 966
Average	305	126	83	91	29	404	187	131	106	41	696	189	256	211	173	12 844	2 960	2 639	6 332	1 141
Median	222	88	78	29	31	354	193	119	25	44	420	120	280	78	158	4 841	2 031	1 470	390	700
Minimum	108	56	20	5	5	108	31	20	5	5	273	62	120	18	75	706	241	127	226	197
Maximum	711	293	188	368	49	891	416	262	402	70	1 751	379	391	823	285	49 920	9 904	8 554	28 496	2 966

Table 7.2.6 Internet-based trainings available on the e-learning platform of the training institution (not live) in 2024 (Q147 and Q147-1)

Beneficiaries	Internet-based trainings available on the e-learning platform of the training institution (not live) in 2024									
	Number of internet-based provided trainings					Number of participants				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Armenia	18	9	9	NAP	NAP	105	34	71	NAP	NAP
Azerbaijan	2	NA	2	NA	NA	170	NA	170	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	18	18	17	18	17	951	154	147	555	95
Ukraine	93	30	20	32	11	17 881	355	15 373	943	1 210
Average	33	19	12	-	-	4 777	181	3 940	-	-
Median	18	18	13	-	-	561	154	159	-	-
Minimum	2	9	2	-	-	105	34	71	-	-
Maximum	93	30	20	-	-	17 881	355	15 373	-	-

Table 7.2.7 In-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2024 (Q147-3)

Beneficiaries	In-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2024									
	Number of completed trainings					Number of participants				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Armenia	2	2	NA	NAP	NAP	11	11	NA	NAP	NAP
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	34	0	19	0	15	145	0	113	0	32
Republic of Moldova	15	15	12	14	15	445	75	77	238	55
Ukraine	NA	5	9	NA	NA	NA	120	463	NA	NA
Average	17	6	13	-	-	200	52	218	-	-
Median	15	4	12	-	-	145	43	113	-	-
Minimum	2	0	9	-	-	11	0	77	-	-
Maximum	34	15	19	-	-	445	120	463	-	-

Table 7.2.8 Number of unique participants in live (in-person, hybrid, video conference) trainings in 2024 (Q147-2)**

Beneficiaries	Number of unique participants** in live (in-person, hybrid, video conference) trainings in 2024				
	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff
Armenia	NA	NA	NA	NAP	NAP
Azerbaijan	3 132	496	NA	341	454
Georgia	744	134	350	143	117
Republic of Moldova	1 835	331	512	809	183
Ukraine	NA	NA	4 162	NA	2 556
Average	1 904	320	1 675	431	828
Median	1 835	331	512	341	319
Minimum	744	134	350	143	117
Maximum	3 132	496	4 162	809	2 556

***“Unique participants” shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights

Table 7.3.1 Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training in 2024 (Q154 and Q154-1)

Beneficiaries	Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training in 2024									
	Number of live trainings in EU Law			Number of live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	Judges	Prosecutors
Armenia	NAP	NAP	NAP	7	7	25	285	12	NA	NA
Azerbaijan	3	5	3	13	13	19	227	200	147	200
Georgia	2	2	4	12	12	56	2	55	2	51
Republic of Moldova	6	6	8	10	23	24	171	210	NA	NA
Ukraine	NA	NA	NA	52	78	163	NA	2667	NA	1763
Average	4	4	5	19	27	57	171	629	75	671
Median	3	5	4	12	13	25	199	200	75	200
Minimum	2	2	3	7	7	19	2	12	2	51
Maximum	6	6	8	52	78	163	285	2667	147	1763

Table 7.3.2 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2024 (Q154 and Q154-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2024			
	Provided on the e-learning platform of the training institutions			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Armenia	NAP	1	17	9
Azerbaijan	NA	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP
Republic of Moldova	15	15	154	147
Ukraine	5	4	120	4747
Average	10	7	97	1634
Median	10	4	120	147
Minimum	5	1	17	9
Maximum	15	15	154	4747

Table 7.3.3 Number of participations in internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024 (Q154-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2024	
	Completed on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of participations	
	Judges	Prosecutors
Armenia	11	0
Azerbaijan	NA	NA
Georgia	0	63
Republic of Moldova	174	193
Ukraine	120	2667
Average	76	731
Median	65,5	128
Minimum	0	0
Maximum	174	2667

Table 7.3.4 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes and number of participating judges and prosecutors in 2024 (Q155 and Q155-1)

Beneficiaries	Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2024									
	Number of live trainings in EU Law			Number of live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	Judges	Prosecutors
Armenia	NAP	NAP	NAP	9	9	11	163	14	NAP	NAP
Azerbaijan	NA	NA	NA	2	2	3	NA	95	NA	95
Georgia	0	0	0	8	10	52	0	55	0	51
Republic of Moldova	6	6	8	6	6	8	83	115	NA	NA
Ukraine	NA	4	8	35	48	120	69	1732	NA	974
Average	3	3	5	12	15	39	79	402	0	373
Median	3	4	8	8	9	11	76	95	0	95
Minimum	0	0	0	2	2	3	0	14	0	51
Maximum	6	6	8	35	48	120	163	1732	0	974

Table 7.3.5 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2024 (Q155 and Q155-1)

Beneficiaries	Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2024			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Armenia	NAP	1	17	9
Azerbaijan	NA	NA	NA	NA
Georgia	NAP	NAP	NAP	NAP
Republic of Moldova	15	15	154	147
Ukraine	5	3	120	4256
Average	10	6	97	1471
Median	10	3	120	147
Minimum	5	1	17	9
Maximum	15	15	154	4256

Table 7.3.6 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024 (Q155 and Q155-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Armenia	NAP	2	11	0
Azerbaijan	NAP	NAP	NA	NA
Georgia	0	5	0	63
Republic of Moldova	20	20	174	193
Ukraine	NA	35	120	1732
Average	10	16	76	497
Median	10	12,5	66	128
Minimum	0	2	0	0
Maximum	20	35	174	1732

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2024 (Q153)

Beneficiaries	Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2024			
	Domestic violence training		Sexual violence training	
	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Armenia				
Azerbaijan				
Georgia				
Republic of Moldova				
Ukraine				

Yes

No

NA

NAP

Table 7.4.2 Assessment of future training needs and frequency of assessment in 2024 (Q155-2)

Beneficiaries	Assessment of future training needs and frequency of assessment in 2024								
	Source to identify future training needs								Assessment
	Target audience itself	Previous participants in trainings	Trainers	Courts/ prosecutor's offices	Relevant judicial institutions	Ministry of Justice	Other	Comment on other	Frequency
Armenia									Annual
Azerbaijan									Annual
Georgia									Annual
Republic of Moldova								Bar Association, lawyers, donors, civil society.	Annual
Ukraine									Annual

Yes

No

NA

NAP

Table 7.4.3 Evaluation of the in-service trainings in 2024 (Q155-4, Q155-4, Q155-4 and Q155-7)

Beneficiaries	Evaluation of the in-service trainings in 2024													
	Existence of an evaluation of the in-service trainings (seminars, workshops, round tables)	Type of training evaluation model				Frequency of training evaluation			Use of the feedback of the training evaluation process					
		Kirkpatrick training evaluation model	A combination Kirkpatrick and other training evaluation models	Other	Comment on other	Immediately after the training is delivered	3-6 months after the training is delivered	A year or more after the training	To prepare a training evaluation report with recommendations	To improve the training course which, according to the report, needed improvements	To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	To suppress a training course	To introduce a new course	Other
Armenia					Survey									
Azerbaijan					Based on the questionnaires submitted to the training participants at the end of the training									
Georgia														
Republic of Moldova														
Ukraine														

Yes

No

NA

NAP

Indicator 7- Training

by country

Question 142. What is the implemented budget of the training institution(s)?

Question 143. Types of different trainings offered to judges:

Question 143-1. In-service training of judges solely dedicated to prevention of corruption and conflicts of interest

Question 144. Types of different trainings offered to public prosecutors:

Question 144-1. In-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest

Question 145. Frequency of the in-service training of judges:

Question 145-1. Frequency of the in-service training of judges solely dedicated to prevention of corruption and conflicts of interest

Question 146. Frequency of the in-service training of public prosecutors :

Question 146-1. Do you have a minimum number of compulsory trainings:

Question 146-1-0. Frequency of the in-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest

Question 147. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

Question 147-1. Number of participants in the trainings during the reference year

Question 147-2. Number of unique participants in the trainings during the reference year

Question 147-3. Number of internet-based trainings on other e-learning platforms and number of participants

Question 153. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

Question 154. Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories

Question 155. Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) in the reference year organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Armenia

Q142 (2024): The budget is not separated for the training institution. The amount of the overall budget named “Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” is equal to 605135.01 EUR. The Academy of Justice is funded from the state budget of the Republic of Armenia through the Ministry of Justice in the form of a grant, and through the Investigative Committee of the Republic of Armenia and the Anti-Corruption Committee under the service delivery contract.

Q143 (General Comment): Types of the different trainings offered to judges change depending on the needs.

Q143 (2024): Comments: Judge candidates must attend initial training at the Academy of Justice. This is a precondition for becoming a judge. Other: There are 75 training courses for judges envisaged by Educational program.

Q144 (2024): There are 46 different trainings for prosecutors envisaged by Educational program in 2024.

Q145 (General Comment): Frequency of the in-service training of judges change depending on the needs.

Q145 (2024): According to Law on Academy of Justice all judges should pass compulsory 80 academic hour continuous training per year. All courses are now proposed for each year and it is up to them to choose any of the topics they need.

Q145-1 (2024): According to Law on Academy of Justice all judges should pass compulsory 80 academic hour continuous training per year. All courses are now proposed for each year and it is up to them to choose any of the topics they need.

Q146 (General Comment): Frequency of the in-service training of prosecutors change depending on the needs.

Q146 (2024): According to Law on Academy of Justice all prosecutors should pass compulsory 80 academic hour continuous training once every two year. All courses are now proposed for each year and it is up to them to choose any of the topics they need.

In-service trainings on management functions, child-friendly justice and gender equality were occasional in 2023 and could be organized separately in case of need. In 2024 these courses are regular and are offered to all prosecutors by the educational program in the annual mandatory training.

Q146-1 (2024): In Academy of Justice the minimum number of in-service compulsory trainings is 80 academic hour for judges and prosecutors per year.

Q146-1-0 (2024): According to Law on Academy of Justice all prosecutors should pass compulsory 80 academic hour continuous training once every two year. All courses are now proposed for each year and it is up to them to choose any of the topics they need.

Q147 (General Comment): Number of in-service trainings available and delivered (in days) is formulated by the number of the applicants (judges, prosecutors, investigator, bailiffs).

Q147 (2024): Non-judge staff includes only judicial bailiffs.

Q147-1 (General Comment): Number of participants in trainings is formulated by the number of the applications (judges, prosecutors, investigator, bailiffs).

Q147-1 (2024): Non-judge staff includes only judicial bailiffs.

Q147-3 (General Comment): Number of internet-based trainings on other e-learning platforms and number of participants are formulated by the number of the applications (judges, prosecutors, investigator, bailiffs).

Q147-3 (2024): Prosecutors did not choose internet-based trainings on other e-learning platforms.

Q153 (2024): Compulsory trainings involve topics on domestic violence and sexual violence and can be chosen by prosecutors, it is optional. Currently there are not prosecutors who are specialised only on mentioned areas.

Q155 (General Comment): Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) depends on the number of the applicants.

Azerbaijan

Q143 (2024): There are some other related topics for the professional development of judges are also subject to trainings for judges

Q144 (2024): There are some other related topics for the professional development of prosecutors

Georgia

Q142 (2024): In 2024, the High School of Justice has provided initial trainings for two groups of High School of Justice listeners (49 listeners in total). Hence, the implemented budget for 2024 has increased compared to 2023.

Q146-1 (2024): 1. In-service compulsory training for judges: minimum 5 days of training every 3 years.

2. The PSG interns are subject to compulsory initial trainings. Unlike the initial in-service training, there is no set number of subsequent in-service trainings required each year. This number varies based on specific needs throughout the year.

Q147 (2024): 20 trainings were conducted for - Judges and non-judge staff together, this is the reason why the total number of trainings and total number of days are not in accordance with the information below....

Q153 (2024): Since 2018, only specialized prosecutors and PSG investigators have been handling cases of violence against women and domestic violence. In 2021, this specialization was extended to crimes of sexual violence as well.

Republic of Moldova

Q142 (2024): The data indicated above reflects the implemented budget of the National Institute of Justice.

Q145 (General Comment): The National Institute of Justice is a public independent institution responsible for the initial and in-service training of judges and prosecutors, clerks and judicial assistants, heads of court's secretariat and probation officers and other persons with judicial duties. The admission to the Institute is exclusively by competitive exam during which persons possessing the qualifications prescribed in the law to hold the position of judge/prosecutor may apply. Judges have the right to in-service training, by selecting topics from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves a curricula for judges twice per year and it includes trainings organized continually throughout the year.

Q146 (General Comment): Public prosecutors have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves a curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

Q147 (2024): In 2024 the number of delivered in different ways in-service trainings, number of days of delivered live trainings increased almost for all categories on request. The downward trend of the trainings available live for non-judge staff decreased due to increasing the number of internet-based trainings available.

Q147-1 (2024): The applicants for NIJ live or internet based trainings are registering for participation on their own need and consideration.

Q147-3 (2024): There was an increase from 11 in 2023 to 15 per total in 2024 in internet-based trainings completed by justice professionals and an increase in number of participants from Moldova on other e-learning platforms due to availability and relevance and necessity.

Q153 (2024): Both prosecutors and judges receive special training in the field of domestic violence and sexual violence. According to the National Institute of Justice in-service training Plan for 2024, beneficiaries can participate in activities held in the module entitled "Protection of minors and domestic violence". National Institute of Justice opts for trainers with specialization and training in the field of violence. NIJ trainers on this topic are regularly trained in order to improve their knowledge and practices.

Q154 (2024): 15 trainings per total including both dimensions (EU law and ECHR).

Q155 (2024): 15 trainings per total including both dimensions (EU law and ECHR)

Ukraine

Q143-1 (2024): Mandatory (every year) - annually for judges of the High Anti-Corruption Court. Once every three years - for judges of the Supreme Court.

Periodically (if necessary) during the academic year - for judges of local and appellate courts of all specializations (in the form of seminars, webinars, workshops, lectures).

Q144 (General Comment): According to part two of Article 19 of the Law of Ukraine “On Prosecution” (hereinafter - the Law), a prosecutor is obliged to improve his or her professional level and to upgrade qualifications for this purpose.

The prosecutor periodically undergoes training at the Training Center of Prosecutors of Ukraine, which should include studying the rules of prosecutorial ethics.

Article 80 of the Law stipulates that the Training Center of Prosecutors of Ukraine shall provide advanced training for prosecutors.

Continuing professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200.

Clause 5 of Section I of the Regulation stipulates that training at the Training Center of Prosecutors of Ukraine is the main form of professional development. Section V of the Regulations regulates training (education) at the Training Center.

In particular, training of prosecutors in the Training Center of Prosecutors of Ukraine (hereinafter - TCPU) is provided in the form of training courses/trainings and consists in improving (obtaining new) professional knowledge and skills, developing personal competence of the prosecutor, studying the rules of prosecutorial ethics and requirements of anti-corruption legislation. Depending on the prosecutors' need for advanced training or acquisition of new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. Catalogs of training programs (trainings) for prosecutors and calendar plans of training courses/trainings are posted on the official website of the TCPU, the online professional development platform, and are immediately sent to the personnel unit of the Office of the Prosecutor General, regional prosecutor's offices, the content of which is also communicated to prosecutors.

In view of the above, prosecutors are not limited to professional development only on professional ethics or compliance with anti-corruption legislation. In addition, according to Articles 29 and 33 of the Law, the procedure for selecting candidates for the position of a district prosecutor includes special training, consisting of initial training (2 months, conducted by the Training Center of Prosecutors of Ukraine) and internship (6 months, conducted at the relevant district prosecutor's office).

Q144-1 (General Comment): According to clause 2, part V of the Regulation on the system of advanced training of prosecutors, approved by the Order of the Prosecutor General No. 200 of 15.06.2021, training of prosecutors at the Training Center of Prosecutors of Ukraine is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation.

Q145-1 (2024): Regularly (every year) - annually for judges of the High Anti-Corruption Court.

Once every three years - for judges of the Supreme Court.

Periodically (as needed) - for judges of local and appellate courts of all specializations.

Q146-1 (General Comment): The initial training of a trainee prosecutor of the district prosecutor's office is conducted by the Training Center of Prosecutors of Ukraine (hereinafter - TCPU) in accordance with Articles 33, 33-1 of the Law of Ukraine “On Prosecution” (hereinafter - the Law) in order to provide the trainee prosecutor with the necessary theoretical knowledge to work independently as a prosecutor of the district prosecutor's office and lasts up to two months (60 days).

The initial training is conducted by the TCPU in accordance with the curriculum and the initial training program. The curriculum consists of modules, which provide for training topics and the number of hours to complete each module. The initial training program defines the forms of training, the duration of training, its structure, the criteria for successful completion of each module and the forms of final control of each module.

The prosecutor's qualification advancement in the TCPU is carried out periodically: within 48 months, based on the results of participation in training courses/training, the prosecutor must gain 60 credits

Q146-1-0 (General Comment): According to part two of Article 19 of the Law of Ukraine “On Prosecution”, a prosecutor is obliged to improve his or her professional level and to upgrade qualifications for this purpose.

Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200.

Article 80 of the Law stipulates that the training of prosecutors is carried out by the Training Center of Prosecutors of Ukraine. In particular, the training of prosecutors at the TCPU is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. Depending on the need for prosecutors to improve their skills or acquire new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices.

The periodicity of prosecutors' advanced training in the TCPU is determined by the number of points they must obtain within 48 months (4 years). According to clause 3 of Section V of the Regulation, a prosecutor is considered to have completed the in-service training in the TCPU if he or she has gained 60 points as a result of participation in training courses/trainings within 48 months.

The training of prosecutors in the TCPU is provided in the form of training courses/trainings and consists of improving (acquiring new) professional knowledge and skills, developing the prosecutor's personal competence, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. The number of credit points for each training course/training is determined by the TCPU depending on its subject matter, complexity and duration. Training at the TCPU is conducted in full-time, distance and online forms.

Prosecutors independently select trainings from the Catalog of Training Programs for Prosecutors, taking into account the practical needs of their work.

Every year, prosecutors take distance courses on ethics and anti-corruption.

Mandatory trainings have been introduced for some specializations of prosecutors. In particular, in accordance with the Order of the Prosecutor General No. 509 dated 04.11.2020 “On Peculiarities of Performing the Functions of the Prosecutor's Office on Protection of Children's Interests and Combating Violence”, juvenile prosecutors are required to undergo training in their specialization at the Training Center of Prosecutors of Ukraine and receive a document on completion of special training.

Q153 (2024): In accordance with the Order of the Prosecutor General of 04.11.2020 No. 509 “On the peculiarities of performing the functions of the prosecutor's office on protecting the interests of children and combating violence”, the prosecutor's functions on protecting the interests of children and combating violence are performed in the Office of the Prosecutor General and regional prosecutor's offices by the units for protecting the interests of children and combating violence; in local (district) prosecutor's offices, they are entrusted to prosecutors specially authorized by the head to perform these prosecutorial functions (juvenile prosecutors). Juvenile prosecutors are a category of prosecutors who have received special training on domestic and sexual violence.

The Training Center of Prosecutors of Ukraine also periodically conducts trainings on domestic and sexual violence for other categories of prosecutors, including as part of training courses on procedural guidance and public prosecution.

Indicator 7- Training

by question No.

Question 142. What is the implemented budget of the training institution(s)?

Question 143. Types of different trainings offered to judges:

Question 143-1. In-service training of judges solely dedicated to prevention of corruption and conflicts of interest

Question 144. Types of different trainings offered to public prosecutors:

Question 144-1. In-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest

Question 145. Frequency of the in-service training of judges:

Question 145-1. Frequency of the in-service training of judges solely dedicated to prevention of corruption and conflicts of interest

Question 146. Frequency of the in-service training of public prosecutors :

Question 146-1. Do you have a minimum number of compulsory trainings:

Question 146-1-0. Frequency of the in-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest

Question 147. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

Question 147-1. Number of participants in the trainings during the reference year

Question 147-2. Number of unique participants in the trainings during the reference year

Question 147-3. Number of internet-based trainings on other e-learning platforms and number of participants

Question 153. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

Question 154. Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories

Question 155. Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) in the reference year organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Question 142

Armenia

(2024): The budget is not separated for the training institution. The amount of the overall budget named “Special training services for judges, prosecutors, judges and prosecutors included in the list of candidates and bailiffs” is equal to 605135.01 EUR. The Academy of Justice is funded from the state budget of the Republic of Armenia through the Ministry of Justice in the form of a grant, and through the Investigative Committee of the Republic of Armenia and the Anti-Corruption Committee under the service delivery contract.

Georgia

(2024): In 2024, the High School of Justice has provided initial trainings for two groups of High School of Justice listeners (49 listeners in total). Hence, the implemented budget for 2024 has increased compared to 2023.

Republic of Moldova

(2024): The data indicated above reflects the implemented budget of the National Institute of Justice.

Question 143

Armenia

(General Comment): Types of the different trainings offered to judges change depending on the needs.

(2024): Comments: Judge candidates must attend initial training at the Academy of Justice. This is a precondition for becoming a judge. Other: There are 75 training courses for judges envisaged by Educational program.

Azerbaijan

(2024): There are some other related topics for the professional development of judges are also subject to trainings for judges

Question 143-1

Ukraine

(2024): Mandatory (every year) - annually for judges of the High Anti-Corruption Court. Once every three years - for judges of the Supreme Court. Periodically (if necessary) during the academic year - for judges of local and appellate courts of all specializations (in the form of seminars, webinars, workshops, lectures).

Question 144

Armenia

(2024): There are 46 different trainings for prosecutors envisaged by Educational program in 2024.

Azerbaijan

(2024): There are some other related topics for the professional development of prosecutors

Ukraine

(General Comment): According to part two of Article 19 of the Law of Ukraine “On Prosecution” (hereinafter - the Law), a prosecutor is obliged to improve his or her professional level and to upgrade qualifications for this purpose.

The prosecutor periodically undergoes training at the Training Center of Prosecutors of Ukraine, which should include studying the rules of prosecutorial ethics.

Article 80 of the Law stipulates that the Training Center of Prosecutors of Ukraine shall provide advanced training for prosecutors.

Continuing professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200.

Clause 5 of Section I of the Regulation stipulates that training at the Training Center of Prosecutors of Ukraine is the main form of professional development. Section V of the Regulations regulates training (education) at the Training Center.

In particular, training of prosecutors in the Training Center of Prosecutors of Ukraine (hereinafter - TCPU) is provided in the form of training courses/trainings and consists in improving (obtaining new) professional knowledge and skills, developing personal competence of the prosecutor, studying the rules of prosecutorial ethics and requirements of anti-corruption legislation. Depending on the prosecutors' need for advanced training or acquisition of new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. Catalogs of training programs (trainings) for prosecutors and calendar plans of training courses/trainings are posted on the official website of the TCPU, the online professional development platform, and are immediately sent to the personnel unit of the Office of the Prosecutor General, regional prosecutor's offices, the content of which is also communicated to prosecutors.

In view of the above, prosecutors are not limited to professional development only on professional ethics or compliance with anti-corruption legislation. In addition, according to Articles 29 and 33 of the Law, the procedure for selecting candidates for the position of a district prosecutor includes special training, consisting of initial training (2 months, conducted by the Training Center of Prosecutors of Ukraine) and internship (6 months, conducted at the relevant district prosecutor's office).

Question 144-1

Ukraine

(General Comment): According to clause 2, part V of the Regulation on the system of advanced training of prosecutors, approved by the Order of the Prosecutor General No. 200 of 15.06.2021, training of prosecutors at the Training Center of Prosecutors of Ukraine is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation.

Question 145

Armenia

(General Comment): Frequency of the in-service training of judges change depending on the needs.

(2024): According to Law on Academy of Justice all judges should pass compulsory 80 academic hour continuous training per year. All courses are now proposed for each year and it is up to them to chose any of the topics they need.

Republic of Moldova

(General Comment): The National Institute of Justice is a public independent institution responsible for the initial and in-service training of judges and prosecutors, clerks and judicial assistants, heads of court's secretariat and probation officers and other persons with judicial duties. The admission to the Institute is exclusively by competitive exam during which persons possessing the qualifications prescribed in the law to hold the position of judge/prosecutor may apply. Judges have the right to in-service training, by selecting topics from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves a curricula for judges twice per year and it includes trainings organized continually throughout the year.

Question 145-1

Armenia

(2024): According to Law on Academy of Justice all judges should pass compulsory 80 academic hour continuous training per year. All courses are now proposed for each year and it is up to them to chose any of the topics they need.

Ukraine

(2024): Regularly (every year) - annually for judges of the High Anti-Corruption Court.

Once every three years - for judges of the Supreme Court.

Periodically (as needed) - for judges of local and appellate courts of all specializations.

Question 146

Armenia

(General Comment): Frequency of the in-srevice training of prosecutors change depending on the needs.

(2024): According to Law on Academy of Justice all prosecutors should pass compulsory 80 academic hour continuous training once every two year. All courses are now proposed for each year and it is up to them to choose any of the topics they need.

In-service trainings on management functions, child-friendly justice and gender equality were occasional in 2023 and could be organized separately in case of need. In 2024 these courses are regularl and are offered to all prosecutors by the educational program in the annual mandatory training.

Republic of Moldova

(General Comment): Public prosecutors have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves a curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

Question 146-1

Armenia

(2024): In Academy of Justice the minimum number of in-service compulsory trainings is 80 academic hour for judges and prosecutors per year.

Georgia

(2024): 1. In-service compulsory training for judges: minimum 5 days of training every 3 years.

2. The PSG interns are subject to compulsory initial trainings. Unlike the initial in-service training, there is no set number of subsequent in-service trainings required each year. This number varies based on specific needs throughout the year.

Ukraine

(General Comment): The initial training of a trainee prosecutor of the district prosecutor's office is conducted by the Training Center of Prosecutors of Ukraine (hereinafter - TCPU) in accordance with Articles 33, 33-1 of the Law of Ukraine "On Prosecution" (hereinafter - the Law) in order to provide the trainee prosecutor with the necessary theoretical knowledge to work independently as a prosecutor of the district prosecutor's office and lasts up to two months (60 days).

The initial training is conducted by the TCPU in accordance with the curriculum and the initial training program. The curriculum consists of modules, which provide for training topics and the number of hours to complete each module. The initial training program defines the forms of training, the duration of training, its structure, the criteria for successful completion of each module and the forms of final control of each module.

The prosecutor's qualification advancement in the TCPU is carried out periodically: within 48 months, based on the results of participation in training courses/training, the prosecutor must gain 60 credits

Question 146-1-0

Armenia

(2024): According to Law on Academy of Justice all prosecutors should pass compulsory 80 academic hour continuous training once every two year. All courses are now proposed for each year and it is up to them to choose any of the topics they need.

Ukraine

(General Comment): According to part two of Article 19 of the Law of Ukraine “On Prosecution”, a prosecutor is obliged to improve his or her professional level and to upgrade qualifications for this purpose.

Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200.

Article 80 of the Law stipulates that the training of prosecutors is carried out by the Training Center of Prosecutors of Ukraine. In particular, the training of prosecutors at the TCPU is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. Depending on the need for prosecutors to improve their skills or acquire new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices.

The periodicity of prosecutors' advanced training in the TCPU is determined by the number of points they must obtain within 48 months (4 years). According to clause 3 of Section V of the Regulation, a prosecutor is considered to have completed the in-service training in the TCPU if he or she has gained 60 points as a result of participation in training courses/trainings within 48 months.

The training of prosecutors in the TCPU is provided in the form of training courses/trainings and consists of improving (acquiring new) professional knowledge and skills, developing the prosecutor's personal competence, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. The number of credit points for each training course/training is determined by the TCPU depending on its subject matter, complexity and duration. Training at the TCPU is conducted in full-time, distance and online forms.

Prosecutors independently select trainings from the Catalog of Training Programs for Prosecutors, taking into account the practical needs of their work.

Every year, prosecutors take distance courses on ethics and anti-corruption.

Mandatory trainings have been introduced for some specializations of prosecutors. In particular, in accordance with the Order of the Prosecutor General No. 509 dated 04.11.2020 “On Peculiarities of Performing the Functions of the Prosecutor's Office on Protection of Children's Interests and Combating Violence”, juvenile prosecutors are required to undergo training in their specialization at the Training Center of Prosecutors of Ukraine and receive a document on completion of special training.

Question 147

Armenia

(General Comment): Number of in-service trainings available and delivered (in days) is formulated by the number of the applicants (judges, prosecutors, investigator, bailiffs).

(2024): Non-judge staff includes only judicial bailiffs.

Georgia

(2024): 20 trainings were conducted for - Judges and non-judge staff together, this is the reason why the total number of trainings and total number of days are n't in accordance with the information below....

Republic of Moldova

(2024): In 2024 the number of delivered in different ways in-service trainings, number of days of delivered live trainings increased almost for all categories on request. The downward trend of the trainings available live for non-judge staff decreased due to increasing the number of internet-based trainings available.

Question 147-1

Armenia

(General Comment): Number of participants in trainings is formulated by the number of the applications (judges, prosecutors, investigator, bailiffs).

(2024): Non-judge staff includes only judicial bailiffs.

Republic of Moldova

(2024): The applicants for NIJ live or internet based trainings are registering for participation on their own need and consideration.

Question 147-3

Armenia

(General Comment): Number of internet-based trainings on other e-learning platforms and number of participants are formulated by the number of the applications (judges, prosecutors, investigator, bailiffs).

(2024): Prosecutors did not choose internet-based trainings on other e-learning platforms.

Republic of Moldova

(2024): There was an increase from 11 in 2023 to 15 per total in 2024 in internet-based trainings completed by justice professionals and an increase in number of participants from Moldova on other e-learning platforms due to availability and relevance and necessity.

Question 153

Armenia

(2024): Compulsory trainings involve topics on domestic violence and sexual violence and can be chosen by prosecutors, it is optional. Currently there are not prosecutors who are specialised only on mentioned areas.

Georgia

(2024): Since 2018, only specialized prosecutors and PSG investigators have been handling cases of violence against women and domestic violence. In 2021, this specialization was extended to crimes of sexual violence as well.

Republic of Moldova

(2024): Both prosecutors and judges receive special training in the field of domestic violence and sexual violence. According to the National Institute of Justice in-service training Plan for 2024, beneficiaries can participate in activities held in the module entitled "Protection of minors and domestic violence". National Institute of Justice opts for trainers with specialization and training in the field of violence. NIJ trainers on this topic are regularly trained in order to improve their knowledge and practices.

Ukraine

(2024): In accordance with the Order of the Prosecutor General of 04.11.2020 No. 509 “On the peculiarities of performing the functions of the prosecutor's office on protecting the interests of children and combating violence”, the prosecutor's functions on protecting the interests of children and combating violence are performed in the Office of the Prosecutor General and regional prosecutor's offices by the units for protecting the interests of children and combating violence; in local (district) prosecutor's offices, they are entrusted to prosecutors specially authorized by the head to perform these prosecutorial functions (juvenile prosecutors). Juvenile prosecutors are a category of prosecutors who have received special training on domestic and sexual violence. The Training Center of Prosecutors of Ukraine also periodically conducts trainings on domestic and sexual violence for other categories of prosecutors, including as part of training courses on procedural guidance and public prosecution.

Question 154

Republic of Moldova

(2024): 15 trainings per total including both dimensions (EU law and ECHR).

Question 155

Armenia

(General Comment): Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) depends on the number of the applicants.

Republic of Moldova

(2024): 15 trainings per total including both dimensions (EU law and ECHR)

8. Accountability and processes affecting public trust - Overview

Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges and prosecutors in 2024 (Tables 8.9.5 and 8.9.10)

Beneficiaries	Disciplinary proceedings and sanctions against judges and prosecutors in 2024					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	16	6	19	5	14	1
Azerbaijan	29	5	26	5	26	5
Georgia	136	6	177	26	0	3
Republic of Moldova	28	22	21	11	1	5
Ukraine	NA	NA	NA	NA	145	90
EaP Average	52	10	61	12	37	21

Figure 8.1 Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024 (per 100 judges)

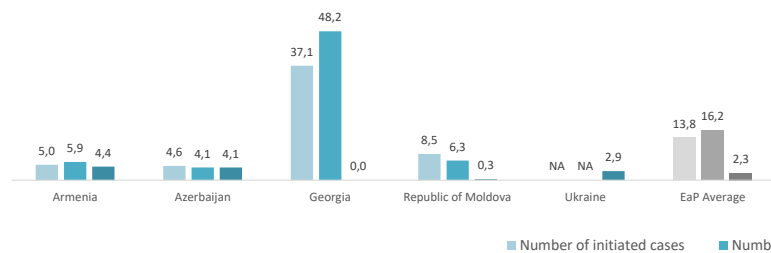
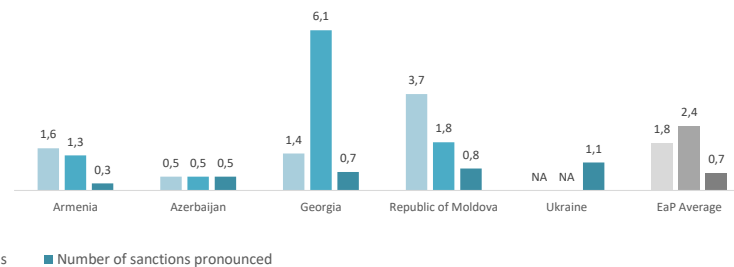


Figure 8.2 Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024 (per 100 prosecutors)



Number of criminal cases against judges and prosecutors in 2024 (Table 8.4.2)

Beneficiaries	Number of criminal cases and sanctions against judges and prosecutors in 2024					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia	15	7	3	3	1	0
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	0	0	0	0	0	0
Republic of Moldova	3	4	3	0	1	1
Ukraine	5	12	4	13	1	3
EaP Average	6	6	3	4	1	1

8. Accountability and processes affecting public trust - List of tables

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2024 (Q156)

Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2024 (Q156)

Table 8.1.3 Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2024 (Q156-1)

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge and total number of initiated procedures and total number of pronounced recusals in 2024 (Q160 and Q161)

8.3 Public prosecution services - status

Table 8.3.1 Status of public prosecution services in 2024 (Q162-0)

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2024 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

8. Accountability and processes affecting public trust - List of tables

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2024 (Q164 and Q166)

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2024 (Q171)

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2024 (Q172-0)

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2024 (Q182)

8.5 Code of ethics for judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2024 (Q172 and Q173-1)

Table 8.5.2 Code of ethics for prosecutors in 2024 (Q174 and Q175-1)

Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2024 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and 181-1)

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2024 (Q183, Q184)

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2024 (Q185, Q186, Q187 and Q188)

Table 8.6.3 Number of processed reassignments of cases in 2024 (Q185-1)

8. Accountability and processes affecting public trust - List of tables

8.7 Declaration of assets

- Table 8.7.1 Declaration of assets for judges in 2024: law(s) and regulation(s) that require a declaration of assets (Q190 and Q192)
- Table 8.7.2 Declaration of assets for judges in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)
- Table 8.7.3 Declaration of assets for judges in 2024: verification, registration and publication of the declaration (Q198, Q199 and Q200)
- Table 8.7.4 Declaration of assets for judges in 2024: sanction in case of non-declaration (Q201)
- Table 8.7.5 Declaration of assets for prosecutors in 2024: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)
- Table 8.7.6 Declaration of assets for prosecutors in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)
- Table 8.7.7 Declaration of assets for prosecutors in 2021: verification, registration and publication of the declaration (Q211, Q212 and Q213)
- Table 8.7.8 Declaration of assets for prosecutors in 2024: sanction in case of non-declaration (Q214)
- Table 8.7.9 Declaration of assets for judges and prosecutors in 2024: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

8. Accountability and processes affecting public trust - List of tables

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2024 (Q217)

Table 8.8.2 Other functions/activities carried out by judges in 2024 (Q218, Q219, Q220 and Q221)

Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2024 (Q222 and Q223)

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2024 (Q226)

Table 8.8.5 Other functions/activities carried out by prosecutors in 2024 (Q227, Q228, Q229 and Q230)

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2024 (Q231 and Q232)

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2024 (Q224 and Q233)

8. Accountability and processes affecting public trust - List of tables

8.9 Disciplinary procedure for judges and prosecutors

- Table 8.9.1 Initiation of disciplinary procedure against judges in 2024 (Q234 and Q235)
- Table 8.9.2 Authority with disciplinary power over judges in 2024 (Q234 and Q235)
- Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024 (Q236, Q240 and Q241)
- Table 8.9.4 Reasons for transferring a judge without his/her consent in 2024 (Q242)
- Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024 (Q237, Q238 and Q239)
- Table 8.9.6 Description of professional inadequacy for judges in 2024 (Q237 and Q237-1)
- Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2024 (Q243)
- Table 8.9.8 Authority with disciplinary power over prosecutors in 2024 (Q244)
- Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024 (Q245, Q250 and Q251)
- Table 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024 (Q246, Q247 and Q248)
- Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2024 (Q156)

Beneficiaries	System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2024											
	Total number of requests for compensation	Total number of compensations granted	Specific circumstances									
			Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other	
			Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	295	98	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-

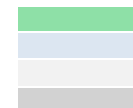
Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2024 (Q156)

Beneficiaries	System for compensating users: amounts granted by specific circumstances in 2024										
	Total amount (in €) (1 + 2 + 3 + 4 + 5)	Amount granted by specific circumstances									
		Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other	
		Amount in € (1)	As % of Total amount	Amount in € (2)	As % of Total amount	Amount in € (3)	As % of Total amount	Amount in € (4)	As % of Total amount	Amount in € (5)	As % of Total amount
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	428 191 €	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-

Table 8.1.3 Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2024 (Q156-1)

Beneficiaries	Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2024									
	Court concerned		Other court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint
Armenia										
Azerbaijan										
Georgia										
Republic of Moldova										
Ukraine										

Yes
No
NA
NAP



8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge and total number of initiated procedures and total number of pronounced recusals in 2024 (Q160 and Q161)

Beneficiaries	Procedure to effectively challenge a judge and total number of initiated procedures and total number of pronounced recusals in 2024		
	Existence of a procedure to effectively challenge a judge, if a party considers that the judge is not impartial	Total number of initiated procedures	Total number of pronounced recusals
Armenia		NA	NA
Azerbaijan		NA	NA
Georgia		NA	NA
Republic of Moldova		4288	240
Ukraine		NA	NA
Average		-	-
Median		-	-
Minimum		-	-
Maximum		-	-
		Yes	
		No	
		NA	
		NAP	

8.3 Public prosecution services - status

Table 8.3.1 Status of public prosecution services in 2024 (Q162-0)

Beneficiaries	Status of public prosecution services in 2024						
	Independent status as a separate entity among state institutions	Part of the executive power but enjoys functional independence	Part of the executive power (without functional independence)	Part of the judicial power but enjoys functional independence	Part of the judicial power (without functional independence)	Mixed model	Other status
Armenia	Yes						
Azerbaijan				Yes			
Georgia	Yes						
Republic of Moldova				Yes			
Ukraine	Yes						

Yes

No

NA

NAP

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2024 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

Beneficiaries	Specific instructions to prosecute or not, addressed to a public prosecutor in 2024																					
	Existence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor		Absence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor																			
			Authority issuing the specific instructions				Form of instructions				Type of instructions					Frequency of the instructions				Number of instructions addressed to a public prosecutor to prosecute or not	Possibility for a public prosecutor oppose/report an instruction to an independent body	
	Existence	Exceptions in the laws and regulations that envisage the possibility of the issuance of specific instructions	General Prosecutor	Higher prosecutor/Head of prosecution office	Executive power	Other	Oral instruction	Oral instruction with written confirmation	Written instruction	Other	Issued seeking prior advice from the competent public prosecutor	Mandatory	Reasoned	Recorded in the case file	Other	Exceptional	Occasional	Frequent	Systematic			
Armenia																				4		
Azerbaijan																				NA		
Georgia																				NAP		
Republic of Moldova																				NAP		
Ukraine																				NA		
																				Yes		
																				No		
																				NA		
																				NAP		

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2024 (Q164 and Q166)

Beneficiaries	Type of legal provisions to guarantee the independence of judges and prosecutors in 2024									
	Judges					Prosecutors				
	Constitution	Special law	Bylaw	Other		Constitution	Special law	Bylaw	Other	
Armenia										
Azerbaijan					NA					NA
Georgia										
Republic of Moldova					procedural laws					Criminal Procedure Code
Ukraine										

- Yes
- No
- NA
- NAP

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2024 (Q171)

Beneficiaries	Number of criminal cases against judges or prosecutors in 2024					
	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	15	3	1	7	3	0
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	0	0	0	0	0	0
Republic of Moldova	3	3	1	4	0	1
Ukraine	5	4	1	12	13	3
Average	6	3	1	6	4	1
Median	4	3	1	6	2	1
Minimum	0	0	0	0	0	0
Maximum	15	4	1	12	13	3

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2024 (Q172-0)

Beneficiaries	Specific measures to prevent corruption for judges and prosecutors in 2024													
	Mandatory rotation of judges and prosecutors		Gift rules		Specific training		Internal controls		Safe complaints mechanisms		Other		No mechanism in place	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Armenia														
Azerbaijan														
Georgia														
Republic of Moldova														
Ukraine														

Yes	
No	
NA	
NAP	

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2024 (Q182)

Beneficiaries	System to report attempt for influence/corruption on judges and prosecutors in 2024	
	Judges	Prosecutors
Armenia		
Azerbaijan		
Georgia		
Republic of Moldova		
Ukraine		

Yes

No

NA

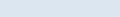
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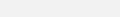
8.5 Code of ethics for judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2024 (Q172 and Q173-1)

Beneficiaries	Code of ethics for judges in 2024											Link to the code of ethics
	Existence of code of ethics	Principles contained in the code of ethics									Other	
		Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules		
Armenia											Articles 69 and 70 of the Judicial Code,	Decision N 05-L of the General Meeting of Judges of 21.12.2018 https://court.am/storage/uploads/files/decis
Azerbaijan											NA	NA
Georgia											-	http://hcoj.gov.ge/ka/%E1%83%A9%E1%83%95%E1%83%94%E1%83%9C-%E1%83%A8%E1%83%94%E1%83%A1
Republic of Moldova											-	https://www.csm.md/files/Acte_normative/Codul_de_etica_al_judecatorului.pdf
Ukraine											-	https://zakon.rada.gov.ua/rada/show/n0001415-13#Text_

Yes 

No 

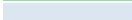
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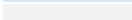
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Table 8.5.2 Code of ethics for prosecutors in 2024 (Q174 and Q175-1)

Beneficiaries	Code of ethics for prosecutors in 2024										Link to the code of ethics
	Existence of code of ethics	Principles contained in the code of ethics									
		Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules	
Armenia											https://www.prosecutor.am/storage/orders/orders_46_1685023080.pdf
Azerbaijan											NA
Georgia											https://matsne.gov.ge/ka/document/view/4973795?publication=0
Republic of Moldova											https://csp.md/sites/default/files/inline-files/CODUL%20de%20Etica%20Redactat%2015.07.2019_0.pdf
Ukraine											https://gp.gov.ua/ua/posts/prokurorska-etika https://zakon.rada.gov.ua/laws/show/n000

Yes 

No 

NA 

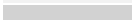
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Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2024 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and 181-1)

Beneficiaries	Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2024							
	Judges				Prosecutors			
	Existence of the institution	Composition of the institution/body	Guidelines and/or opinions publicly available	Number of opinions given	Existence of the institution	Members of the institution/body	Guidelines and/or opinions publicly available	Number of opinions given
Armenia		NAP		NAP		Prosecutors and other legal professionals		0
Azerbaijan		Only judges		NA		Only prosecutors		NA
Georgia		NAP		NAP		Only prosecutors		NA
Republic of Moldova		Judges and other legal professionals		0		Prosecutors and other legal professionals		0
Ukraine		Judges and other legal professionals		6,00		Other		NA

Yes	
No	
NA	
NAP	

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2024 (Q183, Q184)

Beneficiaries	Transparency and organisation of the distribution of court cases in 2024						
	Transparency in the court cases distribution	Organisation of the distribution of court cases					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							

Yes	
No	
NA	
NAP	

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2024 (Q185, Q186, Q187 and Q188)

Beneficiaries	Transparency and organisation of reassignment of court cases in 2024												
	Reasons for reassigning a case				Does the reassignment of cases have to be reasoned?			Reassignments of cases processed through the computerised distribution of cases	If yes, how are reassignments of cases processed:				
	Conflict of interest declared by the judge or by the parties	Recusal of the judge or requested by the parties	Physical unavailability (illness, longer absence)	Other	Yes for all reassignments	Yes for some reassignments	No		Automatic allocation	Random allocation	By discretion of a president of a court	Other	All interventions on the system are irreversibly logged/ registered
Armenia													
Azerbaijan													
Georgia													
Republic of Moldova													
Ukraine													

Yes

No

NA

NAP

Table 8.6.3 Number of processed reassignments of cases in 2024 (Q185-1)

Beneficiaries	Number of processed reassignments of cases in 2024				
	Total (1 + 2 + 3 + 4)	Conflict of interest declared by the judge or by the parties (1)	Recusal of the judge or requested by the parties (2)	Physical unavailability (illness, longer absence) (3)	Other (4)
Armenia	NA	NAP	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA
Georgia	NA	NA	NA	NA	NA
Republic of Moldova	23 712	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA
Average	-	-	-	-	-
Median	-	-	-	-	-
Minimum	-	-	-	-	-
Maximum	-	-	-	-	-

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2024: law(s) and regulation(s) that require a declaration of assets (Q190 and Q192)

Beneficiaries	Declaration of assets for judges in 2024: law(s) and regulation(s) that require a declaration of assets							
	Law(s) and regulation(s) that require a declaration of assets for judges							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								

Yes

No

NA

NAP

Table 8.7.2 Declaration of assets for judges in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Beneficiaries	Declaration of assets for judges in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the judge
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																

Yes

No

NA

NAP

Table 8.7.3 Declaration of assets for judges in 2024: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Beneficiaries	Declaration of assets for judges in 2024: verification, registration and publication of the declaration								
	Declaration of assets verified by:				Existence of a register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	Other	Not published
Armenia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Azerbaijan	No	Yes	Yes	Yes	No	No	No	No	Yes
Georgia	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 8.7.4 Declaration of assets for judges in 2024: sanction in case of non-declaration (Q201)

Beneficiaries	Declaration of assets for judges in 2024: sanction in case of non-declaration							
	Warning	Fine	Withdrawal from cases	Transfer to another (court) geographical location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								

Yes

No

NA

NAP

Table 8.7.5 Declaration of assets for prosecutors in 2024: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Beneficiaries	Declaration of assets for prosecutors in 2024: law(s) and regulation(s) that require a declaration of assets							
	Law(s) and regulation(s) that require a declaration of assets for prosecutors							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of prosecutors	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								

Yes	
No	
NA	
NAP	

Table 8.7.6 Declaration of assets for prosecutors in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Beneficiaries	Declaration of assets for prosecutors in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the prosecutor
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																

Yes	
No	
NA	
NAP	

Table 8.7.7 Declaration of assets for prosecutors in 2021: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Beneficiaries	Declaration of assets for prosecutors in 2024: verification, registration and publication of the declaration								
	Declarations of assets verified by:				Existence of a register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	Other	Not published
Armenia									
Azerbaijan									
Georgia									
Republic of Moldova									
Ukraine									

Yes	
No	
NA	
NAP	

Table 8.7.8 Declaration of assets for prosecutors in 2024: sanction in case of non-declaration (Q214)

Beneficiaries	Declaration of assets for prosecutors in 2024: sanction in case of non-declaration							
	Warning	Fine	Withdrawal from cases	Transfer to another public prosecution office	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Armenia	Yes	Yes	No	No	No	Yes	No	Yes
Azerbaijan	No	No	No	No	No	No	No	Yes
Georgia	No	Yes	No	No	No	Yes	Yes	No
Republic of Moldova	No	Yes	No	No	No	Yes	Yes	Yes
Ukraine	No	Yes	No	No	No	Yes	Yes	Yes

Yes

No

NA

NAP

Table 8.7.9 Declaration of assets for judges and prosecutors in 2024: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

Beneficiaries	Declaration of assets for judges and prosecutors in 2024: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration					
	Proceedings against judges			Proceedings against 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	4	0	0	1	0	0
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	43	29	0	38	31	0
Republic of Moldova	5	5	2	8	5	4
Ukraine	1	0	0	1	0	0
Average	13	9	1	12	9	1
Median	5	3	0	5	3	0
Minimum	1	0	0	1	0	0
Maximum	43	29	2	38	31	4

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2024 (Q217)

Beneficiaries	Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2024				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a judge with other functions/professional activities	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes	
No	
NA	
NAP	

Table 8.8.2 Other functions/activities carried out by judges in 2024 (Q218, Q219, Q220 and Q221)

Beneficiaries	Other functions/activities carried out by judges in 2024																				
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the judge has to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The court in question	High Judicial Council	Other	
Armenia																					
Azerbaijan																					
Georgia																					
Republic of Moldova																					
Ukraine																					
																				Yes	
																				No	
																				NA	
																				NAP	

Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2024 (Q222 and Q223)

Beneficiaries	Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2024															
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on judges	Law on the High Judicial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on judges	Law on the High Judicial Council	Other
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																

Yes

No

NA

NAP

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2024 (Q226)

Beneficiaries	Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2024				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a prosecutor with other functions/professional activities	Other
Armenia					
Azerbaijan					
Georgia					
Republic of Moldova					
Ukraine					

Yes	
No	
NA	
NAP	

Table 8.8.5 Other functions/activities carried out by prosecutors in 2024 (Q227, Q228, Q229 and Q230)

Beneficiaries	Other functions/activities carried out by prosecutors in 2024																				If no authorisation is needed, the prosecutor has to inform his or her hierarchy about these accessory activities	
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation				
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The public prosecution office in question	High Judicial/Prosecutorial Council	Other		
Armenia																	No					
Azerbaijan																	Yes					
Georgia																	No					
Republic of Moldova																	Yes					
Ukraine																	Yes for some					
																					Yes	
																					No	
																					NA	
																					NAP	

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2024 (Q231 and Q232)

Beneficiaries	Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2024															
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the Judicial/ Prosecutorial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the High Judicial/ Prosecutorial Council	Other
Armenia																
Azerbaijan																
Georgia																
Republic of Moldova																
Ukraine																

Yes

No

NA

NAP

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2024 (Q224 and Q233)

Beneficiaries	Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2024					
	Against judges			Against 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	0	0	0	0	0	0
Azerbaijan	1	1	1	0	0	0
Georgia	0	0	0	0	0	0
Republic of Moldova	0	0	0	0	0	0
Ukraine	NA	NA	NA	NA	NA	NA
Average	0	0	0	0	0	0
Median	0	0	0	0	0	0
Minimum	0	0	0	0	0	0
Maximum	1	1	1	0	0	0

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of disciplinary procedure against judges in 2024 (Q234 and Q235)

	Initiation of disciplinary procedure against judges in 2024										
	Court users	Relevant Court or hierarchical superior	High Court / Supreme Court	High Judicial Council	Disciplinary court	Disciplinary body	Ombudsman	Parliament	Executive power	Other	This is not possible
Armenia											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine											

Yes	
No	
NA	
NAP	

Table 8.9.2 Authority with disciplinary power over judges in 2024 (Q234 and Q235)

	Authority with disciplinary power over judges in 2024							
	Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Armenia								
Azerbaijan								
Georgia								
Republic of Moldova								
Ukraine								

Yes	
No	
NA	
NAP	

Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024 (Q236, Q240 and Q241)

Beneficiaries	Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024										
	Possibility for the judge to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal							
	Hearing	Written submission		Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Armenia											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine											

Yes

No

NA

NAP

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2024 (Q242)

Beneficiaries	Reasons for transferring a judge without his/her consent in 2024		
	For disciplinary reasons	For organisational reasons	For other reason
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

Yes	
No	
NA	
NAP	

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024 (Q237, Q238 and Q239)

Beneficiaries	Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024																						
	Number of disciplinary proceedings initiated against judges						Number of cases completed against judges						Number of sanctions pronounced against judges										
	Total	Breach of professional ethics (including breach of	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical (court) location	Resignation	Other	Dismissal
	1+...+5	1	2	3	4	5	1+...+5	1	2	3	4	5	1+...+10	1	2	3	4	5	6	7	8	9	10
Armenia	16	13	3	NAP	NAP	0	19	9	5	NAP	NAP	NAP	14	7	NAP	NAP	NAP	NAP	NAP	NAP	NAP	4	3
Azerbaijan	29	2	23	4	NAP	NAP	26	2	20	4	NAP	NAP	26	4	NAP	NAP	NAP	NAP	NAP	NAP	NAP	22	NAP
Georgia	136	NAP	110	0	0	26	177	NAP	130	0	0	47	0	0	NAP	NAP	NAP	0	NAP	NAP	NAP	0	0
Republic of Moldova	28	NA	NA	NA	NA	NA	21	NA	NA	NA	NA	NA	1	0	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1	0
Ukraine	NA	114	229	5	NA	NA	NA	60	196	4	NA	NA	145	30	NAP	3	NAP	0	0	0	NAP	64	48
Average	52	43	91	3	-	-	61	24	88	3	-	-	37	8	-	-	-	-	-	-	-	18	13
Median	29	13	67	4	-	-	24	9	75	4	-	-	14	4	-	-	-	-	-	-	-	4	2
Minimum	16	2	3	0	-	-	19	2	5	0	-	-	0	0	-	-	-	-	-	-	-	0	0
Maximum	136	114	229	5	-	-	177	60	196	4	-	-	145	30	-	-	-	-	-	-	-	64	48

Table 8.9.6 Description of professional inadequacy for judges in 2024 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Armenia	3	Violation of the norm of substantive or procedural law provided for in paragraph 1 of Part 1 of Article 142 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence.
Azerbaijan	23	Gross infringement of the requirements of legislation in the course of consideration of case. Gross violation of legislative provisions on the labour or performance discipline.
Georgia	110	Violation by a judge of a time limit specified by the Georgian procedural law without good reason; Expression of undisguised disrespect by a judge towards a different judge, a court staffer, or a participant in a court process; Any conduct incompatible with the exalted status of a judge (action (conduct) not in line with the exalted status of a judge, perpetrated in or outside a court, which clearly disturbs public order or universally recognized moral; standards and thereby damages the standing of, or undermines trust in, the court. Failure to perform or improper performance of duties by a judge of relevant administrative authority, in particular, the court, the judicial panel or the head of the chamber.
Republic of Moldova	NA	There is not a clear written delimitation between the disciplinary violations stated in the article 4 of the Law no. 178/2014 on the disciplinary liability of judges in order to count the violations or procedures that are included in "Professional inadequacy" category.
Ukraine	229	1) Intentional or due to negligence: a) unlawful denial of access to justice (including unlawful refusal to consider the merits of a claim, appeal, cassation appeal, etc.) or other significant violation of procedural law in the administration of justice, which made it impossible for litigants to exercise their procedural rights and fulfill their procedural obligations or led to a violation of the rules on jurisdiction or composition of the court; b) failure to state in the court decision the reasons for accepting or rejecting the arguments of the parties on the merits of the dispute; c) violation of the principles of publicity and openness of the judicial process; d) violation of the principles of equality of all participants in the trial before the law and the court, adversarial nature of the parties and freedom to present their evidence and prove their conviction in court; e) failure to ensure the accused's right to defense, obstruction of the rights of other participants in the trial; e) violation of the rules on recusal (self-recusal); 2) unreasonable delay or failure by a judge to take measures to consider an application, complaint or case within the time limit established by law, delay in issuing a reasoned court decision, untimely provision by a judge of a copy of a court decision for its entry into the Unified State Register of Court Decisions; 4) intentional or grossly negligent violation of human rights and fundamental freedoms or other gross violation of the law by a judge who participated in the adoption of a court decision, which led to significant negative consequences; 5) disclosure by a judge of a secret protected by law, including the secret of the deliberation room, or information that became known to the judge during the consideration of the case in a closed court session; 14) failure to complete a refresher course at the National School of Judges of Ukraine in accordance with the referral made by the body conducting disciplinary proceedings against judges, or failure to undergo further qualification assessment to confirm the judge's ability to administer justice in the relevant court, or failure to confirm the judge's ability to administer justice in the relevant court based on the results of this qualification assessment; 14-1) failure of a judge to undergo the initial training provided for in Article 89 of this Law (part one of Article 106 of the Law of Ukraine "On the Judicial System and Status of Judges").

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2024 (Q243)

Beneficiaries	Initiation of a disciplinary procedure against prosecutors in 2024										
	Citizens	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public Prosecutorial Council (High Judicial Council)	Disciplinary court	Disciplinary body	Ombudsman	Professional body	Executive power	Other	This is not possible
Armenia											
Azerbaijan											
Georgia											
Republic of Moldova											
Ukraine											

Yes

No

NA

NAP

Table 8.9.8 Authority with disciplinary power over prosecutors in 2024 (Q244)

Beneficiaries	Authority with disciplinary power over prosecutors in 2024									
	Supreme Court	Head of the organisational unit or hierarchical superior	Prosecutor General/ State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other	(Other, details)
Armenia										-
Azerbaijan										-
Georgia										-
Republic of Moldova										-
Ukraine										-

Yes

No

NA

NAP

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024 (Q245, Q250 and Q251)

Beneficiaries	Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024												
	Possibility for the prosecutor to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal									
	Hearing	Written submission		Supreme Court	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other	(Other, details)
Armenia													-
Azerbaijan													courts
Georgia													Court
Republic of Moldova													-
Ukraine													District Administrative Court, High Council of Justice.

Yes

No

NA

NAP

Table 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024 (Q246, Q247 and Q248)

Beneficiaries	Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024																						
	Number of initiated disciplinary proceedings against prosecutors						Number of completed cases against prosecutors						Number of pronounced sanctions against prosecutors										
	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another public prosecution	Resignation	Other	Dismissal
	1+...+5	1	2	3	4	5	1+...+5	1	2	3	4	5	1+...+10	1	2	3	4	5	6	7	8	9	10
	Armenia	6	2	4	0	0	0	5	1	4	0	0	0	1	1	NAP	NAP	NAP	NAP	0	NAP	NAP	0
Azerbaijan	5	0	5	0	NAP	NAP	5	0	5	0	NAP	NAP	5	1	4	NAP	NAP	NAP	0	NAP	0	0	0
Georgia	6	1	5	0	0	0	26	16	10	0	0	0	3	2	0	NAP	NAP	0	0	NAP	NAP	0	1
Republic of Moldova	22	NA	NA	NA	NA	NA	11	NA	NA	NA	NA	NA	5	2	NAP	NAP	NAP	0	0	NAP	NAP	3	0
Ukraine	NA	21	60	NA	NA	7	NA	25	63	NA	NA	13	90	NA	NA	NA	NA	NA	NA	NA	NA	12	17
Average	10	6	19	0	-	2	12	11	21	0	-	4	21	2	-	-	-	-	0	-	-	3	4
Median	6	2	5	0	-	0	8	9	8	0	-	0	5	2	-	-	-	-	0	-	-	0	0
Minimum	5	0	4	0	-	0	5	0	4	0	-	0	1	1	-	-	-	-	0	-	-	0	0
Maximum	22	21	60	0	-	7	26	25	63	0	-	13	90	2	-	-	-	-	0	-	-	12	17

Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Armenia	4	Practical skills, awareness of the requirements of the basic legal acts related to his / her status, his / her personal qualities and merits (self-control, behavior, ability to listen, communication skills, analytical skills, etc.). In this case the cases include non-fulfillment or improper fulfillment of duties.
Azerbaijan	5	Violation of official disciplines and improper performance of official duties.
Georgia	5	"Professional inadequacy" includes disciplinary violations, such as non-performance or improper performance of official duties prescribed by the legislation of Georgia.
Republic of Moldova	NA	There is not a clear written delimitation between disciplinary violations stated by the Article 38 (Law 3/2016 on the Prosecution service) in order to count procedures included in "Professional inadequacy" category.
Ukraine	60	Pursuant to Article 43(1) of the Law of Ukraine "On Prosecution" of 14.10.2014 No. 1697-VII, a prosecutor may be brought to disciplinary liability in disciplinary proceedings, inter alia, on the following grounds: 1) failure to perform or improper performance of official duties; 2) unreasonable delay in consideration of the appeal; 3) disclosure of a secret protected by law that became known to the prosecutor in the course of performing his/her duties. Thus, professional incompetence of a prosecutor means failure to perform or improper performance of official duties, unreasonable delay in consideration of an appeal and disclosure of a secret protected by law that became known to the prosecutor in the course of his/her duties

Indicator 8 - Accountability and processes affecting public trust

by country

Question 156. Is there a system of compensation in the following circumstances:

Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Question 161. If yes, what are:

Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by law or other regulation, are there exceptions?

Question 162-2. What form these instructions may take?

Question 162-2-0. Which authority can issue such specific instructions?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges

Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?

Question 171. Number of criminal cases against judges or prosecutors

Question 172-0. Are specific measures to prevent corruption in place?

Question 172. Is there a code of ethics applicable to all judges? Please provide the link.

Question 173.

Question 173-1. Does the Code of Ethics contain principles on:

Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.

Question 175.

Question 175-1. Does the Code of Ethics contain principles on:

Question 176. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Question 177. If yes, who are the members of this institution / body?

Question 178. Are the guidelines and/or opinions of this institution/body publicly available?

Question 178-1. How many guidelines and/or opinions were given during the reference year?

Question 179. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. If yes, who are the members of this institution / body ?

Question 181. Are the guidelines and/or opinions of this institution/body publicly available?

Question 181-1. How many guidelines and/opinions were given during the reference year?

Question 182. Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?

Question 183. Is transparency in distribution of court cases ensured in your judicial system?

Question 184. How is distribution of court cases organized in your system?

Question 185. What are the different possible reasons for reassigning a case?

Question 185-1. How many reassignments of cases were processed in the reference year?

Question 186. Does the reassignment of cases have to be reasoned?

Question 187. Are all reassignments of cases processed through the computerised distribution of cases?

Question 188. If yes, how are reassignments of cases processed:

Question 190. Which law(s) and regulation(s) require a declaration of assets by judges

Question 192. Can you provide the declaration of assets form (attachment)?

Question 193. What items are to be declared?

Question 194. What is the moment of the declaration of assets of judges?

Question 195. Does this declaration concern the members of the family?

Question 196. Is the declaration for family members the same as for the judge?

Question 198. Are these declarations of assets verified as regards:

Question 199. Is there a register of declaration of assets?

Question 200. Where is the declaration published?

Question 201. What is the sanction in case of non-declaration of assets?

Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:

Question 203. Which law(s) and regulation(s) require a declaration of assets by prosecutors

Question 205. Can you provide the declaration of assets form (attachment)?

Question 206. What items are to be declared?

Question 207. What is the moment of the declaration of assets of prosecutors?

Question 208. Does this declaration concern the members of the family?

Question 209. Is the declaration for family members the same as for the prosecutor?

Question 211. Are these declarations of assets verified as regards:

Question 212. Is there a register of declaration of assets?

Question 213. Where is the declaration published?

Question 214. What is the sanction in case of non-declaration of assets?

Question 215. Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:

Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:

Question 218. Can judges combine their work with any of the following other functions/activities?

Question 219. Is an authorisation needed to perform these accessory activities for judges?

Question 220. If yes, who is giving authorisation for these accessory activities for judges?

Question 221. If not, does the judge have to inform his or her hierarchy about these accessory activities?

Question 222. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?

Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:

Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference year

Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:

Question 227. Can public prosecutors combine their work with any of the following other functions/activities?

Question 228. Is an authorisation needed to perform these accessory activities for public prosecutors?

Question 229. If yes, who is giving authorisation for these accessory activities for public prosecutors?

Question 230. If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?

Question 231. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?

Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:

Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year

Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

Question 235. Which authority has disciplinary power over judges? (multiple replies possible)

Question 236. What are the possibilities for the judge to present an argumentation? (multiple replies possible)

Question 237. Number of disciplinary proceedings initiated during the reference year against judges.
 Question 238. Number of cases completed in the reference year against judges.
 Question 239. Number of sanctions pronounced during the reference year against judges.
 Question 240. Can a disciplinary decision be appealed?
 Question 241. If yes, what body is competent to decide on appeal?
 Question 242. Can a judge be transferred to another court without his/her consent:
 Question 243. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):
 Question 244. Which authority has disciplinary power over public prosecutors? (multiple replies possible)
 Question 245. What are the possibilities for prosecutors to present an argumentation (multiple replies possible):
 Question 246. Number of disciplinary proceedings initiated during the reference year against public prosecutors.
 Question 246-1. Please describe what is included in the category "Professional inadequacy"
 Question 247. Number of cases completed in the reference year against public prosecutors.
 Question 248. Number of sanctions pronounced during the reference year against public prosecutors.
 Question 250. Can the disciplinary decision be appealed?
 Question 251. If yes, what body is competent to decide on appeal?

Armenia

Q156 (2024): There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

Q156-1 (2024): Civil and Criminal courts of first instance of general jurisdiction

Q162 (2024): According to the Article 6 of the "Law on Prosecution" of RA, in the exercise of his/her powers, every prosecutor shall take decisions autonomously based on laws and inner conviction, and shall be responsible for decisions taken by him.

Any interference with the prosecutor's activities, which is not prescribed by law, leads to legal liability and shall be prohibited. According to the Article 32, instructions of the superior prosecutor are mandatory for the subordinate prosecutor, except in cases when the subordinate prosecutor finds that instructions are illegal or unfounded. In that case the subordinate prosecutor shall not follow the given instructions and must file a written objection to the superior prosecutor, who gave the instruction, except in cases when the instruction was given by the General Prosecutor.

Q162-0 (General Comment): According to Armenian Constitution- The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.

Q164 (2024): The Judicial Code of the Republic of Armenia

Q166 (2024): Law "on Prosecution"

Q172-0 (2024): Corruption Prevention Commission has a huge role in this process. According to Part 6 of the Article 25 of the "Law on the Corruption Prevention Commission": "If, as a result of the analysis of the declarations, the Commission concludes that the declaration has not been submitted within the period prescribed by law or has been submitted in violation of the relevant requirements of procedure, or the declared information is incorrect or incomplete, it shall initiate administrative violation proceedings

1. When carrying out any activity and in all circumstances, a judge is obliged to:
 - 1) refrain from behavior that discredits the judiciary, as well as reduces public confidence in the independence and impartiality of the judiciary.
 - 2) not to use or allow others to use his/her position as a judge for his/her own benefit or that of another person.
 - 3) demonstrate political restraint and neutrality.
 - 4) refrain from interfering with the administration of justice by another judge.
 - 5) refrain from publicly questioning the professional and personal qualities of a judge;
 - 6) refrain from publicly questioning the actions and judicial acts of the court, except in cases provided for by law or within the framework of professional activities carried out within the framework of academic freedom.
 - 7) refrain from publicly expressing an opinion on a case being heard or pending in any court, except in cases where the judge is acting as a party or a legal representative of a party.
 - 8) refrain from making any statement or displaying any behavior that jeopardizes or calls into question the independence and impartiality of a judge or court.
 - 9) immediately report to the Supreme Judicial Council any interference in his/her activities related to the administration of justice and other powers provided for by law, as well as the exercise of rights arising from the status of a judge.
 - 10) not to act as a representative and not to provide advice, including on a free basis, except in cases where he acts as a legal representative or provides free legal advice to his close relatives or persons under his guardianship, trusteeship.
 - 11) observe the restrictions on accepting gifts set forth in this Code;
 - 12) not to initiate, permit or take into account any communication with the other party to the proceedings or its counsel without the participation of the opposing party or its counsel ("ex parte", hereinafter referred to as "non-adversarial"), and. In the case of non-adversarial communications occurring independently of the judge's will, at the earliest opportunity, to inform the non-participating party of the content of such communications, giving them the opportunity to respond. Exceptions to this rule are permitted only in the following cases:
 - a. when circumstances require non-conflicting communications for organizational purposes, for example, in agreeing on the date and time of a court hearing or in other cases of organizing the proceedings, and provided that the communications do not concern the substance of the case; as a result of which one of the parties to the proceedings does not obtain a procedural or other advantage over the other party, and the judge informs the other party of the content of such communications at the earliest opportunity, giving it an opportunity to respond,
 - b. when the judge's unilateral communications are directly provided for by law.
 - 13) not to initiate or allow a consultation with a judge of a higher court to whom a complaint may be filed in a given case, as well as with a judge who has recused himself in a given case.
 - 14) When a judge turns to a specialist who is not interested in the outcome of the case for advice on issues of applicable law (with the exception of another judge, as well as court staff whose function is to assist the judge in the administration of justice), the judge is obliged, at the earliest opportunity, to inform the parties of the identity of that specialist, the opinion received on the issue presented, and to give them the opportunity to present their position in this regard.
 - 15) submits a declaration of property, income, interest, and expenses in accordance with the Law on Public Service and the requirements provided for by that law.
- Q176 (2024):** It should be noted that according to article 73 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", if a judge has received a gift that can be reasonably perceived as a gift made in connection with the performance of his official duties, the latter, in accordance with the established procedure, immediately, but no later than within five days, informs the Ethics and Discipline Commission in order to receive an advisory opinion on actions aimed at resolving the situation within fifteen days., if what is considered unacceptable within the meaning of this article, the judge is obliged to ensure the return of the gift received or the payment of equivalent compensation within ten days after receiving the advisory opinion. if the return of the gift within the prescribed period or the payment of equivalent compensation is impossible, the judge is obliged to transfer the gift to the state in accordance with the established procedure.
- Currently, a draft of a new amendment to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia" has been developed, the purpose of which is to provide a judge with the opportunity to give confidential advice on ethical and disciplinary issues. It is planned that the General meeting of judges will form an advisory committee on Ethics and Code of Conduct, which will provide confidential advice to judges on ethics and Code of Conduct, including developing and publishing an information guideline based on the consultations provided.

Q179 (2024): By the order of the Prosecutor General in 2019 a commission was established with the purpose of providing consultation on ethical matters to prosecutors. As a result, the bodies providing confidential consultation to prosecutors and those conducting disciplinary proceedings are separated from each other. Measures have been taken to improve the effectiveness of the activities of the mentioned commission in providing consultation to prosecutors on ethical matters and to ensure that prosecutors are informed about the available opportunities for confidential consultation within the Prosecutor's Office. In particular, all staff members of the Prosecutor's Office have been directed to become acquainted with the roles of the aforementioned commission and the procedure for submitting applications when issues arise concerning the interpretation and implementation of the ethical and conduct standards for prosecutors

Q182 (2024): A natural or legal person, in accordance with the procedure established by the law "on Whistleblowing", who, in accordance with the procedure provided for by Law, in good faith reports information about a case of corruption or conflict of interest, or violation of rules of conduct, or requirements, or other restrictions, or other restrictions, or declaration, or other damage to public interests, or about

the threat of their infliction, in relation to an official, body, organization or employee of an organization with whom he is or was in labor, civil, administrative or other relations, or to whom he turned for the purpose of providing services, or who was mistaken for an informant.

Also, interference in any form in the activities of a court or in the activities of a prosecutor, investigator, head of an investigative body, body of inquiry, attorney-at-law or representative for the purpose of obstructing the administration of justice or other powers provided for by law as a court, or for the purpose of obstructing the investigation of a case is a crime according to the Article 486 of the Criminal Code of the Republic of Armenia.

Q184 (2024): According to Parts 2 and 3 of the Article 42 of the Judicial Code:

"Where a judge is in charge of a case of particular complexity, the judge may apply to the Supreme Judicial Council with a suggestion to temporarily remove his or her name and surname from the distribution list or define a different percentage of cases to be distributed to him or her. Where it finds the application of the judge to be reasonable, the Supreme Judicial Council shall make a decision on temporarily removing the name and surname of the judge from the list of distribution of cases or on prescribing a different percentage of cases to be distributed to the judge and define a certain time limit for it which may not exceed six months. Based on the application of the judge, the Supreme Judicial Council may make a decision on extending the time limit of six months where the examination of the case of particular complexity has not ended.

The name and surname of a judge shall be removed from the list of distribution of cases:

- (1) in the case of a leave — for the period of the leave and the period of the preceding ten days;
- (2) in the case of secondment to another court — for the period of secondment and the period of the preceding ten days. The name of the seconded judge shall be removed from the list of distribution of cases of the court to which the judge was seconded one month before the expiry of the period of secondment;
- (3) in the case of temporary incapacity, participation in training courses, secondment abroad or suspension of powers — for the relevant period;
- (4) in the case of expiry of the term of office — three months before the expiry of the term of office;
- (5) in other cases provided for by this Code."

Q185 (2024): The Judicial Code prescribes the circumstances when the cases are redistributed. According to Part 1 of the Article 46 of the Judicial code: "If a judge has been seconded, or his or her secondment period has expired, or he or she has been transferred to another court, or judges have exchanged their positions, or a judge has recused himself or herself from the case in question, or has participated in the examination of the case in question in the past, or has rejected the institution of proceedings the decision on which has been reversed in the manner prescribed, or his or her powers have been suspended, automatically or imposingly terminated, then the cases assigned to that judge shall be redistributed among other judges of relevant specialization of the court in question."

Q190 (2024): Law on Public Service, Judicial Code: According part 1(15) of the article 69 the Judicial Code when carrying out any activity and in all circumstances, a judge is obliged to submit a declaration of property, income, interests and expenses in accordance with the Law on Public Service and in compliance with the requirements provided for by that law;

Q193 (2024): In addition to abovementioned, judges must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data.

Q194 (2024): The situational declaration is defined by the law on public service According to clues 5.1 and 5.2 of the part 5 of the Article 34 of the Law, in the cases defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month. Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission".

The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission. At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission", the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant. Additionally, the threshold for what is considered substantial may vary depending on the specific position held. According to article 69 of judicial code: When engaging in any activity and in cases provided for by the Law on the Commission for the Prevention of Corruption, a judge shall be obliged: to submit, in the cases and under the procedure prescribed by the Law "On the Commission for Prevention of Corruption, to the Commission for Prevention of Corruption appropriate materials or clarifications establishing that the changes in his or her property (increase in property and (or) decrease in liabilities) are reasonably justified by lawful income, or that he or she does not possess non- declared property or property not completely declared, or the source of income is lawful and reliable. According article 25 paragraph 5.1 of the "Law on the Commission for Prevention of Corruption" in case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

Q195 (2024): According to part 7 of the article 34 of the "Law on the Public Service" In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

According to the part 8 of the same article adult family members of the declarant official shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official (part 9, article 34).

