

# Council of Europe Action Plan for Armenia 2015-2018



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# **Council of Europe**

## **Action Plan for Armenia 2015-2018**

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## LIST OF ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
CAA	Association of Local Authorities of Armenia
CDDG	European Committee on Democracy and Governance
CEB	Council of Europe Development Bank
CEC	Central Election Commission
CEPEJ	European Commission for the Efficiency of Justice
CETS	Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
COMUS	Community-led Urban Strategies in Historic Towns
Congress	CoE Congress of Local and Regional Authorities
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
EaP	Eastern Partnership
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
ESC	European Social Charter
EU	European Union
EXEC	Department for the Execution of Judgments of the European Court of Human Rights
GIZ	German Agency for International Cooperation
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States against Corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
HELP	European Programme for Human Rights Education for Legal Professionals (the HELP Programme)
IC	Investigative Committee
MoJ	Ministry of Justice
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-governmental organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PCF	European Union/Council of Europe Eastern Partnership Programmatic Co-operation Framework
PACE	Parliamentary Assembly of the CoE
RESC	Revised European Social Charter
SDC	Swiss Agency for Development and Cooperation
SIS	Special Investigation Service
VC	European Commission for Democracy through Law (Venice Commission)
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WB	World Bank

## GENERAL OVERVIEW

Armenia has made considerable progress in advancing democratic reforms since joining the Council of Europe in 2001. This was noted in the report by the Committee of Ministers' Rapporteur Group on Democracy (GR-DEM) following a visit to Armenia in March 2013. Given this progress, a special monitoring procedure, which was put in place in December 2010, ended in May 2013. The monitoring of Armenia's commitments now takes place within the framework of regular Council of Europe work. The reform of legislation, institutions and practice to consolidate democracy, strengthen the rule of law and to strengthen human rights is a long-term process. The Council of Europe is committed to supporting Armenia in broadening and accelerating these reforms.

The present Action Plan for the period of 2015-2018 takes into account Armenia's continuing and newly emerged priorities in its democratic reforms. It also reflects the need for institutional capacity development to link policy, legal frameworks and practice, and to further strengthen partnership between key stakeholders (the government, civil society and international organisations) in order to promote and protect the rule of law, human rights and democratic principles in Armenia.

The Action Plan has been prepared in close consultation with the Armenian authorities and reflects the most recent findings of the Council of Europe's monitoring bodies, resolutions and recommendations with respect to Armenia. Additionally, the Action Plan builds upon the results and achievements of the previous Action Plan 2012-2014. The plan for the period 2015-2018 takes into consideration the findings and recommendations provided by the Council of Europe bodies including the Committee of Ministers, the Parliamentary Assembly, the Commissioner for Human Rights of the Council of Europe, the Venice Commission, the European Committee for the Prevention of Torture (CPT) and the Congress of Local and Regional Authorities. The main beneficiaries of Council of Europe co-operation with Armenia include state institutions, civil society and the general public.

The Armenian authorities and the Council of Europe jointly identified the following key priorities for co-operation:

- improving the application of European human rights standards at the national level,
- strengthening constitutional justice;
- supporting criminal justice reform and the fight against ill-treatment and impunity;
- strengthening the justice system;
- fighting corruption, money-laundering and cybercrime;
- supporting police and penitentiary reform;
- strengthening local democracy;
- promoting gender equality;
- fighting domestic violence and violence against women;
- capacity building in the electoral field; and
- enhancing the capacity of civil society institutions.

Country-specific actions will be complemented with coherent regional interventions.

## IMPLEMENTATION AND REPORTING MODALITIES

The implementation of this Action Plan will be jointly assessed by the Council of Europe and the Armenian authorities. For this purpose, a Steering Committee will be established, composed of representatives of the Council of Europe, the Ministry of Foreign Affairs and other national stakeholders involved in the implementation of the Action Plan. The Steering Committee will meet regularly to assess the implementation of approved projects, address the challenges faced and discuss relevant proposals for future co-operation. Gender equality will be mainstreamed throughout the Council of Europe's projects. In addition, the Council of Europe will promote the active participation of civil society in the development and implementation of the project activities.

The Council of Europe will provide regular updates on the progress and results of the Action Plan. To this end, the Office of the Directorate General of Programmes will submit interim and final reports to the Committee of Ministers.

The Council of Europe Office in Yerevan and operational services in Strasbourg will be responsible for the management and implementation of the Action Plan. In particular, the Council of Europe Office in Yerevan will play an important role in the overall management and co-ordination of project implementation in the field.

Projects in the Action Plan are to be funded from multiple sources, and co-ordinated with the international partners present in Armenia. Funding is to be provided from the Council of Europe's ordinary budget, as well as voluntary contributions from donor countries and international organisations, including the European Union/Council of Europe Eastern Partnership Programmatic Co-operation Framework (PCF) for 2015-2017.

## **PARTNERSHIP AND CO-ORDINATION**

The Council of Europe will co-ordinate its activities both with national and international partners present in Armenia to avoid duplication and enhance synergies. Programmes and projects will be implemented in partnership with the Armenian Government, national institutions, civil society and other key stakeholders. All projects will ensure national ownership and strengthen the capacity of national partners.

The Council of Europe will closely co-operate with bilateral and multilateral donors active in the main priority areas of the Action Plan. Currently, the Council of Europe is co-chairing the Democratic Governance Donor Co-ordination Group that covers all three pillars of the Action Plan: Human Rights, Rule of Law and Democracy.

The European Union will remain a major partner for the implementation of activities in all sectors of the present plan. The CoE/EU Eastern Partnership Programmatic Co-operation Framework (PCF) will be the main instrument for implementation of the joint activities. In Armenia, specifically, through the PCF, the CoE will work on implementation of European human rights standards at national level, penitentiary reform, fight against corruption and reforms in electoral legislation and practice.

The EU co-operates with Armenia in the framework of the European Neighbourhood Policy and its eastern regional dimension, the Eastern Partnership. Of relevance for the present CoE Action Plan for Armenia is the support provided by the EU in justice, management of public finances, modernisation of public administration, education and regional development. Support for public institutions and promotion of EU best practices are important elements of ongoing and future co-operation across all sectors. Civil society initiatives are supported under the Neighbourhood Civil Society Facility.

In the field of protecting and promoting human rights, the CoE will co-ordinate its activities with the OSCE, UNDP and UNICEF. The OSCE supports the Human Rights Defender Office and raises awareness on human rights in Armenia. UNDP supports a review of the human rights record of Armenia through the Universal Periodic Review. It also has projects on torture and ill treatment, gender equality and supports the finalisation of the Action Plan on Human Rights Education. UNICEF is active in the field of children rights.

In the justice sector, the CoE will co-ordinate with the World Bank which not only supports the renovation of court buildings but also provides advice on judicial governance (including information technologies' management systems). Another partner in this sector is GIZ, which provides assistance in the field of administrative justice, penitentiary reforms and criminal justice, civil law and civil procedure law and a functional judiciary. In addition, the German Foundation for International Legal Cooperation focuses on notary law, penitentiary law and the training of judiciary personnel. The CoE will also co-ordinate with the OSCE which supports court monitoring in criminal justice and USAID which assists the Association of Judges of Armenia in matters of judicial independence and supports the Chamber of Advocates.

The CoE will co-ordinate its activities in fighting corruption, money laundering and cybercrime with the UN, World Bank, USAID and EU who actively support the Armenian Government in its efforts to combat those threats to the rule of law.

The CoE actively co-operates with the Swiss Agency for Development and Cooperation (SDC) in the field of local governance reforms. SDC activities focus on supporting local self-governance reform by strengthening abilities of national stakeholders to formulate policies and provide guidance. SDC also assists in improving processes and instruments of local governance. GIZ is another key partner who plays an important role in advising on reforms related to the enlargement of communities and advancement of a regulatory base for local self-governance. In 2014, USAID launched a new programme that aims at promoting more participatory, effective and accountable governance in Armenia. UNDP has contributed in the past to strengthening the capacity of local councils and promoting the role of women in local democracy. The agency currently implements a project related to the use of information technology in enhancing citizens' participation. UNDP also hosts donor co-ordination groups on different topics, including local governance.

## 1. PROTECTING AND PROMOTING HUMAN RIGHTS

### SECTOR OVERVIEW AND PRIORITIES

CoE actions in this sector take into account the Armenian Strategy on Human Rights Protection (2012) and its Action Plan (2014) and support their implementation. The main priorities in this sector, as identified by the Armenian authorities and the CoE, include:

- The application of the European Convention on Human Rights (ECHR) and the Revised European Social Charter (ESC) is improved at national level and the execution of ECtHR judgments is supported;
- The authorities are advised on development and implementation of the new Action Plan on Human Rights for 2016-2018.
- Criminal justice reform and the fight against ill-treatment and impunity is supported, with a particular focus on prosecutors, investigators and judges;
- The protection of human rights in the armed forces is strengthened;
- Gender equality and combatting violence against women and domestic violence is promoted;
- The freedom of expression/media is strengthened;
- The national data protection systems are strengthened;
- The capacity to protect the right to freedom of conscience and religion is strengthened.

The 2015 Brussels Declaration recalls that ensuring the effective implementation of the ECHR and ECtHR case law and the execution of the ECtHR judgments is the primary responsibility of the member states. Since 2012, Armenia has taken a number of initiatives in this regard. A Strategy on Human Rights Protection and an Action Plan were adopted; a specialised department within the MoJ was created to facilitate communication with the ECtHR and the CoE and to improve the execution of the ECtHR judgments, a new Justice Academy was established to improve the quality and efficiency of the training of judges, prosecutors, and investigators and some legislative amendments were adopted, including monetary compensation for non-pecuniary damages suffered as a result of miscarriages of justice and illegal actions of law enforcement bodies. With the support of the CoE, access to the ECtHR case law was improved; training materials on human rights were developed for the Justice Academy, the Chamber of Advocates and the School of Advocates; legal professionals were trained on human rights issues through the Programme for Human Rights Education of Legal Professionals (HELP) and a human rights unit was established in the judiciary.

