

Council of Europe Action Plan for Armenia 2015-2018

Progress Review Report

1 October 2015 – 31 May 2017

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EXECUTIVE SUMMARY

The Action Plan for Armenia 2015-2018 was adopted by the Committee of Ministers of the Council of Europe at its 1235th meeting on 15-16 September 2015, and was launched on 21 May 2016 in Yerevan by the Minister of Foreign Affairs of the Republic of Armenia, Edward Nalbandian, and the Deputy Secretary General of the Council of Europe, Gabriella Battaini-Dragoni. A Steering Committee Meeting of the Action Plan took place in Yerevan on 23 May 2017.

This Progress Review Report covers the period from 1 October 2015 to 31 May 2017, and presents an overview of co-operation, main achievements and outstanding issues to date in each of the priority areas. Under the Action Plan, Armenia has benefitted from country-specific and regional actions under all four agreed strategic priority areas: protecting and promoting human rights, ensuring justice, combatting threats to the rule of law, and promoting democratic governance.

The overall progress of the Action Plan in supporting the current reforms in Armenia was good. Mid-term results with a considerable future impact can be noted.

The Constitutional amendments developed with the support of the Venice Commission were adopted by referendum on 6 December 2015. In addition, the Electoral Code adopted in May 2016 and amended in June 2016 and October 2016 took into consideration a significant number of recommendations of the two joint opinions of the Venice Commission and the OSCE/ODIHR. The Code was applied during the parliamentary elections in Armenia on 2 April 2017.

The new Law on Political Parties and the Law on Human Rights Defender of December 2016 are mainly in line with the recommendations of the Venice Commission.

The adoption of the Law on Probation in May 2016, the establishment of the State Probation Service, the introduction of mediation as an alternative to courts, and the subsequent establishment of the Mediators Association in December 2016 are also notable outcomes of the Action Plan.

The revised Law on Financial Equalisation, adopted in October 2016, and the Laws on Local Self-Government and on Local Duties and Fees, adopted in December 2016, incorporate the recommendations of the Council of Europe. The Congress of Local and Regional Authorities played a major role in enhancing the capacities of the Communities Association of Armenia (CAA).

¹ This document has been classified restricted until examination by the Committee of Ministers.
Website: www.coe.int/cm

Several intermediate outcomes have been achieved in the fields of justice, penitentiary reform, fight against cybercrime, combatting corruption in the education system. Elections' support provided by the Council of Europe contributed to increase women's participation in elections, and to enhance the transparency of the electoral process. Since September 2016, the Council of Europe engaged with and achieved some progress in fighting domestic violence and violence against women, paving the way towards future ratification of the Istanbul Convention.

The total funding secured for the Action Plan amounted to € 10 722 820 including ordinary budget (65% of the overall budget of €16 447 533). Contributions are (in order of volume): the European Union, Denmark, United Kingdom, Switzerland, Norway, Sweden, the Human Rights Trust Fund and France.

Further funding of the Action Plan would allow continuing work in priority areas to ensure the sustainability of the achieved results, consolidate intermediary results, and offer assistance in additional fields. In the field of justice, a package of laws to be reviewed in line with the constitutional reforms is pending. The new mechanisms and institutions set up in 2016, such as mediation, arbitration, and probation service need further consolidation. The implementation of the newly adopted local government legislation requires further capacity-building, and territorial administrative reforms need legislative completion. Subject to the necessary funding being available, the Council of Europe will be able to support human rights capacity-building of the police, and facilitate further compliance of Armenia with the revised European Social Charter.

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LIST OF ACRONYMS AND ABBREVIATIONS

Action Plan	Council of Europe Action Plan for Armenia 2015-2018
CAA	Communities Association of Armenia
CBM	Confidence building measures
CEB	Council of Europe Development Bank
CEC	Central Electoral Commission
CEPEJ	European Commission for the Efficiency of Justice
CETS	Council of Europe Treaties Series
CM	Committee of Ministers of the Council of Europe
Congress	Council of Europe 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
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
HRC	Council of Europe Commissioner for Human Rights
HRTF	Human Rights Trust Fund
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-governmental organisation
OB	Ordinary budget
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PGG ²	Joint Council of Europe-European Union Partnership for Good Governance
SDC	Swiss Agency for Development and Cooperation
SIDA	The Swedish International Development Cooperation Agency
UN	United Nations
UNFPA	United Nations Population Fund
UNDP	United Nations Development Programme
Venice Commission	European Commission for Democracy through Law
VC	Voluntary contribution

² Former Programmatic Cooperation Framework (PCF).

1. INTRODUCTION

1.1 GENERAL OVERVIEW

The Committee of Ministers (CM) adopted the Action Plan at its 1235th meeting on 15-16 September 2015. On 21 May 2016, the Minister of Foreign Affairs of the Republic of Armenia, Edward Nalbandian, and the Deputy Secretary General of the Council of Europe, Gabriella Battaini-Dragoni, launched the Council of Europe Action Plan for Armenia 2015-2018 in Yerevan.

The Council of Europe Action Plan for Armenia 2015-2018 Information Day organised by the Armenian authorities on 16 January 2017 at the Council of Europe in Strasbourg was aimed to inform Council of Europe member states and international partners about on-going reforms in Armenia, the Council of Europe support to those reforms and to mobilise additional resources for the Action Plan.

