Funded by the European Union

EASTERN PARTNERSHIP CIVIL SOCIETY FORUM

Protection of Rights Without Borders NGO

LRCM Rights and justice for all

PATHWAYS TO JUSTICE. A REGIONAL DIALOGUE ON JUDICIAL REFORMS

ARMENIA GEORGIA MOLDOVA

CONFERENCE PAPER

Yerevan, 2026

INTRODUCTION

The conference Pathways to Justice: Regional Dialogue on Judicial Reforms: Armenia, Georgia, Moldova was held on 17 March 2026 in Yerevan.

The conference served as a platform for regional dialogue, bringing together experts and practitioners to examine key issues of judicial reforms. In particular, discussions focused on judicial integrity, the disciplinary liability of judges, and the importance of ensuring the examination of cases within reasonable time. By highlighting shared challenges and exploring potential solutions, the conference contributed to a broader understanding of the reforms needed to strengthen judicial systems and enhance the rule of law across the region.

This compilation of papers, primarily focusing on the perspectives and experiences of Armenia and Moldova, reflects expert insights and recommendations.[1]

The conference was implemented by the Protection of Rights without Borders NGO with the financial support of the European Union through the sub-grant program of the Eastern Partnership Civil Society Forum in cooperation with the Legal Resources Centre from Moldova .

[1] Due to valid reasons, Georgian experts could not take part in the conference in Yerevan in person and to contribute to the paper.

Moldova's Vetting Process and Judicial Appointments: Lessons Learned for Reformers

Ilie Chirtoacă, Executive Director, Legal Resources Centre from Moldova

Moldova's vetting process constitutes one of the most consequential and closely observed judicial reform initiatives currently unfolding in Europe. It emerged as a response to persistent and deeply rooted systemic failures that incremental reform efforts had been unable to resolve. For nearly three decades, Moldova pursued gradual changes to its judiciary while largely preserving institutional practices and professional culture inherited from the Soviet period. Throughout this time, political influence over the judiciary remained substantial, reform initiatives repeatedly lost momentum, and a series of high-profile scandals significantly eroded public trust in the justice system.

Several emblematic cases illustrate the scale of these challenges. Moldovan courts were used as a mechanism to legitimize more than USD 20 billion in illicit financial flows in what became known as the "Russian Laundromat." The 2014 banking fraud scandal inflicted losses equivalent to approximately 12% of the country's GDP. In 2018, the annulment of the Chișinău mayoral election results by the courts was widely perceived as politically influenced. These incidents were not isolated anomalies; rather, they reflected systemic integrity deficiencies and demonstrated that existing disciplinary frameworks and appointment procedures were no longer capable of restoring institutional credibility.

Against this backdrop, Moldova introduced vetting in 2021 as an extraordinary reform instrument. Vetting is understood as a targeted integrity assessment of individuals exercising judicial authority. Its purpose is more limited and principled than often assumed by critics. It is not designed to penalize minor professional errors or revisit substantive judicial reasoning. Instead, it aims to identify serious integrity shortcomings, remove individuals whose conduct undermines public trust, restore confidence in judicial institutions, and strengthen overall state capacity.

The process was deliberately structured in stages. The first phase, pre-vetting, commenced in 2022 and focused on candidates seeking positions in the Superior Council of Magistracy and the Superior Council of Prosecutors. This sequencing reflected a strategic institutional rationale: reforming the

governance bodies responsible for overseeing the judiciary before addressing the broader system. The outcome of this phase was striking—only 38% of the 69 evaluated candidates successfully passed. While disruptive, this result provided a clear indication of the scale of integrity concerns within the system.

The second phase, full vetting, began in 2023 and extended to sitting judges in selected courts, prosecutors in targeted offices, and candidates for judicial appointments. Evaluations are conducted by independent commissions composed of both national and international members, with international experts playing a substantive and decisive role rather than a purely symbolic one.

The methodology underpinning the vetting process is relatively comprehensive and robust. It combines financial scrutiny, conflict-of-interest analysis, and ethical assessment. Evaluators examine declared assets and income, assess discrepancies between lifestyle and lawful earnings, and identify potential unexplained wealth. This includes cross-checking information against banking and property records. In addition, the process reviews family and business connections, gifts, hospitality, and possible conflicts arising from case-related activities. Ethical evaluation extends to professional conduct, public statements, affiliations, and adherence to established judicial ethics standards.

Importantly, the process incorporates procedural safeguards. Candidates are given an opportunity to participate actively, submit evidence, and respond to concerns raised during the evaluation. Decisions are subject to appeal before the Supreme Court of Justice. Transparency is further enhanced through public hearings and the publication of decisions, within the limits imposed by data protection requirements.

The findings generated through vetting have been significant and revealing. Recurrent issues include undeclared assets, ownership of property or luxury goods registered in the names of relatives, and substantial inconsistencies between declared income and observed lifestyle. In many cases, expenditures appear to exceed lawful income by considerable margins. Ethical concerns identified have also been serious in nature. Examples include engaging in online gambling during working hours, maintaining personal relationships that raise questions about impartiality, accepting benefits from private entities without appropriate recusal, and failing to disclose conflicts of interest. These

patterns indicate entrenched behavioral problems rather than isolated incidents.