Some problems remain however and further efforts are needed to ensure the full and effective application of European human rights standards. In 2014, the ECtHR dealt with 60 applications concerning Armenia, of which 56 were declared inadmissible or struck out and 4 judgments were delivered, which found at least one violation of the ECHR. There is also progress in executing the ECtHR judgments. From 2008 to 2015 the Committee of Ministers has closed the examination of thirteen pending cases. However, in the framework of implementing ECHR standards, the execution process would benefit from further improvement. In his 2015 report, the CoE Commissioner for Human Rights highlighted the need to further define the role of the Court of Cassation and its relationships with the other courts, i.e. to ensure that its case law is followed, without imposing any pressure. The Commissioner also underlined the importance to ensure the presumption of innocence, to limit the use of pre-trial detention and to ensure a fine balance between the prosecution and the defence. It is therefore proposed, as a first priority, to focus co-operation with the Armenian authorities on improving the consistency of the application of the ECHR and ECtHR case law through actions with all courts and the Ministry of Justice, and on strengthening the capacity of the lawyers on human rights issues. Special support will be provided to the efforts of the authorities to ensure full execution of ECtHR judgments.

In addition, the reform of the criminal justice system and the fight against ill-treatment and impunity remain key issues. A new definition of torture in compliance with international standards, including the UN Convention against Torture, became a part of the draft Criminal Code amended in June 2015. The adoption of the new Criminal Code and the Code of Criminal Procedure is anticipated in the nearest future. As underlined by the CoE Human Rights Commissioner in his 2015 report, further efforts need to be made to improve the effective investigation of ill-treatment cases. These include the consolidation of the independence and capacities of the Special Investigation Service, the institution in charge of investigations of cases against the state, law enforcement and penitentiary officials (including allegations of ill-treatment) as well as the training of investigators on human rights issues, a responsibility of the Justice Academy as of 2015. This effective investigation of human rights abuses is also needed in the army as acts of non-combat violence, sometimes resulting in death, have continued to occur.

Therefore it is proposed to focus co-operation with the Armenian authorities on supporting criminal justice reform and the fight against ill-treatment and impunity through actions with the Ministry of Justice, in particular for the staff of the Office of the Government Agent, the Special Investigation Service, prosecutors, judges and the Ministry of Defence.

There is also a need for relevant statistical analyses of the occurrence of ill-treatment and an improved public perception of and official response to such incidents. Non-combat deaths in the army, as well as ill-treatment and hazing remain problems. The CoE will assist the Ministry of Defence and its specialised units (Military Police and Military Medical Service) in organising regular training for armed forces personnel on effective prevention and investigation of ill-treatment cases and protection of whistle blowers. In addition a review of and necessary amendment to current military legislation (regulations, codes, by-laws, laws, etc.) will be conducted in order to align it with international standards of human rights.

Armenia ratified the revised European Social Charter in 2004, accepting 67 of its 98 paragraphs. It has not accepted the collective complaints procedure. The European Committee of Social Rights found in its Conclusions 2009–2014 several cases of non-conformity of the national situation with the accepted provisions of the Charter. Furthermore, national reports need to be improved in order to provide information necessary for the assessment of the situation by the Committee.

As identified by the CoE Human Rights Commissioner report (2011), diversity and pluralism of the media environment require further improvement. Shortcomings in the legislative framework on freedom of conscience and religious organisations were mentioned as areas requiring further improvement by the 2009 joint opinion of the Venice Commission and the OSCE/ODIHR Advisory Council on freedom of religion or belief, and by the 2011 report of the European Commission against Racism and Intolerance (ECRI).

There is a need to align work and activities of the government and civil society in the area of gender equality, to combat violence against women and domestic violence with Council of Europe standards and to take advantage of the work and activities developed in the framework of the implementation of the Council of Europe Gender Equality Strategy. The CoE has developed practical tools that would be of use to the authorities in implementing CoE standards in the area of gender equality (a compilation of good practices, a handbook, factsheets with benchmarks, etc.). The CoE will provide support to the authorities to combat trafficking in human beings, including assistance in awareness-raising activities among vulnerable groups.

**Sources of justification:**

The Action Plan for the National Strategy on Human Rights Protection; the case law of the European Court of Human Rights pertaining to Armenia; Conclusions of the European Committee of Social Rights on the conformity of the situation in Armenia with the European Social Charter, Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter, the SG's annual report on the State of Democracy, Human Rights and Rule of Law and its recommendations with a view to social rights, European Commission against Racism and Intolerance (ECRI) Report 2010 and Interim Conclusions 2013; Council of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reports on Armenia (2011, 2013, 2014); the documents on Armenia by the Department for the Execution of Judgments of the European Court of Human Rights (EXEC), Opinions of the Venice Commission on the draft law on freedom of conscience and religion in the Republic of Armenia; Framework Convention for Protection of National Minorities (FCNM) Resolution 2012; Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS 108, hereinafter 'Convention 108'), the additional Protocol to Convention 108 regarding supervisory authorities and cross-border data flows (CETS 181) ratified by Armenia; Report by the CoE Commissioner for Human Rights following his visit to Armenia in 2014 (CommDH(2015)2); Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia, GRETA (2012)8; the Brussels Declaration of 27 March 2015; report by a delegation of the GR-DEM Sub-Group to Armenia following its visit to review the progress made by Armenia in honouring its commitments to the Council of Europe" (GR-DEM(2013)3 26 April 2013).



## OVERALL OBJECTIVE

To bring the legislation and practices in Armenia closer to the Council of Europe standards in the area of human rights promotion and protection, including social rights.

## SPECIFIC OBJECTIVES AND EXPECTED RESULTS

### 1.1 *Effective implementation of European human rights standards at national level*

Armenia has made the ECHR an integral part of its legal system and accepted the jurisdiction of ECtHR. The main objective is to ensure consistent application of European human rights standards in Armenia and enhance the capacity of the national authorities to better apply ECHR and ESC standards at national level; where:

- The authorities are advised on compliance of the new Action Plan on Human Rights for 2016-2018 with European human rights standards and recommendations on effective implementation of the Plan are provided;
- The capacity of the Court of Cassation to implement standards of European human rights, including social rights, is strengthened;
- The dialogue between the High Courts and the Courts of Appeal as well as the courts of first instance is improved to ensure a more consistent application of European human rights standards, including social rights;
- The accessibility and understanding of leading ECHR principles and standards is improved, leading ECHR cases as well as publications are translated into Armenian; the translations are disseminated through the network of operational partners in Armenia;
- The application of European human rights standards, including social rights, by the Armenian judiciary as well as the execution of ECtHR judgments are improved;
- the capacity of the Ministry of Justice and the Government Agent Office is enhanced;
- The capacity of the Justice Academy to teach human rights topics is strengthened;
- The distance-learning capacity of the School of Advocates on European human rights standards, including social rights, is strengthened;
- The practical methods of educational processes in the School of Advocates and Chamber of Advocates are strengthened;
- The continuous legal education of practising advocates of the Chamber of Advocates is strengthened;
- The implementation of the rights guaranteed by the ESC is ensured through a reform of the Armenian legislation and practice;
- Making relevant amendments to the laws and practice for the adoption of the collective complaints system under the ESC is initiated;
- The skills of the staff of the Ministry of Labour and Social Issues in drafting national reports on the implementation of the ESC are improved.

Improving the effective implementation of the ECHR and ECtHR case law at national level is a key priority for all member states, including Armenia; this requires improving the access to ECHR case law and strengthening the capacities of the training institutions for legal professionals and their staff. It is proposed to achieve this objective through the translation of the leading ECHR cases as well as publications into Armenian, including through complementary actions with the judiciary, the Ministry of Justice and the training institutions for legal professionals.

The Court of Cassation, as the highest judicial instance in Armenia, has a central role to play in ensuring a consistent application of the ECHR and ECtHR case law in Armenian courts, which ensures legal certainty and predictability and strengthens the protection of human rights and freedoms. It is therefore proposed to continue to strengthen the capacity of the Court of Cassation on human rights issues, through the establishment and strengthening of a human rights unit in the judiciary, the improvement of access to case law through the Datalex system, the enhancement of the dialogue between judges of the Court of Cassation and first instance/appeal courts through round tables and joint seminars.

The Office of the Government Agent, with its recently established division for the execution of ECtHR judgments, also contributes to the effective implementation of the ECHR and ECtHR case law in Armenia. It deals with the cases lodged with the ECtHR against Armenia, translates judgments on Armenia, drafts action plans to ensure the execution of judgments, and may submit proposals for legislative amendments and recommendations to national stakeholders on implementing ECHR human rights standards as well as CPT recommendations. The strengthening of their capacity is therefore very important. It is proposed to continue this through seminars and workshops on the ECHR and procedural aspects, the development of a dedicated website, translation of important documents and the publication of a handbook on ECtHR judgments concerning Armenia.

The co-operation initiated with the national training institutions for legal professionals – the Justice Academy, the School of Advocates and the Chamber of Advocates – under the auspices of HELP enables the judges, prosecutors, lawyers, investigators, and judicial assistants to have better access to human rights training. Selected training courses and materials on the ECHR and ECtHR case law were already prepared and disseminated, a pool of trainers was established and seminars were organised. This will be continued, with a particular focus on the development and adaptation of HELP distance-learning courses, to increase the training possibilities on human rights. Initial and continuous training of legal professionals is key to ensuring the better application of the ECHR and ECtHR case law at national level (see the 2015 Brussels Declaration).

## **1.2 Supporting criminal justice reform and combatting ill-treatment and impunity**

Further measures to reform the criminal justice system and to prevent and effectively investigate cases of ill-treatment will require improved legislation, an efficiently functioning investigation mechanism and adequate punishment of perpetrators. The main aim will be to support criminal justice reform and to combat ill-treatment and impunity in the police and the armed forces; where:

- The legislation on criminal matters and institutional mechanisms for combatting ill-treatment is improved and implemented in line with European human rights standards;
- The capacity of the Justice Academy to train investigators, prosecutors and judges on specific aspects of criminal proceedings and human rights is strengthened;
- The knowledge and skills of investigators on specific aspects of criminal proceedings and human rights, including effective investigations of alleged ill-treatment cases, are improved;
- The introduction of a system of effective investigation of cases of alleged cases of ill-treatment in the armed forces and the police is supported;
- The legal framework ensuring the protection of human rights in the armed forces and the police is improved;
- The capacity of the armed forces and the police to apply European human rights standards is strengthened;
- Best practices of how community police work is organised in Europe will also be shared with the authorities and recommendations on how to strengthen the capacity of community police will be provided.