Q196 (2024): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main difference.

Q200 (2024): Declarations are published in the official webpage of Corruption Prevention Commission. The link: cpcarmenia.am

Q202 (2024): One of the initiated proceedings is suspended and the materials of another case were sent to General Prosecutor's Office based on the study.

Q203 (2024): The Law on Public Service. In particular the article 34 paragraph 1 describes the scope of the declarants

Q205 (2024): The Government's decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following: <https://www.arlis.am/DocumentView.aspx?DocID=153169>

Q206 (2024): In addition to abovementioned, prosecutors must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data.

Q207 (2024): The situational declaration is defined by the law on public service According to clues 5.1 and 5.2 of the part 5 of the Article 34 of the Law, in the cases defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month.

Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission.

The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission.

At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission," the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant.

Additionally, the threshold for what is considered substantial may vary depending on the specific position held.

Q208 (2024): According to part 7 of the article 34 of the "Law on the Public Service" In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as

well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

According to the part 8 of the same article adult family members of the declarant official shall be deemed persons having obligation to

submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children

(including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official (part 9, article 34)

Q209 (2024): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main difference.

Q213 (2024): 1. <https://registry.cpcarmenia.am/> New system

2. <http://cpcarmenia.am/hy/declarations-registry/> Previous registry

Q217 (2024): The regulations on recusal, acceptance of gifts and restrictions on holding other positions are presented under the previous clause (216). As for the regulations on reporting the conflict-of-interest situation, the Judicial Code and the Law on the Constitutional Court address conflicts of interest in the following provisions: 1. Law on Constitutional Court, Article 14, part 25 While acting in his official capacity, the judge is obliged not to allow a conflict of interests and to exclude any influence of family, public, or other relations on the exercise of his/her official powers.

2. Judicial Code Article 70, part 2.7 While performing official duties, a judge is obligated to prevent conflicts of interest and ensure that familial, social, or other relations do not influence the exercise of their official powers. In this case, the institution of self-revocation or recusal applies to judges. Although there is no direct provision for reporting a conflict of interest, self-disclosure itself implies reporting the situation.

Q218 (General Comment): A judge may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

Q218 (2024): Can also perform scientific work according to the law, and in addition may hold a position in a non-profit organization under the following conditions: 1) The judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

There is an exception regarding consultation provided without remuneration. According to the Article 69 (part 1, point 10) of the Judicial Code, when engaging in any activity and in all circumstances, a judge shall be obliged not to act as a representative or provide counseling, including without compensation, except for cases when he or she acts as a legal representative or provides legal counseling to his or her close relatives or persons under his or her guardianship or curatorship without any compensation

Q221 (2024): JUDICIAL CODE, Article 59. Right of a judge to participate in educational programs: 1.A judge shall have the right to participate in educational programs, conferences and other professional gatherings of lawyers.

2.The consent to be absent for not more than up to five days per year for participating in educational programs, conferences and other professional gatherings of lawyers during working hours shall be given by the chairperson of the court. To receive consent for a longer period, a judge shall, upon the consent of the chairperson of the court, apply to the Training Commission.

3.The consent to participate in other educational programs, conferences and other professional gatherings of lawyers shall be granted to the judge so as not to impede the normal operation of the court.

4.Where a judge has received the consent of the chairperson of the court or that of the Training Commission, the absence of the judge in connection with participation in such events shall be considered to be with valid excuse, and the judge shall retain his or her salary.

5.Disputes related to failure to grant consent shall be settled by the Supreme Judicial Council.

Q226 (2024): According to Article 74.1, Part 2 of the Law on Prosecution, the prosecutor is obliged to promptly inform the Prosecutor General in writing form in case of situations of conflict of interest.

2. Settings regarding gift acceptance restrictions and incompatibility requirements are listed under the preceding paragraph (225).

As for the procedure for recusal, the law on Prosecution contains a provision (article 32, part 7) stating that: The immediate superior prosecutor shall be entitled to transfer, upon his or her decision, the case from the proceedings of the inferior prosecutor to another prosecutor's or to his or her proceedings:

(1)in case of dismissing the inferior prosecutor from the proceedings as prescribed by law; or (2)in case of granting the recusal or self-recusal of the inferior prosecutor; or

(3)in case the inferior prosecutor is on leave or secondment; or (4)in case of terminating or suspending the powers of the inferior prosecutor, as prescribed by law; or

(5)in case of participation by the inferior prosecutor in training courses, disease thereof or other similar cases making the proper exercise of his or her powers impossible.

6) in case of workload of the subordinate prosecutor, with the latter's written consent or 7) in case of transfer of the subordinate prosecutor

Q227 (General Comment): A prosecutor may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

Q227 (2024): Can also perform scientific work according to the law, and in addition may hold a position in a non-profit organization under the following conditions: 1) The judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

Q234 (General Comment): Disciplinary body for judges is the Commission on Disciplinary and Ethics Issues under the General Assembly of judges which has not only judge members but also academics of law nominated by the civil society organisations. Corruption Prevention Commission is authorized to initiate disciplinary proceedings concerning asset declaration matters. The Minister of Justice can also initiate disciplinary proceedings against judges.

These bodies initiate the disciplinary proceedings and apply to Supreme Judicial Council, which makes the decision.

Q235 (General Comment): Only the Supreme Judicial Council has the power to make the final decision on disciplinary sanctions against judges.

Q237 (2024): Breach of professional ethics is a violation by a judge of the rules of conduct established by this Code, provided for in paragraph 2 of Part 1 of Article 142 of the Constitutional Law of the Republic of Armenia "Judicial Code", with the exception of the rule established by paragraph 11 of part 1 of Article 69 of this Law, which was committed intentionally or through gross negligence.

Professional inadequacy: violation of the norm of substantive or procedural law provided for in paragraph 1 of Part 1 of Article 142 of the Constitutional Law "Judicial Code of the Republic of Armenia" in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence.

Q238 (2024): 5 cases were rejected. Regarding the professional inadequacy there were 4 judges in the 1 proceeding.

Q239 (2024): In reprimand section 4 judges were sanctioned in the same proceeding. Other includes 2 warning and 2 severe reprimand

of the Republic of Armenia "Judicial Code of the Republic of Armenia" was adopted and entered into force on 27/11/2023. According to Article 13 of the Constitutional Law, Article 141 of the law was supplemented with parts 1.1-1.5 of the following content:

To consider the issue of bringing a judge to disciplinary responsibility in the Highest Court The Judicial Council is composed of four members of the Supreme Judicial Council.

When considering the issue of bringing to disciplinary responsibility and making decisions on behalf of the Supreme Judicial Council, the composition provided for in part 1.1 of this Article acts as the Supreme Judicial Council.

For each disciplinary proceeding, a separate composition is formed provided for in part 1.1 of this Article.

The composition provided for in paragraph 1.1 of this Article shall include two members of the Supreme Judicial Council, elected by the General Assembly and the National Assembly.

The compositions provided for in Part 1.1 of this Article are formed by drawing lots in accordance with the procedure established by the Supreme Judicial Council.

Law shall enter into force at the time of entry into force of the subordinate regulatory legal act of the Supreme Judicial Council.

Disciplinary proceedings initiated before the entry into force of articles 2-21 of this Law, including completed disciplinary proceedings, and decisions taken based on the results of these proceedings, the rules in force before the entry into force of articles 2-21 of this Law shall apply.

The Supreme Judicial Council shall take decisions arising from articles 2-21 of this Law, including bringing its working procedure in accordance with this law, within six months after the entry into force of Articles 2-21 of this Law.

Before this the previous order is available:

It can be appealed to Supreme Judicial Council, which reviews its own decision or to the Constitutional Court (according to the Article 169 part 1 point 8 of the Constitution, everyone may apply to the Constitutional Court under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he or she challenges the constitutionality of the relevant provision of a regulatory legal act applied against him or her upon this act, which has led to the violation of his or her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice).

Article 156.1 of the Judicial Code.

Appealing against the decision of the Supreme Judicial Council on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability 1.The appeal brought by a judge against the decision on subjecting him or her to disciplinary liability or the appeal brought by the body having instituted disciplinary proceedings against the decision on rejecting the motion on subjecting a judge to disciplinary liability, respectively, shall be examined by the Supreme Judicial Council, where an essential evidence or circumstance has emerged which the person bringing the appeal did not previously introduce due to circumstances beyond his or her control and which could have reasonably affected the decision. 2.After having received the appeal, the Supreme Judicial Council shall immediately forward it to the other party, which may submit to the Supreme Judicial Council a response to the appeal within 10 days following the receipt thereof. 3.The Supreme Judicial Council shall examine the appeals against the decision on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability and shall render respective decisions thereon in writing except for the cases where it comes to a conclusion that it is necessary to examine the appeal at the session. A decision shall be rendered on examining the appeal at the court session. 4.In case a decision on examining the appeal at the court session is rendered, the

Q242 (General Comment): The regulation on consent is stated in Art 56 para 5 of the Judicial Code.

Q243 (General Comment): According to the Law on Prosecutor's office, the Prosecutor General initiates disciplinary proceedings. In certain cases the ethics commission adjunct to General Prosecution can also initiate proceedings. The Disciplinary body for prosecutors is the Ethics commission under the Prosecutor General which consists of 7 members: the Deputy Prosecutor General, 3 academics of law and 3 prosecutors elected by senior prosecutors.The Prosecutor General within a one-week period from the end of the disciplinary proceedings presents the issue to the Ethics Committee for discussion. When discussing the issue related to the disciplinary offense, the Ethics Committee votes to decide whether a disciplinary offense has taken place, whether the prosecutor is guilty of the offense, and, if the Prosecutor General requests so, then also whether it is possible to apply the disciplinary sanction of "removal from office." Based on the appropriate opinion of the Ethics Committee, the Prosecutor General orders the disciplinary sanction within a three-day period.

Q244 (2024): It should be noted that according to the Article 55 of the "Law on Prosecutor's Office", the disciplinary sanction "lowering the rank by one degree" may be applied in relation to the Prosecutor General by the President of the Republic. Also the mentioned sanction may be applied in relation to the higher-ranking prosecutor by the President of the Republic upon a proposal from the Prosecutor General.

Q251 (2024): According to part 16 of the Article 56 of the Law "on the Prosecutor's office": "a prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law". The competent court is the Administrative court.

Azerbaijan

Q156 (General Comment): The system for compensating users in cases of wrongful convictions, illegal detentions or in cases where persons' rights have been unlawful restricted otherwise in criminal proceedings, may seek compensation according to the Criminal Procedure Code (Article 36.2). Compensation for the damage caused as a result of the error or abuse made by a body conducting criminal proceeding shall be awarded (article 56.0.5) in a civil court proceeding (article 63). Rules on awarding compensation are prescribed by the Law "On compensation of damage caused to natural persons as a result of illegal actions of investigation, preliminary investigation, prosecutor's office and judicial authorities". Compensation is decided upon by court in a civil court proceeding. Compensation is paid for damages incurred with regard to deprivation of wages, pensions, allowances and other income, as well as incurred due to confiscation of investigative bodies, property damage caused due to arrest, paid court costs, physical and moral damage, amounts paid in relation to provision of legal assistance etc.

There is no legislation providing for direct compensation due to excessive length of proceedings and non-execution of court decisions. Nevertheless, according to article 4.1 of the MPM individuals and legal entities have a right to use court protection in order to protect and secure their rights and freedoms as well as interests protected by law. Every person has a right to file a claim for compensation of material and moral damage for the reasons stated above. According to that Law, the wages, pensions, allowances and other incomes deprived of each person, confiscation, confiscation by investigative bodies, property damage caused by arrest, paid court costs, as well as paid or withheld during the execution of the sentence a fine, amounts paid in connection with the provision of legal assistance, physical and moral damage caused must be paid.

The amount of damages is determined by the court.

The legislation does not provide for direct compensation due to the excessive length of proceedings and non-execution of court decisions. However, it should be noted that according to Article 4.1 of the MPM, all individuals and legal entities have the right to use court protection in order to protect and secure their rights and freedoms, as well as interests, protected by law. At the same time, it is the right of every person to file a claim for compensation of material and moral damage on the mentioned grounds.

Q160 (General Comment): provisions are the same as reported in 2023, please keep this comment: "According to Article 107.3.3 of the Criminal Procedure Code of the Republic of Azerbaijan, the judge can be informed by any participant of the criminal process only before the court investigation has begun, and after the court investigation has begun, only if any participant of the criminal process has objected before directly objecting to the circumstances that exclude the participation of the relevant person in the process. it is objected when it is proved that it is. Objection to the judge (court composition) must be justified.

Briefly an objection may be made if there are grounds for objection appears during the court review and if it is proved. Article 109 of the Code defines the range of circumstances that exclude a person from participating as a judge in criminal proceedings. According to Article 109.4 of the Code, the opinion of the participants of the criminal process and the protested judge is studied, and the relevant decision is made by considering the self-protest or the protest

Q162-0 (General Comment): According to the Constitution, prosecution services are within the judicial branch and constitute an integral centralized body characterized by the subordination of territorial and specialized procurators to the General Procurator of the Azerbaijan Republic. As an authority, prosecutor's office is independent. But only in the following situation it may act independently (without court decision). Only on the basis of a court decision, the prosecutor's office may carry out procedural actions restricting the rights and freedoms of man and citizen, as provided for by the Constitution of the Republic of Azerbaijan.

Q176 (General Comment): A counselling group was established at the Conference of the Union of Public Associations of Judges held on 20/02/2016, as a result of discussions on the Ethics Code of Judicial Conduct (these were held in light of the Bangalore Principles of Judicial Conduct). The participants of the conference adopted the Statute of the Counselling Group, which regulates the setting-up of this body, the election of its members and other aspects of its functioning. The Group operates on a continuous basis, providing counselling on ethical issues upon request and on a confidential basis.

Q177 (General Comment): It is composed of three experienced judges, representing all court instances (district court, appellate court and Supreme Court) and genders.

Q180 (General Comment): In order to bring to disciplinary responsibility for unethical conduct of prosecutors by reviewing information collected on violations of the rules of ethical conduct, conflict of interest, transparency and anti-corruption or service inspections, giving an opinion on the imposition of disciplinary sanctions in ethical conduct, an Ethical Conduct Commission has been established in the Prosecutor General's Office.

The prosecutor's office shall consider the relevant information about the employee or the material collected during the official inspection in accordance with the principles of legality, collegiality, justice, impartiality and objectivity and submit it to the Prosecutor General. The Ethical Conduct Commission has 7 (seven) members, who are appointed by the Prosecutor General of the Republic of Azerbaijan from among the candidates elected by the Board of the Prosecutor General's Office. 5 members of the Commission are authorized to carry out disciplinary proceedings.

Q181 (General Comment): Guideline on Conflict of

Interest published by Anti-Corruption Directorate with the Prosecutor General of the Republic of Azerbaijan (ACD):

<https://genprosecutor.gov.az/storage/pages/MmsFw0RhFM6m2c3l93mhm3P6SMYaq6KT5LjIPAgQ.pdf>

Q184 (2024): Other type of allocation: When cases are sent to lower courts for reconsideration due to the annulment of court decisions by higher courts, the system ensures that those cases are distributed among other judges who have not previously participated in the consideration of the case.

Q205 (2024): The form for the declaration of assets has not yet been approved.

Q208 (2024): Children living with the declarant.

Q209 (2024): Yes- Declaration submitted by a public official must include financial information concerning family members.

Q223 (2024): According to procedural codes in case of conflict of interest, a judge should give recusal to himself and withdraw from the case. At the same time parties also are entitled to give recusal to judge on the said basis. If the judge fails to recuse himself/herself when there were reasons for that, when hearing the case the higher court is entitled to request to Judicial-Legal Council for initiating disciplinary proceeding against said judge.

Q227 (2024): Under Article 32 of the Code of Ethical Conduct for Prosecutorial Employees of the Republic of Azerbaijan, a prosecutor may not engage in any entrepreneurial, commercial or other remunerative activities, except for a scientific, pedagogical or artistic activities

Q229 (2024): Under Article 30 of the Code of Ethical Conduct for Prosecutorial Employees of the Republic of Azerbaijan, according to the requirements of Article 58 of the Labor Code of the Republic of Azerbaijan, a prosecutor wishing to engage in scientific, pedagogical, or artistic activities must submit a request to the Prosecutor General, coordinated with the head of the relevant structural unit

Q231 (2024): Article 36 of the Code of Ethical Conduct for Prosecutorial Employees of the Republic of Azerbaijan reads as follows:

36. Responsibility for violating ethical conduct rules

36.1. A violation of the provisions of this Code serves as the basis for holding a prosecutor accountable for disciplinary action

36.2. A prosecutor's disciplinary responsibility is addressed in accordance with the Law of the Republic of Azerbaijan on Service in Prosecutorial Authorities and the Rules of Organization of Work of the Prosecutor General's Office of the Republic of Azerbaijan, within the prescribed procedures and timeframes.

36.3. Ethical conduct proceedings regarding a prosecutor are carried out by the Ethical Conduct Commission. The Commission verifies reports of violations of the Code's provisions by a prosecutor, and if confirmed, submits a proposal to the Prosecutor General for the application of disciplinary measures.

36.3. Issues related to the ethical conduct of prosecutors not covered by this Code are regulated by the laws of the Republic of Azerbaijan on The Prosecutor's Office, Service in Prosecutorial Authorities, and the Rules of Organization of Work of the Prosecutor General's Office

Q234 (General Comment): The Judicial-Legal Council is entrusted to initiate disciplinary proceedings against judges. At the same time, the Ministry of Justice is also entrusted to send any information received about the violation of procedural rights of citizens in courts of first and second instances to the Judicial-Legal Council. According to the article 112 of the Law on Courts and judges only Judicial-Legal Council shall be entitled to institute disciplinary proceedings against judge. Chairpersons of the Supreme Court, courts of appeal, and the relevant executive body shall be bound, within their competence, to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings, if there are elements on which the initiative of opening of a disciplinary procedure can be based or grounds for calling to disciplinary liability.

Q237 (General Comment): Cat. 3 committing the offenses specified in Article 9 of the Law of the Republic of Azerbaijan "On Combating Corruption"

Q241 (2024): Only the Plenary of the Supreme Court is responsible on the appeal from the disciplinary decision of Judicial-Legal Council

Q244 (2024): Information regarding violations of execution and labor discipline is reviewed by the Disciplinary Commission of the Prosecutor General's Office. Similarly, information regarding breaches of ethical conduct, prevention of conflicts of interest, transparency, and anti-corruption regulations is reviewed by the Ethics Commission.

Both commissions, by a simple majority vote, arrive at one of the following conclusions regarding the prosecutor's office employee under disciplinary proceeding:

If a disciplinary violation or breach of the Code of Ethical Conduct is confirmed, disciplinary action (with the type specified) shall be applied.

If no disciplinary violation or breach of the Code of Ethical Conduct is confirmed, no disciplinary action shall be applied.

After reviewing the commission's findings, the Prosecutor General resolves the matter of disciplinary responsibility and issues an appropriate order.

If the prosecutor's office employee is dissatisfied with the commissions' final decision, they may appeal to the Prosecutor General.

A further appeal can be filed in court against the order issued by the Prosecutor General.

Georgia

Q156 (2024): According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting complaint in case of wrongful arrest and/or wrongful conviction (same right is provided by Article 92 of the Code of Criminal Procedure).

Q156-1 (2024): Only Court of Common Court's (depends on territorial jurisdiction) on the bases of general procedural law can decide the case (claim regarding the compensation).

Q161 (2024): Detailed procedure of recusal of Judge and grounds for recusal of Judges are regulated by Civil, Administrative and Criminal Procedural Code of Georgia.

Q162 (General Comment): According to the legislation of Georgia, prosecutors are independent in their activity and no one has the right to interfere in it. Respectively, it is prohibited to give specific instructions to prosecutors on whether to prosecute or not. General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

Q162 (2024): The Prosecutor General of Georgia has the right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

Q162-0 (General Comment): On 16 December 2018, the new Organic Law of Georgia on Prosecutor's Office and the amendments to the Constitution of Georgia entered into force. Since then, the Prosecutor's Office is established as an independent body outside of the authority of the Ministry of Justice and the Minister, headed by the General Prosecutor. The above-mentioned comment is valid with respect to the period starting from 16 December 2018.

Q162-0 (2024): : The PSG is an independent institution outside of the executive, legislative and judicial branches. The guarantee for its institutional independence is provided for at the highest level of legislation, the Constitution of Georgia. The head of the PSG is the Prosecutor General, who is elected for the six years term by the Parliament of Georgia, upon the nomination by the Prosecutorial Council. The Prosecutorial Council, an independent collegial body, itself has constitutional status as well and has a mandate to ensure the independence, transparency and effectiveness of the PSG. Article 71 §2 of the Organic Law on the Prosecution Service of Georgia guarantees the financial independence of the PSG. A reduction of the PSG budget in comparison to the budget for the previous year is only possible with the prior consent of the Prosecutor General.

Q180 (2024): The General Inspectorate of the Office of the Prosecutor General, which is in charge of conducting administrative investigations into disciplinary violations, provides counselling to interested PSG employees regarding ethical questions related to the conduct of prosecutors.

Q181 (2024): On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia, which was circulated among all PSG staff electronically on the same day. Detailed examples were included in the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia about the disciplinary liability and applicable sanctions, inter alia, violation of specified requirements of the Code of Ethics. In March 2021, GRECO concluded that Georgia had implemented its recommendation xiii satisfactorily. The recommendation stipulated that the "Code of Ethics for Employees of the Prosecution Service of Georgia" continues to be updated, is communicated to all prosecutors and made easily accessible to the public; (ii) that it be complemented by practical measures for the implementation of the rules, such as further written guidance and explanations, further training and confidential counselling".

Q181-1 (2024): PSG comment: No statistics are kept on the counselling provided by the General Inspectorate of the Office of the Prosecutor General of Georgia to prosecutors on ethical questions. See information regarding the guideline in the answer to Question N181.

Q182 (2024): Independent Inspector of High Council of Justice of Georgia is competent body for investigating all allegations of corruption and attempts to influence in relation to Judges. Furthermore Information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Also the Anticorruption Burro manages a whistleblowing website <https://mkhileba.acb.gov.ge/>

The PSG General Inspectorate is a competent body for investigating the allegations of corruption and attempts to influence in relation to prosecutors. The report to the General Inspectorate can be made through any possible means of communication, including a written statement, e-mail, hotline and website (<https://mkhileba.acb.gov.ge/>). Even anonymous reports are acceptable. Notably, under the existing criminalization of corruption, offering a bribe or accepting such an offer is a complete corruption offense rather than the attempt.

Q186 (2024): Reassignments occur when there is recusal issues, envisaged by criminal, civil and administrative procedure codes. National legislation enshrines the specific reasons for recusal of relevant case. Furthermore „Rule on Electronic Case Allocation System" establishes grounds for reassignment of cases.

Q190 (2024): Law on Fight against Corruption

Q194 (2024): A person shall submit an official's asset declaration to the Anticorruption Bureau within two months after his/her appointment. During his/her term of office, an official shall annually complete and submit an official's asset declaration within the respective month of completion of the previous declaration. An official shall, within two months after dismissal, if he/she failed to submit the declaration within the calendar year of his/her dismissal, and within the same, respective month of completing the previous declaration in the year following the dismissal, unless he/she is appointed to another position, complete and submit an official's asset declaration.

The options "at the beginning of the term of office" and "at the end of the term of office" also applies to judiciary of Georgia. According to Article 14 of the Law of Georgia on Fight against Corruption:1. A person is obliged to submit a declaration of property status of an official to the Bureau within two months after being appointed to the position. The procedure for submitting a declaration of assets of an official shall be determined by the Government of Georgia.

2. The person of the position is obliged to fill in and submit the declaration of the property status of the official every year during the relevant month of the month of filling in the previous declaration.

A person is obliged to fill in and submit declaration within 2 months after dismissal, if he / she has not submitted a declaration during the calendar year of dismissal, as well as in the year following the dismissal, corresponding to the month of filling in the previous declaration, during the same month if he / she is not appointed to another position, fill in and submit the declaration of property status of the official. "

Q201 (2024): Pursuant to Article 20 of the Law of Georgia on Fight against Corruption, failure to submit an official declaration of assets of an official within the period specified in Article 14 of this Law shall result in a fine of 1000 GEL, in connection with which an individual administrative-legal act is issued - an ordinance on imposing a fine. Failure of an official to submit a declaration of assets of an official within 2 weeks from the date of entry into force of the decree or court decision (ruling) on imposing a fine will result in criminal liability.

Failure to submit a declaration of assets under Article 355 of the Criminal Code, after the imposition of an administrative penalty for such an act, or intentionally incomplete or incorrect entry of data in the declaration, is punishable by a fine or community service for a term of one hundred and twenty to two hundred hours, with deprivation of the right to hold office or engage in activities for a term of up to three years.

Violation of Declaration assets can also result disciplinary sanctions against Judge.

Q203 (2024): GRECO 4th Round recommendation concerning prosecutors (recommendation xiv) stipulated widening the scope of application of the asset declaration regime under the Law on Conflict of Interest and Corruption to cover all prosecutors".

On 16 May 2023, the Parliament of Georgia adopted the amendments to the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023. The legislative changes extended the asset declaration regime to all prosecutors (except for prosecutorial interns).

Q207 (2024): Prosecutors (except for prosecutorial interns) are obliged to do it in two months after the appointment, annually, during the term in office and depending on the date of submission of the last declaration, twice or once after leaving the office, until the end of the next year.

Q208 (2024): In addition to spouse and children (under legal age), the declaration also concerns person permanently residing with the person obliged to file the asset declaration.

Q214 (2024): criminal sanction, please specify: According to Article 355 of the Criminal Code of Georgia, failure to submit a property declaration after an administrative penalty has been imposed for such an act, or intentional entry of incomplete or incorrect information therein, shall be punished by fine or corrective labour from one hundred and twenty to two hundred hours, with deprivation of the right to carry out activities for up to three years.

incompatibility of interests before being appointed / elected to the relevant position or after appointment / election, as soon as he / she becomes aware of the fact of incompatibility of interests.

According to the Law of Georgia on Fight against Corruption, civil servant who is obliged to make a decision on which he / she has property or other personal interests, is obliged to resign and notify his / her immediate superior (superior body) in writing. Makes the appropriate decision by itself, or imposes this duty on another official.

However, according to the Code of Criminal Procedure, a judge may not participate in criminal proceedings if: he / she was not appointed or elected to a position in accordance with the law; Participates or has participated in this case as an accused, a lawyer, a victim, an expert, an interpreter or a witness; An investigation is underway into the possible commission of a crime by him; Is a family member or close relative of the accused, lawyer, victim; They are family members or close relatives of each other; Was a mediator in the same case or in another case substantially related to that case; There is another circumstance that casts doubt on its objectivity and impartiality. If there is a circumstance precluding the judge's participation in the criminal proceedings, he or she should immediately resign.

According to the Code of Civil Procedure, a judge who participated in the first instance hearing of a case cannot participate in the hearing of this case in the Court of Appeal and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Appeal may not participate in the hearing of this case in the Court of First Instance and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Cassation may not participate in the hearing of this case in the Court of Appeal and / or the Court of First Instance. However, the court hearing the civil case may not include persons who are close relatives of each other, and if such relatives are still found among them, they should be excluded from the hearing of the case. A judge may not hear a case or take part in the hearing if he or she: a) is a party to the case or has common rights or obligations with that party; B) participated in the previous hearing of this case as a witness, expert, specialist, translator, representative or secretary of the court; C) is a relative of the party or its representative; D) is personally, directly or indirectly interested in the outcome of the case, or if there are other circumstances that cast doubt on its impartiality; E) was a mediator in the same case or in another case substantially related to that case. If there are grounds for avoidance, the judge is obliged to declare self-avoidance. The judge (court) issues a decision on self-avoidance, which must indicate the grounds for self-avoidance.

According to the Code of Administrative Procedure, a judge may not participate in the hearing of a case if he or she has previously participated in administrative proceedings in connection with the case.

"Gift" is property or services rendered to a public servant, his family member free of charge or on preferential terms, full or partial release from property liability, which is an exception to the general rule. The total value of gifts received by a public servant during the reporting year should not exceed 15% of his / her annual salary, and 5% of one-time gifts - if these gifts are not received from a single source. The total value of gifts received by each member of the civil servant family during the reporting year should not exceed GEL 1,000 per family member, and one-time gifts - GEL 500 if these gifts are not received from a single source.

If a public servant or his / her family member determines after receiving the gift that the value of the gift exceeds the amount allowed by law, and / or if for some reason (receiving the gift by mail, giving the gift publicly) it was impossible to refuse it, he / she is obliged to make it public within 3 working days. Submit information on the name of the gift, its estimated or exact value / amount and the identity of the giver to the Bureau, and the gift prohibited by this Law shall be handed over to the legal entity of public law under the Ministry of Economy and Sustainable

Q221 (2024): According the law there is not obligation.

Q223 (2024): Law on Common Courts of Georgia;

on the Fight against Corruption, the Criminal Procedure Code of Georgia (CPCG) and the Code of Ethics for the Employees of the Prosecution Service.

On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia. The document was developed by the General Inspectorate of the Prosecution Service in cooperation with other competent PSG representatives and international experts. Chapter 5 of the Commentary is dedicated to conflicts of interest. It provides practical examples and methodological guidance.

Procedure for recusal/withdrawal from a case

The applicable CPCG rules and procedures with respect to prosecutors are as follows:

☐A prosecutor cannot participate in criminal proceedings if:

☐he/she participates or participated in this case as an accused, a defence lawyer, a victim, an expert, an interpreter or a witness;

☐the investigation is in progress with respect to the alleged commission by him/her of a crime;

☐he/she is a family member or close relative of the accused, defence lawyer, or of the victim;

☐they (prosecutor, judge, juror, investigator or court secretary) are members of one family or close relatives;

☐he/she was a mediator on this case or other essentially connected case;

☐there are other circumstances that question his/her objectivity and impartiality. ☐If there are any circumstances that exclude the participation of a prosecutor, he/she shall immediately declare about self-recusal. A prosecutor shall declare about self-recusal to a superior prosecutor, and during the court hearing, to the court. A declaration of self-recusal shall be substantiated; ☐If there are circumstances that exclude the participation of any of the participants in criminal proceedings specified in this Code and the participant has not declared about self-recusal, the parties may file a motion for recusal; ☐A duly authorised person shall file a motion for recusal immediately, at the earliest available opportunity, after he/she has been informed about the grounds for recusal. Otherwise, a motion shall not be considered; ☐A motion to recuse a prosecutor, during the court hearing shall be filed with the court by duly authorised persons; ☐A motion for recusal of a prosecutor during the investigation shall be filed by duly authorised persons before a superior prosecutor; ☐A person, who was requested to be recused may, before a motion to recuse is heard, provide explanations; ☐A motion for recusal filed during the investigation shall be decided within 24 hours, and a motion filed during a court hearing shall be decided immediately, by deliberation in chambers or in the courtroom; ☐A prosecutor shall issue a decree, and a court shall render a ruling on the filed motion for recusal; ☐A decision on granting a motion for recusal may not be appealed; ☐The refusal of a court to grant a motion for recusal may be appealed along with a final decision. Procedure on reporting a (potential) conflict of interest According to the Law on the Fight against Corruption, a public servant is obliged to declare any conflict of interest before being appointed or elected to the respective position or after being appointed or elected as soon as he/she becomes aware of that fact. The Code of Ethics for the Employees of the Prosecution Service also pays particular attention to this matter and prescribes that an employee of the PSG, who has property-related or other personal interest towards any issue falling within the competence of the PSG, is obliged to file for self-recusal in accordance with the procedure defined by law and not participate in discussions and decision-making process on that specific issue. See the detailed procedure regarding self-recusal in the section - Procedure for recusal/withdrawal from a case. Within the institution, the PSG employee reports on conflict of interest to the General Inspectorate. Regulation on receiving gifts According to Article 340 of the Criminal Code of Georgia, public officials (including prosecutors) are prohibited from accepting gifts prohibited by law. The crime is punishable by fine or community service for a term of 100 to

Q231 (2024): In case of suspecting potential disciplinary misconduct of the PSG employee, the PSG General Inspectorate is competent to open an administrative investigation. This includes interviewing people, collecting information and reviewing materials. At the end, the PSG General Inspectorate draws report containing the findings about whether the person has committed the disciplinary misconduct or not. This report is then reviewed by the Career Management, Ethics and Incentives Council on the hearing. The subject person has a right to be represented by a lawyer, attend the hearing and give an explanation. The Council decides by the majority of votes whether person has committed the violation. If he/she was found guilty, the Council also selects the applicable sanction. The decision of the Council is recommendatory for the Prosecutor General, who is competent to formally find person guilty in the disciplinary violation and impose sanction. The Prosecutor General might disagree with the recommendation and make a different decision. However, in this case, he/she is required to provide reasons. The above-mentioned proceedings, including those related to breaches of rules on conflicts of interest, are regulated by the provisions of the Organic Law on the Prosecution Service of Georgia .

Q234 (General Comment): The Independent Inspector of the High Council of Justice of Georgia has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

Q234 (2024): Independent Inspector

- a.a) Political or social influence or influence of personal interests when a judge exercises judiciary powers;
- a.b) Judge's interference in other judge's activities for the purpose of influencing the outcome;
- b) Conduct that violates the principle of impartiality, in particular:
 - b.a) Public expression of an opinion by a judge on a case currently under the court's consideration. Judge's comments on organizational and technical matters pertaining to the case currently handled by court for the purpose of informing the public shall not constitute disciplinary misconduct;
 - b.b) Disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the Georgian procedural law;
 - b.c) Violation of Clause 1, Article 721 or Clause 1, Article 722 by a judge;
 - b.d) Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
 - b.e) Accession to membership in a political association, engagement in political activities, public support for a political entity running in an election, or public expression of a political opinion by a judge;
 - b.f) Illegal interference by a judge in the process of distribution of cases in a court;
 - b.g) Public expression by a judge in breach of the principle of political neutrality;
- c) Conduct that violates the principle of integrity, in particular:
 - c.a) Corruption-related offenses, i.e. perpetration by a judge of offenses under articles 5, 52, 7, 8, 10, 11, 13, 134, 135, 204 of the Law of Georgia "On Combating Corruption";
 - c.b) Hindering disciplinary proceedings by a judge;
- d) Conduct that violates the principle of propriety, in particular:
 - d.a) Establishment of personal and intense (friendly, familial) relations with a participant in a process to be held for a case to be handled by him or her personally, which results in the judge's bias and/or placement of a participant in a process in a favorable position, if the judge had an information about the side;
 - d.b) Sexual harassment by a judge;
 - d.c) Disclosure of confidentiality of a judicial deliberation by a judge;
- e) Conduct that violates the principle of equality, in particular:
 - e.a) Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties;
 - e.b) Judge's failure to react if he or she witnesses a discriminatory verbal or other action towards a participant in a process by a court staff or a participant in a process;
- f) Conduct that violates the principle of competence and diligence, in particular:
 - f.a) Material violation by a judge of a time limit specified by the Georgian procedural law without good reason. The reason for such a material violation shall be considered without good reason unless the judge failed to observe the time limit because of objective circumstances related directly to administering justice (heavy case load, complexity of a case, etc.);
 - f.b) Expression of undisguised disrespect by a judge towards another judge, a court staff, or a participant in a court process;

Q237 (2024): a.a - Political or social influence or influence of personal interests when a judge exercises judiciary powers;
 b.d - Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
 e.a - Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties ;
 e.b - Judge's failure to react if he or she witnesses a discriminatory verbal or other action towards a participant in a process by a court staffer or a participant in a process ;
 d.a - Establishment of personal and intense (friendly, familial) relations with a participant in a process to be held for a case to be handled by him or her personally, which results in the judge's bias and/or placement of a participant in a process in a favorable position, if the judge had an information about the side ;
 b.a - Public expression of an opinion by a judge on a case currently handled by court. Judge's commentary on organizational and technical matters pertaining to the case currently handled by court for the purpose of informing the public shall not constitute disciplinary misconduct;
 b.b - Disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the Georgian procedural law

Q238 (2024): Disciplinary cases initiated in 2022-2024 (part of 2024) were completed in reference year.

Q239 (2024): According the organic law on Common Courts of Georgia, Sanctions against Judges are pronounced by Disciplinary Board (if the decision of Board is appealed by Disciplinary Chamber). Disciplinary case is sent to Disciplinary Board only after High Council of Justice takes two decisions - First decision about Initiation Disciplinary Prosecution against Judge (After the opinion of Independent Inspector is presented to the High Council of Justice of Georgia; Independent Inspector initiates disciplinary proceedings against Judge on the basis of disciplinary claim or other information) and second decision - The decision on imposing disciplinary liability on a judge.

Q241 (2024): Disciplinary chamber of Supreme Court of Georgia

Q242 (General Comment): In general, in accordance with the law a judge may be transferred to another court with his/her consent. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.

Q242 (2024): "If a district (city) court or court of appeals lacks a judge or if there is a dramatic increase in the number of cases and/or when this is necessary due to other objective circumstances for the proper administration of justice, it can be done for maximum 2 years, which can be prolonged for no more than 1 years."

Legal changes mentioned in the comment were made in legislation and came into the legal force from January 2022. Additional

Legislative changes were also made in this aspect in June 2023 and May 2024 (Changes were related with the period of transfer, also other objective circumstances were stipulated as - due to the other objective circumstances for the proper administration of justice).

Q247 (2024): The number of completed cases under question 247 exceeds the number of initiated cases under question 246, because majority of completed cases were initiated before 2024.

Q251 (2024): The court is responsible for deciding an appeal on disciplinary decisions

Republic of Moldova

Q156 (General Comment): On 21 April 2011 a remedy against the non-enforcement of final domestic judgments and against unreasonable length of proceedings was adopted at the national level under the Law no. 87, in force as of 1 July 2011. According to it, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and award of a compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts examine the cases on these issues within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary, non-pecuniary damage and costs, expenses have to be awarded to the applicant. The procedure of enforcement of the court decisions issued under this Law is simplified, so as no further applications or formalities should be required from applicants. This remedy concerns both civil and criminal procedures.

Another remedy, the Law No. 1545/1998 on the procedure to repair damages caused by the illicit actions of the criminal investigation bodies, prosecutor's offices and courts, regulates the procedure to apply for a compensation of pecuniary, moral damage and costs, expenses supported by the applicant (victim).

Q161 (General Comment): In both criminal and civil proceedings the request needs to be motivated and the judge's recusal or disqualification shall be decided by another judge or, as the case may be, by a panel. The examination of the recusal/disqualification request is a urgent matter, listening to the parties and the person whose recusal is requested. In cases when a new panel cannot be formed in the same court to examine the case, this matter is decided by the hierarchically superior court, which, if it admits the recusal/disqualification, appoints a court to examine the case equal in hierarchy to the court in which the recusal was requested. The decision of the court on the recusal is not susceptible to be challenged.

Q161 (2024): The decrease by 40% of the initiated procedures and by 49% of the recusals pronounced in 2024 compared to 2023 can be explained by a decrease by around 40% of the civil and commercial registered cases in 2024 compared with 2023.

Q162 (General Comment): According to the Law on Prosecution Office, the prosecutor operates on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him/her the opportunity to make independent and unipersonal decisions in the cases he/she manages.

The procedural independence of the prosecutor shall be ensured by guarantees which exclude any political, financial, administrative or other influence on the prosecutor in connection with the exercise of his/her duties.

Q162-0 (General Comment): The prosecutor's office is an autonomous public institution within the judicial authority, which contributes to the administration of justice, the defense of the rights, freedoms and legitimate interests of the person, society and the state through criminal procedures and other procedures provided for by law.

The Prosecutor's Office is independent from the legislative, executive and judicial powers, from any political party or socio-political organization, as well as from any other institutions, organizations or persons.

The procedural independence of the prosecutor is ensured by guarantees that exclude any political, financial, administrative or other influence on the prosecutor related to the exercise of his duties. According to the provisions of art. 125 of the Constitution of the Republic of Moldova the Superior Council of Prosecutors is the guarantor of the independence and impartiality of prosecutors.

Q171 (2024): Source: General Prosecutor's Office

Q172-0 (General Comment): There is a mandatory rotation implemented in Moldova for investigating judges (judges examining specific requests and authorizing specific measures/actions during the criminal investigation phase in criminal cases).

Q172-0 (2024): Other: random assignment of cases, Judicial Inspection reports, disciplinary procedures.

with every action and decision, respecting the highest standards of ethics and conduct according to the following principles: - supremacy of law; - independence;- integrity; - impartiality; - professionalism; - collegiality; - transparency; - confidentiality; - fairness.

All the principles counted in the question are contained in the principle 6.2 of the Code of Ethics, so hereby are the articles from the Code.

6.2 Principle of independence According to this principle, the prosecutor must:

6.2.1 exercise his or her powers independently, impartially, honestly, irreproachably, showing high moral character and utmost fairness, and contribute to the efficient and effective performance of justice. Independence is not a privilege or a prerogative conferred on prosecutors for their personal interest, but a guarantee of fair, impartial and effective justice, which protects the public

and private interest in society;

6.2.2 to be independent in making decisions and in the performance of his or her duties, ensuring respect for the principles of separation of powers, legality, institutional independence and accountability; lobbying, interference or outside influence, including from those active in politics, economics, finance, cults or the media, shall not be allowed in the work of the prosecutor; 6.2.

3 in making decisions, including discretionary ones, act independently and impartially in accordance with the law, respecting the provisions of this Code and all departmental and interdepartmental acts; 6.2.4 make decisions based on impartial and objective evaluation of evidence, taking into account all relevant circumstances of the case, perform his duties without fear, favouritism or prejudice; 6.2.5 not to use the prerogatives of his office to influence the decisions of other institutions or persons working both in the public and private spheres; 6.2.6 not to belong to parties, movements or socio-political formations or to carry out activities of a political nature or which, not being political, call for a change in the existing political order, and, in the exercise of his duties, to refrain from expressing or manifesting in any way his political convictions or views; 6.2.7 not to carry out the instructions or requests of politicians, persons in public office, state officials and representatives of legal institutions, if they are contrary to the law, other normative acts or the principles of this Code, except for the written instructions of the superior prosecutor, given in strict accordance with the law. If he receives such indications or requests, he shall immediately inform the superior public prosecutor, and if such indication or request contains the elements of a criminal offence, he shall report it to the prosecutor. 6.2.8 promote and defend the independence of the profession. To refer to the High Council of Prosecutors any act likely to affect

the independence, impartiality or professional reputation.

6.3 Integrity principle According to this principle, the prosecutor must:

6.3.1 uphold the highest standards of integrity and accountability in order to ensure society confidence in the Office of the Prosecutor;

6.3.2 being aware of the risks of corruption, to refrain from corrupt behaviour in his or her work, to neither demand nor accept gifts, favours, benefits or other illicit remuneration for the performance or, as the case may be, non-performance of his or her duties or by virtue of his or her office; 6.3.3 refrain from making decisions when the interests of himself/herself, persons related by blood, adoption, affinity or other persons close to his/her family could influence the fairness of decisions; 6.3.4 not act as a prosecutor and not provide advice to others in cases where the prosecutor, his/her family or his/her business partners have a personal, private or financial interest. As an exception, the prosecutor may offer advice to his or her parents, spouse, children and persons under his or her guardianship or conservatorship; 6.3.5 not to make promises regarding decisions to be made, to behave honestly and decently, by personal example, to

Q176 (General Comment): In the case of dilemmas or problems, which concern the interpretation and the application of the provisions of the Code of ethics and professional conduct of a judge, the Ethics Committee, as an advisory body, adopts, ex officio or upon request

a written advisory opinion on how to resolve the matter. The opinion is general. In the case of the dilemma on behavior in a concrete case, which concerns a judge, he/she may ask for a recommendation (an advice), and the Committee, in a shortest term, presents its opinion, from the perspective of the provisions of the Code of ethics and professional conduct of judges. The Ethics Committee issues advisory opinions and recommendations on conduct in the future to be followed. No advisory opinions and recommendations are issued on past or present conduct, unless this will continue in the future.

The Ethics Committee was created in 2018 by the Superior Council of Magistracy. A specific Regulation was approved by the Superior Council of Magistracy's decision (229/12 from 2018) in this regard. The meetings of the Committee are deliberative in the majority composition of its members. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Magistracy. If the opinion addresses several issues, each issue will be described separately.

The Commission's opinion/recommendation has a recommendatory character and cannot be subject to any appeal.

The judge who complied with the advisory opinion/recommendation issued by the Commission is not liable for the respective actions.

Q177 (General Comment): The Ethics Committee has 7 members - 5 judges and 2 non-judge members who are also members of the Superior Council of Magistracy. The term of office as members of the Commission corresponds to the term of office as members of SCM.

Q177 (2024): The Committee aims to prevent violations of professional ethics, promote self-regulatory standards of professional conduct of judges through consultancy and advice on issues of professional conduct of judges. Committee competencies:

- a) issues, upon request or ex officio, opinions/recommendations for judges with reference to dilemmas or problems related to the interpretation and application of the provisions of the Code of Ethics and Professional Conduct of Judges, these representing solutions directives for appropriate conduct;
- b) ensures the annual systematization of its practice;
- c) proposes, as appropriate, to the General Assembly of Judges amendments and new texts to the Code of Ethics and Professional Conduct of Judges;
- d) endorses the proposals submitted to the General Assembly of Judges regarding the amendment or completion of the Code of Ethics and Professional Conduct of Judges.

<https://www.csm.md/files/Hotaririle/2018/12/229-12.pdf>

<https://www.csm.md/files/Hotaririle/2023/25/416-25.pdf>

Q178 (General Comment): For the purpose of ensuring confidentiality, the Committee's documentation, including all opinions, requests, replies, draft opinions / recommendations distributed, acts, documents, files, communications with Committee staff and procedures will be kept confidential and will not be made public, unless the solicitant agrees. Opinions of public interest are published on the website of the SCM.

Q179 (General Comment): According to the provisions of the national legislation the Disciplinary and Ethics Board subordinated to the Superior Council of Prosecutors has the competence to adopt recommendations on the prevention of disciplinary misconduct and compliance with ethics by the prosecutors. The Disciplinary and Ethics Board was created in 2016 by the Superior Council of Prosecutors. A specific Regulation was approved by the Superior Council of Prosecutor's decision (12-228/16 from 2016) in this regard. The meetings of the Board are deliberative if at least 5 of its members are present. The organizational activity and secretarial work of the Board are provided by the Secretariat of the Superior Council of Prosecutors.

Q180 (General Comment): The Board consists of 7 members: 4 prosecutors and 3 members from civil society.

Q180 (2024): The Disciplinary and Ethics Board is composed by 4 prosecutors and 3 members from civil society

Q181 (General Comment): The Board, in order to provide guidelines to other prosecutors who may be in similar situations, may decide to publish individual opinions on the official website of the Superior Council of Prosecutors. In this case, the name of the prosecutor and other information that constitutes personal data will be excluded from the individual opinion before its publication. The opinions are published in the same menu as the decisions concerning disciplinary issues.

Pursuant to Article 89(b) of Law 3/2016, the Disciplinary and Ethics Board adopts recommendations on the prevention of disciplinary offences within the Office of the Public Prosecutor and the observance of prosecutors ethics. Similar provisions are contained in point 20 of the Regulation on the organisation and activity of the Discipline and Ethics Board, adopted by Decision No. 12-228/16 of 14.09.2016, which states that, in order to carry out its tasks, the Board is responsible for adopting recommendations on the prevention of disciplinary offences and compliance with ethics by prosecutors, as well as formulating individual opinions on incompatibilities of prosecutors or, where appropriate, possible or alleged conflicts of interest, and on issues of ethics and deontology of prosecutors.

According to paragraph 11 of the Code of Ethics for Prosecutors; The Disciplinary and Ethics Board shall develop additional written guidance on the interpretation of ethical rules that prosecutors will face, including practical examples of violations of the Code provisions. Confidential counselling in specific cases, at the request of the prosecutor concerned, will be provided by persons appointed by the PSB as Ethics Advisers, who will be chosen from among former members of the self-governing bodies of the Prosecution. The selection will take into account the prosecutors reputation and communication skills. The PSB shall make public the list of counsellors identities, contact details and regulate the conditions for holding discussions and maintaining confidentiality.

Q181-1 (2024): The Disciplinary and Ethics Board has no guideline or opinion issued yet. The development of the mechanism for ethics counselling is pending.

the National Anticorruption Center. Confidentiality is guaranteed.

In order to prevent and combat cases of corruption in the judiciary, the Superior Council of Magistracy has established the anti-corruption hotline functional between 8:00 and 17:00 5 days in a week: (022) 990-990 (Chancellery).

Through the displayed phone number, any person has the opportunity to communicate about the known act of corruption in the judiciary. Confidentiality is guaranteed.

SCM has approved a Regulation on keeping data on the undue influence in courts and SCM in 2014. It is available at:

https://www.csm.md/files/Acte_normative/evidenta_cazurilor_influenta.pdf. Another Regulation approved by SCM in the same year in this regard envisages the whistleblowers in courts and SCM. It is available at: https://www.csm.md/files/Acte_normative/Regulamentul_privind_avertizorii_de_integritate.pdf. In 2018 SCM has approved Judges' Integrity Guidelines. It is available at: <https://www.csm.md/files/Hotaririle/2018/16/318-16.pdf>.

The General Prosecution Office has published also a list of hotlines on its webpage.

By Order of the Prosecutor General No.62/35 of 03.12.2014, the Regulation on the evidence of cases of improper influence exerted on public officials of the Prosecutors Office was approved, in order to ensure the professional integrity of the employees of the Prosecutors Office bodies, to prevent and combat corruption, to establish the single order of communication, identification and evidence of improper influence exerted on public officials employed by the Prosecutors Office bodies, pursuant to Art.7 paragraph (2) letter b) of the Law no.325 of 23.12.2013 on the evaluation of professional integrity, Government Decision no.767 of 19.09.2014 on the implementation of the Law no.325 of 23.12.2013. According to the mentioned Regulation: The public official, employee of the Prosecutors Office bodies, subject to improper influence is obliged:

- 1) to refuse undue influence;
- 2) to lawfully carry out the activity for which the undue influence occurred;
- 3) to make a denunciation about the exercise of undue influence in the manner provided for in items 8-9 of this Regulation.

6. The Prosecutor General shall designate the Inspectorate of Public Prosecutors to:

- (a) perform the duties of receiving and recording cases of improper influence;
- (b) keep records of reports in a special register of cases of improper influence;
- (c) ensure the confidentiality of the reports made, the information obtained from their examination and the data in the register of cases of undue influence;
- (d) verify the performance of the tasks for which the undue influence arose;
- (e) take measures to prevent cases of undue influence by being directly involved in their resolution (warning through

(1) In order to ensure the impartiality and objectivity of serving the public interest, the professional activity of the public agent must be carried out free from any improper influences. The mechanism for denunciation and treatment of improper influences is regulated by the Government.

(2) The head of the public entity has the following obligations in relation to the refusal, denunciation and treatment of improper influences:

- a) to adopt administrative acts establishing the rules for organizing the activities of denunciation and treatment of improper influences by public agents;
- b) to ensure the recording, in a special register, of cases of improper influence exercised over public officials;
- c) to ensure the possibility of denouncing keeping the confidentiality, cases of improper influence;
- d) to ensure the necessary conditions for the legal performance of the activity by the public official and to verify the manner of execution of the duties for which the improper influence occurred;
- e) to undertake measures to prevent cases of improper influence by directly involving in their resolution;
- f) to apply the disciplinary liability to public officials who carry out their professional activity without rejecting the improper influences to which they are subject or without denouncing the improper influences that they cannot reject on their own.

The public agent subject to improper influence is obliged:

- a) to expressly reject the improper influence;
- b) to legally carry out the activity for which the improper influence occurred;
- c) in the event of the impossibility of expressly rejecting the improper influence and of the impairment of his/her professional activity, to file a written complaint, within 3 working days, to the responsible person within the public entity, designated by the manager, about the exercise of improper influence;
- d) to file a complaint about the exercise of improper influence to the National Anticorruption Center if the source of the improper influence is the manager of the public entity or if, after filing a complaint in the manner provided for in letter c), the manager does not honor his/her obligations provided for in paragraph (2) letters d) and e).

Article 18 Non-admission, denunciation of manifestations of corruption and protection of whistleblowers

(2) The head of the public entity has the following obligations in order to prevent corruption and to ensure its denunciation:

- a) to promptly submit to the National Anticorruption Center the information communicated to him/her by public agents regarding corruption manifestations in which their involvement was attempted if there are elements of a crime or administrative offence and if this information was not communicated to the Center directly by the respective public agents;
- b) to ensure the proper conduct of the professional activity of public agents in respect of whom attempts were made in order to involve them in corruption manifestations;
- c) to ensure that administrative measures are taken to prevent other attempts to involve public agents in corruption manifestations, similar to those that were denounced;
- d) to apply disciplinary liability to public agents who have failed to denounce attempts to involve them in corruption manifestations;
- e) to provide the National Anticorruption Center, upon its request, with information on the denunciation of corruption by public officials.

Q185-1 (2024): The increase by 30% in the total number of reassignments compared to 2023 can be explained by such circumstances as resignation of judges, promotion to a higher court, transfer to a court of the same level or to a higher court, temporary transfer. e.g. Due to the fact that many judges from courts of appeal resigned from their positions in 2024, SCM proposed to transfer on a temporary basis judges from first instance courts to courts of appeal. This solution involved a reassignment of a part of the pending cases.

Q190 (General Comment): There is no special national legislation on the declaration of assets and personal interests by judges. Similarly, there are no separate provisions just for judges in the Law 132/2016 on the National Integrity Authority and the Law 133/2016 on the declaration of assets and personal interests.

Q193 (General Comment): The gifts received by the subject of the declaration free of charge from family members, parents, brothers, sisters or children, if the cumulative value during a year does not exceed 10 average salaries in the economy, are exempted to be declared.

Q193 (2024): .

Q194 (2024): This includes situations when a judge is promoted in a higher court, when a judge qualifies for membership in specialised bodies of the SCM.

Q195 (General Comment): According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration.

Q200 (2024): On the official website of the National Integrity Authority <https://portal-declaratii.ani.md/>

Q201 (General Comment): In case of failure to submit the declaration of assets and personal interests the judge can be dismissed (as a disciplinary sanction). The Contravention Code sanction for failure to submit the declaration of assets and personal interests - fine (from 60 to 90 conventional units). The Contravention Code sanction for late submission of the declaration of assets - fine (from 30 to 60 conventional units). The Contravention Code sanction for failure or refusal to submit the declaration of assets for family members or for cohabitants - fine (from 60 to 90 conventional units). In cases where the NIA finds that there are unjustified assets in the declaration (variation between the reported income/other assets and expenditure), a confiscation of assets can be requested and dismissal with a ban to hold (several years) public office positions. The request for confiscation and a ban to hold public office positions is submitted by NIA to first instance court and against the NIA request can be appealed by the declaration subject in the court of appeal. The request for dismissal is submitted to the Superior Council of Magistracy. The Criminal Code punishments for exercising public sector duties in a conflict of interest situation if the conflict of interest has not been declared and resolved in accordance with the legislation on the declaration and control of assets and personal interests and for intentional inclusion of incomplete or false data, intentional failure to include data in the declaration of assets and personal interests, for illicit enrichment in big proportions - fine or imprisonment with a ban to hold public office positions/exercise a certain activity for several years and confiscation of the unjustified assets.

Q202 (2024): As a result of the control proceeding a sanction was pronounced for violation of the legal regime of declaring assets and personal interests. The National Integrity Authority requested the confiscation of the assets and the application of a 3-year ban on holding public office. The act was contested at the court of appeal.

Another sanction as a fine of 1500 lei (about EUR 75) was applied according to the Contravention Code. The decision was contested at the court of appeal.

Note: The statistics reflect the number of cases initiated in 2024 and the number of cases completed in 2024, which could have been initiated previously.

Q205 (2024): <https://public-pdf-declaratii.ani.md/pdf/get/932534/3>

Q213 (2024): On the official website of National Integrity Authority <https://portal-declaratii.ani.md/>.

Q215 (2024): One sanction was applied for violation of the legal regime of declaring assets and personal interests. NIA requested the confiscation of the assets and the application of a 3-year ban on holding public office. The act was contested at the court of appeal.

Other 3 sanctions as fines of 4500 lei (about EUR 230) were applied.

Note: The statistics reflect the number of cases initiated in 2024 and the number of cases completed in 2024, which could have been initiated previously.

Q218 (2024): Judges can combine also their activity with creative activities and membership in collegial bodies of public authorities.

Q221 (2024): The judge informs his or her hierarchy and the information is considered for human resources records as well.

Q224 (2024): For 2024 the National Integrity Authority and the Superior Council of Magistracy reported 0 of such cases. It was underlined that NIA is not examining cases of conflicts of interest committed by judges. Such cases are only examined by the Superior Council of Magistracy. As an exception, NIA examines cases of conflicts of interest committed by court presidents, on administrative cases (e.g. hiring a relative).

Q227 (General Comment): According to the rules approved by the Superior Council of Prosecutors in 2018 the prosecutor who intends to carry out didactic and scientific activity shall submit to the SCP apparatus a request for the cumulation of the activity of prosecutor with the didactic / scientific activities which should contain specific information for the accomplishment of the targeted activities

(institution, manner and conditions of exercise). A prosecutor may cumulate the activity for a determined period of time or part-time, which should not affect the exercise of the functional obligations and the principles of organization or activity of the Prosecutor's Office. The didactic and/or scientific activities can be carried out by the prosecutor in the universities, National Institute of Justice, different training activities organized for civil servants, projects aiming the implementation of the national or international policy of the state in criminal matters. Rules on the accumulation of the function of public prosecutor with teaching,

scientific and collegiate activities in public authorities or institutions, approved by the Decision of the Superior Council of Prosecutors no.12-168/18 of 12.12.2018

Q232 (General Comment): The establishment, by a final act, a direct conclusion or by means of a third party legal act, that a prosecutor took or participated in a decision making without resolving the real conflict of interest in accordance with the provisions of the legislation on conflict of interest constitutes grounds for dismissal of the prosecutor. The dismissal of the prosecutor, the chief prosecutor or the deputy general prosecutor shall be made within 5 working days from the intervention or bringing the case to the attention of the Prosecutor General, by an order of the Prosecutor General, which is communicated to the prosecutor concerned within 5 working days from the issuance, but prior to the date of dismissal. The order of the Prosecutor General regarding the dismissal can be contested in court.

As well as the aforementioned acts, the provisions of the Code of Ethics oblige prosecutors to make public the information on their conflict of interest. Violation of the Code of Ethics provisions can have as a result disciplinary sanctions and the procedure is described in the Law on the prosecution office.

Q233 (2024): Source: National Integrity Authority

Q234 (General Comment): The Superior Council of Magistracy is responsible for initiating disciplinary proceedings against judges. A court user whose rights have been violated by an act of a judge, or any person who has a legitimate interest, members of the Superior Council of Magistracy, Ministry of Justice, Judicial Inspection and the Board for the selection and evaluation of judges can be at the origin of a disciplinary proceeding.

The aforementioned subjects are authorised to submit notifications on the facts that became known to them in the exercise of their rights or duties or on the basis of the information disseminated by the mass media.

The Judicial Inspection and the Board for the selection and evaluation of judges are entities subordinated to the Superior Council of Magistracy.

Q235 (General Comment): The Disciplinary Board is an independent body, acting separate from the Superior Council of Magistracy which examines disciplinary cases and applies disciplinary sanctions to judges and resigned judges for acts of misconduct committed while in service. It is composed by 5 members elected from among the judges and 4 members selected from among civil society representatives. Membership of the Disciplinary board is incompatible with membership of the Superior Council of Magistracy, of the Board for the Selection and Evaluation of Judges, with the position of inspector-judge, as well as with the position of president or deputy-president of a court. The activity of the Disciplinary board is regulated by the Law 178/2014 on disciplinary liability of judges and by the Regulation on the activity of the Disciplinary board, approved by the Superior Council of Magistracy. Decisions of the Disciplinary board may be appealed to the Superior Council of Magistracy.

After examining the appeals, the Superior Council of Magistracy decides:

- a) to maintain the decision of the Disciplinary board without modification;
- b) to admit the appeal and adopt a new decision.

The decisions of the Superior Council of Magistracy, may be challenged at the Supreme Court of Justice.

Q239 (General Comment): The warning is the mildest sanction that can be applied for 1 year consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour.

The circumstances in which the warning sanction is applied are determined by:

- 1) the primary commission of a disciplinary violation, usually minor, of an intentional nature or by negligence;
- 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the violation.

Since 2023, the temporary reduction of salary has been removed from the legal list of disciplinary sanctions that can be applied to judges.

Q239 (2024): Other - 1 Warning

Q240 (General Comment): The decisions on the disciplinary liability of judges are issued by the Disciplinary Board (body subordinated to the Superior Council of Magistracy). A decision issued by the Disciplinary Board can be appealed to the Superior Council of Magistracy within 15 days from the date of receipt of the copy of the reasoned decision. The decision issued by the Superior Council of Magistracy while examining the appeal can be appealed to the Supreme Court of Justice within 30 days from the date of receipt of the reasoned decision.

Q242 (General Comment): The transfer of a judge to another court may be decided by the Superior Council of the Judiciary. The judge's consent is necessary. (Article 20 of Law No. 544-XIII on the Status of Judges).

Q243 (General Comment): According to the provisions of Article 42 of the Law on Prosecution Office, the disciplinary procedure starts automatically at the moment of the referral, and according to Article 43 paragraph (1) of the mentioned law, the referral of the act that may constitute disciplinary misconduct committed by the prosecutor may be submitted by:

- (a) any interested person;
- b) members of the Superior Council of Prosecutors;
- c) the College for the evaluation of prosecutors performance, under the terms of Article 31(1)(a) and (b). (5);
- d) the Inspectorate of Public Prosecutors, following controls carried out.
- e) the Ministry of Justice, upon notification of the Government Agent, in the event of a request for a finding of disciplinary misconduct as referred to in Article 38(e1) with regard to the actions or inactions of the prosecutor which have led to one of the consequences referred to in Article 2007(e2). (1), point (1), of Art. c) of the Civil Code of the Republic of Moldova No 1107/2002.

The subjects provided for in para. (1) can submit the notification regarding the facts that have become known to them either in the exercise of their rights or functional attributions, or based on the information disseminated by the mass media or other information sources.

Q244 (General Comment): The Superior Council of Prosecutors and the Disciplinary and Ethics Board have the disciplinary authority on prosecutors.

Before a case is examined by the aforementioned bodies it has to be examined by the Inspection of Prosecutors.

The Inspection of Prosecutors has the following powers:

- (a) carries out checks on the work of prosecutors and the organizational work of prosecutor's offices;
- b) examines complaints concerning acts that may constitute disciplinary offenses;
- (c) investigates facts that may constitute disciplinary misconduct;
- (d) presents the disciplinary file before the Disciplinary and Ethics Board, the Superior Council of Prosecutors and the courts, with the right to challenge the decisions handed down in accordance with the law;
- e) carries out, at the request of the Superior Council of Prosecutors, checks on the independence and reputation of prosecutors;
- f) studies the grounds for the rejection by the President of the Republic of Moldova of the candidate proposed by the Superior Council of Prosecutors for appointment as a Prosecutor General or, as the case may be, interim Prosecutor General, submitting an informative note to the Superior Council of Prosecutors;
- g) submits to the Superior Council of Prosecutors, by March 31, the annual report on its activity in the previous year, which shall be published on the official website of the Superior Council of Prosecutors;
- h) has other duties stipulated by law or by the Rules of Procedure.

The Disciplinary and Ethics Board of the Superior Council of Prosecutors examines disciplinary cases brought

against prosecutors after being checked by the Inspection of Prosecutors and applies disciplinary sanctions where appropriate. It consists of 7 members, including:

- 5 elected by the General Assembly of Prosecutors from among the prosecutors;
- 2 elected by the High Council of Prosecutors, by public competition, from among representatives of civil society.

The Superior Council of Prosecutors has competence in disciplinary matters concerning prosecutors, examining appeals against decisions of the Disciplinary and Ethics Board.

Q246 (General Comment): The data reflects the number of disciplinary proceedings initiated by the Disciplinary and Ethics Board of Prosecutors.

Article 42 of Law 3/2016 provides that the disciplinary procedure starts automatically at the moment of the referral and includes the following steps: a) submission of the referral regarding the act that may constitute disciplinary misconduct, b) verification of the referral by the Inspectorate of Public Prosecutors, c) examination of the disciplinary case by the Disciplinary and Ethics Board of Prosecutors, d) adoption of a decision on the disciplinary case.

Law 3/2016 on Prosecution Office

Article 38 Disciplinary violations

(a) improper performance of official duties listed in Article 6 (3);

(b) non-compliance, for reasons imputable to the prosecutor and without reasonable justification, with the legal provisions regarding the deadlines for the performance of procedural actions or the delay in their performance;

(c) unlawful interference in the work of another prosecutor or interference of any kind with authorities, institutions or officials either for the settlement of requests, claiming or accepting the settlement of personal interests or those of other persons, or for the purpose of obtaining undue benefits;

(d) deliberately obstructing the work of the Inspectorate of Public Prosecutions by any means;

e 1) committing, in the exercise of official duties, actions or inactions with intent or admitting serious negligence where the fundamental rights and freedoms of natural or legal persons guaranteed by the Constitution of the Republic of Moldova and international treaties on fundamental human rights ratified by Moldova have been violated;

f) inappropriate attitude, manifestations or lifestyle which are prejudicial to the honour, integrity, professional integrity, prestige of the Prosecution Service.

f1) violation of the Code of Ethics of prosecutors.

(g) breach of the obligation from Article 7(7) of the Code of Conduct. (2) letter a) of Law No. 325/2013 on the evaluation of institutional integrity.

Q246 (2024): The total number of disciplinary proceedings reflects the disciplinary proceedings examined by the Board of Discipline and Ethics, subordinated to the Superior Council of Prosecutors out of 276 proceedings initiated by the Prosecution Inspection.

Source: Superior Council of Prosecutors

Q247 (2024): Source: Annual report of the Disciplinary and ethics Board - 2024, available at: https://csp.md/sites/default/files/2025-02/cde_raport_de_activitate_a_cde_pentru_anul_2024.pdf

Q248 (2024): Other - Warnings

Q251 (General Comment): For appeals against decisions of the Disciplinary and Ethics Board, the Superior Council of Prosecutors is the competent body to decide.

The decisions of the Superior Council of Prosecutors can be contested in the Supreme Court of Justice in respect of the approval procedure.

Ukraine

Q162 (2024): Pursuant to Article 9 of the CPC of Ukraine, during criminal proceedings, the prosecutor is obliged to strictly comply with the requirements of the Constitution of Ukraine, this Code, international treaties, requirements of other legislative acts, to investigate the circumstances of criminal proceedings in a comprehensive, full and impartial manner and to ensure that lawful and impartial procedural decisions are made.

Pursuant to Article 214 of the CPC of Ukraine, the prosecutor is obliged to immediately, but not later than 24 hours after filing a complaint or report of a criminal offense or after independently identifying circumstances from any source that may indicate the commission of a criminal offense, enter the relevant information into the URPTI and initiate an investigation.

At the same time, pursuant to Articles 303-307 of the CPC of Ukraine, the court, upon consideration of complaints against decisions, actions or inaction of the prosecutor or investigator, may oblige to perform a certain action, including entering information into the URPTI upon a statement or report of a criminal offense.

The prosecutor, exercising his/her powers in accordance with the requirements of this Code, shall be independent in his/her procedural activities, interference in which by persons not legally authorized to do so is prohibited. State authorities, local self-government bodies, enterprises, institutions and organizations, officials and other individuals are obliged to comply with the legal requirements and procedural decisions of the prosecutor (part 1 of Article 36 of the CPC of Ukraine).

We also note that according to part 1 of Article 17 of the Law of Ukraine "On Prosecution", prosecutors exercise their powers within the limits established by law and are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies. Administrative subordination of prosecutors may not be a ground for limiting or violating the independence of prosecutors in the exercise of their powers.

Pursuant to Article 17(3) of the Law of Ukraine "On Prosecution", in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this Article.

Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

At the same time, according to part 5 of this Article, the prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as clearly criminal orders or instructions. A prosecutor has the right to report to the Council of Prosecutors of Ukraine a threat to his or her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

Part 6 of Article 17 of the Law of Ukraine "On Prosecution" provides that giving (giving) an illegal order or instruction or its (his) execution, as well as giving (giving) or executing a clearly criminal order or instruction, entail liability under the law.

Thus, the provision of these specific illegal instructions to the prosecutor regarding the conduct of criminal prosecution is an interference with his/her procedural activities, which is prohibited by the said provisions.

Q162-0 (General Comment): The prosecutor's office in Ukraine is an independent body, with its powers defined by the Constitution (Article 131-1) and regulated by the Law "On Prosecution." This law ensures that prosecutors alone exercise prosecutorial functions, prohibiting delegation or interference by other entities.

Prosecutors operate independently, free from unlawful influence or pressure, and are guided solely by the Constitution and laws of Ukraine. Their independence is safeguarded by legal guarantees, including appointment and dismissal procedures, protection from undue influence, financial and organizational support, and prosecutorial self-governance.

The Prosecutor General submits an annual report to Parliament by April 1, detailing efforts to uphold prosecutorial independence, including reports of threats and corresponding actions taken.

Q162-1 (2024): It should be noted that part 3 of Article 17 of the Law of Ukraine “On Prosecution” stipulates that in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article. Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

In addition, pursuant to Article 308(1) of the CPC of Ukraine, a suspect, accused, victim, or other persons whose rights or legitimate interests are restricted during the pre-trial investigation have the right to appeal to a higher-level prosecutor against the failure to comply with reasonable time limits by the investigator, detective, or prosecutor during the pre-trial investigation. Pursuant to Article 308(2) of the CPC of Ukraine, a higher-level prosecutor is obliged to consider the complaint within three days after it is filed and, if there are grounds for its satisfaction, provide the relevant prosecutor with binding instructions on the time limits for certain procedural actions or procedural decisions. The person who filed the complaint shall be promptly notified in writing of the results of its consideration.

In addition, according to part 1 of Article 16 of the Law of Ukraine “On Prosecution”, the independence of the prosecutor is ensured, among other things, by the prohibition of unlawful influence, pressure or interference in the exercise of the prosecutor's powers.

According to the provisions of part 2 of this article, in exercising the functions of the prosecutor's office, the prosecutor is independent of any unlawful influence, pressure, interference and is guided in his/her activities only by the Constitution and laws of Ukraine.

At the same time, Article 17 of this Law contains provisions on the subordination of prosecutors and the execution of orders and instructions. Thus, prosecutors are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies.

According to the requirements of part 3 of this article, in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article.

Q162-2 (2024): Pursuant to part 4 of Article 17 of the Law of Ukraine “On Prosecution”, administrative orders, as well as instructions directly related to the exercise of prosecutorial functions by the prosecutor, issued (given) in writing within the powers defined by law, are binding on the relevant prosecutor.

The prosecutor who received an order or instruction orally shall be provided with a written confirmation of such order or instruction

Q162-3 (2024): Pursuant to Article 17(5) of the Law of Ukraine “On Prosecution”, a prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as orders or instructions that are clearly criminal. A prosecutor has the right to report to the Council of Prosecutors of Ukraine a threat to his or her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

Under Part 6 of Article 17 of the Law of Ukraine “On Prosecution”, the issuance (giving) of an unlawful order or instruction or its (his) execution, as well as the issuance (giving) or execution of a clearly criminal order or instruction, entail liability under the law

Q162-4-1 (2024): No such statistical records are kept.

The reports prepared by the prosecutor's offices do not include data on “the number of instructions given to the prosecutor on criminal prosecution”.

Q162-5 (2024): Pursuant to Article 17(5) of the Law of Ukraine “On Prosecution”, a prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as orders or instructions that are clearly criminal. The prosecutor has the right to apply to the Council of Prosecutors of Ukraine with a report on the threat to his/her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

In addition, pursuant to Article 16(5) of the Law of Ukraine “On Prosecution”, public authorities, local self-government bodies, other state bodies, their officials and employees, as well as individuals and legal entities and their associations are obliged to respect the independence of the prosecutor and refrain from exercising any form of influence on the prosecutor in order to impede the performance of official duties or make an illegal decision.

Pursuant to part 6 of Article 16 of the Law of Ukraine “On Prosecution”, the prosecutor has the right to report a threat to his or her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately check and consider such a report with his or her participation and take the necessary measures to eliminate the threat within the limits of its powers under this Law.

Q164 (General Comment): The independence and untouchability of judges are guaranteed by Articles 126 and 129 of the Constitution of Ukraine, and stipulate that judges are independent in the administration of justice and are subject only to the law. The Law of Ukraine ‘On the Judiciary and the Status of Judges’ (hereinafter the Law) defines the conditions for the performance of professional duties of judges and legal means by which the implementation of constitutional guarantees of judicial independence and independence of judges is ensured. In particular, Article 6 of the Law prohibits interference with the administration of justice, influence on the court or judges in any way, contempt of court or judges, collection, storage, use and dissemination of information in any form to harm the authority of judges or influence on the impartiality of the court.

Article 48 of the Law provides for the means of ensuring the independence of judges, which include: a special procedure for the appointment, selection, prosecution and dismissal of judges, the untouchability, immunity and the irremovability of judges; the procedures for administration of justice defined by procedural law and the secret of decision making; prohibition of interference with the administration of justice; liability for contempt of court or a judge; a separate procedure for funding and organizational support of functioning of courts stipulated by law; adequate financial and social support of judges; functioning of bodies of judicial governance and self-government; means defined by law to ensure personal safety of a judge and members of his/her family, property and other means of legal protection; the right of judges to retirement.

- rule of law and legality
- respect for human and civil rights and freedoms, non-discrimination
- independence and autonomy;
- political neutrality;
- presumption of innocence;
- fairness, impartiality and objectivity;
- professional honor and dignity, building trust in the prosecution service;
- transparency of official activities, confidentiality;
- refraining from executing illegal orders and instructions;
- prevention of conflict of interest;
- competence and professionalism;
- integrity, exemplary behavior and discipline;
- respect for the independence of judges.