After approximately three years of implementation, the overall results have become clearer. According to data presented in 2025 by the Ministry of Justice, 181 individuals had been notified for evaluation. Of these, roughly one-third successfully passed, just over one-fifth failed, more than one-third resigned or withdrew from the process, and around one-tenth remained pending. Among completed evaluations, 60 out of 99 individuals passed, while 39 failed. However, the most significant figure is not the pass rate itself but the combined proportion of failures and withdrawals. More than 60% of evaluated individuals exited the system either due to negative outcomes or by withdrawing before completion. This demonstrates that vetting has operated not only as a direct screening mechanism but also as an indirect pressure tool, prompting a notable self-selection effect.

The consequences of this process are mixed and multifaceted. On the positive side, vetting has clarified integrity standards in a way that had not previously been achieved in Moldova. It has established clearer benchmarks for acceptable financial and ethical conduct, strengthened institutional capacity for asset verification and income analysis, and generated detailed, evidence-based reasoning in individual decisions. Furthermore, the functioning of judicial review in vetting cases has contributed to the legitimacy of the process. These developments represent a meaningful improvement in the framework governing judicial appointments.

At the same time, the operational costs have been considerable. The judiciary is currently facing a significant human resource crisis. The process has resulted in a large number of vacancies across the system, with some higher courts experiencing vacancy rates approaching 50%. The Supreme Court of Justice has been particularly affected, with 22 out of 25 judges—approximately 88% — resigning prior to their evaluation. Courts of appeal have also experienced substantial attrition, with a significant proportion of notified individuals choosing to withdraw. First-instance courts have not been exempt from these effects. The resulting situation has led to increased case backlogs, slower adjudication processes, prolonged interim leadership arrangements, and growing uncertainty regarding institutional continuity.

Moldova's experience offers several important lessons for reformers.

First, strong and sustained political will is essential. Vetting processes inevitably encounter resistance from entrenched interests, and insufficient political commitment risks reducing reform to a partial and ineffective measure. Second, robust legal safeguards are indispensable. To remain consistent with rule-of-law standards, vetting must be grounded in clear criteria, transparent procedures, and credible appeal mechanisms. Third, the inclusion of international experts can significantly enhance both the perceived and actual independence of the process, particularly in contexts where domestic trust is limited.

Perhaps the most challenging lesson relates to the sequencing of reforms following vetting. The effectiveness of such a process cannot be assessed solely by the number of individuals removed from the system. Equal importance must be given to whether adequate preparations have been made for the institutional consequences. Moldova's experience demonstrates that post-vetting capacity planning is not a secondary concern but a central component of reform. If the process is prolonged, timelines remain uncertain, or vacancies are not filled in a timely manner, reform fatigue may emerge and undermine long-term success.

In overall terms, Moldova's vetting process presents a complex but serious reform effort. It has achieved what earlier initiatives could not by making integrity standards concrete, transparent, and enforceable. At the same time, it has confirmed that such reforms entail significant costs. The primary policy challenge moving forward is to maintain the credibility of vetting while preventing institutional weakening from leading to systemic paralysis. For countries such as Georgia and Armenia that may consider adopting similar approaches, the key lesson is clear: vetting can be effective, but only if it is legally rigorous, politically sustained, and accompanied from the outset by realistic planning for judicial appointments, institutional continuity, and post-reform recovery.

Armenia: Failed Vetting and Judicial Reform Developments

Hasmik Harutyunyan, legal expert, lawyer, Protection of Rights without Borders NGO, Armenia

Following the 2018 revolution, judicial reforms and the strengthening of judicial independence were placed at the forefront of the democratic reform agenda of the new authorities in Armenia. For decades prior, the judiciary suffered from a significant lack of public trust and was widely perceived as highly corrupt, which in fact constituted one of the key drivers behind the political changes of 2018. In response, the new Government introduced an ambitious reform agenda; however, its implementation did not succeed for a variety of reasons.

One of the central shortcomings was the failure to undertake a systemic and comprehensive reform of the judiciary, including the introduction of a vetting mechanism for judges. The reasons for this failure are multifaceted and include the absence of a clear and comprehensive understanding of how vetting should be designed and implemented, limited human and institutional resources, strong resistance from within the judiciary, and insufficient communication and engagement with international partners.

Reform efforts have nevertheless continued and remain ongoing through various Judicial and Legal Reform Programs. In parallel, certain individual measures have been introduced, including initiatives related to the evaluation of judges and the establishment of self-governing bodies within the judiciary. Some of these measures have been implemented, although others remain incomplete.

The first Judicial and Legal Reform Strategy and Action Plan for 2019–2023, adopted after the revolution was not fully implemented due to several objective factors, including the COVID-19 pandemic, the 44-day war initiated by Azerbaijan against Armenia and Nagorno-Karabakh, and the complex post-war situation that followed.