The reform of the criminal justice system is ongoing. A new Criminal Code and Code of Criminal Procedure are to be adopted, further bringing the national legislation in compliance with European standards. This is particularly important regarding the issues of torture, ill-treatment and impunity as the definition of torture is aligned with that of the relevant human rights treaties and the framework to ensure effective investigation of ill-treatment cases needs to be improved. It is therefore proposed to work with the Ministry of Justice on this ongoing reform, through the provision of an opinion on the draft texts of legislation and to support the implementation of these new Codes once adopted.

In addition, the capacities and independence of the Special Investigation Service and investigators in general need to be strengthened. In co-operation with the Justice Academy (now in charge of the training of investigators) training courses and materials on human rights issues will be developed and training activities will be organised.

The relevant legislative expertise and strengthening of the capacities on human rights issues and, in particular, the effective investigation of cases of ill-treatment through training will also take place with the Ministry of Defence, the armed forces and the police, in line with the National Human Rights Action Plan. Support to the establishment of an independent complaints mechanism within the armed forces will also be provided.

### **1.3 Gender equality, combatting violence against women and domestic violence, fight against discrimination**

To promote gender equality and to combat both violence against women and domestic violence; to support processes to combat trafficking in human beings; where:

- The justice chain is gender-responsive and addresses the needs of the most disadvantaged women including those from rural areas, minority groups and persons with disabilities;
- The legal and policy framework to safeguard women's equal access to justice is strengthened;
- The ongoing drafting and adoption of a comprehensive anti-discrimination law is supported;
- Professionals involved at the different stages of the justice chain (representatives of the law enforcement bodies, investigators, prosecutors, judges, lawyers, law enforcement) improve their knowledge and skills on gender equality, women's rights and non-discrimination;
- The measures to monitor and assess equality between women and men are implemented and mechanisms for improvement are introduced;
- Gender equality advocates from civil society have better access to knowledge and resources for the legal empowerment of women;
- Authorities are assisted in the development of targeted awareness-raising and educational measures for groups vulnerable to trafficking in human beings (THB), in particular for groups at risk;
- Awareness-raising about the CoE Convention on preventing and combatting violence against women and domestic violence (CETS No.: 210) among national stakeholders is conducted thus enabling them to take better informed decisions related to the potential signature and ratification of the Convention;
- The police enhances mechanisms to address problems such as human trafficking, violence against women and domestic violence.

Interventions should be made in the fields of promoting gender equality and combatting domestic violence, as a follow-up to the October 2014 visit of the Commissioner for Human Rights to Armenia. Surveys on equal rights and equal opportunities of women and men, as well as on the current situation of combatting domestic violence and implemented targeted programmes should be carried out; the package of proposals on priority directions in the sphere in coming years should be developed. Raising the awareness of the general public about issues related to gender equality and women's rights, development of stronger working relations between NGOs and authorities to promote gender equality and women's rights will be the focus of the co-operation between the CoE and Armenia. Training for investigators, prosecutors, judges and judicial servants as well as advocates should be conducted on European and international standards of combatting trafficking, domestic violence and zero tolerance for discrimination.

As a follow-up to the report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia (GRETA (2012)8) and subsequent comments provided by the authorities of Armenia, it is suggested to support the police and Ministry of Justice in their efforts to develop targeted awareness-raising and educational measures for groups vulnerable to trafficking, in particular women, children and young people living in child-care institutions.

The CoE will also assist the police in developing mechanisms to adequately address problems such as human trafficking, violence against women and domestic violence.

### **1.4 Strengthening freedom of expression/media**

To increase the compliance of national legislation, media regulations and practices with European standards; where:

- The visibility, relevance and effectiveness of existing self-regulatory bodies in Armenia are improved;
- The establishment and promotion of co-operation between media freedom NGOs and government agencies is supported;
- Parliamentarians' familiarity with the standards and existing practices in Council of Europe member states increases to ensure the independence of public service broadcasting, as a result of specific recommendations/guidelines provided to parliamentarians on issues related to the financing and programming of Public Service Broadcasting;
- Compliance of national legislation and media regulations with European standards increases, notably in the following areas: public service broadcasting, independence of media regulators, access to public information, concentration and transparency of media ownership, freedom of expression, including on the internet;
- Compliance of national legislation and regulations with European standards is increased and provides a better framework for the protection of journalists;

- Training of journalists on their rights and professional ethics is improved;
- The improvement of the training of journalists in higher educational institutions is supported.

Sustaining the positive changes which have resulted from the co-operation between the Council of Europe and Armenia to promote the freedom of the media will require proper implementation of the media-related legal framework, maintaining high standards of journalism training, as well as facilitating co-operation between state authorities and civil society. In its 2013 resolution, the Parliamentary Assembly recalled the crucial importance of freedom of expression before and during elections. The PACE called on Armenia to take steps to remedy shortcomings identified in recent election observation reports. The Action Plan will increase the compliance of national legislation and media regulations with European standards in the following areas: public service broadcasting, independence of media regulators, access to public information and the concentration and transparency of media ownership.

### **1.5 Data protection**

To develop and strengthen national data protection systems; where:

- Enhanced coverage of data protection legislation, regulations and policy in line with international and European data protection standards;
- Enhanced oversight of the supervisory authority to secure the highest level of protection for individuals;
- Capacity-building for legal and other professionals (including judges, prosecutors, lawyers and investigators) to apply data protection legislation.

The CoE supported the establishment of an Armenian Electronic Notary System (AENIS) launched in 2015. In March 2015, the National Assembly of Armenia adopted proposed amendments to the law on the Protection of Personal Data. The CoE will continue to assist the Armenian authorities, specifically the newly established Personal Data Protection entity, in the effective implementation of the data protection legislation to secure the highest level of protection of individuals. Training legal professionals in various aspects of data protection legislation and practice is a priority.

## **2. ENSURING JUSTICE**

### **SECTOR OVERVIEW AND PRIORITIES**

The Action Plan takes into account the 2012-2016 State Strategic Programme for Legal and Judicial Reform and possible up-coming constitutional reform in Armenia. The Council of Europe will work with the Armenian authorities on the follow-up Strategic Programme for Legal and Judicial Reform and, once adopted, the CoE will support its implementation. Co-operation between the CoE and the Armenian authorities will focus on the following aspects:

- Provisions of the Constitution and its direct applications is aligned with CoE standards and best practices of member states;
- The CoE supports the implementation of recently revised legislation (the Civil Code, Civil Procedure Code, Code of Administrative Offences, the Law on Bankruptcy, the Code of Judicial Conduct);
- By-laws for rules and procedures to support the implementation of the adopted legislation are developed;
- The mediation mechanisms and the arbitration system in Armenia are enhanced;
- The reform of the accountability of judges, including measures to prevent and fight corruption in the judiciary, in line with the standards and recommendations of the Council of Europe are supported;
- The establishment of a probation service is supported;
- The legislative framework and practices within the penitentiary system specifically those related to healthcare, early release, life sentencing, development of the new Penitentiary and Criminal Procedure Codes are enhanced;
- The police reform process is supported.

A major reform of the justice system was initiated in Armenia with the adoption of the 2012-2016 Strategy on Legal and Judicial Reform, signed by the President on 2 July 2012. The reform initiative aims to safeguard an independent and accountable judiciary, and to improve the effectiveness of criminal justice, the criminal sentencing systems, administrative justice, administrative proceedings, civil justice, and the performance of procedural functions. The Strategic Programme also provides timelines for the revision of a number of legal acts and defines the authorities that will implement the proposed amendments.

In March and April 2014, the Commission on Constitutional Reforms, established under the President of Armenia, announced the proposed Concept for Constitutional Amendments. The draft amendments to six Chapters of the Constitution were made public in July 2015 and on 31 July the Venice Commission published its preliminary opinion on the draft (CDL-PI(2015)015). A referendum on the proposed constitutional amendments is to be conducted in late 2015/early 2016. The Concept Paper and the draft amendments were open for public discussions. The Venice Commission provided its Opinion (CDL-AD(2014)027) on the Concept Paper on the Constitutional Reform and its preliminary opinion on the draft amendments.

In this respect, the Action Plan will support the process of constitutional reform to ensure that constitutional amendments are in line with European standards, notably in the justice area. If needed, a review will be proposed of national legislation in the field of the judiciary, after the enactment of the constitutional amendments.

Strengthening the independence of the judiciary is a key element in the ongoing reform in the justice sector in Armenia.

In March 2014, the Venice Commission adopted a joint opinion with the Directorate of Human Rights (DGI) on the draft law amending and supplementing the Judicial Code of Armenia, to establish an evaluation system for judges and improve the judicial accountability system. There have been some positive developments relating to the qualification exams for judge candidates, following the amendments to the Judicial Code making the interviews and written tests more transparent.

The current procedures for the appointment, promotion and sanctioning of judges, as well as the financing of the judiciary, need to be further revised to exclude any external influence on the appointment and removal of judges or on disciplinary actions against them.

The CoE works actively with the newly established Ethics and Disciplinary Commission and Judicial Appraisal Commission making available best practices of other member states of the CoE, organising meetings with peer institutions and providing expertise on the Rules of Judicial Conduct of Armenia and the by-laws of the Ethics and Disciplinary Commission of the General Assembly of Judges.

The issue of the strengthening and balancing of power and rights of the judicial self-governing bodies (the functioning of the Council of Courts' Chairmen and the General Assembly of Judges and distribution of tasks between them) is another priority.

The effectiveness of the judicial self-governing bodies affects the internal independence of judges. This point was raised by the Working Group on Independent Judicial System in the 2013 report of the Project on Enhancing Judicial Reform in the Eastern Partnership Countries.

With the establishment of the Judicial Academy in 2014, Armenia institutionalised initial training programmes for the judiciary. The initial and in-service training curricula of judges do not contain target courses on monitoring performance of courts (analysing statistics, judicial indicators, monitoring length of proceedings, conducting court user surveys). Strengthening the skills of the serving and candidate judges to tackle this issue will overall contribute to improving national court performance against the benchmarks and indicators set by the CEPEJ.

The CoE assisted in revision of a number of legal acts, in particular: the Civil Code, Civil Procedure Code, Code of Administrative Offences, Law on Bankruptcy, the Code of Judicial Conduct, and by-laws of the Ethics and Disciplinary Commission. Implementation and monitoring of the adopted legislation and developing of by-laws for rules and procedures to support the implementation of the adopted legislation are priorities of this Action Plan.

Alternative dispute resolution (ADR) is another priority area for CoE intervention. Working groups of international and national experts studied the legal framework and their practical application and identified the main practical issues and challenges existing in the ADR system in Armenia. Amendments to the Law on Commercial Arbitration enlarging the scope and forms of arbitration were adopted in June 2015.