Articles 6-31 of this Code define such issues as:

- rule of law and legality;
- respect for human and civil rights and freedoms, non-discrimination
- independence and autonomy, political neutrality;
- presumption of innocence, fairness, impartiality and objectivity;
- professional honor and dignity, transparency of official activities, confidentiality;
- refraining from giving and executing illegal orders and instructions;
- competence and professionalism;
- prevention of conflicts of interest and corruption, integrity;
- respect for the independence of judges;
- prevention of behavior that may damage reputation;
- restrictions on the prosecutor's participation in political and other activities;
- relations with law enforcement, judicial and other state authorities, local self-government bodies, participants of legal proceedings, mass media, and citizens.

On 27.08.2024, the All-Ukrainian Conference of Prosecutors amended the Code of Professional Ethics and Conduct of Prosecutors, which stipulates that the legal basis for regulating relations in **Q176 (General Comment)**: The Ethics Council is formed to assist the bodies that elect (appoint) members of the High Council of Justice in determining whether a candidate for the position of a member of the High Council of Justice (HCJ), a current member of the HCJ, meets the criteria of professional ethics and integrity.

The Ethics Council was formed in accordance with the provisions of the Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Procedure for Election (Appointment) of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice” No. 1635-IX of July 14, 2021

Q177 (General Comment): The Ethics Council consists of six members: 1) three members nominated by the Council of Judges of Ukraine from among judges or retired judges; 2) one member nominated by the Council of Public Prosecutors of Ukraine; 3) one member nominated by the Council of Lawyers of Ukraine; 4) one member nominated by the Board of the National Academy of Legal Sciences of Ukraine. The first composition of the Ethics Council comprised three judges or retired judges nominated by the Council of Judges of Ukraine and three members nominated by international and foreign organizations that have provided international technical assistance to Ukraine in the area of the judicial reform and anti-corruption action under international treaties or inter-state agreements over the past five years.

In accordance with paragraph 23-1. of Section III “Final and Transitional Provisions” of the Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Procedure for Election (Appointment) of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice” No. 1635-IX of July 14, 2021, the first composition of the Ethics Council is formed of three persons from among judges or retired judges proposed by the Council of Judges of Ukraine and three persons proposed by international and foreign organizations that, in accordance with international or interstate agreements, have

The composition of the Ethics Council includes:

1. ~~Dev~~ Kyshakevych - Supreme Court judge in the Criminal Court of Cassation; 2. ~~Murii~~ Tryasun - retired judge of the Kyiv Court of Appeal;
3. ~~Volodymyr~~ Siverin, retired judge of the Eastern Economic Court of Appeal; 4;
4. Sir Anthony Hooper, retired judge of the Court of Appeal of England and Wales;
5. ~~Evli~~ Perling - former Prosecutor General of the Republic of Estonia;
6. ~~Peter~~ F. Schenck, retired U.S. Attorney.

Q178 (General Comment): In accordance with the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Procedure for Election (Appointment) of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice of July 14, 2021 No. 1635-IX”, the first composition of the Ethics Council began its work on November 9, 2021.

In accordance with Section II of the said Law, the Ethics Council within six months from the date of approval of its personal composition shall assess the compliance of the members of the High Council of Justice once.

Based on the results of the interviews with the current four members of the High Council of Justice, one member was found not to meet the criteria of professional ethics and integrity to hold the position of a member of the High Council of Justice and was dismissed from the position of a member of the High Council of Justice on the recommendation of the Ethics Council. The other three members were recognized by the Ethics Council as meeting the above criterion.

During the period of its work, the Ethics Council selected candidates for the position of a member of the High Council of Justice, whose appointment/election it carries out:

Verkhovna Rada of Ukraine

Congress of representatives of law schools and research institutions (3 competitions)

Congress of Judges of Ukraine, All-Ukrainian Conference of Prosecutors,
the President of Ukraine (2 competitions).

In total, 153 candidates and 4 current HCJ members were evaluated.

As of December 20, 2024, the Ethics Council has adopted 163 decisions.

In 2023, the Ethics Council faithfully fulfilled one of the requirements of the European Commission for Ukraine's accession to the European Union - the High Council of Justice, the highest body of judicial governance, was restored.

As of today, the total number of members of the High Council of Justice is 17 (out of 21 positions established by Article 5 of the Law of Ukraine “On the High Council of Justice”).

Thus, 4 positions of the High Council of Justice members remain vacant, namely: 2 - elected by the Congress of Advocates of Ukraine and 2 - appointed by the President of Ukraine.

Currently, the Ethics Council, in accordance with part fourteen of Article 91 of the Law of Ukraine “On the High Council of Justice”, is assessing the compliance with the criteria of professional ethics and integrity of candidates for the position of a member of the High Council of Justice, elected by the Congress of Judges of Ukraine for 2 positions that will become vacant in March 2025.

Between December 11 and 12, 2024, the Ethics Council interviewed 4 candidates to be elected by the Congress of Judges of Ukraine. All interviews were conducted via videoconference using electronic communication tools and broadcasted in real time on the official web portal of the judiciary of Ukraine. In the near future, the Ethics Council will continue to conduct interviews with candidates for the position of a member of the High Council of Justice, who are elected by the Congress of Judges of Ukraine.

Q178 (2024): https://ec.court.gov.ua/ec/pres-centr/rishenna_er/

Q178-1 (General Comment): In 2024, the Ethics Council assessed 13 candidates for the position of a member of the High Council of Justice appointed by the President of Ukraine for compliance with the criteria of professional ethics and integrity.

At the same time, the Ethics Council, by its Decision No. 2 of April 11, 2024, refused to allow 1 candidate for the position of a member of the High Council of Justice appointed by the President of Ukraine to be interviewed.

The Ethics Council recognized 4 candidates as not meeting the criteria of professional ethics and integrity for the appointment of the HCJ member by the President of Ukraine.

Also, the Ethics Council decided to recognize 2 candidates as meeting the criteria of professional ethics and integrity for the appointment of a member of the HCJ by the President of Ukraine.

In addition, 6 candidates filed applications for withdrawal from the competition.

Thus, on June 19, 2024, the Ethics Council adopted a decision "On Approval of the List of Candidates Recommended for Appointment by the President of Ukraine as a Member of the High Council of Justice" and, pursuant to paragraph 9 of Part 20 of Article 91 of the Law of Ukraine "On the High Council of Justice", sent to the Competition Commission for the Selection of Candidates for the Appointment by the President of Ukraine to the Vacant Position of a Member of the High Council of Justice conclusions on the eligibility of each candidate and the list of candidates recommended for appointment by the President of Ukraine as a member of the High Council of Justice.

Q178-1 (2024): On admission or denial of admission to the interview of candidates for the position, on setting dates for interviews with candidates for the position of a member of the High Council of Justice, on compliance or non-compliance of a candidate for the position of a member of the High Council of Justice

Q181 (2024): The Code of Professional Ethics and Conduct for Prosecutors is available on the official website of the Prosecutor General's Office at

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=228319.

The Article-by-Article Commentary to the Code of Professional Ethics and Conduct of Prosecutors is available on the official website of the Prosecutor General's Office at

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=223942.

In addition, according to part 2 of Article 45 of the Law of Ukraine "On Prosecution", anyone who has knowledge of such facts has the right to file a disciplinary complaint against a prosecutor for committing a disciplinary offense. A recommended sample of a disciplinary complaint is available on the website of the Prosecutor General's Office:

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=214575.

Decisions of the relevant body conducting disciplinary proceedings (Qualification and Disciplinary Commission of Prosecutors), including those concerning compliance with the standards of professional ethics and conduct of prosecutors, are published on the official website of the said body.

Q186 (2024): The repeated automated distribution of court cases among judges is applied in cases provided for by law and the Regulation on the Automated Court Document Management System approved by the Council of Judges of Ukraine on 26.11.2010 No. 30.

Q192 (2024): <https://zakon.rada.gov.ua/laws/show/z1965-23#Text>

Q194 (General Comment): Pursuant to part 4 of Article 52 of the Law, reporting significant changes in property status is an additional measure of financial control aimed at finding out the actual change in the property status of the declarant without waiting for the next declaration to be submitted.

The obligation to submit a notice of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or making an expenditure in an amount exceeding 50 living wages.

Q196 (General Comment): The declaration contains information on the assets of the declarant and family members. At the same time, sections 2.1 "Information about the declarant", 14 "Expenses and transactions of the declarant", 15 "Part-time work of the declarant" and 16 "Membership of the declarant in organizations and their bodies" of the declaration contain information only about the declarant.

Q200 (General Comment): All documents submitted by the declaring entity to the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions are stored in the Register and displayed in its public part on the official website of the National Agency to the extent specified in Article 47 of the Law.

Q202 (2024): With the beginning of martial law in Ukraine in February 2022, the mandatory submission of electronic declarations by persons authorized to perform state or local government functions (hereinafter referred to as the declaration and the declarant, respectively) was suspended. The main reason for this step was, first of all, the untimely submission of declarations due to active hostilities and the practical impossibility of collecting all the necessary documents to complete the declarations. However, already in 2023, the issue of restoring e-declarations for top officials became not only relevant in public discussions, but also one of the IMF's "structural beacons" (requirements) for providing Ukraine with financing.

After a long procedure of approval and voting in the Verkhovna Rada, veto by the President of Ukraine and voting in a new version, the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" (hereinafter - Law 3384-IX) finally came into force on October 12, 2023, which not only restored e-declaration but also introduced additional amendments to the Law of Ukraine "On Prevention of Corruption" (hereinafter - the Law on Declaration).

Starting from October 12, 2023, the obligation to submit declarations in accordance with the requirements of Article 45 of the Declaration Law (including the submission of the annual declaration for 2023 by April 1, 2024) is restored.

Declarants who did not file declarations in accordance with the requirements of Article 45 of the Declaration Law in 2022-2023 (i.e. any type of declaration provided for in this Article) and the deadline for filing was before October 12, 2023, shall file such declarations no later than January 31, 2024.

Q203 (2024): The Law of Ukraine "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" (hereinafter - Law 3384-IX) finally came into force on October 12, 2023, which not only restored e-declaration but also introduced additional amendments to the Law of Ukraine "On Prevention of Corruption" (hereinafter - the Law on Declaration).

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Q205 (2024): <https://zakon.rada.gov.ua/laws/show/z1965-23#Text>

Q215 (2024): With the beginning of martial law in Ukraine in February 2022, the mandatory submission of electronic declarations by persons authorized to perform state or local government functions (hereinafter referred to as the declaration and the declarant, respectively) was suspended. The main reason for this step was, first of all, the untimely submission of declarations due to active hostilities and the practical impossibility of collecting all the necessary documents to complete the declarations. However, already in 2023, the issue of restoring e-declarations for top officials became not only relevant in public discussions, but also one of the IMF's "structural beacons" (requirements) for providing Ukraine with financing.

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Q218 (2024): Article 25 of the Law of Ukraine "On Prevention of Corruption" allows persons referred to in paragraph 1 of part one of Article 3 of the Law of Ukraine "On Prevention of Corruption", which includes judges, to engage in teaching, research and creative activities, medical practice, instructing and refereeing in sports).

Pursuant to Article 54 of the Law of Ukraine "On the Judiciary and the Status of Judges", a judge may not combine his or her activities with entrepreneurial or advocacy activities, hold any other paid positions, perform other paid work (except for teaching, research or creative work), or be a member of the governing body or supervisory board of an enterprise or organization aimed at making a profit.

Q221 (2024): By law, the only place where a judge needs to state if there are any auxiliary activities, is in his/her declaration. In practice, however, judges do inform their hierarchy about it because of different reasons, some of them are if a judge needs time off (to, for example, write a book, they ask for sabbatical) and common respect for their hierarchy.

Q222 (2024): Proceedings in cases of administrative offenses related to corruption are conducted in accordance with the requirements of the Law of Ukraine "On Prevention of Corruption" and the Code of Ukraine on Administrative Offenses.

The Code of Ukraine on Administrative Offenses defines corruption-related offenses as, inter alia, violation of restrictions on combining work and other activities (Article 1724), violation of statutory restrictions on receiving gifts (Article 1725), violation of requirements for preventing and resolving conflicts of interest (Article 1727), unlawful use of information that became known to a person in connection with the performance of official duties (Article 1728), and failure to take measures to combat corruption.

Q223 (2024): Pursuant to Article 221 of the Code of Ukraine on Administrative Offenses, cases of administrative offenses related to corruption are considered by judges of district, city district, city or city district courts.

Based on the results of the case, one of the following rulings is issued (Article 284 of the Code of Ukraine on Administrative Offenses): to impose an administrative penalty or to close the case. The sanction of Article 1727 of the Code of Administrative Offenses provides for a fine of 100 to 400 tax-free minimum incomes, repeated violation of the requirements for the prevention and settlement of conflicts of interest by a person who has been subject to an administrative penalty for the same violation within a year - a fine of 400 to 800 tax-free minimum incomes with deprivation of the right to hold certain positions or engage in certain activities for a period of one year (the tax-free minimum income is 17 UAH).

Article 247 of the Code of Ukraine on Administrative Offenses stipulates that proceedings on an administrative offense cannot be initiated, and those initiated are subject to closure in the following circumstances:

- 1) absence of an event and corpus delicti of an administrative offense;
- 2) the person has not reached the age of sixteen at the time of committing the administrative offense;
- 3) insanity of the person who committed the unlawful act or omission;
- 4) the commission of an act by a person in a state of emergency or necessary defense;
- 5) issuance of an amnesty act if it eliminates the application of an administrative penalty;
- 6) repeal of an act establishing administrative liability;
- 7) expiration of the time limits stipulated by Article 38 of this Code at the time of consideration of the case on administrative offense;
- 8) the existence of a resolution of the competent authority (official) on imposing an administrative penalty or an unrevoked resolution on closing an administrative offense case against the person being held administratively liable, as well as a notice of suspicion of a person in criminal proceedings on this fact;
- 9) death of the person against whom the proceedings were initiated

Q227 (General Comment): Part 4 of Article 25 of the Law of Ukraine "On the Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, in particular prosecutors, are prohibited from:

- 1) engaging in other paid (except for teaching, scientific and creative activities, medical practice, instructor and referee practice in sports) or entrepreneurial activity, unless otherwise provided for by the Constitution or laws of Ukraine;
- 2) being a member of the board, other executive or control bodies, the supervisory board of an enterprise or organization that aims to make a profit (except for cases when persons perform functions of managing shares (portions, units) belonging to the state or territorial community, and represent the interests of the state or territorial community in the council (supervisory council), audit commission of an economic organization), unless otherwise provided for by the Constitution or laws of Ukraine, except for the case provided for in the first paragraph of the second part of this article.

Q227 (2024): The requirements for incompatibility are defined in Article 18 of the Law on the Prosecutor's Office. Specifically, holding the position of a prosecutor is incompatible with holding a position in any government body, another state body, a local self-government body, and with holding a representative mandate in state elective positions. A prosecutor cannot belong to a political party, participate in political actions, rallies, or strikes. The requirements for incompatibility do not apply to the participation of prosecutors in the activities of elected bodies of religious and public organizations. Prosecutors are subject to compatibility restrictions and the combination of other types of activities as defined by the Law of Ukraine on prevention of corruption.

The consideration of issues regarding violations by a prosecutor of the requirements for incompatibility falls within the authority of the High Council of Justice (Article 131 of the Constitution of Ukraine, Article 3 and others of the Law of Ukraine on the High Council of Justice).

Q229 (2024): is agreed with the employer in accordance with the requirements of the Labor Code of Ukraine.

Q231 (2024): Article 172-7 of the Code of Administrative Offenses provides for administrative liability for violation of the requirements for preventing and resolving conflicts of interest. In addition, the Law of Ukraine “On Prosecution” provides for disciplinary liability for actions taken by prosecutors in conditions of a real or potential conflict of interest.

Q232 (2024): law on the prevention of conflicts of interest is the Law On Prevention of Corruption

Q234 (General Comment): Part one of Article 43 of the Law of Ukraine “On the High Council of Justice”: The disciplinary inspector of the High Council of Justice, designated by the automated case distribution system for preliminary examination of the relevant disciplinary complaint (disciplinary inspector of the High Council of Justice - rapporteur)

1) examines the disciplinary complaint and checks its compliance with the requirements of the law;

...

3) ... submits the complaint to the Disciplinary Chamber for consideration to decide on ... opening a disciplinary case;

4) ... prepare materials with a proposal to open or refuse to open a disciplinary case.

Clause 23-7 of Section III “Final and Transitional Provisions” of the Law of Ukraine “On the High Council of Justice” stipulates that temporarily, until the day the service of disciplinary inspectors of the High Council of Justice starts, the powers of a disciplinary inspector are exercised by a member of the Disciplinary Chamber (rapporteur) determined by the automated case distribution system.

Pursuant to part ten of Article 49 of the Law of Ukraine “On the High Council of Justice”, if in the course of consideration of a disciplinary case the Disciplinary Chamber concludes that there are signs of a disciplinary offense in the actions of other judges or signs of another disciplinary offense in the actions of the judge against whom the case is being considered, the Disciplinary Chamber may decide to open a relevant disciplinary case on its own initiative.

Q234 (2024): By the decision of the High Council of Justice of December 10, 2024, No. 3582/0/15-24, the day of commencement of the service of disciplinary inspectors of the High Council of Justice is December 23, 2024

Q235 (General Comment): According to Article 108 of the Law of Ukraine “On the Judiciary and the Status of Judges,” disciplinary proceedings against judges are conducted by disciplinary chambers of the High Council of Justice (HCJ) in accordance with the Law “On the High Council of Justice.” As stated in Article 26 of this Law, the HCJ establishes Disciplinary Chambers from among its members to handle such cases.

Disciplinary authority over judges is divided between the High Qualification Commission of Judges of Ukraine (HQCJU) for local and appellate court judges and the HCJ for Supreme Court and high specialized court judges. In cases of dismissal, this authority belongs to the President for judges elected to a five-year term and to Parliament for those appointed for life.

Disciplinary proceedings involve verifying grounds for liability, opening a case, reviewing it, and making a decision. The HQCJU is responsible for assessing local and appellate court judges.

Within three days of opening a case, the judge and the complainant must receive a copy of the decision. The case is then reviewed in an adversarial hearing, where the judge, complainant, and other interested parties may attend. If a judge cannot be present, they may submit a written explanation, which is added to the case file. The HCJ follows a similar process for Supreme Court and high specialized court judges, as established by law.

Q237 (General Comment): Information for the category “4. Other criminal offense” is marked as “not available” since such cases may occur but those are not separately accounted for.

Record/registration is carried out on the grounds for taking disciplinary action, defined in the first part of Article 106 of the Law of Ukraine “On the Judiciary and the Status of Judges”, and what was reflected in filling out the tables on questions 237 and 238.

Q238 (General Comment): Question 238 includes all decisions in disciplinary cases concerning judges: on bringing to disciplinary responsibility, on refusing to bring on disciplinary responsibility, on closing the disciplinary case.

Q239 (General Comment): Question 238 takes into account all decisions in disciplinary cases against judges: on bringing to disciplinary responsibility, refusal to bring to disciplinary responsibility, closure of disciplinary proceedings.

Q239 (2024): 1. To the sanction “Temporary reduction of salary”. Judges may be subject to disciplinary sanctions in the form of: - reprimand - with deprivation of the right to receive additional payments to the official salary of a judge for one month; - a severe reprimand - with deprivation of the right to receive additional payments to the judge's official salary for three months; - a motion for temporary (from one to six months) suspension from the administration of justice - with deprivation of the right to receive additional payments to the judge's salary (paragraphs 2, 3, 4 of part one of Article 109 of the Law of Ukraine “On the Judicial System and Status of Judges”).

The table to question 239, in particular, indicated the types of sanctions “1. Reprimand” with a quantitative indicator of “30” and “3. Withdrawal from cases” with a quantitative indicator of ‘3’. Since these types of sanctions provide for a reduction in wages, their total quantitative indicator - “33” was also reflected in the sanction “5. Temporary reduction of salary”. We are putting 0 for the 5. so that the total adds up.

2. The sanctions “Position downgrade” and “Transfer to another court (by geographical location)” were added to the sanctions “Position downgrade” and “Transfer to another court”. Judges may be subject to disciplinary sanctions in the form of a motion to transfer the judge to a lower court” (Article 109(5)(1) of the Law of Ukraine ‘On the Judicial System and Status of Judges’).

3. To the sanction “Other”. Judges may be subject to a disciplinary sanction in the form of a warning (Article 109(1)(1) of the Law of Ukraine “On the Judicial System and Status of Judges”).

Question 238 takes into account all decisions in disciplinary cases against judges: to bring them to disciplinary responsibility, to refuse to bring them to disciplinary responsibility, to close disciplinary proceedings.

Q240 (General Comment): 1. The right to appeal the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice shall be vested in the judge in respect of whom the relevant decision was made. The complainant has the right to appeal the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice if the Disciplinary Chamber has authorized such an appeal (part one of Article 51 of the Law of Ukraine “On the High Council of Justice”).

2. The right to appeal to the court against the decision of the High Council of Justice made upon consideration of an appeal against the decision of the Disciplinary Chamber is granted to the judge in respect of whom the relevant decision was made and to the complainant if the decision of the High Council of Justice was made upon his/her complaint (Article 52(2) of the Law of Ukraine “On the High Council of Justice”).

Q242 (General Comment): A judge may not be transferred to another court without his/her consent, except a transfer:

1) in the event of reorganization, liquidation or termination of the court; 2) as a disciplinary measure. (Article 53 of the Law "On Judiciary and the Status of Judges")

Q242 (2024): During the period of a state of emergency or martial law and subject to a change in the territorial jurisdiction of court cases considered in the relevant court, in accordance with the procedure provided for in Part Seven of Article 147 of this Law, a judge of a court whose territorial jurisdiction of cases is changing may, without his consent, be seconded to administer justice to the court that determines the territorial jurisdiction of cases that were under consideration by the court in which the judge works, and in the absence of vacancies in this court - to another court of the same level and specialization (paragraph 2 of Part 1 of Article 55 of the Law of Ukraine “On the Judiciary and the Status of Judges”).

Q243 (General Comment): According to Ukrainian legislation, everyone who is aware of such facts has the right to apply to the Qualification and Disciplinary Commission of Prosecutors with a disciplinary complaint about the prosecutor's commission of a disciplinary offence. The Qualification and Disciplinary Commission of Prosecutors shall publish on its website a recommended sample of a disciplinary complaint. (para.2 art. 45 of the Law of Ukraine On Prosecution Office).

Q243 (2024): Since, according to the explanatory note, the concept of a person “authorized to initiate disciplinary proceedings” covers persons who are entitled to submit a relevant document to the body authorized to make a decision in disciplinary proceedings, according to part 2 of Article 45 of the Law of Ukraine “On Prosecution”, such persons include anyone who is aware of the facts of a disciplinary offense committed by a prosecutor.

In turn, a member of the relevant disciplinary body is authorized to make a decision to initiate disciplinary proceedings (part 3 of Article 46 of the Law of Ukraine “On Prosecution”).

Q244 (2024): According to Articles 44, 73, 77 of the Law of Ukraine “On Prosecution”, disciplinary proceedings are carried out by the Qualification and Disciplinary Commission of Prosecutors. For the status of this Commission, see comments to question 120.

Q245 (General Comment): Pursuant to Article 47 of the Law, consideration of the conclusion on the presence or absence of a prosecutor's disciplinary offense is carried out on the basis of competition at a meeting of the Qualification and Disciplinary Commission of Prosecutors, which is attended by the prosecutor, the person who filed the disciplinary complaint, and their representatives. At the meeting, the explanations of the member of the Qualification and Disciplinary Commission of Prosecutors who conducted the inspection, explanations of the prosecutor (his/her representative) and, if necessary, other persons are heard.

The prosecutor (his/her representative) has the right to provide explanations, refuse to provide them, ask questions to the participants in the proceedings, raise objections, file motions, and, if there are doubts about the impartiality and objectivity of the QDCP member, to file a motion for his/her recusal.

Q246 (2024): “Other” means ‘violation of the procedure established by law for submitting a declaration of a person authorized to perform the functions of the state or local self-government, violation of the rules of internal service regulations’ (paragraphs 4, 7 of part one of Article 43 of the Law of Ukraine ‘On the Prosecutor's Office’).

Q248 (2024): Part one of Article 49 of the Law of Ukraine “On the Prosecutor's Office” provides that the following disciplinary sanctions may be imposed on a prosecutor: 1) a reprimand; 2) a ban for up to one year on transfer to a higher-level prosecutorial authority or on appointment to a higher position in the prosecutorial authority where the prosecutor holds a position (except for the Prosecutor General); 3) dismissal from the prosecutorial authority.

Thus, “Other” should be understood as a disciplinary sanction - a ban for up to one year on transfer to a higher-level prosecution body or appointment to a higher position in the prosecution body where the prosecutor holds a position.

The difference between the number of disciplinary proceedings and the number of sanctions is explained by the fact that in disciplinary proceedings against prosecutors, decisions are made not only to impose a disciplinary sanction, but also to close the disciplinary proceedings in the absence of grounds for imposing a disciplinary sanction on the prosecutor.

Q250 (General Comment): The prosecutor may appeal the decision made as a result of disciplinary proceedings to the administrative court or to the High Council of Justice within one month from the date of serving a copy of the decision or receiving it by mail.

Q251 (2024): Pursuant to Article 50(1) of the Law of Ukraine “On Prosecution”, a prosecutor may appeal a decision made as a result of disciplinary proceedings to an administrative court or the High Council of Justice within one month from the date of delivery or receipt of a copy of the decision by mail.

Indicator 8 - Accountability and processes affecting public trust

by question No.

Question 156. Is there a system of compensation in the following circumstances:

Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Question 161. If yes, what are:

Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by law or other regulation, are there exceptions?

Question 162-2. What form these instructions may take?

Question 162-2-0. Which authority can issue such specific instructions?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges

Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?

Question 171. Number of criminal cases against judges or prosecutors

Question 172-0. Are specific measures to prevent corruption in place?

Question 172. Is there a code of ethics applicable to all judges? Please provide the link.

Question 173.

Question 173-1. Does the Code of Ethics contain principles on:

Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.

Question 175.

Question 175-1. Does the Code of Ethics contain principles on:

Question 176. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Question 177. If yes, who are the members of this institution / body?

Question 178. Are the guidelines and/or opinions of this institution/body publicly available?

Question 178-1. How many guidelines and/or opinions were given during the reference year?

Question 179. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. If yes, who are the members of this institution / body ?

Question 181. Are the guidelines and/or opinions of this institution/body publicly available?

Question 181-1. How many guidelines and/opinions were given during the reference year?

Question 182. Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?

Question 183. Is transparency in distribution of court cases ensured in your judicial system?

Question 184. How is distribution of court cases organized in your system?

Question 185. What are the different possible reasons for reassigning a case?

Question 185-1. How many reassignments of cases were processed in the reference year?

Question 186. Does the reassignment of cases have to be reasoned?

Question 187. Are all reassignments of cases processed through the computerised distribution of cases?

Question 188. If yes, how are reassignments of cases processed:

Question 190. Which law(s) and regulation(s) require a declaration of assets by judges

Question 192. Can you provide the declaration of assets form (attachment)?

Question 193. What items are to be declared?

Question 194. What is the moment of the declaration of assets of judges?

Question 195. Does this declaration concern the members of the family?

Question 196. Is the declaration for family members the same as for the judge?

Question 198. Are these declarations of assets verified as regards:

Question 199. Is there a register of declaration of assets?

Question 200. Where is the declaration published?

Question 201. What is the sanction in case of non-declaration of assets?

Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:

Question 203. Which law(s) and regulation(s) require a declaration of assets by prosecutors

Question 205. Can you provide the declaration of assets form (attachment)?

Question 206. What items are to be declared?

Question 207. What is the moment of the declaration of assets of prosecutors?

Question 208. Does this declaration concern the members of the family?

Question 209. Is the declaration for family members the same as for the prosecutor?

Question 211. Are these declarations of assets verified as regards:

Question 212. Is there a register of declaration of assets?

Question 213. Where is the declaration published?

Question 214. What is the sanction in case of non-declaration of assets?

Question 215. Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:

Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:

Question 218. Can judges combine their work with any of the following other functions/activities?

Question 219. Is an authorisation needed to perform these accessory activities for judges?

Question 220. If yes, who is giving authorisation for these accessory activities for judges?

Question 221. If not, does the judge have to inform his or her hierarchy about these accessory activities?

Question 222. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?

Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:

Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference year

Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:

Question 227. Can public prosecutors combine their work with any of the following other functions/activities?

Question 228. Is an authorisation needed to perform these accessory activities for public prosecutors?

Question 229. If yes, who is giving authorisation for these accessory activities for public prosecutors?

Question 230. If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?

Question 231. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?

Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:

Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year

Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

Question 235. Which authority has disciplinary power over judges? (multiple replies possible)

Question 236. What are the possibilities for the judge to present an argumentation? (multiple replies possible)

Question 237. Number of disciplinary proceedings initiated during the reference year against judges.
Question 238. Number of cases completed in the reference year against judges.
Question 239. Number of sanctions pronounced during the reference year against judges.
Question 240. Can a disciplinary decision be appealed?
Question 241. If yes, what body is competent to decide on appeal?
Question 242. Can a judge be transferred to another court without his/her consent:
Question 243. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):
Question 244. Which authority has disciplinary power over public prosecutors? (multiple replies possible)
Question 245. What are the possibilities for prosecutors to present an argumentation (multiple replies possible):
Question 246. Number of disciplinary proceedings initiated during the reference year against public prosecutors.
Question 246-1. Please describe what is included in the category "Professional inadequacy"
Question 247. Number of cases completed in the reference year against public prosecutors.
Question 248. Number of sanctions pronounced during the reference year against public prosecutors.
Question 250. Can the disciplinary decision be appealed?
Question 251. If yes, what body is competent to decide on appeal?

Question 156

Armenia

(2024): There is no consolidated data regarding those questions. However, the law provides for compensation scheme.

Azerbaijan

(General Comment): The system for compensating users in cases of wrongful convictions, illegal detentions or in cases where persons' rights have been unlawful restricted otherwise in criminal proceedings, may seek compensation according to the Criminal Procedure Code (Article 36.2). Compensation for the damage caused as a result of the error or abuse made by a body conducting criminal proceeding shall be awarded (article 56.0.5) in a civil court proceeding (article 63). Rules on awarding compensation are prescribed by the Law "On compensation of damage caused to natural persons as a result of illegal actions of investigation, preliminary investigation, prosecutor's office and judicial authorities". Compensation is decided upon by court in a civil court proceeding. Compensation is paid for damages incurred with regard to deprivation of wages, pensions, allowances and other income, as well as incurred due to confiscation of investigative bodies, property damage caused due to arrest, paid court costs, physical and moral damage, amounts paid in relation to provision of legal assistance etc. There is no legislation providing for direct compensation due to excessive length of proceedings and non-execution of court decisions. Nevertheless, according to article 4.1 of the MPM individuals and legal entities have a right to use court protection in order to protect and secure their rights and freedoms as well as interests protected by law. Every person has a right to file a claim for compensation of material and moral damage for the reasons stated above. According to that Law, the wages, pensions, allowances and other incomes deprived of each person, confiscation, confiscation by investigative bodies, property damage caused by arrest, paid court costs, as well as paid or withheld during the execution of the sentence a fine, amounts paid in connection with the provision of legal assistance, physical and moral damage caused must be paid. The amount of damages is determined by the court. The legislation does not provide for direct compensation due to the excessive length of proceedings and non-execution of court decisions. However, it should be noted that according to Article 4.1 of the MPM, all individuals and legal entities have the right to use court protection in order to protect and secure their rights and freedoms, as well as interests, protected by law. At the same time, it is the right of every person to file a claim for compensation of material and moral damage on the mentioned grounds.

Georgia

(2024): According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting complaint in case of wrongful arrest and/or wrongful conviction (same right is provided by Article 92 of the Code of Criminal Procedure).

Republic of Moldova

(General Comment): On 21 April 2011 a remedy against the non-enforcement of final domestic judgments and against unreasonable length of proceedings was adopted at the national level under the Law no. 87, in force as of 1 July 2011. According to it, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and award of a compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts examine the cases on these issues within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary, non-pecuniary damage and costs, expenses have to be awarded to the applicant. The procedure of enforcement of the court decisions issued under this Law is simplified, so as no further applications or formalities should be required from applicants. This remedy concerns both civil and criminal procedures. Another remedy, the Law No. 1545/1998 on the procedure to repair damages caused by the illicit actions of the criminal investigation bodies, prosecutor's offices and courts, regulates the procedure to apply for a compensation of pecuniary, moral damage and costs, expenses supported by the applicant (victim).

Question 156-1

Armenia

(2024): Civil and Criminal courts of first instance of general jurisdiction

Georgia

(2024): Only Court of Common Court's (depends on territorial jurisdiction) on the bases of general procedural law can decide the case (claim regarding the compensation).

Question 160

Azerbaijan

(General Comment): provisions are the same as reported in 2023, please keep this comment: "According to Article 107.3.3 of the Criminal Procedure Code of the Republic of Azerbaijan, the judge can be informed by any participant of the criminal process only before the court investigation has begun, and after the court investigation has begun, only if any participant of the criminal process has objected before directly objecting to the circumstances that exclude the participation of the relevant person in the process. it is objected when it is proved that it is. Objection to the judge (court composition) must be justified.

Briefly an objection may be made if there are grounds for objection appears during the court review and if it is proved. Article 109 of the Code defines the range of circumstances that exclude a person from participating as a judge in criminal proceedings. According to Article 109.4 of the Code, the opinion of the participants of the criminal process and the protested judge is studied, and the relevant decision is made by considering the self-protest or the protest

Question 161

Georgia

(2024): Detailed procedure of recusal of Judge and grounds for recusal of Judges are regulated by Civil, Administrative and Criminal Procedural Code of Georgia.

Republic of Moldova

(General Comment): In both criminal and civil proceedings the request needs to be motivated and the judge's recusal or disqualification shall be decided by another judge or, as the case may be, by a panel. The examination of the recusal/disqualification request is a urgent matter, listening to the parties and the person whose recusal is requested. In cases when a new panel cannot be formed in the same court to examine the case, this matter is decided by the hierarchically superior court, which, if it admits the recusal/disqualification, appoints a court to examine the case equal in hierarchy to the court in which the recusal was requested. The decision of the court on the recusal is not susceptible to be challenged.

(2024): The decrease by 40% of the initiated procedures and by 49% of the recusals pronounced in 2024 compared to 2023 can be explained by a decrease by around 40% of the civil and commercial registered cases in 2024 compared with 2023.

Question 162

Armenia

(2024): According to the Article 6 of the "Law on Prosecution" of RA, in the exercise of his/her powers, every prosecutor shall take decisions autonomously based on laws and inner conviction, and shall be responsible for decisions taken by him.

Any interference with the prosecutor's activities, which is not prescribed by law, leads to legal liability and shall be prohibited. According to the Article 32, instructions of the superior prosecutor are mandatory for the subordinate prosecutor, except in cases when the subordinate prosecutor finds that instructions are illegal or unfounded. In that case the subordinate prosecutor shall not follow the given instructions and must file a written objection to the superior prosecutor, who gave the instruction, except in cases when the instruction was given by the General Prosecutor.

Georgia

(General Comment): According to the legislation of Georgia, prosecutors are independent in their activity and no one has the right to interfere in it. Respectively, it is prohibited to give specific instructions to prosecutors on whether to prosecute or not. General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

(2024): The Prosecutor General of Georgia has the right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

Republic of Moldova

(General Comment): According to the Law on Prosecution Office, the prosecutor operates on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him/her the opportunity to make independent and unpersonal decisions in the cases he/she manages.

The procedural independence of the prosecutor shall be ensured by guarantees which exclude any political, financial, administrative or other influence on the prosecutor in connection with the exercise of his/her duties.

Ukraine

(2024): Pursuant to Article 9 of the CPC of Ukraine, during criminal proceedings, the prosecutor is obliged to strictly comply with the requirements of the Constitution of Ukraine, this Code, international treaties, requirements of other legislative acts, to investigate the circumstances of criminal proceedings in a comprehensive, full and impartial manner and to ensure that lawful and impartial procedural decisions are made.

Pursuant to Article 214 of the CPC of Ukraine, the prosecutor is obliged to immediately, but not later than 24 hours after filing a complaint or report of a criminal offense or after independently identifying circumstances from any source that may indicate the commission of a criminal offense, enter the relevant information into the URPTI and initiate an investigation.

At the same time, pursuant to Articles 303-307 of the CPC of Ukraine, the court, upon consideration of complaints against decisions, actions or inaction of the prosecutor or investigator, may oblige to perform a certain action, including entering information into the URPTI upon a statement or report of a criminal offense.

The prosecutor, exercising his/her powers in accordance with the requirements of this Code, shall be independent in his/her procedural activities, interference in which by persons not legally authorized to do so is prohibited. State authorities, local self-government bodies, enterprises, institutions and organizations, officials and other individuals are obliged to comply with the legal requirements and procedural decisions of the prosecutor (part 1 of Article 36 of the CPC of Ukraine).

We also note that according to part 1 of Article 17 of the Law of Ukraine “On Prosecution”, prosecutors exercise their powers within the limits established by law and are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies. Administrative subordination of prosecutors may not be a ground for limiting or violating the independence of prosecutors in the exercise of their powers.

Pursuant to Article 17(3) of the Law of Ukraine “On Prosecution”, in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this Article.

Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

At the same time, according to part 5 of this Article, the prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as clearly criminal orders or instructions. A prosecutor has the right to report to the Council of Prosecutors of Ukraine a threat to his or her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

Part 6 of Article 17 of the Law of Ukraine “On Prosecution” provides that giving (giving) an illegal order or instruction or its (his) execution, as well as giving (giving) or executing a clearly criminal order or instruction, entail liability under the law.

Thus, the provision of these specific illegal instructions to the prosecutor regarding the conduct of criminal prosecution is an interference with his/her procedural activities, which is prohibited by the said provisions.

Question 162-0

Armenia

(General Comment): According to Armenian Constitution- The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.

Azerbaijan

(General Comment): According to the Constitution, prosecution services are within the judicial branch and constitute an integral centralized body characterized by the subordination of territorial and specialized procurators to the General Procurator of the Azerbaijan Republic. As an authority, prosecutor's office is independent. But only in the following situation it may act independently (without court decision). Only on the basis of a court decision, the prosecutor's office may carry out procedural actions restricting the rights and freedoms of man and citizen, as provided for by the Constitution of the Republic of Azerbaijan.

Georgia

(General Comment): On 16 December 2018, the new Organic Law of Georgia on Prosecutor's Office and the amendments to the Constitution of Georgia entered into force. Since then, the Prosecutor's Office is established as an independent body outside of the authority of the Ministry of Justice and the Minister, headed by the General Prosecutor. The above-mentioned comment is valid with respect to the period starting from 16 December 2018.

(2024): : The PSG is an independent institution outside of the executive, legislative and judicial branches. The guarantee for its institutional independence is provided for at the highest level of legislation, the Constitution of Georgia. The head of the PSG is the Prosecutor General, who is elected for the six years term by the Parliament of Georgia, upon the nomination by the Prosecutorial Council. The Prosecutorial Council, an independent collegial body, itself has constitutional status as well and has a mandate to ensure the independence, transparency and effectiveness of the PSG. Article 71 §2 of the Organic Law on the Prosecution Service of Georgia guarantees the financial independence of the PSG. A reduction of the PSG budget in comparison to the budget for the previous year is only possible with the prior consent of the Prosecutor General.

Republic of Moldova

(General Comment): The prosecutor's office is an autonomous public institution within the judicial authority, which contributes to the administration of justice, the defense of the rights, freedoms and legitimate interests of the person, society and the state through criminal procedures and other procedures provided for by law.

The Prosecutor's Office is independent from the legislative, executive and judicial powers, from any political party or socio-political organization, as well as from any other institutions, organizations or persons.

The procedural independence of the prosecutor is ensured by guarantees that exclude any political, financial, administrative or other influence on the prosecutor related to the exercise of his duties. According to the provisions of art. 125 of the Constitution of the Republic of Moldova the Superior Council of Prosecutors is the guarantor of the independence and impartiality of prosecutors.

Ukraine

(General Comment): The prosecutor's office in Ukraine is an independent body, with its powers defined by the Constitution (Article 131-1) and regulated by the Law "On Prosecution." This law ensures that prosecutors alone exercise prosecutorial functions, prohibiting delegation or interference by other entities.

Prosecutors operate independently, free from unlawful influence or pressure, and are guided solely by the Constitution and laws of Ukraine. Their independence is safeguarded by legal guarantees, including appointment and dismissal procedures, protection from undue influence, financial and organizational support, and prosecutorial self-governance.

The Prosecutor General submits an annual report to Parliament by April 1, detailing efforts to uphold prosecutorial independence, including reports of threats and corresponding actions taken.

Question 162-1

Ukraine

(2024): It should be noted that part 3 of Article 17 of the Law of Ukraine “On Prosecution” stipulates that in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article. Higher-level prosecutors shall have the right to give instructions to a lower-level prosecutor, to approve certain decisions and to perform other actions directly related to the exercise of prosecution functions by that prosecutor, exclusively within the limits and in the manner prescribed by law. The Prosecutor General has the right to give instructions to any prosecutor.

In addition, pursuant to Article 308(1) of the CPC of Ukraine, a suspect, accused, victim, or other persons whose rights or legitimate interests are restricted during the pre-trial investigation have the right to appeal to a higher-level prosecutor against the failure to comply with reasonable time limits by the investigator, detective, or prosecutor during the pre-trial investigation. Pursuant to Article 308(2) of the CPC of Ukraine, a higher-level prosecutor is obliged to consider the complaint within three days after it is filed and, if there are grounds for its satisfaction, provide the relevant prosecutor with binding instructions on the time limits for certain procedural actions or procedural decisions. The person who filed the complaint shall be promptly notified in writing of the results of its consideration.

In addition, according to part 1 of Article 16 of the Law of Ukraine “On Prosecution”, the independence of the prosecutor is ensured, among other things, by the prohibition of unlawful influence, pressure or interference in the exercise of the prosecutor's powers.

According to the provisions of part 2 of this article, in exercising the functions of the prosecutor's office, the prosecutor is independent of any unlawful influence, pressure, interference and is guided in his/her activities only by the Constitution and laws of Ukraine.

At the same time, Article 17 of this Law contains provisions on the subordination of prosecutors and the execution of orders and instructions. Thus, prosecutors are subordinate to their superiors only in terms of execution of written administrative orders related to organizational issues of prosecutors and prosecution bodies.

According to the requirements of part 3 of this article, in the exercise of powers related to the prosecution functions, prosecutors are independent, independently decide on the procedure for exercising such powers, guided by the provisions of the law, and are obliged to execute only such instructions of a higher-level prosecutor that were given in compliance with the requirements of this article.

Question 162-2

Ukraine

(2024): Pursuant to part 4 of Article 17 of the Law of Ukraine “On Prosecution”, administrative orders, as well as instructions directly related to the exercise of prosecutorial functions by the prosecutor, issued (given) in writing within the powers defined by law, are binding on the relevant prosecutor.

The prosecutor who received an order or instruction orally shall be provided with a written confirmation of such order or instruction

Question 162-3

Ukraine

(2024): Pursuant to Article 17(5) of the Law of Ukraine “On Prosecution”, a prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as orders or instructions that are clearly criminal. A prosecutor has the right to report to the Council of Prosecutors of Ukraine a threat to his or her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

Under Part 6 of Article 17 of the Law of Ukraine “On Prosecution”, the issuance (giving) of an unlawful order or instruction or its (his) execution, as well as the issuance (giving) or execution of a clearly criminal order or instruction, entail liability under the law

Question 162-4-1

Ukraine

(2024): No such statistical records are kept.

The reports prepared by the prosecutor's offices do not include data on “the number of instructions given to the prosecutor on criminal prosecution”.

Question 162-5

Ukraine

(2024): Pursuant to Article 17(5) of the Law of Ukraine “On Prosecution”, a prosecutor is not obliged to execute orders and instructions of a higher-level prosecutor that raise doubts about their legality, unless he or she has received them in writing, as well as orders or instructions that are clearly criminal. The prosecutor has the right to apply to the Council of Prosecutors of Ukraine with a report on the threat to his/her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor.

In addition, pursuant to Article 16(5) of the Law of Ukraine “On Prosecution”, public authorities, local self-government bodies, other state bodies, their officials and employees, as well as individuals and legal entities and their associations are obliged to respect the independence of the prosecutor and refrain from exercising any form of influence on the prosecutor in order to impede the performance of official duties or make an illegal decision.

Pursuant to part 6 of Article 16 of the Law of Ukraine “On Prosecution”, the prosecutor has the right to report a threat to his or her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately check and consider such a report with his or her participation and take the necessary measures to eliminate the threat within the limits of its powers under this Law.

Question 164

Armenia

(2024): The Judicial Code of the Republic of Armenia

Ukraine

(General Comment): The independence and untouchability of judges are guaranteed by Articles 126 and 129 of the Constitution of Ukraine, and stipulate that judges are independent in the administration of justice and are subject only to the law. The Law of Ukraine ‘On the Judiciary and the Status of Judges’ (hereinafter the Law) defines the conditions for the performance of professional duties of judges and legal means by which the implementation of constitutional guarantees of judicial independence and independence of judges is ensured. In particular, Article 6 of the Law prohibits interference with the administration of justice, influence on the court or judges in any way, contempt of court or judges, collection, storage, use and dissemination of information in any form to harm the authority of judges or influence on the impartiality of the court.

Article 48 of the Law provides for the means of ensuring the independence of judges, which include: a special procedure for the appointment, selection, prosecution and dismissal of judges, the untouchability, immunity and the irremovability of judges; the procedures for administration of justice defined by procedural law and the secret of decision making; prohibition of interference with the administration of justice; liability for contempt of court or a judge; a separate procedure for funding and organizational support of functioning of courts stipulated by law; adequate financial and social support of judges; functioning of bodies of judicial governance and self-government; means defined by law to ensure personal safety of a judge and members of his/her family, property and other means of legal protection; the right of judges to retirement.

Question 166

Armenia

(2024): Law "on Prosecution"

Question 171

Republic of Moldova

(2024): Source: General Prosecutor's Office

Question 172-0

Armenia

(2024): Corruption Prevention Commission has a huge role in this process. According to Part 6 of the Article 25 of the "Law on the Corruption Prevention Commission": "If, as a result of the analysis of the declarations, the Commission concludes that the declaration has not been submitted within the period prescribed by law or has been submitted in violation of the relevant requirements of procedure, or the declared information is incorrect or incomplete, it shall initiate administrative violation proceedings

Republic of Moldova

(General Comment): There is a mandatory rotation implemented in Moldova for investigating judges (judges examining specific requests and authorizing specific measures/actions during the criminal investigation phase in criminal cases).

(2024): Other: random assignment of cases, Judicial Inspection reports, disciplinary procedures.

Question 173-1

Armenia

1. When carrying out any activity and in all circumstances, a judge is obliged to:
 - 1) refrain from behavior that discredits the judiciary, as well as reduces public confidence in the independence and impartiality of the judiciary.
 - 2) not to use or allow others to use his/her position as a judge for his/her own benefit or that of another person.
 - 3) demonstrate political restraint and neutrality.
 - 4) refrain from interfering with the administration of justice by another judge.
 - 5) refrain from publicly questioning the professional and personal qualities of a judge;
 - 6) refrain from publicly questioning the actions and judicial acts of the court, except in cases provided for by law or within the framework of professional activities carried out within the framework of academic freedom.
 - 7) refrain from publicly expressing an opinion on a case being heard or pending in any court, except in cases where the judge is acting as a party or a legal representative of a party.
 - 8) refrain from making any statement or displaying any behavior that jeopardizes or calls into question the independence and impartiality of a judge or court.
 - 9) immediately report to the Supreme Judicial Council any interference in his/her activities related to the administration of justice and other powers provided for by law, as well as the exercise of rights arising from the status of a judge.
 - 10) not to act as a representative and not to provide advice, including on a free basis, except in cases where he acts as a legal representative or provides free legal advice to his close relatives or persons under his guardianship. trusteeship.
 - 11) observe the restrictions on accepting gifts set forth in this Code;
 - 12) not to initiate, permit or take into account any communication with the other party to the proceedings or its counsel without the participation of the opposing party or its counsel (“ex parte”, hereinafter referred to as “non-adversarial”), and. In the case of non-adversarial communications occurring independently of the judge’s will, at the earliest opportunity, to inform the non-participating party of the content of such communications, giving them the opportunity to respond. Exceptions to this rule are permitted only in the following cases:
 - a. when circumstances require non-conflicting communications for organizational purposes, for example, in agreeing on the date and time of a court hearing or in other cases of organizing the proceedings, and provided that the communications do not concern the substance of the case; as a result of which one of the parties to the proceedings does not obtain a procedural or other advantage over the other party, and the judge informs the other party of the content of such communications at the earliest opportunity, giving it an opportunity to respond,
 - b. when the judge's unilateral communications are directly provided for by law.
 - 13) not to initiate or allow a consultation with a judge of a higher court to whom a complaint may be filed in a given case, as well as with a judge who has recused himself in a given case.
 - 14) When a judge turns to a specialist who is not interested in the outcome of the case for advice on issues of applicable law (with the exception of another judge, as well as court staff whose function is to assist the judge in the administration of justice), the judge is obliged, at the earliest opportunity, to inform the parties of the identity of that specialist, the opinion received on the issue presented, and to give them the opportunity to present their position in this regard.
 - 15) submits a declaration of property, income, interest, and expenses in accordance with the Law on Public Service and the requirements provided for by that law.

Question 175-1

Republic of Moldova

every action and decision, respecting the highest standards of ethics and conduct according to the following principles: - supremacy of law; - independence;- integrity; - impartiality; - professionalism; - collegiality; - transparency; - confidentiality; - fairness.

All the principles counted in the question are contained in the principle 6.2 of the Code of Ethics, so hereby are the articles from the Code.

6.2 Principle of independence According to this principle, the prosecutor must:

6.2.1 exercise his or her powers independently, impartially, honestly, irreproachably, showing high moral character and utmost fairness, and contribute to the efficient and effective performance of justice. Independence is not a privilege or a prerogative conferred on prosecutors for their personal interest, but a guarantee of fair, impartial and effective justice, which protects the public

and private interest in society;

6.2.2 to be independent in making decisions and in the performance of his or her duties, ensuring respect for the principles of separation of powers, legality, institutional independence and accountability; lobbying, interference or outside influence, including from those active in politics, economics, finance, cults or the media, shall not be allowed in the work of the prosecutor; 6.2.

3 in making decisions, including discretionary ones, act independently and impartially in accordance with the law, respecting the provisions of this Code and all departmental and interdepartmental acts; 6.2.4 make decisions based on impartial and objective evaluation of evidence, taking into account all relevant circumstances of the case, perform his duties without fear, favouritism or prejudice; 6.2.5 not to use the prerogatives of his office to influence the decisions of other institutions or persons working both in the public and private spheres; 6.2.6 not to belong to parties, movements or socio-political formations or to carry out activities of a political nature or which, not being political, call for a change in the existing political order, and, in the exercise of his duties, to refrain from expressing or manifesting in any way his political convictions or views; 6.2.7 not to carry out the instructions or requests of politicians, persons in public office, state officials and representatives of legal institutions, if they are contrary to the law, other normative acts or the principles of this Code, except for the written instructions of the superior prosecutor, given in strict accordance with the law. If he receives such indications or requests, he shall immediately inform the superior public prosecutor, and if such indication or request contains the elements of a criminal offence, he shall report it to the prosecutor. 6.2.8 promote and defend the independence of the profession. To refer to the High Council of Prosecutors any act likely to affect

the independence, impartiality or professional reputation.

6.3 Integrity principle According to this principle, the prosecutor must:

6.3.1 uphold the highest standards of integrity and accountability in order to ensure society confidence in the Office of the Prosecutor;

6.3.2 being aware of the risks of corruption, to refrain from corrupt behaviour in his or her work, to neither demand nor accept gifts, favours, benefits or other illicit remuneration for the performance or, as the case may be, non-performance of his or her duties or by virtue of his or her office; 6.3.3 refrain from making decisions when the interests of himself/herself, persons related by blood, adoption, affinity or other persons close to his/her family could influence the fairness of decisions; 6.3.4 not act as a prosecutor and not provide advice to others in cases where the prosecutor, his/her family or his/her business partners have a personal, private or financial interest. As an exception, the prosecutor may offer advice to his or her parents, spouse, children and persons under his or her guardianship or conservatorship; 6.3.5 not to make promises regarding decisions to be made, to behave honestly and decently, by personal example, to

Ukraine

- rule of law and legality
- respect for human and civil rights and freedoms, non-discrimination
- independence and autonomy;
- political neutrality;
- presumption of innocence;
- fairness, impartiality and objectivity;
- professional honor and dignity, building trust in the prosecution service;
- transparency of official activities, confidentiality;
- refraining from executing illegal orders and instructions;
- prevention of conflict of interest;
- competence and professionalism;
- integrity, exemplary behavior and discipline;
- respect for the independence of judges.

Articles 6-31 of this Code define such issues as:

- rule of law and legality;
- respect for human and civil rights and freedoms, non-discrimination
- independence and autonomy, political neutrality;
- presumption of innocence, fairness, impartiality and objectivity;
- professional honor and dignity, transparency of official activities, confidentiality;
- refraining from giving and executing illegal orders and instructions;
- competence and professionalism;
- prevention of conflicts of interest and corruption, integrity;
- respect for the independence of judges;
- prevention of behavior that may damage reputation;
- restrictions on the prosecutor's participation in political and other activities;
- relations with law enforcement, judicial and other state authorities, local self-government bodies, participants of legal proceedings, mass media, and citizens.

On 27.08.2024, the All-Ukrainian Conference of Prosecutors amended the Code of Professional Ethics and Conduct of Prosecutors, which stipulates that the legal basis for regulating relations in

Question 176

Armenia

(2024): It should be noted that according to article 73 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", if a judge has received a gift that can be reasonably perceived as a gift made in connection with the performance of his official duties, the latter, in accordance with the established procedure, immediately, but no later than within five days, informs the Ethics and Discipline Commission in order to receive an advisory opinion on actions aimed at resolving the situation within fifteen days., if what is considered unacceptable within the meaning of this article, the judge is obliged to ensure the return of the gift received or the payment of equivalent compensation within ten days after receiving the advisory opinion. if the return of the gift within the prescribed period or the payment of equivalent compensation is impossible, the judge is obliged to transfer the gift to the state in accordance with the established procedure.

Currently, a draft of a new amendment to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia" has been developed, the purpose of which is to provide a judge with the opportunity to give confidential advice on ethical and disciplinary issues. It is planned that the General meeting of judges will form an advisory committee on Ethics and Code of Conduct, which will provide confidential advice to judges on ethics and Code of Conduct, including developing and publishing an information guideline based on the consultations provided.

Azerbaijan

(General Comment): A counselling group was established at the Conference of the Union of Public Associations of Judges held on 20/02/2016, as a result of discussions on the Ethics Code of Judicial Conduct (these were held in light of the Bangalore Principles of Judicial Conduct). The participants of the conference adopted the Statute of the Counselling Group, which regulates the setting-up of this body, the election of its members and other aspects of its functioning. The Group operates on a continuous basis, providing counselling on ethical issues upon request and on a confidential basis.

Republic of Moldova

(General Comment): In the case of dilemmas or problems, which concern the interpretation and the application of the provisions of the Code of ethics and professional conduct of a judge, the Ethics Committee, as an advisory body, adopts, ex officio or upon request a written advisory opinion on how to resolve the matter. The opinion is general. In the case of the dilemma on behavior in a concrete case, which concerns a judge, he\she may ask for a recommendation (an advice), and the Committee, in a shortest term, presents its opinion, from the perspective of the provisions of the Code of ethics and professional conduct of judges. The Ethics Committee issues advisory opinions and recommendations on conduct in the future to be followed. No advisory opinions and recommendations are issued on past or present conduct, unless this will continue in the future.

The Ethics Committee was created in 2018 by the Superior Council of Magistracy. A specific Regulation was approved by the Superior Council of Magistracy's decision (229/12 from 2018) in this regard. The meetings of the Committee are deliberative in the majority composition of its members. The organizational activity and secretarial work of the Committee are provided by the Secretariat of the Superior Council of Magistracy. If the opinion addresses several issues, each issue will be described separately.

The Commission's opinion/recommendation has a recommendatory character and cannot be subject to any appeal.

The judge who complied with the advisory opinion/recommendation issued by the Commission is not liable for the respective actions.

Ukraine

(General Comment): The Ethics Council is formed to assist the bodies that elect (appoint) members of the High Council of Justice in determining whether a candidate for the position of a member of the High Council of Justice (HCJ), a current member of the HCJ, meets the criteria of professional ethics and integrity.

The Ethics Council was formed in accordance with the provisions of the Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Procedure for Election (Appointment) of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice" No. 1635-IX of July 14, 2021

Question 177

Azerbaijan

(General Comment): It is composed of three experienced judges, representing all court instances (district court, appellate court and Supreme Court) and genders.

Republic of Moldova

(General Comment): The Ethics Committee has 7 members - 5 judges and 2 non-judge members who are also members of the Superior Council of Magistracy. The term of office as members of the Commission corresponds to the term of office as members of SCM.

(2024): The Committee aims to prevent violations of professional ethics, promote self-regulatory standards of professional conduct of judges through consultancy and advice on issues of professional conduct of judges. Committee competencies:

- a) issues, upon request or ex officio, opinions/recommendations for judges with reference to dilemmas or problems related to the interpretation and application of the provisions of the Code of Ethics and Professional Conduct of Judges, these representing solutions directives for appropriate conduct;
- b) ensures the annual systematization of its practice;
- c) proposes, as appropriate, to the General Assembly of Judges amendments and new texts to the Code of Ethics and Professional Conduct of Judges;
- d) endorses the proposals submitted to the General Assembly of Judges regarding the amendment or completion of the Code of Ethics and Professional Conduct of Judges.

<https://www.csm.md/files/Hotaririle/2018/12/229-12.pdf>
<https://www.csm.md/files/Hotaririle/2023/25/416-25.pdf>

Ukraine

(General Comment): The Ethics Council consists of six members: 1) three members nominated by the Council of Judges of Ukraine from among judges or retired judges; 2) one member nominated by the Council of Public Prosecutors of Ukraine; 3) one member nominated by the Council of Lawyers of Ukraine; 4) one member nominated by the Board of the National Academy of Legal Sciences of Ukraine. The first composition of the Ethics Council comprised three judges or retired judges nominated by the Council of Judges of Ukraine and three members nominated by international and foreign organizations that have provided international technical assistance to Ukraine in the area of the judicial reform and anti-corruption action under international treaties or inter-state agreements over the past five years.

In accordance with paragraph 23-1. of Section III “Final and Transitional Provisions” of the Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Procedure for Election (Appointment) of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice” No. 1635-IX of July 14, 2021, the first composition of the Ethics Council is formed of three persons from among judges or retired judges proposed by the Council of Judges of Ukraine and three persons proposed by international and foreign organizations that, in accordance with international or interstate agreements, have

The composition of the Ethics Council includes:

1. ~~Dev~~ Kyshakevych - Supreme Court judge in the Criminal Court of Cassation; 2. ~~Murii~~ Tryasun - retired judge of the Kyiv Court of Appeal;
3. ~~Volodymyr~~ Siverin, retired judge of the Eastern Economic Court of Appeal; 4;
4. Sir Anthony Hooper, retired judge of the Court of Appeal of England and Wales;
5. ~~Evli~~ Perling - former Prosecutor General of the Republic of Estonia;
6. ~~Peter~~ F. Schenck, retired U.S. Attorney.

Question 178

Republic of Moldova

(General Comment): For the purpose of ensuring confidentiality, the Committee's documentation, including all opinions, requests, replies, draft opinions / recommendations distributed, acts, documents, files, communications with Committee staff and procedures will be kept confidential and will not be made public, unless the solicitant agrees. Opinions of public interest are published on the website of the SCM.

Ukraine

(General Comment): In accordance with the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Procedure for Election (Appointment) of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice of July 14, 2021 No. 1635-IX”, the first composition of the Ethics Council began its work on November 9, 2021.

In accordance with Section II of the said Law, the Ethics Council within six months from the date of approval of its personal composition shall assess the compliance of the members of the High Council of Justice once.

Based on the results of the interviews with the current four members of the High Council of Justice, one member was found not to meet the criteria of professional ethics and integrity to hold the position of a member of the High Council of Justice and was dismissed from the position of a member of the High Council of Justice on the recommendation of the Ethics Council. The other three members were recognized by the Ethics Council as meeting the above criterion.

During the period of its work, the Ethics Council selected candidates for the position of a member of the High Council of Justice, whose appointment/election it carries out:

Verkhovna Rada of Ukraine

Congress of representatives of law schools and research institutions (3 competitions)

Congress of Judges of Ukraine, All-Ukrainian Conference of Prosecutors,
the President of Ukraine (2 competitions).

In total, 153 candidates and 4 current HCJ members were evaluated.

As of December 20, 2024, the Ethics Council has adopted 163 decisions.

In 2023, the Ethics Council faithfully fulfilled one of the requirements of the European Commission for Ukraine's accession to the European Union - the High Council of Justice, the highest body of judicial governance, was restored.

As of today, the total number of members of the High Council of Justice is 17 (out of 21 positions established by Article 5 of the Law of Ukraine “On the High Council of Justice”).

Thus, 4 positions of the High Council of Justice members remain vacant, namely: 2 - elected by the Congress of Advocates of Ukraine and 2 - appointed by the President of Ukraine.

Currently, the Ethics Council, in accordance with part fourteen of Article 91 of the Law of Ukraine “On the High Council of Justice”, is assessing the compliance with the criteria of professional ethics and integrity of candidates for the position of a member of the High Council of Justice, elected by the Congress of Judges of Ukraine for 2 positions that will become vacant in March 2025.

Between December 11 and 12, 2024, the Ethics Council interviewed 4 candidates to be elected by the Congress of Judges of Ukraine. All interviews were conducted via videoconference using electronic communication tools and broadcasted in real time on the official web portal of the judiciary of Ukraine. In the near future, the Ethics Council will continue to conduct interviews with candidates for the position of a member of the High Council of Justice, who are elected by the Congress of Judges of Ukraine.

(2024): https://ec.court.gov.ua/ec/pres-centr/rishenna_er/

Question 178-1

Ukraine

(General Comment): In 2024, the Ethics Council assessed 13 candidates for the position of a member of the High Council of Justice appointed by the President of Ukraine for compliance with the criteria of professional ethics and integrity.

At the same time, the Ethics Council, by its Decision No. 2 of April 11, 2024, refused to allow 1 candidate for the position of a member of the High Council of Justice appointed by the President of Ukraine to be interviewed.

The Ethics Council recognized 4 candidates as not meeting the criteria of professional ethics and integrity for the appointment of the HCJ member by the President of Ukraine.

Also, the Ethics Council decided to recognize 2 candidates as meeting the criteria of professional ethics and integrity for the appointment of a member of the HCJ by the President of Ukraine.

In addition, 6 candidates filed applications for withdrawal from the competition.

Thus, on June 19, 2024, the Ethics Council adopted a decision “On Approval of the List of Candidates Recommended for Appointment by the President of Ukraine as a Member of the High Council of Justice” and, pursuant to paragraph 9 of Part 20 of Article 91 of the Law of Ukraine “On the High Council of Justice”, sent to the Competition Commission for the Selection of Candidates for the Appointment by the President of Ukraine to the Vacant Position of a Member of the High Council of Justice conclusions on the eligibility of each candidate and the list of candidates recommended for appointment by the President of Ukraine as a member of the High Council of Justice.

(2024): On admission or denial of admission to the interview of candidates for the position, on setting dates for interviews with candidates for the position of a member of the High Council of Justice, on compliance or non-compliance of a candidate for the position of a member of the High Council of Justice

Question 179

Armenia

(2024): By the order of the Prosecutor General in 2019 a commission was established with the purpose of providing consultation on ethical matters to prosecutors. As a result, the bodies providing confidential consultation to prosecutors and those conducting disciplinary proceedings are separated from each other. Measures have been taken to improve the effectiveness of the activities of the mentioned commission in providing consultation to prosecutors on ethical matters and to ensure that prosecutors are informed about the available opportunities for confidential consultation within the Prosecutor's Office. In particular, all staff members of the Prosecutor's Office have been directed to become acquainted with the roles of the aforementioned commission and the procedure for submitting applications when issues arise concerning the interpretation and implementation of the ethical and conduct standards for prosecutors

Republic of Moldova

(General Comment): According to the provisions of the national legislation the Disciplinary and Ethics Board subordinated to the Superior Council of Prosecutors has the competence to adopt recommendations on the prevention of disciplinary misconduct and compliance with ethics by the prosecutors. The Disciplinary and Ethics Board was created in 2016 by the Superior Council of Prosecutors. A specific Regulation was approved by the Superior Council of Prosecutor's decision (12-228/16 from 2016) in this regard. The meetings of the Board are deliberative if at least 5 of its members are present. The organizational activity and secretarial work of the Board are provided by the Secretariat of the Superior Council of Prosecutors.

Question 180

Azerbaijan

(General Comment): In order to bring to disciplinary responsibility for unethical conduct of prosecutors by reviewing information collected on violations of the rules of ethical conduct, conflict of interest, transparency and anti-corruption or service inspections, giving an opinion on the imposition of disciplinary sanctions in ethical conduct, an Ethical Conduct Commission has been established in the Prosecutor General's Office.

The prosecutor's office shall consider the relevant information about the employee or the material collected during the official inspection in accordance with the principles of legality, collegiality, justice, impartiality and objectivity and submit it to the Prosecutor General. The Ethical Conduct Commission has 7 (seven) members, who are appointed by the Prosecutor General of the Republic of Azerbaijan from among the candidates elected by the Board of the Prosecutor General's Office. 5 members of the Commission are authorized to carry out disciplinary proceedings.

Georgia

(2024): The General Inspectorate of the Office of the Prosecutor General, which is in charge of conducting administrative investigations into disciplinary violations, provides counselling to interested PSG employees regarding ethical questions related to the conduct of prosecutors.

Republic of Moldova

(General Comment): The Board consists of 7 members: 4 prosecutors and 3 members from civil society.

(2024): The Disciplinary and Ethics Board is composed by 4 prosecutors and 3 members from civil society

Question 181

Azerbaijan

(General Comment): Guideline on Conflict of

Interest published by Anti-Corruption Directorate with the Prosecutor General of the Republic of Azerbaijan (ACD):

<https://genprosecutor.gov.az/storage/pages/MmsFw0RhFM6m2c3l93mhm3P6SMYaQ6KT5LjIPAgQ.pdf>

Georgia

(2024): On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia, which was circulated among all PSG staff electronically on the same day. Detailed examples were included in the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia about the disciplinary liability and applicable sanctions, inter alia, violation of specified requirements of the Code of Ethics. In March 2021, GRECO concluded that Georgia had implemented its recommendation xiii satisfactorily. The recommendation stipulated that the "Code of Ethics for Employees of the Prosecution Service of Georgia" continues to be updated, is communicated to all prosecutors and made easily accessible to the public; (ii) that it be complemented by practical measures for the implementation of the rules, such as further written guidance and explanations, further training and confidential counselling".

Republic of Moldova

(General Comment): The Board, in order to provide guidelines to other prosecutors who may be in similar situations, may decide to publish individual opinions on the official website of the Superior Council of Prosecutors. In this case, the name of the prosecutor and other information that constitutes personal data will be excluded from the individual opinion before its publication. The opinions are published in the same menu as the decisions concerning disciplinary issues.

Pursuant to Article 89(b) of Law 3/2016, the Disciplinary and Ethics Board adopts recommendations on the prevention of disciplinary offences within the Office of the Public Prosecutor and the observance of prosecutors ethics. Similar provisions are contained in point 20 of the Regulation on the organisation and activity of the Discipline and Ethics Board, adopted by Decision No. 12-228/16 of 14.09.2016, which states that, in order to carry out its tasks, the Board is responsible for adopting recommendations on the prevention of disciplinary offences and compliance with ethics by prosecutors, as well as formulating individual opinions on incompatibilities of prosecutors or, where appropriate, possible or alleged conflicts of interest, and on issues of ethics and deontology of prosecutors.

According to paragraph 11 of the Code of Ethics for Prosecutors; The Disciplinary and Ethics Board shall develop additional written guidance on the interpretation of ethical rules that prosecutors will face, including practical examples of violations of the Code provisions. Confidential counselling in specific cases, at the request of the prosecutor concerned, will be provided by persons appointed by the PSB as Ethics Advisers, who will be chosen from among former members of the self-governing bodies of the Prosecution. The selection will take into account the prosecutors reputation and communication skills. The PSB shall make public the list of counsellors identities, contact details and regulate the conditions for holding discussions and maintaining confidentiality.

Ukraine

(2024): The Code of Professional Ethics and Conduct for Prosecutors is available on the official website of the Prosecutor General's Office at

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=228319.

The Article-by-Article Commentary to the Code of Professional Ethics and Conduct of Prosecutors is available on the official website of the Prosecutor General's Office at

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=223942.

In addition, according to part 2 of Article 45 of the Law of Ukraine "On Prosecution", anyone who has knowledge of such facts has the right to file a disciplinary complaint against a prosecutor for committing a disciplinary offense. A recommended sample of a disciplinary complaint is available on the website of the Prosecutor General's Office:

https://old.gp.gov.ua/ua/file_downloader.html?_m=fslib&_t=fsfile&_c=download&file_id=214575.

Decisions of the relevant body conducting disciplinary proceedings (Qualification and Disciplinary Commission of Prosecutors), including those concerning compliance with the standards of professional ethics and conduct of prosecutors, are published on the official website of the said body.

Question 181-1

Georgia

(2024): PSG comment: No statistics are kept on the counselling provided by the General Inspectorate of the Office of the Prosecutor General of Georgia to prosecutors on ethical questions.

See information regarding the guideline in the answer to Question N181.

Republic of Moldova

(2024): The Disciplinary and Ethics Board has no guideline or opinion issued yet.

The development of the mechanism for ethics counselling is pending.

Question 182

Armenia

(2024): A natural or legal person, in accordance with the procedure established by the law "on Whistleblowing", who, in accordance with the procedure provided for by Law, in good faith reports information about a case of corruption or conflict of interest, or violation of rules of conduct, or requirements, or other restrictions, or other restrictions, or declaration, or other damage to public interests, or about the threat of their infliction, in relation to an official, body, organization or employee of an organization with whom he is or was in labor, civil, administrative or other relations, or to whom he turned for the purpose of providing services, or who was mistaken for an informant. Also, interference in any form in the activities of a court or in the activities of a prosecutor, investigator, head of an investigative body, body of inquiry, attorney-at-law or representative for the purpose of obstructing the administration of justice or other powers provided for by law as a court, or for the purpose of obstructing the investigation of a case is a crime according to the Article 486 of the Criminal Code of the Republic of Armenia.

Georgia

(2024): Independent Inspector of High Council of Justice of Georgia is competent body for investigating all allegations of corruption and attempts to influence in relation to Judges. Furthermore Information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Also the Anticorruption Burro manages a whistleblowing website <https://mkhileba.acb.gov.ge/> The PSG General Inspectorate is a competent body for investigating the allegations of corruption and attempts to influence in relation to prosecutors. The report to the General Inspectorate can be made through any possible means of communication, including a written statement, e-mail, hotline and website (<https://mkhileba.acb.gov.ge/>). Even anonymous reports are acceptable. Notably, under the existing criminalization of corruption, offering a bribe or accepting such an offer is a complete corruption offense rather than the attempt.

Republic of Moldova

National Anticorruption Center. Confidentiality is guaranteed.

In order to prevent and combat cases of corruption in the judiciary, the Superior Council of Magistracy has established the anti-corruption hotline functional between 8:00 and 17:00 5 days in a week: (022) 990-990 (Chancellery).

Through the displayed phone number, any person has the opportunity to communicate about the known act of corruption in the judiciary. Confidentiality is guaranteed.

SCM has approved a Regulation on keeping data on the undue influence in courts and SCM in 2014. It is available at:

https://www.csm.md/files/Acte_normative/evidenta_cazurilor_influenta.pdf. Another Regulation approved by SCM in the same year in this regard envisages the whistleblowers in courts and SCM. It is available at: https://www.csm.md/files/Acte_normative/Regulamentul_privind_avertizorii_de_integritate.pdf. In 2018 SCM has approved Judges' Integrity Guidelines. It is available at: <https://www.csm.md/files/Hotaririle/2018/16/318-16.pdf>.

The General Prosecution Office has published also a list of hotlines on its webpage.

By Order of the Prosecutor General No.62/35 of 03.12.2014, the Regulation on the evidence of cases of improper influence exerted on public officials of the Prosecutors Office was approved, in order to ensure the professional integrity of the employees of the Prosecutors Office bodies, to prevent and combat corruption, to establish the single order of communication, identification and evidence of improper influence exerted on public officials employed by the Prosecutors Office bodies, pursuant to Art.7 paragraph (2) letter b) of the Law no.325 of 23.12.2013 on the evaluation of professional integrity, Government Decision no.767 of 19.09.2014 on the implementation of the Law no.325 of 23.12.2013. According to the mentioned Regulation: The public official, employee of the Prosecutors Office bodies, subject to improper influence is obliged:

- 1) to refuse undue influence;
- 2) to lawfully carry out the activity for which the undue influence occurred;
- 3) to make a denunciation about the exercise of undue influence in the manner provided for in items 8-9 of this Regulation.

6. The Prosecutor General shall designate the Inspectorate of Public Prosecutors to:

- (a) perform the duties of receiving and recording cases of improper influence;
- (b) keep records of reports in a special register of cases of improper influence;
- (c) ensure the confidentiality of the reports made, the information obtained from their examination and the data in the register of cases of undue influence;
- (d) verify the performance of the tasks for which the undue influence arose;
- (e) take measures to prevent cases of undue influence by being directly involved in their resolution (warning through

(1) In order to ensure the impartiality and objectivity of serving the public interest, the professional activity of the public agent must be carried out free from any improper influences. The mechanism for denunciation and treatment of improper influences is regulated by the Government.