Subsequently, the Judicial and Legal Reform Strategy and Action Plan for 2022–2026 was adopted in July 2022. This strategy reiterates many of the priorities identified in the earlier program, including the further development of e-justice systems, strengthening democratic institutions, reforms in civil,

administrative, and criminal law, ensuring continuity of judicial reforms, and advancing constitutional reforms. Implementation of this strategy is currently ongoing, simultaneously a new broader judicial and legal reform strategy is being planned.

At the same time, the idea of comprehensive judicial vetting was partially substituted with alternative mechanisms, particularly disciplinary proceedings. Rather than pursuing systemic reform through vetting, the Government introduced other tools aimed at influencing the judiciary, including:

- the establishment of integrity assessment mechanisms for candidates (including judges, prosecutors, and anti-corruption investigators), and
- the use of disciplinary proceedings.

The integrity assessment mechanism has become widely used in the processes of appointment and promotion of judges, prosecutors, and members of newly established institutions such as the Anti-Corruption Committee. Its primary objective is to ensure merit-based selection. However, this mechanism requires further strengthening and the introduction of guarantees to ensure that only candidates with positive integrity assessments are appointed or promoted.

The introduction of integrity assessments in Armenia should be regarded as a positive development. Nevertheless, its practical implementation has not been consistently effective across state institutions. In particular, the Corruption Prevention Commission (CPC) is responsible for providing integrity opinions regarding judicial candidates and judges considered for promotion, while the Supreme Judicial Council (SJC) is responsible for selection, appointment, and promotion decisions.

Monitoring conducted by the Protection of Rights Without Borders NGO (PRWB) indicates that CPC opinions are not always followed in practice. In some instances, candidates who received negative integrity assessments were nevertheless appointed as judges or promoted within the judiciary. This issue has also been observed in the formation of the newly established Anti-Corruption Court, raising concerns about its credibility and effective functioning. A similar approach was observed in the National Assembly when appointing judges to the Court of Cassation, where candidates with negative

integrity assessments were selected, thereby contributing to the politicization of the process.

Furthermore, there is a recurring practice of appointing individuals with affiliations to the ruling political party to judicial positions, including positions within the SJC. For example, the former Minister of Justice and ruling party member Karen Andreasyan was elected to the Supreme Judicial Council and subsequently became its Chair. Similarly, Member of Parliament Artur Davtyan, affiliated with the ruling party, resigned shortly before being elected as a judge of the Anti-Corruption Chamber of the Court of Cassation and later became its Chair.

According to PRWB monitoring, although the President of Armenia raised objections to certain candidates for the Anti-Corruption Court and for promotion to appellate courts—encouraging consideration of CPC opinions and expert assessments—some candidates with negative integrity evaluations were nonetheless appointed. Moreover, in 2023, the SJC rejected a presidential objection, resulting in the appointment of a candidate with political affiliations and a negative integrity assessment.

The SJC justifies such decisions by referring to its broad discretionary powers in judicial appointments, emphasizing the advisory nature of integrity assessments. At the same time, integrity assessment reports concerning judges, prosecutors, and investigators are not made public, limiting their use for accountability purposes. Although the publication of such assessments is foreseen as a commitment under the Anti-Corruption Reform Strategy and Action Plan for 2023–2026, the relevant legislative amendments were adopted without introducing a requirement for publication.

With regard to disciplinary proceedings, the Government, led by the Minister of Justice, has presented them as a tool for "cleaning" the judiciary. However, this approach raises several concerns. It remains unclear how disciplinary proceedings are initiated and how judges are selected as subjects of such proceedings. Additionally, there are serious concerns regarding the types of disciplinary sanctions applied, as decisions of the SJC often lack sufficient reasoning and do not consistently adhere to the principle of proportionality.

In the current situation, Armenia faces a dual challenge: on the one hand, the failure to implement systemic reform and comprehensive vetting; on the other, the introduction of alternative mechanisms that generate new concerns and uncertainties.

It is also important to note that security considerations have become a dominant priority in Armenia's agenda. The Second Nagorno-Karabakh War in 2020 and the Azerbaijani military takeover of the region in September 2023, followed by the displacement of Armenians from Nagorno-Karabakh, have had a profound impact on both the national security environment and the domestic situation.

Although the Armenian Government declares that it maintains its commitment to democratic principles, it faces difficulties in implementing sustainable reforms and has limited capacity to address challenges.

Institutional reform, particularly within the judiciary, remains a key priority and ongoing challenge. Reform efforts have focused on strengthening judicial independence, combating corruption, and improving access to justice, and some progress has been achieved. However, significant issues persist, including deficiencies in court administration, concerns regarding independence and accountability, limited institutional capacity, and insufficient state funding.

The Armenian experience since 2018 offers important lessons. It demonstrates that legislative reforms alone are insufficient to restore public trust in the judiciary. Sustainable change requires consistent implementation, genuine political will, and a strong culture of accountability. Public trust cannot be imposed; it must be built through transparent, fair, and independent judicial practice. Addressing the root causes of distrust and learning from past shortcomings are essential for establishing a judiciary that effectively serves society and upholds the rule of law.

