



The Rule of Law

It is recognized by the international organizations that the essence of the rule of law relies on judiciary¹ and the efficient justice system is a cornerstone to ensure the application of the rule of law principles². The Rule of law is the main guarantee for the effective protection of human rights, and for sustainable economic progress and development.

The states aiming to uphold the rule of law principles should guarantee the application of five main qualities for the judiciary and effective justice system: independence, integrity, accountability, transparency, and efficiency³. For this, the system of court performance evaluation and justice assessment was developed in different European countries with the understanding that the quality of justice does not rely only on individual judge and his decision.

In 2013 the case law of the European Court of human rights was summarized⁴, determining the elements of the rule of law within the judiciary.

Several practical criteria were imposed to be followed by the national courts to uphold the application of the rule of law principles and to protect individuals from arbitrary power.

Despite the mentioned requirements the application of the rule of law principles and especially the independency of judiciary in the Republic of Armenia still remains a major issue and there are serious concerns in relation to the independence of the judiciary in all levels: 1)Formation of judiciary; 2)Access to the courts; 3)Decision making processes, 4)Execution of court decisions; and legislative obstacles which are posing bans to guarantee the independency of judiciary and to eliminate arbitrariness. Moreover, the public trust in courts is very low⁵ and 67% of Armenian population feel that judiciary is

¹CM(2008)170, 21 November 2008, Council of Europe, par. 39, available at <https://wcd.coe.int/ViewDoc.jsp?id=1374477&Site=CM>

² The World Justice project, *The rule of Index*, World Justice Forum, (2008)

³ Herbert A. Igbanugo, *The Rule of Law, Judicial Corruption, and the Need for Drastic Judicial Reform in Sub-Saharan Africa's Nation*, American Bar Association, International Law News, Vol. 42 No. 3, available at http://www.americanbar.org/publications/international_law_news/2013/summer/the_rule_of_law_judicial_corruption_need_for_drastic_judicial_reform_sub_saharan_africas_nation.html

⁴ "The Concept of the Rule of Law and the European Court of Human Rights" Geranne Lautenbach, 2013 PrintISBN-13:9780199671199

⁵ *Public Perception Political, Social, and Economic Issues in the South Caucasus Countries*, Caucasus Research Resource Center, Yerevan, 2012, http://crrc.am/store/di11/CRRC_CB_2011_Eng_19.09.2012.pdf

corrupted/extremely corrupted⁶. The existing mistrust is connected with the limited transparency and shortcomings of courts' performance.

As a result, the court decisions mainly have the political nature rather than being the grounds of justice.

This list of problems can be complimented and the troubles of judiciary and rule of law principles in the country can be pointed out. But we do not intend merely to state the problems, rather, we are strongly committed to struggle for the independency of judiciary and for the development of the rule of law tradition in the country. To this end we would like to call all interested parties to act adequately, especially:

- To put continues efforts assisting the State to establish the tradition of the rule of law in the Country based on the case law of the European Court of Human Rights.
- To support the development of independency of judiciary through the adjustment of the court performance monitoring and evaluation practice in the five main areas.
- To respond properly to the problems of the rule of law and independency of judiciary raised by the local civil society organizations.
- To encourage local civil society organizations to build partnership and ownership for development of the independency of judiciary and the rule of law principles.

“Protection of rights without borders”

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⁶ Transparency International, *Global Corruption Barometer Armenia-2013*, available at <http://www.transparency.org/gcb2013/country/?country=armenia>



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