(2) The head of the public entity has the following obligations in relation to the refusal, denunciation and treatment of improper influences:

- a) to adopt administrative acts establishing the rules for organizing the activities of denunciation and treatment of improper influences by public agents;
- b) to ensure the recording, in a special register, of cases of improper influence exercised over public officials;
- c) to ensure the possibility of denouncing keeping the confidentiality, cases of improper influence;
- d) to ensure the necessary conditions for the legal performance of the activity by the public official and to verify the manner of execution of the duties for which the improper influence occurred;
- e) to undertake measures to prevent cases of improper influence by directly involving in their resolution;
- f) to apply the disciplinary liability to public officials who carry out their professional activity without rejecting the improper influences to which they are subject or without denouncing the improper influences that they cannot reject on their own.

The public agent subject to improper influence is obliged:

- a) to expressly reject the improper influence;
- b) to legally carry out the activity for which the improper influence occurred;
- c) in the event of the impossibility of expressly rejecting the improper influence and of the impairment of his/her professional activity, to file a written complaint, within 3 working days, to the responsible person within the public entity, designated by the manager, about the exercise of improper influence;
- d) to file a complaint about the exercise of improper influence to the National Anticorruption Center if the source of the improper influence is the manager of the public entity or if, after filing a complaint in the manner provided for in letter c), the manager does not honor his/her obligations provided for in paragraph (2) letters d) and e).

Article 18 Non-admission, denunciation of manifestations of corruption and protection of whistleblowers

(2) The head of the public entity has the following obligations in order to prevent corruption and to ensure its denunciation:

- a) to promptly submit to the National Anticorruption Center the information communicated to him/her by public agents regarding corruption manifestations in which their involvement was attempted if there are elements of a crime or administrative offence and if this information was not communicated to the Center directly by the respective public agents;
- b) to ensure the proper conduct of the professional activity of public agents in respect of whom attempts were made in order to involve them in corruption manifestations;
- c) to ensure that administrative measures are taken to prevent other attempts to involve public agents in corruption manifestations, similar to those that were denounced;
- d) to apply disciplinary liability to public agents who have failed to denounce attempts to involve them in corruption manifestations;
- e) to provide the National Anticorruption Center, upon its request, with information on the denunciation of corruption by public officials.

Question 184

Armenia

(2024): According to Parts 2 and 3 of the Article 42 of the Judicial Code:

“Where a judge is in charge of a case of particular complexity, the judge may apply to the Supreme Judicial Council with a suggestion to temporarily remove his or her name and surname from the distribution list or define a different percentage of cases to be distributed to him or her. Where it finds the application of the judge to be reasonable, the Supreme Judicial Council shall make a decision on temporarily removing the name and surname of the judge from the list of distribution of cases or on prescribing a different percentage of cases to be distributed to the judge and define a certain time limit for it which may not exceed six months. Based on the application of the judge, the Supreme Judicial Council may make a decision on extending the time limit of six months where the examination of the case of particular complexity has not ended.

The name and surname of a judge shall be removed from the list of distribution of cases:

- (1) in the case of a leave — for the period of the leave and the period of the preceding ten days;
- (2) in the case of secondment to another court — for the period of secondment and the period of the preceding ten days. The name of the seconded judge shall be removed from the list of distribution of cases of the court to which the judge was seconded one month before the expiry of the period of secondment;
- (3) in the case of temporary incapacity, participation in training courses, secondment abroad or suspension of powers — for the relevant period;
- (4) in the case of expiry of the term of office — three months before the expiry of the term of office;
- (5) in other cases provided for by this Code.”

Azerbaijan

(2024): Other type of allocation: When cases are sent to lower courts for reconsideration due to the annulment of court decisions by higher courts, the system ensures that those cases are distributed among other judges who have not previously participated in the consideration of the case.

Question 185

Armenia

(2024): The Judicial Code prescribes the circumstances when the cases are redistributed. According to Part 1 of the Article 46 of the Judicial code: “If a judge has been seconded, or his or her secondment period has expired, or he or she has been transferred to another court, or judges have exchanged their positions, or a judge has recused himself or herself from the case in question, or has participated in the examination of the case in question in the past, or has rejected the institution of proceedings the decision on which has been reversed in the manner prescribed, or his or her powers have been suspended, automatically or imposingly terminated, then the cases assigned to that judge shall be redistributed among other judges of relevant specialization of the court in question.”

Question 185-1

Republic of Moldova

(2024): The increase by 30% in the total number of reassignments compared to 2023 can be explained by such circumstances as resignation of judges, promotion to a higher court, transfer to a court of the same level or to a higher court, temporary transfer. e.g. Due to the fact that many judges from courts of appeal resigned from their positions in 2024, SCM proposed to transfer on a temporary basis judges from first instance courts to courts of appeal. This solution involved a reassignment of a part of the pending cases.

Question 186

Georgia

(2024): Reassignments occur when there is recusal issues, envisaged by criminal, civil and administrative procedure codes. National legislation enshrines the specific reasons for recusal of relevant case. Furthermore „Rule on Electronic Case Allocation System" establishes grounds for reassignment of cases.

Ukraine

(2024): The repeated automated distribution of court cases among judges is applied in cases provided for by law and the Regulation on the Automated Court Document Management System approved by the Council of Judges of Ukraine on 26.11.2010 No. 30.

Question 190

Armenia

(2024): Law on Public Service, Judicial Code: According part 1(15) of the article 69 the Judicial Code when carrying out any activity and in all circumstances, a judge is obliged to submit a declaration of property, income, interests and expenses in accordance with the Law on Public Service and in compliance with the requirements provided for by that law;

Georgia

(2024): Law on Fight against Corruption

Republic of Moldova

(General Comment): There is no special national legislation on the declaration of assets and personal interests by judges. Similarly, there are no separate provisions just for judges in the Law 132/2016 on the National Integrity Authority and the Law 133/2016 on the declaration of assets and personal interests.

Question 192

Ukraine

(2024): <https://zakon.rada.gov.ua/laws/show/z1965-23#Text>

Question 193

Armenia

(2024): In addition to abovementioned, judges must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data.

Republic of Moldova

(General Comment): The gifts received by the subject of the declaration free of charge from family members, parents, brothers, sisters or children, if the cumulative value during a year does not exceed 10 average salaries in the economy, are exempted to be declared.

(2024): .

Question 194

Armenia

(2024): The situational declaration is defined by the law on public service According to clues 5.1 and 5.2 of the part 5 of the Article 34 of the Law, in the cases defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month. Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission".

The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission. At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission", the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant. Additionally, the threshold for what is considered substantial may vary depending on the specific position held. According to article 69 of judicial code: When engaging in any activity and in cases provided for by the Law on the Commission for the Prevention of Corruption, a judge shall be obliged: to submit, in the cases and under the procedure prescribed by the Law "On the Commission for Prevention of Corruption, to the Commission for Prevention of Corruption appropriate materials or clarifications establishing that the changes in his or her property (increase in property and (or) decrease in liabilities) are reasonably justified by lawful income, or that he or she does not possess non- declared property or property not completely declared, or the source of income is lawful and reliable. According article 25 paragraph 5.1 of the "Law on the Commission for Prevention of Corruption" in case of doubts arisen as to any significant changes in the property (increase in property, reduction in liabilities or expenses) of the person within 2 years after termination of official duties of the declarant official, the Commission shall be entitled to require from the declarant official to submit a situational declaration on property and income.

Georgia

(2024): A person shall submit an official's asset declaration to the Anticorruption Bureau within two months after his/her appointment. During his/her term of office, an official shall annually complete and submit an official's asset declaration within the respective month of completion of the previous declaration. An official shall, within two months after dismissal, if he/she failed to submit the declaration within the calendar year of his/her dismissal, and within the same, respective month of completing the previous declaration in the year following the dismissal, unless he/she is appointed to another position, complete and submit an official's asset declaration.

The options "at the beginning of the term of office" and "at the end of the term of office" also applies to judiciary of Georgia. According to Article 14 of the Law of Georgia on Fight against Corruption: 1. A person is obliged to submit a declaration of property status of an official to the Bureau within two months after being appointed to the position. The procedure for submitting a declaration of assets of an official shall be determined by the Government of Georgia.

2. The person of the position is obliged to fill in and submit the declaration of the property status of the official every year during the relevant month of the month of filling in the previous declaration.

A person is obliged to fill in and submit declaration within 2 months after dismissal, if he / she has not submitted a declaration during the calendar year of dismissal, as well as in the year following the dismissal, corresponding to the month of filling in the previous declaration, during the same month if he / she is not appointed to another position, fill in and submit the declaration of property status of the official. "

Republic of Moldova

(2024): This includes situations when a judge is promoted in a higher court, when a judge qualifies for membership in specialised bodies of the SCM.

Ukraine

(General Comment): Pursuant to part 4 of Article 52 of the Law, reporting significant changes in property status is an additional measure of financial control aimed at finding out the actual change in the property status of the declarant without waiting for the next declaration to be submitted.

The obligation to submit a notice of significant changes in property status arises only in the following circumstances: receipt of income, acquisition of property or making an expenditure in an amount exceeding 50 living wages.

Question 195

Armenia

(2024): According to part 7 of the article 34 of the "Law on the Public Service" In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

According to the part 8 of the same article adult family members of the declarant official shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official (part 9, article 34).

Republic of Moldova

(General Comment): According to the Law No. 133/2016 on declaration of assets and personal interests a family member includes - the spouse, the children (under legal age), the adoptive children or the members of the family which are financially/otherwise supported by the subject of the declaration.

Question 196

Armenia

(2024): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main difference.

Ukraine

(General Comment): The declaration contains information on the assets of the declarant and family members. At the same time, sections 2.1 "Information about the declarant", 14 "Expenses and transactions of the declarant", 15 "Part-time work of the declarant" and 16 "Membership of the declarant in organizations and their bodies" of the declaration contain information only about the declarant.

Question 200

Armenia

(2024): Declarations are published in the official webpage of Corruption Prevention Commission. The link: cpcarmenia.am

Republic of Moldova

(2024): On the official website of the National Integrity Authority <https://portal-declaratii.ani.md/>

Ukraine

(General Comment): All documents submitted by the declaring entity to the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions are stored in the Register and displayed in its public part on the official website of the National Agency to the extent specified in Article 47 of the Law.

Question 201

Georgia

(2024): Pursuant to Article 20 of the Law of Georgia on Fight against Corruption, failure to submit an official declaration of assets of an official within the period specified in Article 14 of this Law shall result in a fine of 1000 GEL, in connection with which an individual administrative-legal act is issued - an ordinance on imposing a fine. Failure of an official to submit a declaration of assets of an official within 2 weeks from the date of entry into force of the decree or court decision (ruling) on imposing a fine will result in criminal liability.

Failure to submit a declaration of assets under Article 355 of the Criminal Code, after the imposition of an administrative penalty for such an act, or intentionally incomplete or incorrect entry of data in the declaration, is punishable by a fine or community service for a term of one hundred and twenty to two hundred hours, with deprivation of the right to hold office or engage in activities for a term of up to three years.

Violation of Declaration assets can also result disciplinary sanctions against Judge.

Republic of Moldova

(General Comment): In case of failure to submit the declaration of assets and personal interests the judge can be dismissed (as a disciplinary sanction). The Contravention Code sanction for failure to submit the declaration of assets and personal interests - fine (from 60 to 90 conventional units). The Contravention Code sanction for late submission of the declaration of assets - fine (from 30 to 60 conventional units). The Contravention Code sanction for failure or refusal to submit the declaration of assets for family members or for cohabitants - fine (from 60 to 90 conventional units). In cases where the NIA finds that there are unjustified assets in the declaration (variation between the reported income/other assets and expenditure), a confiscation of assets can be requested and dismissal with a ban to hold (several years) public office positions. The request for confiscation and a ban to hold public office positions is submitted by NIA to first instance court and against the NIA request can be appealed by the declaration subject in the court of appeal. The request for dismissal is submitted to the Superior Council of Magistracy. The Criminal Code punishments for exercising public sector duties in a conflict of interest situation if the conflict of interest has not been declared and resolved in accordance with the legislation on the declaration and control of assets and personal interests and for Intentional inclusion of incomplete or false data, intentional failure to include data in the declaration of assets and personal interests, for illicit enrichment in big proportions - fine or imprisonment with a ban to hold public office positions/exercise a certain activity for several years and confiscation of the unjustified assets.

Question 202

Armenia

(2024): One of the initiated proceedings is suspended and the materials of another case were sent to General Prosecutor's Office based on the study.

Republic of Moldova

(2024): As a result of the control proceeding a sanction was pronounced for violation of the legal regime of declaring assets and personal interests. The National Integrity Authority requested the confiscation of the assets and the application of a 3-year ban on holding public office. The act was contested at the court of appeal.

Another sanction as a fine of 1500 lei (about EUR 75) was applied according to the Contravention Code. The decision was contested at the court of appeal.

Note: The statistics reflect the number of cases initiated in 2024 and the number of cases completed in 2024, which could have been initiated previously.

Ukraine

(2024): With the beginning of martial law in Ukraine in February 2022, the mandatory submission of electronic declarations by persons authorized to perform state or local government functions (hereinafter referred to as the declaration and the declarant, respectively) was suspended. The main reason for this step was, first of all, the untimely submission of declarations due to active hostilities and the practical impossibility of collecting all the necessary documents to complete the declarations. However, already in 2023, the issue of restoring e-declarations for top officials became not only relevant in public discussions, but also one of the IMF's "structural beacons" (requirements) for providing Ukraine with financing.

After a long procedure of approval and voting in the Verkhovna Rada, veto by the President of Ukraine and voting in a new version, the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" (hereinafter - Law 3384-IX) finally came into force on October 12, 2023, which not only restored e-declaration but also introduced additional amendments to the Law of Ukraine "On Prevention of Corruption" (hereinafter - the Law on Declaration).

Starting from October 12, 2023, the obligation to submit declarations in accordance with the requirements of Article 45 of the Declaration Law (including the submission of the annual declaration for 2023 by April 1, 2024) is restored.

Declarants who did not file declarations in accordance with the requirements of Article 45 of the Declaration Law in 2022-2023 (i.e. any type of declaration provided for in this Article) and the deadline for filing was before October 12, 2023, shall file such declarations no later than January 31, 2024.

Question 203

Armenia

(2024): The Law on Public Service. In particular the article 34 paragraph 1 describes the scope of the declarants

Georgia

(2024): GRECO 4th Round recommendation concerning prosecutors (recommendation xiv) stipulated widening the scope of application of the asset declaration regime under the Law on Conflict of Interest and Corruption to cover all prosecutors".

On 16 May 2023, the Parliament of Georgia adopted the amendments to the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023. The legislative changes extended the asset declaration regime to all prosecutors (except for prosecutorial interns).

Ukraine

(2024): The Law of Ukraine “On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law” (hereinafter - Law 3384-IX) finally came into force on October 12, 2023, which not only restored e-declaration but also introduced additional amendments to the Law of Ukraine “On Prevention of Corruption” (hereinafter - the Law on Declaration). Starting from October 12, 2023, the obligation to submit declarations in accordance with the requirements of Article 45 of the Declaration Law (including the submission of the annual declaration for 2023 by April 1, 2024) is restored. Declarants who did not file declarations in accordance with the requirements of Article 45 of the Declaration Law in 2022-2023 (i.e. any type of declaration provided for in this Article) and the deadline for filing was before October 12, 2023, shall file such declarations no later than January 31, 2024.

Question 205

Armenia

(2024): The Government’s decision No 102-N of the 30 January 2020 defines the form of the declaration of assets, the link is following:
<https://www.arlis.am/DocumentView.aspx?DocID=153169>

Azerbaijan

(2024): The form for the declaration of assets has not yet been approved.

Republic of Moldova

(2024): <https://public-pdf-declaratii.ani.md/pdf/get/932534/3>

Ukraine

(2024): <https://zakon.rada.gov.ua/laws/show/z1965-23#Text>

Question 206

Armenia

(2024): In addition to abovementioned, prosecutors must submit a declaration of expenses as defined in Article 40.1 of the law on Public Service and of declaration of interests as defined in Article 42 of the same law. The declaration of interests particularly includes information on the participation or representation of commercial organizations, membership in non-commercial organizations, information on trust management of shares, and other data.

Question 207

Armenia

(2024): The situational declaration is defined by the law on public service According to clues 5.1 and 5.2 of the part 5 of the Article 34 of the Law, in the cases defined by the "Law on Corruption Prevention Commission" individuals are required to submit a situational declaration of property, income, interests, and expenses to the Commission within one month. Additionally, declarant officials must submit a situational declaration of property, income, interests, and expenses to the Corruption within two years after the termination of their official duties, as prescribed by the "Law on the Corruption Prevention Commission.

The general rules provided by this law for the content and presentation order of the official's declaration of assumption of office shall apply to the situational declaration, except for the cases provided for in this part. At the request of the Corruption Prevention Commission, the situational declaration includes data on property and income of the year preceding the transaction to be declared or the period after July 1, 2017, preceding the adoption of the decision to request a situational declaration. The situational declaration is not subject to publication. The form of the situational declaration is defined by the Corruption Prevention Commission. At the same time, according to part 5.1 of Article 25 of the Law on the "Corruption Prevention Commission," the Commission has the right, within two years after the termination of the official duties of the declarant official, to request the submission of a situational property and income declaration in case of suspicion of a significant change in the person's property (increase in property, decrease in liabilities or expenses).

Here, the term 'substantial' is a relative category that largely depends on the income situation and overall property status of the declarant. Additionally, the threshold for what is considered substantial may vary depending on the specific position held.

Georgia

(2024): Prosecutors (except for prosecutorial interns) are obliged to do it in two months after the appointment, annually, during the term in office and depending on the date of submission of the last declaration, twice or once after leaving the office, until the end of the next year.

Question 208

Armenia

(2024): According to part 7 of the article 34 of the "Law on the Public Service" In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property, income and expenses of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

According to the part 8 of the same article adult family members of the declarant official shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property, income and expenses and shall be responsible for the accuracy of such data.

Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official (part 9, article 34)

Azerbaijan

(2024): Children living with the declarant.

Georgia

(2024): In addition to spouse and children (under legal age), the declaration also concerns person permanently residing with the person obliged to file the asset declaration.

Question 209

Armenia

(2024): According to part 8 of the article 34 of the law on the Public Service family members do not submit a declaration of interest, which is the main difference.

Azerbaijan

(2024): Yes- Declaration submitted by a public official must include financial information concerning family members.

Question 213

Armenia

(2024): 1. <https://registry.cpcarmenia.am/> New system
2. <http://cpcarmenia.am/hy/declarations-registry/> Previous registry

Republic of Moldova

(2024): On the official website of National Integrity Authority <https://portal-declaratii.ani.md/>.

Question 214

Georgia

(2024): criminal sanction, please specify: According to Article 355 of the Criminal Code of Georgia, failure to submit a property declaration after an administrative penalty has been imposed for such an act, or intentional entry of incomplete or incorrect information therein, shall be punished by fine or corrective labour from one hundred and twenty to two hundred hours, with deprivation of the right to carry out activities for up to three years.

Question 215

Republic of Moldova

(2024): One sanction was applied for violation of the legal regime of declaring assets and personal interests. NIA requested the confiscation of the assets and the application of a 3-year ban on holding public office. The act was contested at the court of appeal.

Other 3 sanctions as fines of 4500 lei (about EUR 230) were applied.

Note: The statistics reflect the number of cases initiated in 2024 and the number of cases completed in 2024, which could have been initiated previously.

Ukraine

(2024): With the beginning of martial law in Ukraine in February 2022, the mandatory submission of electronic declarations by persons authorized to perform state or local government functions (hereinafter referred to as the declaration and the declarant, respectively) was suspended. The main reason for this step was, first of all, the untimely submission of declarations due to active hostilities and the practical impossibility of collecting all the necessary documents to complete the declarations. However, already in 2023, the issue of restoring e-declarations for top officials became not only relevant in public discussions, but also one of the IMF's "structural beacons" (requirements) for providing Ukraine with financing.

After a long procedure of approval and voting in the Verkhovna Rada, veto by the President of Ukraine and voting in a new version, the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform State or Local Government Functions under Martial Law" (hereinafter - Law 3384-IX) finally came into force on October 12, 2023, which not only restored e-declaration but also introduced additional amendments to the Law of Ukraine "On Prevention of Corruption" (hereinafter - the Law on Declaration).

Starting from October 12, 2023, the obligation to submit declarations in accordance with the requirements of Article 45 of the Declaration Law (including the submission of the annual declaration for 2023 by April 1, 2024) is restored.

Declarants who did not file declarations in accordance with the requirements of Article 45 of the Declaration Law in 2022-2023 (i.e. any type of declaration provided for in this Article) and the deadline for filing was before October 12, 2023, shall file such declarations no later than January 31, 2024.

Question 217

Armenia

(2024): The regulations on recusal, acceptance of gifts and restrictions on holding other positions are presented under the previous clause (216). As for the regulations on reporting the conflict-of-interest situation, the Judicial Code and the Law on the Constitutional Court address conflicts of interest in the following provisions: 1. Law on Constitutional Court, Article 14, part 25 While acting in his official capacity, the judge is obliged not to allow a conflict of interests and to exclude any influence of family, public, or other relations on the exercise of his/her official powers. 2. Judicial Code Article 70, part 2.7 While performing official duties, a judge is obligated to prevent conflicts of interest and ensure that familial, social, or other relations do not influence the exercise of their official powers. In this case, the institution of self-recusation or recusal applies to judges. Although there is no direct provision for reporting a conflict of interest, self-disclosure itself implies reporting the situation.

Georgia

of interests before being appointed / elected to the relevant position or after appointment / election, as soon as he / she becomes aware of the fact of incompatibility of interests. According to the Law of Georgia on Fight against Corruption, civil servant who is obliged to make a decision on which he / she has property or other personal interests, is obliged to resign and notify his / her immediate superior (superior body) in writing. Makes the appropriate decision by itself, or imposes this duty on another official. However, according to the Code of Criminal Procedure, a judge may not participate in criminal proceedings if: he / she was not appointed or elected to a position in accordance with the law; Participates or has participated in this case as an accused, a lawyer, a victim, an expert, an interpreter or a witness; An investigation is underway into the possible commission of a crime by him; Is a family member or close relative of the accused, lawyer, victim; They are family members or close relatives of each other; Was a mediator in the same case or in another case substantially related to that case; There is another circumstance that casts doubt on its objectivity and impartiality. If there is a circumstance precluding the judge's participation in the criminal proceedings, he or she should immediately resign.

According to the Code of Civil Procedure, a judge who participated in the first instance hearing of a case cannot participate in the hearing of this case in the Court of Appeal and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Appeal may not participate in the hearing of this case in the Court of First Instance and / or the Court of Cassation. A judge who has participated in the hearing of the case in the Court of Cassation may not participate in the hearing of this case in the Court of Appeal and / or the Court of First Instance. However, the court hearing the civil case may not include persons who are close relatives of each other, and if such relatives are still found among them, they should be excluded from the hearing of the case. A judge may not hear a case or take part in the hearing if he or she: a) is a party to the case or has common rights or obligations with that party; B) participated in the previous hearing of this case as a witness, expert, specialist, translator, representative or secretary of the court; C) is a relative of the party or its representative; D) is personally, directly or indirectly interested in the outcome of the case, or if there are other circumstances that cast doubt on its impartiality; E) was a mediator in the same case or in another case substantially related to that case. If there are grounds for avoidance, the judge is obliged to declare self-avoidance. The judge (court) issues a decision on self-avoidance, which must indicate the grounds for self-avoidance.

According to the Code of Administrative Procedure, a judge may not participate in the hearing of a case if he or she has previously participated in administrative proceedings in connection with the case.

"Gift" is property or services rendered to a public servant, his family member free of charge or on preferential terms, full or partial release from property liability, which is an exception to the general rule. The total value of gifts received by a public servant during the reporting year should not exceed 15% of his / her annual salary, and 5% of one-time gifts - if these gifts are not received from a single source. The total value of gifts received by each member of the civil servant family during the reporting year should not exceed GEL 1,000 per family member, and one-time gifts - GEL 500 if these gifts are not received from a single source.

If a public servant or his / her family member determines after receiving the gift that the value of the gift exceeds the amount allowed by law, and / or if for some reason (receiving the gift by mail, giving the gift publicly) it was impossible to refuse it, he / she is obliged to make it public within 3 working days. Submit information on the name of the gift, its estimated or exact value / amount and the identity of the giver to the Bureau, and the gift prohibited by this Law shall be handed over to the legal entity of public law under the Ministry of Economy and Sustainable Development - National Property Agency.

Question 218

Armenia

(General Comment): A judge may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

(2024): Can also perform scientific work according to the law, and in addition may hold a position in a non-profit organization under the following conditions: 1) The judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

There is an exception regarding consultation provided without remuneration. According to the Article 69 (part 1, point 10) of the Judicial Code, when engaging in any activity and in all circumstances, a judge shall be obliged not to act as a representative or provide counseling, including without compensation, except for cases when he or she acts as a legal representative or provides legal counseling to his or her close relatives or persons under his or her guardianship or curatorship without any compensation

Republic of Moldova

(2024): Judges can combine also their activity with creative activities and membership in collegial bodies of public authorities.

Ukraine

(2024): Article 25 of the Law of Ukraine "On Prevention of Corruption" allows persons referred to in paragraph 1 of part one of Article 3 of the Law of Ukraine "On Prevention of Corruption", which includes judges, to engage in teaching, research and creative activities, medical practice, instructing and refereeing in sports).

Pursuant to Article 54 of the Law of Ukraine "On the Judiciary and the Status of Judges", a judge may not combine his or her activities with entrepreneurial or advocacy activities, hold any other paid positions, perform other paid work (except for teaching, research or creative work), or be a member of the governing body or supervisory board of an enterprise or organization aimed at making a profit.

Question 221

Armenia

(2024): JUDICIAL CODE, Article 59. Right of a judge to participate in educational programs: 1.A judge shall have the right to participate in educational programs, conferences and other professional gatherings of lawyers.

2.The consent to be absent for not more than up to five days per year for participating in educational programs, conferences and other professional gatherings of lawyers during working hours shall be given by the chairperson of the court. To receive consent for a longer period, a judge shall, upon the consent of the chairperson of the court, apply to the Training Commission.

3.The consent to participate in other educational programs, conferences and other professional gatherings of lawyers shall be granted to the judge so as not to impede the normal operation of the court.

4.Where a judge has received the consent of the chairperson of the court or that of the Training Commission, the absence of the judge in connection with participation in such events shall be considered to be with valid excuse, and the judge shall retain his or her salary.

5.Disputes related to failure to grant consent shall be settled by the Supreme Judicial Council.

Georgia

(2024): According the law there is not obligation.

Republic of Moldova

(2024): The judge informs his or her hierarchy and the information is considered for human resources records as well.

Ukraine

(2024): By law, the only place where a judge needs to state if there are any auxiliary activities, is in his/her declaration. In practice, however, judges do inform their hierarchy about it because of different reasons, some of them are if a judge needs time off (to, for example, write a book, they ask for sabbatical) and common respect for their hierarchy.

Question 222**Ukraine**

(2024): Proceedings in cases of administrative offenses related to corruption are conducted in accordance with the requirements of the Law of Ukraine "On Prevention of Corruption" and the Code of Ukraine on Administrative Offenses.

The Code of Ukraine on Administrative Offenses defines corruption-related offenses as, inter alia, violation of restrictions on combining work and other activities (Article 1724), violation of statutory restrictions on receiving gifts (Article 1725), violation of requirements for preventing and resolving conflicts of interest (Article 1727), unlawful use of information that became known to a person in connection with the performance of official duties (Article 1728), and failure to take measures to combat corruption.

Question 223**Azerbaijan**

(2024): According to procedural codes in case of conflict of interest, a judge should give recusal to himself and withdraw from the case. At the same time parties also are entitled to give recusal to judge on the said basis. If the judge fails to recuse himself/herself when there were reasons for that, when hearing the case the higher court is entitled to request to Judicial-Legal Council for initiating disciplinary proceeding against said judge.

Georgia

(2024): Law on Common Courts of Georgia;

Ukraine

(2024): Pursuant to Article 221 of the Code of Ukraine on Administrative Offenses, cases of administrative offenses related to corruption are considered by judges of district, city district, city or city district courts.

Based on the results of the case, one of the following rulings is issued (Article 284 of the Code of Ukraine on Administrative Offenses): to impose an administrative penalty or to close the case. The sanction of Article 1727 of the Code of Administrative Offenses provides for a fine of 100 to 400 tax-free minimum incomes, repeated violation of the requirements for the prevention and settlement of conflicts of interest by a person who has been subject to an administrative penalty for the same violation within a year - a fine of 400 to 800 tax-free minimum incomes with deprivation of the right to hold certain positions or engage in certain activities for a period of one year (the tax-free minimum income is 17 UAH).

Article 247 of the Code of Ukraine on Administrative Offenses stipulates that proceedings on an administrative offense cannot be initiated, and those initiated are subject to closure in the following circumstances:

- 1) absence of an event and corpus delicti of an administrative offense;
- 2) the person has not reached the age of sixteen at the time of committing the administrative offense;
- 3) insanity of the person who committed the unlawful act or omission;
- 4) the commission of an act by a person in a state of emergency or necessary defense;
- 5) issuance of an amnesty act if it eliminates the application of an administrative penalty;
- 6) repeal of an act establishing administrative liability;
- 7) expiration of the time limits stipulated by Article 38 of this Code at the time of consideration of the case on administrative offense;
- 8) the existence of a resolution of the competent authority (official) on imposing an administrative penalty or an unrevoked resolution on closing an administrative offense case against the person being held administratively liable, as well as a notice of suspicion of a person in criminal proceedings on this fact;
- 9) death of the person against whom the proceedings were initiated

Question 224

Republic of Moldova

(2024): For 2024 the National Integrity Authority and the Superior Council of Magistracy reported 0 of such cases. It was underlined that NIA is not examining cases of conflicts of interest committed by judges. Such cases are only examined by the Superior Council of Magistracy. As an exception, NIA examines cases of conflicts of interest committed by court presidents, on administrative cases (e.g. hiring a relative).

Question 226

Armenia

(2024): According to Article 74.1, Part 2 of the Law on Prosecution, the prosecutor is obliged to promptly inform the Prosecutor General in writing form in case of situations of conflict of interest.

2. Settings regarding gift acceptance restrictions and incompatibility requirements are listed under the preceding paragraph (225).

As for the procedure for recusal, the law on Prosecution contains a provision (article 32, part 7) stating that: The immediate superior prosecutor shall be entitled to transfer, upon his or her decision, the case from the proceedings of the inferior prosecutor to another prosecutor's or to his or her proceedings:

- (1) in case of dismissing the inferior prosecutor from the proceedings as prescribed by law; or (2) in case of granting the recusal or self-recusal of the inferior prosecutor; or
- (3) in case the inferior prosecutor is on leave or secondment; or (4) in case of terminating or suspending the powers of the inferior prosecutor, as prescribed by law; or
- (5) in case of participation by the inferior prosecutor in training courses, disease thereof or other similar cases making the proper exercise of his or her powers impossible.
- 6) in case of workload of the subordinate prosecutor, with the latter's written consent or 7) in case of transfer of the subordinate prosecutor

Georgia

Fight against Corruption, the Criminal Procedure Code of Georgia (CPCG) and the Code of Ethics for the Employees of the Prosecution Service.

On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia. The document was developed by the General Inspectorate of the Prosecution Service in cooperation with other competent PSG representatives and international experts.

Chapter 5 of the Commentary is dedicated to conflicts of interest. It provides practical examples and methodological guidance.

Procedure for recusal/withdrawal from a case

The applicable CPCG rules and procedures with respect to prosecutors are as follows:

☐ A prosecutor cannot participate in criminal proceedings if:

☐ he/she participates or participated in this case as an accused, a defence lawyer, a victim, an expert, an interpreter or a witness;

☐ the investigation is in progress with respect to the alleged commission by him/her of a crime;

☐ he/she is a family member or close relative of the accused, defence lawyer, or of the victim;

☐ they (prosecutor, judge, juror, investigator or court secretary) are members of one family or close relatives;

☐ he/she was a mediator on this case or other essentially connected case;

☐ there are other circumstances that question his/her objectivity and impartiality. ☐ If there are any circumstances that exclude the participation of a prosecutor, he/she shall immediately declare about self-recusal. A prosecutor shall declare about self-recusal to a superior prosecutor, and during the court hearing, to the court. A declaration of self-recusal shall be substantiated; ☐ If there are circumstances that exclude the participation of any of the participants in criminal proceedings specified in this Code and the participant has not declared about self-recusal, the parties may file a motion for recusal; ☐ A duly authorised person shall file a motion for recusal immediately, at the earliest available opportunity, after he/she has been informed about the grounds for recusal. Otherwise, a motion shall not be considered; ☐ A motion to recuse a prosecutor, during the court hearing shall be filed with the court by duly authorised persons; ☐ A motion for recusal of a prosecutor during the investigation shall be filed by duly authorised persons before a superior prosecutor; ☐ A person, who was requested to be recused may, before a motion to recuse is heard, provide explanations; ☐ A motion for recusal filed during the investigation shall be decided within 24 hours, and a motion filed during a court hearing shall be decided immediately, by deliberation in chambers or in the courtroom; ☐ A prosecutor shall issue a decree, and a court shall render a ruling on the filed motion for recusal; ☐ A decision on granting a motion for recusal may not be appealed; ☐ The refusal of a court to grant a motion for recusal may be appealed along with a final decision. Procedure on reporting a (potential) conflict of interest According to the Law on the Fight against Corruption, a public servant is obliged to declare any conflict of interest before being appointed or elected to the respective position or after being appointed or elected as soon as he/she becomes aware of that fact. The Code of Ethics for the Employees of the Prosecution Service also pays particular attention to this matter and prescribes that an employee of the PSG, who has property-related or other personal interest towards any issue falling within the competence of the PSG, is obliged to file for self-recusal in accordance with the procedure defined by law and not participate in discussions and decision-making process on that specific issue. See the detailed procedure regarding self-recusal in the section - Procedure for recusal/withdrawal from a case. Within the institution, the PSG employee reports on conflict of interest to the General Inspectorate. Regulation on receiving gifts According to Article 340 of the Criminal Code of Georgia, public officials (including prosecutors) are prohibited from accepting gifts prohibited by law. The crime is punishable by fine or community service for a term of 100 to

Question 227

Armenia

(General Comment): A prosecutor may not hold any position not stemming from his or her status in state or local self-government bodies, any position in commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.

(2024): Can also perform scientific work according to the law, and in addition may hold a position in a non-profit organization under the following conditions: 1) The judge performs their activities in that position without compensation. 2) This position does not entail the management of financial resources, the conclusion of civil law transactions on behalf of the organization, or the representation of the organization in state or local self-government bodies.

Here, research should be understood as a part of scientific work, according to Part 12, Article 31 of the Law on Public Service. In the context of this law, performing scientific research, experimental construction, scientific-pedagogical, experimental-technological, design-construction, design-technology works in a scientific organization, institution, higher education institution, or otherwise is considered scientific work. Meanwhile, persons holding public office (including judges) and public servants are prohibited from receiving royalties for publications or speeches arising from the performance of official duties under the part 1 of the article 32 of LPS.

Azerbaijan

(2024): Under Article 32 of the Code of Ethical Conduct for Prosecutorial Employees of the Republic of Azerbaijan, a prosecutor may not engage in any entrepreneurial, commercial or other remunerative activities, except for a scientific, pedagogical or artistic activities

Republic of Moldova

(General Comment): According to the rules approved by the Superior Council of Prosecutors in 2018 the prosecutor who intends to carry out didactic and scientific activity shall submit to the SCP apparatus a request for the cumulation of the activity of prosecutor with the didactic / scientific activities which should contain specific information for the accomplishment of the targeted activities

(institution, manner and conditions of exercise). A prosecutor may cumulate the activity for a determined period of time or part-time, which should not affect the exercise of the functional obligations and the principles of organization or activity of the Prosecutor's Office. The didactic and/or scientific activities can be carried out by the prosecutor in the universities, National Institute of Justice, different training activities organized for civil servants, projects aiming the implementation of the national or international policy of the state in criminal matters. Rules on the accumulation of the function of public prosecutor with teaching, scientific and collegiate activities in public authorities or institutions, approved by the Decision of the Superior Council of Prosecutors no.12-168/18 of 12.12.2018

Ukraine

(General Comment): Part 4 of Article 25 of the Law of Ukraine "On the Prevention of Corruption" stipulates that persons authorized to perform the functions of the state and local self-government bodies, in particular prosecutors, are prohibited from:

- 1) engaging in other paid (except for teaching, scientific and creative activities, medical practice, instructor and referee practice in sports) or entrepreneurial activity, unless otherwise provided for by the Constitution or laws of Ukraine;
- 2) being a member of the board, other executive or control bodies, the supervisory board of an enterprise or organization that aims to make a profit (except for cases when persons perform functions of managing shares (portions, units) belonging to the state or territorial community, and represent the interests of the state or territorial community in the council (supervisory council), audit commission of an economic organization), unless otherwise provided for by the Constitution or laws of Ukraine, except for the case provided for in the first paragraph of the second part of this article.

(2024): The requirements for incompatibility are defined in Article 18 of the Law on the Prosecutor's Office. Specifically, holding the position of a prosecutor is incompatible with holding a position in any government body, another state body, a local self-government body, and with holding a representative mandate in state elective positions. A prosecutor cannot belong to a political party, participate in political actions, rallies, or strikes. The requirements for incompatibility do not apply to the participation of prosecutors in the activities of elected bodies of religious and public organizations. Prosecutors are subject to compatibility restrictions and the combination of other types of activities as defined by the Law of Ukraine on prevention of corruption.

The consideration of issues regarding violations by a prosecutor of the requirements for incompatibility falls within the authority of the High Council of Justice (Article 131 of the Constitution of Ukraine, Article 3 and others of the Law of Ukraine on the High Council of Justice).

Question 229

Azerbaijan

(2024): Under Article 30 of the Code of Ethical Conduct for Prosecutorial Employees of the Republic of Azerbaijan, according to the requirements of Article 58 of the Labor Code of the Republic of Azerbaijan, a prosecutor wishing to engage in scientific, pedagogical, or artistic activities must submit a request to the Prosecutor General, coordinated with the head of the relevant structural unit

Ukraine

(2024): is agreed with the employer in accordance with the requirements of the Labor Code of Ukraine.

Question 231

Azerbaijan

(2024): Article 36 of the Code of Ethical Conduct for Prosecutorial Employees of the Republic of Azerbaijan reads as follows:

36. Responsibility for violating ethical conduct rules

36.1. A violation of the provisions of this Code serves as the basis for holding a prosecutor accountable for disciplinary action

36.2. A prosecutor's disciplinary responsibility is addressed in accordance with the Law of the Republic of Azerbaijan on Service in Prosecutorial Authorities and the Rules of Organization of Work of the Prosecutor General's Office of the Republic of Azerbaijan, within the prescribed procedures and timeframes.

36.3. Ethical conduct proceedings regarding a prosecutor are carried out by the Ethical Conduct Commission. The Commission verifies reports of violations of the Code's provisions by a prosecutor, and if confirmed, submits a proposal to the Prosecutor General for the application of disciplinary measures.

36.3. Issues related to the ethical conduct of prosecutors not covered by this Code are regulated by the laws of the Republic of Azerbaijan on The Prosecutor's Office, Service in Prosecutorial Authorities, and the Rules of Organization of Work of the Prosecutor General's Office

Georgia

(2024): In case of suspecting potential disciplinary misconduct of the PSG employee, the PSG General Inspectorate is competent to open an administrative investigation. This includes interviewing people, collecting information and reviewing materials. At the end, the PSG General Inspectorate draws report containing the findings about whether the person has committed the disciplinary misconduct or not. This report is then reviewed by the Career Management, Ethics and Incentives Council on the hearing. The subject person has a right to be represented by a lawyer, attend the hearing and give an explanation. The Council decides by the majority of votes whether person has committed the violation. If he/she was found guilty, the Council also selects the applicable sanction. The decision of the Council is recommendatory for the Prosecutor General, who is competent to formally find person guilty in the disciplinary violation and impose sanction. The Prosecutor General might disagree with the recommendation and make a different decision. However, in this case, he/she is required to provide reasons. The above-mentioned proceedings, including those related to breaches of rules on conflicts of interest, are regulated by the provisions of the Organic Law on the Prosecution Service of Georgia .

Ukraine

(2024): Article 172-7 of the Code of Administrative Offenses provides for administrative liability for violation of the requirements for preventing and resolving conflicts of interest. In addition, the Law of Ukraine “On Prosecution” provides for disciplinary liability for actions taken by prosecutors in conditions of a real or potential conflict of interest.

Question 232

Republic of Moldova

(General Comment): The establishment, by a final act, a direct conclusion or by means of a third party legal act, that a prosecutor took or participated in a decision making without resolving the real conflict of interest in accordance with the provisions of the legislation on conflict of interest constitutes grounds for dismissal of the prosecutor. The dismissal of the prosecutor, the chief prosecutor or the deputy general prosecutor shall be made within 5 working days from the intervention or bringing the case to the attention of the Prosecutor General, by an order of the Prosecutor General, which is communicated to the prosecutor concerned within 5 working days from the issuance, but prior to the date of dismissal. The order of the Prosecutor General regarding the dismissal can be contested in court.

As well as the aforementioned acts, the provisions of the Code of Ethics oblige prosecutors to make public the information on their conflict of interest. Violation of the Code of Ethics provisions can have as a result disciplinary sanctions and the procedure is described in the Law on the prosecution office.

Ukraine

(2024): law on the prevention of conflicts of interest is the Law On Prevention of Corruption

Question 233

Republic of Moldova

(2024): Source: National Integrity Authority

Question 234

Armenia

(General Comment): Disciplinary body for judges is the Commission on Disciplinary and Ethics Issues under the General Assembly of judges which has not only judge members but also academics of law nominated by the civil society organisations. Corruption Prevention Commission is authorized to initiate disciplinary proceedings concerning asset declaration matters. The Minister of Justice can also initiate disciplinary proceedings against judges. These bodies initiate the disciplinary proceedings and apply to Supreme Judicial Council, which makes the decision.

Azerbaijan

(General Comment): The Judicial-Legal Council is entrusted to initiate disciplinary proceedings against judges. At the same time, the Ministry of Justice is also entrusted to send any information received about the violation of procedural rights of citizens in courts of first and second instances to the Judicial-Legal Council. According to the article 112 of the Law on Courts and judges only Judicial-Legal Council shall be entitled to institute disciplinary proceedings against judge. Chairpersons of the Supreme Court, courts of appeal, and the relevant executive body shall be bound, within their competence, to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings, if there are elements on which the initiative of opening of a disciplinary procedure can be based or grounds for calling to disciplinary liability.

Georgia

(General Comment): The Independent Inspector of the High Council of Justice of Georgia has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

(2024): Independent Inspector

Republic of Moldova

(General Comment): The Superior Council of Magistracy is responsible for initiating disciplinary proceedings against judges. A court user whose rights have been violated by an act of a judge, or any person who has a legitimate interest, members of the Superior Council of Magistracy, Ministry of Justice, Judicial Inspection and the Board for the selection and evaluation of judges can be at the origin of a disciplinary proceeding.

The aforementioned subjects are authorised to submit notifications on the facts that became known to them in the exercise of their rights or duties or on the basis of the information disseminated by the mass media.

The Judicial Inspection and the Board for the selection and evaluation of judges are entities subordinated to the Superior Council of Magistracy.

Ukraine

(General Comment): Part one of Article 43 of the Law of Ukraine “On the High Council of Justice”: The disciplinary inspector of the High Council of Justice, designated by the automated case distribution system for preliminary examination of the relevant disciplinary complaint (disciplinary inspector of the High Council of Justice - rapporteur)

1) examines the disciplinary complaint and checks its compliance with the requirements of the law;

...

3) ... submits the complaint to the Disciplinary Chamber for consideration to decide on ... opening a disciplinary case;

4) ... prepare materials with a proposal to open or refuse to open a disciplinary case.

Clause 23-7 of Section III “Final and Transitional Provisions” of the Law of Ukraine “On the High Council of Justice” stipulates that temporarily, until the day the service of disciplinary inspectors of the High Council of Justice starts, the powers of a disciplinary inspector are exercised by a member of the Disciplinary Chamber (rapporteur) determined by the automated case distribution system.

Pursuant to part ten of Article 49 of the Law of Ukraine “On the High Council of Justice”, if in the course of consideration of a disciplinary case the Disciplinary Chamber concludes that there are signs of a disciplinary offense in the actions of other judges or signs of another disciplinary offense in the actions of the judge against whom the case is being considered, the Disciplinary Chamber may decide to open a relevant disciplinary case on its own initiative.

(2024): By the decision of the High Council of Justice of December 10, 2024, No. 3582/0/15-24, the day of commencement of the service of disciplinary inspectors of the High Council of Justice is December 23, 2024

Question 235

Armenia

(General Comment): Only the Supreme Judicial Council has the power to make the final decision on disciplinary sanctions against judges.

Republic of Moldova

(General Comment): The Disciplinary Board is an independent body, acting separate from the Superior Council of Magistracy which examines disciplinary cases and applies disciplinary sanctions to judges and resigned judges for acts of misconduct committed while in service. It is composed by 5 members elected from among the judges and 4 members selected from among civil society representatives. Membership of the Disciplinary board is incompatible with membership of the Superior Council of Magistracy, of the Board for the Selection and Evaluation of Judges, with the position of inspector-judge, as well as with the position of president or deputy-president of a court. The activity of the Disciplinary board is regulated by the Law 178/2014 on disciplinary liability of judges and by the Regulation on the activity of the Disciplinary board, approved by the Superior Council of Magistracy. Decisions of the Disciplinary board may be appealed to the Superior Council of Magistracy.

After examining the appeals, the Superior Council of Magistracy decides:

a) to maintain the decision of the Disciplinary board without modification;

b) to admit the appeal and adopt a new decision.

The decisions of the Superior Council of Magistracy, may be challenged at the Supreme Court of Justice.

Ukraine

(General Comment): According to Article 108 of the Law of Ukraine “On the Judiciary and the Status of Judges,” disciplinary proceedings against judges are conducted by disciplinary chambers of the High Council of Justice (HCJ) in accordance with the Law “On the High Council of Justice.” As stated in Article 26 of this Law, the HCJ establishes Disciplinary Chambers from among its members to handle such cases.

Disciplinary authority over judges is divided between the High Qualification Commission of Judges of Ukraine (HQCJU) for local and appellate court judges and the HCJ for Supreme Court and high specialized court judges. In cases of dismissal, this authority belongs to the President for judges elected to a five-year term and to Parliament for those appointed for life.

Disciplinary proceedings involve verifying grounds for liability, opening a case, reviewing it, and making a decision. The HQCJU is responsible for assessing local and appellate court judges. Within three days of opening a case, the judge and the complainant must receive a copy of the decision. The case is then reviewed in an adversarial hearing, where the judge, complainant, and other interested parties may attend. If a judge cannot be present, they may submit a written explanation, which is added to the case file. The HCJ follows a similar process for Supreme Court and high specialized court judges, as established by law.

Question 237

Armenia

(2024): Breach of professional ethics is a violation by a judge of the rules of conduct established by this Code, provided for in paragraph 2 of Part 1 of Article 142 of the Constitutional Law of the Republic of Armenia "Judicial Code", with the exception of the rule established by paragraph 11 of part 1 of Article 69 of this Law, which was committed intentionally or through gross negligence.

Professional inadequacy: violation of the norm of substantive or procedural law provided for in paragraph 1 of Part 1 of Article 142 of the Constitutional Law "Judicial Code of the Republic of Armenia" in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence.

Azerbaijan

(General Comment): Cat. 3 committing the offenses specified in Article 9 of the Law of the Republic of Azerbaijan "On Combating Corruption"

Georgia

- a.a) Political or social influence or influence of personal interests when a judge exercises judiciary powers;
- a.b) Judge's interference in other judge's activities for the purpose of influencing the outcome;
- b) Conduct that violates the principle of impartiality, in particular:
 - b.a) Public expression of an opinion by a judge on a case currently under the court's consideration. Judge's comments on organizational and technical matters pertaining to the case currently handled by court for the purpose of informing the public shall not constitute disciplinary misconduct;
 - b.b) Disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the Georgian procedural law;
 - b.c) Violation of Clause 1, Article 721 or Clause 1, Article 722 by a judge;
 - b.d) Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
 - b.e) Accession to membership in a political association, engagement in political activities, public support for a political entity running in an election, or public expression of a political opinion by a judge;
 - b.f) Illegal interference by a judge in the process of distribution of cases in a court;
 - b.g) Public expression by a judge in breach of the principle of political neutrality;
- c) Conduct that violates the principle of integrity, in particular:
 - c.a) Corruption-related offenses, i.e. perpetration by a judge of offenses under articles 5, 52, 7, 8, 10, 11, 13, 134, 135, 204 of the Law of Georgia "On Combating Corruption";
 - c.b) Hindering disciplinary proceedings by a judge;
- d) Conduct that violates the principle of propriety, in particular:
 - d.a) Establishment of personal and intense (friendly, familial) relations with a participant in a process to be held for a case to be handled by him or her personally, which results in the judge's bias and/or placement of a participant in a process in a favorable position, if the judge had an information about the side;
 - d.b) Sexual harassment by a judge;
 - d.c) Disclosure of confidentiality of a judicial deliberation by a judge;
- e) Conduct that violates the principle of equality, in particular:
 - e.a) Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties;
 - e.b) Judge's failure to react if he or she witnesses a discriminatory verbal or other action towards a participant in a process by a court staff or a participant in a process;
- f) Conduct that violates the principle of competence and diligence, in particular:
 - f.a) Material violation by a judge of a time limit specified by the Georgian procedural law without good reason. The reason for such a material violation shall be considered without good reason unless the judge failed to observe the time limit because of objective circumstances related directly to administering justice (heavy case load, complexity of a case, etc.);
 - f.b) Expression of undisguised disrespect by a judge towards another judge, a court staff, or a participant in a court process;

(2024): a.a - Political or social influence or influence of personal interests when a judge exercises judiciary powers;

- b.d - Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist;
- e.a - Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties ;
- e.b - Judge's failure to react if he or she witnesses a discriminatory verbal or other action towards a participant in a process by a court staffer or a participant in a process ;
- d.a - Establishment of personal and intense (friendly, familial) relations with a participant in a process to be held for a case to be handled by him or her personally, which results in the judge's bias and/or placement of a participant in a process in a favorable position, if the judge had an information about the side ;
- b.a - Public expression of an opinion by a judge on a case currently handled by court. Judge's commentary on organizational and technical matters pertaining to the case currently handled by court for the purpose of informing the public shall not constitute disciplinary misconduct;
- b.b - Disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the Georgian procedural law

Ukraine

(General Comment): Information for the category “4. Other criminal offense” is marked as “not available” since such cases may occur but those are not separately accounted for. Record/registration is carried out on the grounds for taking disciplinary action, defined in the first part of Article 106 of the Law of Ukraine “On the Judiciary and the Status of Judges”, and what was reflected in filling out the tables on questions 237 and 238.

Question 238

Armenia

(2024): 5 cases were rejected. Regarding the professional inadequacy there were 4 judges in the 1 proceeding.

Georgia

(2024): Disciplinary cases initiated in 2022-2024 (part of 2024) were completed in reference year.

Ukraine

(General Comment): Question 238 includes all decisions in disciplinary cases concerning judges: on bringing to disciplinary responsibility, on refusing to bring on disciplinary responsibility, on closing the disciplinary case.

Question 239

Armenia

(2024): In reprimand section 4 judges were sanctioned in the same proceeding. Other includes 2 warning and 2 severe reprimand

Georgia

(2024): According the organic law on Common Courts of Georgia, Sanctions against Judges are pronounced by Disciplinary Board (if the decision of Board is appealed by Disciplinary Chamber). Disciplinary case is sent to Disciplinary Board only after High Council of Justice takes two decisions - First decision about Initiation Disciplinary Prosecution against Judge (After the opinion of Independent Inspector is presented to the High Council of Justice of Georgia; Independent Inspector initiates disciplinary proceedings against Judge on the basis of disciplinary claim or other information) and second decision - The decision on imposing disciplinary liability on a judge.

Republic of Moldova

(General Comment): The warning is the mildest sanction that can be applied for 1 year consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour.

The circumstances in which the warning sanction is applied are determined by:

- 1) the primary commission of a disciplinary violation, usually minor, of an intentional nature or by negligence;
- 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the violation.

Since 2023, the temporary reduction of salary has been removed from the legal list of disciplinary sanctions that can be applied to judges.

(2024): Other - 1 Warning

Ukraine

(General Comment): Question 238 takes into account all decisions in disciplinary cases against judges: on bringing to disciplinary responsibility, refusal to bring to disciplinary responsibility, closure of disciplinary proceedings.

(2024): 1. To the sanction “Temporary reduction of salary”. Judges may be subject to disciplinary sanctions in the form of: - reprimand - with deprivation of the right to receive additional payments to the official salary of a judge for one month; - a severe reprimand - with deprivation of the right to receive additional payments to the judge's official salary for three months; - a motion for temporary (from one to six months) suspension from the administration of justice - with deprivation of the right to receive additional payments to the judge's salary (paragraphs 2, 3, 4 of part one of Article 109 of the Law of Ukraine “On the Judicial System and Status of Judges”).

The table to question 239, in particular, indicated the types of sanctions “1. Reprimand” with a quantitative indicator of “30” and “3. Withdrawal from cases” with a quantitative indicator of ‘3’. Since these types of sanctions provide for a reduction in wages, their total quantitative indicator - “33” was also reflected in the sanction “5. Temporary reduction of salary”. We are putting 0 for the 5. so that the total adds up.

2. The sanctions “Position downgrade” and “Transfer to another court (by geographical location)” were added to the sanctions “Position downgrade” and “Transfer to another court”. Judges may be subject to disciplinary sanctions in the form of a motion to transfer the judge to a lower court” (Article 109(5)(1) of the Law of Ukraine ‘On the Judicial System and Status of Judges’).

3. To the sanction “Other”. Judges may be subject to a disciplinary sanction in the form of a warning (Article 109(1)(1) of the Law of Ukraine “On the Judicial System and Status of Judges”).

Question 238 takes into account all decisions in disciplinary cases against judges: to bring them to disciplinary responsibility, to refuse to bring them to disciplinary responsibility, to close disciplinary proceedings.

Question 240

Republic of Moldova

(General Comment): The decisions on the disciplinary liability of judges are issued by the Disciplinary Board (body subordinated to the Superior Council of Magistracy). A decision issued by the Disciplinary Board can be appealed to the Superior Council of Magistracy within 15 days from the date of receipt of the copy of the reasoned decision. The decision issued by the Superior Council of Magistracy while examining the appeal can be appealed to the Supreme Court of Justice within 30 days from the date of receipt of the reasoned decision.

Ukraine

(General Comment): 1. The right to appeal the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice shall be vested in the judge in respect of whom the relevant decision was made. The complainant has the right to appeal the decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice if the Disciplinary Chamber has authorized such an appeal (part one of Article 51 of the Law of Ukraine “On the High Council of Justice”).

2. The right to appeal to the court against the decision of the High Council of Justice made upon consideration of an appeal against the decision of the Disciplinary Chamber is granted to the judge in respect of whom the relevant decision was made and to the complainant if the decision of the High Council of Justice was made upon his/her complaint (Article 52(2) of the Law of Ukraine “On the High Council of Justice”).

Question 241

Armenia

of the Republic of Armenia "Judicial Code of the Republic of Armenia" was adopted and entered into force on 27/11/2023. According to Article 13 of the Constitutional Law, Article 141 of the law was supplemented with parts 1.1-1.5 of the following content:

To consider the issue of bringing a judge to disciplinary responsibility in the Highest Court The Judicial Council is composed of four members of the Supreme Judicial Council.

When considering the issue of bringing to disciplinary responsibility and making decisions on behalf of the Supreme Judicial Council, the composition provided for in part 1.1 of this Article acts as the Supreme Judicial Council.

For each disciplinary proceeding, a separate composition is formed provided for in part 1.1 of this Article.

The composition provided for in paragraph 1.1 of this Article shall include two members of the Supreme Judicial Council, elected by the General Assembly and the National Assembly.

The compositions provided for in Part 1.1 of this Article are formed by drawing lots in accordance with the procedure established by the Supreme Judicial Council.

Law shall enter into force at the time of entry into force of the subordinate regulatory legal act of the Supreme Judicial Council.

Disciplinary proceedings initiated before the entry into force of articles 2-21 of this Law, including completed disciplinary proceedings, and decisions taken based on the results of these proceedings, the rules in force before the entry into force of articles 2-21 of this Law shall apply.

The Supreme Judicial Council shall take decisions arising from articles 2-21 of this Law, including bringing its working procedure in accordance with this law, within six months after the entry into force of Articles 2-21 of this Law.

Before this the previous order is available:

It can be appealed to Supreme Judicial Council, which reviews its own decision or to the Constitutional Court (according to the Article 169 part 1 point 8 of the Constitution, everyone may apply to the Constitutional Court under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he or she challenges the constitutionality of the relevant provision of a regulatory legal act applied against him or her upon this act, which has led to the violation of his or her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice).

Article 156.1 of the Judicial Code.

Appealing against the decision of the Supreme Judicial Council on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability 1.The appeal brought by a judge against the decision on subjecting him or her to disciplinary liability or the appeal brought by the body having instituted disciplinary proceedings against the decision on rejecting the motion on subjecting a judge to disciplinary liability, respectively, shall be examined by the Supreme Judicial Council, where an essential evidence or circumstance has emerged which the person bringing the appeal did not previously introduce due to circumstances beyond his or her control and which could have reasonably affected the decision. 2.After having received the appeal, the Supreme Judicial Council shall immediately forward it to the other party, which may submit to the Supreme Judicial Council a response to the appeal within 10 days following the receipt thereof. 3.The Supreme Judicial Council shall examine the appeals against the decision on subjecting a judge to disciplinary liability or on rejecting the motion on subjecting a judge to disciplinary liability and shall render respective decisions thereon in writing except for the cases where it comes to a conclusion that it is necessary to examine the appeal at the session. A decision shall be rendered on examining the appeal at the court session. 4.In case a decision on examining the appeal at the court session is rendered, the

Azerbaijan

(2024): Only the Plenary of the Supreme Court is responsible on the appeal from the disciplinary decision of Judicial-Legal Council

Georgia

(2024): Disciplinary chamber of Supreme Court of Georgia

Question 242

Armenia

(General Comment): The regulation on consent is stated in Art 56 para 5 of the Judicial Code.

Georgia

(General Comment): In general, in accordance with the law a judge may be transferred to another court with his/her consent. However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her consent.

(2024): “If a district (city) court or court of appeals lacks a judge or if there is a dramatic increase in the number of cases and/or when this is necessary due to other objective circumstances for the proper administration of justice, it can be done for maximum 2 years, which can be prolonged for no more than 1 years.”

Legal changes mentioned in the comment were made in legislation and came into the legal force from January 2022. Additional

Legislative changes were also made in this aspect in June 2023 and May 2024 (Changes were related with the period of transfer, also other objective circumstances were stipulated as - due to the other objective circumstances for the proper administration of justice).

Republic of Moldova

(General Comment): The transfer of a judge to another court may be decided by the Superior Council of the Judiciary. The judge’s consent is necessary. (Article 20 of Law No. 544-XIII on the Status of Judges).

Ukraine

(General Comment): A judge may not be transferred to another court without his/her consent, except a transfer:

1) in the event of reorganization, liquidation or termination of the court; 2) as a disciplinary measure. (Article 53 of the Law "On Judiciary and the Status of Judges")

(2024): During the period of a state of emergency or martial law and subject to a change in the territorial jurisdiction of court cases considered in the relevant court, in accordance with the procedure provided for in Part Seven of Article 147 of this Law, a judge of a court whose territorial jurisdiction of cases is changing may, without his consent, be seconded to administer justice to the court that determines the territorial jurisdiction of cases that were under consideration by the court in which the judge works, and in the absence of vacancies in this court - to another court of the same level and specialization (paragraph 2 of Part 1 of Article 55 of the Law of Ukraine “On the Judiciary and the Status of Judges”).

Question 243

Armenia

(General Comment): According to the Law on Prosecutor’s office, the Prosecutor General initiates disciplinary proceedings. In certain cases the ethics commission adjunct to General Prosecution can also initiate proceedings. The Disciplinary body for prosecutors is the Ethics commission under the Prosecutor General which consists of 7 members: the Deputy Prosecutor General, 3 academics of law and 3 prosecutors elected by senior prosecutors. The Prosecutor General within a one-week period from the end of the disciplinary proceedings presents the issue to the Ethics Committee for discussion. When discussing the issue related to the disciplinary offense, the Ethics Committee votes to decide whether a disciplinary offense has taken place, whether the prosecutor is guilty of the offense, and, if the Prosecutor General requests so, then also whether it is possible to apply the disciplinary sanction of “removal from office.” Based on the appropriate opinion of the Ethics Committee, the Prosecutor General orders the disciplinary sanction within a three-day period.

Republic of Moldova

(General Comment): According to the provisions of Article 42 of the Law on Prosecution Office, the disciplinary procedure starts automatically at the moment of the referral, and according to Article 43 paragraph (1) of the mentioned law, the referral of the act that may constitute disciplinary misconduct committed by the prosecutor may be submitted by:

- (a) any interested person;
- b) members of the Superior Council of Prosecutors;
- c) the College for the evaluation of prosecutors performance, under the terms of Article 31(1)(a) and (b). (5);
- d) the Inspectorate of Public Prosecutors, following controls carried out.
- e) the Ministry of Justice, upon notification of the Government Agent, in the event of a request for a finding of disciplinary misconduct as referred to in Article 38(e1) with regard to the actions or inactions of the prosecutor which have led to one of the consequences referred to in Article 2007(e2). (1), point (1), of Art. c) of the Civil Code of the Republic of Moldova No 1107/2002.

The subjects provided for in para. (1) can submit the notification regarding the facts that have become known to them either in the exercise of their rights or functional attributions, or based on the information disseminated by the mass media or other information sources.

Ukraine

(General Comment): According to Ukrainian legislation, everyone who is aware of such facts has the right to apply to the Qualification and Disciplinary Commission of Prosecutors with a disciplinary complaint about the prosecutor's commission of a disciplinary offence. The Qualification and Disciplinary Commission of Prosecutors shall publish on its website a recommended sample of a disciplinary complaint. (para.2 art. 45 of the Law of Ukraine On Prosecution Office).

(2024): Since, according to the explanatory note, the concept of a person “authorized to initiate disciplinary proceedings” covers persons who are entitled to submit a relevant document to the body authorized to make a decision in disciplinary proceedings, according to part 2 of Article 45 of the Law of Ukraine “On Prosecution”, such persons include anyone who is aware of the facts of a disciplinary offense committed by a prosecutor.

In turn, a member of the relevant disciplinary body is authorized to make a decision to initiate disciplinary proceedings (part 3 of Article 46 of the Law of Ukraine “On Prosecution”).

Question 244

Armenia

(2024): It should be noted that according to the Article 55 of the "Law on Prosecutor's Office", the disciplinary sanction "lowering the rank by one degree" may be applied in relation to the Prosecutor General by the President of the Republic. Also the mentioned sanction may be applied in relation to the higher-ranking prosecutor by the President of the Republic upon a proposal from the Prosecutor General.

Azerbaijan

(2024): Information regarding violations of execution and labor discipline is reviewed by the Disciplinary Commission of the Prosecutor General's Office. Similarly, information regarding breaches of ethical conduct, prevention of conflicts of interest, transparency, and anti-corruption regulations is reviewed by the Ethics Commission.

Both commissions, by a simple majority vote, arrive at one of the following conclusions regarding the prosecutor's office employee under disciplinary proceeding:

If a disciplinary violation or breach of the Code of Ethical Conduct is confirmed, disciplinary action (with the type specified) shall be applied.

If no disciplinary violation or breach of the Code of Ethical Conduct is confirmed, no disciplinary action shall be applied.

After reviewing the commission's findings, the Prosecutor General resolves the matter of disciplinary responsibility and issues an appropriate order.

If the prosecutor's office employee is dissatisfied with the commissions' final decision, they may appeal to the Prosecutor General.

A further appeal can be filed in court against the order issued by the Prosecutor General.

Republic of Moldova

(General Comment): The Superior Council of Prosecutors and the Disciplinary and Ethics Board have the disciplinary authority on prosecutors.

Before a case is examined by the aforementioned bodies it has to be examined by the Inspection of Prosecutors.

The Inspection of Prosecutors has the following powers:

(a) carries out checks on the work of prosecutors and the organizational work of prosecutor's offices;

b) examines complaints concerning acts that may constitute disciplinary offenses;

(c) investigates facts that may constitute disciplinary misconduct;

(d) presents the disciplinary file before the Disciplinary and Ethics Board, the Superior Council of Prosecutors and the courts, with the right to challenge the decisions handed down in accordance with the law;

e) carries out, at the request of the Superior Council of Prosecutors, checks on the independence and reputation of prosecutors;

f) studies the grounds for the rejection by the President of the Republic of Moldova of the candidate proposed by the Superior Council of Prosecutors for appointment as a Prosecutor General or, as the case may be, interim Prosecutor General, submitting an informative note to the Superior Council of Prosecutors;

g) submits to the Superior Council of Prosecutors, by March 31, the annual report on its activity in the previous year, which shall be published on the official website of the Superior Council of Prosecutors;

h) has other duties stipulated by law or by the Rules of Procedure.

The Disciplinary and Ethics Board of the Superior Council of Prosecutors examines disciplinary cases brought

against prosecutors after being checked by the Inspection of Prosecutors and applies disciplinary sanctions where appropriate. It consists of 7 members, including:

- 5 elected by the General Assembly of Prosecutors from among the prosecutors;

- 2 elected by the High Council of Prosecutors, by public competition, from among representatives of civil society.

The Superior Council of Prosecutors has competence in disciplinary matters concerning prosecutors, examining appeals

against decisions of the Disciplinary and Ethics Board.

Ukraine

(2024): According to Articles 44, 73, 77 of the Law of Ukraine "On Prosecution", disciplinary proceedings are carried out by the Qualification and Disciplinary Commission of Prosecutors. For the status of this Commission, see comments to question 120.

Question 245

Ukraine

(General Comment): Pursuant to Article 47 of the Law, consideration of the conclusion on the presence or absence of a prosecutor's disciplinary offense is carried out on the basis of competition at a meeting of the Qualification and Disciplinary Commission of Prosecutors, which is attended by the prosecutor, the person who filed the disciplinary complaint, and their representatives. At the meeting, the explanations of the member of the Qualification and Disciplinary Commission of Prosecutors who conducted the inspection, explanations of the prosecutor (his/her representative) and, if necessary, other persons are heard.

The prosecutor (his/her representative) has the right to provide explanations, refuse to provide them, ask questions to the participants in the proceedings, raise objections, file motions, and, if there are doubts about the impartiality and objectivity of the QDCP member, to file a motion for his/her recusal.

Question 246

Republic of Moldova

(General Comment): The data reflects the number of disciplinary proceedings initiated by the Disciplinary and Ethics Board of Prosecutors.

Article 42 of Law 3/2016 provides that the disciplinary procedure starts automatically at the moment of the referral and includes the following steps: a) submission of the referral regarding the act that may constitute disciplinary misconduct, b) verification of the referral by the Inspectorate of Public Prosecutors, c) examination of the disciplinary case by the Disciplinary and Ethics Board of Prosecutors, d) adoption of a decision on the disciplinary case.

Law 3/2016 on Prosecution Office

Article 38 Disciplinary violations

(a) improper performance of official duties listed in Article 6 (3);

(b) non-compliance, for reasons imputable to the prosecutor and without reasonable justification, with the legal provisions regarding the deadlines for the performance of procedural actions or the delay in their performance;

(c) unlawful interference in the work of another prosecutor or interference of any kind with authorities, institutions or officials either for the settlement of requests, claiming or accepting the settlement of personal interests or those of other persons, or for the purpose of obtaining undue benefits;

(d) deliberately obstructing the work of the Inspectorate of Public Prosecutions by any means;

e 1) committing, in the exercise of official duties, actions or inactions with intent or admitting serious negligence where the fundamental rights and freedoms of natural or legal persons guaranteed by the Constitution of the Republic of Moldova and international treaties on fundamental human rights ratified by Moldova have been violated;

f) inappropriate attitude, manifestations or lifestyle which are prejudicial to the honour, integrity, professional integrity, prestige of the Prosecution Service.

f1) violation of the Code of Ethics of prosecutors.

(g) breach of the obligation from Article 7(7) of the Code of Conduct. (2) letter a) of Law No. 325/2013 on the evaluation of institutional integrity.

(2024): The total number of disciplinary proceedings reflects the disciplinary proceedings examined by the Board of Discipline and Ethics, subordinated to the Superior Council of Prosecutors out of 276 proceedings initiated by the Prosecution Inspection.

Source: Superior Council of Prosecutors

Ukraine

(2024): "Other" means 'violation of the procedure established by law for submitting a declaration of a person authorized to perform the functions of the state or local self-government, violation of the rules of internal service regulations' (paragraphs 4, 7 of part one of Article 43 of the Law of Ukraine 'On the Prosecutor's Office').

Question 247

Georgia

(2024): The number of completed cases under question 247 exceeds the number of initiated cases under question 246, because majority of completed cases were initiated before 2024.

Republic of Moldova

(2024): Source: Annual report of the Disciplinary and ethics Board - 2024, available at: https://csp.md/sites/default/files/2025-02/cde_raport_de_activitate_a_cde_pentru_anul_2024.pdf

Question 248

Republic of Moldova

(2024): Other - Warnings

Ukraine

(2024): Part one of Article 49 of the Law of Ukraine “On the Prosecutor's Office” provides that the following disciplinary sanctions may be imposed on a prosecutor: 1) a reprimand; 2) a ban for up to one year on transfer to a higher-level prosecutorial authority or on appointment to a higher position in the prosecutorial authority where the prosecutor holds a position (except for the Prosecutor General); 3) dismissal from the prosecutorial authority.

Thus, “Other” should be understood as a disciplinary sanction - a ban for up to one year on transfer to a higher-level prosecution body or appointment to a higher position in the prosecution body where the prosecutor holds a position.

The difference between the number of disciplinary proceedings and the number of sanctions is explained by the fact that in disciplinary proceedings against prosecutors, decisions are made not only to impose a disciplinary sanction, but also to close the disciplinary proceedings in the absence of grounds for imposing a disciplinary sanction on the prosecutor.

Question 250

Ukraine

(General Comment): The prosecutor may appeal the decision made as a result of disciplinary proceedings to the administrative court or to the High Council of Justice within one month from the date of serving a copy of the decision or receiving it by mail.

Question 251

Armenia

(2024): According to part 16 of the Article 56 of the Law "on the Prosecutor's office": “a prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law”. The competent court is the Administrative court.

Georgia

(2024): The court is responsible for deciding an appeal on disciplinary decisions

Republic of Moldova

(General Comment): For appeals against decisions of the Disciplinary and Ethics Board, the Superior Council of Prosecutors is the competent body to decide. The decisions of the Superior Council of Prosecutors can be contested in the Supreme Court of Justice in respect of the approval procedure.

Ukraine

(2024): Pursuant to Article 50(1) of the Law of Ukraine “On Prosecution”, a prosecutor may appeal a decision made as a result of disciplinary proceedings to an administrative court or the High Council of Justice within one month from the date of delivery or receipt of a copy of the decision by mail.

9. Alternative Dispute Resolution - Overview

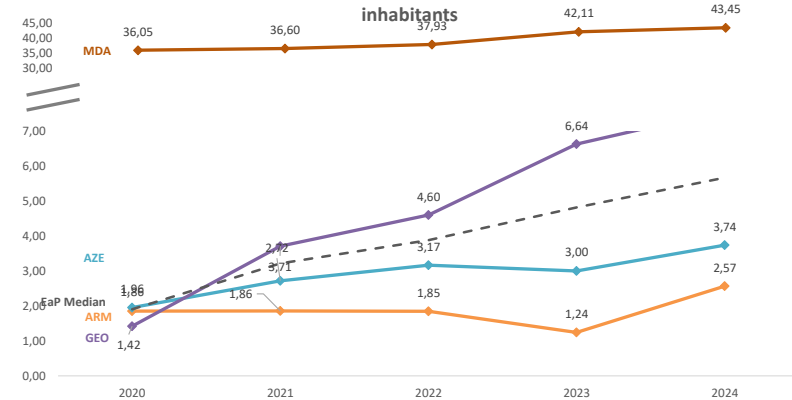
Number of accredited mediators and number of cases in court related mediation

Number of accredited mediators and its variation between 2020 and 2024 (Table 9.1.3 and 9.1.4)

Beneficiaries	Number of accredited mediators		
	2024		Variation 2020 - 2024 (%)
	Absolute number	Per 100 000 inhabitants	
Armenia	79	2,6	43,6%
Azerbaijan	381	3,7	95,4%
Georgia	281	7,6	430,2%
Republic of Moldova	1 053	43,5	11,2%
Ukraine	NA	NA	NA
EaP Median	331	5,7	69,5%

For reference only: the 2023 EU median is 19 mediators per 100 000 inhabitants.