To rebuild trust in the justice system, Armenia must move beyond superficial or procedural reforms and pursue deep structural transformation. Several key directions can guide this process.

First, the reintroduction of a comprehensive and transparent integrity assessment system for judges and prosecutors is essential. Second, institutional safeguards must be strengthened both at the stage of initiating disciplinary proceedings and during their examination, in order to protect judges from arbitrary or politically motivated actions. Third, the system of judicial appointments and promotions must be fully depoliticized, ensuring that selection is based exclusively on professional merit, competence, and integrity, including in the selection of members of the SJC. Fourth, greater transparency and public communication are required, including clear

reasoning of judicial decisions, public access to hearings, and proactive engagement with media and civil society. Fifth, oversight bodies such as the Corruption Prevention Commission must be strengthened and protected from political influence, and their integrity assessments should carry a binding effect in appointment decisions. Finally, long-term reform requires a cultural shift within the judiciary itself. Continuous training on judicial ethics, human rights standards, and the case law of the European Court of Human Rights can contribute to building a professional culture grounded in integrity and independence.

Moldova's Judicial Discipline System: Between Formal Safeguards and Minimal Accountability

Ilie Chirtoacă, Executive Director, Legal Resources Centre from Moldova

Moldova's judicial disciplinary framework presents a notable paradox that raises concerns for both domestic reform stakeholders and the broader international legal community. At a formal level, the system incorporates many elements typically associated with a rules-based approach to judicial accountability. It is grounded in legislation, separates investigative and decision-making functions institutionally, provides judges with procedural guarantees, and ensures that disciplinary decisions are, in principle, reasoned and publicly accessible. International assessments, including the 2025 review by the OECD, suggest that the core issue does not lie in the absence of legal norms or institutional safeguards. Rather, the fundamental problem is the system's limited effectiveness in practice. In essence, Moldova has developed a disciplinary structure that appears credible in design but produces weak accountability outcomes.

In a democratic system governed by the rule of law, judicial discipline serves a dual and delicate function. It must safeguard judicial independence from undue interference while simultaneously ensuring that misconduct is addressed, unethical behavior is deterred, and public confidence in the justice system is maintained. In Moldova, however, the gap between these objectives and actual outcomes has become increasingly evident. The system appears significantly more effective at filtering, dismissing, or closing complaints than at advancing them to substantive examination and, where appropriate, imposing sanctions that are visible and understandable to the public.

Available data points to a persistent and structural issue at the level of the Judicial Inspection, where the initial screening of complaints takes place. The volume of complaints and referrals remains consistently high, indicating sustained public demand for accountability. However, only a very small proportion of these complaints are transformed into formal reports capable of being examined on the merits. For example, in 2020, out of 1,188 complaints or referrals, only 53 were forwarded as reports. In 2021, 1,593 complaints resulted in just 34 reports. In 2022, 1,276 complaints produced 20 reports, while in 2023, 1,152 complaints led to 30 reports. In 2024, despite receiving 1,295 complaints or referrals, only 28 reports were forwarded. This translates to approximately 2.2% of complaints progressing to the next stage, or fewer than one in forty-

five. This is not a marginal procedural inefficiency but rather the central weakness of the system. While inflow remains high, conversion into cases capable of substantive adjudication is extremely limited.

This structural weakness is further reinforced by the limited effectiveness of internal review mechanisms. Appeals against decisions of judicial inspectors rarely lead to different outcomes. Admission rates for such appeals have remained consistently low: 3.8% in 2020, 1.9% in 2021, 3.8% in 2022, and 2.8% in 2023. While a filtering mechanism can be justified as part of an efficient system, it must be accompanied by meaningful opportunities for correction. In Moldova, however, review mechanisms seldom alter initial decisions, effectively making the filtering process self-reinforcing. Once a complaint is dismissed at the initial stage, the likelihood of reconsideration is minimal. From an international perspective, this should be understood as a structural deficiency rather than a minor administrative limitation. A system that filters extensively and rarely revises its own decisions risks becoming procedurally closed, even if it formally complies with legal standards.

The lack of accountability is most clearly reflected in the sharp decline in disciplinary sanctions. Between 2020 and 2024, both the number of sanctions imposed and the number of judges sanctioned decreased significantly. In 2020, 13 sanctions were imposed affecting 9 judges. In 2021, the figures declined to 6 sanctions and 7 judges. Although 2022 showed a temporary increase, with 14 sanctions applied to 10 judges, this appears to have been an exception rather than a sustained trend. In 2023, the numbers dropped again to 4 sanctions affecting 3 judges. By 2024, the system reached a near-zero point, with no sanctions imposed and no judges disciplined. This trend leads to a stark conclusion: despite a steady influx of complaints, the disciplinary system produces virtually no tangible accountability outcomes. At this stage, the issue extends beyond efficiency and raises fundamental rule-of-law concerns regarding whether judicial discipline remains substantively meaningful.