Amendments and additions to the Civil Procedure Code (and a number of other legal acts) of Armenia on the institutionalisation of court-annexed mediation were adopted in May 2015. The law is a good basis for the institutionalisation of mediation in Armenia. The CoE expert team provided recommendations which have been included in the draft. The amendments to the Law on Commercial Arbitration were drafted by the working group on arbitration and submitted to the Ministry of Justice with the CoE recommendations.

The Ministry of Justice currently needs support to identify gaps in the legislation (Penitentiary Code, Law on Treatment of Arrestees and Detainees, secondary legislation, internal regulations etc.). The need to revise the legislation, *inter alia*, is explained by the fact that the new Criminal Procedure Code has been developed and submitted to the Parliament, the development of the new Criminal Code has started and the legislative package on probation has been prepared and is pending adoption by the Government prior to its submission to Parliament.

Following discussions with national authorities, the following priority areas for the reform of the penitentiary system were identified: supporting the Armenian authorities in establishing a probation service and improving prison health services; revision of the legislation to ensure greater professional independence for prison healthcare staff; improvement in the material conditions in prisons' healthcare units in accordance with European standards; as well as building the capacities of prison staff concerning the provision of healthcare and medical ethics and human rights are among top priorities.

In order to move effectively from punitive to rehabilitative execution of criminal sanctions, overcrowding of prisons must be addressed.<sup>1</sup> One recommended way to reduce overcrowding is more effective and focused application of community sanctions and measures. Armenia shows a recent shift from a highly punitive justice system to a rehabilitative justice framework. The aim of these reforms is to tackle high rates of incarceration, high levels of recidivism resulting in overcrowded prisons.<sup>2</sup> Problems existing in prisons that were indicated in CPT reports are partially caused by legislative gaps (see CPT/Inf (2012) 23 and CPT/Inf (2011) 24).

#### **Sources of justification:**

Case law of European Court of Human Rights pertaining to Armenia; Opinion of the Venice Commission (No. 757 / 2014) on the Concept Paper on the Constitutional Reforms of the Republic of Armenia; the Report of the Commissioner of Human Rights of the Council of Europe (CommDH(2015)2, March 2015); Council of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reports on Armenia (2011, 2013, 2014); the documents on Armenia by the Department for the Execution of Judgments of the European Court of Human Rights (EXEC); the European Commission for the Efficiency of Justice (CEPEJ) Evaluation Exercise on Armenia (2014); report by a delegation of the GR-DEM Sub-Group to Armenia following their visit to review the progress made by Armenia in honouring its commitments to the Council of Europe" (GR-DEM(2013)3 26 April 2013.

#### **OVERALL OBJECTIVE**

To work towards the full functioning of the judicial system in Armenia in line with relevant European standards.

#### **SPECIFIC OBJECTIVES AND EXPECTED RESULTS**

##### **2.1 Constitutional reform**

To bring the provisions of the draft constitutional amendments in line with CoE standards and recommendations; where:

- Compliance of the draft constitutional provisions concerning the composition, role and mandate of self-governing bodies with CoE standards and CoE recommendations;
- Improved capacity of the Constitutional Court to render justice

<sup>1</sup>. The CoE 19th Conference of Directors of Prison Administration underlined once again that the deprivation of liberty, prison, should be a last resort measure; that imprisonment should be limited to cases where the seriousness of the crime they committed, or are suspected to have committed, merits deprivation of liberty.

<sup>2</sup>. In terms of the number of inmates per 100 000 inhabitants (160 for Armenia in 2013), the country is close to the European average of 149.9 (source: Space I 2012). This statistic is based on an estimated national population of 2.98 million in Armenia in May 2013 from UN figures and data provided by MoJ on 24/05/2013; source: International Prison Studies.

The constitutional reform in Armenia aims to bring the country closer to the full realisation of the values of the Council of Europe. The reform will build on the constitutional reform that was adopted in 2005, correcting some of the deficiencies which have appeared in its implementation. As stated in Venice Commission opinion no. 757/2014 on the draft concept paper on the constitutional reforms: “comprehensive constitutional reform can be carried out only on the basis of broad consensus within society”. The Action Plan will support the reform process specifically in the areas related to fundamental rights and freedoms for the implementation of the constitutional principle of the social state, the separation and balancing of powers, the electoral system, the judiciary and legal reforms of local self-government. In close co-operation with the Specialised Commission of Constitutional Reforms under the President of the Republic of Armenia, the CoE will assist the authorities in reviewing legislation for its conformity with human rights standards.

## **2.2 Judicial reform**

To ensure judicial independence, the effectiveness of legal proceedings and access to justice in accordance with the CoE standards, to follow developments which might impact progress on judicial reform and to support Armenia in the long term to implement this reform. To improve national legislation in order to contribute to the harmonisation of the justice system in Armenia with CoE standards; where:

- A transparent and accountable system of self-governance bodies based on the principle of equality of judges, reducing the role of court Chairmen in the activities of self-governance bodies;
- Implementation of the recently revised legislation on the Civil Code, Civil Procedure Code, Code of Administrative Offences, the Law on Bankruptcy, the Code of Judicial Conduct in line with best practices of CoE member states;
- Drafting of by-laws on rules and procedures to support the implementation of the adopted legislation;
- Distance learning tools and online courses for the Justice Academy will be introduced;
- Support for the enhancing and effective functioning of mediation mechanisms and arbitration system in Armenia will be provided;
- The capacity of alternative dispute resolution bodies is strengthened.

The adoption of the Criminal Procedure Code will further contribute to the liberalisation of the justice system in Armenia thanks to modifications in the definitions of various offences as well as changes to the penalties to be imposed, which will increasingly make use of alternative sentencing. Amendments to the Law on Advocacy were proposed and are contributing to the improvement of the legal aid system in the country.

## **2.3 Penitentiary reform**

To improve the health care system in prisons and assist in the revision of penitentiary legislation; where:

- The legal and institutional framework of provision of healthcare in prisons is brought in line with European standards; provision of health care in prisons (with a special focus on life sentence prisoners and other vulnerable groups, such as women and juveniles) is improved and brought in line with European standards; the material conditions of healthcare services in prisons are improved; medical and non-medical staff in prisons are trained on European standards in healthcare in prisons, human rights and medical ethics.

The Council of Europe's Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) carried out ad hoc visits to Armenia in April 2013 and in May 2014. Among the problems previously reported are degrading treatment in custody and poor conditions of detention. In this regard and following discussions with national authorities the following future priority areas of co-operation have been identified in the field of the penitentiary reform:

- Prison health: greater professional independence for prison health staff is envisaged, to improve the material conditions in prisons' health units, as well as to strengthen capacities of prison staff on the provision of healthcare, medical ethics and human rights. These priorities will be covered by the EaP PCF country-specific project, “Penitentiary reform – Strengthening the health care and human rights protection in prisons in Armenia”;
- Revision of penitentiary legislation and advancing legislative reforms (Penitentiary Code, Law on Treatment of Arrestees and Detainees, secondary legislation, internal regulations etc.): the EaP PCF regional programme on “Promoting penitentiary reforms” will provide assistance to the Armenian authorities in this respect.

## **2.4 Probation**

To assist in setting up a probation service in line with Council of Europe recommendations; where:

- Probation service methods are introduced through providing international expertise to drafting the legislative package and technical support in introducing a probation service in two pilot regions of Armenia, using the Council of Europe standards and best European practices;
- Capacity building of relevant professional groups on probation legislation and practices is organised.

The setting-up of a probation service in accordance with Council of Europe recommendations will be an important step towards the implementation of non-custodial sentences and measures, including pre-trial detention, in the country. In the framework of the project on “Support to the Establishment of Probation Service in Armenia”, technical support is being provided for the piloting of probation services, including a trial electronic monitoring system; the training of probation service staff and other related professionals in two pilot locations in Armenia; and the revision and provision of expertise on draft probation legislation. A detailed assessment of the current situation in the field of non-custodial sanctions, early release and probation in Armenia, as well as recommendations on the needs for amendments and reform were provided to the authorities. Based on these results the CoE will continue to assist the authorities and public sector in legislative, institutional and operational reforms in line with the European Probation Rules and other recommendations of the Council of Europe in this area.

## **3. COMBATTING THREATS TO THE RULE OF LAW**

### **SECTOR OVERVIEW AND PRIORITIES**

The priorities in this sector include:

- fighting corruption (including in the sphere of higher education) and money-laundering, enhancing the institutional capacity of the Ethics Commission; and
- fighting cybercrime.

The Republic of Armenia joined the Open Government Partnership (OGP) initiative in September 2011. The fight for integrity and against corruption represents an important element of this initiative. The Government of Armenia is developing a new anti-corruption strategy and a workplan for the period 2015-2018. The main purpose of the strategy is the fight against corruption in the public administration system. The strategy will address the issues of an effective, transparent and accountable public administration system. An initial agreement is made on the risk assessment for four targeted areas; education, health, state revenue recruitment and police. Based on the risk assessment results and recommendations, the draft strategy and the work plan will be reviewed. Currently, the possibility of including the social and justice sectors in the strategy is being discussed. One of the key priorities of the strategy is the education sector.

Armenia signed the Ministerial Declaration on the development of the Pan-European Platform on Ethics and Integrity in Education at the 24th session of the Council of Europe Standing Conference of Ministers of Education on ‘Governance and Quality Education’ (Helsinki, April 2013). Armenia is also implementing the CM Recommendation on Ensuring Quality Education (CM/Rec(2012)13). The Government of Armenia Development Strategy for 2014-2015 also contains a section on anti-corruption policy focusing on education, state revenues, police and healthcare. The Ministry of Education and Science of Armenia developed an Action Plan on anti-corruption measures for 2013-2014. Its implementation and the development of the new 2014-2016 Action Plan represent an important element of government efforts to strengthen integrity in the education sector. Higher education is an important priority on the agenda of Armenia, which chaired the Bologna Secretariat (European Higher Education Area) between 2012 and 2015. It is increasingly clear that structural reforms in the higher education system in line with the European Higher Education Area are impossible to implement without working towards full institutional autonomy and academic freedom for higher education institutions.