Figure 9.1 Evolution of the number of accredited mediators per 100 000 inhabitants



Number of cases of court-related mediations and its variation between 2020 and 2024 (Table 9.1.6)

Beneficiaries	Number of court related mediation cases					
	Cases with agreement to start mediation		Finished court-related mediations		Cases with a settlement agreement	
	2024	Variation 2020 - 2024 (%)	2024	Variation 2020 - 2024 (%)	2024	Variation 2020 - 2024 (%)
Armenia	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	44 601	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA
Republic of Moldova	2 477	NA	505	NA	2 450	NA
Ukraine	NA	NA	NA	NA	NA	NA
EaP Median	-	-	-	-	-	-

9. Alternative Dispute Resolution - List of tables

Table 9.1.1 Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2024 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Providers of court-related mediation services by case types in 2024 (Q255)

Table 9.1.3 Number of accredited mediators between 2020 and 2024 and their gender distribution in 2024 (Q257)

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2020 and 2024 (Q1 and Q257)

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Table 9.1.6 Number of cases of court related mediation in 2024 (Q258)

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2020 to 2024 (Q1 and Q258)

Table 9.1.8 Existence of other alternative dispute resolution methods in 2024 (Q259)

Table 9.1.1 Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2024 (Q252, Q253, Q254 and Q256)

Beneficiaries	Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2024				
	Court related mediation	Mandatory mediation with a mediator		Mandatory informative sessions with a mediator	Possibility to receive legal aid for court related mediation
		Before/instead of going to court	Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding		
Armenia	Yes	No	No	No	Yes
Azerbaijan	Yes	Yes	No	Yes	Yes
Georgia	Yes	No	Yes	No	Yes
Republic of Moldova	Yes	No	No	No	Yes
Ukraine	Yes	No	No	No	Yes

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 9.1.2 Providers of court-related mediation services by case types in 2024 (Q255)

Beneficiaries	Providers of court-related mediation services by case types in 2024					
	Civil and commercial cases	Family cases	Administrative cases	Labour cases including employment dismissals	Criminal cases	Consumer cases
Armenia	Private mediator	Private mediator	None	Private mediator	None	Private mediator
Azerbaijan	NA	NA	NA	NA	NA	NA
Georgia	Private mediator Public authority	Private mediator Public authority	None	Private mediator Public authority	Prosecutor	Private mediator
Republic of Moldova	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator
Ukraine	Private mediator Judge	Private mediator Judge	Private mediator Judge	Private mediator Judge	Private mediator	Private mediator Judge

Table 9.1.3 Number of accredited mediators between 2020 and 2024 and their gender distribution in 2024 (Q257)

Beneficiaries	Number of accredited mediators between 2020 and 2024 and their gender distribution in 2024							
	Number of accredited mediators						Gender distribution of mediators in 2024	
	2020	2021	2022	2023	2024	Variation 2020 - 2024 (%)	% Males	% Females
Armenia	55	55	55	37	79	43,6%	48,1%	51,9%
Azerbaijan	195	273	319	304	381	95,4%	71,4%	28,6%
Georgia	53	137	172	248	281	430,2%	29,9%	70,1%
Republic of Moldova	947	953	953	1 058	1 053	11,2%	41,5%	58,5%
Ukraine	NAP	NA	NA	NA	NA	NA	NA	NA
Average	313	355	375	412	449	145,1%	47,7%	52,3%
Median	125	205	246	276	331	69,5%	44,8%	55,2%
Minimum	53	55	55	37	79	11,2%	29,9%	28,6%
Maximum	947	953	953	1 058	1 053	430,2%	71,4%	70,1%

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2020 and 2024 (Q1 and Q257)

Beneficiaries	Number of accredited mediators per 100 000 inhabitants between 2020 and 2024				
	2020	2021	2022	2023	2024
Armenia	 1,9	 1,9	 1,8	 1,2	 2,6
Azerbaijan	 2,0	 2,7	 3,2	 3,0	 3,7
Georgia	 1,4	 3,7	 4,6	 6,6	 7,6
Republic of Moldova	 36,0	 36,6	 37,9	 42,1	 43,5
Ukraine	NAP	NA	NA	NA	NA
Average	10,3	11,2	11,9	13,2	14,3
Median	1,9	3,2	3,9	4,8	5,7
Minimum	1,4	1,9	1,8	1,2	2,6
Maximum	36,0	36,6	37,9	42,1	43,5

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2024
Armenia	A mediator is an individual who has received the qualification of an accredited mediator in accordance with the procedure established by law and is registered in the register of accredited mediators. As of 2022, the qualification of a licensed mediator may be obtained by a person who has reached the age of 25 and has a higher education. The qualification of an accredited mediator cannot be awarded to a person who is a civil servant; convicted of a crime, and the criminal record has not been extinguished or canceled; who, according to a judicial act of the court that has entered into legal force, is recognized as incompetent, with limited legal capacity, missing or bankrupt, and bankruptcy proceedings have not been completed; against whom criminal prosecution has been initiated. To participate in the qualification check in order to obtain the qualification of an accredited mediator, a candidate for mediator takes a training course in accordance with the program and training procedure approved by the Minister of Justice or submits a certificate of completion of a similar course in a foreign country, the recognition and confirmation of equivalence of which is carried out by the qualification commission, which is an advisory body under the Minister of Justice. A person who is a mediator of a reputable foreign organization, when participating in a qualification check, is released from the obligation to complete a training course.
Azerbaijan	Persons with a higher education, over 25 years of age, and at least 3 years of work experience must participate in the training for the initial training of mediators at the Academy of Justice. Those who have successfully completed the training and obtained the appropriate certificate can become mediators by applying for membership of the Mediation Council. Persons who meet the requirements of the legislation can engage in mediation activities only after being admitted to the membership of the Mediation Council.
Georgia	LEPL Georgian Association of Mediators has approved the Professional Standard for Mediators and determined qualification requirements to become a mediator in accordance with the law. The prerequisite for obtaining the status of a mediator consists of three parts: 1. mediation / mediator training (Mediation/mediator training is approved by the association at least 60 hours of content-specific mediation / mediator training and which is carried out, including by any interested private a person, based on accreditation. In particular, the right to organize and conduct mediation/mediator training has the association and the institutions offered by them mediation/mediator training standard for mediator certification it is in full compliance with the standard established by the program); 2. Checking the practical skills of the person who wants to be a mediator; 3. Development of the skills of leading a real mediation for a person who wants to become a mediator (observation of a real court-mediation); Comment: Participant of the mediator certification program can be any person, who is considered to be capable of legal action, who has not been convicted, and under this provision is registered as a participant in the Mediator Certification Program.
Republic of Moldova	A person who wants to be a mediator in the Republic of Moldova must cumulatively meet the following conditions: a) have full mental capacity, b) hold a bachelor's degree, c) having not been previously convicted of serious, particularly serious, exceptionally serious crimes committed with intent, d) have a clean criminal record for minor and less serious crimes, e) have an impeccable reputation, f) be physically fit from a medical point of view, g) have completed the initial training courses for mediators, h) have passed the mediator's certification exam. A foreign citizen or a stateless person can apply to become a mediator in the Republic of Moldova if he/she corresponds to the afore-mentioned requirements.

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2024
Ukraine	Pursuant to Article 9 of the Law of Ukraine “On Mediation”, a mediator may be an individual who has undergone basic mediation training in Ukraine or abroad. A mediator may not be a person with a criminal record, a person whose civil capacity is limited, or an incapacitated person. Parties to mediation, public authorities and local self-government bodies, enterprises, institutions, organizations regardless of ownership and subordination, public associations may establish additional requirements for mediators they engage or use, in particular, special training, age, education, practical experience, etc. Associations of mediators and entities providing mediation may establish additional requirements for mediators included in their registers, including special training, age, education, practical experience, etc. Pursuant to Article 10 of the Law of Ukraine “On Mediation”, the basic training of mediators is carried out under a program of at least 90 hours of training, including at least 45 hours of practical training. The basic training program for mediators includes theoretical training and practical skills training. Mediators shall be trained by educational entities. The training of mediators, in addition to basic training, may include specialized training in accordance with the training programs developed by educational entities. Upon completion of basic and/or specialized training and confirmation of the acquired competencies, a relevant certificate shall be issued, which shall contain 1) surname, name, patronymic (if any) of the person who underwent the training 2) name of the educational entity that provided the training; 3) number of hours of training, including practical training; 4) name of the training course; 5) date of training; 6) number and date of issuance of the certificate. The certificate confirming the completion of basic and/or specialized training of a mediator may include other information determined by the educational entity that provided the training. The certificate confirming the completion of basic and/or specialized training of a mediator shall be accompanied by a list of components of the training program and acquired competencies. Educational entities that provide training of mediators shall keep registers of their graduates, which shall contain the information provided for in part four of this Article. Articles 14 and 15 of the Law of Ukraine “On Mediation” stipulate that associations of mediators and entities providing mediation shall maintain registers of mediators in compliance with the requirements of the law on the collection, storage, use and dissemination of confidential information about a person. The register of mediators shall include the following information: 1) surname, name and patronymic (if any) of the mediator 2) education 3) language(s) of mediation 4) the number of hours of basic training of the mediator, indicating the name of the educational entity that provided the training; 5) specialization of the mediator with indication of the number of hours of specialized training (if any); 6) information on professional development of the mediator. The register may also contain other information determined by the association of mediators or the entity providing mediation.

Table 9.1.6 Number of cases of court related mediation in 2024 (Q258)

Beneficiaries	Number of cases of court related mediation in 2024																							
	Total 1+2+3+4+5+6+7			Civil and commercial cases (1)			Family cases (2)			Administrative cases (3)			Labour cases including employment dismissal cases (4)			Criminal cases (5)			Consumer cases (6)			Other cases (7)		
	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	44 601	NA	1 024	NA	280	43 761	NA	6 963	NA	NA	NA	2 427	NA	311	NAP	NAP	NAP	NA	NA	NA	NAP	NAP	NAP
Georgia	NA	NA	NA	12	248	34	2	125	22	NAP	NAP	NAP	0	224	38	NAP	NAP	NAP	NA	NA	NA	24	NA	60
Republic of Moldova	2 477	505	2 450	2 308	411	2 288	18	2	15	0	0	0	3	2	2	138	90	137	1	0	1	9	0	7
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	1 115	-	867	14 594	-	2 333	-	-	-	810	-	117	-	-	-	-	-	-	-	-	-
Median	-	-	-	1 024	-	280	18	-	22	-	-	-	3	-	38	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	12	-	34	2	-	15	-	-	-	0	-	2	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	2 308	-	2 288	43 761	-	6 963	-	-	-	2 427	-	311	-	-	-	-	-	-	-	-	-

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2020 to 2024 (Q1 and Q258)

Beneficiaries	Evolution of total number of cases of court related mediation per 100 inhabitants from 2020 to 2024														
	2020			2021			2022			2023			2024		
	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases in which there is a settlement agreement
Armenia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	0	0	0	NA	NA	NA	NA	NA	NA	NA	0	NA
Georgia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Republic of Moldova	NA	NA	NA	NA	NA	NA	NA	NA	NA	0	0	0	0,102	0,021	0,101
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 9.1.8 Existence of other alternative dispute resolution methods in 2024 (Q259)

Beneficiaries	Existence of other alternative dispute resolution methods in 2024			
	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other alternative dispute resolution
Armenia				
Azerbaijan				
Georgia				
Republic of Moldova				
Ukraine				

Yes	
No	
NA	
NAP	

Indicator 9- Alternative Dispute Resolution

by country

Question 252. Does the judicial system provide for court-related mediation procedures?

Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Question 255. Please specify, by type of cases, who provides court-related mediation services:

Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Armenia

Q252 (General Comment): According to article 184 of the Civil procedure code of Armenia:

At any stage of the proceedings, the Court of First Instance or the Court of Appeal shall be entitled, with the consent of the parties or upon a motion filed by them, assign a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

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

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

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

The licensed mediator shall be appointed from the list of mediators with relevant specialization, in alphabetical order of surnames, pursuant to specialisation and the workload of the licensed mediator. The licensed mediator having the least workload, with specialisation in the relevant field of disputable legal relationship, shall be selected irrespective of the alphabetical order of surnames.

Q253 (General Comment): Nowadays, Armenia does not have a mandatory mediation.

Q253 (2024): Article 184 (2) of Civil Procedure Code

prescribes that if there is a high probability that the dispute will end in mediation, the court may appoint at least two and no more than four hours of mediation once on its own initiative.

In 2023, there was no mandatory mediation. The law providing for mandatory mediation for family cases was adopted in the end of 2022 but hasn't yet entered into force. The law is scheduled to come into force if the special list of mediators established by law (mediators resolving mandatory mediation cases) is replenished by at least 15 licensed mediators.

Q255 (General Comment): Armenia does not have mediation for administrative and criminal cases.

As it is stipulated in Mediation Law of the RA, the mediator is the independent, impartial, not interested in the outcome of the case physical person performing mediation for the purpose of the dispute resolution between the parties conciliation. The mediator has the right to perform the activities as personally, and in permanent organization mediator.

The licensed mediator is the physical person who received qualification of licensed mediator and registered in the register of licensed mediators the procedure established by this Law.

Can receive qualification of licensed mediator:

- 1) the person which reached 25-year age and having the higher education;
- 2) the former judge having at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its powers stopped based on the introduction in legal force of the accusatory court resolution adopted concerning it or the termination of criminal prosecution not on the justifying basis;
- 3) the scientist-lawyer having at least three years of experience of professional work in the field of the right.

Q256 (General Comment): By the decision of the Court- the parties he/she may refer parties to 4 hour free of charge mediation.

Q257 (2024): As a result of the new trainings and qualifications in 2024 the number of mediators increased.

Q259 (2024): From the Law on Mediation it is obvious that there are three types of mediation - 1. the mediation based on mutual agreement of parties which is regulated by the same law, 2. the mediation based on court decision, which is regulated by the Civil Procedure Code, and 3. Financial mediation which is regulated by the Law on Financial Mediation system. It is worth to note that both 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008

Azerbaijan

Q253 (2024): According to Article 3.2 of the Law of the Republic of Azerbaijan "On Mediation", participation in the initial mediation session is required before applying to the court for disputes arising from family and labour relations. However, from December 2023, recourse to mediation in commercial disputes is completely voluntary.

Q256 (2024): In accordance with Article 28 of the Law of the Republic of Azerbaijan "On Mediation", the mediation costs of an individual who does not have sufficient funds to cover the costs of mediation during the initial mediation session shall be paid from the funds allocated to the Mediation Council for these purposes in the state budget.

Q257 (2024): Source: Mediation Council. There was an increase in the number of mediators in 2024 compared to 2023 related to the demand for mediation.

Georgia

Q253 (2024): Mandatory mediation applies to the following fields: family disputes, labor cases, inheritance cases, neighborhood cases, shared property cases, property cases, which are under 20000 Gel by its value, the disputes, which involves the micro financial, bank or non-bank organizations, electronic contractual issues, if the value of the subject matter is under 10000 gel, non-property issues (such as, copyright cases, respect and dignity cases).

Q256 (2024): Legal Aid for court-related mediation.

Republic of Moldova

Q252 (General Comment): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory. In accordance to the Civil Procedure Code legal provisions, the judge evaluates the circumstances and propose to parties to apply for mediation outside the court proceedings. In accordance to the Criminal Procedure Code legal provisions, in case of accusing a person for committing a minor or less serious offense, and in case of minors (even for specific serious offences), the court, before the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a ruling in favor of a mediation procedure outside the court proceedings.

The document includes data on the name of the judge, of the accused person and the essence of the accusation, the indication to examine the case in the mediation procedure, the name of the mediator who will carry out the procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, accused person, injured party, prosecutor and defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which is submitted to the court, as well. The parties criminal trial may repeatedly benefit from the right to mediation until deliberation and sentencing.

Q253 (General Comment): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory.

Q254 (General Comment): There are not specific provisions concerning the mandatory informative sessions but in accordance with the Law on mediation the informative sessions are free of charge. Also, parties can establish by their agreement to benefit from mandatory informative sessions.

Q256 (General Comment): In July 2015, a new Law on mediation was adopted in order to foster the resort to the mediation procedure. Different measures are devised: legal aid, state fees exemptions, enforcement of mediation agreement. According to art. 22 par. (7) of the Law no. 137 of July 3, 2015 on mediation, the parties may be assisted by lawyers during the mediation process and in the mediation process, a party or both parties have the right to benefit from the state-guaranteed services of a mediator in the manner prescribed by law.

Q256 (2024): The Law on the legal aid was amended on December 15, 2023 and entered into force in June 2024. The aim was to better integrate the legal aid for mediation services into the legal aid system. The beneficiaries of these services are persons whose income is lower than the monthly minimum salary in the country. Regardless of the level of income, the services can be granted to other specific legal-aid beneficiary categories. The legal aid for mediation services are available for civil, criminal or misdemeanor cases.

Q257 (2024): According to the Law no.137 of 03.07.2015 on mediation, mediators must carry out their activities in an office or associate office. There is an important variation between the number of active mediators and the number of accredited mediators in Moldova. The number of active mediators in 2024 represents 273 (155 males, 118 females).

Q258 (2024): In 2024 the number of total started court-related mediations as well as the number of cases with settlement increased by around 50% compared to 2023, mostly on the account of civil and commercial cases, which continues to be the dominant sub-category. The increase could be seen as an indication of parties' interest in having recourse to mediation.

Ukraine

Articles 49 of the Civil Procedure Code of Ukraine and 46 of the Commercial Procedure Code of Ukraine stipulate that the parties may reconcile, including through mediation, at any stage of the court proceedings. The result of the parties' agreement may be formalized in a settlement agreement. In turn, Article 47 of the Code of Administrative Procedure of Ukraine provides that the parties may reach reconciliation, including through mediation, at any stage of the court proceedings, which is the basis for closing the administrative case.

At the preparatory hearing, the court finds out whether the parties wish to settle the dispute out of court through mediation. The court may adjourn the preliminary hearing if necessary, in particular if the parties agree to settle the dispute out of court through mediation (197-198 of the Civil Procedure Code, 182-183 of the Commercial Procedure Code, 180, 183 of the Administrative Procedure Code)

The court is obliged to suspend the proceedings if both parties file a motion to suspend the proceedings in connection with mediation. The proceedings are suspended for the duration of the mediation, but not more than ninety days from the date of the court's decision to suspend the proceedings.(251, 253 of the Civil Procedure Code, 227, 229 of the Commercial Procedure Code). In administrative proceedings, the court suspends the proceedings if both parties file a motion to provide them with time for reconciliation, including through mediation, until the expiration of the term stated by the parties in the motion (Article 236 of the CAP).

The settlement agreement concluded by the parties is approved by a court ruling, the operative part of which specifies the terms of the agreement. By approving the settlement agreement, the court simultaneously closes the proceedings in the case by the same ruling (Articles 207 of the Civil Procedure Code, 192 of the Commercial Procedure Code).

If the parties agree to enter into a settlement agreement, the plaintiff withdraws from the claim or the defendant recognizes the claim as a result of mediation, the court shall decide in a relevant ruling or decision in accordance with the procedure established by law to refund 60% of the court fee paid when filing the claim to the plaintiff from the state budget (Articles 142 of the Civil Procedure Code, 130 of the Commercial Procedure Code).

The procedure for mediation is defined by the Law of Ukraine "On Mediation".

There is also a separate procedure for dispute resolution with the participation of a judge.

Articles 201-205 of the Civil Procedure Code of Ukraine, 186-190 of the Commercial Procedure Code of Ukraine, 184-188 of the Administrative Procedure Code of Ukraine provide for the dispute resolution procedure with the participation of a judge.

Dispute resolution with the participation of a judge is carried out with the consent of the parties before the commencement of the case on the merits. The court shall issue a ruling on the dispute resolution procedure with the participation of a judge, which simultaneously suspends the proceedings in the case.

Dispute resolution with the participation of a judge shall be carried out in the form of joint and (or) closed meetings. The parties have the right to participate in such meetings by video conference. Joint meetings shall be held with the participation of all parties, their representatives and the judge. Closed meetings are held at the initiative of the judge with each of the parties separately.

At the beginning of the first joint dispute resolution meeting, the judge shall explain to the parties the purpose, procedure for dispute resolution with the participation of the judge, rights and obligations of the parties. During the joint meetings, the judge shall clarify the grounds and subject matter of the claim, the grounds for objections, explain to the parties the subject matter of proof for the category of dispute under consideration, invite the parties to submit proposals for the amicable settlement of the dispute and take other actions aimed at the amicable settlement

Q253 (General Comment): Pursuant to Articles 3 - 5 of the Law of Ukraine "On Mediation", this Law applies to social relations related to mediation in order to prevent conflicts (disputes) in the future or to resolve any conflicts (disputes), including civil, family, labor, economic, administrative, as well as in cases of administrative offenses and in criminal proceedings with the aim of reconciling the victim with the suspect (accused).

The legislation may provide for specifics of mediation in certain categories of conflicts (disputes).

Mediation may be conducted before applying to a court, arbitration court, international commercial arbitration or during a pre-trial investigation, court, arbitration, arbitration proceedings, or during the execution of a court decision, arbitration court or international commercial arbitration.

Mediation does not affect the limitation period.

Mediation shall not be conducted in conflicts (disputes) that affect or may affect the rights and legitimate interests of third parties who are not parties to this mediation.

Mediation shall be conducted by mutual consent of the parties to the mediation, taking into account the principles of voluntariness, confidentiality, neutrality, independence and impartiality of the mediator, self-determination and equality of rights of the parties to the mediation.

The principles of mediation apply to the stage of preparation for mediation.

Participation in mediation is a voluntary expression of the will of the mediation participants. No one can be forced to resolve a conflict (dispute) in mediation. The parties to the mediation and the mediator may withdraw from the mediation at any time.

Participation of a party in mediation shall not be deemed an admission of guilt, claims or waiver of claims by such party.

Q256 (General Comment): According to part two of Article 11 of the Law of Ukraine “On Mediation”, a mediator may provide mediation services on a paid or free of charge basis, on a hired basis, through an entity that provides mediation, through an association of mediators or individually. Mediation services within certain pilot projects implemented by the free legal aid system are provided free of charge, within the limits of the state budget funds allocated to finance the free legal aid system.

Q257 (2024): Since the Law No. 1875-IX does not provide for a single register of mediators and does not require that a mediator to be included in any register of mediators in order to conduct mediation, there are mediators who are not represented in any register, and there are mediators who are simultaneously included in several registers. Partial data for 2024 is available for mediators included in the Register of Mediators engaged by free legal aid centers, as follows: total 134 (of which 23 males and 111 females).

Q258 (2024): Comments: Currently, more than 50 associations of mediators are registered and maintain their own registers of mediators. Since Law No. 1875-IX does not provide for a single register of mediators and does not require that a mediator be included in any register of mediators in order to conduct mediation, there are mediators who are not represented in any register, and there are mediators who are simultaneously included in several registers.

In addition, there is no self-regulatory organization of mediators, and there is no mechanism for recording mediation agreements and, accordingly, the number of mediation procedures conducted.

In view of the above, there is no centralized collection of statistical data in the field of mediation.

At the same time, according to the Order of the State Judicial Administration of Ukraine No. 528 dated 29.11.2024 “On Amendments to the Order of the State Judicial Administration of Ukraine No. 325 dated 23.06.2018”, information on mediation will be reflected in the court reports starting from the report for 2025.

In addition, the Order of the Ministry of Social Policy of Ukraine No. 269-N dated 03.06.2024 approved the state standard of social service of mediation, and in this regard, the received reports on mediation as a social service will also help to generate the necessary statistics.

Q259 (General Comment): other: settlement agreement, international commercial arbitration, non-mediation, settlement of the dispute with the participation of judges

Indicator 9- Alternative Dispute Resolution

by question No.

Question 252. Does the judicial system provide for court-related mediation procedures?

Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Question 255. Please specify, by type of cases, who provides court-related mediation services:

Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Question 252

Armenia

(General Comment): According to article 184 of the Civil procedure code of Armenia:

At any stage of the proceedings, the Court of First Instance or the Court of Appeal shall be entitled, with the consent of the parties or upon a motion filed by them, assign a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

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

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

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

The licensed mediator shall be appointed from the list of mediators with relevant specialization, in alphabetical order of surnames, pursuant to specialisation and the workload of the licensed mediator. The licensed mediator having the least workload, with specialisation in the relevant field of disputable legal relationship, shall be selected irrespective of the alphabetical order of surnames.

Republic of Moldova

(General Comment): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory.

In accordance to the Civil Procedure Code legal provisions, the judge evaluates the circumstances and propose to parties to apply for mediation outside the court proceedings.

In accordance to the Criminal Procedure Code legal provisions, in case of accusing a person for committing a minor or less serious offense, and in case of minors (even for specific serious offences), the court, before the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a ruling in favor of a mediation procedure outside the court proceedings.

The document includes data on the name of the judge, of the accused person and the essence of the accusation, the indication to examine the case in the mediation procedure, the name of the mediator who will carry out the procedure, establishing a reasonable term for mediation.

The decision shall be transmitted to the mediator, accused person, injured party, prosecutor and defender.

The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which is submitted to the court, as well. The parties criminal trial may repeatedly benefit from the right to mediation until deliberation and sentencing.

Ukraine

Articles 49 of the Civil Procedure Code of Ukraine and 46 of the Commercial Procedure Code of Ukraine stipulate that the parties may reconcile, including through mediation, at any stage of the court proceedings. The result of the parties' agreement may be formalized in a settlement agreement. In turn, Article 47 of the Code of Administrative Procedure of Ukraine provides that the parties may reach reconciliation, including through mediation, at any stage of the court proceedings, which is the basis for closing the administrative case.

At the preparatory hearing, the court finds out whether the parties wish to settle the dispute out of court through mediation. The court may adjourn the preliminary hearing if necessary, in particular if the parties agree to settle the dispute out of court through mediation (197-198 of the Civil Procedure Code, 182-183 of the Commercial Procedure Code, 180, 183 of the Administrative Procedure Code)

The court is obliged to suspend the proceedings if both parties file a motion to suspend the proceedings in connection with mediation. The proceedings are suspended for the duration of the mediation, but not more than ninety days from the date of the court's decision to suspend the proceedings. (251, 253 of the Civil Procedure Code, 227, 229 of the Commercial Procedure Code). In administrative proceedings, the court suspends the proceedings if both parties file a motion to provide them with time for reconciliation, including through mediation, until the expiration of the term stated by the parties in the motion (Article 236 of the CAP).

The settlement agreement concluded by the parties is approved by a court ruling, the operative part of which specifies the terms of the agreement. By approving the settlement agreement, the court simultaneously closes the proceedings in the case by the same ruling (Articles 207 of the Civil Procedure Code, 192 of the Commercial Procedure Code).

If the parties agree to enter into a settlement agreement, the plaintiff withdraws from the claim or the defendant recognizes the claim as a result of mediation, the court shall decide in a relevant ruling or decision in accordance with the procedure established by law to refund 60% of the court fee paid when filing the claim to the plaintiff from the state budget (Articles 142 of the Civil Procedure Code, 130 of the Commercial Procedure Code).

The procedure for mediation is defined by the Law of Ukraine "On Mediation".

There is also a separate procedure for dispute resolution with the participation of a judge.

Articles 201-205 of the Civil Procedure Code of Ukraine, 186-190 of the Commercial Procedure Code of Ukraine, 184-188 of the Administrative Procedure Code of Ukraine provide for the dispute resolution procedure with the participation of a judge.

Dispute resolution with the participation of a judge is carried out with the consent of the parties before the commencement of the case on the merits. The court shall issue a ruling on the dispute resolution procedure with the participation of a judge, which simultaneously suspends the proceedings in the case.

Dispute resolution with the participation of a judge shall be carried out in the form of joint and (or) closed meetings. The parties have the right to participate in such meetings by video conference. Joint meetings shall be held with the participation of all parties, their representatives and the judge. Closed meetings are held at the initiative of the judge with each of the parties separately.

At the beginning of the first joint dispute resolution meeting, the judge shall explain to the parties the purpose, procedure for dispute resolution with the participation of the judge, rights and obligations of the parties. During the joint meetings, the judge shall clarify the grounds and subject matter of the claim, the grounds for objections, explain to the parties the subject matter of proof for the category of dispute under consideration, invite the parties to submit proposals for the amicable settlement of the dispute and take other actions aimed at the amicable settlement

Question 253

Armenia

(General Comment): Nowadays, Armenia does not have a mandatory mediation.

(2024): Article 184 (2) of Civil Procedure Code

prescribes that if there is a high probability that the dispute will end in mediation, the court may appoint at least two and no more than four hours of mediation once on its own initiative.

In 2023, there was no mandatory mediation. The law providing for mandatory mediation for family cases was adopted in the end of 2022 but hasn't yet entered into force. The law is scheduled to come into force if the special list of mediators established by law (mediators resolving mandatory mediation cases) is replenished by at least 15 licensed mediators.

Azerbaijan

(2024): According to Article 3.2 of the Law of the Republic of Azerbaijan "On Mediation", participation in the initial mediation session is required before applying to the court for disputes arising from family and labour relations. However, from December 2023, recourse to mediation in commercial disputes is completely voluntary.

Georgia

(2024): Mandatory mediation applies to the following fields: family disputes, labor cases, inheritance cases, neighborhood cases, shared property cases, property cases, which are under 20000 Gel by its value, the disputes, which involves the micro financial, bank or non-bank organizations, electronic contractual issues, if the value of the subject matter is under 10000 gel, non-property issues (such as, copyright cases, respect and dignity cases).

Republic of Moldova

(General Comment): The legal provisions on mandatory court-mediation were abolished in 2022 and judges are not having the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. So, the mediation remains court-related but not mandatory.

Ukraine

(General Comment): Pursuant to Articles 3 - 5 of the Law of Ukraine "On Mediation", this Law applies to social relations related to mediation in order to prevent conflicts (disputes) in the future or to resolve any conflicts (disputes), including civil, family, labor, economic, administrative, as well as in cases of administrative offenses and in criminal proceedings with the aim of reconciling the victim with the suspect (accused).

The legislation may provide for specifics of mediation in certain categories of conflicts (disputes).

Mediation may be conducted before applying to a court, arbitration court, international commercial arbitration or during a pre-trial investigation, court, arbitration, arbitration proceedings, or during the execution of a court decision, arbitration court or international commercial arbitration.

Mediation does not affect the limitation period.

Mediation shall not be conducted in conflicts (disputes) that affect or may affect the rights and legitimate interests of third parties who are not parties to this mediation.

Mediation shall be conducted by mutual consent of the parties to the mediation, taking into account the principles of voluntariness, confidentiality, neutrality, independence and impartiality of the mediator, self-determination and equality of rights of the parties to the mediation.

The principles of mediation apply to the stage of preparation for mediation.

Participation in mediation is a voluntary expression of the will of the mediation participants. No one can be forced to resolve a conflict (dispute) in mediation. The parties to the mediation and the mediator may withdraw from the mediation at any time.

Participation of a party in mediation shall not be deemed an admission of guilt, claims or waiver of claims by such party.

Question 254

Republic of Moldova

(General Comment): There are not specific provisions concerning the mandatory informative sessions but in accordance with the Law on mediation the informative sessions are free of charge. Also, parties can establish by their agreement to benefit from mandatory informative sessions.

Question 255

Armenia

(General Comment): Armenia does not have mediation for administrative and criminal cases.

As it is stipulated in Mediation Law of the RA, the mediator is the independent, impartial, not interested in the outcome of the case physical person performing mediation for the purpose of the dispute resolution between the parties conciliation. The mediator has the right to perform the activities as personally, and in permanent organization mediator.

The licensed mediator is the physical person who received qualification of licensed mediator and registered in the register of licensed mediators the procedure established by this Law.

Can receive qualification of licensed mediator:

- 1) the person which reached 25-year age and having the higher education;
- 2) the former judge having at least three years of experience of service on judgeship, except as specified, when its powers were stopped based on assumption of disciplinary violation or its powers stopped based on the introduction in legal force of the accusatory court resolution adopted concerning it or the termination of criminal prosecution not on the justifying basis;
- 3) the scientist-lawyer having at least three years of experience of professional work in the field of the right.

Question 256

Armenia

(General Comment): By the decision of the Court- the parties he/she may refer parties to 4 hour free of charge mediation.

Azerbaijan

(2024): In accordance with Article 28 of the Law of the Republic of Azerbaijan "On Mediation", the mediation costs of an individual who does not have sufficient funds to cover the costs of mediation during the initial mediation session shall be paid from the funds allocated to the Mediation Council for these purposes in the state budget.

Georgia

(2024): Legal Aid for court-related mediation.

Republic of Moldova

(General Comment): In July 2015, a new Law on mediation was adopted in order to foster the resort to the mediation procedure. Different measures are devised: legal aid, state fees exemptions, enforcement of mediation agreement. According to art. 22 par. (7) of the Law no. 137 of July 3, 2015 on mediation, the parties may be assisted by lawyers during the mediation process and in the mediation process, a party or both parties have the right to benefit from the state-guaranteed services of a mediator in the manner prescribed by law.

(2024): The Law on the legal aid was amended on December 15, 2023 and entered into force in June 2024. The aim was to better integrate the legal aid for mediation services into the legal aid system. The beneficiaries of these services are persons whose income is lower than the monthly minimum salary in the country. Regardless of the level of income, the services can be granted to other specific legal-aid beneficiary categories. The legal aid for mediation services are available for civil, criminal or misdemeanor cases.

Ukraine

(General Comment): According to part two of Article 11 of the Law of Ukraine “On Mediation”, a mediator may provide mediation services on a paid or free of charge basis, on a hired basis, through an entity that provides mediation, through an association of mediators or individually. Mediation services within certain pilot projects implemented by the free legal aid system are provided free of charge, within the limits of the state budget funds allocated to finance the free legal aid system.

Question 257

Armenia

(2024): As a result of the new trainings and qualifications in 2024 the number of mediators increased.

Azerbaijan

(2024): Source: Mediation Council. There was an increase in the number of mediators in 2024 compared to 2023 related to the demand for mediation.

Republic of Moldova

(2024): According to the Law no.137 of 03.07.2015 on mediation, mediators must carry out their activities in an office or associate office. There is an important variation between the number of active mediators and the number of accredited mediators in Moldova. The number of active mediators in 2024 represents 273 (155 males, 118 females).

Ukraine

(2024): Since the Law No. 1875-IX does not provide for a single register of mediators and does not require that a mediator to be included in any register of mediators in order to conduct mediation, there are mediators who are not represented in any register, and there are mediators who are simultaneously included in several registers. Partial data for 2024 is available for mediators included in the Register of Mediators engaged by free legal aid centers, as follows: total 134 (of which 23 males and 111 females).

Question 258

Republic of Moldova

(2024): In 2024 the number of total started court-related mediations as well as the number of cases with settlement increased by around 50% compared to 2023, mostly on the account of civil and commercial cases, which continues to be the dominant sub-category. The increase could be seen as an indication of parties’ interest in having recourse to mediation.

Ukraine

(2024): Comments: Currently, more than 50 associations of mediators are registered and maintain their own registers of mediators. Since Law No. 1875-IX does not provide for a single register of mediators and does not require that a mediator be included in any register of mediators in order to conduct mediation, there are mediators who are not represented in any register, and there are mediators who are simultaneously included in several registers.

In addition, there is no self-regulatory organization of mediators, and there is no mechanism for recording mediation agreements and, accordingly, the number of mediation procedures conducted.

In view of the above, there is no centralized collection of statistical data in the field of mediation.

At the same time, according to the Order of the State Judicial Administration of Ukraine No. 528 dated 29.11.2024 "On Amendments to the Order of the State Judicial Administration of Ukraine No. 325 dated 23.06.2018", information on mediation will be reflected in the court reports starting from the report for 2025.

In addition, the Order of the Ministry of Social Policy of Ukraine No. 269-N dated 03.06.2024 approved the state standard of social service of mediation, and in this regard, the received reports on mediation as a social service will also help to generate the necessary statistics.

Question 259

Armenia

(2024): From the Law on Mediation it is obvious that there are three types of mediation - 1. the mediation based on mutual agreement of parties which is regulated by the same law, 2. the mediation based on court decision, which is regulated by the Civil Procedure Code, and 3. Financial mediation which is regulated by the Law on Financial Mediation system. It is worth to note that both 1st and 2nd types of mediation were envisaged by relevant laws adopted in 2018. The Law on Financial mediation system exists since 2008

Ukraine

(General Comment): other: settlement agreement, international commercial arbitration, non-mediation, settlement of the dispute with the participation of judges

10. European Convention of Human Rights (ECHR) - Overview

Number of applications, judgments and cases considered as closed at the European Court of Human Rights in 2024 (Tables 10.1.3 and 10.1.4)

Beneficiaries	Applications allocated to an ECHR judicial formation		Number of judgments finding at least one violation of the ECHR		Number of cases considered as closed	
	2024	% Variation 2023 - 2024	2024	% Variation 2023 - 2024	2024	% Variation 2023 - 2024
Armenia	180	22,4%	15	-57,1%	14	-6,7%
Azerbaijan	600	37,0%	38	0,0%	70	118,8%
Georgia	151	-3,2%	16	33,3%	18	260,0%
Republic of Moldova	363	-44,4%	15	-32,1%	20	0,0%
Ukraine	2 832	11,9%	153	36,6%	75	0,0%
EaP Average	825	4,7%	47	-3,9%	39	74,4%

Figure 10.1 Applications allocated to an ECHR judicial formation in 2024 and % variation between 2023 and 2024

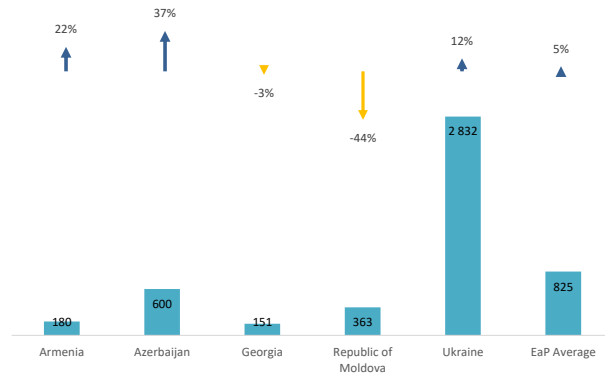
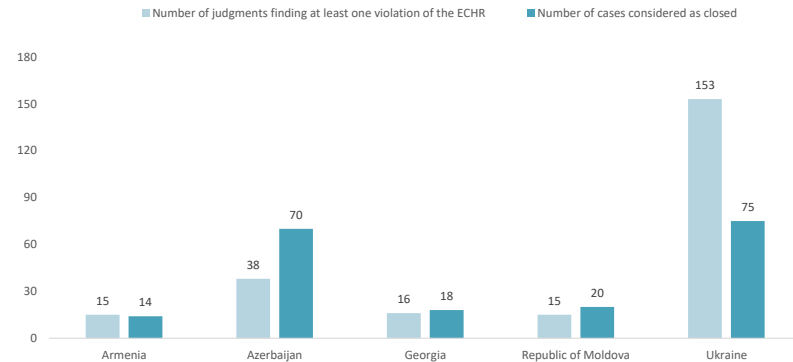


Figure 10.2 Number of judgments finding at least one violation of the ECHR and number of cases considered closed in 2024



Source: European Court of Human Rights and Department of Execution of judgments of the Council of Europe

10. European Convention of Human Rights (ECHR) - List of tables

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case after a decision on violation of human rights by the ECHR in 2024 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgments in 2024 (Q262, Q263 and 236-1**)

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgments, between 2020 and 2024 (Q262 and Q263**)

Table 10.1.4 Number of cases considered as closed after a judgment of the European Court of Human rights and the execution of judgments process, between 2020 and 2024 (Q264***)

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case after a decision on violation of human rights by the ECHR in 2024 (Q260 and Q261)

Beneficiaries	Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case after a decision on violation of human rights by the ECHR in 2024					
	Monitoring system			Possibility to review/reopen a case at the national level		
	Non-enforcement for civil procedures	Timeframe		For civil cases	For criminal cases	For administrative cases
		For civil procedures	For criminal procedures			
Armenia						
Azerbaijan						
Georgia						
Republic of Moldova						
Ukraine						

Yes	
No	
NA	
NAP	

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgments in 2024 (Q262, Q263 and 236-1)**

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgments in 2024					
	Number of applications allocated to a judicial formation of the European Court of Human Rights	Number of judgments		Judgments finding at least one violation of the Article 6 of the European Convention on Human Rights		
		Total	Judgments finding at least one violation	Right to a fair trial	Length of proceedings	Non-enforcement
Armenia	180	16	15	1	1	1
Azerbaijan	600	39	38	16	1	3
Georgia	151	18	16	3	1	0
Republic of Moldova	363	17	15	5	0	1
Ukraine	2 832	158	153	13	51	2
Average	825	50	47	7,6	10,8	1,4
Median	363	18	16	5	1	1
Minimum	151	16	15	1	0	0
Maximum	2832	158	153	16	51	3

** Source ECHR

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgments, between 2020 and 2024 (Q262 and Q263)**

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgments, between 2020 and 2024														
	Number of applications allocated to a judicial formation of the European Court of Human Rights					Number of judgments									
						Total					Judgments finding at least one violation				
	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024
Armenia	213	134	111	147	180	14	16	21	25	16	14	16	21	23	15
Azerbaijan	525	425	389	438	600	37	36	23	40	39	37	35	22	38	38
Georgia	130	120	150	156	151	15	13	11	17	18	12	12	11	12	16
Republic of Moldova	523	630	642	653	363	32	68	34	24	17	28	48	31	24	15
Ukraine	4 271	210	1 914	2 531	2 832	86	197	144	130	158	82	194	141	123	153
Average	1132	304	641	785	825	37	66	47	47	50	35	61	45	44	47
Median	523	210	389	438	363	32	36	23	25	18	28	35	22	24	16
Minimum	130	120	111	147	151	14	13	11	17	16	12	12	11	12	15
Maximum	4271	630	1914	2531	2832	86	197	144	130	158	82	194	141	123	153

** Source ECHR

Table 10.1.4 Number of cases considered as closed after a judgment of the European Court of Human rights and the execution of judgments process, between 2020 and 2024 (Q264*)**

Beneficiaries	Number of cases considered as closed after a judgment of the European Court of Human rights and the execution of judgments process, between 2020 and 2024				
	2020	2021	2022	2023	2024
Armenia	11	15	12	15	14
Azerbaijan	6	12	35	32	70
Georgia	7	2	5	5	18
Republic of Moldova	51	40	53	20	20
Ukraine	108	126	67	75	75
Average	36,6	39	34,4	29,4	39,4
Median	11	15	35	20	20
Minimum	6	2	5	5	14
Maximum	108	126	67	75	75

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

Indicator 10- ECtHR

by country

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?

Question 261. Is there in your country a possibility to review/reopen a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Armenia

Q260 (General Comment): The Office of the Representative on international legal matters monitors violations found in ECHR judgments within the execution of the judgments and decisions of the ECHR and case by case carries out general measures (dissemination, translation, drafting legislative amendments, etc.) depending on the nature of found violation.

Q260 (2024): An interdepartmental commission was established by the Decision of the Prime Minister of the Republic of Armenia to oversee the fulfilment of the country's international obligations under the European Convention on Human Rights, ensure the ongoing implementation of sectoral reforms, and develop a roadmap of measures to address identified issues. The primary goals of this commission include restoring violated rights in line with the implementation of judgments (including judgments with violations related to Article 6) issued by the European Court of Human Rights against Armenia, identifying similar challenges, strengthening interdepartmental collaboration to prevent future violations, advancing sectoral reforms, and initiating legislative amendments based on identified issues.

In addition, the Office of the Representative on International Legal Matters monitors the violations identified in European Court of Human Rights judgments and ensures their execution by implementing general measures on a case-by-case basis, such as dissemination, translation, legislative amendments, and more, depending on the nature of the violation.

Q261 (2024): The only significant difference in this regard between three different areas of law are the time limits for lodging an appeal for reviewing a judicial act after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights. An appeal may be filed within four months in criminal proceedings, and three months in civil and administrative proceedings.

Georgia

Q260 (2024): According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The para. p, Article 4 of the Statute the content and scope of the powers in this regard is set out the following: The powers of the Ministry of Justice among others include the development of proposals for the enforcement of judgments of the European Court of Human Rights against Georgia and the promotion of their implementation not only for the violation of the 6th article of the ECHR but also related to all the judgments regardless their matters. The Ministry of Justice of Georgia submits an annual report to the Parliament of Georgia on the enforcement of judgments by the European Court of Human Rights on Georgia.

Q261 (2024): According to the Georgian Procedural legislation (Civil, Criminal and Administrative Procedural Law) decision of European Court of Human Rights (finding of a violation of the European Convention on Human Rights) is legal ground for review/reopen of the case.

Republic of Moldova

Q260 (General Comment): On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European

Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures.

The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and decisions is also available on the Supreme Court of Justice's official website www.csj.md. Pursuant to the same Law no. 151 of 30 July 2015, the Government Agent notifies all the relevant authorities involved in a certain case about the issuance of a Court judgment in that case, by also proposing general measures aimed at preventing similar violations for the future. The evolution of cases at national level after the European Court of Human Rights found certain violations in those cases can be measured during the procedure of execution of those judgments at national level and within the supervision procedure of those judgments by the Committee of Ministers of the Council of Europe. The execution of both individual and general measures are subjected to Governmental supervision and Parliamentary scrutiny. In this regard, the Government Agent shall submit annual reports on the execution of those measures at national level before both the Government and the Parliament.

Ukraine

Q260 (General Comment): In this respect, it is the task of the Government Agent of Ukraine before the European Court of Human Rights, inter alia, to identify the reasons of violations of the European Convention on Human Rights (hereinafter the Convention), to develop proposals for taking measures aimed at eliminating the imperfection of a systemic nature, stated in the decisions of the ECtHR; to prepare and submit to the Committee of Ministers of the Council of Europe information and reports on the progress of Ukraine's enforcement of the ECtHR's decisions; to submit to the Ministry of Justice proposals on the methods of examination of draft laws and regulations, as well as legislative acts, for compliance with the Convention and the case-law of the ECtHR; to develop proposals to the curriculum for the study of the Convention and the case-law of the ECtHR; to submit proposals to the public authorities and local self-government bodies on possible ways of preventing human rights violations in Ukraine.

Indicator 10- ECtHR

by question No.

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?

Question 261. Is there in your country a possibility to review/reopen a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Question 260

Armenia

(General Comment): The Office of the Representative on international legal matters monitors violations found in ECHR judgments within the execution of the judgments and decisions of the ECHR and case by case carries out general measures (dissemination, translation, drafting legislative amendments, etc.) depending on the nature of found violation.

(2024): An interdepartmental commission was established by the Decision of the Prime Minister of the Republic of Armenia to oversee the fulfilment of the country's international obligations under the European Convention on Human Rights, ensure the ongoing implementation of sectoral reforms, and develop a roadmap of measures to address identified issues.

The primary goals of this commission include restoring violated rights in line with the implementation of judgments (including judgments with violations related to Article 6) issued by the European Court of Human Rights against Armenia, identifying similar challenges, strengthening interdepartmental collaboration to prevent future violations, advancing sectoral reforms, and initiating legislative amendments based on identified issues.

In addition, the Office of the Representative on International Legal Matters monitors the violations identified in European Court of Human Rights judgments and ensures their execution by implementing general measures on a case-by-case basis, such as dissemination, translation, legislative amendments, and more, depending on the nature of the violation.

Georgia

(2024): According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The para. p, Article 4 of the Statute the content and scope of the powers in this regard is set out the following: The powers of the Ministry of Justice among others include the development of proposals for the enforcement of judgments of the European Court of Human Rights against Georgia and the promotion of their implementation not only for the violation of the 6th article of the ECHR but also related to all the judgments regardless their matters. The Ministry of Justice of Georgia submits an annual report to the Parliament of Georgia on the enforcement of judgments by the European Court of Human Rights on Georgia.

Republic of Moldova

(General Comment): On 21 April 2011 a new remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings was adopted at national level under Law no. 87, in force as of 1 July 2011. According to that Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European

Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures.

The national law also allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and decisions is also available on the Supreme Court of Justice's official website www.csj.md. Pursuant to the same Law no. 151 of 30 July 2015, the Government Agent notifies all the relevant authorities involved in a certain case about the issuance of a Court judgment in that case, by also proposing general measures aimed at preventing similar violations for the future. The evolution of cases at national level after the European Court of Human Rights found certain violations in those cases can be measured during the procedure of execution of those judgments at national level and within the supervision procedure of those judgments by the Committee of Ministers of the Council of Europe. The execution of both individual and general measures are subjected to Governmental supervision and Parliamentary scrutiny. In this regard, the Government Agent shall submit annual reports on the execution of those measures at national level before both the Government and the Parliament.

Ukraine

(General Comment): In this respect, it is the task of the Government Agent of Ukraine before the European Court of Human Rights, inter alia, to identify the reasons of violations of the European Convention on Human Rights (hereinafter the Convention), to develop proposals for taking measures aimed at eliminating the imperfection of a systemic nature, stated in the decisions of the ECtHR; to prepare and submit to the Committee of Ministers of the Council of Europe information and reports on the progress of Ukraine's enforcement of the ECtHR's decisions; to submit to the Ministry of Justice proposals on the methods of examination of draft laws and regulations, as well as legislative acts, for compliance with the Convention and the case-law of the ECtHR; to develop proposals to the curriculum for the study of the Convention and the case-law of the ECtHR; to submit proposals to the public authorities and local self-government bodies on possible ways of preventing human rights violations in Ukraine.

Question 261

Armenia

(2024): The only significant difference in this regard between three different areas of law are the time limits for lodging an appeal for reviewing a judicial act after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights. An appeal may be filed within four months in criminal proceedings, and three months in civil and administrative proceedings.

Georgia

(2024): According to the Georgian Procedural legislation (Civil, Criminal and Administrative Procedural Law) decision of European Court of Human Rights (finding of a violation of the European Convention on Human Rights) is legal ground for review/reopen of the case.

11. Council(s) for the judiciary - Overview

Number of members of the council(s) for the judiciary in 2024 (Table 11.1.1)

Beneficiaries	Single Council competent for both judges and prosecutors	Council for judges only	Council for prosecutors only
Armenia	NAP	10	18
Azerbaijan	NAP	15	NAP
Georgia	NAP	15	15
Republic of Moldova	NAP	12	11
Ukraine	21	33	15

Figure 11.1 Composition of the council for judges in 2024

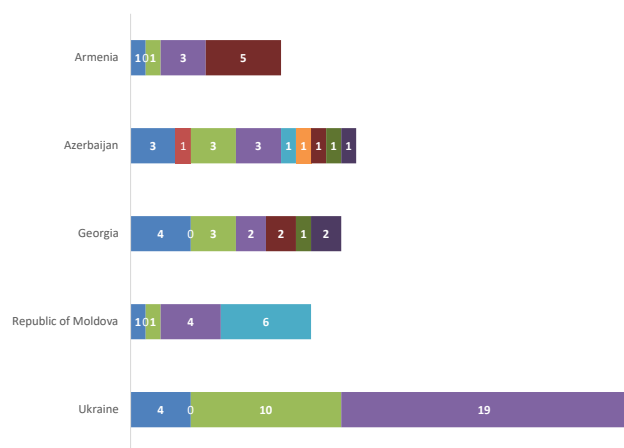
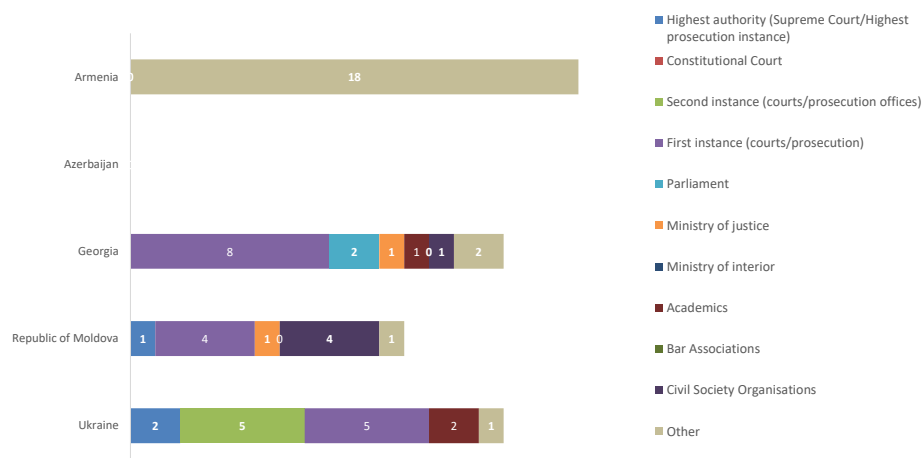


Figure 11.2 Composition of the council for prosecutors in 2024



11. Council for the judiciary - List of tables

Table 11.1.1 Number of members and composition of the council(s) for judiciary in 2024 (Q266)

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2024 (Q267)

Table 11.1.3 Existence of selection criteria for non-judge/non-prosecutors members in 2024 (Q268)

Table 11.1.4 Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2024 (Q269 and Q270)

Table 11.1.5 Accountability measures and competences of the council(s) for the judiciary in 2024 (Q273 and Q274)

Table 11.1.6 Competences of the Council(s) (Q271)

Table 11.1.7 Description of the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council (Q272)

Table 11.1.1 Number of members and composition of the council(s) for judiciary in 2024 (Q266)

Beneficiaries	Number of members and composition of the council(s) for judiciary in 2024																																				
	Single Council competent for both judges and prosecutors												Council for judges only										Council for prosecutors only														
	Total	Members proposed by:											Total	Members proposed by:										Total	Members proposed by:												
		Highest authority (Supreme Court/highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of Justice	Ministry of Interior	Academics	Bar Associations	Civil Society Organisations	Other		Highest authority (Supreme Court/highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of Justice	Ministry of Interior	Academics	Bar Associations	Civil Society Organisations		Other	Highest authority (Supreme Court/highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of Justice	Ministry of Interior	Academics	Bar Associations	Civil Society Organisations	Other	
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	10	1	NAP	1	3	NAP	NAP	NAP	5	NAP	NAP	NAP	18	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	18	
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	3	1	3	3	1	1	NAP	1	1	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	4	NAP	3	2	NAP	NAP	NAP	2	1	2	0	15	NAP	NAP	NAP	NAP	8	2	1	NAP	1	0	1	2
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	12	1	NAP	1	4	6	NAP	NAP	NAP	NAP	NAP	NAP	11	1	NAP	0	4	NAP	1	NAP	NAP	NAP	4	1	
Ukraine	21	NAP	NAP	NAP	NAP	NAP	2	NAP	2	2	NAP	15	33	4	NAP	10	19	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	2	NAP	5	5	NAP	NAP	2	NAP	NAP	NAP	NAP	

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2024 (Q267)

Beneficiaries	Procedure to appoint the different members of the Council(s) in 2024		
	In case of a single Council competent for both judges and prosecutors	In case of a Council for judges only	In case of a Council for prosecutors only
Armenia	NAP	5 judge members of the Supreme Judicial Council shall be elected by the General Assembly of judges, as prescribed by Article 76 of Judicial Code, the other 5 members of the Supreme Judicial Council shall be elected by the National Assembly as prescribed by part 3 of Article 174 of the Constitution of the Republic of Armenia.	The Board of the Prosecutor's Office consists of the Prosecutor General, the Deputy Prosecutors General, the heads of the structural subdivisions of the Prosecutor General's Office, the Prosecutor of the city of Yerevan.
Azerbaijan	NAP	ARTICLE 6 of Law of the Republic of Azerbaijan On Judicial-Legal Council The Judicial-Legal Council shall operate in a composition of 15 members: 6.2. The Judicial-Legal Council shall be composed of the 15 members: three judges of the court of cassation instance elected by the conference of judges; three judges of the courts of appeal instance elected by the conference of judges; three judges of the courts of first instance elected by the conference of judges; a judge appointed by the Constitutional Court of the Republic of Azerbaijan; a person appointed by the Milli Majlis of the Republic of Azerbaijan; a person appointed by the relevant executive body of the Republic of Azerbaijan (Ministry of Justice of the Republic of Azerbaijan); a lawyer appointed by the Bar Association of the Republic of Azerbaijan; a legal scholar appointed by the Azerbaijan National Academy of Sciences; a representative of the legal community elected by the conference of judges. Persons elected (appointed) as members of the Judicial-Legal Council must have a higher legal education and more than ten years of work experience in the specialty of a lawyer.	NAP
Georgia	NAP	The judge members of the Council are elected by their peers representing all levels of the common courts. Furthermore, a member elected by the Conference of Judges of Georgia may not be a judge assigned to the position for a three-year term (except when he/she has at least five years' experience of working as a judge), a member of the Disciplinary Chamber or the Qualification Chamber of the Supreme Court. According to the Organic Law, more than a half of the members elected by the Conference of Judges of Georgia may not be the chairperson of a court, his/her first deputy or a deputy, or the chairperson of a judicial panel or a chamber. The Conference of Judges elects judicial members of the HCJ by a 2/3 majority present at its meeting. The non-judicial members of the council are elected by the Parliament and the President of Georgia. In particular, the parliament elects five members of the Council on a competition basis. The Parliament may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master's or equivalent academic degree/higher education diploma, at least 5 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. One of the fields of activity of the above non-entrepreneurial (non-commercial) legal entities shall be, for at least the last two years before the announcement of the competition, participation with representative authority in court proceedings. As a restriction, a member of the Parliament of Georgia, a judge or a prosecutor may not be nominated as candidates for membership of the High Council of Justice of Georgia.	he Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. The procedure for the selection of non- prosecutorial members of the Prosecutorial Council is as follows: ☐ Conference of Prosecutors elects 8 members; ☐ The Parliament elects 2 members (MPs), one from the parliamentary majority and another from the MPs not belonging to the parliamentary majority; ☐ The High Council of Justice elects 2 members (judges); ☐ The Parliament elects one member, nominated by the Minister of Justice; ☐ The Parliament elects 2 members (representatives of civil society and academia).
Republic of Moldova	NAP	The Superior Council of Magistracy includes judges and non-judge members. The non-judge members of the Superior Council of Magistracy are appointed by the Parliament, with the vote of the 3/5 of the elected deputies, based on the proposals of the Commission on legal affairs, appointments and immunities of the Parliament. The Commission on Legal Affairs, Appointments and Immunities shall hold a public competition. The public competition includes at least the examination of the files and the hearing of the candidates. The Committee on Legal Affairs, Appointments and Immunities draws up reasoned opinions for each successful candidate and proposes to the Parliament to be appointed. Candidates for the position of member of the Superior Council of Magistracy are subject to the integrity assessment by an independent Commission for the assessment of the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors. The commission's decision is included in the candidate's file. The candidate who did not pass the assessment cannot be included in the ballot. The members of the judiciary shall be elected to the Superior Council of Magistracy by secret ballot by the General Assembly of Judges, as follows: four from the first instance courts, 1 from the courts of appeal and 1 from the Supreme Court of Justice. Candidate judges who have accumulated most of the votes of those present at the General Assembly of Judges are considered elected as members and deputy members of the Superior Council of Magistracy, according to the descending order of the number of votes obtained. The Superior Council of Magistracy announces the date of the meeting of the General Assembly of Judges at least 60 days before the date of the meeting. Candidates submit the participation files to the Council at least 30 days before the date of the meeting of the General Assembly of Judges. The list of candidates and the submitted files are published on the official website of the Superior Council of Magistracy on the first day after the deadline for the submission of files. Candidates for the position of member of the Superior Council of Magistracy have the right to carry out a promotion campaign among judges, in the manner established by the Superior Council of Magistracy. In order to ensure the activity of the Superior Council of Magistracy, the judges elected by the General Assembly of Judges are detached during the exercise of the mandate of member of the Council.	Five members of the Superior Council of Prosecutors shall be elected by the General Assembly of Prosecutors from among the prosecutors in office, by secret, direct and freely expressed vote, as follows: a) one member from among the Prosecutors of the General Prosecutors Office; b) four members from among the prosecutors of the territorial and specialised prosecutors offices. The prosecutors with the highest number of votes at the General Assembly of Prosecutors shall be considered elected as members of the Superior Council of Prosecutors. The next prosecutors on the list of candidates with the highest number of votes shall fill the vacancies in descending order of the number of votes received. Four members of the Superior Council of Prosecutors are elected by competition from civil society as follows: one by the President of the Republic, one by the Parliament, one by the Government and one by the Academy of Sciences of Moldova, on the basis of a regulation approved by the appointing institution. The president of the SCM is an ex-officio member of the SCP.

Ukraine	(Articles 5, 7, 8, 9, 12 of the Law of Ukraine "On the High Council of Justice"). The High Council of Justice consists of twenty-one members, ten of whom are elected by the Congress of Judges of Ukraine from among judges or retired judges, two are appointed by the President of Ukraine, two are elected by the Verkhovna Rada of Ukraine, two are elected by the Congress of Advocates of Ukraine, two are elected by the All-Ukrainian Conference of Prosecutors, and two are elected by the Congress of Representatives of Law Schools and Research Institutions. The Chief Justice of the Supreme Court is an ex officio member of the High Council of Justice. According to Article 12 of the Law of Ukraine "On the High Council of Justice", the All-Ukrainian Conference of Prosecutors elects members of the High Council of Justice by secret ballot. Voting is conducted exclusively for candidates for members of the High Council of Justice who have submitted documents in accordance with the procedure established by this Law, meet the requirements set forth in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice. A candidate who has received a majority of votes of the elected delegates to the All-Ukrainian Conference of Prosecutors by secret ballot is deemed to be elected as a member of the High Council of Justice. Based on the results of the voting, the chairperson and secretary of the All-Ukrainian Conference of Prosecutors shall sign the decision on the election of members of the High Council of Justice. If the All-Ukrainian Conference of Prosecutors fails to elect a member of the High Council of Justice, a new competition shall be immediately announced and held in accordance with the procedure established by this Law. The procedure for convening and holding the All-Ukrainian Conference of Prosecutors shall be determined by the Law of Ukraine "On the Prosecutor's Office". Election (appointment) to the positions of members of the High Council of Justice shall be based on the principles of the rule of law, professionalism, publicity, and political neutrality. 1. To participate in the procedure of election (appointment) of members of the High Council of Justice, a candidate for the position of a member of the High Council of Justice shall submit: 1) a written application for election (appointment) to the position of a member of the High Council of Justice; 2) curriculum vitae; 3) a motivation letter stating the reasons for being elected (appointed) as a member of the High	The Council of Judges of Ukraine is elected by the Congress of Judges of Ukraine. Proposals for candidates to the Council of Judges of Ukraine may be submitted by judges participating in the Congress of Judges of Ukraine	The procedure for the election of members of the High Council of Justice is determined by the Law of Ukraine "On the High Council of Justice", the Law of Ukraine "On Prosecution" and the Rules of Procedure of the All-Ukrainian Conference of Prosecutors of April 27, 2017 (as amended by the All-Ukrainian Conference of Prosecutors of 21.12.2018, 28.08.2021, 27.08.2024). According to part 2 of Article 71 of the Law of Ukraine "On Prosecution" (as amended by Law No. 3509-IX of 08.12.2023), the Council of Prosecutors of Ukraine consists of 15 persons, including: 2 representatives (prosecutors) from the Office of the Prosecutor General, 1 representative (prosecutor) from the Specialized Anti-Corruption Prosecutor's Office, 5 representatives (prosecutors) from regional prosecutor's offices, 5 representatives (prosecutors) from district prosecutor's offices appointed as members of the Council of Prosecutors of Ukraine by the All-Ukrainian Conference of Prosecutors, 2 representatives (academics) appointed by the Congress of Representatives of Law Schools and Research Institutions. The Council of Prosecutors of Ukraine is competent if at least 11 members are elected (as amended by Law No. 3509-IX of December 08, 2023). Both prosecutors who are delegates to the Conference and prosecutors who are not delegates may be candidates for the Council of Prosecutors of Ukraine. Candidates who wish to be elected as members of the Council of Prosecutors of Ukraine shall submit documents in accordance with the procedure and within the time limits determined by the entity authorized to convene the Conference. A prosecutor who holds an administrative position or is a member of the relevant body conducting disciplinary proceedings may not be elected to the Council of Prosecutors of Ukraine. The decision of the Conference on the appointment of the members of the Council of Prosecutors of Ukraine shall be taken by secret ballot by a majority of votes of the total number of elected delegates. The Conference delegates may discuss all candidates personally. Each candidate has the right to: - to express his/her opinion; - to recuse himself/herself, which is accepted by the Conference without voting. In this case, the discussion of the candidate does not take place or is terminated; - provide information about himself/herself and answers to the questions posed to him/her. Candidates who, according to the 5 results of secret ballot, received a majority of votes from the total number of elected delegates to the Conference are considered to be appointed to the Council of Prosecutors of Ukraine (clauses 7.3 - 7.6 of clause 7 of the Rules of Procedure of the All-Ukrainian
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Table 11.1.3 Existence of selection criteria for non-judge/non-prosecutors members in 2024 (Q268)

Beneficiaries	Existence of selection criteria for non-judge/non-prosecutors members in 2024
Armenia	
Azerbaijan	
Georgia	
Republic of Moldova	
Ukraine	
Yes	
No	
NA	
NAP	

Table 11.1.4 Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2024 (Q269 and Q270)

Beneficiaries	Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2024											
	Term of office as member of the council (in years)			Conditions for the term of office of members of the council(s)								
				Single Council competent for both judges and prosecutors			Council for judges only			Council for prosecutors only		
	Single Council competent for both judges and prosecutors	Council for judges only	Council for prosecutors only	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure
Armenia	NAP	5	NAP									
Azerbaijan	NAP	5	NAP									
Georgia	NAP	4	4									
Republic of Moldova	NAP	6	6									
Ukraine	4	NAP	5									

Yes
No
NA
NAP

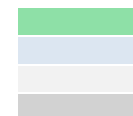


Table 11.1.5 Accountability measures and competences of the council(s) for the judiciary in 2024 (Q273 and Q274)

Beneficiaries	Accountability measures and competences of the council(s) for the judiciary in 2024																	
	Accountability measures in place regarding the activities of the council(s)												Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor					
	Single Council competent for both judges and prosecutors				Council for judges only				Council for prosecutors only				Single Council competent for both judges and prosecutors		Council for judges only		Council for prosecutors only	
	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	For judges	For prosecutors	For judges	For prosecutors	For judges	For prosecutors
Armenia																		
Azerbaijan																		
Georgia																		
Republic of Moldova																		
Ukraine																		

Yes 
 No 
 NA 
 NAP 

Table 11.1.6 Competences of the Council(s) (Q271)

Beneficiaries	Competences of the Council(s)		
	Single Council competent for both judges and prosecutors	Council for judges only	Council for prosecutors only
Armenia	NAP	According to the Article 175 of the Constitution: 1. The Supreme Judicial Council shall: (1) draw up and approve the lists of candidates for judges, including candidates subject to promotion; (2) propose to the President of the Republic the candidates for judges subject to appointment, including those subject to appointment by way of promotion; (3) propose to the President of the Republic the candidates for chairpersons of courts and the candidates for chairpersons of chambers of the Court of Cassation, subject to appointment; (4) propose to the National Assembly the candidates for judges and for Chairperson of the Court of Cassation; (5) decide on the issue of secondment of judges to another court; (6) decide on giving consent for initiating criminal prosecution against a judge or depriving him or her of liberty with respect to the exercise of his or her powers; (7) decide on the issue of subjecting a judge to disciplinary liability; (8) decide on the issue of terminating the powers of judges; (9) approve its estimate of expenditures as well as those of the courts, and submit them to the Government, in order to include them in the Draft State Budget as prescribed by law; (10) form its staff in accordance with law. 2. In case of discussing the issue of subjecting a judge to disciplinary liability, as well as in other cases prescribed by the Judicial Code, the Supreme Judicial Council shall act as a court. 3. The Supreme Judicial Council shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts. 4. Other powers and rules of operation of the Supreme Judicial Council shall be prescribed by the Judicial Code.	Discusses the fundamental issues related to the organization of the activities. In accordance with article 22 of the Law on the Prosecutor's Office, a board chaired by the Prosecutor General operates in the Prosecutor's Office to discuss the main issues of organizing the activities of the prosecutor's office, determining the directions for the implementation of the constitutional powers of the Prosecutor's Office. The Board of the Prosecutor's Office consists of the Prosecutor General, Deputy Prosecutor General, heads of structural divisions of the Prosecutor General's Office and the Prosecutor of the City of Yerevan.
Azerbaijan	NAP	According to Article 1 of Law on Judicial-Legal Council, Judicial-Legal Council is the body, which, within its competence, ensures organization of the court system, independence of judges and court system in Azerbaijan Republic; arranges selection of candidates who are not judges (hereafter candidates to the judicial post) to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements selfgovernance functions of the judiciary. Detailed aspects of operation and authorities of Judicial-Legal Council is regulated by the aforementioned law.	NAP
Georgia	NAP	The High Council of Justice of Georgia is the judicial governance body established for managing the common courts of Georgia. Pursuant to Article 64.1 of the Constitution of Georgia, "the HCJ – a body of the common courts system – shall be established to ensure the independence and efficiency of the common courts, to appoint and dismiss judges and to perform other tasks." Further, according to Article 47 of the LCC, the HCJ is established to ensure the independence of the judiciary (and an individual judge) and the quality and efficiency of justice, to appoint and dismiss judges, to organize judicial qualification examinations, to formulate proposals towards implementing a judicial reform, and to accomplish other objectives determined by the LCC. The detailed regulations on the competences and functions of the HCJ are set forth by the LCC.	☐ Conduct disciplinary proceedings against the First Deputy Prosecutor General and Deputies of the Prosecutor General; ☐ 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; ☐ 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); ☐ Issue recommendations for the attention of the Prosecutor General; ☐ Decide the matters of early termination of its membership. The Prosecutorial Council is authorized to conduct meeting, if half of its full composition is present. The Prosecutorial Council needs votes of not less than 2/3 of its full membership for electing the candidate for the Prosecutor General. Same number of votes is necessary for the Prosecutorial Council to impose disciplinary sanctions against the First Deputy Prosecutor General, Deputy Prosecutor General and elected prosecutor/investigator members of the Prosecutorial Council. For any other decision, the Prosecutorial Council needs the support of the half of its members present on the meeting (Article 19 of the OLPSG). Regarding the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council, please see the reply to question N266.