Part of the challenge lies in the legal framework itself. One disciplinary ground has been identified as particularly problematic due to its vagueness: “other acts that harm professional honour or probity or the prestige of justice.” Such a formulation lacks the precision required by modern standards of legal certainty. Judicial discipline should not rely on overly broad or indeterminate moral clauses. When misconduct is insufficiently defined, the system becomes vulnerable to inconsistent and selective application. This creates risks in two directions: it may expose judges to arbitrary pressure, thereby undermining

judicial independence, while simultaneously weakening accountability by making standards too ambiguous to apply effectively. This issue is therefore not merely technical but represents a structural challenge to the rule of law.

The causes of the current situation appear to be cumulative. Prolonged institutional instability within judicial governance bodies has undermined continuity and decision-making capacity. Persistent vacancies, delays in appointments, and repeated interim arrangements have weakened institutional performance. Investigative capacity within the Judicial Inspection has also been limited, both in terms of staffing and expertise. At the same time, excessive formalism has come to dominate the process. A disproportionate focus on procedural admissibility and technical requirements has overshadowed substantive assessment of alleged misconduct. Additionally, proactive oversight remains minimal, with limited ex officio activity, meaning the system relies heavily on complaints but lacks the capacity to process them effectively. The temporary increase in sanctions observed in 2022 suggests that accountability may have been driven more by exceptional reform pressure than by a stable institutional dynamic. Once that pressure diminished, the system reverted to its default pattern of restrictive filtering and declining outputs.

For international observers, Moldova's experience illustrates a broader lesson in judicial reform. The existence of formal safeguards is necessary but not sufficient. A disciplinary system can be legally structured and procedurally sound while still failing to deliver meaningful accountability in practice. Moldova's challenge is not the absence of institutions or legal frameworks, but the widening gap between formal design and actual performance. When complaints rarely progress, review mechanisms are ineffective, vague norms persist, and sanctions disappear, public trust inevitably deteriorates. This situation ultimately undermines both accountability and judicial independence, as the system fails to satisfy either demand for integrity or the need for protection against arbitrary interference.

Addressing these issues requires substantive reform rather than incremental adjustments. Key priorities include clarifying the legal framework, particularly by narrowing or eliminating vague disciplinary provisions and defining misconduct more precisely. Strengthening the Judicial Inspection through improved staffing, training, and evaluation practices is also essential. At the adjudication stage, ensuring institutional continuity, quorum, and timely

decision-making is critical for restoring credibility. Reducing excessive formalism, particularly in appellate review, would help improve accessibility and fairness for complainants. Finally, enhancing transparency through detailed statistical reporting and clearer reasoning in discontinued cases would contribute to rebuilding public confidence.

The core message is simple. Moldova's problem is no longer the absence of a disciplinary framework. It is the weakness of that framework as a functioning accountability mechanism. Unless the system is redesigned to produce real, visible, and legally predictable outcomes, the distance between formal safeguards and actual accountability will continue to grow. For legal professionals following rule-of-law developments in Moldova, that is the issue that now deserves the closest attention.

Disciplinary Liability of Judges in Armenia

Hasmik Harutyunyan, legal expert, lawyer, Protection of Rights without Borders NGO, Armenia

The political developments that took place in the Republic of Armenia in 2018 raised expectations for comprehensive and systemic reforms within the judiciary, including the possible introduction of vetting mechanisms. However, such reforms were not implemented in practice. Instead, the Government, including the Minister of Justice, increasingly treated the institution of disciplinary proceedings against judges as a substitute for vetting.

In this context, in 2021, the then Minister of Justice, Karen Andreasyan, announced an increase in the number of disciplinary proceedings initiated against judges, alongside the allocation of additional resources to support this process. Following his election as Chair of the Supreme Judicial Council (SJC) in October 2022, cooperation between the Ministry of Justice and the SJC in disciplinary matters became more pronounced.

In 2022, the SJC examined a total of 24 disciplinary proceedings. Of these, 23 concerned judges, while one concerned a member of the SJC. The majority of motions—18 in total—were submitted by the Minister of Justice, while 4 were submitted by the Ethics and Disciplinary Commission of the General Assembly of Judges, and 1 by the Corruption Prevention Commission. The disciplinary proceeding against a member of the SJC was initiated by an internal SJC committee.

As a result of these proceedings, 11 motions to subject judges to disciplinary liability were upheld by the SJC, leading to the termination of powers of 3 judges, including the SJC member. It is noteworthy that out of the 18 motions filed by the Minister of Justice, 9 were granted, 7 were rejected, and 2 were left without examination. Regarding the motions submitted by the Ethics and Disciplinary Commission, 1 out of 4 was granted, 2 were rejected, and 1 proceeding was discontinued. The single motion submitted by the Corruption Prevention Commission was also discontinued. The motion initiated by the SJC committee was granted.