Armenia is a party to the Budapest Convention on Cybercrime. It has established a 24/7 point of contact for urgent international co-operation. Police and judicial authorities in Armenia typically request traffic and subscriber data via 24/7 points of contact, police-to-police co-operation, mutual legal assistance or directly from multinational service providers. Content is rarely requested given the complexity of the procedures. For example, Armenia sent some 50 requests in 2013 but received very few requests from abroad. Problems identified include:



- Complex and time-consuming procedure for mutual legal assistance;
- Absence of mechanisms for expedited mutual legal assistance in the sense of Article 31 of the Budapest Convention;
- Limited role of 24/7 points of contact;
- Delays in reply and often no reply from foreign countries to requests for police and judicial co-operation;
- Limited co-operation with multinational service providers.

#### **Sources of justification:**

MONEYVAL Second Progress Report on anti-money laundering measures and the financing of terrorism (2012); MONEYVAL report (2009); Council of Europe's Group of States against Corruption (GRECO) Third Evaluation Round Compliance Report on Armenia (2014); CM Recommendation on Ensuring Quality Education (CM/Rec(2012)13).

#### **OVERALL OBJECTIVE**

To better prevent and suppress corruption, money laundering and cybercrime by strengthening institutional capacities and practice, as well as improving the legal framework.

#### **SPECIFIC OBJECTIVES AND EXPECTED RESULTS**

To enhance fighting against corruption and money laundering at national level.

#### **3.1 *Fighting corruption and money laundering***

The CoE will co-operate with the Council on the Fight against Corruption chaired by the Prime Minister (established by decision of the Government on 19 February 2015). The Council is a consultative body supporting the activities of the Government and the public agencies aimed at preventing and fighting corruption. The CoE will aim to achieve the following results:

- Legislative and institutional frameworks for ensuring integrity and combatting corruption, specifically in higher education, in Armenia are further developed and effectively implemented;
- The effectiveness of 24/7 points of contact will be enhanced;
- Amendments to rules and procedures on mutual legal assistance will be drafted for adoption.

Despite government efforts, the effective implementation of legislation on anti-money laundering remains a challenge. Armenia has volunteered to be the first country to be fully evaluated in MONEYVAL's 5th round of assessments of the effectiveness of implementation of the Financial Action Task Force (FATF) recommendations and actions in the areas of Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT). A study visit to Armenia is planned for 2015. GRECO concluded in 2014 that Armenia has satisfactorily implemented or dealt in a satisfactory manner with all recommendations contained in the Third Round Evaluation Report. Several of the measures taken amount to the adoption of new legislation. Therefore the effectiveness of practical implementation of the legislation should be assessed.

In April 2015, GRECO carried out an evaluation visit to Armenia in the context of its 4th Evaluation Round in order to scrutinise the legislative and institutional framework for preventing corruption of members of parliament, judges and prosecutors. The adoption by GRECO of the corresponding Evaluation Report is scheduled for October 2015.

Higher education is an important priority on the agenda of Armenia, which chaired the Bologna Secretariat for the period 2012-2015. Education is one of the four priority sectors identified by the Armenian Government in its policy to fight corruption. The CoE will help to develop legislative and institutional frameworks to ensure integrity and combat corruption in higher education.

In addition, strengthening the capacity of the specialised police units to fight corruption and money-laundering will be the focus of the Action Plan.

Armenia will benefit from regional co-operation with the EaP countries which aims to strengthen anti-corruption preventive measures within the public sector/administration, to reinforce the capacity of national institutions to provide policy advice and to co-ordinate and to monitor anti-corruption and good governance-related reforms, including in the ethics sector.

### 3.2 *Fighting cybercrime*

To assist national authorities in building their capacities to fight cybercrime:

- Authorities responsible for mutual legal assistance (including 24/7 National Contact Point) have their capacities enhanced with regard to cybercrime and electronic evidence;
- Specialised police units' capacity to fight cybercrime is increased.

Armenia will benefit from the regional programme on strengthening criminal justice action on cybercrime and enabling efficient regional and international co-operation on cybercrime and electronic evidence.

## 4. PROMOTING DEMOCRATIC GOVERNANCE

### SECTOR OVERVIEW AND PRIORITIES

The priorities in this sector include:

- Co-operation on electoral matters;
- Strengthening local democracy by supporting territorial administrative reform and promoting democratic standards and culture at local level;
- Capacity-building of local authorities, strengthening leadership of elected local representatives; reinforcing dialogue and consultation practices;
- Enhancing capacity-building of civil society institutions and ensuring their participation in decision-making processes;
- Spreading a culture of democracy among young local leaders in the country.

The organisation of elections in Armenia<sup>3</sup> showed improvements in the functioning of the country's democratic institutions. Reports prepared by international organisations in respect of these elections stress a number of slow, but positive, developments, including the adoption in May 2011 of a new Electoral Code. The implementation of the Electoral Code in conformity with international standards is crucial. The process of constitutional reform and its impact on electoral legislation will have to be taken into consideration. OSCE/ODIHR and PACE call upon the authorities to urgently address specific issues, such as the lack of public trust in the electoral process; cases of multiple voting, heavy bureaucracy for appeal procedures, a lack of impartiality of public authorities and misuse of administrative resources, etc. In order to address these shortcomings, not only the role of electoral commissions (in particular the CEC) but also the roles of domestic observers and of civil society as a whole are of the utmost importance. The CoE could provide assistance to improve the system of voters' registration, to increase women's participation in the electoral process, to improve the professionalism of media coverage of elections, to involve further NGOs and young voters in election observation and to increase transparency and public trust in electoral processes. The Congress of Local and Regional Authorities of Europe (the Congress) is ready to observe the partial local elections in 2016, pending the official invitation by the Armenian authorities.

Since 2002, important legislative and institutional reforms in the field of local self-government have taken place in Armenia. As a result, legislation and practice are consistent overall with European standards. The situation however, as it stands today, equally allows considerable room for improvement. The most important challenge for the upcoming years will be to initiate and finalise a large-scale territorial administrative reform. Currently many existing municipalities are very small, their capacity to perform their tasks and provide basic public services is limited and their financial and human resources are overstretched. The need for consolidation and strengthening of the local authorities is stressed by the Congress in its Recommendation 351 (2014) on local democracy in Armenia, adopted on 27 March 2014 (see below).

De-centralisation and the creation of a strong local government system remains a priority for the Armenian authorities. The government programme adopted on 19 May 2014, based on Government Decree 511, includes provisions which aim to improve the local government system, particularly through:

- Increasing the scope and quality of service delivery;
- Conducting pilot community consolidation projects;
- Reviewing legislation in the field of local self-governance;
- Increasing transparency of the activities of local government bodies;
- Improving further the role of councillors;

<sup>3</sup> Including the parliamentary elections on 6 May 2012, presidential elections on 18 February 2013, first direct elections of the mayor of Yerevan in 2009, local by-elections on 9 and 23 September 2012 and local elections to city councils on 5 May 2013.

- Initiating a process of ratification of the provisions of the European Charter of Local Self-Government (the Charter) which were excluded at the moment of ratifying the Charter.

The Armenian authorities continue also to pursue efforts for promoting citizen participation in decision-making at local level and in particular, encouraging women's participation in local public life. In May 2013, Armenia ratified the Additional Protocol to the Charter on the right to participate in the affairs of a local authority and new legislation was adopted immediately after with the aim of strengthening citizens' participation in local government

The Council of Europe has traditionally played and continues to play a key role in supporting the Government of Armenia in improving the local government system. The CoE Action Plan for Armenia for 2012–2014 was a key instrument that supported the country in continued efforts to meet its statutory and specific obligations as a member state. The current Action Plan represents a valuable opportunity to work on the development of local democracy in Armenia and on the implementation of the Congress Recommendation 351 (2014). The Recommendation welcomes the efforts made to implement the provisions of the Charter but refers to various remaining points of concern. The Armenian authorities are urged to review the legislation for implementing the principle of subsidiarity, to foster inter-municipal co-operation, to increase the capacity of community councils, and to define and ensure the exercise of full and exclusive powers for local authorities. Moreover, they are asked to consider setting up a formal consultation mechanism and limit the administrative supervision of local authorities. Lastly, the Congress recommends increasing local authorities' own financial resources, improving the efficiency of the tax mechanism in municipalities and revising the financial equalisation mechanism, so that the calculation criteria takes better account of the actual economic situation experienced by local authorities. The Armenian authorities have officially expressed their intent to co-operate with the Congress on a post-monitoring dialogue to develop a roadmap that would facilitate the implementation of the Congress' recommendations.

A much-needed territorial reform should address issues such as the size of local government units, competences and financial resources, human resources and service-delivery capacity of local authorities. A new legal framework alone would not be sufficient to achieve these aims. Strengthening the capacities of local authorities, however reformed, would require a serious investment from central government, in co-operation with local authorities themselves and their associations.

Currently the Armenian Government has plans for 14 pilot projects of community merging, ready to be implemented. In 2015 already three such pilot projects are intended to be implemented in Dilijan, Tumanyan and Tatev community clusters.

#### **Sources of justification:**

European Charter of Local Self-Government and its Additional Protocol on the right to participate in the affairs of a local authority; Congress Recommendation 351 (2014) on the state of local democracy in Armenia and its explanatory memorandum; Congress Recommendation 338 (2013) on local by-elections in Armenia; PACE Presidential Election observation report (2013); PACE Parliamentary Election observation report (2012); report by a delegation of the GR-DEM Sub-Group to Armenia following its visit to review the progress made by Armenia in honouring its commitments to the Council of Europe" (GR-DEM(2013)3) 26 April 2013).

#### **OVERALL OBJECTIVE**

To move Armenia's constitutional and electoral reforms towards full conformity with European standards, and support local democratic processes and local government reform in Armenia.

#### **SPECIFIC OBJECTIVES AND EXPECTED RESULTS**

##### **4.1 *Free and fair elections***

To bring the national electoral system in Armenia into full conformity with European standards; where:

- Armenia's constitutional and electoral reforms are moved towards full conformity with European standards;
- Electoral legislation and processes, both nationally and locally, are strengthened;
- Capacities of the Central Electoral Commission and other key stakeholders involved in the electoral process are enhanced.

The findings and recommendations of election monitoring reports, Venice Commission opinions and local elections observation reports by the Congress of Local and Regional Authorities will be taken into account in the implementation of the election assistance activities in Armenia. Further efforts are needed to harmonise the legal and administrative framework of elections with European standards. The Action Plan will contribute to the further development of national stakeholders' capacities – Central Election Commission, domestic observers groups and civil society – and is required to address shortcomings such as lack of public trust in the electoral process, heavy bureaucracy for appeals procedures and lack of impartiality by public authorities. The Action Plan will assist in amending legislation on elections and/or political parties in line with international standards. It will also aim to ensure better functioning of the electoral administration, in particular through the development of instructions of a general character and in the settlement of disputes.