Republic of Moldova	NAP	In accordance with the provisions of the Law no. 947/1996 the Superior Council of Magistracy has the following competencies regarding the career of judges: a) makes proposals to the President of the Republic of Moldova for appointment of judges or promotion to a higher court; a/1) transfers the judges to a court of the same level or inferior level, decides on judges' dismissal from office, appoints and decides on dismissal from office of the court presidents and vice-presidents; b) receives the oath of the judges; c) approves the regulations on selection of candidates for the position of judge and on evaluation of judges, presidents or vice-presidents court performance, including the assessment evaluation plans; d) approves the regulations for conducting the competition for filling the vacant positions of judge, president or vice-president of the court and ensures the organization and conduct of the competition; e) disposes of the interim position of president or vice-president of the first instance court, of the Court of Appeal or of the Supreme Court of Justice, in case of vacancy or suspension from office, until filling the vacant position in the manner established by law; f) applies measures of encouragement regarding judges; g) appoints the members of the board for the selection and evaluation of judges, according to its competence; The Superior Council of Magistracy has the following competencies in the field of initial and continuous training of judges and staff of the secretariat of courts: a) appoints the judges for the Council of the National Institute of Justice; b) approves the strategy on the initial and continuous training of judges, presents the opinion on the action plan for its implementation; c) examines and presents the opinion on the regulations for organizing the competition for admission to the National Institute of Justice, on the teaching programs and curricula for initial and continuing training courses within the Institute, on the regulations for organizing the competition for filling teaching positions, as well as on the composition of the commissions for the admission and graduation exams of the National Institute of Justice. d) submits, annually, until March 31, to the National Institute of Justice the proposals on the number of places opened for the admission contest for the initial training of the candidates for the position of judge in the following year; e) examines the appeals against the decisions of the board for the selection and evaluation of judges. The Superior Council of Magistracy has the following competences in the field of observing the	Constitution of the Republic of Moldova - Article 125/1 provides: Superior Council of Prosecutors (1) The Superior Council of Prosecutors is the safeguard for the independence and impartiality of individual prosecutors. (3) The Superior Council of Prosecutors ensures the appointment, transfer, promotion and imposition of disciplinary sentences against prosecutors. In accordance with the provisions of the Law no. 3/2016 the Superior Council of Prosecutors has the following competencies: a) elaborates and approves regulations regarding its activity, the functioning of its boards and other regulations concerning it; b) elaborates and approves regulations regarding the selection procedure and the career of prosecutors; c) elaborates a draft regulation of the General Assembly of Prosecutors and draft amendments to it; d) organizes the competition for the selection of the candidate for the position of General Prosecutor and proposes a candidate to be appointed by the president of the country; e) organizes competitions, selects and appoints the members of its boards from the civil society; f) examines the appeals against the decisions taken by its boards; g) makes proposals to the General Prosecutor on the appointment, transfer, promotion, suspension of prosecutors under the conditions of the Criminal Procedure Code, as well as on the the dismissal of prosecutors from office; h) participates in the taking of the oath by the prosecutors and by the Prosecutor General; i) establishes the number of prosecutors within each prosecution office; j) appoints the prosecutors for the Council of the National Institute of Justice; k) approves the strategy on the initial and continuous training of prosecutors and presents an opinion on the action plan for the implementation of related strategy; l) examines and presents opinions on the regulation for organizing the competition for admission to the National Institute of Justice, on the teaching programs and curricula for initial and continuing training courses within the National Institute of Justice, as well as on the composition of the commissions for the admission and graduation exams of the National Institute of Justice; m) establishes the number of places opened for the admission competition for the initial training of prosecutors within the National Institute of Justice; n) examines the addresses of the citizens and of the prosecutors on issues given in its competence; o) elaborates the draft Code of Ethics for prosecutors, as well as the projects for amendment, and
Ukraine	The High Council of Justice, including (in the part concerning prosecutors): - Decides whether a judge or prosecutor has violated the requirements of incompatibility; - Consider complaints against decisions of the relevant authorities to bring a judge or prosecutor to disciplinary responsibility. The High Council of Justice may engage judicial self-government bodies, institutions and organizations, judges, retired judges, lawyers, prosecutors and other specialists, and the Public Integrity Council to perform auxiliary and advisory functions with their consent on a voluntary basis (Article 3 of the Law of Ukraine "On the High Council of Justice"). The Prosecutor General is dismissed from his/her administrative position by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine on the basis of a proposal from the relevant disciplinary body or the High Council of Justice (Article 42 of the Law of Ukraine "On the Prosecutor's Office"). The prosecutor is dismissed from office in case of violation of the requirements for incompatibility upon the proposal of the High Council of Justice, which it submits to the person authorized by this Law to make a decision on the dismissal of the prosecutor. The High Council of Justice submits a motion for dismissal of the Prosecutor General in case of violation of the requirements for incompatibility to the President of Ukraine (Article 53 of the Law of Ukraine "On the Prosecutor's Office"). The President of Ukraine issues a decree on the dismissal of the Prosecutor General on the basis and within the framework of the submission of the relevant body conducting disciplinary proceedings against prosecutors or the High Council of Justice (Article 63 of the Law of Ukraine "On the Prosecutor's Office").	- develops and organizes the implementation of measures to ensure the independence of courts and judges, improve the state of organizational support for the activities of courts; - considers the issues of legal protection of judges, social protection of judges and their families, and makes appropriate decisions on these issues; - exercises control over the organization of the courts' activities, hears the Head of the State Judicial Administration of Ukraine, his deputies, heads of structural subdivisions and territorial departments of the State Judicial Administration of Ukraine on these issues; - submits proposals on issues related to the operation of courts to public authorities and local self-government bodies; - approves samples of judges' and retired judges' certificates; - supervise compliance with the requirements of the legislation on the settlement of conflicts of interest in the activities of judges, the Chairman or members of the High Qualifications Commission of Judges of Ukraine, the Head of the State Judicial Administration of Ukraine or his/her deputies; make decisions on the settlement of real or potential conflicts of interest in the activities of the said persons (if such conflict cannot be settled in accordance with the procedure established by the procedural law); - Exercise other powers determined by law.	In accordance with clause 4 of the Regulation on the Council of Prosecutors of Ukraine, approved by the All-Ukrainian Conference of Prosecutors on April 27, 2017 (as amended by the All-Ukrainian Conference of Prosecutors on December 21, 2018, August 28, 2021, and August 27, 2024): The Council of Prosecutors resolves issues of internal activity of the prosecutor's office, except for the issues that fall within the exclusive competence of the All-Ukrainian Conference of Prosecutors, in particular: 1) makes recommendations on the appointment and dismissal of prosecutors from administrative positions in cases provided for by the Law. Such recommendations may not be made regarding the appointment of a current member of the Council of Prosecutors to an administrative position. It considers the written decision of the Prosecutor General to refuse to appoint to the administrative position a prosecutor recommended by the Council of Prosecutors and the candidate submitted by him/her for the respective position; 2) cooperate with the Office of the Prosecutor General on the appointment and dismissal of prosecutors from administrative positions in cases stipulated by the Law. If necessary, the Council of Prosecutors shall have the right to request additional information about the persons in respect of whom the issue of appointment or dismissal from administrative positions is being decided; 3) submit proposals to the Prosecutor General regarding three candidates to the Competition Commission for organizing and conducting the competition for the position of the Deputy Prosecutor General - Head of the Specialized Anti-Corruption Prosecutor's Office, First Deputy and Deputy Head of the Specialized Anti-Corruption Prosecutor's Office; 4) organize the implementation of measures to ensure the independence of prosecutors and improve the organizational support of the prosecutor's offices; 5) provides explanations on compliance with the requirements of the legislation on the settlement of conflicts of interest in the activities of prosecutors, the head or members of the relevant body conducting disciplinary proceedings; 6) approves the Regulation on the automated system of distribution of disciplinary complaints (applications), which is approved by the relevant body conducting disciplinary proceedings; 7) consider the issues of legal protection of prosecutors, social protection of prosecutors and their family members, and make appropriate decisions on these issues; 8) considers appeals of prosecutors and other reports on threats to the independence of prosecutors,

Table 11.1.7 Description of the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council (Q272)

Beneficiaries	Description of the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council
Armenia	The tasks are divided internally between the members of The Supreme Judicial Council. As for the Board of the Prosecutor's Office, the tasks are not divided between members.
Azerbaijan	Issues regarding rights and duties of the members of JLC, as well as matters regarding conflict of interest are regulated with the Law on Judicial-Legal Council. Article 9 of the Law on Judicial-Legal Council stipulates that, members of the Judicial-Legal Council are equal in their rights in resolving all the issues pertaining to its functions. Moreover, according to Article 17 of the said Law, Judicial-Legal Council passes decisions by way of open voting and subject simple majority of the votes of those Council members present, except for the cases prescribed for in this Law. The member presiding at the sessions of the Council shall be the last one to vote. While passing decision within the framework of disciplinary proceedings, except the President of the Supreme Court of the Republic of Azerbaijan and judge-rapporteur, only judge members may vote. Thus, collegiality of the Council and equality of its members excludes over-concentration of powers while performing its functions. Furthermore, the JLC forms Judges' Selection Committee in order to conduct selection of judges, and members of JLC cannot be member of the Committee.
Georgia	The legislative framework for the current composition of the HCJ fully meets the requirements of the standard-setting organizations, such as the Consultative Council of the European Judges (CCJE) and the European Network of Councils for the Judiciary (ENCJ). It is also noteworthy that in December 2018, the Venice Commission issued the opinion specifically on "the provisions on the High Council of Justice in the existing Organic Law on General Courts." Referring to the composition of the judicial council adopted as a result of the reform, the Venice Commission emphasized and noted, that "these changes ensure that the structure and functions of the High Council of Justice comply with the current standards and best practices for such bodies" The composition of the High Council of Justice of Georgia ensures that powers are not over-concentrated. As mentioned above, Council is composed of judge and non-judge part. The Council, inter alia, consist of members elected from CSOs, scholars, professors and etc. Additionally, except the general rules regarding Conflict of Interests, Article 35.3 of Organic law on Common Courts regulates prevention of conflict of interests of HCJ members. This article determines grounds and detailed procedure of recusal of HCJ member during the ongoing procedure (for example Competition and election of Judges), when there is doubt on the objectivity, independence and impartiality of this member. The composition of the Prosecutorial Council ensures that the powers are not over-concentrated. It is composed of prosecutorial and non-prosecutorial parts. The Council, inter alia, consists of members elected from CSOs, academia, judges, parliamentary opposition, etc. Moreover, as described earlier, the Career Management, Ethics and Incentives Council plays an important role with regard to career management, incentives and discipline of the PSG employees. The Council is the standing collegial body at the PSG, consisting of 15 members: □First Deputy Prosecutor General and 3 Deputies of the Prosecutor General; □Eight prosecutors and investigators elected by the Conference of Prosecutors; □Heads of the General Inspectorate, the Department for Supervision over Prosecutorial Activities and Strategic Development, and the Human Resources Management and Development Department of the General Prosecutor's Office. The Council is competent to advise the Prosecutor General on the matters of career management, incentives and discipline of prosecutors. It is authorized to make a decision, if the majority of its members present supports it. The Prosecutor General may disagree with the recommendation of the Council, but he/she is required to substantiate the disagreement.

Republic of Moldova	Superior Council of Magistracy: The members of the Superior Council of Magistracy are obliged by law: a) to exercise attributions in accordance with the law; b) to ensure the protection of the rights and freedoms of magistrates, their honor and dignity under the law; c) to contribute to the promotion of the principle of independence of the judiciary; d) to keep the secret of the deliberations and the confidentiality of the activity; e) to vote for or against the adoption of decisions; f) to submit, under legal conditions, the declaration of assets and personal interest; g) to comply with the legal provisions regarding the conflict of interests and the legal regime for incompatibilities and interdictions. The non-judge members of the Superior Council of Magistracy are obliged to respect the incompatibilities and interdictions specific to art. 8 , paragraph (1) letters (b-d) of the Law on the status of the judge. Also, the activity as a judge is suspended for the SCM judge members for the period of their mandate as SCM members and their cases are reallocated randomly to other judges. The SCM members are grouped and designated to be responsible for different activity fields (IT, legislation, disciplinary liability, action plans, court administration, human rights, etc) by SCM decisions. There are also different branches within the SCM (Judicial Inspection, Disciplinary Committee, Selection and Evaluation Committee, Ethical Committee) composed by different members, nominated by SCM or elected by the General Assembly of Judges. Article 5 (1) Law 947/1995 on the SCM: The SCM President shall be elected by secret vote for a term of two years by a majority vote of the members of the Council and shall exercise its activity on a full-time basis. The SCM President cannot be re-elected. Superior Council of Prosecutors: The members of the Superior Council of Prosecutors are obliged: a) to ensure the protection of the rights and freedoms of prosecutors, their honor and dignity under the law; b) to contribute to the promotion of the principle of independence of the prosecutor; c) to respect the regime of personal data, as well as of other information with limited access, which have become known to them in the exercise of the mandate; d) to vote for or against the adoption of decisions. During the term of office, as well as for 6 months after its termination, the members of the Superior Council of Prosecutors may not participate in competitions for appointment or promotion to the position of prosecutor, including the position of General Prosecutor. Also, the activity as a prosecutor is suspended for the SCP prosecutor members for the period of their mandate as SCP members. There are also different branches within the SCP (Prosecutor's Inspection, Ethics and Disciplinary Board, Selection and Evaluation Board, Training Commission) composed by different members, nominated by General Prosecutor's Office, SCP, or elected by the General Assembly of Prosecutors. Article 71. (1) Law No. 3/2016: the President of the Superior Council of Prosecutors shall be elected from among the members of the Council elected from among the prosecutors by secret ballot for a term of two years by a majority vote of the members of the Council. The President of the Superior Council of Prosecutors cannot be re-elected.
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Ukraine	The mechanism for avoiding "excessive concentration of powers in one hand with regard to different functions to be performed by the members of the Council of Prosecutors" is collegial decision-making by the Council of Prosecutors of Ukraine. The Council of Prosecutors of Ukraine is accountable to the All-Ukrainian Conference of Prosecutors, which, in accordance with Article 67 of the Law, hears the report of the Council of Prosecutors on the fulfillment of the tasks of the prosecutorial self-government bodies, the state of financing and organizational support of the prosecution. In the exercise of its powers, the Council of Prosecutors has the right to receive, in accordance with the established procedure, information and relevant documents from the structural units of the Prosecutor General's Office, regional and district prosecutor's offices, the Training Center of Prosecutors of Ukraine, and the relevant body conducting disciplinary proceedings necessary for the exercise of its powers. In accordance with clauses 5, 6, 7 of the Regulation on the Council of Prosecutors of Ukraine approved by the All-Ukrainian Conference of Prosecutors on April 27, 2017 (as amended by the All-Ukrainian Conference of Prosecutors on December 21, 2018, August 28, 2021, and August 27, 2024): Chairman of the Council of Prosecutors: - organizes and directs the work of the Council of Prosecutors, convenes and presides at its meetings; - approves the agenda of the meeting of the Council of Prosecutors and determines the date and place of its holding; - instructs the members of the Council of Prosecutors to prepare materials for consideration at its meeting, determines the range of persons involved in their preparation; - requests and receives materials necessary for preparation and holding of the Council of Prosecutors meetings; - coordinates the activities of the members of the Council of Prosecutors on fulfillment of assignments and preparation of materials for the meetings of the Council of Prosecutors; - interacts with the structural units of the Prosecutor General's Office, including on the issues of studying the prosecutorial activity; - signs the decisions of the Council of Prosecutors, responses to appeals, documents approved or agreed upon by the Council, and other documents related to the activities of the Council of Prosecutors; - approves expenses intended to ensure the activities of the Council of Prosecutors; - represents the Council of Prosecutors in its relations with other state authorities, local self-government bodies, international organizations, legal entities and individuals, addresses them with proposals on the issues of the prosecution authorities' activity; - opens the All-Ukrainian Conference of Prosecutors; - reports to the All-Ukrainian Conference of Prosecutors on the performance by the Council of Prosecutors of the tasks of the prosecutorial self-government bodies, on the state of financing and organizational support of the prosecution. The Deputy Chairman of the Council of Prosecutors, in accordance with the duties assigned by the Chairman, participates in the organization of the work of the Council of Prosecutors and, in the absence of the Chairman, performs his/her duties. The Secretary of the Council of Prosecutors organizes record keeping, preparation and holding of the meetings of the Council of Prosecutors, drafting of the agenda, preparation of its decisions and control over the fulfillment of the instructions given at the meeting of the Council of Prosecutors. Members of the Council of Prosecutors: - On behalf of the Chairman of the Council of Prosecutors, prepare materials for consideration at its meetings; - Participate in its meetings, submit proposals for consideration of issues within the competence of the Council of Prosecutors, express their own opinion on the agenda items - consider appeals of prosecutors and other communications within the competence of the Council of Prosecutors;
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Indicator 11-Council for the judiciary/ Prosecutorial Council

by country

Question 266. What is the composition of the Council(s)? Please specify the number of members from relevant bodies/institutions?

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 274. Is(Are) the Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor?

Armenia

Q266 (2024): According to Articles 173 and 174 of the

Constitution: "The Supreme Judicial Council shall be an independent state body that guarantees the independence of courts and judges. The Supreme Judicial Council shall be composed of ten members. Five members of the Supreme Judicial Council shall be elected by the General Assembly of Judges, from among judges having at least ten years of experience as a judge. Judges from all court instances must be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court or chairperson of a chamber of the Court of Cassation. Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. The Judicial Code may prescribe incompatibility requirements for the members of the Supreme Judicial Council elected by the National Assembly. The Judicial Code may prescribe a requirement on the suspension of powers of judge-members while holding office in the Supreme Judicial Council. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council, successively from among the members elected by the General Assembly of Judges and the National Assembly. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code".

According to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", the judges-members of the Supreme Judicial Council are elected by the General Meeting from among the judges of courts of all instances in the following proportion: from the Court of Cassation - one member, from the courts of Appeal - one member, from the courts of first instance - three members, while from the courts of general jurisdiction of the first instance of the regions - at least one member.

Please note that these breakdown can be changed if a judge is promoted and transferred to a higher instance. Prosecution in Armenia does not have a Council, it has a Board.

In order to discuss fundamental issues related to the organization of the activities of the Prosecutor's Office, according to the Article 22 of the Law on "he Prosecutor's Office" a board shall function in the Prosecutor's Office, chaired by the Prosecutor General. The Board of the Prosecutor's Office consists of the Prosecutor General, the Deputy Prosecutors General, the heads of the structural

subdivisions of the Prosecutor General's Office, the Prosecutor of the city of Yerevan.

Q268 (2024): Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge.

Q269 (2024): Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. Each member of the Board of the Prosecutor's Office must hold the office until the end of his/her term. For example, the Prosecutor General is elected for a term of six years, but there is no term specified for other member prosecutors and they will continue to hold an office until reaching the age of 65, which is the maximum age for occupying the position of a prosecutor.

Q270 (2024): Prosecutors mentioned by law are ex-officio members of the Board of the Prosecutor's Office, so they are not elected as members of the Board for some specific term and there is no specific rule for re-election. But it should be noted that the same person may not be elected as Prosecutor General for more than two consecutive terms. So, the same person may not chair the Board for more than two consecutive terms.

Q273 (2024): <https://court.am/hy/decisions> , <https://court.am/hy/decisions/2> , <https://court.am/hy/decisions/3> , <https://court.am/hy/disciplinary> , <https://court.am/hy/president-legal-acts> , <https://court.am/hy/disciplinary> .

The normative decisions of the Supreme Judicial Council and decisions on disciplinary liability are also published in the legal acts information system www.arlis.am.

The option "published activity reports" was selected for more accuracy, as the Supreme Judicial Council publishes information about its activities.

Q274 (2024): According to Articles 141-142 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia": A judge is brought to disciplinary responsibility by the Supreme Judicial Council. The grounds for bringing a judge to disciplinary responsibility are: 1) violation of the norm of substantive or procedural law in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence; 2) violation by a judge of the rules of conduct of a judge established by this Code, committed with intent or gross negligence. The Board of the Prosecutor's Office discusses the fundamental issues related to the organization of the activities. There is no regulation directly mentioned in the law on this issue

The Supreme Judicial Council shall, by exercising the powers established by the Constitution and this Code, guarantee the independence of courts and judges.

The President of the Court of First Instance and the Court of Appeal, as well as the Court of Cassation, may apply to the Supreme Judicial Council on issues related to ensuring the normal functioning of their courts (Articles 32 and 33 of the Judicial Code).

In the event of unlawful interference with or threat thereof against the inviolability of a judge, his/her family members, the residential and working premises occupied by him/her, and other property, the judge shall report the matter to the competent state bodies and the Supreme Judicial Council. The competent state bodies shall be obliged to immediately take appropriate measures to ensure the security of the judge, his/her family members, the residential and working premises occupied by him/her, and other property, and shall inform the Supreme Judicial Council thereof.

The Supreme Judicial Council shall make a decision on the initiation of criminal prosecution against a judge or on granting consent to his/her deprivation of liberty no later than the day following the filing of the Prosecutor General's petition. The President of the Supreme Judicial Council, upon receiving a motion from the Prosecutor General on the issue of initiating criminal prosecution against a judge or granting consent to deprive him of his liberty, shall immediately convene a session of the Supreme Judicial Council. The examination of the issue of initiating criminal prosecution against a judge or granting consent to deprive him of his liberty shall be conducted in camera.

Other details are defined by the rules of Chapter 21 of the Judicial Code, as well as in relation to the question of this point, see the answer mentioned in point 271 of the questionnaire.

Azerbaijan

Q274 (2024): According to Article 100 of Law on Court and Judges, in case of outside influence on the activities of the judge, he must apply to the Judicial Council. Article 11 of Law on Judicial-Legal Council, the Council takes measures to ensure independence of judges and to prevent meddling in their activity. As the additional guarantee for judges, in 2019 special hotline was introduced at the Council in order to receive applications from judges in case of interference with their activities. At the same time, any form of interference in the judicial process in order to impede the administration of justice is a criminal offense (Article 286 of the Criminal Code).

Georgia

of Georgia by law should be composed of 15 members; in 2024 it was composed of 14 members (12 male, 2 female).

The judge members of the Council are elected by their peers representing all levels of the common courts. Furthermore, a member elected by the Conference of Judges of Georgia may not be a judge assigned to the position for a three-year term (except when he/she has at least five years' experience of working as a judge), a member of the Disciplinary Chamber or the Qualification Chamber of the Supreme Court. According to the Organic Law, more than a half of the members elected by the Conference of Judges of Georgia may not be a chairperson of a court, his/her first deputy or a deputy, or the chairperson of a judicial panel or a chamber. The Conference of Judges elects judicial members of the HCJ by a 2/3 majority present at its meeting. The non-judicial members of the Council are elected by the Parliament and the President of Georgia. In particular, the Parliament elects five members of the Council on a competition basis. The Parliament may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master's or equivalent academic degree/higher education diploma, at least 5 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by nonentrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. One of the fields of activity of the above non-entrepreneurial (non-commercial) legal entities shall be, for at least the last two years before the announcement of the competition, participation with representative authority in court proceedings. As a restriction, a member of the Parliament of Georgia, a judge or a prosecutor may not be nominated as candidates for membership of High Council of Justice of Georgia. Information is filled according 2024 Data.

The Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. The procedure for the selection of non-prosecutorial members of the Prosecutorial Council is as follows:

☐Conference of Prosecutors elects 8 members; ☐The Parliament elects 2 members (MPs), one from the parliamentary majority and another from the MPs not belonging to the parliamentary majority;

☐The High Council of Justice elects 2 members (judges);

☐The Parliament elects one member, nominated by the Minister of Justice;

☐The Parliament elects 2 members (representatives of civil society and academia).

Besides Prosecutorial Council, Currently, there are 3 different councils pertaining to the PSG activities:

Career Management, Ethics and Incentives Council

The Career Management, Ethics and Incentives Council is advising the Prosecutor General on the matters of career management, incentives and discipline of employees. It does not have members from outside of the PSG.

Q268 (2024): A candidate nominated by the Minister of Justice and elected by the Parliament should have a higher education in law with a master's or equal academic degree and at least five years' experience of working as a lawyer.

Two members, elected by the High Council of Justice of Georgia should have at least five years' experience of working as a judge.

For two members of the Council representing civil society and academia, elected by the Parliament, the legislation prescribes the following requirements: (a) Higher legal education with a master's or equal academic degree/higher education diploma; (b) at least 5 years of working experience in the legal specialty; (c) excellent reputation; (d) recognition as a specialist in the field of law. Out of the additional two members of the Council, the Parliament elects one from the Parliamentary majority and the other from outside the majority.

Regarding the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council, please see the last paragraph in the reply to question 266.

Q269 (2024): The members of the Prosecutorial Council are elected for the four years term. They do not have specific privileges and they cannot be re-elected for a second consecutive term.

The eight elected prosecutor/investigator members of the Prosecutorial Council are also the members of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council. Respectively the same rules apply. Other seven prosecutor members of the latter three councils may hold their membership positions until being in the respective prosecutorial offices.

Q270 (2024): High Council of Justice of Georgia - It's not full time position for Judge Members of Council, but it's full time position for non judge members of The Council. According the legal changes in 2023, Member of High Council of Justice of Georgia can be selected again, there is no prohibition.

Q273 (2024): The requirement for the transparency of the Prosecutorial Council is provided for by the Constitution of Georgia, which stipulates that the Prosecutorial Council shall be established to ensure the independence, transparency and efficiency of the PSG.

Information on the activities of the Prosecutorial Council is posted on its website and Facebook page as well as on the PSG website. In addition, the meetings of the Prosecutorial Council are live-streamed on Facebook. According to the 2020 Rule on Recruitment, Vetting, Competition, Internal Competition, Promotion, Demotion and Rotation of Employees at the Prosecution Service of Georgia and the Rule on Internship at the Prosecution Service of Georgia, the decisions on appointment and promotion of prosecutors are published online. Information on the work of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council is published on the PSG website.

Q274 (2024): High Council of Justice of Georgia has the obligation to protect Judge from any kind of pressure or violation of Judges Independence or impartiality. If its obvious that Judge has breached its obligation of independence or impartiality, High council of Justice of Georgia can start disciplinary prosecution against Judge (after the opinion of Independent Inspector is presented).

Republic of Moldova

Q266 (2024): SCP-Other- President of the Superior Council of Magistracy - ex-officio member

SCP-starting with 1 January 2024 the Ombudsman and the Prosecutor General ceased their activity as ex-officio members of SCP. The Minister of Justice will cease its activity as a SCP ex-officio member as of 1 January 2026.

By Law, 4 members of SCP have to be elected from among the prosecutors from territorial offices and specialised offices. There is no distinction how many from territorial offices and how many from specialised offices. By an amendment (Law 200/2023 of 31-07-2023 on amendments to some laws (improvement of the selection, evaluation and disciplinary responsibility of prosecutors) published on 04-08-2023) the total number of SCP members has been reduced from 13 to 10.

Q268 (2024): Non-prosecutor members of the Superior Council of Prosecutors:

Candidates for membership of the Superior Council of Prosecutors on behalf of civil society must have a higher legal education and at least 3 years of experience in the field of law, be of impeccable reputation and be a recognised authority in their fields of activity, pass the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership of self-administrative bodies of judges and prosecutors, and be no more than 65 years of age.

Persons who have been convicted of a criminal offence and persons who have not passed the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership in the self-administrative bodies of judges and prosecutors may not be members of the Superior Council of Prosecutors.

Non-judge members of the Superior Council of Magistracy:

Due to amendments of the Law on Superior Council of Magistracy in 2022, the selection criteria for 6 SCM non-judge members are the following:

- a) have a high professional reputation;
- b) have personal integrity;
- c) have experience in the field of law or political science, economics, psychology for at least 10 years;
- d) do not work, at the time of submitting the application, within the bodies of the legislative, executive or judicial power;
- e) are not politically affiliated.

At least 4 of them must have legal experience.

Six members of the Superior Council of Magistracy, who are not judges, are selected in an open and transparent manner by the Legal Commission, Appointments and Immunities of the Parliament, based on a public competition, and are appointed by a decision of the Parliament with the vote of three-fifths of the elected deputies. The manner of organizing the competition is established by the Parliament. The competition is organized until the expiration of the term of office of the previously appointed members and consists of examining the files and hearing the candidates in a public session. The Commission of legal affairs, appointments and immunities prepares reasoned opinions for each selected candidate and proposes their appointment to the Parliament.

This provision has been declared unconstitutional by the Decision of the Constitutional Court no. 22 of 01.10.2024. The Ministry of Justice has the duty to take the necessary measures in order to adjust the legislative framework.

Q270 (2024): For SCM non-judge members it is a part-time position.

Q273 (2024): Superior Council of Prosecutors useful links:

<https://www.csp.md/index.php/concursuri-pentru-functia-de-procuror>

<https://www.csp.md/index.php/functii-de-procuror-vacante>

<https://www.csp.md/index.php/adunarea-general-a-procurorilor-0>

<https://www.csp.md/index.php/avizeopinii>

<https://www.csp.md/index.php/node/34>

<https://www.csp.md/index.php/transparenta/transparenta-decizionala>

<https://www.csp.md/index.php/cadrul-normativ>

<https://www.csp.md/index.php/prezentare-general-a-membri-csp>

<https://www.csp.md/index.php/>

Superior Council of Magistracy useful links:

www.csm.md

<https://www.csm.md/ro/hotaririle.html>

<https://www.csm.md/ro/sedinte/sedinte.html>

<https://www.csm.md/ro/activitatea/rapoarte-anuale.html>

<https://www.csm.md/ro/organe-subordonate.html>

<https://www.csp.md/colegiu/colegiul-de-disciplina-si-etica/hotarari1>

Ukraine

Q266 (General Comment): Single council for the judiciary (High Council of Justice): High Council of Justice consists of twenty-one members, ten of whom are elected by the Congress of Judges of Ukraine from among judges or retired judges, two are appointed by the President of Ukraine, two are elected by the Verkhovna Rada of Ukraine, two are elected by the Congress of Advocates of Ukraine, two are elected by the All-Ukrainian Conference of Prosecutors, two are elected by the Congress of Representatives of Higher Legal Educational and Scientific Institutions.

The Chairman of the Supreme Court is an ex-officio member of the High Council of Justice.

Q266 (2024): According to amendments of December 2023 (see details under Q 267), the Council of Prosecutors of Ukraine consists of 15 persons, including: 2 representatives (prosecutors) from the Office of the Prosecutor General, 1 representative (prosecutor) from the Specialized Anti-Corruption Prosecutor's Office (reported under sub-category Other), 5 representatives (prosecutors) from regional prosecutor's offices, 5 representatives (prosecutors) from district prosecutor's offices appointed as members of the Council of Prosecutors of Ukraine by the All-Ukrainian Conference of Prosecutors, 2 representatives (academics) appointed by the Congress of Representatives of Law Schools and Research Institutions.

Justice:

1. ~~To~~ be eligible for the election (appointment) to the High Council of Justice, a candidate must be a citizen of Ukraine who has attained the age of thirty five, has command of the state language, has a university degree in law and not less than fifteen years of working experience in the area of law, belongs to the legal profession and meets the criteria of political neutrality.
 2. ~~Members~~ of the High Council of Justice, except the President of the Supreme Court, shall perform their functions on a permanent basis.
 3. ~~Members~~ of the High Council of Justice shall be subject to requirements and restrictions established by the anti-corruption legislation.
 4. ~~Members~~ of the High Council of Justice shall be obliged to comply with the ethical standards for judges, both in their professional activity and beyond it.
 5. ~~Members~~ of the High Council of Justice shall meet the criteria of political neutrality. In particular, a person may not be elected (appointed) a member of the High Council of Justice if on the date of election (appointment) this person:
 - 1) ~~is~~ a member of or holds any position in any political party or another organisation with political goals or participates in political activities;
 - 2) ~~is~~ elected for an elected position in any state body (except judicial) or in a local self-government body and holds a representative mandate;
 - 3) ~~participates~~ in management or financing of a political campaign or in other political activities.
 6. ~~Members~~ of the High Council of Justice shall not take their position alongside with: any other involvement in a state authority or local self-government body, bodies of judicial, attorneys' or prosecutorial self-governance, being members of the Parliament of Ukraine, members of the Parliament of the Autonomous Republic of Crimea, members of oblast, district, city, city district, village, or township councils, being involved in business activities or any other salaried position (except the office of the President of the Supreme Court), being involved in any other paid work or receiving other salary than that of the member of the High Council of Justice (with the exception of lecturing, research, or creative work and the remuneration linked to it) or being members of management or supervisory boards of legal entities that aim for profit. Members of the High Council of Justice shall not be members of political parties, trade unions and shall not participate in any political activities.
 7. ~~Persons~~ who hold shares or have other corporate rights, property rights or ownership interest in any for-profit legal entity shall be obliged to place such shares (corporate rights), or other relevant rights under the management of an independent third party for the duration of the term in the office as a member of the High Council of Justice (without the right of instructing that party on the management of the shares or corporate or other rights or the exercise of associated rights). Members of the High Council of Justice may receive interest, dividends or other passive income from their own property.
 8. ~~A~~ judge serving as member of the High Council of Justice shall not administer justice (except for the President of the Supreme Court).
 9. ~~A~~ defence counsel serving as member of the High Council of Justice shall, for the duration of the term in the office, suspend his/her practice of law as prescribed by the law.
- A judge, a prosecutor, a defence counsel, while serving as a member of the High Council of Justice, shall not participate in self-governance bodies of judges, advocates or prosecutors.
10. ~~The~~ following persons cannot be eligible for membership in the High Council of Justice:
 - 1) ~~Persons~~ declared by court legally incapable or partially incapable;
 - 2) ~~Persons~~ with a record of conviction that has not been expunged or removed from the record under the procedure established by law;

Q268 (2024): The Council of Judges of Ukraine is elected by the Congress of Judges of Ukraine. Proposals for candidates to the Council of Judges of Ukraine may be submitted by judges participating in the Congress of Judges of Ukraine

The procedure for holding a congress of representatives of law schools and research institutions is determined by Article 75 of the Law of Ukraine "On Prosecution".

In particular, according to part 2 of this article, one delegate from each law school, law faculty of higher education institutions and research institutions shall participate in the congress.

In accordance with paragraphs 3 and 4 of the same article, the congress is authorized if at least two-thirds of the total number of elected delegates are present. The congress is opened by the oldest delegate. The congress elects the chairman and secretary by secret ballot, discusses and approves the agenda and regulations of the congress, elects the counting commission and other working bodies of the congress.

Candidates for the positions of members of the Council of Prosecutors of Ukraine who meet the requirements stipulated by part 2 of clause 4 of Article 71 of the Law of Ukraine "On Prosecution" are determined at the proposal of the congress delegates by secret ballot by a majority of votes of the delegates present at the meeting and are included in the ballot for secret voting.

The candidate who, according to the results of the secret ballot, received a majority of votes of the elected delegates of the Congress, shall be considered appointed to the position of a member of the Council of Prosecutors of Ukraine. Based on the results of the voting, the chairman and secretary of the congress shall sign the decision on the appointment of the members of the Council of Prosecutors of Ukraine.

Q269 (2024): The Council of Judges of Ukraine is elected by a regular congress of judges of Ukraine. The next congress of judges of Ukraine is convened by the Council of Judges of Ukraine once every two years.

(The law does not clearly stipulate that a member of the Council of Judges of Ukraine is elected for a term of 2 years).

According to Part 2 of Article 5 of the Law of Ukraine “On the High Council of Justice”, members of the High Council of Justice are elected (appointed) for a term of four years. The same person cannot hold the position of a member of the High Council of Justice for two consecutive terms.

According to part 6 of Article 71 of the Law of Ukraine “On Prosecution”, the term of office of a member of the Council of Prosecutors of Ukraine is five years without the right to be re-elected

Q270 (2024): The Council of Judges of Ukraine is elected by a regular congress of judges of Ukraine. The next congress of judges of Ukraine is convened by the Council of Judges of Ukraine once every two years.

(The law does not clearly stipulate that a member of the Council of Judges of Ukraine is elected for a term of 2 years).

Members of the High Council of Justice are elected (appointed) for a term of four years. The same person may not hold the position of a member of the High Council of Justice for two consecutive terms.

If the High Council of Justice may become incompetent due to the expiration of the term of office of a member of the High Council of Justice, such member of the High Council of Justice continues to exercise his/her powers until the day of election (appointment) of another person to his/her position, but in any case not more than three months from the date of expiration of the term for which such member of the High Council of Justice was elected (appointed), Article 5 of the Law of Ukraine “On the High Council of Justice”.

The High Council of Justice is a legal entity, and the costs of its maintenance are determined by a separate line in the State Budget of Ukraine (Article 1 of the Law of Ukraine “On the High Council of Justice”).

Q271 (General Comment): In respect of the powers of the High Council of Justice, the paragraph 13-1 of the part one of Article 3 of the Law was excluded on the basis of Law № 1629-IX of 13.07.2021.

Information on the activities of the Council of Judges of Ukraine is freely available on the official website of the Council of Judges of Ukraine, in national and local media and on official websites of the judiciary.

The official website of the Council of Judges of Ukraine (<https://rsu.gov.ua>) was created to harmonize relations between the judiciary and society, to ensure prompt and objective coverage in the media and on the official website of the Council of Judges of Ukraine of public information managed by the Council of Judges of Ukraine on the activities of courts, judicial authorities, and judicial self-government, and to ensure compliance with democratic standards of communication with the media and the public. After all, creating an effective system of interaction between courts, media, and civil society organizations is one of the priority areas of democratization in modern Ukraine.

For the convenience of users, the Council of Judges of Ukraine website has improved the sections “About the COJ”, “News”, “Documents”, “Gallery”, and “Contacts”. The information is structured into separate sections and subsections that contain documents by area.

The section “About the COJ” (<https://rsu.gov.ua/ua/pro-rsu>) contains the personal composition of the Council of Judges of Ukraine elected by the XVIII Regular Congress of Judges of Ukraine (date of the Congress: March 09-11, 2021) and the specialized committees of the Council of Judges of Ukraine.

In the Documents section (<https://rsu.gov.ua/documents>), information is published in several formats: hypertext and in a downloadable file that provides for the possibility of further data processing or another machine-readable format. This section contains all decisions of the Council of Judges of Ukraine since 2014. The results of sociological studies and national surveys on the judicial system and judicial reform are freely available, as well as information on the court performance evaluation system. The “Conflict of Interest” subsection of the “Documents” section contains all information on decisions, reports and methodological recommendations of the Council of Judges of Ukraine on monitoring compliance with the legislation on conflict of interest in the activities of courts; compliance with ethical standards by judges and prevention of corruption.

The subsections “Regulatory Documents” and “International Standards” of the “Documents” section contain relevant national and international documents. A number of laws and bylaws regulating the activities of the judiciary, as well as acts that guide the work of the Council of Judges of Ukraine, have been collected. The “News” section (<https://rsu.gov.ua/news>) publishes the official position of the Council of Judges of Ukraine on its activities and organizational activities of the courts; information and analytical materials; information support for meetings of the Council of Judges of Ukraine and its committees; speeches and press conferences of the Chairman of the Council of Judges of Ukraine and other representatives of the judiciary; announcements of public events of courts, higher judicial self-government bodies (meetings of the Council of Judges of Ukraine and its committees, meetings, etc.), as well as public events with the participation of members of the Council of Judges of Ukraine; information on the activities of the judiciary; and other information.

The published information contains relevant hyperlinks to official sources. A separate section “Congresses” (<https://rsu.gov.ua/documents/10>) contains information on organizational issues related to the preparation and holding of the Congress of Judges of Ukraine, lists of delegates to the Congress, a preliminary list of issues to be discussed at the Congress, lists of candidates to the High Council of Justice and the Constitutional Court of Ukraine to be elected by the Congress of Judges of Ukraine, and decisions of the Congress of Judges of Ukraine.

The website of the Council of Judges of Ukraine contains information on its structure, published legal acts, acts of individual action adopted by the Council of Judges of Ukraine, and the legal framework for the Council of Judges of Ukraine. At the same time, the Council of Judges of Ukraine is working to improve and develop not only the official website. By Decision No. 19 of May 4, 2023, the Council of Judges of Ukraine approved the draft Concept for Modernization of the Website of the Council of Judges of Ukraine and created a working group to finalize the Concept.

Q273 (2024): On 27.08.2024, the Head of the Council of Prosecutors of Ukraine reported to the All-Ukrainian Conference of Prosecutors on the tasks of the prosecutorial self-government bodies, the state of financing and organizational support of the prosecution.

Q274 (General Comment): Judicial self-government is one of the guarantees of judicial independence. The activities of judicial self-government bodies should contribute to the creation of appropriate organizational and other conditions for ensuring the normal functioning of courts and judges, assert the independence of the court, protect judges from interference in their activities, and improve the level of human resources in the judiciary.

Indicator 11-Council for the judiciary/ Prosecutorial Council

by question No.

Question 266. What is the composition of the Council(s)? Please specify the number of members from relevant bodies/institutions?

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 274. Is(Are) the Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor?

Question 266

Armenia

(2024): According to Articles 173 and 174 of the

Constitution: "The Supreme Judicial Council shall be an independent state body that guarantees the independence of courts and judges. The Supreme Judicial Council shall be composed of ten members. Five members of the Supreme Judicial Council shall be elected by the General Assembly of Judges, from among judges having at least ten years of experience as a judge. Judges from all court instances must be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court or chairperson of a chamber of the Court of Cassation. Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. The Judicial Code may prescribe incompatibility requirements for the members of the Supreme Judicial Council elected by the National Assembly. The Judicial Code may prescribe a requirement on the suspension of powers of judge-members while holding office in the Supreme Judicial Council. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council, successively from among the members elected by the General Assembly of Judges and the National Assembly. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code".

According to the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia", the judges-members of the Supreme Judicial Council are elected by the General Meeting from among the judges of courts of all instances in the following proportion: from the Court of Cassation - one member, from the courts of Appeal - one member, from the courts of first instance - three members, while from the courts of general jurisdiction of the first instance of the regions - at least one member.

Please note that these breakdown can be changed if a judge is promoted and transferred to a higher instance. Prosecution in Armenia does not have a Council, it has a Board.

In order to discuss fundamental issues related to the organization of the activities of the Prosecutor's Office, according to the Article 22 of the Law on "he Prosecutor's Office" a board shall function in the Prosecutor's Office, chaired by the Prosecutor General. The Board of the Prosecutor's Office consists of the Prosecutor General, the Deputy Prosecutors General, the heads of the structural

subdivisions of the Prosecutor General's Office, the Prosecutor of the city of Yerevan.

Georgia

of Georgia by law should be composed of 15 members; in 2024 it was composed of 14 members (12 male, 2 female).

The judge members of the Council are elected by their peers representing all levels of the common courts. Furthermore, a member elected by the Conference of Judges of Georgia may not be a judge assigned to the position for a three-year term (except when he/she has at least five years' experience of working as a judge), a member of the Disciplinary Chamber or the Qualification Chamber of the Supreme Court. According to the Organic Law, more than a half of the members elected by the Conference of Judges of Georgia may not be a chairperson of a court, his/her first deputy or a deputy, or the chairperson of a judicial panel or a chamber. The Conference of Judges elects judicial members of the HCJ by a 2/3 majority present at its meeting. The non-judicial members of the Council are elected by the Parliament and the President of Georgia. In particular, the Parliament elects five members of the Council on a competition basis. The Parliament may elect as a member of the High Council of Justice a Georgian citizen who has a higher legal education with a master's or equivalent academic degree/higher education diploma, at least 5 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by nonentrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organization concerned. One of the fields of activity of the above non-entrepreneurial (non-commercial) legal entities shall be, for at least the last two years before the announcement of the competition, participation with representative authority in court proceedings. As a restriction, a member of the Parliament of Georgia, a judge or a prosecutor may not be nominated as candidates for membership of High Council of Justice of Georgia. Information is filled according 2024 Data.

The Prosecutorial Council consists of 15 members, out of which 7 are non-prosecutors. The procedure for the selection of non- prosecutorial members of the Prosecutorial Council is as follows:

- ☑Conference of Prosecutors elects 8 members; ☑The Parliament elects 2 members (MPs), one from the parliamentary majority and another from the MPs not belonging to the parliamentary majority;
- ☑The High Council of Justice elects 2 members (judges);
- ☑The Parliament elects one member, nominated by the Minister of Justice;
- ☑The Parliament elects 2 members (representatives of civil society and academia).

Besides Prosecutorial Council, Currently, there are 3 different councils pertaining to the PSG activities:

Career Management, Ethics and Incentives Council

The Career Management, Ethics and Incentives Council is advising the Prosecutor General on the matters of career management, incentives and discipline of employees. It does not have members from outside of the PSG.

Republic of Moldova

(2024): SCP-Other- President of the Superior Council of Magistracy - ex-officio member

SCP-starting with 1 January 2024 the Ombudsman and the Prosecutor General ceased their activity as ex-officio members of SCP. The Minister of Justice will cease its activity as a SCP ex-officio member as of 1 January 2026.

By Law, 4 members of SCP have to be elected from among the prosecutors from territorial offices and specialised offices. There is no distinction how many from territorial offices and how many from specialised offices. By an amendment (Law 200/2023 of 31-07-2023 on amendments to some laws (improvement of the selection, evaluation and disciplinary responsibility of prosecutors) published on 04-08-2023) the total number of SCP members has been reduced from 13 to 10.

Ukraine

(General Comment): Single council for the judiciary (High Council of Justice): High Council of Justice consists of twenty-one members, ten of whom are elected by the Congress of Judges of Ukraine from among judges or retired judges, two are appointed by the President of Ukraine, two are elected by the Verkhovna Rada of Ukraine, two are elected by the Congress of Advocates of Ukraine, two are elected by the All-Ukrainian Conference of Prosecutors, two are elected by the Congress of Representatives of Higher Legal Educational and Scientific Institutions. The Chairman of the Supreme Court is an ex-officio member of the High Council of Justice.

(2024): According to amendments of December 2023 (see details under Q 267), the Council of Prosecutors of Ukraine consists of 15 persons, including: 2 representatives (prosecutors) from the Office of the Prosecutor General, 1 representative (prosecutor) from the Specialized Anti-Corruption Prosecutor's Office (reported under sub-category Other), 5 representatives (prosecutors) from regional prosecutor's offices, 5 representatives (prosecutors) from district prosecutor's offices appointed as members of the Council of Prosecutors of Ukraine by the All-Ukrainian Conference of Prosecutors, 2 representatives (academics) appointed by the Congress of Representatives of Law Schools and Research Institutions.

Question 268

Armenia

(2024): Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge.

Georgia

(2024): A candidate nominated by the Minister of Justice and elected by the Parliament should have a higher education in law with a master's or equal academic degree and at least five years' experience of working as a lawyer.

Two members, elected by the High Council of Justice of Georgia should have at least five years' experience of working as a judge.

For two members of the Council representing civil society and academia, elected by the Parliament, the legislation prescribes the following requirements: (a) Higher legal education with a master's or equal academic degree/higher education diploma; (b) at least 5 years of working experience in the legal specialty; (c) excellent reputation; (d) recognition as a specialist in the field of law. Out of the additional two members of the Council, the Parliament elects one from the Parliamentary majority and the other from outside the majority.

Regarding the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council, please see the last paragraph in the reply to question 266.

Republic of Moldova

(2024): Non-prosecutor members of the Superior Council of Prosecutors:

Candidates for membership of the Superior Council of Prosecutors on behalf of civil society must have a higher legal education and at least 3 years of experience in the field of law, be of impeccable reputation and be a recognised authority in their fields of activity, pass the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership of self-administrative bodies of judges and prosecutors, and be no more than 65 years of age.

Persons who have been convicted of a criminal offence and persons who have not passed the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership in the self-administrative bodies of judges and prosecutors may not be members of the Superior Council of Prosecutors.

Non-judge members of the Superior Council of Magistracy:

Due to amendments of the Law on Superior Council of Magistracy in 2022, the selection criteria for 6 SCM non-judge members are the following:

- a) have a high professional reputation;
- b) have personal integrity;
- c) have experience in the field of law or political science, economics, psychology for at least 10 years;
- d) do not work, at the time of submitting the application, within the bodies of the legislative, executive or judicial power;
- e) are not politically affiliated.

At least 4 of them must have legal experience.

Six members of the Superior Council of Magistracy, who are not judges, are selected in an open and transparent manner by the Legal Commission, Appointments and Immunities of the Parliament, based on a public competition, and are appointed by a decision of the Parliament with the vote of three-fifths of the elected deputies. The manner of organizing the competition is established by the Parliament. The competition is organized until the expiration of the term of office of the previously appointed members and consists of examining the files and hearing the candidates in a public session. The Commission of legal affairs, appointments and immunities prepares reasoned opinions for each selected candidate and proposes their appointment to the Parliament.

This provision has been declared unconstitutional by the Decision of the Constitutional Court no. 22 of 01.10.2024. The Ministry of Justice has the duty to take the necessary measures in order to adjust the legislative framework.

Ukraine

1. To be eligible for the election (appointment) to the High Council of Justice, a candidate must be a citizen of Ukraine who has attained the age of thirty five, has command of the state language, has a university degree in law and not less than fifteen years of working experience in the area of law, belongs to the legal profession and meets the criteria of political neutrality.
 2. Members of the High Council of Justice, except the President of the Supreme Court, shall perform their functions on a permanent basis.
 3. Members of the High Council of Justice shall be subject to requirements and restrictions established by the anti-corruption legislation.
 4. Members of the High Council of Justice shall be obliged to comply with the ethical standards for judges, both in their professional activity and beyond it.
 5. Members of the High Council of Justice shall meet the criteria of political neutrality. In particular, a person may not be elected (appointed) a member of the High Council of Justice if on the date of election (appointment) this person:
 - 1) is a member of or holds any position in any political party or another organisation with political goals or participates in political activities;
 - 2) is elected for an elected position in any state body (except judicial) or in a local self-government body and holds a representative mandate;
 - 3) participates in management or financing of a political campaign or in other political activities.
 6. Members of the High Council of Justice shall not take their position alongside with: any other involvement in a state authority or local self-government body, bodies of judicial, attorneys' or prosecutorial self-governance, being members of the Parliament of Ukraine, members of the Parliament of the Autonomous Republic of Crimea, members of oblast, district, city, city district, village, or township councils, being involved in business activities or any other salaried position (except the office of the President of the Supreme Court), being involved in any other paid work or receiving other salary than that of the member of the High Council of Justice (with the exception of lecturing, research, or creative work and the remuneration linked to it) or being members of management or supervisory boards of legal entities that aim for profit. Members of the High Council of Justice shall not be members of political parties, trade unions and shall not participate in any political activities.
 7. Persons who hold shares or have other corporate rights, property rights or ownership interest in any for-profit legal entity shall be obliged to place such shares (corporate rights), or other relevant rights under the management of an independent third party for the duration of the term in the office as a member of the High Council of Justice (without the right of instructing that party on the management of the shares or corporate or other rights or the exercise of associated rights). Members of the High Council of Justice may receive interest, dividends or other passive income from their own property.
 8. A judge serving as member of the High Council of Justice shall not administer justice (except for the President of the Supreme Court).
 9. A defence counsel serving as member of the High Council of Justice shall, for the duration of the term in the office, suspend his/her practice of law as prescribed by the law.
- A judge, a prosecutor, a defence counsel, while serving as a member of the High Council of Justice, shall not participate in self-governance bodies of judges, advocates or prosecutors.
10. The following persons cannot be eligible for membership in the High Council of Justice:
 - 1) persons declared by court legally incapable or partially incapable;
 - 2) persons with a record of conviction that has not been expunged or removed from the record under the procedure established by law;
 - 3) persons on whom any administrative sanctions were imposed during the previous year for any corruption offense;

(2024): The Council of Judges of Ukraine is elected by the Congress of Judges of Ukraine. Proposals for candidates to the Council of Judges of Ukraine may be submitted by judges participating in the Congress of Judges of Ukraine

The procedure for holding a congress of representatives of law schools and research institutions is determined by Article 75 of the Law of Ukraine "On Prosecution".

In particular, according to part 2 of this article, one delegate from each law school, law faculty of higher education institutions and research institutions shall participate in the congress.

In accordance with paragraphs 3 and 4 of the same article, the congress is authorized if at least two-thirds of the total number of elected delegates are present. The congress is opened by the oldest delegate. The congress elects the chairman and secretary by secret ballot, discusses and approves the agenda and regulations of the congress, elects the counting commission and other working bodies of the congress.

Candidates for the positions of members of the Council of Prosecutors of Ukraine who meet the requirements stipulated by part 2 of clause 4 of Article 71 of the Law of Ukraine "On Prosecution" are determined at the proposal of the congress delegates by secret ballot by a majority of votes of the delegates present at the meeting and are included in the ballot for secret voting.

The candidate who, according to the results of the secret ballot, received a majority of votes of the elected delegates of the Congress, shall be considered appointed to the position of a member of the Council of Prosecutors of Ukraine. Based on the results of the voting, the chairman and secretary of the congress shall sign the decision on the appointment of the members of the Council of Prosecutors of Ukraine.

Question 269

Armenia

(2024): Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected. Each member of the Board of the Prosecutor's Office must hold the office until the end of his/her term. For example, the Prosecutor General is elected for a term of six years, but there is no term specified for other member prosecutors and they will continue to hold an office until reaching the age of 65, which is the maximum age for occupying the position of a prosecutor.

Georgia

(2024): The members of the Prosecutorial Council are elected for the four years term. They do not have specific privileges and they cannot be re-elected for a second consecutive term. The eight elected prosecutor/investigator members of the Prosecutorial Council are also the members of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council. Respectively the same rules apply. Other seven prosecutor members of the latter three councils may hold their membership positions until being in the respective prosecutorial offices.

Ukraine

(2024): The Council of Judges of Ukraine is elected by a regular congress of judges of Ukraine. The next congress of judges of Ukraine is convened by the Council of Judges of Ukraine once every two years.

(The law does not clearly stipulate that a member of the Council of Judges of Ukraine is elected for a term of 2 years).

According to Part 2 of Article 5 of the Law of Ukraine "On the High Council of Justice", members of the High Council of Justice are elected (appointed) for a term of four years. The same person cannot hold the position of a member of the High Council of Justice for two consecutive terms.

According to part 6 of Article 71 of the Law of Ukraine "On Prosecution", the term of office of a member of the Council of Prosecutors of Ukraine is five years without the right to be re-elected

Question 270

Armenia

(2024): Prosecutors mentioned by law are ex-officio members of the Board of the Prosecutor's Office, so they are not elected as members of the Board for some specific term and there is no specific rule for re-election. But it should be noted that the same person may not be elected as Prosecutor General for more than two consecutive terms. So, the same person may not chair the Board for more than two consecutive terms.

Georgia

(2024): High Council of Justice of Georgia - It's not full time position for Judge Members of Council, but it's full time position for non judge members of The Council. According the legal changes in 2023, Member of High Council of Justice of Georgia can be selected again, there is no prohibition.

Republic of Moldova

(2024): For SCM non-judge members it is a part-time position.

Ukraine

(2024): The Council of Judges of Ukraine is elected by a regular congress of judges of Ukraine. The next congress of judges of Ukraine is convened by the Council of Judges of Ukraine once every two years.

(The law does not clearly stipulate that a member of the Council of Judges of Ukraine is elected for a term of 2 years).

Members of the High Council of Justice are elected (appointed) for a term of four years. The same person may not hold the position of a member of the High Council of Justice for two consecutive terms.

If the High Council of Justice may become incompetent due to the expiration of the term of office of a member of the High Council of Justice, such member of the High Council of Justice continues to exercise his/her powers until the day of election (appointment) of another person to his/her position, but in any case not more than three months from the date of expiration of the term for which such member of the High Council of Justice was elected (appointed), Article 5 of the Law of Ukraine "On the High Council of Justice".

The High Council of Justice is a legal entity, and the costs of its maintenance are determined by a separate line in the State Budget of Ukraine (Article 1 of the Law of Ukraine "On the High Council of Justice").

Question 271

Ukraine

(General Comment): In respect of the powers of the High Council of Justice, the paragraph 13-1 of the part one of Article 3 of the Law was excluded on the basis of Law № 1629-IX of 13.07.2021.

Question 273

Armenia

(2024): <https://court.am/hy/decisions> , <https://court.am/hy/decisions/2> , <https://court.am/hy/decisions/3> , <https://court.am/hy/disciplinary> , <https://court.am/hy/president-legal-acts> , <https://court.am/hy/disciplinary> .

The normative decisions of the Supreme Judicial Council and decisions on disciplinary liability are also published in the legal acts information system www.arlis.am.

The option "published activity reports" was selected for more accuracy, as the Supreme Judicial Council publishes information about its activities.

Georgia

(2024): The requirement for the transparency of the Prosecutorial Council is provided for by the Constitution of Georgia, which stipulates that the Prosecutorial Council shall be established to ensure the independence, transparency and efficiency of the PSG.

Information on the activities of the Prosecutorial Council is posted on its website and Facebook page as well as on the PSG website. In addition, the meetings of the Prosecutorial Council are live-streamed on Facebook. According to the 2020 Rule on Recruitment, Vetting, Competition, Internal Competition, Promotion, Demotion and Rotation of Employees at the Prosecution Service of Georgia and the Rule on Internship at the Prosecution Service of Georgia, the decisions on appointment and promotion of prosecutors are published online. Information on the work of the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council is published on the PSG website.

Republic of Moldova

(2024): Superior Council of Prosecutors useful links:

<https://www.csp.md/index.php/concursuri-pentru-functia-de-procuror>

<https://www.csp.md/index.php/functii-de-procuror-vacante>

<https://www.csp.md/index.php/adunarea-general-a-procurorilor-0>

<https://www.csp.md/index.php/avizeopinii>

<https://www.csp.md/index.php/node/34>

<https://www.csp.md/index.php/transparenta/transparenta-decizionala>

<https://www.csp.md/index.php/cadrul-normativ>

<https://www.csp.md/index.php/prezentare-general-a-membri-csp>

<https://www.csp.md/index.php/>

Superior Council of Magistracy useful links:

www.csm.md

<https://www.csm.md/ro/hotaririle.html>

<https://www.csm.md/ro/sedinte/sedinte.html>

<https://www.csm.md/ro/activitatea/rapoarte-anuale.html>

<https://www.csm.md/ro/organe-subordonate.html>

<https://www.csp.md/colegiu/colegiul-de-disciplina-si-etica/hotarari1>

Ukraine

Information on the activities of the Council of Judges of Ukraine is freely available on the official website of the Council of Judges of Ukraine, in national and local media and on official websites of the judiciary.

The official website of the Council of Judges of Ukraine (<https://rsu.gov.ua>) was created to harmonize relations between the judiciary and society, to ensure prompt and objective coverage in the media and on the official website of the Council of Judges of Ukraine of public information managed by the Council of Judges of Ukraine on the activities of courts, judicial authorities, and judicial self-government, and to ensure compliance with democratic standards of communication with the media and the public. After all, creating an effective system of interaction between courts, media, and civil society organizations is one of the priority areas of democratization in modern Ukraine.

For the convenience of users, the Council of Judges of Ukraine website has improved the sections “About the COJ”, “News”, “Documents”, “Gallery”, and “Contacts”. The information is structured into separate sections and subsections that contain documents by area.

The section “About the COJ” (<https://rsu.gov.ua/ua/pro-rsu>) contains the personal composition of the Council of Judges of Ukraine elected by the XVIII Regular Congress of Judges of Ukraine (date of the Congress: March 09-11, 2021) and the specialized committees of the Council of Judges of Ukraine.

In the Documents section (<https://rsu.gov.ua/documents>), information is published in several formats: hypertext and in a downloadable file that provides for the possibility of further data processing or another machine-readable format. This section contains all decisions of the Council of Judges of Ukraine since 2014. The results of sociological studies and national surveys on the judicial system and judicial reform are freely available, as well as information on the court performance evaluation system. The “Conflict of Interest” subsection of the “Documents” section contains all information on decisions, reports and methodological recommendations of the Council of Judges of Ukraine on monitoring compliance with the legislation on conflict of interest in the activities of courts; compliance with ethical standards by judges and prevention of corruption.

The subsections “Regulatory Documents” and “International Standards” of the “Documents” section contain relevant national and international documents. A number of laws and bylaws regulating the activities of the judiciary, as well as acts that guide the work of the Council of Judges of Ukraine, have been collected. The “News” section (<https://rsu.gov.ua/news>) publishes the official position of the Council of Judges of Ukraine on its activities and organizational activities of the courts; information and analytical materials; information support for meetings of the Council of Judges of Ukraine and its committees; speeches and press conferences of the Chairman of the Council of Judges of Ukraine and other representatives of the judiciary; announcements of public events of courts, higher judicial self-government bodies (meetings of the Council of Judges of Ukraine and its committees, meetings, etc.), as well as public events with the participation of members of the Council of Judges of Ukraine; information on the activities of the judiciary; and other information.

The published information contains relevant hyperlinks to official sources. A separate section “Congresses” (<https://rsu.gov.ua/documents/10>) contains information on organizational issues related to the preparation and holding of the Congress of Judges of Ukraine, lists of delegates to the Congress, a preliminary list of issues to be discussed at the Congress, lists of candidates to the High Council of Justice and the Constitutional Court of Ukraine to be elected by the Congress of Judges of Ukraine, and decisions of the Congress of Judges of Ukraine.

The website of the Council of Judges of Ukraine contains information on its structure, published legal acts, acts of individual action adopted by the Council of Judges of Ukraine, and the legal framework for the Council of Judges of Ukraine. At the same time, the Council of Judges of Ukraine is working to improve and develop not only the official website. By Decision No. 19 of May 4, 2023, the Council of Judges of Ukraine approved the draft Concept for Modernization of the Website of the Council of Judges of Ukraine and created a working group to finalize the Concept.

(2024): On 27.08.2024, the Head of the Council of Prosecutors of Ukraine reported to the All-Ukrainian Conference of Prosecutors on the tasks of the prosecutorial self-government bodies, the state of financing and organizational support of the prosecution.

Question 274

Armenia

(2024): According to Articles 141-142 of the Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia": A judge is brought to disciplinary responsibility by the Supreme Judicial Council. The grounds for bringing a judge to disciplinary responsibility are: 1) violation of the norm of substantive or procedural law in the exercise of justice or other powers provided for by law as a court, committed intentionally or through gross negligence; 2) violation by a judge of the rules of conduct of a judge established by this Code, committed with intent or gross negligence. The Board of the Prosecutor's Office discusses the fundamental issues related to the organization of the activities. There is no regulation directly mentioned in the law on this issue

The Supreme Judicial Council shall, by exercising the powers established by the Constitution and this Code, guarantee the independence of courts and judges.

The President of the Court of First Instance and the Court of Appeal, as well as the Court of Cassation, may apply to the Supreme Judicial Council on issues related to ensuring the normal functioning of their courts (Articles 32 and 33 of the Judicial Code).

In the event of unlawful interference with or threat thereof against the inviolability of a judge, his/her family members, the residential and working premises occupied by him/her, and other property, the judge shall report the matter to the competent state bodies and the Supreme Judicial Council. The competent state bodies shall be obliged to immediately take appropriate measures to ensure the security of the judge, his/her family members, the residential and working premises occupied by him/her, and other property, and shall inform the Supreme Judicial Council thereof.

The Supreme Judicial Council shall make a decision on the initiation of criminal prosecution against a judge or on granting consent to his/her deprivation of liberty no later than the day following the filing of the Prosecutor General's petition. The President of the Supreme Judicial Council, upon receiving a motion from the Prosecutor General on the issue of initiating criminal prosecution against a judge or granting consent to deprive him of his liberty, shall immediately convene a session of the Supreme Judicial Council. The examination of the issue of initiating criminal prosecution against a judge or granting consent to deprive him of his liberty shall be conducted in camera.

Other details are defined by the rules of Chapter 21 of the Judicial Code, as well as in relation to the question of this point, see the answer mentioned in point 271 of the questionnaire.

Azerbaijan

(2024): According to Article 100 of Law on Court and Judges, in case of outside influence on the activities of the judge, he must apply to the Judicial Council. Article 11 of Law on Judicial-Legal Council, the Council takes measures to ensure independence of judges and to prevent meddling in their activity. As the additional guarantee for judges, in 2019 special hotline was introduced at the Council in order to receive applications from judges in case of interference with their activities. At the same time, any form of interference in the judicial process in order to impede the administration of justice is a criminal offense (Article 286 of the Criminal Code).

Georgia

(2024): High Council of Justice of Georgia has the obligation to protect Judge from any kind of pressure or violation of Judges Independence or impartiality. If its obvious that Judge has breached its obligation of independence or impartiality, High council of Justice of Georgia can start disciplinary prosecution against Judge (after the opinion of Independent Inspector is presented).

Ukraine

(General Comment): Judicial self-government is one of the guarantees of judicial independence. The activities of judicial self-government bodies should contribute to the creation of appropriate organizational and other conditions for ensuring the normal functioning of courts and judges, assert the independence of the court, protect judges from interference in their activities, and improve the level of human resources in the judiciary.

12. Gender Equality - Overview

Distribution of court professionals by gender

Distribution of court professionals by gender and its variation between 2020 and 2024 (Tables 12.1.1, 12.1.3 and 12.1.5)

Beneficiaries	Court presidents				Professional judges				Non-judge staff			
	Male	Female	Variation 2020 - 2024		Male	Female	Variation 2020 - 2024		Male	Female	Variation 2020 - 2024	
			Male	Female			Male	Female			Male	Female
Armenia	84,2%	15,8%	-15,8	15,8	67,3%	32,7%	-6,1	6,1	24,5%	75,5%	NA	NA
Azerbaijan	93,1%	6,9%	-4,9	4,9	74,0%	26,0%	-11,6	11,6	46,9%	53,1%	-6,6	6,6
Georgia	78,9%	21,1%	-6,1	6,1	46,6%	53,4%	0,4	-0,4	33,2%	66,8%	-2,0	2,0
Republic of Moldova	55,6%	44,4%	-34,4	34,4	47,1%	52,9%	-3,2	3,2	17,7%	82,3%	-2,2	2,2
Ukraine	61,6%	38,4%	-0,2	0,2	44,6%	55,4%	-1,7	1,7	17,9%	82,1%	-2,9	2,9
EaP Average	74,7%	25,3%	-12,3	12,3	55,9%	44,1%	-4,4	4,4	28%	72%	-3,4	3,4

For reference only: the 2023 EU median is 62,8% for total female judges and 77% for total female non-judge staff.

Figure 12.1 Distribution of the total male and female court presidents in 2024

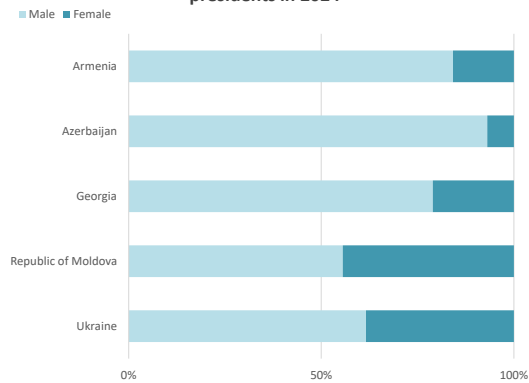


Figure 12.2 Distribution of the total male and female judges in 2024

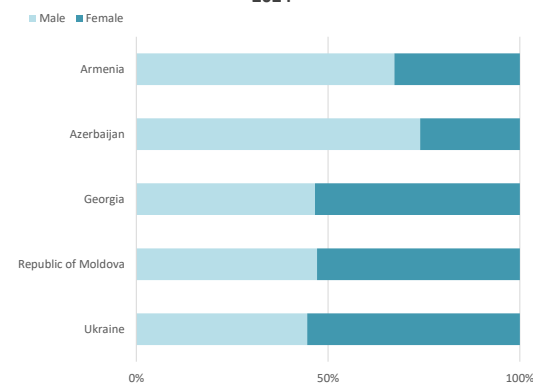
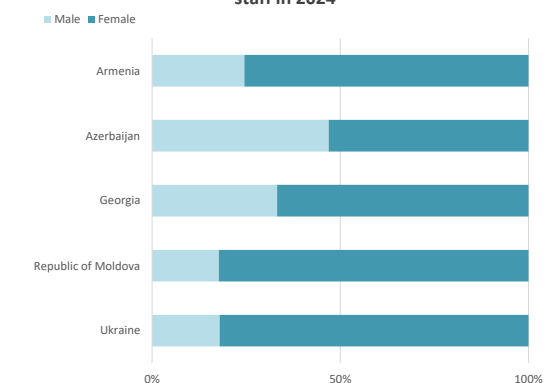


Figure 12.3 Distribution of the total male and female non-judge staff in 2024



Distribution of prosecution services professionals by gender

Distribution of prosecution services professionals by gender and its variation between 2020 and 2024 (Tables 12.2.1, 12.2.3 and 12.2.5)

Beneficiaries	Heads of prosecution services				Prosecutors				Non-prosecutor staff			
	Male	Female	Variation 2020 - 2024		Male	Female	Variation 2020 - 2024		Male	Female	Variation 2020 - 2024	
			Male	Female			Male	Female			Male	Female
Armenia	96,4%	3,6%	-1,2	1,2	76,6%	23,4%	-9,6	9,6	25,2%	74,8%	-8,7	-8,7
Azerbaijan	100,0%	0,0%	NA	NA	89,1%	10,9%	-4,2	4,2	60,2%	39,8%	NA	NA
Georgia	86,0%	14,0%	-1,3	1,3	64,3%	35,7%	-3,9	3,9	53,1%	46,9%	0,5	-0,5
Republic of Moldova	87,9%	12,1%	-5,5	5,5	66,3%	33,7%	-2,4	2,4	33,1%	66,9%	11,2	-11,2
Ukraine	95,5%	4,5%	-0,1	0,1	59,6%	40,4%	0,0	0,0	28,4%	71,6%	NA	NA
EaP Average	93%	7%	-2,0	2,0	71%	29%	-4,0	4,0	40%	60%	6,8	-6,8

For reference only: the 2023 EU median is 61,2% for total female prosecutors and 78,5% for total female non-prosecutor staff.