In 2023, the SJC examined 18 disciplinary cases, 15 of which were initiated by the Minister of Justice (including one case involving four judges), while 3 were initiated by the Ethics and Disciplinary Commission. These cases involved a total of 21 judges. In relation to 15 judges, the SJC upheld motions for disciplinary liability. As a result, 5 judges received reprimands, 3 were issued warnings, and the powers of 7 judges were terminated. Notably, all 7 cases resulting in the termination of judicial powers were initiated by the Ministry of Justice.

The cases leading to dismissal included instances involving criticism of the activities of the SJC, as well as cases linked to judgments of the European Court of Human Rights identifying human rights violations by judges. In the case of Judge Davit Harutyunyan, although the Constitutional Court of Armenia found that his rights had been violated—specifically due to the case being examined in a closed session and the imposition of a sanction without the presence of his representative—upon reopening, the SJC again examined the case in a closed session and in written form, without the participation of the judge.

During the first seven months of 2024, the SJC examined 8 disciplinary cases. One of these cases involved four judges of the Administrative Chamber of the Court of Cassation. Of the total cases, 6 were initiated by the Minister of Justice and 2 by the Ethics and Disciplinary Commission. The SJC granted motions in 5 cases, including decisions resulting in the termination of powers of 2 judges, one of whom was connected to a case involving a former President of Armenia, Robert Kocharyan.

Under the Judicial Code of Armenia, disciplinary proceedings against judges may be initiated by the Minister of Justice, the Ethics and Disciplinary Commission of Judges, and the Corruption Prevention Commission, based on specific grounds prescribed by law, although the latter's role remains limited. The Ethics and Disciplinary Commission is composed of 8 members, including 2 non-judge professionals nominated by civil society organizations and elected by the General Assembly of Judges. However, this composition does not sufficiently safeguard against corporatism in disciplinary matters. All members are elected by the judiciary itself, which raises concerns regarding independence.

In terms of its functioning, decisions of the Commission are adopted by a majority vote. Furthermore, the stages of initiation or refusal of disciplinary proceedings are not public, which limits transparency and prevents effective public oversight. This grants wide discretion to the relevant bodies. In this regard, both the composition and functioning of the Commission require reconsideration to enhance efficiency and credibility.

It should also be noted that there is no consistent practice in the adjudication and reasoning of disciplinary cases. Decisions imposing sanctions on judges are often insufficiently reasoned and lack clear justification. Additionally, following amendments to the Judicial Code in February 2022, only five votes within the SJC are required to impose sanctions, including the termination of

judicial powers. Prior to this amendment, a two-thirds majority was required, which served as an important safeguard against arbitrary decisions, particularly given the absence of an appeal mechanism.

Although amendments adopted in November 2023 introduced a formal mechanism for appealing SJC disciplinary decisions—through the creation of two chambers within the SJC, one acting as a first instance and the other as an appellate body—this mechanism has not yet entered into force due to delays in establishing procedures for the selection of chamber members. Moreover, concerns remain as to whether this mechanism will provide an effective remedy, particularly in cases involving the termination of judicial powers.

The practice of disciplinary proceedings has revealed several fundamental shortcomings. There is no uniform approach to adjudicating cases, and the reasoning underlying disciplinary sanctions is often weak or entirely absent. The February 2022 amendments to the Judicial Code further weakened existing safeguards. Previously, the requirement of a two-thirds majority within the SJC to terminate a judge's powers provided an important protection against arbitrary or politically motivated decisions. Following the amendments, the threshold was reduced to a simple majority of five members, increasing the risk of misuse. After the decision taken by the Constitutional Court this regulation was changed again requiring the two-third majority within the SJC to terminate a judge's power.

At the same time, the absence of an effective appeal mechanism leaves judges vulnerable to disciplinary measures that may lack transparency, sufficient reasoning, and procedural fairness. Although reforms have been formally introduced, their delayed implementation and questionable effectiveness continue to raise concerns regarding the protection of judicial independence and the overall credibility of the disciplinary system.

Delayed Justice in Moldova: From Systemic Constraint to a Test of Reform Credibility

Carolina Bagrin, Program Director, Legal Resources Centre from Moldova

Delayed justice in Moldova has evolved beyond a matter of technical inefficiency and now constitutes a structural constraint affecting the overall

functioning of the justice system. Its implications extend directly to human rights protection, institutional credibility, and the country's progress toward European integration. Available data suggest a system operating under sustained pressure, where improvements in performance remain fragile and uneven.

The duration of judicial proceedings illustrates the scale of the issue. According to 2022 data of the European Commission for the Efficiency of Justice (CEPEJ), the average time required to resolve a case across all three levels of jurisdiction in Moldova is approximately 506 days, including around 463 days at the first instance and appellate levels. Civil and commercial cases last on average 325 days, while criminal cases extend to approximately 537 days. Although these figures do not significantly exceed the Council of Europe median of 559 days, they remain higher than the regional average of 365 days for earlier stages of proceedings, indicating underlying structural inefficiencies.