Armenia will benefit from being part of the EaP regional network which will share best practice on issues such as electoral legislation, institutional and operational capacity of election administration, capacity-building of electoral training centres, gender equality in politics, domestic observation of elections and election dispute resolution.

#### **4.2 Local Democracy**

To enhance capacities of local authorities and strengthen their leadership skills; where:

- The capacity of local authorities, including human resource management, public ethics benchmarking and best practice sharing, is enhanced;
- The leadership capacities of local elected representatives are strengthened;
- The dialogue among local elected representatives and with the central government on de-centralisation and local government issues is intensified;
- Participation of civil society in the decision-making process at local level is enhanced;
- A culture of democracy is developed among young community leaders (particularly women), and awareness of local democracy principles is raised;
- The organisational capacities of the CAA are enhanced, and the CAA becomes an active stakeholder of the governance system in Armenia;
- Local authorities in selected municipalities are able to implement the revitalisation of their historic heritage thus contributing to the social and economic sustainable development of their municipalities.

The programme on local democracy, during the period 2015-2018, will continue to focus on promoting legislative reforms in the field of local democracy in accordance with established European norms and standards, enhancing the capacities of local self-government bodies in Armenia based on principles of good governance at local level as well as on the promotion of citizen participation policies.

The CoE will continue to provide legal assistance to the local government reform, to build the capacity and service delivery of local self-government bodies and strengthen the leadership skills of local elected representatives. In 2015 the CoE will reinforce assistance to legal reforms in the field of local self-government by maintaining a certain level of flexibility to adapt to political situations and legislative calendars, as well as by continuing to make extensive use of several co-operation and assistance mechanisms which proved highly efficient in 2014 such as peer-to-peer experience exchanges (peer reviews), expert meetings, the European Committee on Democracy and Governance (CDDG) rapid response mechanism, provision of expert opinions and study visits. Pilot community mergers, the organisation of local referenda in pilot municipalities in addition to other legislative changes that will be necessary for the successful implementation of the reform will be treated as priority areas, insofar as CoE assistance and expertise will be required to conduct these processes in conformity with European norms and taking into consideration the experience and best practices of similar reforms in other CoE member states.

The second round of the Best Practice Programme will be launched in the second half of 2015. Human Resource Management and Public Ethics Benchmarking will be expanded to several municipalities. A summer school during which community leaders, community members and civil society activists will gather and take joint actions is also intended to be organised.

The CoE has organised workshops for mayors and municipal councillors from different regions of Armenia. A situation analysis has been conducted on Human Resource Management (HRM) in Armenia's local government units and several practical HRM tools have been developed and will be tested in 2015.

Through post-monitoring dialogue, the Congress will assist the Armenian authorities in the development of a roadmap for the implementation of Recommendation 351 (2013). Moreover, a delegation composed by several Congress members from different European countries will observe local by-elections<sup>4</sup> to be held in 2016. The report and recommendations, which will be adopted by the Congress during the following plenary session, will focus on observations made on the Election Day. According to Congress' rules, the electoral environment, the political situation, the legal framework, pre-electoral campaign, the situation of the media and other elements will be also taken into account.

Thematic regional seminars and national roundtables will provide a wider forum to disseminate best practice, discuss the principles of citizens' involvement and influence decision-making. A framework of dialogue will be promoted between local authorities and central authorities – Parliament and Government – which aims to be sustainable, inclusive and institutional and to regularly discuss legislative initiatives and reforms, as well as matters of concern for local and regional authorities, as provided by the European Charter of Local Self-Government.

It is expected that the Congress will continue its leadership programme for mayors, extending it to municipal councillors and local leaders from civil society, with a special focus on young people and women. A number of activities will specifically focus on young community leaders, particularly women, to raise their awareness about principles of local democracy, to develop a culture of civic engagement and transparency, and to build partnerships between elected representatives and civil society. This should also result in an increased capacity and eagerness to engage in civil society initiatives, and to stand for local elections.

The CoE, through the Congress, will also lend its support to the Communities' Association of Armenia to enhance the latter's capacity to become an active stakeholder in the governance system of Armenia in addition to supporting continued efforts to encourage co-operation and synergy with the Association of Municipal Councils of Armenia and Communities Finance Officers Association. Initiatives on citizens' participation will be supported by the CoE through small grants mechanisms.

Armenia will also benefit from the regional EaP PCF programme, "Strengthening institutional frameworks for local governance", which will include two projects on inter-municipal co-operation and local finance benchmarking and will be implemented in co-operation with other participating countries in 2015-2017.

The Community-led Urban Strategies in Historic Towns (COMUS) CoE/EU joint programme will look at the most appropriate ways and means of reinvesting in historic towns. One or two pilot towns in Armenia (from a maximum of twelve in the whole region) closely connected with their surrounding environments, will test targeted interventions on their historic heritage, where local stakeholders face difficulties in improving living conditions, creating social cohesion or economic activities, and where the preservation of the natural and cultural heritage also raises issues at national level.

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<sup>4</sup>. Pending the official invitation by the Armenian authorities.

## APPENDIX I. SYNOPSIS OF THE COUNCIL OF EUROPE ACTION PLAN FOR ARMENIA 2015 – 2018

**Overall objectives** The Council of Europe supports Armenia in fulfilling its obligations as a member state of the Organisation, in consolidating the country's achievements since its accession in 2001, and in meeting new challenges as a Council of Europe member state. The Organisation remains committed to supporting Armenia's domestic reform in the key areas of expertise of the Council of Europe: human rights, rule of law and democracy.

<b>Key sectors of intervention</b>			
<i>PROTECTING AND PROMOTING HUMAN RIGHTS</i>	<i>ENSURING JUSTICE</i>	<i>COMBATTING THREATS TO THE RULE OF LAW</i>	<i>PROMOTING DEMOCRATIC GOVERNANCE</i>
<b>Sector Objectives</b>			
To bring the legislation and practices in Armenia in the area of human rights promotion and protection, including social rights, closer to the Council of Europe standards.	To work towards full functioning of the judicial system in line with relevant European standards.	To better prevent and suppress corruption, money laundering and cybercrime by strengthening institutional capacities and practice, as well as improving the legal framework.	To move Armenia's constitutional and electoral reforms towards full conformity with European standards, and support local democratic processes and local government reform in Armenia.
<b>Expected Results of Sector</b>			
<ul style="list-style-type: none"> <li>– Improved application of the European Convention on Human Rights (ECHR) and the Revised European Social Charter (ESC) at national level;</li> <li>– Execution of ECtHR judgments is supported;</li> <li>– Supported criminal justice reform to combat ill-treatment and impunity, with a particular focus on prosecutors, investigators, judges, the police and the armed forces;</li> <li>– Gender equality and combatting violence against women and domestic violence is promoted;</li> <li>– Strengthened freedom of expression/media;</li> <li>– Strengthened national data protection systems;</li> <li>– Strengthened capacity to protect the right to freedom of conscience and religion;</li> <li>– Targeted awareness-raising and</li> </ul>	<ul style="list-style-type: none"> <li>– Strengthened constitutional justice;</li> <li>– Support provided to increase effectiveness and efficiency of the justice system;</li> <li>– Strengthened independence, professionalism and accountability of the justice system;</li> <li>– Support provided to establishing a probation service;</li> <li>– Assistance provided to a legislative reform;</li> <li>– Support provided to the police reform process.</li> </ul>	<ul style="list-style-type: none"> <li>– Increased capacity of the authorities to fight corruption and money-laundering);</li> <li>– Enhanced institutional capacity of the Ethics Commission;</li> <li>– Increased capacity of national authorities to fight cybercrime.</li> </ul>	<ul style="list-style-type: none"> <li>– Armenia's constitutional reforms are in full conformity with European standards;</li> <li>– Electoral legislation and processes, both nationally and locally, are strengthened;</li> <li>– Capacities of the Central Electoral Commission and other key stakeholders involved in the electoral process are enhanced;</li> <li>– Support provided to the territorial administrative reform;</li> <li>– Democratic standards and culture at local level are enhanced;</li> <li>– Leadership of elected local representatives (mayors and counsellors) is strengthened;</li> <li>– Participation of the civil society in the decision-making processes at the local level is enhanced;</li> <li>– Dialogue among local elected</li> </ul>

<i>PROTECTING AND PROMOTING HUMAN RIGHTS</i>	<i>ENSURING JUSTICE</i>	<i>COMBATTING THREATS TO THE RULE OF LAW</i>	<i>PROMOTING DEMOCRATIC GOVERNANCE</i>
<p>educational measures for groups vulnerable to trafficking in human beings are developed;</p> <ul style="list-style-type: none"> <li>– New National Human Rights Action Plan is in line with European standards and recommendations on effective implementation of the Plan are provided.</li> </ul>			<p>representatives and with the central government on decentralisation and local government issues is strengthened;</p> <ul style="list-style-type: none"> <li>– Local authorities are able to contribute to the social and economic sustainable development of their municipalities.</li> </ul>
<b>Outcome indicators</b>			
<ul style="list-style-type: none"> <li>– Increased proportion of amendments to the national legislation, notably on criminal matters, including setting up the institutional mechanisms for combating ill-treatment, is adopted;</li> <li>– Increased proportion of investigators trained on human rights and effective investigations of ill-treatment cases, who then apply the achieved knowledge and skills;</li> <li>– Multi-agency co-operation is established to organise pragmatic solutions to combat violence against women and domestic violence;</li> <li>– Adequate police training programme to effectively respond and investigate cases of violence against women and domestic violence is developed;</li> <li>– The data protection legislation, regulations and policy are in line with international and European data protection standards;</li> <li>– Legislation and practices related to the right to freedom of conscience and religion are enhanced in line with European standards;</li> <li>– Awareness among groups vulnerable to trafficking in human beings is increased thus alleviating the factors that make people vulnerable to trafficking.</li> </ul>	<ul style="list-style-type: none"> <li>– Organic legislation with regard to the different aspects of independence, professionalism and efficiency of the justice system complies with European standards and CoE recommendations is in place;</li> <li>– The legislative framework is strengthened and national policies are improved towards a modern, rehabilitative approach and/or individualisation of the execution of the sentences in line with European standards;</li> <li>– Probation service methods are introduced and extended to provide support to higher number of offenders in their reintegration into the society;</li> <li>– A viable network of professionals supporting justice reform initiatives, committed to advancing judicial reform is established;</li> <li>– Sufficient length and high quality of training for police officers, including on-the job training, is ensured;</li> <li>– The number of complaints of human rights violations by police is decreased.</li> </ul>	<ul style="list-style-type: none"> <li>– Reformed policy and regulatory framework on anti-corruption and anti-money laundering measures is in line with relevant GRECO and MONEYVAL recommendations and based on international good practice standards;</li> <li>– Relevant authorities has enhanced its skills and tools for effective investigation of cybercrime and processing of electronic evidence.</li> </ul>	<ul style="list-style-type: none"> <li>– Shortcomings in the electoral legislation and practice, as well as in legislation concerning political parties, are addressed;</li> <li>– Institutional and operational capacity of election administration to organise electoral process is in line with the CoE standards;</li> <li>– Legal, policy and regulatory framework on local government is enhanced based on European best practice standards;</li> <li>– Proportion of the Council of Europe Congress recommendations that are implemented is increased, particularly on decentralisation of competences, financial autonomy of local self-governance and citizens' participation.</li> </ul>

