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**2017 HUMAN DIMENSION IMPLEMENTATION MEETING****11-22 September 2017****Warsaw, Poland****TEYMUR MALIK-ASLANOV****Deputy Head of Human Rights and Public Relations Department  
of the Ministry of Justice of the Republic of Azerbaijan****Working Session 13**

Dear Madam Moderator  
Ladies and Gentlemen,

First of all, allow me to express my gratitude to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for devoting this working session to such an important issue.

Efficient, impartial and independent judiciaries are the cornerstone of any functioning system of democratic checks and balances. They are the means by which powerful interests are restrained, according to the laws of the land. They guarantee that all individuals, irrespective of their backgrounds, are treated equally before those laws.

The judicial systems that are best able to perform are those which exhibit high levels of independence and impartiality and which command solid public trust. The experience shows that the right laws and structures are the key to judicial independence, but alone they are not sufficient. Proper checks and balances are needed to ensure a separation of powers between the judiciary and other branches of power, and, just as crucial is a culture of independence and impartiality.

For this particular purpose, the Judicial Legal Council (JLC) has been established in Azerbaijan, which consists of 15 members, 9 of whom are judges. Today, the Council deals with all issues with regard to the judiciary. In particular, its exclusive powers include: selection of judges, evaluation of their performance, career advancement, questions related to liability and reward. At the same time, Council's powers are constantly expanding in terms of its independency. So far, 11 amendments have been made to the Law on its status. For example, in accordance with the latest amendment and taking into consideration CoE's Recommendation # 12 (2010), competences such as prevention of external interference in the work of judges have been assigned to the Council.

Having attached special importance to the issue of transparency, Azerbaijan developed the system of election of judges - a multi-stage procedure that includes tests, written and oral examinations, long-term trainings organized locally and abroad with the participation of international judges and experts. Having studied this system in details, the CoE and the EU acknowledged it as an interesting model of best practice by emphasizing it in the CEPEJ Study #22 on High Quality Justice addressed for All Member States of the CoE. Thanks to the above-mentioned system, we've brought up a new generation of judges, who already make up 60% of the judge corps.

Another equally important issue is the need for financial independence of the judiciary. In this regard, it should be mentioned that judges' salaries in Azerbaijan are fixed by the law and, despite economic difficulties, constantly increasing. As such, for the past 15 years their wages have been augmented 40 times. In addition, reduction in judges' salaries was banned by corresponding legislative acts. Moreover, as recommended by the Consultative Council of European Judges (i.e. Opinions #2 of 2001 and # 18 of 2015), the judiciary in Azerbaijan has a budgetary autonomy. Thus, according to the recent legislative amendment, judicial budgets should always be agreed with the JLC and its budget cannot be less than it was in the previous year. Overall, courts' budgets in the country have been increased by 25 times over the last decade.

Working condition of judges, equipping courts with modern information and communication technologies also play an important role. In this context, it is worth mentioning a third project implemented by the Ministry of Justice with the WB, main components of which include modernization of judicial infrastructure and introduction of e-courts. So far, conceptually new courthouses had been built for 11 courts and new ones are under the construction. All courthouses are equipped with the latest ICT transforming the judicial bodies into high-tech courts. The new system allows for electronic documentation, audio recording of trials, video conferences, remote questioning of witnesses and even questioning of witnesses with a voice change for their protection.

The number of judges and court clerks is also important in terms of ensuring adequate working conditions. Bearing mind that in accordance with CEPEJ's statistics Azerbaijan had a very low number of judges, the JLC initiated twofold increase in the number of judges. In addition, the number of court clerks was increased by 75%.

The irremovability and inviolability of judges can also be mentioned among the guarantees of judicial independence, which are enshrined in the Constitution of Azerbaijan. As such, for a variety of court instances a specific age limit has been set – 66 and 86 years, and the discretion to change it has been eliminated. Previously, judges were appointed for 5 or 10 years depending on the court instance. Moreover, a probationary period for judges has been reduced from 5 to 3 years.

The ability to form professional organization is an important element of judges' internal independence. The Association of Judges in Azerbaijan, which is a full member of the International Association of Judges, recently, formed the Union of Judges, thus, actively participating in the judicial reforms by making proposals, conducting training for judges and court clerks on their own and by organizing social events.

As it is noted in various recommendations of the CoE's Committee of Ministers and Opinions of the CCJE, the issue of judicial ethics constitutes an important part of the independence and impartiality of judges. With this in mind as well as taking into account various CoE's documents and the UN Bangalore Principles, the JLC has developed and endorsed the Ethics Code of Judges' Conduct. This document embodied all new ideas in this area. The basic idea of the Code is to ensure that the judge avoids actions, which may lead to the use of his/her powers for personal interests, having preferences, interfering with the efficient work of the court and negatively impacting the public perception of the judicial integrity.

Finally, among the main factors influencing the growth of public confidence in courts is the fight against corruption. This is not surprising since the danger of corruption is immense. Today, there is a global fight against corruption, which affects the judicial system since a fair and effective judiciary is the most serious obstacle to it.

There is a strong political will to fight this evil in our country: anti-corruption laws have been adopted, strategies and action plans are being implemented. A special place in these documents is given to judges. The special anti-corruption center was established in the JLC and a hotline was set up, where citizens can access and report on the facts related to corruption to be thoroughly investigated and checked. As a result of these measures, 29 judges in Azerbaijan were punished for creating conditions for corruption; the powers of 6 of them were prematurely terminated. It should be noted that the JLC, in accordance with the recommendations of the CoE, has developed the most democratic procedure of bringing judges to disciplinary responsibility in order to secure the independence of the judiciary. Thus, the disciplinary proceedings against a judge can be initiated by the JLC only and may be conducted by a judge member of the JLC only. Moreover, only judge members of the Council can vote on this issue. The judge against whom the disciplinary proceedings are initiated has the right to the services of a lawyer or a judge colleague for protection as well as to appeal the Council's decision to the Supreme Court Plenum.

Azerbaijan also attaches great importance to international cooperation and exchange of experience in this field. Therefore, Azerbaijan acted as one of the co-initiators of the International Association of Anti-Corruption Authorities and has been represented in the leadership of the IAACA since then.

We are very pleased to note that these reforms are already yielding the results. Hence, statistics show that we are moving in the right direction and the confidence in courts is increasing: in comparison with 2000, the number of appeals to the courts has increased by 15 times, 96% of the civil and economic lawsuits are satisfied; decision in 82% of administrative cases are delivered in favor of individuals. Moreover, the stability of the final judgments is 98% in civil and economic cases and 90% in administrative and criminal cases. It is very pleasing that our reforms have earned international praise. The CEPEJ, for instance, has commended the scale and result of judicial reforms in Azerbaijan, expansion of judicial self-governances, introduction and implementation of ICT and transparency.

In conclusion, it should be stated that it's necessary to continue improving transparency of judicial systems, including integrating more intensely and on a large scale e-justice into the routine work of the courts. This is very important because as it is stated in a well-known wisdom: "All the rights secured to the citizens under the Constitution are worth nothing and is a mere bubble except guaranteed by an independent and virtuous judiciary".

I thank you for your attention.