Figure 12.4 Distribution of the total male and female heads of prosecution services in 2024

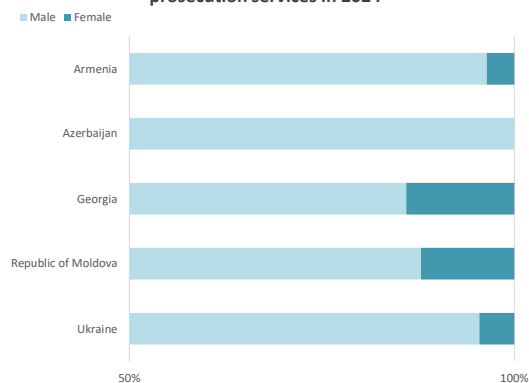


Figure 12.5 Distribution of the total male and female

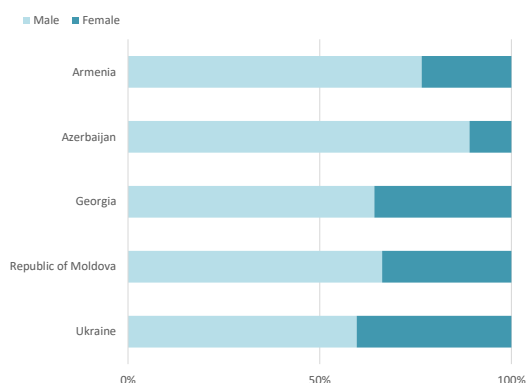
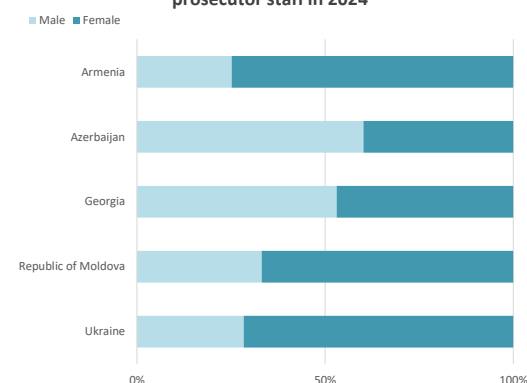


Figure 12.6 Distribution of the total male and female non-prosecutor staff in 2024



12. Gender Equality - List of tables

12.1 Judges and non-judge staff

- Table 12.1.1 Distribution of male and female professional judges between 2020 and 2024 (Q19)
- Table 12.1.2 Distribution of male and female professional judges by instance between 2020 and 2024 (Q19)
- Table 12.1.3 Distribution of male and female court presidents between 2020 and 2024 (Q19-1)
- Table 12.1.4 Distribution of male and female court presidents by instance between 2020 and 2024 (Q19-1)
- Table 12.1.5 Distribution of male and female non-judge staff between 2020 and 2024 (Q26)

12.2 Public prosecutors and non-prosecutor staff

- Table 12.2.1 Distribution of male and female prosecutors between 2020 and 2024 (Q28)
- Table 12.2.2 Distribution of male and female prosecutors by instance between 2020 and 2024 (Q28)
- Table 12.2.3 Distribution of male and female heads of prosecution offices between 2020 and 2024 (Q28-1)
- Table 12.2.4 Distribution of male and female heads of prosecution offices by instance between 2020 and 2024 (Q28-1)
- Table 12.2.5 Distribution of male and female non-prosecutor staff between 2020 and 2024 (Q32)

12.3 Lawyers

- Table 12.3.1 Distribution of male and female lawyers between 2020 and 2024 (Q33)

12.4 Policies on gender equality

Table 12.4.1 Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2024 (Q275 and Q276)

Table 12.4.2 Specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2024 (Q277)

Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2024 (Q278 and Q279)

Table 12.4.4 Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work at the court or public prosecution services level in 2024 (Q283)

Table 12.4.5 Existence of statistical data disaggregated by gender, and evaluation studies or official reports regarding the main causes of possible gender inequalities in 2024 (Q286 and Q287)

Table 12.4.6 Implemented and planned measures in order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility in 2024 (Q285)

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of male and female professional judges between 2020 and 2024 (Q19)

Beneficiaries	Distribution of male and female professional judges between 2020 and 2024					
	2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	73,4%	26,6%	67,3%	32,7%	-6,1	6,1
Azerbaijan	85,6%	14,4%	74,0%	26,0%	-11,6	11,6
Georgia	46,2%	53,8%	46,6%	53,4%	0,4	-0,4
Republic of Moldova	50,3%	49,7%	47,1%	52,9%	-3,2	3,2
Ukraine	46,2%	53,8%	44,6%	55,4%	-1,7	1,7
Average	60,4%	39,6%	55,9%	44,1%	-4,4	4,4
Median	50,3%	49,7%	47,1%	52,9%	-3,2	3,2
Minimum	46,2%	14,4%	44,6%	26,0%	-11,6	-0,4
Maximum	85,6%	53,8%	74,0%	55,4%	0,4	11,6

Table 12.1.2 Distribution of male and female professional judges by instance between 2020 and 2024 (Q19)

Beneficiaries	Distribution of male and female professional judges by instance between 2020 and 2024																	
	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges					
	2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	72,7%	27,3%	66,8%	33,2%	-5,9	5,9	75,0%	25,0%	66,2%	33,8%	-8,8	8,8	76,5%	23,5%	74,1%	25,9%	-2,4	2,4
Azerbaijan	85,1%	14,9%	69,8%	30,2%	-15,3	15,3	87,9%	12,1%	83,9%	16,1%	-4,0	4,0	84,2%	15,8%	86,8%	13,2%	2,6	-2,6
Georgia	46,6%	53,4%	44,2%	55,8%	-2,4	2,4	43,3%	56,7%	48,3%	51,7%	5,0	-5,0	55,0%	45,0%	63,0%	37,0%	8,0	-8,0
Republic of Moldova	49,0%	51,0%	46,1%	53,9%	-2,9	2,9	55,4%	44,6%	55,8%	44,2%	0,4	-0,4	50,0%	50,0%	37,5%	62,5%	-12,5	12,5
Ukraine	45,5%	54,5%	43,5%	56,5%	-2,0	2,0	47,4%	52,6%	47,8%	52,2%	0,3	-0,3	57,9%	42,1%	61,4%	38,6%	3,5	-3,5
Average	59,8%	40,2%	54,1%	45,9%	-5,7	5,7	61,8%	38,2%	60,4%	39,6%	-1,4	1,4	64,7%	35,3%	64,6%	35,4%	-0,2	0,2
Median	49,0%	51,0%	46,1%	53,9%	-2,9	2,9	55,4%	44,6%	55,8%	44,2%	0,3	-0,3	57,9%	42,1%	63,0%	37,0%	2,6	-2,6
Minimum	45,5%	14,9%	43,5%	30,2%	-15,3	2,0	43,3%	12,1%	47,8%	16,1%	-8,8	-5,0	50,0%	15,8%	37,5%	13,2%	-12,5	-8,0
Maximum	85,1%	54,5%	69,8%	56,5%	-2,0	15,3	87,9%	56,7%	83,9%	52,2%	5,0	8,8	84,2%	50,0%	86,8%	62,5%	8,0	12,5

Table 12.1.3 Distribution of male and female court presidents between 2020 and 2024 (Q19-1)

Beneficiaries	Distribution of male and female court presidents between 2020 and 2024					
	2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	0,0%	84,2%	15,8%	 -15,8	 15,8
Azerbaijan	98,0%	2,0%	93,1%	6,9%	 -4,9	 4,9
Georgia	85,0%	15,0%	78,9%	21,1%	 -6,1	 6,1
Republic of Moldova	90,0%	10,0%	55,6%	44,4%	 -34,4	 34,4
Ukraine	61,8%	38,2%	61,6%	38,4%	 -0,2	 0,2
Average	87,0%	13,0%	74,7%	25,3%	-12,3	12,3
Median	90,0%	10,0%	78,9%	21,1%	-6,1	6,1
Minimum	61,8%	0,0%	55,6%	6,9%	-34,4	0,2
Maximum	100,0%	38,2%	93,1%	44,4%	-0,2	34,4

Table 12.1.4 Distribution of male and female court presidents by instance between 2020 and 2024 (Q19-1)

Beneficiaries	Distribution of male and female court presidents by instance between 2020 and 2024																	
	First instance court presidents						Second instance (court of appeal) court presidents						Supreme Court court presidents					
	2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	100,0%	0,0%	85,7%	14,3%	-14,3	-14,3	100,0%	0,0%	100,0%	0,0%	0,0	0,0	100,0%	0,0%	0,0%	100,0%	100,0	100,0
Azerbaijan	98,9%	1,1%	93,6%	6,4%	-5,4	5,4	83,3%	16,7%	83,3%	16,7%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Georgia	88,2%	11,8%	81,3%	18,8%	-7,0	7,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Republic of Moldova	93,3%	6,7%	57,1%	42,9%	-36,2	-36,2	100,0%	0,0%	66,7%	33,3%	-33,3	-33,3	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Ukraine	60,3%	39,7%	60,3%	39,7%	0,0	0,0	86,5%	13,5%	79,4%	20,6%	-7,1	7,1	0,0%	100,0%	100,0%	0,0%	100,0	100,0
Average	88,2%	11,8%	75,6%	24,4%	-12,6	12,6	94,0%	6,0%	85,9%	14,1%	-8,1	8,1	40,0%	60,0%	40,0%	60,0%	0,0	0,0
Median	93,3%	6,7%	81,3%	18,8%	-7,0	7,0	100,0%	0,0%	83,3%	16,7%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Minimum	60,3%	0,0%	57,1%	6,4%	-36,2	0,0	83,3%	0,0%	66,7%	0,0%	-33,3	0,0	0,0%	0,0%	0,0%	0,0%	-100,0	-100,0
Maximum	100,0%	39,7%	93,6%	42,9%	0,0	36,2	100,0%	16,7%	100,0%	33,3%	0,0	33,3	100,0%	100,0%	100,0%	100,0%	100,0	100,0

Table 12.1.5 Distribution of male and female non-judge staff between 2020 and 2024 (Q26)

Beneficiaries	Distribution of male and female non-judge staff between 2020 and 2024					
	2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	NA	NA	24,5%	75,5%	NA	NA
Azerbaijan	53,5%	46,5%	46,9%	53,1%	-6,6	6,6
Georgia	35,3%	64,7%	33,2%	66,8%	-2,0	2,0
Republic of Moldova	19,9%	80,1%	17,7%	82,3%	-2,2	2,2
Ukraine	20,9%	79,1%	17,9%	82,1%	-2,9	2,9
Average	32,4%	67,6%	28,1%	71,9%	-3,4	3,4
Median	28,1%	71,9%	24,5%	75,5%	-2,6	2,6
Minimum	19,9%	46,5%	17,7%	53,1%	-6,6	2,0
Maximum	53,5%	80,1%	46,9%	82,3%	-2,0	6,6

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female prosecutors between 2020 and 2024 (Q28)

Beneficiaries	Distribution of male and female prosecutors between 2020 and 2024					
	2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	86,2%	13,8%	76,6%	23,4%	-9,6	9,6
Azerbaijan	93,3%	6,7%	89,1%	10,9%	-4,2	4,2
Georgia	68,1%	31,9%	64,3%	35,7%	-3,9	3,9
Republic of Moldova	68,7%	31,3%	66,3%	33,7%	-2,4	2,4
Ukraine	59,6%	40,4%	59,6%	40,4%	0,0	0,0
Average	75,2%	24,8%	71,2%	28,8%	-4,0	4,0
Median	68,7%	31,3%	66,3%	33,7%	-3,9	3,9
Minimum	59,6%	6,7%	59,6%	10,9%	-9,6	0,0
Maximum	93,3%	40,4%	89,1%	40,4%	0,0	9,6

Table 12.2.2 Distribution of male and female prosecutors by instance between 2020 and 2024 (Q28)

Beneficiaries	Distribution of male and female prosecutors by instance between 2020 and 2024																	
	First instance prosecutors						Second instance (court of appeal) prosecutors						Supreme Court prosecutors					
	2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	NA	NA	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	70,2%	29,8%	NAP	NAP	NAP	NAP	59,1%	40,9%	NAP	NAP	NAP	NAP	65,9%	34,1%	NAP	NAP	NAP	NAP
Ukraine	NAP	NAP	95,3%	75,1%	NAP	NAP	NAP	NAP	61,9%	38,1%	NAP	NAP	NAP	NAP	23,5%	9,1%	NAP	NAP
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 12.2.3 Distribution of male and female heads of prosecution offices between 2020 and 2024 (Q28-1)

Beneficiaries	Distribution of male and female heads of prosecution offices between 2020 and 2024					
	2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	97,6%	2,4%	96,4%	3,6%	 -1,2	 1,2
Azerbaijan	NA	NA	100,0%	0,0%	NA	NA
Georgia	87,3%	12,7%	86,0%	14,0%	 -1,3	 1,3
Republic of Moldova	93,3%	6,7%	87,9%	12,1%	 -5,5	 5,5
Ukraine	95,5%	4,5%	95,5%	4,5%	 -0,1	 0,1
Average	93,4%	6,6%	93,1%	6,9%	-2,0	2,0
Median	94,4%	5,6%	95,5%	4,5%	-1,2	1,2
Minimum	87,3%	2,4%	86,0%	0,0%	-5,5	0,1
Maximum	97,6%	12,7%	100,0%	14,0%	-0,1	5,5

Table 12.2.4 Distribution of male and female heads of prosecution offices by instance between 2020 and 2024 (Q28-1)

Beneficiaries	Distribution of male and female heads of prosecution offices by instance between 2020 and 2024																	
	First instance heads of prosecution offices						Second instance (court of appeal) heads of prosecution offices						Supreme Court heads of prosecution offices					
	2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024		2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Armenia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	NA	NA	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA	NA	NA	NAP	NAP	NA	NA
Georgia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	94,9%	5,1%	92,6%	7,4%	-2,3	2,3	66,7%	33,3%	66,7%	33,3%	0,0	0,0	100,0%	0,0%	66,7%	33,3%	33,3	33,3
Ukraine	NAP	NAP	94,8%	5,2%	NAP	NAP	NAP	NAP	100,0%	0,0%	NAP	NAP	NAP	NAP	100,0%	0,0%	NAP	NAP
Average	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 12.2.5 Distribution of male and female non-prosecutor staff between 2020 and 2024 (Q32)

Beneficiaries	Distribution of male and female non-prosecutor staff between 2020 and 2024					
	2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	16,5%	83,5%	25,2%	74,8%	8,7	-8,7
Azerbaijan	NA	NA	60,2%	39,8%	NA	NA
Georgia	52,6%	47,4%	53,1%	46,9%	0,5	-0,5
Republic of Moldova	21,9%	78,1%	33,1%	66,9%	11,2	-11,2
Ukraine	NA	NA	28,4%	71,6%	NA	NA
Average	30,3%	69,7%	40,0%	60,0%	6,8	-6,8
Median	21,9%	78,1%	33,1%	66,9%	8,7	-8,7
Minimum	16,5%	47,4%	25,2%	39,8%	0,5	-11,2
Maximum	52,6%	83,5%	60,2%	74,8%	11,2	-0,5

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers between 2020 and 2024 (Q33)

Beneficiaries	Distribution of male and female lawyers between 2020 and 2024					
	2020		2024		Variation (in percentage points) 2020 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Armenia	55,1%	44,9%	55,3%	44,7%	0,2	-0,2
Azerbaijan	83,1%	16,9%	80,0%	20,0%	-3,0	3,0
Georgia	51,9%	48,1%	49,2%	50,8%	-2,8	2,8
Republic of Moldova	70,3%	29,7%	70,1%	29,9%	-0,3	0,3
Ukraine	75,3%	24,7%	60,9%	39,1%	-14,4	14,4
Average	67,1%	32,9%	63,1%	36,9%	-4,0	4,0
Median	70,3%	29,7%	60,9%	39,1%	-2,8	2,8
Minimum	51,9%	16,9%	49,2%	20,0%	-14,4	-0,2
Maximum	83,1%	48,1%	80,0%	50,8%	0,2	14,4

12.4 Policies on gender equality

Table 12.4.1 Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2024 (Q275 and Q276)

Beneficiaries	Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2024											
	Specific provisions for facilitating gender equality within the framework of the procedure of recruiting						Specific provisions for facilitating gender equality within the framework of the procedures for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Armenia												
Azerbaijan												
Georgia												
Republic of Moldova												
Ukraine												

Yes
 No
 NA
 NAP

Table 12.4.2 Specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2024 (Q277)

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2024	
	Court presidents	Heads of prosecution services
Armenia		
Azerbaijan		
Georgia		
Republic of Moldova		
Ukraine		

Yes	
No	
NA	
NAP	

Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2024 (Q278 and Q279)

Beneficiaries	Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2024						
	Existence of an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary	Existence of specific person/institution dealing with gender issues in the justice system concerning:					
		Recruitment of judges	Promotion of judges	Recruitment of prosecutors	Promotion of prosecutors	Recruitment of non-judge staff	Promotion of non-judge staff
Armenia							
Azerbaijan							
Georgia							
Republic of Moldova							
Ukraine							

Yes	
No	
NA	
NAP	

Table 12.4.4 Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work at the court or public prosecution services level in 2024 (Q283)

Beneficiaries	Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work at the court or public prosecution services level in 2024		
	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-prosecutor staff
Armenia			
Azerbaijan			
Georgia			
Republic of Moldova			
Ukraine			

Yes	
No	
NA	
NAP	

Table 12.4.5 Existence of statistical data disaggregated by gender, and evaluation studies or official reports regarding the main causes of possible gender inequalities in 2024 (Q286 and Q287)

Beneficiaries	Existence of statistical data disaggregated by gender, and evaluation studies or official reports regarding the main causes of possible gender inequalities in 2024										
	Existence of statistical data disaggregated by gender						Evaluation studies or official reports regarding the main causes of possible inequalities with regard to:				
	Persons who initiate a case in other than criminal matters		Victims recognised as such by the court		Perpetrators of criminal offences						
	Existence	If yes, specification of the categories of cases	Existence	If yes, specification of the categories of cases	Existence	If yes, specification of the categories of cases	Recruitment procedures	Appointment to the position of court president	Appointment to the position of head of prosecution services	Promotion procedures and access to the functions of responsibility	Other studies
Armenia											
Azerbaijan						Premeditated murder Manslaughter due to negligence Theft Smuggling Hooliganism Banditry Kidnapping Rape Illicit drug					
Georgia				all types of Offences related with Violence against Women (Obligation under Istanbul Convention) (According the Judgments)		all types of offences (According the Court Judgments)					
Republic of Moldova		all case categories		all types of offences		all types of offences					
Ukraine		NA		NA							

Yes

No

NA

NAP

Table 12.4.6 Implemented and planned measures in order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility in 2024 (Q285)

Beneficiaries	Implemented and planned measures in order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility in 2024		
	Implemented	Planned	In case the situation has changed since the reference year
Armenia	The strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 was circulated for public discussion. https://www.e-draft.am/projects/6821/digest	The strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 was circulated for public discussion. https://www.e-draft.am/projects/6821/digest	The strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 was circulated for public discussion. https://www.e-draft.am/projects/6821/digest
Azerbaijan	Gender equality in the judiciary is ensuring as well. The number of female judges in the judicial system has been constantly increasing, now this number has increased year by year and made up 26 %. Also, 50% of the candidates who successfully passed the exams held for judges in the last 5 years and were appointed to the respective positions of judges, including 45% of the candidates who were appointed to the positions of judges last time as a result of such competitions, are women. All this is a manifestation of the observance of the principles of gender equality in our country, and the activity of women in various spheres of public life.	Gender equality in the judiciary is ensuring as well. The number of female judges in the judicial system has been constantly increasing, now this number has increased year by year and made up 26 %. Also, 50% of the candidates who successfully passed the exams held for judges in the last 5 years and were appointed to the respective positions of judges, including 45% of the candidates who were appointed to the positions of judges last time as a result of such competitions, are women. All this is a manifestation of the observance of the principles of gender equality in our country, and the activity of women in various spheres of public life.	Gender equality in the judiciary is ensuring as well. The number of female judges in the judicial system has been constantly increasing, now this number has increased year by year and made up 26 %. Also, 50% of the candidates who successfully passed the exams held for judges in the last 5 years and were appointed to the respective positions of judges, including 45% of the candidates who were appointed to the positions of judges last time as a result of such competitions, are women. All this is a manifestation of the observance of the principles of gender equality in our country, and the activity of women in various spheres of public life.
Georgia	1. According to Georgian legislation, discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the respective Organic Laws of Georgia on Common Courts and on Prosecution Service. Respectively, legislation effectively protects individuals (Judges/Court staff) from discrimination. 2. PSG - Since 2022, the Prosecution Service of Georgia has Gender Equality Strategy for 2022-2027 and Gender Equality Action Plan for 2022-2024. The Strategy sets improving gender organizational policy as priority. It promotes discrimination-free environment, equal opportunities for women and men, and administration of gender-sensitive justice. The PSG Human Rights Protection Department coordinates the implementation of the Gender Equality Strategy and Action Plan. The first report on the implementation of the Gender Equality Action Plan for 2022-2023 is available on the PSG website. The PSG has also in place the Working Group on Gender Issues (see the comment to question N283) and the Mechanism for Sexual Harassment Prevention and Response, which includes Sexual Harassment Case Examination Support Group. In 2024, the PSG conducted 35 trainings and trained 715 employees on the matters of Sexual Harassment Prevention and Response Mechanism. In 2024, the PSG, in cooperation with the EU4Gender Equality Reform Helpdesk, developed a guide for the gender-responsive management of human resources. 3. In 2022-2024 State adopted and established following documents: a) The State Concept on Gender Equality; (b) The National Action Plan against Trafficking in Human Beings for 2022-2024; (c) The National Action Plan on Ending Violence against Women; (d) The fourth National Action Plan (NAP) on Women, Peace and Security 2022-2024; (e) National Action Plan for Combating Violence Against Women and Domestic Violence and Protecting Victims (Victims) in 2022-2024; (f) The Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service 3. In March 2023, National Strategy of Human Rights of Georgia for 2022-2030 was adopted by Parliament. One of the main directions of this Strategy is ensuring and	According to the Strategy, the PSG will further ensure equal opportunities for men and women in terms of professional and career development. During the implementation period, the PSG will ensure further awareness-raising and capacity building of its employees on gender-related issues (such as gender equality, sexual harassment, etc.).	N/A
Republic of Moldova	strengthening the Gender Equality in the entire Public and Administrative sector of On December 22, 2016, the article 14 of the Law no. 158 of 04.07.2008 on the public function and the status of the civil servant was supplemented with a new paragraph regulating that civil servants are entitled to equal opportunities and treatment of men and women in terms of access to a public office, continuous professional development and promotion. According to the Law no.5 of 09.02.2006 on ensuring equal opportunities for women and men as well as the Program for acceleration of gender equality in the Republic of Moldova for the years 2022-2027, equal opportunities in the Republic of Moldova between men and women are granted. Both normative acts contain general provisions on gender balance without specifying the judicial system but containing a set of trainings for National Institute of Justice beneficiaries on Gender equality and non-discrimination.	A Working Group to optimize HR policies in courts has been created in 2023 being active in 2024, with the support of the EU/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova". Among the deliverables of the WG is a draft of HR Strategy for the court system with activities meant to ensure non-discrimination, promote social inclusion, gender equality and the balance between professional and family life of judges and court staff (based on the CEPEJ Guidelines on gender equality in the recruitment and promotion of judges).	The Working Group to optimize HR policies in courts has been created in 2023 and in 2024 it proposed a draft Strategy on HR in the court system for consultations and approval.
Ukraine	NA	NA	On August 27, 2024, the All-Ukrainian Conference of Prosecutors approved amendments to the Code of Professional Ethics and Conduct of Prosecutors in terms of regulating relations in the field of professional ethics and conduct of prosecutors to prevent any type of discrimination (Articles 3, 4, 20-1, 29, 30).

Indicator 12-Gender Equality

by country

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting

Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary ?

Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

Question 285. In order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

Question 286. Are there evaluation studies or official reports regarding the main causes of possible gender inequalities with regard to:

Question 287. Are there statistical data disaggregated by gender concerning the number of:

Armenia

Q275 (General Comment): According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have 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.

Q279 (2024): No specific person, but if a problem arises it will be solved internally, for example by the head of staff in courts

Azerbaijan

Q275 (General Comment): it should be noted that on October 10, 2006 the Law of the Republic of Azerbaijan “On Ensuring Gender (Men and Female) Equality” was adopted. According to Article 1 of the Law, the purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life. In accordance with Article 6 of the Law, the state takes measures for eliminating all forms of gender discrimination, creating equal opportunities for males and females, not allowing superiority of persons belonging to any gender in state governing and decision-making. The text of the said Article is available at the following link: <http://e-qanun.az/framework/12424>.

Q283 (General Comment): There is no specific person responsible for the respect gender equality, because of absence of the problem of gender discrimination. The selection and employment at courts and public prosecution services are based on principles of their qualification level, knowledge and experience and all candidates despite of their gender are provided with equal opportunities. If there is visible inequality in gender balance in a certain occupation it is mostly correlated with the popularity of the profession among men or women. According to the recommendations reflected in Final Draft Justice Gender Strategy and Action Plan during the selection of candidates to judges or court staff admission the quota is considered.

Georgia

Q275 (2024): Judiciary - Article 35(7) of the Organic Law of Georgia “on Common Courts”, states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, equality of candidates for judge must be guaranteed regardless of their gender. Same principles are stipulated in all other relevant laws. It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. Respectively, the legislation of Georgia effectively protects individuals from discrimination.

The legislation of Georgia strictly prohibits all forms of discrimination, including gender-based discrimination. This principle is further enshrined in the Organic Law of Georgia on the Prosecution Service (OLPSG). The OLPSG includes specific provisions aimed at promoting gender balance, particularly during the nomination of the Prosecutor General and the election of prosecutor members to the Prosecutorial Council. According to these provisions, the Prosecutorial Council, following consultations, selects three candidates for the position of Prosecutor General, with at least one-third of the candidates being of a different gender. Similarly, at least one-fourth of the eight members of the Prosecutorial Council elected by the Conference of Prosecutors must be of a different gender. Please also see the PSG comments to questions N 283 and N285.

Q276 (2024): Similar with the question 275

Q277 (2024): PSG - Comment - According to the OPLSG, the Prosecutorial Council, following consultations, selects three candidates for the position of Prosecutor General, with at least one-third of the candidates being of a different gender.

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▣Developing and updating Gender Equality Strategy and Action Plan; ▣Developing legal acts necessary for defining those responsible to work on gender issues and adding relevant functions to their job descriptions;

▣Preparing an annual complex report on gender mainstreaming issues and submitting it to the Prosecutor General of Georgia as well as informing the PSG employees on these issues;

▣Effectively enforcing the mechanism for sexual harassment prevention and response.

Republic of Moldova

Q275 (General Comment): According to art. 46 of the Law no. 514 from 06.07.1995 on the organization of the judiciary, the personnel of the Registry and the administrative service of the courts are composed of civil servants subject to the provisions of Law no. 158-XVI of July 4, 2008 on the public function and the status of civil servant.

On December 22, 2016, Art. 14 of the Law no. 158 of 04.07.2008 on the public function and the status of the civil servant was supplemented by a new paragraph in force on January 6, 2017, according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion.

There are not specific provisions for facilitating gender equality within the framework of the procedures for recruiting for judges, prosecutors, lawyers, notaries and enforcement agents but the conditions for joining a position of a judge, prosecutor, notary, lawyer, enforcement agent do not contain any restrictions that would limit the equality of chances between women and men in order to be recruited for the nominated professions.

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Q278 (General Comment): Equal opportunities in the Republic of Moldova between men and women are regulated by Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as through the Program for acceleration of gender equality in the Republic of Moldova for the years 2022-2027. Both normative acts contain general provisions on gender equality without specifying males/females equality within the judicial system.

Q279 (General Comment): According to Law no. 5 of 09.02.2006 on ensuring gender equality between women and men among the authorities with attributions in the field of equality between men and women are: the Parliament, the Government, the Governmental Commission for Gender Equality, the Ministry of Labor, Social Protection and Family (specialized body), State Labor Inspectorate, ministries and other central administrative authorities (gender steering groups), local public administration authorities (gender units), National Bureau of Statistics, Council for Prevention and Elimination of Discrimination and Equality.

These are general regulations without delimiting any institution responsible for gender equality in the judicial system.

Q286 (General Comment): Recruitment and promotion and appointment as court president procedures:

Assessment of Gender Dimension in the Justice Sector of the Republic of Moldova The Personal Price Paid by Women in the Judiciary elaborated in 2019 by the Legal Resources Center in Moldova (NGO). The conclusions based on the results of the study apply mainly to the profession of judge; however, some recommendations could also apply to other professions within the court system; for example, the aspects regarding adoption of internal rules, sanctioning the acts of harassment, adaptation of courts so that they respond to the needs of employees resuming work after the childcare leave, are equally relevant for a judge, a legal assistant or a court clerk. The assessment can be accessed at the following link: https://crjm.org/wp-content/uploads/2019/10/Raport_Analiza-dimensiunii-de-gen_ENG.pdf

Other studies:

The UN gender equality country report 2021, recommends additional in-service training for judges and prosecutors on legal provisions about sexual violence in the workplace.

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file:///C:/Users/user/Downloads/ghidpeintelesultuturor.pdf Economic Cost of Gender Inequalities in the Republic of Moldova (October 2020) The report is elaborated by the Women's Law Center and Expert-Group estimating the economic costs caused by gender inequalities in the Republic of Moldova and identifying a series of strategic recommendations. The Report can be accessed to the following link: http://cdf.md/files/resources/148/Raport_Inegalitati_Gen_Final_Eng.pdf

Q287 (2024): There are statistical data available concerning victims and accused persons. The data are initially recorded by courts in the ICMS and standardized electronic reports are generated by the system both at the local and central level. Data are collected quarterly and aggregated at the central level by the Agency for Courts Administration and Superior Council of Magistracy. Data are disaggregated by age and sex. Also, specific data on the accused persons are presented periodically by courts to the Ministry of Internal Affairs paper based and are introduced in its Information system. Different specific analyses on this area using related data are done periodically by the Ministry of Internal Affairs, by Prosecutor's General Office, National Anticorruption Center.

Ukraine

Q278 (2024): Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025, approved by the Order of the SJA of Ukraine of June 4, 2021, No. 194

<https://dsa.court.gov.ua/dsa/inshe/gender/gfkjdljgfljldgkj>

Indicator 12-Gender Equality

by question No.

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting

Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary ?

Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

Question 285. In order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

Question 286. Are there evaluation studies or official reports regarding the main causes of possible gender inequalities with regard to:

Question 287. Are there statistical data disaggregated by gender concerning the number of:

Question 275

Armenia

(General Comment): According to Article 109 (5) of Judicial Code, where the number of judges of either sex is less than twenty-five per cent of the total number of judges, up to fifty per cent of the places in the list of contenders for judge candidates shall be reserved to the persons of the sex concerned who have received 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.

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Republic of Moldova

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Reforms - List of tables

Reforms (part 1 of 2) Undergoing or foreseen reforms in 2021 (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Reforms (part 2 of 2) Undergoing or foreseen reforms in 2021 (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Reforms (part 1 of 2) Undergoing or foreseen reforms in 2024 (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Beneficiaries	Undergoing or foreseen reforms in 2024																	
	(Comprehensive) reform plans			Budget			Courts and public prosecution services			Access to justice and legal aid			High Judicial Council and High Prosecutorial Council			Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects		
	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented
Armenia																		
Azerbaijan																		
Georgia																		
Republic of Moldova																		
Ukraine																		

Yes

No

NA

NAP

Reforms (part 2 of 2) Undergoing or foreseen reforms in 2024 (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Beneficiaries	Undergoing or foreseen reforms in 2024																	
	Gender equality			Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities			Mediation and other ADR			Fight against corruption and accountability mechanisms			Domestic violence			New information and communication technologies		
	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented
Armenia																		
Azerbaijan																		
Georgia																		
Republic of Moldova																		
Ukraine																		

Yes

No

NA

NAP

Reforms

by country

Question 288-1. (Comprehensive) reform plans

Question 288-2. Budget

Question 288-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Question 288-4. Access to justice and legal aid

Question 288-5. High Judicial and High Prosecutorial Council

Question 288-6. Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects

Question 288-7. Gender equality

Question 288-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Question 288-9. Mediation and other Alternative Dispute Resolution

Question 288-10. Fight against corruption and accountability mechanisms

Question 288-11. Domestic violence

Question 288-12. New information and communication technologies

Armenia

Q288-1 (2024): Within the framework of the Government's 2021-2026 Strategy, the following have been implemented:

1. Improvement of court building conditions (currently underway)
2. Revision of procedural legislation, introduction of electronic tools (currently underway).

Within the framework of the Judicial and Legal Reform Strategy for 2022-2026, the following was implemented:

1. Increase in salaries of all judges,
2. Implementation of an electronic civil litigation system,
3. Improvement of the electronic case distribution system and introduction of security mechanisms,
4. Ensuring and improving the building and logistical conditions of all courts of the Republic of Armenia, including anti-corruption courts,
5. Revision of the rules of the Civil, Bankruptcy, Criminal and Administrative Procedure Codes, as a result of which a significant reduction in the workload of the courts was achieved,
6. Implementation of work on the introduction of electronic criminal, administrative and bankruptcy litigation systems (currently in progress)
7. The "Judicial Code of the Republic of Armenia" has been amended, introducing a mechanism for appealing decisions of the Supreme Judicial Council in disciplinary cases.

Within the framework of the 2023-2025 Human Rights Protection Strategy, the following was implemented:

1. Review of the provisions of the State Duty and Civil Procedure Legislation,
2. Development and implementation of an electronic system for depersonalization of personal data in judicial acts subject to publication (currently in progress)
3. Implementation of work on improving the conditions of detention cells for detainees and accused in courts (currently in progress).

Within the framework of the Anti-Corruption Strategy Program for 2023-2026, the following was implemented:

1. Continuous training of all judges of the anti-corruption court,
2. Provision and staffing of 2 economist-expert positions in anti-corruption courts,
3. Development and provision of a guide for those responsible for anti-corruption programs,
4. Development of a methodological guide for the examination of anti-corruption court cases (currently in progress)
5. Amendment of the norms on the acceptance of gifts and conflict of interest.

A number of other activities under the aforementioned strategic plans are still underway and should be completed by 2026.

Q288-2 (2024): In 2024 the budget allocated to judiciary was 46,807,544.76 EUR.

Q288-3 (2024): A legislative package was adopted, which introduced mechanisms for periodic integrity check of judges, as well as prosecutors and investigators. Currently, over 50 percent of the total number of prosecutors in the Prosecutor's Office of the Republic of Armenia have already gone through this process. It is expected, that by the end of 2026, all prosecutors will undergo an integrity check, and a negative advisory opinion resulting from the check will serve as a basis for the mandatory initiation of disciplinary proceedings by the Prosecutor General against the concerned prosecutor.

Q288-4 (2024): Taking into account the importance of properly providing free legal aid to, the number of public defenders was increased by 15 positions.

According to the new amendmend adopted by the Parliament on 12.12.2024 in the law on Advocacy of RA free legal aid is granted in cases provided for by the Law "On Legal Assistance in Criminal Proceedings", to persons wanted for committing a crime or executing a judgment.

Q288-5 (2024): See the answer to question 288-1

It is noteworthy that the Ministry of Justice of the Republic of Armenia, in cooperation with the Supreme Judicial Council, has initiated a process to review the regulations concerning the Commission for the Evaluation of Judges' performance. In particular, a draft proposing relevant amendments has been developed and submitted to the Venice Commission. Currently, the draft is in the finalization stage based on the opinion provided by the Venice Commission.

Joint opinion of the Venice commission and the Directorate general human rights and rule of law of the Council of Europe can be found at the following link:

[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)031-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)031-e)

Q288-6 (2024): Along with ensuring the three-tier specialized adjudication mechanisms in anti-corruption courts, the professional training of judges specializing in this field has also been carried out. Thus, in 2024, 14 out of 15 judges of the Anti-Corruption Court, all 12 judges of the Anti-Corruption Court of Appeal, and all 10 judges of the Anti-Corruption Chamber of the Court of Cassation have undergone training.

Q288-7 (2024): On February 1, 2025 draft of the decision of the Government on adoption of the strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 was circulated for public discussion.

Q288-8 (2024): It should be noted that the law "On Legal Assistance in Criminal Matters" was adopted on November 15, 2024. This law defines the principles and general conditions for mutual legal assistance in criminal matters, describes the procedure for submitting such requests, specifies the rights of wanted persons and details the procedures carried out for their extradition. Regarding cooperation activities, it should also be mentioned, that on 5 April 2024, the agreement "On cooperation between the competent authorities in the field of legal cooperation between the Republic of Armenia and the European Union in the field of criminal proceedings of the Republic of Armenia and the European Union Agency for Cooperation in the Field of Criminal Justice (Eurojust) was signed in Brussels, Belgium, which is aimed at further strengthening the cooperation between the Republic of Armenia and the European Union in the field of justice, rule of law and fight against serious transnational crimes.

On 1 December 2024 this Agreement entered into force.

On 23 September 2024 The Working Arrangement between the Prosecutor's Office and the Ministry of Justice of the Republic of Armenia and Eurojust implementing the Agreement between the Republic of Armenia and the European Union on the Cooperation between the Authorities of the Republic of Armenia Competent for Judicial Cooperation in Criminal Matters and the European Union Agency for Criminal Justice Cooperation (Eurojust) was signed in Yerevan, Armenia.

The Parties are finalizing the internal legal procedures necessary for the entry into force of this Arrangement. The Working Arrangement shall enter into force upon the completion of the necessary legal procedures by both parties. The Ministry of Justice of the Republic of Armenia has already initiated the internal legal procedures.

Q288-9 (2024): As for now (after January 1, 2025) the number of licensed mediators is 125. The self-governing organization of the mediators restarted its operations, members of the board and the chairman were selected. The law providing for mandatory mediation for family cases was adopted in the end of 2022. Hopefully it will enter into force in 2025. The law is scheduled to come into force if the special list of mediators established by law (mediators resolving mandatory mediation cases) is replenished by at least 15 licensed mediators.

The second annual International Arbitration Week kicked off in Yerevan on September 4, 2024, bringing together leading experts in the field of arbitration and mediation from around 20 countries, including lawyers, academics, business representatives and other stakeholders. The Arbitration Week was an important platform for industry professionals to share their experience and skills, as well as to discuss innovative approaches to the development of the field of arbitration and mediation.

In 2024, the Arbitration and Mediation Center of Armenia registered 6 arbitration cases, 3 of which resulted in awards. In 2025, the number of registered cases increased by 10, indicating increased confidence in arbitration. In the field of mediation, 5 cases were registered in 2024, 3 of which ended in settlement agreements.

AMCA's arbitration clause has been included in 2,000 contracts covering business, telecommunications, construction, healthcare, and sports, expanding the use of arbitration in Armenia.

Q288-10 (2024): In accordance with adopted Anti-Corruption Strategy of the Republic of Armenia for 2023-2026 and its Implantation action On May 23, 2024, the Government approved the legislative initiative of the Government of the Republic of Armenia on the draft Law of the Republic of Armenia "On Legal Aid in Criminal Proceedings". On November 15, 2024, it was adopted by the National Assembly.

Moreover, the National Assembly adopted the amendments and supplements to the Constitutional Law "Judicial Code" and related laws. The drafts introduced mechanisms for periodic verification of good conduct for judges, prosecutors and investigators, procedures for examining good conduct for candidates for investigators in the Investigative Committee and investigators subject to promotion, and for persons holding autonomous positions subject to promotion in the Anti-Corruption Committee.

Q288-11 (2024): The resolution of the Government of the Republic of Armenia "On approval of the strategy for combating domestic violence for 2023-2025 and the resulting action plan" was adopted, the purpose of which is to ensure effective implementation of the requirements of the law "On Prevention of Domestic Violence, protection of persons subjected to domestic violence and restoration of solidarity in the family.

This document is the first comprehensive strategic plan that focuses only on the multisectoral issues related to domestic violence and individual problems that arise in practice.

When developing the strategy, existing problems in the field of combating domestic violence, comments and suggestions from international structures and civil society, annual reports of the human rights defender, international best practices in this area were taken into account, on the basis of which the priority directions of the strategy and individual goals arising from it were identified., by introducing or developing effective mechanisms to ensure their practical application.

The adoption of the draft will contribute to improving the legal framework, increasing the effectiveness of combating domestic violence, ensuring the full implementation of support and protection measures, strengthening the capacity of industry specialists, and raising public awareness about the prevention of domestic violence.

The draft law on amendments and additions to the Law "On the Prevention of Domestic Violence, Protection of persons subjected to domestic violence and Restoration of solidarity in the family" was developed in order to reflect the obligations enshrined in the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence.

Q288-12 (2024): Starting from January 1 2024, the electronic module for civil cases of the unified electronic court case management system was implemented (cabinet.armlex.am), which allows conducting civil proceedings in electronic form, from filing a claim to publishing the final judicial act and providing a writ of execution. The module includes all documents that have been generated or submitted through the system, as well as scanned versions of materials created or presented in addition (including photographs and video recordings of physical evidence). Similarly, an electronic module on bankruptcy cases has also been developed, which, in addition to procedural functions, will also ensure the selection, appointment of bankruptcy managers and auctions in electronic form. Electronic module on administrative cases has also been developed.

In addition, an electronic mediation platform has been developed, with the help of which it is possible to register conciliators in the register of the Ministry of Justice, appoint or select them through an automated system by drawing lots, as well as submit applications, demands, see conciliators, receive notifications, etc.

Georgia

Q288-1 (2024): In 2022, the working group at the Parliament of Georgia started working on judiciary reform policy documents to ensure full compliance of institutional arrangement and operation of the judiciary with international standards. In October 2022, the working group developed the new Judicial Reform Strategy and Action Plan, which is published on the official webpage of the Parliament. The document defines the objectives of the judicial reform, analyzes the current situation in the common courts, and identifies institutional challenges/reform issues - e.g. reducing caseloads in courts, ensuring an optimal number of judges, expanding the practice of using electronic means in court proceedings etc.

Prosecution Service (Article 21), which was entered into force on 20 December 2023, the responsibility of selecting PSG interns was transferred from the ad hoc internship commissions to the permanent prosecutorial collegial body, the Career Management, Ethics, and Incentives Council. This body was also tasked with overall supervision and assessment of the internship process. The Council has fifteen members, which include eight elected and seven appointed persons. The elected members are the investigator and prosecutor members of the Prosecutorial Council, elected by the Conference of Prosecutors. The appointed members are the First Deputy Prosecutor General, three Deputy General Prosecutors, the Head of the PSG General Inspectorate, the Head of the PSG Human Resources Management and Development Department and the Head of the PSG Department for Supervision over Prosecutorial Activities and Strategic Development. The above-mentioned reform contributed to strengthening prosecutorial independence by increasing the role of prosecutorial self-governance in the recruitment of prosecutors. Notably, since December 2018 legislative reform, establishing the Career Management, Ethics, and Incentives Council, it also has a role in the matters of promotion, discipline and incentives of prosecutors. Extending the scope of the asset declaration regime to all prosecutors On 16 May 2023, the Parliament of Georgia amended the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023 and extended the scope of the asset declaration regime to all prosecutors. Since then, all prosecutors, who were not previously subject to the declaration regime, have submitted the asset declarations to the Anti-Corruption Bureau. In March 2024, GRECO concluded that Georgia fully implemented its Fourth Evaluation round Recommendation xiv concerning widening the scope of application of the asset declaration regime to cover all prosecutors.

In parallel to reporting the new developments, we would like to summarize the 2018-2022 Prosecution Service reforms that also significantly strengthened prosecutorial independence: ¶Based on the 2018 legislative reforms, which included constitutional amendments and adoption of the Organic Law of Georgia on Prosecution Service, in December 2018, the Prosecution Service of Georgia was separated from the executive branch and the Constitution of Georgia guaranteed its independence. In addition, the reform reduced the influence of the government/parliamentary majority on the appointment of the Prosecutor General and the activity of the Prosecutorial Council. This has been achieved by abolishing the ex officio membership and presidency of the Prosecutorial Council by the Minister of Justice and removing the governmental consent in the process of appointment of the Prosecutor General; ¶On 28 February 2019, the Prosecutor General issued the Order on Defining Fundamental Principles for Case Distribution by Prosecutor. It sets the criteria for fair and transparent allocation and removal of cases to/from prosecutors and investigators by the superior prosecutor, taking into consideration the number of cases, their difficulty and volume as well as the necessary specialization, competence, experience and skills to prosecute and/or investigate the case. It also gives a list of circumstances in which a superior prosecutor can remove a case from a subordinate prosecutor and requires providing reasons for the decisions; ¶On 26 August 2020, the Prosecutor General of Georgia adopted the detailed rules on the recruitment and promotion of prosecutors to ensure that they are made based on clear and objective criteria, through a transparent and merit-based procedure. These rules are public; ¶On 26 August 2020, the Prosecutor General of Georgia adopted the Ethics Code for the Employees of the Prosecution Service, entering into force on 27 August 2020. On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia, which was circulated among all PSG staff electronically; ¶On 16 May 2022, the Prosecutor General of Georgia adopted the Rule on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia. On the same day, it was published on the website of the Legislative Herald of Georgia and entered into force on 17 May 2022. The Rule provides for the detailed specification of individual disciplinary violations and applicable sanctions with respect to prosecutors and other PSG staff. Through these reforms, together with the 2023 reform extending the asset declaration regime to all prosecutors, Georgia implemented all six GRECO Fourth Evaluation Round Recommendations concerning prosecutors. Renovations and construction of new

Q288-4 (2024): Legal Changes were made regarding the publication of Court decisions (According Constitutional Court decision) in 2024. According the new amendments of Article 13.3 of Organic Law on Common Courts (29.05.24) - The full text of a judicial act adopted by a court as a result of an open court session shall become public information upon the adoption of that act and shall be issued under the procedure established by the General Administrative Code of Georgia for issuing public information.

Old Version of this article 13.3, stipulated that the full text of a judicial act adopted by a court as a result of an open court session shall become public information immediately after the final court decision made on a respective case enters into legal force and shall be issued under the procedure established by the General Administrative Code of Georgia for the issuance of public information.

Judiciary is working on effective implementation of the latest amendments.

Q288-5 (2024): Based on the 2018 legislative reforms, which included constitutional amendments and adoption of the Organic Law of Georgia on Prosecution Service, in December 2018, the Prosecution Service of Georgia was separated from the executive branch and the Constitution of Georgia guaranteed its independence. In addition, the reform reduced the influence of the government/parliamentary majority on the appointment of the Prosecutor General and the activity of the Prosecutorial Council. This has been achieved by abolishing the ex officio membership and presidency of the Prosecutorial Council by the Minister of Justice and removing the governmental consent in the process of appointment of the Prosecutor General.

Q288-6 (2024): Increasing the role of prosecutorial self-governance in the recruitment of prosecutors Based on the amendments of 30 November 2023 to the Organic Law of Georgia on the Prosecution Service (Article 21), which was entered into force on 20 December 2023, the responsibility of selecting PSG interns was transferred from the ad hoc internship commissions to the permanent prosecutorial collegial body, the Career Management, Ethics, and Incentives Council. This body was also tasked with overall supervision and assessment of the internship process. The Council has fifteen members, which include eight elected and seven appointed persons. The elected members are the investigator and prosecutor members of the Prosecutorial Council, elected by the Conference of Prosecutors. The appointed members are the First Deputy Prosecutor General, three Deputy General Prosecutors, the Head of the PSG General Inspectorate, the Head of the PSG Human Resources Management and Development Department and the Head of the PSG Department for Supervision over Prosecutorial Activities and Strategic Development.

Q288-7 (2024): 1. The fourth National Action Plan (NAP) on Women, Peace and Security 2022-2024, was adopted in 2022. On October 25, 2022, the Government adopted two separate action plans for 2022-2024: “National Action Plan on the Implementation of the UN Resolutions 1325 on Women, Peace and Security” and the “National Action Plan for the Elimination of Violence against Women and Domestic Violence.” In order to ensure efficient implementation of the aforementioned plans, clear cut indicators, baselines and targets and activity-based targeted budget are being determined at the outcome and output levels.

2. The Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service

3. The Gender Equality Strategy 2022-2025 for the Ministry of Foreign Affairs is in force;

4. National Strategy on Human Rights for 2022-2030. The Government of Georgia adopted a new Human Rights Strategy 2022-2030 on 5 September 2022, and the Parliament approved it on 23 March 2023.

The new strategy addresses fundamental human rights and freedoms and puts special emphasis on the protection of the rights of vulnerable groups.

5. Women Economic Empowerment Strategy; Parliament.

Q288-10 (2024): Fight against corruption is one of the main priorities of State strategy and it'll be completely covered by Anticorruption strategy and it's action plan. On 16 May 2023, the Parliament of Georgia amended the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023 and extended the scope of the asset declaration regime to all prosecutors. Since then, all prosecutors, who were not previously subject to the declaration regime, have submitted the asset declarations to the Anti-Corruption Bureau. In March 2024, GRECO concluded that Georgia fully implemented its Fourth Evaluation round Recommendation xiv concerning widening the scope of application of the asset declaration regime to cover all prosecutors.

Q288-11 (2024): 1. Government Decree No. 523 of 9 November 2022, establishing the rule that victims of gender-based violence against women, including domestic violence, can obtain State-funded compensation from the State Care Agency, as determined by a court decision;

2. Legislative amendments removing the requirement of an official status as victim of gender-based violence against women for accessing State-funded support services, entered into force from 2023;

3. The National Action Plan on Ending Violence against Women, in 2022;

4. National Strategy of Human Rights for 2022-2030; Parliament of Georgia; 2023.

According to the PSG Strategy for 2022–2027, the fight against domestic violence is one of the key priorities. The PSG adopts a strict criminal policy against this crime and focuses on a timely and effective response, including through a victim-centred approach.

In 2024, the PSG conducted a monitoring of domestic violence cases to evaluate the effectiveness of the applied policy and response mechanisms. This included assessing the timeliness of investigations and investigative actions, the accuracy of legal classifications, victim recognition procedures, evidentiary standards for prosecution, and the justification and legality of decisions to terminate investigations. In addition, cases where no final decision had been reached within a certain period after the investigation started were reviewed. With a view of making further improvements to the prosecutorial work, the PSG also reviewed the first-instance court acquittals in domestic violence cases, along with the 2023-2024 judgments of the Supreme Court of Georgia. In addition, the PSG reviewed judgments in which the court declined to impose measures of constraint against individuals charged with domestic violence. Since 16 September 2024, the Order of the Prosecutor General of Georgia has been in effect, outlining specific offences and categories of vulnerable individuals where prosecutors should prioritize to involve Witness and Victim Coordinators. Those include murder motivated by gender-based intolerance, committed against family member, incitement to suicide, crimes against sexual freedom and inviolability, and unlawful imprisonment motivated by gender-based intolerance, committed against a family member. In accordance with the same Order, coordinators are involved as a priority in cases related to domestic violence, domestic crime, hate crime as well as violent crime, where the victim is a minor.

Q288-12 (2024): Changes to the legal framework related to the new information and communication technologies in the justice system are planned.

Republic of Moldova

Q288-1 (2024): 2024 marks the third year of implementing the Strategy for Ensuring the Independence and Integrity of the Justice Sector for 2022-2025. Under this policy document, several justice sector reforms have been continued, and new activities have been initiated.

Q288-2 (2024): The Law 418 on state budget for 2024 contains an increased reference value for calculating a salary for vetted judges and prosecutors, vetted SCP and its bodies members 4300 MDL), and another value for vetted SCJ judges, SCM and its bodies members (4500 MDL), and 4700 MDL for Constitutional Court Judges. The reference values for the rest of the judges is the same as in 2023 (2850 MDL for first instance and court of appeal judges, 3000 MDL for SCJ judges.). The reference value for the rest of prosecutors is the same as in 2023 - 2500 MDL).

Q288-3 (2024): 1. To adjust certain jurisdictions among existing courts in line with the needs of the judicial system and citizens, Law No. 135 of June 13, 2024, amended Law No. 76/2016 on the reorganization of courts. Under this law, the number of district courts was reduced from 15 to 14, and certain territorial jurisdictions were modified. Starting with December 27, 2024, it entered into force. The changes were also aimed at changing the seats of the following courts: Balti, Cimislia, Edinet, Cahul, Comrat, Drochia, Hancesti and Causeni, and more specifically, some seats have been reassigned to other courts.

Additionally, the courts of appeal were reorganized and renamed, such as: Centre Court of Appeal, North Court of Appeal and South Court of Appeal, the latter having two seats - the central one in mun. Cahul and the secondary one in mun. Comrat.

Moldovan court map as of 27 December 2024 : courts of first instance – 14, courts of appeal – 3, SCJ – 1.

Furthermore, the Ministry of Justice initiated the process of amending the Plan for the Construction of New Court Buildings and/or the Renovation of Existing Buildings, essential for the proper functioning of the judicial system, as approved by Parliament Decision No. 21/2017.

2. The Ministry of Justice has drafted a bill on the Constitutional Court. The bill aims to establish a unified and modern legislative framework for the organization and functioning of the Constitutional Court, in line with international standards and the country's commitments in the European Union accession process. The bill was approved by the Government and, in the plenary session of December 13, 2024, it was adopted by Parliament in the first reading.

3. By an order of the Prosecutor General, a new structure for the Prosecution Service has been established. According to the changes set to take effect on April 1, 2025 the territorial prosecution offices will be reduced from 36 to 14 to align geographically with court jurisdictions (first instance courts). Also, the geographic locations of the prosecution offices will be reduced from 44 to 40. This reorganization was approved in 2024 by a decision of the Superior Council of Prosecutors. 4. Starting with April 01, 2025 new subdivisions will be set up at the Prosecutor's General Office: Division for combating corruption and money laundering, Division for combating offences against environment, Division for the accusation representation at the Supreme Court. A Statistics and Archive Service will operate separately at the level of Prosecutor's General Office.

Q288-4 (2024): 1. The "mediation guaranteed by state" terminology with a dedicated to it paragraph has been integrated into the Legal Aid Law 198/2007. The National Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and contravention (administrative offences) cases. The amendment entered into force in 2024. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid Council (CNAJGS).

2. To regulate the mechanism for partial free legal aid, the Ministry of Justice has drafted an amendment for Law No. 198/2007 on state-guaranteed legal aid. The draft law aims to grant partial legal aid to persons who are able to pay part of the costs of legal aid. The amendment has undergone public consultation and is currently being finalized based on the feedback received. It is expected to be sent for anti-corruption expertise by the end of March 2025.

Q288-5 (2024): 1. As a result of an 2023 amendment of the Law on Prosecutor's Office by reducing the composition of the SCP to 10 members (5 prosecutors; 4 representatives of civil society and the SCM President), the Ombudsman and the General Prosecutor ceased to be members of the Superior Council of Prosecutors starting with January 1, 2024 and the Minister of Justice will cease its activity starting with January 1, 2026.

2. The pre-vetting evaluation of the candidates to SCM, Selection and evaluation and Disciplinary boards has been continued in 2024 (the pre-vetting evaluation is a process of verifying the integrity of judges and prosecutors who aspire to positions in the Superior Council of Magistracy (SCM) and the Superior Council of Prosecutors (SCP) - the pillars of the judiciary, by a body formed from national and foreign experts, who are not part of the Moldovan judicial system, and who analyze and establish whether the candidates have behaved in a manner compatible with professional ethics during their work, whether or not they have adopted arbitrary documents, whether they have admitted conflicts of interest, whether they have properly declared their wealth and whether it corresponds to their income). As a result of the pre-vetting exercise, a new composition of the Superior Council of Magistracy and the Superior Council of Prosecutors was designated. In 2024, the SCP was fully operational and the SCM was composed of 11 members out of a total of 12.

Q288-6 (2024): 1. With reference to the vetting exercise of judges and prosecutors during 2024, the Vetting Commission evaluated over 30 candidates for the position of judge at the Supreme Court of Justice, of which 12 passed the integrity assessment, till the end of the year. After the checks carried out by the SCM, 5 judges were appointed to the SCJ.

Likewise, in 2024, the evaluation of judges from all 4 Courts of Appeal was launched. The hearings started on February 4, 2025.

The Prosecutors Evaluation Commission also started the evaluation of prosecutors from the Anti-Corruption Prosecutor's Office. Out of 67 prosecutors, 10 resigned, 1 failed the evaluation, and 56 remain under on-going evaluation.

2. In order to increase the attractiveness of vacant positions in remote localities and avoid bottlenecks in the judicial system and the prosecutor's office, a mechanism was established to compensate for round-trip transportation costs or, as the case may be, for renting housing for judges and prosecutors (Law no. 316/2024 of 26.12.2024, in force as of January 2025). Thus, transportation costs or renting housing for prosecutors and judges who work in a locality other than the one in which they have their residence (at a distance of at least 20 km) and are forced to commute will be compensated. Judges and prosecutors who are members of the Superior Council of Magistracy and the Superior Council of Prosecutors, including their specialized bodies, will also be able to benefit from these facilities.

3. By Law No 2 of 1 February 2024 important amendments to the Law No 152/2006 on the National Institute of Justice have been made. It included the provisions for election of the Director of the Institute and the conditions to be met by him/her; the organisation of the admission and graduation exams, as well as the way of constituting the admission and graduation commissions; the organisation of internships. A minimal eligibility threshold and mechanism of integrity checks for NIJ candidates and graduates was introduced; a more predictable system of participation of the NIJ graduates in the contests has been also introduced, to ensure that all the graduates have reasonable chances to be employed in up to 18 months etc. Also, the Law on the National Institute of Justice (NIJ) was amended by Law No. 226 of 31 July 2024 in order to:

- streamline some administrative aspects, related to the activity of the NIJ (establishing the criteria for the evaluation of the activity of the Director of the NIJ, reviewing the conditions for access to the position of Director, disciplinary liability and dismissal of the Director);
- improve the legal framework for the status of NIJ trainees (raising the minimum passing grade for the entrance examination, excluding the psychological assessment from the NIJ graduation examination, conditions for reimbursement of scholarships paid during initial training);
- include the NIJ trainees in the list of medically insured persons.

Q288-7 (2024): 1. During 2024 the Program for promoting and ensuring equality between women and men in the Republic of Moldova for the years 2023-2027 has been implemented.

2. The Working Group to optimize HR policies in courts created in 2023 has continued its activity, with the support of the EU/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova". Among the products of the WG, presented on November, 20, 2024 was a draft of a HR Strategy for courts aimed to ensuring non-discrimination, promoting social inclusion, gender equality and the balance between professional and family life of judges and court staff (based on the CEPEJ Guidelines on gender equality in the recruitment and promotion of judges). The draft Strategy is planned to be submitted for approval to the Superior Council of Magistracy in the first semester of 2025.

Q288-8 (2024): 1. Through Law No. 228/2024, several amendments were made to the Criminal Code and the Contravention Code (administrative offences), aiming to improve sentencing alternatives, extend the statute of limitations for criminal liability, ensure fair treatment of offenders, adjust the legal framework for public order offenses, criminalize new categories of offenses, and establish a more balanced sanctioning system (e.g. the Criminal Code has been adjusted and completed with new offenses on ecology segment for a better protection of the environment. Components of crime have been introduced to protect the person identity; The corruption and cyber offenses have been reviewed and adjusted).

2. A draft law amending the Criminal Code of the Republic of Moldova No. 985/2002 was developed to strengthen legal provisions for preventing and combating the online sexual exploitation of children and enhancing child protection against such offenses. It passed in the first reading by Parliament on July 11, 2024.

3. On February 16, 2024, the State Secretary of the Ministry of Justice signed the Ljubljana-Hague Convention on international cooperation in the investigation and prosecution of genocide, war crimes, crimes against humanity, and other international crimes. The convention aims to strengthen international collaboration in prosecuting these crimes by facilitating joint investigations, evidence sharing, extradition of convicted individuals, and mutual legal assistance. It also places special emphasis on the rights of victims of such offenses.

4. At the beginning of 2024, the Ministry of Justice relaunched the request for proposals regarding amendments to the Civil Procedure Code. Following consultations with the Council of Europe and legal experts, several proposals were received. The amendments aim to modernize the code in line with digitalization trends and streamline civil case proceedings for greater efficiency.

Q288-9 (2024): 1. The "mediation guaranteed by state" terminology with a dedicated to it paragraph has been integrated into the Legal Aid Law 198/2007. The National Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and misdemeanor (criminal-administrative) cases. The amendment entered into force in 2024. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid Council (CNAJGS).

2. The Ministry of Justice has drafted an amendment on mediation and the status of mediators, aiming to transpose Directive (EU) 2008/52 of the European Parliament and the Council of May 21, 2008, on certain aspects of mediation in civil and commercial matters.

It seeks to establish mandatory mediation for specific categories of disputes before they reach court, clearly defining the cases where parties must undergo mediation first. It also aims to strengthen the self-governing body of mediators. It has undergone public consultation and is currently being finalized based on the feedback received. The project is expected to be sent to the Government by mid-April 2025.

Q288-10 (2024): 1. The National Program of ensuring Integrity and Anticorruption for 2024-2028 and an Action Plan for implementation, has been approved by the Parliament. The Program general objectives are: optimizing integrity standards in the public sector; streamlining measures to prevent and combat corruption and ensuring the inevitability of sanctioning corruption crimes; cultivating integrity and reducing acts of corruption in the private sector, including in entities with full or majority of state capital; cultivating intolerance towards acts of corruption, as well as encouraging the denunciation of acts of corruption and illegal practices.

2. An amendment of the Criminal Code on some corruption crimes has been adopted in June 2024 and entered into force from September 7, 2024.

3. In order to enhance the mechanisms for confiscation and sale of seized assets, strengthen the capacities of authorities in tracing criminal assets, repatriate confiscated assets from abroad, and recover damages caused to the state, the Ministry of Justice drafted a bill amending various legal acts to improve the confiscation mechanism of criminal assets. The bill aims to strengthen the legal framework for asset tracing, identification, confiscation, and management, as well as clarify the responsibilities of competent institutions, in line with Directive (EU) 2024/1260 on asset recovery and confiscation. Parliament adopted the bill in the first reading on December 13, 2024.

4. The Ministry of Justice drafted an amendment to the Criminal Code of Moldova No. 985/2002 to combat fraud affecting the EU's financial interests, transposing Directive (EU) 2017/1371. It introduces criminal law provisions to counter fraud and illegal activities harming EU finances while strengthening legal protections in line with EU standards. Parliament passed it in the first reading on January 30, 2024. The draft law was adopted in final reading by Parliament on March 6, 2025.

Q288-11 (2024): 1. The National Agency for the Prevention and Combating of Violence against Women and Family Violence created in 2023 started its activity as of January 02, 2024. As a result, awareness raising campaigns have been organized involving 29768 citizens. Furthermore, it has been drafted and consulted with other authorities and partners a Compendium of national indicators for preventing and combating violence against women and domestic violence, in accordance with the Istanbul Convention.

2. The Law no. 45/2007 on the prevention and combating of family violence was amended in 2024 by including the definition of "femicide", refining other definitions and creating the mechanism of collection of official statistics in the related field owned by the National Agency for the Prevention and Combating of Violence against Women and Family Violence.

Q288-12 (2024): Digitalisation continued to be a priority in 2024. 1. In order to strengthen the leadership of the Ministry of Justice in the field of digitalization of justice sector processes and providing the conceptual vision and institutional architecture for the achievement of a more robust, interconnected and interoperable digital justice environment, which facilitates and supports justice-related processes and services, the Agency for Courts Administration has been reorganized becoming the Agency for Digitalization in Justice and Courts Administration.

2. An essential support to the modernization of justice delivery is ensured by the development of the judicial information system. Nevertheless, the implementation of IT solutions is an ongoing process, which should be adapted to new requirements for process development. Increasing the level of digitalization of the judiciary is a tool for streamlining the activities carried out in the justice system. Examples: 27 developments to improve the functionalities of the ICMS have been implemented. The pilot testing of the court e-file solution has been extended to all first instance courts and courts of appeal. A mobile version of the e-file solution and statistical reports with data on use of the app have been developed. A call Center for lawyers using the court e-file solution has been active. Some of the activities were realized with the support of the USAID project "Moldova effective justice model courts initiative".

3. The Integrated Platform of Legal Professions (lawyers, notaries, bailiffs, authorized administrators, mediators, translators and interpreters) has been created and launched. Thus, the manually completed records are replaced with the automated information processing register, which allows for the automatic registration, recording and generation of documents. The system ensures the systematization of legal professions data; improvement of the record-keeping framework; interoperability and data exchange with other information systems. The platform is operational in a pilot mode.

Ukraine

Q288-1 (2024): The main aspects of the judicial reform are: a new network of courts in Ukraine, in particular, in accordance with the new administrative-territorial structure of Ukraine; establishment of the High Court for Public Disputes; overcoming the personnel crisis of the judiciary and court staff, holding competitions for the positions of judges of the High Anti-Corruption Court; development of mechanisms and preparation for the restoration of justice in the de-occupied territories; streamlining the process of determining the damage caused by the aggressor country and filing claims, in particular, to the International Criminal Court.

The Office of the President of Ukraine is developing a draft Strategy for the Development of the Justice System and Constitutional Judiciary for 2025-2029, which will determine the main directions and priorities for improving the legislation of Ukraine on the justice system to further establish the principle of the rule of law, ensure the high-quality and effective functioning of the justice system of Ukraine, optimize the bodies of judicial governance and self-government, strengthen the functional foundations of the organization and institutional capacity of the judiciary in accordance with the standards of protection of human rights and values defined by the Constitution of Ukraine and Ukraine's international legal obligations, and the criteria of independence, professionalism, accountability and efficiency

Q288-2 (2024): The draft Strategy for the Development of the Justice System and Constitutional Justice for 2025-2029 envisages a strategic step related to "increasing the level of financial support of the bodies and institutions of the justice system, including improving the existing system of participation of the High Council of Justice and the justice system bodies in determining the state budget expenditures for their maintenance, ensuring competitive remuneration of employees of court staff, bodies and institutions in the justice system, introducing a clear mechanism and grounds for limiting the number of judges and judges' salaries.

The High Council of Justice proposed that the Office of the President of Ukraine supplement this strategic step with a requirement that the executive authorities implement Article 130 of the Constitution of Ukraine, according to which the state provides funding and proper conditions for the functioning of courts and judges. The State Budget of Ukraine separately defines expenditures for the maintenance of courts, taking into account proposals of the High Council of Justice. The amount of a judge's remuneration is established by the law on the judiciary

payment and refund of court fees

The Ministry of Justice of Ukraine has drafted the Laws of Ukraine “On Amendments to Certain Legislative Acts on Digitalization of Legal Proceedings and Improvement of the Order Proceedings in Civil Proceedings” (Reg. No. 9090 of 10.03.2023) and “On Amendments to the Law of Ukraine ‘On the Judiciary and Status of Judges’ on Digitalization of Legal Proceedings” (Reg. No. 9091 of 10.03.2023), which were submitted to the Verkhovna Rada of Ukraine by the Cabinet of Ministers of Ukraine.

These draft laws propose to introduce effective mechanisms for conducting court proceedings remotely in wartime or a state of emergency, in particular by

- introducing the possibility of conducting court proceedings via videoconference outside the court premises using the judge's own technical means in the manner prescribed by the procedural law

- securing the possibility for witnesses, translators, specialists, experts, and court clerks to participate in court proceedings via videoconference outside the courtroom, swearing in witnesses, translators, and experts at such proceedings, and recording court proceedings via videoconference outside the courtroom by technical means;

- adoption of court decisions using an electronic signature without drafting them in paper form;

- granting judges the right to direct and/or automated access to automated, information, information, communication and reference systems, registers, data banks, the holder (administrator) of which is a state body or local government, on the grounds and in the manner prescribed by law.

In addition, the Ministry of Justice of Ukraine has developed a draft Law of Ukraine “On Amendments to the Law of Ukraine ‘On Court Fees’ regarding the payment of court fees in bankruptcy (insolvency) cases” (Reg. No. 9401 of 19.06.2023), which was submitted to the Verkhovna Rada of Ukraine by the Cabinet of Ministers of Ukraine.

The draft law proposes to establish a unified approach to determining the rates of court fees in bankruptcy (insolvency) cases by setting the rates of court fees for filing applications with the commercial court in bankruptcy (insolvency) cases and granting legal entities and individuals, including individual entrepreneurs who are in bankruptcy proceedings, the right to defer and installment payment of court fees, reduce their amount or exempt them from payment.

The draft Strategy of the Office of the President of Ukraine on the Development of the Justice System and Constitutional Justice for 2025-2029 proposes to determine the compliance of the network of first instance courts with the needs of the judiciary, the new administrative-territorial division of Ukraine, and the legislation on decommunization as one of the strategic issues.

As for the digitalization of judicial proceedings, this is a gradual transformation of all court processes into electronic services, which requires a clear strategy, coordination and involvement of all stakeholders. To this end, the State Judicial Administration of Ukraine has established a Project Office. The Project Office uses international project management practices, including Project Management Institute (PMI) standards. Its main task is to ensure that all stages of projects are structured, controlled, and effective. In our case, the State Judicial Administration Project Office deals with digital development, transformation, and digitalization.

To achieve its goals, the SJA team uses the OKR (Objectives and Key Results) approach, which allows for the definition of clear objectives and evaluation of their implementation.

One of the key tasks envisaged under the Ukraine Facility Plan is to develop a roadmap for the modernization of the UJITS and its full implementation by the end of 2027.

With regard to the excessive workload of judges, we would like to inform you that the ongoing competitive procedures to the courts of first instance and appellate courts will definitely optimize the work of judges by filling vacant positions in the courts, which will definitely affect the timeframes for consideration of cases of various categories.

Q288-4 (2024): Resolution of the Cabinet of Ministers of Ukraine No. 63 of January 19, 2024, approved the Procedure for Engaging Interpreters to Provide Free Secondary Legal Aid and Pay for Their Services. The Procedure, in particular, defines the mechanism for free legal aid centers to engage interpreters from a language in which the subject of the right to free secondary legal aid can communicate, including a sign language interpreter, to ensure that such a subject receives free secondary legal aid in accordance with the Law of Ukraine “On Free Legal Aid” in case the subject does not speak the state language and/or has a hearing impairment.

Order No. 2176/5/501/176 of the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine, and the Office of the Prosecutor General of Ukraine dated July 22, 2024, approved the Procedure for Implementing the Pilot Project “Restorative Justice Program Involving Minors Who Are Suspects or Accused of Committing a Criminal Offense”. The program introduces a restorative approach to responding to a criminal offense and, in particular, aims to ensure: compensation for the harm caused to the victim and his or her reintegration; prevention of juveniles from committing criminal offenses again; resocialization of juveniles and reduction of the impact of risk factors that cause their illegal behavior.

Cases Concerning Disciplinary Liability of Judges”, which provides that until the day of establishment of the service of disciplinary inspectors of the High Council of Justice, the powers of a disciplinary inspector are exercised by a member of the Disciplinary Chamber (rapporteur) determined by the automated case distribution system.

The said Law came into force on September 17, 2023 and was enacted on October 19, 2023, when the Law of Ukraine “On Amendments to the Law of Ukraine ‘On the Judiciary and Status of Judges’ and certain laws of Ukraine regarding the change of status and procedure for the formation of the service of disciplinary inspectors of the High Council of Justice” came into force.

Also, on September 06, 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3378-IX “On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ and Certain Laws of Ukraine on Changing the Status and Procedure for Forming the Service of Disciplinary Inspectors of the High Council of Justice”.

It should be noted that the Law provides that temporarily, for seven years from the date of its entry into force, the competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, is conducted by a competition commission established by the High Council of Justice.

The High Council of Justice shall form a competition commission consisting of six persons, three of whom shall be appointed by the High Council of Justice upon proposals of international and foreign organizations that, in accordance with international or interstate agreements, have been providing Ukraine with international technical assistance in the field of judicial reform and/or prevention and counteraction to corruption for the last three years. Such international and foreign organizations shall agree on a joint proposal.

A member of the High Council of Justice may be appointed as a member of the competition commission.

The competition for the position of the Head of the Service of Disciplinary Inspectors of the High Council of Justice and his/her deputy, disciplinary inspectors of the High Council of Justice shall be announced by the High Council of Justice within two months from the date of entry into force of the said Law.

In pursuance of the above, the decision of the High Council of Justice No. 1235/0/15-23 dated 07.12.2023 established a competition commission to hold a competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, and approved its composition.

On December 19, 2023, the High Council of Justice announced a competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector.

In September and November 2024, based on the results of the competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, the Competition Commission determined the winner for the position of the Head of the Service of Disciplinary Inspectors, his deputy, as well as the winners for the positions of disciplinary inspectors.

In accordance with the decision of the High Council of Justice of 10.12.2024 No. 3582/0/15-24, the start date of the work of the service of disciplinary inspectors is set at 23.12.2024.

Among the strategic issues of the draft Strategy of the Office of the President of Ukraine on the Development of the Justice System and Constitutional Justice for 2025-2029 is “ensuring institutional continuity and functional capacity of the system of judicial governance bodies”.

The importance of this problem was pointed out by the Accounting Chamber in its decision “On Consideration of the Compliance Audit Report on ‘Ensuring the Functioning of the Judiciary’ of July 3, 2024 № 32-2.

In its Annual Reports, the HCJ noted that, given the importance of the stable operation of the High Council of Justice for the proper functioning of the entire judicial system, the issue of ensuring the principle of its institutional continuity requires legislative regulation. The constitutional body of state power cannot become incompetent and cease its work until a new **Q288-6 (2024)**: On 09.12.2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3511-IX “On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ and Certain Legislative Acts of Ukraine on Improving the Procedures for Judicial Career”, which entered into force on 30.12.2023.

The Law provides, inter alia, for the reduction of the stages of selection and competition procedures, changes in the formation procedure, establishment of peculiarities of completion of selection and competition procedures not completed by the High Qualification Commission of Judges of Ukraine, etc.

The Law also provides for the approval by the High Council of Justice of the Uniform Indicators for Assessing the Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge), the possibility for the High Qualification Commission of Judges of Ukraine to conduct an examination of the personal moral and psychological qualities of candidates for the position of judge, and defines the components of the qualification examination - anonymous testing and a practical task

The draft Strategy of the Office of the President of Ukraine on the Development of the Justice System and Constitutional Justice for 2025-2029 provides for measures to improve the institutions of judicial career and judicial accountability.

The judicial system is facing an acute staff shortage, which in turn has a negative impact on the workload of individual courts.

This problem can be solved through the instruments of recruitment of judges and transfer of judges to another court. Both of these procedures are carried out on a competitive basis in accordance with the requirements of the Law of Ukraine “On the Judicial System and Status of Judges”.

In order to improve access to justice and optimize the procedure for filling vacant judicial positions, reduce the duration of such procedures and, as a result, normalize the workload, which will simultaneously reduce it, the High Council of Justice proposed a measure to transfer judges solely on the basis of a decision of the High Council of Justice without the recommendation of the High Qualification Commission of Judges of Ukraine

Q288-7 (2024): The principle of equality is enshrined in the Constitution of Ukraine (Articles 21 and 24), codes, laws and bylaws, and it is undeniable that its interpretation and application should be based on the modern concept of substantive equality and non-discrimination standards. The adoption of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men in Ukraine” was a significant step towards promoting gender equality. The key aspect of this legal act is to achieve parity between women and men in all spheres of society by ensuring equal rights and opportunities for women and men, eliminating gender discrimination and applying special temporary measures aimed at eliminating the imbalance between the ability of women and men to exercise equal rights granted to them by the Constitution and laws of Ukraine.

Implementation of gender equality in the judiciary is not only a fulfillment of Ukraine's international obligations, but also a necessity to ensure fair and impartial justice. A gender balance among judicial officers not only complies with the principles of equality, but also contributes to increasing public trust in justice.

In light of recent research and initiatives actively supported at the state level, the number of women in leadership positions in the courts is gradually increasing in Ukraine. Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025, approved by the Order of the SJA of Ukraine of June 4, 2021, No. 194 covers several aspects, including ensuring equal opportunities for professional development and overcoming gender stereotypes

Improving the Operation of Arbitration” (Reg. No. 5347 of 08.04.2021).

The draft law proposes to:

to expand the arbitrability of disputes that may be submitted to international commercial arbitration, in particular, it is proposed to provide for the possibility of arbitration of cases in disputes over civil law contractual relations in the areas of property privatization, public procurement, corporate relations arising from a contract without a binding arbitration agreement concluded between a legal entity and all its participants, as well as disputes involving a foreign investor related to investments in Ukraine or Ukrainian investments abroad

to provide for the possibility of establishing arbitration institutions other than the International Commercial Arbitration Court and the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry

to determine the procedure for resolving issues related to the determination of the arbitral tribunal by the court of appeal with jurisdiction over the city of Kyiv (for permanent arbitral institutions other than the International Commercial Arbitration Court and the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry)

establish the procedure for state registration of permanent arbitration institutions.

The Verkhovna Rada of Ukraine is also considering the Draft Law of Ukraine “On Amendments to the Law of Ukraine ‘On International Commercial Arbitration’ to expand the competence of international arbitration” (Reg. No. 12141 of 21.10.2024), which, in particular, proposes to include disputes involving investors and the state in the competence of international commercial arbitration.

In addition, in order to improve the current legislation in the field of dispute resolution within arbitration proceedings, the Ministry of Justice has developed a draft Law of Ukraine “On Amendments to Certain Laws of Ukraine on Improving the Procedure for the Establishment and Operation of Arbitration Courts in order to Restore Confidence in Arbitration Proceedings” (Reg. No. 3411 dated 04/29/2020), which was adopted by the Verkhovna Rada of Ukraine in the first reading as a basis on 02/02/2021.

The Draft Law provides for the improvement of the procedure for the establishment and operation of arbitration courts by strengthening the requirements for organizations that may operate permanent arbitration courts and expanding the powers of arbitration self-government bodies in order to effectively conduct arbitration proceedings.

On November 16, 2021, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1875-IX “On Mediation” (hereinafter - Law No. 1875-IX), which entered into force on December 15, 2021.

Law No. 1875-IX stipulates that mediation may be used in any conflicts (disputes) arising in civil, family, labor, economic, administrative legal relations, as well as criminal proceedings when concluding reconciliation agreements between the victim and the suspect, accused, and in other areas of public relations.

Mediation may be conducted before applying to a court, arbitration court, international commercial arbitration or during a pre-trial investigation, court, arbitration, arbitration proceedings, or during the execution of a court, arbitration court or international commercial arbitration decision.

In addition, Law No. 1875-IX amended the Code of Commercial Procedure, the Code of Civil Procedure, the Code of Administrative Procedure and the Law of Ukraine No. 3674-VI dated 08.07.2011 “On Court Fees”, which provides for financial incentives to parties to court proceedings that settle their disputes through mediation. In the event of successful mediation, the plaintiff (complainant) may be reimbursed from the state budget 60 percent of the court fee paid when filing a lawsuit (appeal or cassation appeal).

Law No. 1875-IX also defines the status of a mediator and establishes his or her rights and obligations.

Anti-corruption reform in Ukraine began in 2014 with the adoption of anti-corruption legislation and the establishment of anti-corruption bodies based on it.

Thus, in order to define the legal and organizational framework for the functioning of the system of prevention of corruption in Ukraine, the content and procedure for the application of preventive anti-corruption mechanisms, and rules for eliminating the consequences of corruption offenses, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1700-VII “On Prevention of Corruption” on October 14, 2014.

The Law, in particular

- defines specially authorized entities in the field of combating corruption, which include the prosecutor's office, the National Police, the National Anti-Corruption Bureau of Ukraine, and the National Agency for the Prevention of Corruption
- outlines the range of persons who are subjects of declaration within the meaning of the Law;
- regulated relations on prevention and settlement of conflicts of interest in the activities of persons authorized to perform state or local government functions, etc.

Subsequently, in order to take measures to combat corruption in Ukraine, on June 20, 2022, the Verkhovna Rada of Ukraine approved the Anti-Corruption Strategy for 2021-2025 (Law of Ukraine No. 2322-IX dated June 20, 2022), aimed at achieving significant progress in preventing and combating corruption, as well as ensuring coherence and consistency of anti-corruption activities of all state and local authorities.

Pursuant to the Law of Ukraine “On Prevention of Corruption” and the Anti-Corruption Strategy for 2021-2025, the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated March 4, 2023, which aims to achieve significant progress in preventing and combating corruption, ensuring coherence and systematic anti-corruption activities of all state and local authorities, as well as a proper process of post-war recovery of Ukraine.

The implementation of this Program contributes to further work on Ukraine's membership in the EU, the North Atlantic Alliance (NATO), and the Organization for Economic Cooperation and Development (OECD).

Thus, Ukraine has created the conditions for eradicating corruption by reforming anti-corruption legislation and state anti-corruption policy in general.

In addition, in order to restore the declaration and conduct special checks in respect of persons applying for positions or appointed to the relevant positions during martial law, on September 20, 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3384-IX “On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government under Martial Law”.

In addition, in order to bring certain provisions of the Law of Ukraine “On Prevention of Corruption” in line with the conclusions of the European Commission on Ukraine set out in the report dated November 08, 2023, published on the official website of the European Commission, the Verkhovna Rada of Ukraine adopted on December 08, 2023 Law of Ukraine No. 3503-IX “On Amendments to the Law of Ukraine ‘On Prevention of Corruption’ to bring certain provisions in line with the conclusions of the European Commission on Ukraine”.

The adopted Law makes relevant amendments to the Law of Ukraine "On Prevention of Corruption" in order to take into account the above-mentioned conclusions of the European Commission by: excluding provisions that prohibit the National Agency for the Prevention of Corruption from verifying the acquisition of ownership rights to real estate and vehicles by declarants; supplementing with provisions that abolish restrictions on conducting a re-verification of information specified by the declarant in the declaration for the previous period, which **Q288-11 (2024):** Resolution of the Cabinet of Ministers of Ukraine of 24.02.2021 No. 145 “On Approval of the State Social Program for Preventing and Combating Domestic Violence and Gender-Based Violence for the Period up to 2025”

complaints and other procedural documents provided for by law that are filed with the court and may be subject to judicial review are subject to mandatory registration in the Unified Court Information and Communication System on the day of receipt of the documents. The Unified Judicial Information and Communication System shall determine the judge or panel of judges (reporting judge) for consideration of a particular case in accordance with the procedure established by this Code (automated distribution of cases). The Unified Judicial Information and Communication System, in accordance with the law, ensures the exchange of documents (sending and receiving documents) in electronic form between courts, between the court and participants in the court proceedings, between participants in the court proceedings, as well as recording of the court proceedings and participation of participants in the court proceedings in the mode of videoconference.

The court shall send court decisions, court summonses, court summonses - notices and other procedural documents to the participants of the court proceedings to their electronic offices, perform other procedural actions in electronic form using the Unified Court Information and Communication System or its separate subsystem (module) that ensures the exchange of documents, in the manner prescribed by this Code, the Regulation on the Unified Court Information and Communication System and/or provisions that determine the procedure for the functioning of its separate subsystems (modules).

The Regulation on the Unified Judicial Information and Telecommunication System shall be approved by the High Council of Justice upon submission of the State Judicial Administration of Ukraine and after consultation with the Council of Judges of Ukraine.