<i>PROTECTING AND PROMOTING HUMAN RIGHTS</i>	<i>ENSURING JUSTICE</i>	<i>COMBATTING THREATS TO THE RULE OF LAW</i>	<i>PROMOTING DEMOCRATIC GOVERNANCE</i>
<b>Impact on final beneficiaries</b>			
<ul style="list-style-type: none"> <li>– Human rights of citizens in Armenia are better protected by national authorities thanks to effective institutional mechanisms and better use of European human rights standards by investigators and legal professionals.</li> <li>– The number of cases of human rights violations decreases, while violations are duly investigated.</li> </ul>	<ul style="list-style-type: none"> <li>– The level of trust by the public in the independence and autonomy of the justice system and of the judges is increased;</li> <li>– Court efficiency is improved; users of the courts will experience acceleration in the delivery of justice;</li> <li>– Prisoners’ rights are better respected through a more humane and efficient management of penal institutions;</li> <li>– Relapse and recidivism of former prisoners are reduced;</li> <li>– Positive public perceptions of the police and its role in the community is increased.</li> </ul>	<ul style="list-style-type: none"> <li>– Anti-corruption and anti-money laundering legislation and frameworks have produced effective measures which contribute to the deterrence and prevention of corruption and money laundering;</li> <li>– Increased effectiveness of cybercrime investigation.</li> </ul>	<ul style="list-style-type: none"> <li>– Stable democracy is ensured through the organisation of elections in conformity with international standards, improvement of electoral and political party legislation, and proper implementation;</li> <li>– Local public resources are used in more transparent and effective manner;</li> <li>– Citizens received better quality and more accessible services adapted to their expectations;</li> <li>– Increased capacities of local government to function in a democratic, autonomous manner and to exercise public authority efficiently will lead to improvement of investment climate and local economic growth.</li> </ul>
<b>Detailed priorities</b>			
<p><b><i>Effective implementation of European human rights standards at national level</i></b></p> <ul style="list-style-type: none"> <li>– The capacity of the Court of Cassation to implement European human rights standards, including social rights, is strengthened;</li> <li>– The dialogue between the High Courts and the Courts of Appeal is improved to ensure a more consistent application of European human rights standards, including social rights;</li> <li>– The accessibility and understanding of leading ECHR principles and standards is improved, leading ECHR cases as well as publications are translated into Armenian; the translations are disseminated through the network of operational partners in Armenia;</li> </ul>	<p><b><i>Constitutional reform</i></b></p> <ul style="list-style-type: none"> <li>– Compliance of the draft constitutional provisions concerning the composition, role and mandate of self-governing bodies with CoE standards and CoE recommendations;</li> <li>– Improved capacity of the Constitutional Court to render justice.</li> </ul> <p><b><i>Judicial reform</i></b></p> <ul style="list-style-type: none"> <li>– A transparent and accountable system of self-governance bodies based on the principle of equality of judges, reducing the role of court Chairmen in the activities of self-governance</li> </ul>	<p><b><i>Fighting corruption and money laundering</i></b></p> <ul style="list-style-type: none"> <li>– Legislative and institutional frameworks for ensuring integrity and combatting corruption, specifically in higher education, are further developed and effectively implemented.</li> </ul> <p><b><i>Fighting cybercrime</i></b></p> <ul style="list-style-type: none"> <li>– Authorities responsible for mutual legal assistance have their capacities enhanced with regard to cybercrime and electronic evidence;</li> <li>– The effectiveness of 24/7 points of contact to find cybercrime will be enhanced;</li> </ul>	<p><b><i>Free and fair elections</i></b></p> <ul style="list-style-type: none"> <li>– Armenia’s constitutional and electoral reforms are moved towards full conformity with European standards;</li> <li>– Electoral legislation and processes both nationally and locally will be strengthened;</li> <li>– The capacities of the central Electoral Commission and consequently, of the regional electoral commissions, are enhanced.</li> </ul> <p><b><i>Local Democracy</i></b></p> <ul style="list-style-type: none"> <li>– The capacity of local authorities, including Human Resource Management, Public Ethics Benchmarking and Best Practice sharing will be increased;</li> </ul>



<b>PROTECTING AND PROMOTING HUMAN RIGHTS</b>	<b>ENSURING JUSTICE</b>	<b>COMBATTING THREATS TO THE RULE OF LAW</b>	<b>PROMOTING DEMOCRATIC GOVERNANCE</b>
<ul style="list-style-type: none"> <li>– The application of European human rights standards, including social rights, by the Armenian judiciary is improved; the capacity of the Ministry of Justice, and in particular Government Agent office is enhanced;</li> <li>– The capacity of the Justice Academy to teach human rights topics is strengthened;</li> <li>– The distance-learning capacity of the School of Advocates on European human rights standards, including social rights, is strengthened;</li> <li>– The practical methods of educational processes in the School of Advocates and Chamber of Advocates are strengthened;</li> <li>– The continuous legal education of practising advocates of the Chamber of Advocates is strengthened;</li> <li>– The implementation of the rights guaranteed by the ESC is ensured through a reform of the Armenian legislation and practice;</li> <li>– Making relevant amendments to the laws and practice for the acceptance of additional provisions and of the collective complaints system under the ESC is initiated;</li> <li>– The skills of the staff of the Ministry of Labour and Social Issues in drafting national reports on the implementation of the ESC are improved.</li> </ul>	<ul style="list-style-type: none"> <li>bodies;</li> <li>– Implementation of the recently revised legislation on the Civil Code, Civil Procedure Code, Code of Administrative Offences, the Law on Bankruptcy, the Code of Judicial Conduct in line with best practices of CoE member states ;</li> <li>– Drafting of by-laws on rules and procedures to support the implementation of the adopted legislation ;</li> <li>– Distance learning tools and online courses for the Justice Academy will be introduced;</li> <li>– Support for the enhancing and effective functioning of mediation mechanisms and arbitration system in Armenia will be provided;</li> <li>– Capacities of alternative dispute resolution bodies are strengthened.</li> </ul> <p><b>Penitentiary reform</b></p> <ul style="list-style-type: none"> <li>– Probation service methods are introduced;</li> <li>– The legal and institutional framework of provision of healthcare in prisons is brought in line with European standards.</li> </ul> <p><b>Probation</b></p> <ul style="list-style-type: none"> <li>– Probation service methods are introduced by providing international expertise to drafting the legislative package and technical support in introducing a probation service in two pilot regions of Armenia, using the Council of Europe standards and</li> </ul>	<ul style="list-style-type: none"> <li>– Draft amendments to rules and procedures on mutual legal assistance will be available for adoption;</li> <li>– Specialised police units' capacity to fight cybercrime is increased.</li> </ul>	<ul style="list-style-type: none"> <li>– Local elected representatives will have an increased knowledge of best practices and of European standards of local self-governance, and will lead change in their communities having a better understanding of their roles and responsibilities;</li> <li>– Local government reforms are undertaken in a sustainable consultation with local authorities;</li> <li>– Citizens and elected representatives will share the principles of local democracy and transparency: the engagement participation of citizens in community life and in local politics will be enhanced;</li> <li>– A post-monitoring programme is agreed between the Congress and Armenian central authorities with the aim to develop a roadmap for the implementation of the recommendations;</li> <li>– Local by-elections of 2016 will be observed (pending the official invitation by the Armenian authorities). A report and recommendations will be prepared by the Congress Rapporteur and the delegation;</li> <li>– The Communities' Association of Armenia will become an active stakeholder in the governance system through optimisation of its resources and capabilities;</li> <li>– Local authorities in selected municipalities are able to implement the revitalisation of their historic heritage.</li> </ul>

<b>PROTECTING AND PROMOTING HUMAN RIGHTS</b>	<b>ENSURING JUSTICE</b>	<b>COMBATTING THREATS TO THE RULE OF LAW</b>	<b>PROMOTING DEMOCRATIC GOVERNANCE</b>
	<p>best European practices;</p> <ul style="list-style-type: none"> <li>– Capacity building of relevant professional groups on probation legislation and practices is organised.</li> </ul>		
<p><b>Supporting the criminal justice reform and combatting ill-treatment and impunity</b></p> <ul style="list-style-type: none"> <li>– The legislation on criminal matters and institutional mechanisms for combatting ill-treatment is improved and implemented in line with European human rights standards;</li> <li>– The capacity of the Justice Academy to train investigators, prosecutors and judges on specific aspects of criminal proceedings and human rights is strengthened;</li> <li>– The knowledge and skills of investigators on specific aspects of criminal proceedings and human rights, including effective investigations of alleged ill-treatment cases, are improved;</li> <li>– The introduction of a system of effective investigation of cases of alleged cases of ill-treatment in the armed forces and the Special Investigation Service and the Investigative Committee is supported;</li> <li>– The legal framework ensuring the protection of human rights in the armed forces and the police is improved;</li> <li>– The capacity of the armed forces and the police to apply European human rights standards is strengthened;</li> <li>– Best practices of how community police work is organised in Europe will also be shared with the authorities.</li> </ul>			