These delays must be understood in light of workload and capacity imbalances within the system. Moldovan courts handle approximately 5.41 cases per 100 inhabitants, compared to a Council of Europe median of 3.91, reflecting a substantially higher litigation rate. At the same time, judicial capacity remains below European benchmarks and has been declining. The number of judges decreased from 14.9 per 100,000 inhabitants in 2022 to 13.8 in 2023, compared to a European median of 17.6. This imbalance between caseload and available judicial resources is a key driver of delays.

Recent performance indicators further highlight the system's volatility. In 2024, Moldova achieved a clearance rate of 110.6%, indicating progress in reducing backlog. However, by the first quarter of 2025, the situation had reversed: courts received 45,927 cases but resolved only 43,005, resulting in a clearance rate of 93.6% and renewed accumulation of pending cases. This shift underscores the limited resilience of the system and its vulnerability to fluctuations in capacity.

The causes of delayed justice are multiple and interconnected. A significant shortage of judges, partly resulting from vetting-related resignations, has reduced adjudicative capacity. Financial constraints further exacerbate the problem. Moldova's investment in the justice system remains well below European averages, affecting infrastructure, administrative support, and judicial remuneration. According to CEPEJ data, a Moldovan judge at the end of their career earns approximately €19,270 annually, compared to a Council of Europe median of €100,367. This disparity contrasts with broader European

patterns, where judicial salaries typically reach nearly five times the national average. Limited financial incentives, combined with high workload and institutional pressures, negatively impact the attractiveness and sustainability of judicial careers. Administrative inefficiencies and complex procedural requirements further compound these challenges.

The human rights dimension of delayed justice is particularly significant. Under the jurisprudence of the European Court of Human Rights, excessive duration of proceedings and failure to enforce judgments constitute violations of Article 6 of the European Convention on Human Rights. These issues account for approximately 32% of all violations attributed to Moldova. In 2025 alone, the Court identified 33 violations of Article 6, including 19 specifically related to excessive delays and non-enforcement. Some cases involve delays exceeding 17 years, coupled with ineffective domestic remedies.

These challenges are directly relevant to Moldova's EU accession process. Judicial efficiency and rule-of-law standards are central components of the enlargement framework and are subject to ongoing monitoring. The 2025 Enlargement Report acknowledges certain improvements but also emphasizes the need for further progress in reducing delays and improving clearance rates. As such, the efficiency of the justice system remains a critical benchmark in Moldova's alignment with European standards.

Reform efforts are currently underway. Measures include the reorganization of the judicial map under Law No. 135/2024, the establishment of specialized panels for corruption cases under Law No. 192/2025, and ongoing digitalization initiatives, including the creation of a dedicated Judicial Digitalization and Administration Agency. These reforms are directionally appropriate and aim to improve efficiency and case management. However, their effectiveness will depend on consistent implementation, sufficient funding, and the system's capacity to absorb structural changes.

In conclusion, delayed justice in Moldova is no longer an isolated operational issue but a systemic challenge that tests both the resilience of ongoing reforms and the credibility of the justice system as a whole. While current initiatives demonstrate a clear commitment to improvement, their success will depend on sustained implementation and adequate resourcing. Ultimately, reducing delays is not only a matter of efficiency but a fundamental requirement for ensuring effective protection of human rights and advancing Moldova's European integration objectives.

Delayed Justice in Armenia: A Human Rights and Systemic Problem

Araks Melkonyan, President, Protection of Rights without Borders NGO, Armenia

Delayed justice in Armenia is a systemic problem that affects both the effectiveness of the entire justice delivery process, public trust in the judiciary, and renders human rights protection ineffective. Meanwhile, the state is obliged to organize its legal system in a way that courts can examine cases in accordance with all the requirements of the right to a fair trial, including within reasonable time limits. Recognizing the need to ensure rights in the field of justice, the Comprehensive and Enhanced Partnership Agreement between

Armenia and the European Union emphasizes the importance of cooperation in justice matters to ensure access to justice and the right to a fair trial.

The causes for delayed justice in Armenia are systemic. First, the number of judges in Armenia is insufficient. Although the total number of judges has increased in recent years, it falls short of European standards. In particular, in 2025, there were 327 judges in the judicial system, which is 10.4 judges per 100,000 population, while the average for the Council of Europe countries is 22, and the median is 17.7.

Meanwhile, Armenia's judicial system operates under a continuously increasing workload, which affects the ability to administer justice within reasonable time limits. In particular, in 2022, courts of first instance received 4,800 criminal cases, and other 3,100 cases were transferred from the previous year. In 2024, the courts received 11,300 criminal cases and transferred 4,300. In 2025, they received 13,770 criminal cases and transferred 5,540. While courts of first instance completed 3,450 criminal cases in 2022, they completed 9,800 in 2024 and about 11,650 in 2025. Moreover, this number does not include cases examined by courts within the framework of pre-trial proceedings, the number of which has increased sharply in recent years. In particular, in 2022, first instance courts received 24902 criminal cases, while in 2025, the courts received 44748 cases.