According to the Law of Ukraine "On the Judicial System and Status of Judges", the courts, the High Council of Justice, the High Qualifications Commission of Judges of Ukraine, the State Judicial Administration of Ukraine, their bodies and subdivisions have a Unified Judicial Information and Telecommunication System, which ensures:

- 1) electronic record keeping, including the movement of electronic documents within and between the relevant bodies and institutions, registration of incoming and outgoing documents and stages of their movement
- 2) centralized storage of procedural and other documents and information in a single database;
- 3) secure storage, automated analytical and statistical processing of information;
- 4) storage of cases and other documents in an electronic archive;
- 5) electronic exchange of documents and information (sending and receiving documents and information, joint work with documents) between courts, other judicial authorities, participants in the judicial process, as well as real-time videoconferencing;
- 6) automation of the work of courts, the High Council of Justice, the High Qualifications Commission of Judges of Ukraine, the State Judicial Administration of Ukraine, their bodies and subdivisions;
- 7) formation and maintenance of judicial dossiers (dossiers of candidates for the position of judge) in electronic form;
- 8) remote access of users of this system to any information stored in it in electronic form in accordance with differentiated access rights;
- 9) determination of a judge (judge-rapporteur) for consideration of a particular case in accordance with the procedure established by the procedural law;
- 10) selection of persons to be invited to participate in the administration of justice as jurors;

Reforms

by question No.

Question 288-1. (Comprehensive) reform plans

Question 288-2. Budget

Question 288-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Question 288-4. Access to justice and legal aid

Question 288-5. High Judicial and High Prosecutorial Council

Question 288-6. Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects

Question 288-7. Gender equality

Question 288-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Question 288-9. Mediation and other Alternative Dispute Resolution

Question 288-10. Fight against corruption and accountability mechanisms

Question 288-11. Domestic violence

Question 288-12. New information and communication technologies

Question 288-1

Armenia

(2024): Within the framework of the Government's 2021-2026 Strategy, the following have been implemented:

1. Improvement of court building conditions (currently underway)
2. Revision of procedural legislation, introduction of electronic tools (currently underway).

Within the framework of the Judicial and Legal Reform Strategy for 2022-2026, the following was implemented:

1. Increase in salaries of all judges,
2. Implementation of an electronic civil litigation system,
3. Improvement of the electronic case distribution system and introduction of security mechanisms,
4. Ensuring and improving the building and logistical conditions of all courts of the Republic of Armenia, including anti-corruption courts,
5. Revision of the rules of the Civil, Bankruptcy, Criminal and Administrative Procedure Codes, as a result of which a significant reduction in the workload of the courts was achieved,
6. Implementation of work on the introduction of electronic criminal, administrative and bankruptcy litigation systems (currently in progress)
7. The "Judicial Code of the Republic of Armenia" has been amended, introducing a mechanism for appealing decisions of the Supreme Judicial Council in disciplinary cases.

Within the framework of the 2023-2025 Human Rights Protection Strategy, the following was implemented:

1. Review of the provisions of the State Duty and Civil Procedure Legislation,
2. Development and implementation of an electronic system for depersonalization of personal data in judicial acts subject to publication (currently in progress)
3. Implementation of work on improving the conditions of detention cells for detainees and accused in courts (currently in progress).

Within the framework of the Anti-Corruption Strategy Program for 2023-2026, the following was implemented:

1. Continuous training of all judges of the anti-corruption court,
2. Provision and staffing of 2 economist-expert positions in anti-corruption courts,
3. Development and provision of a guide for those responsible for anti-corruption programs,
4. Development of a methodological guide for the examination of anti-corruption court cases (currently in progress)
5. Amendment of the norms on the acceptance of gifts and conflict of interest.

A number of other activities under the aforementioned strategic plans are still underway and should be completed by 2026.

Georgia

(2024): In 2022, the working group at the Parliament of Georgia started working on judiciary reform policy documents to ensure full compliance of institutional arrangement and operation of the judiciary with international standards. In October 2022, the working group developed the new Judicial Reform Strategy and Action Plan, which is published on the official webpage of the Parliament. The document defines the objectives of the judicial reform, analyzes the current situation in the common courts, and identifies institutional challenges/reform issues - e.g. reducing caseloads in courts, ensuring an optimal number of judges, expanding the practice of using electronic means in court proceedings etc.

Republic of Moldova

(2024): 2024 marks the third year of implementing the Strategy for Ensuring the Independence and Integrity of the Justice Sector for 2022-2025. Under this policy document, several justice sector reforms have been continued, and new activities have been initiated.

Ukraine

(2024): The main aspects of the judicial reform are: a new network of courts in Ukraine, in particular, in accordance with the new administrative-territorial structure of Ukraine; establishment of the High Court for Public Disputes; overcoming the personnel crisis of the judiciary and court staff, holding competitions for the positions of judges of the High Anti-Corruption Court; development of mechanisms and preparation for the restoration of justice in the de-occupied territories; streamlining the process of determining the damage caused by the aggressor country and filing claims, in particular, to the International Criminal Court.

The Office of the President of Ukraine is developing a draft Strategy for the Development of the Justice System and Constitutional Judiciary for 2025-2029, which will determine the main directions and priorities for improving the legislation of Ukraine on the justice system to further establish the principle of the rule of law, ensure the high-quality and effective functioning of the justice system of Ukraine, optimize the bodies of judicial governance and self-government, strengthen the functional foundations of the organization and institutional capacity of the judiciary in accordance with the standards of protection of human rights and values defined by the Constitution of Ukraine and Ukraine's international legal obligations, and the criteria of independence, professionalism, accountability and efficiency

Question 288-2

Armenia

(2024): In 2024 the budget allocated to judiciary was 46,807,544.76 EUR.

Republic of Moldova

(2024): The Law 418 on state budget for 2024 contains an increased reference value for calculating a salary for vetted judges and prosecutors, vetted SCP and its bodies members 4300 MDL), and another value for vetted SCJ judges, SCM and its bodies members (4500 MDL), and 4700 MDL for Constitutional Court Judges. The reference values for the rest of the judges is the same as in 2023 (2850 MDL for first instance and court of appeal judges, 3000 MDL for SCJ judges.). The reference value for the rest of prosecutors is the same as in 2023 - 2500 MDL).

Ukraine

(2024): The draft Strategy for the Development of the Justice System and Constitutional Justice for 2025-2029 envisages a strategic step related to “increasing the level of financial support of the bodies and institutions of the justice system, including improving the existing system of participation of the High Council of Justice and the justice system bodies in determining the state budget expenditures for their maintenance, ensuring competitive remuneration of employees of court staff, bodies and institutions in the justice system, introducing a clear mechanism and grounds for limiting the number of judges and judges' salaries.

The High Council of Justice proposed that the Office of the President of Ukraine supplement this strategic step with a requirement that the executive authorities implement Article 130 of the Constitution of Ukraine, according to which the state provides funding and proper conditions for the functioning of courts and judges. The State Budget of Ukraine separately defines expenditures for the maintenance of courts, taking into account proposals of the High Council of Justice. The amount of a judge's remuneration is established by the law on the judiciary

Question 288-3

Armenia

(2024): A legislative package was adopted, which introduced mechanisms for periodic integrity check of judges, as well as prosecutors and investigators. Currently, over 50 percent of the total number of prosecutors in the Prosecutor's Office of the Republic of Armenia have already gone through this process. It is expected, that by the end of 2026, all prosecutors will undergo an integrity check, and a negative advisory opinion resulting from the check will serve as a basis for the mandatory initiation of disciplinary proceedings by the Prosecutor General against the concerned prosecutor.

Georgia

Prosecution Service (Article 21), which was entered into force on 20 December 2023, the responsibility of selecting PSG interns was transferred from the ad hoc internship commissions to the permanent prosecutorial collegial body, the Career Management, Ethics, and Incentives Council. This body was also tasked with overall supervision and assessment of the internship process. The Council has fifteen members, which include eight elected and seven appointed persons. The elected members are the investigator and prosecutor members of the Prosecutorial Council, elected by the Conference of Prosecutors. The appointed members are the First Deputy Prosecutor General, three Deputy General Prosecutors, the Head of the PSG General Inspectorate, the Head of the PSG Human Resources Management and Development Department and the Head of the PSG Department for Supervision over Prosecutorial Activities and Strategic Development. The above-mentioned reform contributed to strengthening prosecutorial independence by increasing the role of prosecutorial self-governance in the recruitment of prosecutors. Notably, since December 2018 legislative reform, establishing the Career Management, Ethics, and Incentives Council, it also has a role in the matters of promotion, discipline and incentives of prosecutors. Extending the scope of the asset declaration regime to all prosecutors On 16 May 2023, the Parliament of Georgia amended the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023 and extended the scope of the asset declaration regime to all prosecutors. Since then, all prosecutors, who were not previously subject to the declaration regime, have submitted the asset declarations to the Anti-Corruption Bureau. In March 2024, GRECO concluded that Georgia fully implemented its Fourth Evaluation round Recommendation xiv concerning widening the scope of application of the asset declaration regime to cover all prosecutors.

In parallel to reporting the new developments, we would like to summarize the 2018-2022 Prosecution Service reforms that also significantly strengthened prosecutorial independence: ¶Based on the 2018 legislative reforms, which included constitutional amendments and adoption of the Organic Law of Georgia on Prosecution Service, in December 2018, the Prosecution Service of Georgia was separated from the executive branch and the Constitution of Georgia guaranteed its independence. In addition, the reform reduced the influence of the government/parliamentary majority on the appointment of the Prosecutor General and the activity of the Prosecutorial Council. This has been achieved by abolishing the ex officio membership and presidency of the Prosecutorial Council by the Minister of Justice and removing the governmental consent in the process of appointment of the Prosecutor General; ¶On 28 February 2019, the Prosecutor General issued the Order on Defining Fundamental Principles for Case Distribution by Prosecutor. It sets the criteria for fair and transparent allocation and removal of cases to/from prosecutors and investigators by the superior prosecutor, taking into consideration the number of cases, their difficulty and volume as well as the necessary specialization, competence, experience and skills to prosecute and/or investigate the case. It also gives a list of circumstances in which a superior prosecutor can remove a case from a subordinate prosecutor and requires providing reasons for the decisions; ¶On 26 August 2020, the Prosecutor General of Georgia adopted the detailed rules on the recruitment and promotion of prosecutors to ensure that they are made based on clear and objective criteria, through a transparent and merit-based procedure. These rules are public; ¶On 26 August 2020, the Prosecutor General of Georgia adopted the Ethics Code for the Employees of the Prosecution Service, entering into force on 27 August 2020. On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia, which was circulated among all PSG staff electronically; ¶On 16 May 2022, the Prosecutor General of Georgia adopted the Rule on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia. On the same day, it was published on the website of the Legislative Herald of Georgia and entered into force on 17 May 2022. The Rule provides for the detailed specification of individual disciplinary violations and applicable sanctions with respect to prosecutors and other PSG staff. Through these reforms, together with the 2023 reform extending the asset declaration regime to all prosecutors, Georgia implemented all six GRECO Fourth Evaluation Round Recommendations concerning prosecutors. Renovations and construction of new

Republic of Moldova

(2024): 1. To adjust certain jurisdictions among existing courts in line with the needs of the judicial system and citizens, Law No. 135 of June 13, 2024, amended Law No. 76/2016 on the reorganization of courts. Under this law, the number of district courts was reduced from 15 to 14, and certain territorial jurisdictions were modified. Starting with December 27, 2024, it entered into force. The changes were also aimed at changing the seats of the following courts: Balti, Cimislia, Edinet, Cahul, Comrat, Drochia, Hancesti and Causeni, and more specifically, some seats have been reassigned to other courts.

Additionally, the courts of appeal were reorganized and renamed, such as: Centre Court of Appeal, North Court of Appeal and South Court of Appeal, the latter having two seats - the central one in mun. Cahul and the secondary one in mun. Comrat.

Moldovan court map as of 27 December 2024 : courts of first instance – 14, courts of appeal – 3, SCJ – 1.

Furthermore, the Ministry of Justice initiated the process of amending the Plan for the Construction of New Court Buildings and/or the Renovation of Existing Buildings, essential for the proper functioning of the judicial system, as approved by Parliament Decision No. 21/2017.

2. The Ministry of Justice has drafted a bill on the Constitutional Court. The bill aims to establish a unified and modern legislative framework for the organization and functioning of the Constitutional Court, in line with international standards and the country's commitments in the European Union accession process. The bill was approved by the Government and, in the plenary session of December 13, 2024, it was adopted by Parliament in the first reading.

3. By an order of the Prosecutor General, a new structure for the Prosecution Service has been established. According to the changes set to take effect on April 1, 2025 the territorial prosecution offices will be reduced from 36 to 14 to align geographically with court jurisdictions (first instance courts). Also, the geographic locations of the prosecution offices will be reduced from 44 to 40. This reorganization was approved in 2024 by a decision of the Superior Council of Prosecutors. 4. Starting with April 01, 2025 new subdivisions will be set up at the Prosecutor's General Office: Division for combating corruption and money laundering, Division for combating offences against environment, Division for the accusation representation at the Supreme Court. A Statistics and Archive Service will operate separately at the level of Prosecutor's General Office.

Ukraine

and refund of court fees

The Ministry of Justice of Ukraine has drafted the Laws of Ukraine “On Amendments to Certain Legislative Acts on Digitalization of Legal Proceedings and Improvement of the Order Proceedings in Civil Proceedings” (Reg. No. 9090 of 10.03.2023) and “On Amendments to the Law of Ukraine ‘On the Judiciary and Status of Judges’ on Digitalization of Legal Proceedings” (Reg. No. 9091 of 10.03.2023), which were submitted to the Verkhovna Rada of Ukraine by the Cabinet of Ministers of Ukraine.

These draft laws propose to introduce effective mechanisms for conducting court proceedings remotely in wartime or a state of emergency, in particular by

- introducing the possibility of conducting court proceedings via videoconference outside the court premises using the judge's own technical means in the manner prescribed by the procedural law

- securing the possibility for witnesses, translators, specialists, experts, and court clerks to participate in court proceedings via videoconference outside the courtroom, swearing in witnesses, translators, and experts at such proceedings, and recording court proceedings via videoconference outside the courtroom by technical means;

- adoption of court decisions using an electronic signature without drafting them in paper form;

- granting judges the right to direct and/or automated access to automated, information, information, communication and reference systems, registers, data banks, the holder (administrator) of which is a state body or local government, on the grounds and in the manner prescribed by law.

In addition, the Ministry of Justice of Ukraine has developed a draft Law of Ukraine “On Amendments to the Law of Ukraine ‘On Court Fees’ regarding the payment of court fees in bankruptcy (insolvency) cases” (Reg. No. 9401 of 19.06.2023), which was submitted to the Verkhovna Rada of Ukraine by the Cabinet of Ministers of Ukraine.

The draft law proposes to establish a unified approach to determining the rates of court fees in bankruptcy (insolvency) cases by setting the rates of court fees for filing applications with the commercial court in bankruptcy (insolvency) cases and granting legal entities and individuals, including individual entrepreneurs who are in bankruptcy proceedings, the right to defer and installment payment of court fees, reduce their amount or exempt them from payment.

The draft Strategy of the Office of the President of Ukraine on the Development of the Justice System and Constitutional Justice for 2025-2029 proposes to determine the compliance of the network of first instance courts with the needs of the judiciary, the new administrative-territorial division of Ukraine, and the legislation on decommunization as one of the strategic issues.

As for the digitalization of judicial proceedings, this is a gradual transformation of all court processes into electronic services, which requires a clear strategy, coordination and involvement of all stakeholders. To this end, the State Judicial Administration of Ukraine has established a Project Office. The Project Office uses international project management practices, including Project Management Institute (PMI) standards. Its main task is to ensure that all stages of projects are structured, controlled, and effective. In our case, the State Judicial Administration Project Office deals with digital development, transformation, and digitalization.

To achieve its goals, the SJA team uses the OKR (Objectives and Key Results) approach, which allows for the definition of clear objectives and evaluation of their implementation.

One of the key tasks envisaged under the Ukraine Facility Plan is to develop a roadmap for the modernization of the UJITS and its full implementation by the end of 2027.

With regard to the excessive workload of judges, we would like to inform you that the ongoing competitive procedures to the courts of first instance and appellate courts will definitely optimize the work of judges by filling vacant positions in the courts, which will definitely affect the timeframes for consideration of cases of various categories.

Question 288-4

Armenia

(2024): Taking into account the importance of properly providing free legal aid to, the number of public defenders was increased by 15 positions.

According to the new amendmend adopted by the Parliament on 12.12.2024 in the law on Advocacy of RA free legal aid is granted in cases provided for by the Law "On Legal Assistance in Criminal Proceedings", to persons wanted for committing a crime or executing a judgment.

Georgia

(2024): Legal Changes were made regarding the publication of Court decisions (According Constitutional Court decision) in 2024. According the new amendments of Article 13.3 of Organic Law on Common Courts (29.05.24) - The full text of a judicial act adopted by a court as a result of an open court session shall become public information upon the adoption of that act and shall be issued under the procedure established by the General Administrative Code of Georgia for issuing public information.

Old Version of this article 13.3, stipulated that the full text of a judicial act adopted by a court as a result of an open court session shall become public information immediately after the final court decision made on a respective case enters into legal force and shall be issued under the procedure established by the General Administrative Code of Georgia for the issuance of public information.

Judiciary is working on effective implementation of the latest amendments.

Republic of Moldova

(2024): 1. The "mediation guaranteed by state" terminology with a dedicated to it paragraph has been integrated into the Legal Aid Law 198/2007. The National Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and contravention (administrative offences) cases. The amendment entered into force in 2024. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid Council (CNAJGS).

2. To regulate the mechanism for partial free legal aid, the Ministry of Justice has drafted an amendment for Law No. 198/2007 on state-guaranteed legal aid. The draft law aims to grant partial legal aid to persons who are able to pay part of the costs of legal aid. The amendment has undergone public consultation and is currently being finalized based on the feedback received. It is expected to be sent for anti-corruption expertise by the end of March 2025.

Ukraine

(2024): Resolution of the Cabinet of Ministers of Ukraine No. 63 of January 19, 2024, approved the Procedure for Engaging Interpreters to Provide Free Secondary Legal Aid and Pay for Their Services. The Procedure, in particular, defines the mechanism for free legal aid centers to engage interpreters from a language in which the subject of the right to free secondary legal aid can communicate, including a sign language interpreter, to ensure that such a subject receives free secondary legal aid in accordance with the Law of Ukraine "On Free Legal Aid" in case the subject does not speak the state language and/or has a hearing impairment.

Order No. 2176/5/501/176 of the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine, and the Office of the Prosecutor General of Ukraine dated July 22, 2024, approved the Procedure for Implementing the Pilot Project "Restorative Justice Program Involving Minors Who Are Suspects or Accused of Committing a Criminal Offense". The program introduces a restorative approach to responding to a criminal offense and, in particular, aims to ensure: compensation for the harm caused to the victim and his or her reintegration; prevention of juveniles from committing criminal offenses again; resocialization of juveniles and reduction of the impact of risk factors that cause their illegal behavior.

Question 288-5

Armenia

(2024): See the answer to question 288-1

It is noteworthy that the Ministry of Justice of the Republic of Armenia, in cooperation with the Supreme Judicial Council, has initiated a process to review the regulations concerning the Commission for the Evaluation of Judges' performance. In particular, a draft proposing relevant amendments has been developed and submitted to the Venice Commission. Currently, the draft is in the finalization stage based on the opinion provided by the Venice Commission.

Joint opinion of the Venice commission and the Directorate general human rights and rule of law of the Council of Europe can be found at the following link:

[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)031-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)031-e)

Georgia

(2024): Based on the 2018 legislative reforms, which included constitutional amendments and adoption of the Organic Law of Georgia on Prosecution Service, in December 2018, the Prosecution Service of Georgia was separated from the executive branch and the Constitution of Georgia guaranteed its independence. In addition, the reform reduced the influence of the government/parliamentary majority on the appointment of the Prosecutor General and the activity of the Prosecutorial Council. This has been achieved by abolishing the ex officio membership and presidency of the Prosecutorial Council by the Minister of Justice and removing the governmental consent in the process of appointment of the Prosecutor General.

Republic of Moldova

(2024): 1. As a result of an 2023 amendment of the Law on Prosecutor's Office by reducing the composition of the SCP to 10 members (5 prosecutors; 4 representatives of civil society and the SCM President), the Ombudsman and the General Prosecutor ceased to be members of the Superior Council of Prosecutors starting with January 1, 2024 and the Minister of Justice will cease its activity starting with January 1, 2026.

2. The pre-vetting evaluation of the candidates to SCM, Selection and evaluation and Disciplinary boards has been continued in 2024 (the pre-vetting evaluation is a process of verifying the integrity of judges and prosecutors who aspire to positions in the Superior Council of Magistracy (SCM) and the Superior Council of Prosecutors (SCP) - the pillars of the judiciary, by a body formed from national and foreign experts, who are not part of the Moldovan judicial system, and who analyze and establish whether the candidates have behaved in a manner compatible with professional ethics during their work, whether or not they have adopted arbitrary documents, whether they have admitted conflicts of interest, whether they have properly declared their wealth and whether it corresponds to their income). As a result of the pre-vetting exercise, a new composition of the Superior Council of Magistracy and the Superior Council of Prosecutors was designated. In 2024, the SCP was fully operational and the SCM was composed of 11 members out of a total of 12.

Ukraine

Concerning Disciplinary Liability of Judges”, which provides that until the day of establishment of the service of disciplinary inspectors of the High Council of Justice, the powers of a disciplinary inspector are exercised by a member of the Disciplinary Chamber (rapporteur) determined by the automated case distribution system.

The said Law came into force on September 17, 2023 and was enacted on October 19, 2023, when the Law of Ukraine “On Amendments to the Law of Ukraine ‘On the Judiciary and Status of Judges’ and certain laws of Ukraine regarding the change of status and procedure for the formation of the service of disciplinary inspectors of the High Council of Justice” came into force.

Also, on September 06, 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3378-IX “On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ and Certain Laws of Ukraine on Changing the Status and Procedure for Forming the Service of Disciplinary Inspectors of the High Council of Justice”.

It should be noted that the Law provides that temporarily, for seven years from the date of its entry into force, the competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, is conducted by a competition commission established by the High Council of Justice.

The High Council of Justice shall form a competition commission consisting of six persons, three of whom shall be appointed by the High Council of Justice upon proposals of international and foreign organizations that, in accordance with international or interstate agreements, have been providing Ukraine with international technical assistance in the field of judicial reform and/or prevention and counteraction to corruption for the last three years. Such international and foreign organizations shall agree on a joint proposal.

A member of the High Council of Justice may be appointed as a member of the competition commission.

The competition for the position of the Head of the Service of Disciplinary Inspectors of the High Council of Justice and his/her deputy, disciplinary inspectors of the High Council of Justice shall be announced by the High Council of Justice within two months from the date of entry into force of the said Law.

In pursuance of the above, the decision of the High Council of Justice No. 1235/0/15-23 dated 07.12.2023 established a competition commission to hold a competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, and approved its composition.

On December 19, 2023, the High Council of Justice announced a competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector.

In September and November 2024, based on the results of the competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, the Competition Commission determined the winner for the position of the Head of the Service of Disciplinary Inspectors, his deputy, as well as the winners for the positions of disciplinary inspectors.

In accordance with the decision of the High Council of Justice of 10.12.2024 No. 3582/0/15-24, the start date of the work of the service of disciplinary inspectors is set at 23.12.2024.

Among the strategic issues of the draft Strategy of the Office of the President of Ukraine on the Development of the Justice System and Constitutional Justice for 2025-2029 is “ensuring institutional continuity and functional capacity of the system of judicial governance bodies”.

The importance of this problem was pointed out by the Accounting Chamber in its decision “On Consideration of the Compliance Audit Report on ‘Ensuring the Functioning of the Judiciary’ of July 3, 2024 № 32-2.

In its Annual Reports, the HCJ noted that, given the importance of the stable operation of the High Council of Justice for the proper functioning of the entire judicial system, the issue of ensuring the principle of its institutional continuity requires legislative regulation. The constitutional body of state power cannot become incompetent and cease its work until a new

Question 288-6

Armenia

(2024): Along with ensuring the three-tier specialized adjudication mechanisms in anti-corruption courts, the professional training of judges specializing in this field has also been carried out. Thus, in 2024, 14 out of 15 judges of the Anti-Corruption Court, all 12 judges of the Anti-Corruption Court of Appeal, and all 10 judges of the Anti-Corruption Chamber of the Court of Cassation have undergone training.

Georgia

(2024): Increasing the role of prosecutorial self-governance in the recruitment of prosecutors Based on the amendments of 30 November 2023 to the Organic Law of Georgia on the Prosecution Service (Article 21), which was entered into force on 20 December 2023, the responsibility of selecting PSG interns was transferred from the ad hoc internship commissions to the permanent prosecutorial collegial body, the Career Management, Ethics, and Incentives Council. This body was also tasked with overall supervision and assessment of the internship process. The Council has fifteen members, which include eight elected and seven appointed persons. The elected members are the investigator and prosecutor members of the Prosecutorial Council, elected by the Conference of Prosecutors. The appointed members are the First Deputy Prosecutor General, three Deputy General Prosecutors, the Head of the PSG General Inspectorate, the Head of the PSG Human Resources Management and Development Department and the Head of the PSG Department for Supervision over Prosecutorial Activities and Strategic Development.

Republic of Moldova

(2024): 1. With reference to the vetting exercise of judges and prosecutors during 2024, the Vetting Commission evaluated over 30 candidates for the position of judge at the Supreme Court of Justice, of which 12 passed the integrity assessment, till the end of the year. After the checks carried out by the SCM, 5 judges were appointed to the SCJ.

Likewise, in 2024, the evaluation of judges from all 4 Courts of Appeal was launched. The hearings started on February 4, 2025.

The Prosecutors Evaluation Commission also started the evaluation of prosecutors from the Anti-Corruption Prosecutor's Office. Out of 67 prosecutors, 10 resigned, 1 failed the evaluation, and 56 remain under on-going evaluation.

2. In order to increase the attractiveness of vacant positions in remote localities and avoid bottlenecks in the judicial system and the prosecutor's office, a mechanism was established to compensate for round-trip transportation costs or, as the case may be, for renting housing for judges and prosecutors (Law no. 316/2024 of 26.12.2024, in force as of January 2025). Thus, transportation costs or renting housing for prosecutors and judges who work in a locality other than the one in which they have their residence (at a distance of at least 20 km) and are forced to commute will be compensated. Judges and prosecutors who are members of the Superior Council of Magistracy and the Superior Council of Prosecutors, including their specialized bodies, will also be able to benefit from these facilities.

3. By Law No 2 of 1 February 2024 important amendments to the Law No 152/2006 on the National Institute of Justice have been made. It included the provisions for election of the Director of the Institute and the conditions to be met by him/her; the organisation of the admission and graduation exams, as well as the way of constituting the admission and graduation commissions; the organisation of internships. A minimal eligibility threshold and mechanism of integrity checks for NIJ candidates and graduates was introduced; a more predictable system of participation of the NIJ graduates in the contests has been also introduced, to ensure that all the graduates have reasonable chances to be employed in up to 18 months etc. Also, the Law on the National Institute of Justice (NIJ) was amended by Law No. 226 of 31 July 2024 in order to:

- streamline some administrative aspects, related to the activity of the NIJ (establishing the criteria for the evaluation of the activity of the Director of the NIJ, reviewing the conditions for access to the position of Director, disciplinary liability and dismissal of the Director);
- improve the legal framework for the status of NIJ trainees (raising the minimum passing grade for the entrance examination, excluding the psychological assessment from the NIJ graduation examination, conditions for reimbursement of scholarships paid during initial training);
- include the NIJ trainees in the list of medically insured persons.

Ukraine

(2024): On 09.12.2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3511-IX “On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ and Certain Legislative Acts of Ukraine on Improving the Procedures for Judicial Career”, which entered into force on 30.12.2023.

The Law provides, inter alia, for the reduction of the stages of selection and competition procedures, changes in the formation procedure, establishment of peculiarities of completion of selection and competition procedures not completed by the High Qualification Commission of Judges of Ukraine, etc.

The Law also provides for the approval by the High Council of Justice of the Uniform Indicators for Assessing the Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge), the possibility for the High Qualification Commission of Judges of Ukraine to conduct an examination of the personal moral and psychological qualities of candidates for the position of judge, and defines the components of the qualification examination - anonymous testing and a practical task

The draft Strategy of the Office of the President of Ukraine on the Development of the Justice System and Constitutional Justice for 2025-2029 provides for measures to improve the institutions of judicial career and judicial accountability.

The judicial system is facing an acute staff shortage, which in turn has a negative impact on the workload of individual courts.

This problem can be solved through the instruments of recruitment of judges and transfer of judges to another court. Both of these procedures are carried out on a competitive basis in accordance with the requirements of the Law of Ukraine “On the Judicial System and Status of Judges”.

In order to improve access to justice and optimize the procedure for filling vacant judicial positions, reduce the duration of such procedures and, as a result, normalize the workload, which will simultaneously reduce it, the High Council of Justice proposed a measure to transfer judges solely on the basis of a decision of the High Council of Justice without the recommendation of the High Qualification Commission of Judges of Ukraine

Question 288-7

Armenia

(2024): On February 1, 2025 draft of the decision of the Government on adoption of the strategy and action plan for the implementation of gender policy in the Republic of Armenia for 2024-2028 was circulated for public discussion.

Georgia

(2024): 1. The fourth National Action Plan (NAP) on Women, Peace and Security 2022-2024, was adopted in 2022. On October 25, 2022, the Government adopted two separate action plans for 2022-2024: “National Action Plan on the Implementation of the UN Resolutions 1325 on Women, Peace and Security” and the “National Action Plan for the Elimination of Violence against Women and Domestic Violence.” In order to ensure efficient implementation of the aforementioned plans, clear cut indicators, baselines and targets and activity-based targeted budget are being determined at the outcome and output levels.

2. The Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service

3. The Gender Equality Strategy 2022-2025 for the Ministry of Foreign Affairs is in force;

4. National Strategy on Human Rights for 2022-2030. The Government of Georgia adopted a new Human Rights Strategy 2022-2030 on 5 September 2022, and the Parliament approved it on 23 March 2023.

The new strategy addresses fundamental human rights and freedoms and puts special emphasis on the protection of the rights of vulnerable groups.

5. Women Economic Empowerment Strategy; Parliament.

Republic of Moldova

(2024): 1. During 2024 the Program for promoting and ensuring equality between women and men in the Republic of Moldova for the years 2023-2027 has been implemented.

2. The Working Group to optimize HR policies in courts created in 2023 has continued its activity, with the support of the EU/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova". Among the products of the WG, presented on November, 20, 2024 was a draft of a HR Strategy for courts aimed to ensuring non-discrimination, promoting social inclusion, gender equality and the balance between professional and family life of judges and court staff (based on the CEPEJ Guidelines on gender equality in the recruitment and promotion of judges). The draft Strategy is planned to be submitted for approval to the Superior Council of Magistracy in the first semester of 2025.

Ukraine

(2024): The principle of equality is enshrined in the Constitution of Ukraine (Articles 21 and 24), codes, laws and bylaws, and it is undeniable that its interpretation and application should be based on the modern concept of substantive equality and non-discrimination standards. The adoption of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men in Ukraine" was a significant step towards promoting gender equality. The key aspect of this legal act is to achieve parity between women and men in all spheres of society by ensuring equal rights and opportunities for women and men, eliminating gender discrimination and applying special temporary measures aimed at eliminating the imbalance between the ability of women and men to exercise equal rights granted to them by the Constitution and laws of Ukraine.

Implementation of gender equality in the judiciary is not only a fulfillment of Ukraine's international obligations, but also a necessity to ensure fair and impartial justice. A gender balance among judicial officers not only complies with the principles of equality, but also contributes to increasing public trust in justice.

In light of recent research and initiatives actively supported at the state level, the number of women in leadership positions in the courts is gradually increasing in Ukraine. Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025, approved by the Order of the SJA of Ukraine of June 4, 2021, No. 194 covers several aspects, including ensuring equal opportunities for professional development and overcoming gender stereotypes

Question 288-8

Armenia

(2024): It should be noted that the law "On Legal Assistance in Criminal Matters" was adopted on November 15, 2024. This law defines the principles and general conditions for mutual legal assistance in criminal matters, describes the procedure for submitting such requests, specifies the rights of wanted persons and details the procedures carried out for their extradition. Regarding cooperation activities, it should also be mentioned, that on 5 April 2024, the agreement "On cooperation between the competent authorities in the field of legal cooperation between the Republic of Armenia and the European Union in the field of criminal proceedings of the Republic of Armenia and the European Union Agency for Cooperation in the Field of Criminal Justice (Eurojust) was signed in Brussels, Belgium, which is aimed at further strengthening the cooperation between the Republic of Armenia and the European Union in the field of justice, rule of law and fight against serious transnational crimes.

On 1 December 2024 this Agreement entered into force.

On 23 September 2024 The Working Arrangement between the Prosecutor's Office and the Ministry of Justice of the Republic of Armenia and Eurojust implementing the Agreement between the Republic of Armenia and the European Union on the Cooperation between the Authorities of the Republic of Armenia Competent for Judicial Cooperation in Criminal Matters and the European Union Agency for Criminal Justice Cooperation (Eurojust) was signed in Yerevan, Armenia.

The Parties are finalizing the internal legal procedures necessary for the entry into force of this Arrangement. The Working Arrangement shall enter into force upon the completion of the necessary legal procedures by both parties. The Ministry of Justice of the Republic of Armenia has already initiated the internal legal procedures.

Republic of Moldova

(2024): 1. Through Law No. 228/2024, several amendments were made to the Criminal Code and the Contravention Code (administrative offences), aiming to improve sentencing alternatives, extend the statute of limitations for criminal liability, ensure fair treatment of offenders, adjust the legal framework for public order offenses, criminalize new categories of offenses, and establish a more balanced sanctioning system (e.g. the Criminal Code has been adjusted and completed with new offenses on ecology segment for a better protection of the environment. Components of crime have been introduced to protect the person identity; The corruption and cyber offenses have been reviewed and adjusted).

2. A draft law amending the Criminal Code of the Republic of Moldova No. 985/2002 was developed to strengthen legal provisions for preventing and combating the online sexual exploitation of children and enhancing child protection against such offenses. It passed in the first reading by Parliament on July 11, 2024.

3. On February 16, 2024, the State Secretary of the Ministry of Justice signed the Ljubljana-Hague Convention on international cooperation in the investigation and prosecution of genocide, war crimes, crimes against humanity, and other international crimes. The convention aims to strengthen international collaboration in prosecuting these crimes by facilitating joint investigations, evidence sharing, extradition of convicted individuals, and mutual legal assistance. It also places special emphasis on the rights of victims of such offenses.

4. At the beginning of 2024, the Ministry of Justice relaunched the request for proposals regarding amendments to the Civil Procedure Code. Following consultations with the Council of Europe and legal experts, several proposals were received. The amendments aim to modernize the code in line with digitalization trends and streamline civil case proceedings for greater efficiency.

Question 288-9

Armenia

(2024): As for now (after January 1, 2025) the number of licensed mediators is 125. The self-governing organization of the mediators restarted its operations, members of the board and the chairman were selected. The law providing for mandatory mediation for family cases was adopted in the end of 2022. Hopefully it will enter into force in 2025. The law is scheduled to come into force if the special list of mediators established by law (mediators resolving mandatory mediation cases) is replenished by at least 15 licensed mediators.

The second annual International Arbitration Week kicked off in Yerevan on September 4, 2024, bringing together leading experts in the field of arbitration and mediation from around 20 countries, including lawyers, academics, business representatives and other stakeholders. The Arbitration Week was an important platform for industry professionals to share their experience and skills, as well as to discuss innovative approaches to the development of the field of arbitration and mediation.

In 2024, the Arbitration and Mediation Center of Armenia registered 6 arbitration cases, 3 of which resulted in awards. In 2025, the number of registered cases increased by 10, indicating increased confidence in arbitration. In the field of mediation, 5 cases were registered in 2024, 3 of which ended in settlement agreements.

AMCA's arbitration clause has been included in 2,000 contracts covering business, telecommunications, construction, healthcare, and sports, expanding the use of arbitration in Armenia.

Republic of Moldova

(2024): 1. The "mediation guaranteed by state" terminology with a dedicated to it paragraph has been integrated into the Legal Aid Law 198/2007. The National Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and misdemeanor (criminal-administrative) cases. The amendment entered into force in 2024. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid Council (CNAJGS).

2. The Ministry of Justice has drafted an amendment on mediation and the status of mediators, aiming to transpose Directive (EU) 2008/52 of the European Parliament and the Council of May 21, 2008, on certain aspects of mediation in civil and commercial matters.

It seeks to establish mandatory mediation for specific categories of disputes before they reach court, clearly defining the cases where parties must undergo mediation first. It also aims to strengthen the self-governing body of mediators. It has undergone public consultation and is currently being finalized based on the feedback received. The project is expected to be sent to the Government by mid-April 2025.

Ukraine

Improving the Operation of Arbitration" (Reg. No. 5347 of 08.04.2021).

The draft law proposes to:

to expand the arbitrability of disputes that may be submitted to international commercial arbitration, in particular, it is proposed to provide for the possibility of arbitration of cases in disputes over civil law contractual relations in the areas of property privatization, public procurement, corporate relations arising from a contract without a binding arbitration agreement concluded between a legal entity and all its participants, as well as disputes involving a foreign investor related to investments in Ukraine or Ukrainian investments abroad

to provide for the possibility of establishing arbitration institutions other than the International Commercial Arbitration Court and the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry

to determine the procedure for resolving issues related to the determination of the arbitral tribunal by the court of appeal with jurisdiction over the city of Kyiv (for permanent arbitral institutions other than the International Commercial Arbitration Court and the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry)

establish the procedure for state registration of permanent arbitration institutions.

The Verkhovna Rada of Ukraine is also considering the Draft Law of Ukraine "On Amendments to the Law of Ukraine 'On International Commercial Arbitration' to expand the competence of international arbitration" (Reg. No. 12141 of 21.10.2024), which, in particular, proposes to include disputes involving investors and the state in the competence of international commercial arbitration.

In addition, in order to improve the current legislation in the field of dispute resolution within arbitration proceedings, the Ministry of Justice has developed a draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Improving the Procedure for the Establishment and Operation of Arbitration Courts in order to Restore Confidence in Arbitration Proceedings" (Reg. No. 3411 dated 04/29/2020), which was adopted by the Verkhovna Rada of Ukraine in the first reading as a basis on 02/02/2021.

The Draft Law provides for the improvement of the procedure for the establishment and operation of arbitration courts by strengthening the requirements for organizations that may operate permanent arbitration courts and expanding the powers of arbitration self-government bodies in order to effectively conduct arbitration proceedings.

On November 16, 2021, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1875-IX "On Mediation" (hereinafter - Law No. 1875-IX), which entered into force on December 15, 2021.

Law No. 1875-IX stipulates that mediation may be used in any conflicts (disputes) arising in civil, family, labor, economic, administrative legal relations, as well as criminal proceedings when concluding reconciliation agreements between the victim and the suspect, accused, and in other areas of public relations.

Mediation may be conducted before applying to a court, arbitration court, international commercial arbitration or during a pre-trial investigation, court, arbitration, arbitration proceedings, or during the execution of a court, arbitration court or international commercial arbitration decision.

In addition, Law No. 1875-IX amended the Code of Commercial Procedure, the Code of Civil Procedure, the Code of Administrative Procedure and the Law of Ukraine No. 3674-VI dated 08.07.2011 "On Court Fees", which provides for financial incentives to parties to court proceedings that settle their disputes through mediation. In the event of successful mediation, the plaintiff (complainant) may be reimbursed from the state budget 60 percent of the court fee paid when filing a lawsuit (appeal or cassation appeal).

Law No. 1875-IX also defines the status of a mediator and establishes his or her rights and obligations.

Question 288-10

Armenia

(2024): In accordance with adopted Anti-Corruption Strategy of the Republic of Armenia for 2023-2026 and its Implantation action On May 23, 2024, the Government approved the legislative initiative of the Government of the Republic of Armenia on the draft Law of the Republic of Armenia “On Legal Aid in Criminal Proceedings”. On November 15, 2024, it was adopted by the National Assembly.

Moreover, the National Assembly adopted the amendments and supplements to the Constitutional Law "Judicial Code" and related laws. The drafts introduced mechanisms for periodic verification of good conduct for judges, prosecutors and investigators, procedures for examining good conduct for candidates for investigators in the Investigative Committee and investigators subject to promotion, and for persons holding autonomous positions subject to promotion in the Anti-Corruption Committee.

Georgia

(2024): Fight against corruption is one of the main priorities of State strategy and it'll be completely covered by Anticorruption strategy and it's action plan. On 16 May 2023, the Parliament of Georgia amended the Law of Georgia on the Fight against Corruption, which entered into force on 24 May 2023 and extended the scope of the asset declaration regime to all prosecutors. Since then, all prosecutors, who were not previously subject to the declaration regime, have submitted the asset declarations to the Anti-Corruption Bureau. In March 2024, GRECO concluded that Georgia fully implemented its Fourth Evaluation round Recommendation xiv concerning widening the scope of application of the asset declaration regime to cover all prosecutors.

Republic of Moldova

(2024): 1. The National Program of ensuring Integrity and Anticorruption for 2024-2028 and an Action Plan for implementation, has been approved by the Parliament. The Program general objectives are: optimizing integrity standards in the public sector; streamlining measures to prevent and combat corruption and ensuring the inevitability of sanctioning corruption crimes; cultivating integrity and reducing acts of corruption in the private sector, including in entities with full or majority of state capital; cultivating intolerance towards acts of corruption, as well as encouraging the denunciation of acts of corruption and illegal practices.

2. An amendment of the Criminal Code on some corruption crimes has been adopted in June 2024 and entered into force from September 7, 2024.

3. In order to enhance the mechanisms for confiscation and sale of seized assets, strengthen the capacities of authorities in tracing criminal assets, repatriate confiscated assets from abroad, and recover damages caused to the state, the Ministry of Justice drafted a bill amending various legal acts to improve the confiscation mechanism of criminal assets. The bill aims to strengthen the legal framework for asset tracing, identification, confiscation, and management, as well as clarify the responsibilities of competent institutions, in line with Directive (EU) 2024/1260 on asset recovery and confiscation. Parliament adopted the bill in the first reading on December 13, 2024.

4. The Ministry of Justice drafted an amendment to the Criminal Code of Moldova No. 985/2002 to combat fraud affecting the EU's financial interests, transposing Directive (EU) 2017/1371. It introduces criminal law provisions to counter fraud and illegal activities harming EU finances while strengthening legal protections in line with EU standards. Parliament passed it in the first reading on January 30, 2024. The draft law was adopted in final reading by Parliament on March 6, 2025.

Ukraine

Anti-corruption reform in Ukraine began in 2014 with the adoption of anti-corruption legislation and the establishment of anti-corruption bodies based on it.

Thus, in order to define the legal and organizational framework for the functioning of the system of prevention of corruption in Ukraine, the content and procedure for the application of preventive anti-corruption mechanisms, and rules for eliminating the consequences of corruption offenses, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1700-VII "On Prevention of Corruption" on October 14, 2014.

The Law, in particular

- defines specially authorized entities in the field of combating corruption, which include the prosecutor's office, the National Police, the National Anti-Corruption Bureau of Ukraine, and the National Agency for the Prevention of Corruption
- outlines the range of persons who are subjects of declaration within the meaning of the Law;
- regulated relations on prevention and settlement of conflicts of interest in the activities of persons authorized to perform state or local government functions, etc.

Subsequently, in order to take measures to combat corruption in Ukraine, on June 20, 2022, the Verkhovna Rada of Ukraine approved the Anti-Corruption Strategy for 2021-2025 (Law of Ukraine No. 2322-IX dated June 20, 2022), aimed at achieving significant progress in preventing and combating corruption, as well as ensuring coherence and consistency of anti-corruption activities of all state and local authorities.

Pursuant to the Law of Ukraine "On Prevention of Corruption" and the Anti-Corruption Strategy for 2021-2025, the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated March 4, 2023, which aims to achieve significant progress in preventing and combating corruption, ensuring coherence and systematic anti-corruption activities of all state and local authorities, as well as a proper process of post-war recovery of Ukraine.

The implementation of this Program contributes to further work on Ukraine's membership in the EU, the North Atlantic Alliance (NATO), and the Organization for Economic Cooperation and Development (OECD).

Thus, Ukraine has created the conditions for eradicating corruption by reforming anti-corruption legislation and state anti-corruption policy in general.

In addition, in order to restore the declaration and conduct special checks in respect of persons applying for positions or appointed to the relevant positions during martial law, on September 20, 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3384-IX "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government under Martial Law".

In addition, in order to bring certain provisions of the Law of Ukraine "On Prevention of Corruption" in line with the conclusions of the European Commission on Ukraine set out in the report dated November 08, 2023, published on the official website of the European Commission, the Verkhovna Rada of Ukraine adopted on December 08, 2023 Law of Ukraine No. 3503-IX "On Amendments to the Law of Ukraine 'On Prevention of Corruption' to bring certain provisions in line with the conclusions of the European Commission on Ukraine".

The adopted Law makes relevant amendments to the Law of Ukraine "On Prevention of Corruption" in order to take into account the above-mentioned conclusions of the European Commission by: excluding provisions that prohibit the National Agency for the Prevention of Corruption from verifying the acquisition of ownership rights to real estate and vehicles by declarants; supplementing with provisions that abolish restrictions on conducting a re-verification of information specified by the declarant in the declaration for the previous period, which

Question 288-11

Armenia

(2024): The resolution of the Government of the Republic of Armenia "On approval of the strategy for combating domestic violence for 2023-2025 and the resulting action plan" was adopted, the purpose of which is to ensure effective implementation of the requirements of the law "On Prevention of Domestic Violence, protection of persons subjected to domestic violence and restoration of solidarity in the family.

This document is the first comprehensive strategic plan that focuses only on the multisectoral issues related to domestic violence and individual problems that arise in practice.

When developing the strategy, existing problems in the field of combating domestic violence, comments and suggestions from international structures and civil society, annual reports of the human rights defender, international best practices in this area were taken into account, on the basis of which the priority directions of the strategy and individual goals arising from it were identified., by introducing or developing effective mechanisms to ensure their practical application.

The adoption of the draft will contribute to improving the legal framework, increasing the effectiveness of combating domestic violence, ensuring the full implementation of support and protection measures, strengthening the capacity of industry specialists, and raising public awareness about the prevention of domestic violence.

The draft law on amendments and additions to the Law "On the Prevention of Domestic Violence, Protection of persons subjected to domestic violence and Restoration of solidarity in the family" was developed in order to reflect the obligations enshrined in the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence.

Georgia

(2024): 1. Government Decree No. 523 of 9 November 2022, establishing the rule that victims of gender-based violence against women, including domestic violence, can obtain State-funded compensation from the State Care Agency, as determined by a court decision;

2. Legislative amendments removing the requirement of an official status as victim of gender-based violence against women for accessing State-funded support services, entered into force from 2023;

3. The National Action Plan on Ending Violence against Women, in 2022;

4. National Strategy of Human Rights for 2022-2030; Parliament of Georgia; 2023.

According to the PSG Strategy for 2022–2027, the fight against domestic violence is one of the key priorities. The PSG adopts a strict criminal policy against this crime and focuses on a timely and effective response, including through a victim-centred approach.

In 2024, the PSG conducted a monitoring of domestic violence cases to evaluate the effectiveness of the applied policy and response mechanisms. This included assessing the timeliness of investigations and investigative actions, the accuracy of legal classifications, victim recognition procedures, evidentiary standards for prosecution, and the justification and legality of decisions to terminate investigations. In addition, cases where no final decision had been reached within a certain period after the investigation started were reviewed. With a view of making further improvements to the prosecutorial work, the PSG also reviewed the first-instance court acquittals in domestic violence cases, along with the 2023-2024 judgments of the Supreme Court of Georgia. In addition, the PSG reviewed judgments in which the court declined to impose measures of constraint against individuals charged with domestic violence. Since 16 September 2024, the Order of the Prosecutor General of Georgia has been in effect, outlining specific offences and categories of vulnerable individuals where prosecutors should prioritize to involve Witness and Victim Coordinators. Those include murder motivated by gender-based intolerance, committed against family member, incitement to suicide, crimes against sexual freedom and inviolability, and unlawful imprisonment motivated by gender-based intolerance, committed against a family member. In accordance with the same Order, coordinators are involved as a priority in cases related to domestic violence, domestic crime, hate crime as well as violent crime, where the victim is a minor.

Republic of Moldova

(2024): 1. The National Agency for the Prevention and Combating of Violence against Women and Family Violence created in 2023 started its activity as of January 02, 2024. As a result, awareness raising campaigns have been organized involving 29768 citizens. Furthermore, it has been drafted and consulted with other authorities and partners a Compendium of national indicators for preventing and combating violence against women and domestic violence, in accordance with the Istanbul Convention.

2. The Law no. 45/2007 on the prevention and combating of family violence was amended in 2024 by including the definition of "femicide", refining other definitions and creating the mechanism of collection of official statistics in the related field owned by the National Agency for the Prevention and Combating of Violence against Women and Family Violence.

Ukraine

(2024): Resolution of the Cabinet of Ministers of Ukraine of 24.02.2021 No. 145 “On Approval of the State Social Program for Preventing and Combating Domestic Violence and Gender-Based Violence for the Period up to 2025”

Question 288-12

Armenia

(2024): Starting from January 1 2024, the electronic module for civil cases of the unified electronic court case management system was implemented (cabinet.armlex.am), which allows conducting civil proceedings in electronic form, from filing a claim to publishing the final judicial act and providing a writ of execution. The module includes all documents that have been generated or submitted through the system, as well as scanned versions of materials created or presented in addition (including photographs and video recordings of physical evidence). Similarly, an electronic module on bankruptcy cases has also been developed, which, in addition to procedural functions, will also ensure the selection, appointment of bankruptcy managers and auctions in electronic form. Electronic module on administrative cases has also been developed.

In addition, an electronic mediation platform has been developed, with the help of which it is possible to register conciliators in the register of the Ministry of Justice, appoint or select them through an automated system by drawing lots, as well as submit applications, demands, see conciliators, receive notifications, etc.

Georgia

(2024): Changes to the legal framework related to the new information and communication technologies in the justice system are planned.

Republic of Moldova

(2024): Digitalisation continued to be a priority in 2024. 1. In order to strengthen the leadership of the Ministry of Justice in the field of digitalization of justice sector processes and providing the conceptual vision and institutional architecture for the achievement of a more robust, interconnected and interoperable digital justice environment, which facilitates and supports justice-related processes and services, the Agency for Courts Administration has been reorganized becoming the Agency for Digitalization in Justice and Courts Administration.

2. An essential support to the modernization of justice delivery is ensured by the development of the judicial information system. Nevertheless, the implementation of IT solutions is an ongoing process, which should be adapted to new requirements for process development. Increasing the level of digitalization of the judiciary is a tool for streamlining the activities carried out in the justice system. Examples: 27 developments to improve the functionalities of the ICMS have been implemented. The pilot testing of the court e-file solution has been extended to all first instance courts and courts of appeal. A mobile version of the e-file solution and statistical reports with data on use of the app have been developed. A call Center for lawyers using the court e-file solution has been active. Some of the activities were realized with the support of the USAID project "Moldova effective justice model courts initiative".

3. The Integrated Platform of Legal Professions (lawyers, notaries, bailiffs, authorized administrators, mediators, translators and interpreters) has been created and launched. Thus, the manually completed records are replaced with the automated information processing register, which allows for the automatic registration, recording and generation of documents. The system ensures the systematization of legal professions data; improvement of the record-keeping framework; interoperability and data exchange with other information systems. The platform is operational in a pilot mode.

Ukraine

complaints and other procedural documents provided for by law that are filed with the court and may be subject to judicial review are subject to mandatory registration in the Unified Court Information and Communication System on the day of receipt of the documents. The Unified Judicial Information and Communication System shall determine the judge or panel of judges (reporting judge) for consideration of a particular case in accordance with the procedure established by this Code (automated distribution of cases). The Unified Judicial Information and Communication System, in accordance with the law, ensures the exchange of documents (sending and receiving documents) in electronic form between courts, between the court and participants in the court proceedings, between participants in the court proceedings, as well as recording of the court proceedings and participation of participants in the court proceedings in the mode of videoconference.

The court shall send court decisions, court summonses, court summonses - notices and other procedural documents to the participants of the court proceedings to their electronic offices, perform other procedural actions in electronic form using the Unified Court Information and Communication System or its separate subsystem (module) that ensures the exchange of documents, in the manner prescribed by this Code, the Regulation on the Unified Court Information and Communication System and/or provisions that determine the procedure for the functioning of its separate subsystems (modules).

The Regulation on the Unified Judicial Information and Telecommunication System shall be approved by the High Council of Justice upon submission of the State Judicial Administration of Ukraine and after consultation with the Council of Judges of Ukraine.

According to the Law of Ukraine "On the Judicial System and Status of Judges", the courts, the High Council of Justice, the High Qualifications Commission of Judges of Ukraine, the State Judicial Administration of Ukraine, their bodies and subdivisions have a Unified Judicial Information and Telecommunication System, which ensures:

- 1) electronic record keeping, including the movement of electronic documents within and between the relevant bodies and institutions, registration of incoming and outgoing documents and stages of their movement
- 2) centralized storage of procedural and other documents and information in a single database;
- 3) secure storage, automated analytical and statistical processing of information;
- 4) storage of cases and other documents in an electronic archive;
- 5) electronic exchange of documents and information (sending and receiving documents and information, joint work with documents) between courts, other judicial authorities, participants in the judicial process, as well as real-time videoconferencing;
- 6) automation of the work of courts, the High Council of Justice, the High Qualifications Commission of Judges of Ukraine, the State Judicial Administration of Ukraine, their bodies and subdivisions;
- 7) formation and maintenance of judicial dossiers (dossiers of candidates for the position of judge) in electronic form;
- 8) remote access of users of this system to any information stored in it in electronic form in accordance with differentiated access rights;
- 9) determination of a judge (judge-rapporteur) for consideration of a particular case in accordance with the procedure established by the procedural law;
- 10) selection of persons to be invited to participate in the administration of justice as jurors;

Annex 1

List of the tables presented in the Study

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

1. Budget - Overview

1. Budget - List of tables

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget - please note the Legal Aid Budget will be separately shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per inhabitant from 2020 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.6 Variation in % of the implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) per inhabitant between 2020 and 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

1.2 Courts Budget - Categories

Table 1.2.1 Categories of the approved court budget in 2024 - Absolute values (Q4)

Table 1.2.2 Categories of the implemented court budget in 2024 - Absolute values (Q4)

Table 1.2.3 Distribution by categories of the implemented court budget in 2024 (Q4)

1.3 Donors' Contributions

Table 1.3.1 Estimated percentage of the external donor's contribution compared with the implemented judicial system and its components between 2020 and 2024* (Q11)

Indicator 1 - Budget

Indicator 1 - Budget

2. Profile of judiciary - Overview

2. Profile of judiciary - List of tables

2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance and variations between 2020 and 2024 (Q19)

Table 2.1.2 Number of professional judges per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q19)

Table 2.1.3 Distribution of professional judges by instance between 2020 and 2024 (Q19)

Table 2.1.4 Non-professional judges, professional judges on occasional basis and trial by jury with the participation of citizens in 2024 (Q22, Q23, Q24)

Table 2.1.5 Number of court presidents by instance in 2020 and 2024 (Q19-1)

Table 2.1.6 Number of court presidents per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q19-1)

Table 2.1.7 Number of professional judges per court presidents by instance in 2024 (Q19 and Q19-1)

Table 2.1.8 Number of non-judge staff (absolute number and per 100 000 inhabitants) between 2020 and 2024 (Q1 and Q27)

Table 2.1.9 Number of non-judge staff by categories between 2020 and 2024 (Q26)

Table 2.1.10 Number and distribution of non-judge staff by instance in 2020 and 2024 (Q27)

Table 2.1.11 Ratio of non-judge staff per professional judge between 2020 and 2024 (Q19, Q27)

2.2 Public prosecutors and non-prosecutor staff

Table 2.2.1 Number of prosecutors by instance and its variation between 2020 and 2024, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Table 2.2.2 Number of prosecutors per 100 000 inhabitants by instance between 2020 and 2024 (Q1 and Q28)

Table 2.2.3 Number of heads of prosecution offices by instance in 2020 and 2024 (Q28-1)

Table 2.2.4 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2020 and 2024 (Q1 and Q28-1)

Table 2.2.5 Number of prosecutors per head of prosecution offices in 2024 (Q28 and Q28-1)

Table 2.2.6 Number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2020 and 2024 (Q1 and Q32)

Table 2.2.7 Ratio of non-prosecutor staff per prosecutors between 2020 and 2024 (Q28, Q32)

2.3 Lawyers

Table 2.3.1 Number of lawyers (absolute number and per 100 000 inhabitants) between 2020 and 2024 and its variations (Q33 and Q34)

Table 2.3.2 Number of professional judges and lawyers per 100 000 inhabitants between 2020 and 2024 (Q19 and Q33)

2.4 Salaries of judges and public prosecutors

Table 2.4.1 Salaries of judges in € and in local currency in 2024 (Q15)

Table 2.4.2 Gross annual salary of judges, in €, between 2020 and 2024 (Q15)

Table 2.4.3 Net annual salary of judges, in €, between 2020 and 2024 (Q15)

Table 2.4.4 Ratio of the gross annual salaries of judges with average gross annual national salary in 2024 (Q14, Q15)

Table 2.4.5 Salaries of public prosecutors in € and in local currency in 2024 (Q15)

Table 2.4.6 Gross annual salary of prosecutors, in €, between 2020 and 2024 (Q14, Q15)

Table 2.4.7 Net annual salary of prosecutors, in €, between 2020 and 2024 (Q15)

Table 2.4.8 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2024 (Q14, Q15)

Table 2.4.9 Additional benefits and productivity bonuses for judges and prosecutors in 2024 (Q16 and Q18)

Table 2.4.10 Other financial benefits for judges and prosecutors in 2024 (Q17)

2.5 Organisation of the court system

Table 2.5.1 Number of courts (legal entities) in absolute number in 2024 (Q1, Q014-0-1 and Q014-0-2)

Table 2.5.2 Number of courts (general jurisdiction and specialised courts as legal entities) per 100 000 inhabitants in 2024 (Q1, Q014-0-1 and Q014-0-2)

Table 2.5.3 Number and distribution of first instance specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Table 2.5.4 Number and distribution of higher instances specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Table 2.5.5 Number of courts (geographic locations) in absolute number in 2024 (Q1, Q14-0-3)

Table 2.5.6 Number of courts (geographic locations) per 100 000 inhabitants in 2024 (Q1, Q14-0-3)

Indicator 2 - Profile of the judiciary

Indicator 2 - Profile of the judiciary

3. Efficiency - Overview

3. Efficiency - List of tables

Table 3.0.0 Case categories included in specific categories of "Other than criminal cases" in 2024 (Q36 and Q37)

3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2024 (Q35)

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2024 (Q1 and Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2023 and 2024 (Q35)

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q35)

Table 3.1.5 First instance courts: Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q35)

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2024 (Q38)

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2024 (Q1 and Q38)

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2023 and 2024 (Q38)

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q38)

Table 3.2.5 First instance courts: Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts Number of other than criminal cases in 2024 (Q39)

Table 3.3.2 Second instance courts Number of other than criminal cases per 100 inhabitants in 2024 (Q1 and Q39)

Table 3.3.3 Second instance courts percentage variation of the number of other than criminal cases between 2023 and 2024 (Q39)

Table 3.3.4 Second instance courts Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q39)

Table 3.3.5 Second instance courts Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q39)

3.4 Second instance criminal cases

Table 3.4.1 Second instance courts number of criminal cases in 2024 (Q40)

Table 3.4.2 Second instance courts Number of Criminal cases per 100 inhabitants in 2024 (Q1 and Q40)

Table 3.4.3 Second instance courts percentage variation in number of criminal cases between 2023 and 2024 (Q40)

Table 3.4.4 Second instance courts criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2024 (Q40)

Table 3.4.5 Second instance courts criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q40)

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2024 (Q41)

Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2024 (Q41)

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2024 (Q41)

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2024 (Q41)

Table 3.5.5 Variation between 2023 and 2024 of: (Q41)

Table 3.5.6 Variation between 2023 and 2024 of: (Q41)

Table 3.5.7 Variation between 2023 and 2024 of: (Q41)

3.6 Public prosecution

Table 3.6.1 Role and powers of the public prosecutor in the criminal procedure in 2024 (Q41-1)

Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2024 (Q41-2)

Table 3.6.3 Public prosecution services: Case flow in 2024 (Q41-3, Q41-5)

Table 3.6.4 Public prosecution services: Case flow (per 100 inhabitants) in 2024 (Q41-3)

Table 3.6.5 Public prosecution: Distribution of different categories of processed cases within all processed cases in 2024 (see table 3.6.3) (Q41-3)

Table 3.6.6 Number of cases concluded with the guilty plea procedure in 2024 (Q41-4)

3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2024 (Q42 and Q43)

Table 3.7.2 Regular monitoring of courts' activities (performance and quality at court's level) in 2024 (Q58)

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality at the prosecution service's level) in 2024 (Q59)

Table 3.7.4 Evaluation of the performance at court level in 2024 (Q48, Q49, Q50, Q51 and Q56)

Table 3.7.5 Evaluation of performance at public prosecution services level in 2024 (Q52, Q53, Q54, Q55 and Q57)

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2024 (Q60 and Q61)

Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.) in 2024 (Q61-1)

Table 3.7.8 Information regarding courts' activity in 2024 (Q62, Q63, Q66, Q67 and Q68)

Table 3.7.9 Information regarding public prosecution services' activity in 2024 (Q64, Q65, Q69, Q70 and Q71)

Table 3.7.10 Quantitative performance targets defined for each judge in 2024 (Q74, Q75 and Q75-1)

Table 3.7.11 System of individual evaluation of judge's work in 2024 (Q76, Q76-1 and Q77)

Table 3.7.12 Quantitative performance defined for each public prosecutor in 2024 (Q78, Q79 and Q79-1)

Table 3.7.13 System of Individual evaluation of public prosecutors in 2024 (Q80, Q80-1 and Q81)

3.8 Information and Communication Technology Tools

Table 3.8.1 IT Strategy and Case management system in 2024 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.8.2 Case management system - Deployment and usage rates in 2024 (Q83)

Table 3.8.3 Case management system - Functionalities in 2024 (Q83-1 and Q83-2)

Table 3.8.4 Database of court decisions - Deployment rates in 2024 (Q84)

Table 3.8.5 Database of court decisions - Modalities of publication in 2024 (Q84-1)

Table 3.8.6 Database of court decisions - Functionalities in 2024 (Q84-2)

Table 3.8.7 Statistical tools - Deployment rates in 2024 (Q85)

Table 3.8.8 Statistical tools - Functionalities in 2024 (Q85-1)

Table 3.8.9 Statistical tools - Data available for statistical analysis in 2024 (Q85-1)

Indicator 3 - Efficiency and productivity

Indicator 3 - Efficiency and productivity

4. Access to justice - Overview

4. Access to justice - List of tables

4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2024 (Q12 and Q13-2)

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2024 (Q13 and Q13-2)

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2024 and its evolution between 2020 and 2024 (Q1 and Q13)

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2024 (Q1 and Q13)

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2024 (Q86-0-0)

Table 4.2.2 Organisation of the legal aid system in 2024 (Q86-0)

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2024 (Q87, Q88)

Table 4.2.4 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2024 (Q88-1)

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2024 (Q86)

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2024 (Q1, Q86)

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2024 (Q13 and Q86)

Table 4.3.4 Access to justice - Number of recipients of legal aid in 2024 2024 (Q86-1)

Table 4.3.5 Access to justice - Number of recipients of legal aid per 100 inhabitants in 2024 2024 (Q86-1)

Table 4.3.6 Access to justice - Average amount granted per recipient of legal aid in 2024 (Q13 and Q86)

4.4 Favourable arrangements to vulnerable persons

Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and domestic violence in 2024 (Q163)

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2024 (Q163)

Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities and other victims in 2024 (Q163)

Indicator 4. Access to justice-legal aid

Indicator 4. Access to justice-legal aid

5. and 6. Appointment, recruitment and promotion of judges and prosecutors - Overview

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.1 Recruitment of judges

Table 5.1.1 Recruitment of Judges - Procedure in 2024 (Q89)

Table 5.1.2 Entry criteria into the process to become a judge in 2024 (Q90)

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2024 (Q91)

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2024 (Q92, Q93 and Q94)

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2024 (Q95 and Q96)

Table 5.1.6 Criteria in the selection procedure for judges in 2024 (Q97)

Table 5.1.7 Measures in place to ensure transparency in case of an interview evaluation to select a judge in 2024 (Q97-1)

Table 5.1.8 Authority competent for selection of judges in 2024 (Q98)

Table 5.1.9 Authority competent for the final appointment of judges in 2024 (Q99 and Q100)

Table 5.1.10 Possibility for non-selected judge candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q101 and Q102)

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment process for prosecutors in 2024 (Q111)

Table 5.2.2 Entry criteria to become a prosecutor in 2024 (Q112)

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2024 (Q113)

Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2024 (Q114, Q115 and Q116)

Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2024 (Q117 and Q118)

Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2024 (Q119)

Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an "Interview evaluation" in 2024 (Q119-1)

Table 5.2.8 Authority competent for selection of prosecutors in 2024 (Q120)

Table 5.2.9 Authority competent for the final appointment of prosecutors and its competences in 2024 (Q121 and Q121-1)

Table 5.2.10 Possibility for non-selected prosecutor candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q122 and Q123)

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check integrity of candidates for judges in 2024 (Q103)

Table 5.3.2 Mandate of judges and compulsory retirement age in 2024 (Q104, Q108 and Q109)
 Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2024 (Q105, Q106 and Q107)
 Table 5.3.4 Methods to check integrity of candidates for prosecutors in 2024 (Q124)

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2024 (Q125, Q129 and Q130)
 Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2024 (Q126, Q127 and Q128)

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

6.Promotion - List of tables

Table 6.1.1 Authority competent for the promotion of judges in 2024 (Q132)
 Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2024 (Q135 and Q136)
 Table 6.1.3 Procedure and criteria for the promotion of judges in 2024 (Q133 and Q134)
 Table 6.1.4 Authority competent for the promotion of prosecutors in 2024 (Q137)
 Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2024 (Q140 and Q141)
 Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2024 (Q138 and Q139)

Indicator 6- Promotion

Indicator 6- Promotion

7. Training - Overview

7.Training - List of tables

7.1 Training - Budget

Table 7.1.1 Total implemented budget of training: implemented budget of the training institution(s) and implemented courts and public prosecution services budget allocated to training in 2024 (Q4, Q6, Q142)
 Table 7.1.2 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2020 and 2024 (Q4, Q6, Q142)
 Table 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2020 and 2024 (Q1, Q4, Q6, Q142)
 Table 7.1.4 Amount of the implemented budget of the training institutions funded by external donors in 2024 (Q142 and Q142-1)

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2024 (Q143, Q143-1, Q145 and Q145-1)
 Table 7.2.2 Types and frequency of training courses for prosecutors in 2024 (Q144, Q144-1, Q146 and Q146-1-0)
 Table 7.2.3 Minimum number of compulsory trainings in 2024 (Q146-1)
 Table 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2024 (Q148 and Q149)
 Table 7.2.5 In-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2024 (Q147 and Q147-1)
 Table 7.2.6 Internet-based trainings available on the e-learning platform of the training institution (not live) in 2024 (Q147 and Q147-1)
 Table 7.2.7 In-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2024 (Q147-3)
 Table 7.2.8 Number of unique participants** in live (in-person, hybrid, video conference) trainings in 2024 (Q147-2)

7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights

Table 7.3.1 Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training in 2024 (Q154 and Q154-1)

Table 7.3.2 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2024 (Q154 and Q154-1)

Table 7.3.3 Number of participations in internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024 (Q154-1)

Table 7.3.4 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes and number of participating judges and prosecutors in 2024 (Q155 and Q155-1)

Table 7.3.5 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2024 (Q155 and Q155-1)

Table 7.3.6 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2024 (Q155 and Q155-1)

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2024 (Q153)

Table 7.4.2 Assessment of future training needs and frequency of assessment in 2024 (Q155-2)

Table 7.4.3 Evaluation of the in-service trainings in 2024 (Q155-4, Q155-4, Q155-4 and Q155-7)

Indicator 7- Training

Indicator 7- Training

8. Accountability and processes affecting public trust - Overview

8. Accountability and processes affecting public trust - List of tables

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2024 (Q156)

Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2024 (Q156)

Table 8.1.3 Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2024 (Q156-1)

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge and total number of initiated procedures and total number of pronounced recusals in 2024 (Q160 and Q161)

8.3 Public prosecution services - status

Table 8.3.1 Status of public prosecution services in 2024 (Q162-0)

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2024 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2024 (Q164 and Q166)

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2024 (Q171)

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2024 (Q172-0)

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2024 (Q182)

8.5 Code of ethics for judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2024 (Q172 and Q173-1)

Table 8.5.2 Code of ethics for prosecutors in 2024 (Q174 and Q175-1)

Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2024 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and 181-1)

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2024 (Q183, Q184)

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2024 (Q185, Q186, Q187 and Q188)

Table 8.6.3 Number of processed reassignments of cases in 2024 (Q185-1)

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2024: law(s) and regulation(s) that require a declaration of assets (Q190 and Q192)

Table 8.7.2 Declaration of assets for judges in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Table 8.7.3 Declaration of assets for judges in 2024: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Table 8.7.4 Declaration of assets for judges in 2024: sanction in case of non-declaration (Q201)

Table 8.7.5 Declaration of assets for prosecutors in 2024: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Table 8.7.6 Declaration of assets for prosecutors in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Table 8.7.7 Declaration of assets for prosecutors in 2021: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Table 8.7.8 Declaration of assets for prosecutors in 2024: sanction in case of non-declaration (Q214)

Table 8.7.9 Declaration of assets for judges and prosecutors in 2024: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2024 (Q217)

Table 8.8.2 Other functions/activities carried out by judges in 2024 (Q218, Q219, Q220 and Q221)

Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2024 (Q222 and Q223)

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2024 (Q226)

Table 8.8.5 Other functions/activities carried out by prosecutors in 2024 (Q227, Q228, Q229 and Q230)

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2024 (Q231 and Q232)

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2024 (Q224 and Q233)

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of disciplinary procedure against judges in 2024 (Q234 and Q235)

Table 8.9.2 Authority with disciplinary power over judges in 2024 (Q234 and Q235)

Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024 (Q236, Q240 and Q241)

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2024 (Q242)

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024 (Q237, Q238 and Q239)

Table 8.9.6 Description of professional inadequacy for judges in 2024 (Q237 and Q237-1)

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2024 (Q243)

Table 8.9.8 Authority with disciplinary power over prosecutors in 2024 (Q244)

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal in 2024 (Q245, Q250 and Q251)

Table 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024 (Q246, Q247 and Q248)

Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

Indicator 8 - Accountability and processes affecting public trust

Indicator 8 - Accountability and processes affecting public trust

9. Alternative Dispute Resolution - Overview

9. Alternative Dispute Resolution - List of tables

Table 9.1.1 Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2024 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Providers of court-related mediation services by case types in 2024 (Q255)

Table 9.1.3 Number of accredited mediators between 2020 and 2024 and their gender distribution in 2024 (Q257)

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2020 and 2024 (Q1 and Q257)

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Table 9.1.6 Number of cases of court related mediation in 2024 (Q258)

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2020 to 2024 (Q1 and Q258)

Table 9.1.8 Existence of other alternative dispute resolution methods in 2024 (Q259)

Indicator 9- Alternative Dispute Resolution

Indicator 9- Alternative Dispute Resolution

10. European Convention of Human Rights (ECHR) - Overview

10. European Convention of Human Rights (ECHR) - List of tables

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case after a decision on violation of human rights by the ECHR in 2024 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgments in 2024 (Q262, Q263 and 236-1**)

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgments, between 2020 and 2024 (Q262 and Q263**)

Table 10.1.4 Number of cases considered as closed after a judgment of the European Court of Human rights and the execution of judgments process, between 2020 and 2024 (Q264***)

Indicator 10- ECtHR

Indicator 10- ECtHR

11. Council(s) for the judiciary - Overview

11. Council for the judiciary - List of tables

Table 11.1.1 Number of members and composition of the council(s) for judiciary in 2024 (Q266)

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2024 (Q267)

Table 11.1.3 Existence of selection criteria for non-judge/non-prosecutors members in 2024 (Q268)

Table 11.1.4 Term of office and conditions for the term of office for the members of the council(s) for judiciary in 2024 (Q269 and Q270)

Table 11.1.5 Accountability measures and competences of the council(s) for the judiciary in 2024 (Q273 and Q274)

Table 11.1.6 Competences of the Council(s) (Q271)

Table 11.1.7 Description of the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council (Q272)

Indicator 11-Council for the judiciary/ Prosecutorial Council

Indicator 11-Council for the judiciary/ Prosecutorial Council

12. Gender Equality - Overview

12. Gender Equality - List of tables

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of male and female professional judges between 2020 and 2024 (Q19)

Table 12.1.2 Distribution of male and female professional judges by instance between 2020 and 2024 (Q19)

Table 12.1.3 Distribution of male and female court presidents between 2020 and 2024 (Q19-1)

Table 12.1.4 Distribution of male and female court presidents by instance between 2020 and 2024 (Q19-1)

Table 12.1.5 Distribution of male and female non-judge staff between 2020 and 2024 (Q26)

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female prosecutors between 2020 and 2024 (Q28)

Table 12.2.2 Distribution of male and female prosecutors by instance between 2020 and 2024 (Q28)

Table 12.2.3 Distribution of male and female heads of prosecution offices between 2020 and 2024 (Q28-1)

Table 12.2.4 Distribution of male and female heads of prosecution offices by instance between 2020 and 2024 (Q28-1)

Table 12.2.5 Distribution of male and female non-prosecutor staff between 2020 and 2024 (Q32)

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers between 2020 and 2024 (Q33)

12.4 Policies on gender equality

Table 12.4.1 Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2024 (Q275 and Q276)

Table 12.4.2 Specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2024 (Q277)

Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2024 (Q278 and Q279)

Table 12.4.4 Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work at the court or public prosecution services level in 2024 (Q283)

Table 12.4.5 Existence of statistical data disaggregated by gender, and evaluation studies or official reports regarding the main causes of possible gender inequalities in 2024 (Q286 and Q287)

Table 12.4.6 Implemented and planned measures in order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility in 2024 (Q285)

Indicator 12-Gender Equality

Indicator 12-Gender Equality

Reforms

Reforms - List of tables

Reforms (part 1 of 2) Undergoing or foreseen reforms in 2024 (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Reforms (part 2 of 2) Undergoing or foreseen reforms in 2024 (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Reforms

Reforms