<i>PROTECTING AND PROMOTING HUMAN RIGHTS</i>	<i>ENSURING JUSTICE</i>	<i>COMBATTING THREATS TO THE RULE OF LAW</i>	<i>PROMOTING DEMOCRATIC GOVERNANCE</i>
<p><b><i>Gender equality, combatting violence against women and domestic violence</i></b></p> <ul style="list-style-type: none"> <li>– The justice chain is gender-responsive and addresses the needs of the most disadvantaged women including those from rural areas, minority groups and persons with disabilities;</li> <li>– The legal and policy framework to safeguard women’s equal access to justice is strengthened;</li> <li>– The ongoing drafting and adoption of a comprehensive anti-discrimination law is supported;</li> <li>– Professionals involved at the different stages of the justice chain (representatives of the law enforcement bodies, investigators, prosecutors, judges, lawyers, law enforcement) improve their knowledge and skills on gender equality, women’s rights and non-discrimination;</li> <li>– The measures to monitor and assess equality between women and men are implemented and mechanisms for improvement are introduced;</li> <li>– Gender equality advocates from civil society have better access to knowledge and resources for the legal empowerment of women;</li> <li>– Authorities are assisted in the development of targeted awareness-raising and educational measures for groups vulnerable to trafficking in human beings ( THB), in particular for groups at risk;</li> <li>– Awareness-raising about the CoE Convention on preventing and combatting violence against women and domestic violence (CETS No.: 210) among national stakeholders is conducted thus enabling them to take better informed decisions related to the potential signature and</li> </ul>			

<i><b>PROTECTING AND PROMOTING HUMAN RIGHTS</b></i>	<i><b>ENSURING JUSTICE</b></i>	<i><b>COMBATTING THREATS TO THE RULE OF LAW</b></i>	<i><b>PROMOTING DEMOCRATIC GOVERNANCE</b></i>
<p>ratification of the Convention;</p> <ul style="list-style-type: none"> <li>– The police enhances mechanisms to address problems such as human trafficking, violence against women and domestic violence.</li> </ul>			
<p><b><i>Strengthening freedom of expression/media</i></b></p> <ul style="list-style-type: none"> <li>– Further improve the visibility, relevance and effectiveness of existing self-regulatory bodies in Armenia;</li> <li>– Contribute to establishment and promotion of co-operation between media freedom NGOs and government agencies;</li> <li>– Enhanced understanding among parliamentarians of the standards and existing practices in Council of Europe member states to ensure the independence of public service broadcasting, as a result of specific recommendations/guidelines provided to parliamentarians on issues related to the financing and programming of Public Service Broadcasting;</li> <li>– Compliance of national legislation and media regulations with European standards is increased, notably in the following areas: public service broadcasting, independence of media regulators, access to public information, concentration and transparency of media ownership, freedom of expression, including on the internet;</li> <li>– Compliance of national legislation and regulations with European standards is increased to provide better framework for the protection of journalists;</li> <li>– Improve training of journalists on their rights and professional ethics;</li> </ul>			

<i><b>PROTECTING AND PROMOTING HUMAN RIGHTS</b></i>	<i><b>ENSURING JUSTICE</b></i>	<i><b>COMBATTING THREATS TO THE RULE OF LAW</b></i>	<i><b>PROMOTING DEMOCRATIC GOVERNANCE</b></i>
<ul style="list-style-type: none"> <li>– Assist the improvement of the training of journalists in higher educational institutions.</li> </ul>			
<p><b><i>Data protection</i></b> To develop and strengthen national data protection systems</p> <ul style="list-style-type: none"> <li>– Enhanced coverage of data protection legislation, regulations and policy in line with international and European data protection standards;</li> <li>– Enhanced oversight of the supervisory authority to secure the highest level of protection for individuals;</li> <li>– Capacity-building of legal professionals (judges, prosecutors, lawyers) to apply data protection legislation.</li> </ul>			

## APPENDIX II. FINANCIAL TABLE

TOTAL ACTION PLAN BUDGET: € 16 447 533<sup>5</sup>

SECTORAL AREAS	FUNDS SECURED*				ADDITIONAL FUNDS REQUIRED	SECTORAL TOTALS
	ORDINARY BUDGET**	EU/COE JOINT PROGRAMMES	VOLUNTARY CONTRIBUTIONS	TOTAL		
1. Protecting and promoting human rights	€ 50 000	€ 450 000	€ 0	€ 500 000	€ 6 150 000	€ 6 650 000
2.Ensuring justice	€ 218 692	€ 2 350 519	€ 554 700	€ 3 123 911	€ 1 500 000	€ 4 623 911
3.Combatting threats to the rule of law	€ 40 000	€ 360 000	€ 0	€ 400 000	€ 0	€ 400 000
4.Promoting democratic governance	€ 39 500	€ 355 500	€ 2 378 622	€ 2 773 622	€ 2 000 000	€ 4 773 622
<b>TOTAL</b>	<b>€ 348 192</b>	<b>€ 3 516 019</b>	<b>€ 2 933 322***</b>	<b>€ 6 797 533</b>	<b>€ 9 650 000</b>	<b>€ 16 447 533</b>

Note:

\* Excluding funding secured for the regional projects

\*\* Includes CoE contribution to the joint EU/CoE projects

\*\*\*Voluntary contributions from Denmark, Norway, Switzerland, Human Rights Trust Fund

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<sup>5</sup> Excluding regional projects

### APPENDIX III. PROVISIONAL LIST OF PROJECTS

(to be complemented in the course of the implementation of the Action Plan, within the budget allocation per sector)

Project title	Duration	Status	Funding status	Main Partners
<b>1. Protecting and promoting human rights</b>				
Strengthening the application of the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR) at national level	36 months	Proposed	<i>Funding required</i>	Ministry of Justice, Court of Cassation, Justice Academy
Translation of the leading ECHR case law and publications into Armenian	36 months	Proposed	<i>Funding required</i>	Office of the Government Agent before the ECHR Association of Judges Bar Association
Supporting the development and the implementation of the new Action Plan on Human Rights for 2016-2018	36 months	Proposed	<i>Funding required</i>	Ministry of Justice and other relevant bodies
Supporting the criminal justice reform and combatting ill-treatment and impunity	24 months	Ongoing	Funding secured	Ministry of Justice and Justice Academy
Improving women's access to justice in five Eastern Partnership countries	24 months	Ongoing	Funding secured	Relevant ministries and agencies of the Government of Armenia, legal professionals, civil society
Improve the freedom, independence, pluralism and diversity of media	36 months	Ongoing	Funding secured	Relevant ministries and agencies of the Government of Armenia, National Assembly
Information society and internet governance	18 months	Ongoing	Funding secured	Relevant ministries and agencies of the Government of Armenia, National Assembly
Support to Police reform and Combatting ill-treatment and impunity in the police	36 months	Proposed	<i>Funding required</i>	Police
Harmonising the application of human rights, including social rights, standards by the Armenian judiciary	24 months	Proposed	<i>Funding required</i>	Court of Cassation, Constitutional Court, Courts of Appeal, First Instance Courts, Justice Academy

Project title	Duration	Status	Funding status	Main Partners
Strengthening the respect of social rights in Armenia in line with the provisions of the European Social Charter	24 months	Proposed	<i>Funding required</i>	Ministry of Labour and Social Issues and other relevant ministries, National Assembly, Labour inspectorate, Human Rights related NGOs, social partners
Strengthening the capacity of the lawyers on European human rights standards, including social rights	24 months	Proposed	<i>Funding required</i>	School of Advocates and Chamber of Advocates
Strengthening the application of European human rights standards in the armed forces	36 months	Proposed	<i>Funding required</i>	Ministry of National Defence
Improving the training of journalists in higher educational institutions	24 months	Proposed	<i>Funding required</i>	Relevant ministries and agencies of the Government of Armenia, civil society and media organisations
Gender equality, fighting discrimination, and combatting violence against women and domestic violence	36 months	Proposed	<i>Funding required</i>	Relevant ministries and agencies of the Government of Armenia, National Assembly, NGOs
<b>2. Ensuring justice</b>				
Strengthening health care and human rights protection in prisons in Armenia	24 months	Ongoing	Funding secured	Ministry of Justice, Office of Prosecutor General, Ombudsman, NGOs
Supporting the establishment of a probation service in Armenia <sup>6</sup>	24 months	Ongoing	Funding secured (Funding will be required for a follow-up programme)	Ministry of Justice, Office of Prosecutor General, Judges, NGOs
Strengthening the independence, professionalism and accountability of the Justice System in Armenia <sup>7</sup>	24 months	Ongoing	Funding secured (Funding will be required for a follow-up programme)	Ministry of Justice
Penitentiary reform	36 months	Proposed	<i>Funding required</i>	Ministry of Justice, Office of Prosecutor General, Judges, the Police, NGOs

<sup>6</sup> A follow up activities are envisaged following completion of the present project. Their scope and budget to be defined.

<sup>7</sup> Ibid.



Project title	Duration	Status	Funding status	Main Partners
<b>3. Combatting threats to the rule of law</b>				
Strengthening Integrity and Combatting Corruption in Higher Education in Armenia	24 months	Ongoing	Funding secured	Ministry of Education and Science, NGOs
Fight against corruption and fostering good governance; fight against money-laundering	36 months	Ongoing	Funding secured	Relevant ministries and agencies of the Government of Armenia
Criminal justice action on cybercrime	36 months	Ongoing	Funding secured	Relevant ministries and agencies of the Government of Armenia
Enhance the right to data protection	36 months	Ongoing	Funding secured	Relevant ministries and agencies of the Government of Armenia
<b>4. Promoting democratic governance</b>				
Support to consolidating local democracy <sup>8</sup>	36 months	Ongoing	Funding secured (Funding will be required for a follow up programme)	Ministry of Territorial Administration, Ministry of Finance, National Assembly, Communities Association, individual local authorities
Institutional Support to the Communities Association of Armenia	30 months	Ongoing	Funding secured	Communities Association
Assistance to the election related stakeholders of Armenia	36 months	Ongoing	Funding secured	Central Election Commission, Justice Academy
Reforming electoral legislation and practice, and Developing regional co-operation in electoral matters	36 months	Ongoing	Funding secured	Ministry of Justice, Central Election Commission, National Assembly, local elected representatives
Community-led Urban Strategies in Historic Towns (COMUS)	30 months	Ongoing	Funding secured	Ministry of Culture
Assistance to constitutional and election reforms, capacity building of the election related stakeholders of Armenia	36 months	Proposed	<i>Funding required</i>	Central Election Commission, regional electoral commissions

<sup>8</sup> A follow up activities are envisaged following completion of the present project. Their scope and budget to be defined.

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