With the increase in the number of cases, the workload of individual judges is also increasing. For example, in 2022, the average workload of judges in criminal cases was 77 cases, while in 2025, this indicator was 156 criminal cases on average. Moreover, this indicator does not include cases examined by judges within the framework of pre-trial proceedings which add to the workload of individual judges.

The workload of the Administrative Court has also increased significantly in recent years. In particular, if in 2022 the court received 9,886 claims/suits and another 7,961 cases were transferred from the previous year, then in 2025 the Administrative Court received 25,954 administrative cases and 13,808 administrative cases were transferred from the previous year. Moreover, there was no increase in the number of judges in the Administrative Court. Operating with 24 judges' positions, 8436 cases were completed in 2022, then 19570 cases in 2025. As a result, the workload of the judges of the Administrative Court increased from an average of 411 cases in 2022 to an average of 1030 cases in 2025.

The workload of the courts contributes to extending judicial examination terms. Of particular concern are the completion times for cases in administrative proceedings, which, according to CEPEJ data, averaged 284 days in the first instance and 371 days in the appeal instance in 2024.

A different picture is seen in the case of the workload of the courts examining civil cases. In 2022, the courts of first instance received 172476 cases, another 67121 cases were transferred from the previous year, and the courts completed 144936 civil cases. Under these conditions, the workload of each judge was 2000-4000 civil cases. Taking into account the overload of judges in civil cases, with the legislative amendment adopted in 2023, claims on the demand for confiscation of an amount not exceeding 2 million drams were transferred from the courts to the jurisdiction of notaries, which contributed to a significant, almost 80 percent, unloading of the courts, reaching an average of 300 cases. In particular, in 2024, when the legislative amendment was already in effect, the courts received 26710 civil claims/applications, another 60263 cases were transferred from the previous year, and completed 63840 cases. Already in 2025, the courts of first instance received 29633 claims/applications, another 17893 were transferred from the previous year and completed proceedings on about 27080 civil cases.

At the same time, the Republic of Armenia allocates a rather small budget for court activities. In particular, according to 2024 CEPEJ data, European countries spend an average of 85.4 euros per inhabitant, with 66 percent allocated to the courts. Armenia spends 22.7 euros per inhabitant, of which 14.7 euros is for the courts. Although judges' salaries have increased in recent years, in practice, the salary is lower than the average salary of a judge in European countries and does not guarantee remuneration commensurate with the position of a judge. At the same time, an important issue for ensuring the stability of court activities and reasonable deadlines is the insufficient number of judicial personnel and their inadequate financial support, which leads to staff turnover.

In recent years, legislative and institutional reforms aimed at ensuring the administration of justice within a reasonable time include introducing and developing alternative methods for resolving civil disputes, such as mediation and arbitration, including the provision of mandatory mediation in certain family cases, the legislative fixation of trial deadlines in civil and administrative courts of first instance, as well as in courts of appeal, the restriction of the right to appeal in certain cases by the administrative body, etc. The reforms also include the digitalization of civil and administrative proceedings and the introduction of electronic systems, with the aim of increasing the efficiency of case management. At the same time, however, in

recent years, legislative changes have been made, such as increasing court fees and increasing the tax burden on lawyers, which in practice may affect the possibilities of ensuring the right to judicial protection of individuals.
Thus, although actions aimed at improving the justice sector are being implemented, they are mostly fragmented in nature, not affecting and solving the underlying causes of the court workload (for example, in the case of the administrative court, issues related to the implementation of proper administration by state and local self-government bodies, ensuring effective administrative appeal mechanisms, and ensuring human rights in administrative proceedings), and not including the investment and development of the resources and capacities (including human, financial, technical and infrastructural) necessary to conduct trials within reasonable time.

Conclusion

The experiences of Armenia and Moldova illustrate two distinct but interrelated approaches to judicial reform in contexts marked by low public trust and systemic integrity concerns.
Moldova's vetting process demonstrates that comprehensive and decisive integrity-based reforms can produce tangible results in clarifying standards, removing compromised actors, and restoring a degree of institutional credibility. At the same time, it highlights significant institutional costs of such reforms, particularly in terms of human resource shortages, operational disruptions, and the risk of weakening system functionality if post-reform capacity is not adequately ensured.
Armenia, by contrast, reflects the challenges of partial and non-systemic reform. The absence of comprehensive vetting, combined with the reliance on alternative mechanisms such as integrity assessments and disciplinary

proceedings, has resulted in fragmented outcomes. While certain tools have been introduced, their inconsistent application, limited transparency, and exposure to political influence have raised concerns regarding both effectiveness and credibility.

Taken together, these cases suggest that neither formal legal reforms nor isolated mechanisms are sufficient on their own. Effective judicial reform requires a coherent and systemic approach, combining clear integrity standards, strong institutional safeguards, genuine political commitment, and sustained implementation. Equally important is the need to balance accountability with institutional stability, ensuring that reform efforts do not undermine the functional capacity of the judiciary.

Ultimately, rebuilding public trust in the justice system depends not only on the design of reforms but on their consistent, transparent, and depoliticized application in practice.