On 23 May 2017, the first Action Plan Steering Committee meeting took place in Yerevan to assess the progress of Action Plan implementation, introduce any necessary adjustments to the planned activities and agree on the course of action. The Deputy Foreign Minister of the Republic of Armenia and the Director of the Office of the Directorate General of Programmes, co-chaired the meeting. High-level representatives of the Armenian authorities and representatives of the Council of Europe participated in the discussions.

The Action Plan Steering Committee took note of the main achievements in the implementation of the Action Plan, in particular the support to the development and revision of a number of legal acts namely the Electoral Code, the Laws on Political Parties, on the Human Rights Defender, on Probation, on Financial Equalisation, on Local Self-Government and Local Duties, the establishment of the Probation Service, as well as the introduction of court annexed mediation, and development of arbitration.

The Armenian authorities informed about on-going and prospective positive developments for 2017, namely:

- Possible signature of the Istanbul Convention;
- Draft law on anti-discrimination is being discussed amongst relevant state agencies;
- Draft Criminal Code will be submitted for discussion and adoption by the Parliament during its autumn session;
- Draft Criminal Procedure Code is pending adoption by the Parliament;
- Draft Penitentiary Code is currently under discussion at the Government level and will be submitted to the Parliament before the end of the year.

The Steering Committee participants emphasised the importance of the further implementation of the Action Plan in priority areas to ensure the sustainability of the achieved results and support to future actions in the fields of:

- justice, in the aftermath of the amended Constitution ;
- penitentiary ;
- local democracy.

It was underlined that further funding would allow for the continuation of the work relating to the promotion of human rights, including social rights, police reform and support to the effective implementation of the law on the probation service. The authorities stressed that the offence of illicit enrichment has been recently introduced in the Criminal Code, and that the draft law on whistleblowers as well as the establishment of the anti-corruption institutional preventive body have been approved by the Government and will be shortly submitted to the Parliament.

The Armenian authorities reiterated their commitment to continue close co-operation with the Council of Europe in the implementation of the Action Plan and supporting fundraising efforts.

This report highlights the results of the implementation of the Action Plan for Armenia 2015-2018, and covers the period from 1 October 2015 to 31 May 2017.

The Action Plan was prepared in close consultation with the Armenian authorities and aims to contribute to the overall stability and democracy in Armenia. It assists the country in fulfilling its obligations as a Council of Europe member state by bringing legislation, institutions and practice further in line with Council of Europe standards in the areas of human rights, the rule of law and democracy. It is largely built on relevant findings of the Council of Europe monitoring mechanisms and expert advisory bodies. It takes also into consideration the judgments of the European Court of Human Rights, as well as relevant resolutions and recommendations adopted with respect to Armenia by 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), recommendations by the Congress of Local and Regional Authorities. Additionally, the Action Plan builds upon the results and achievements of the previous Action Plan for 2012-2014.

The main beneficiaries of Council of Europe co-operation with Armenia include state institutions, local authorities and civil society and general public.

The Action Plan aims to bring the legal and institutional frameworks, as well as practice further in line with Council of Europe standards in the areas of human rights, rule of law and democracy. The Action Plan includes the following sectors for co-operation:

- Protecting and promoting human rights;
- Ensuring justice;
- Combatting threats to the rule of law;
- Promoting democratic governance.

The Action Plan also aims to support the efforts of the EU towards Armenia³. The European Union-Council of Europe joint programme “Partnership for Good Governance” (PGG) supports Armenia in promoting democracy, raise the level of governance, and ensure human rights protection and the rule of law.

1.2 OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard-setting, monitoring and co-operation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Council of Europe actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.

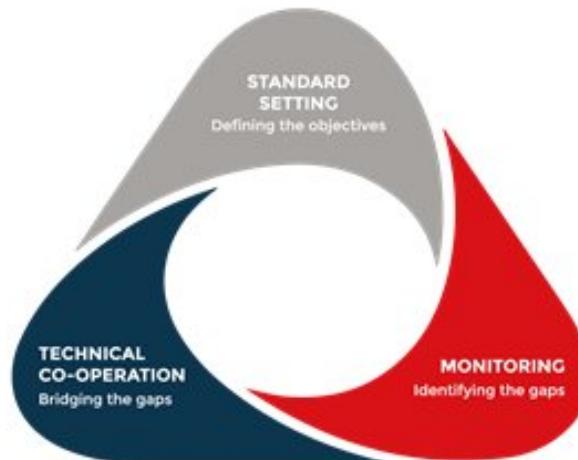


Figure 1: Council of Europe strategic triangle

³ The negotiation between the EU and Armenia on a new agreement to replace the EU-Armenia Partnership and Co-operation Agreement were launched in December 2015.

This report has been prepared using project reports, including from Joint Council of Europe-European Union Partnership for Good Governance (PGG) and evaluation reports, where available.

Building on the good basis set out by the previous Action Plan 2012-2014, Armenia participated under the current Action Plan in both bilateral and regional projects. In the implementation of this Action Plan, the Council of Europe co-operated with the Armenian authorities and other international partners through regular Steering Committees and bilateral and multilateral donor coordination meetings aiming to ensure the highest relevance of its actions.

The mid-term overall progress of the Action Plan was good in all four strategic directions with which the Council of Europe engaged with: protecting and promoting human rights, ensuring justice, combatting threats to the rule of law and promoting democratic governance.

A Constitutional referendum was held in Armenia on 6 December 2015, by which the amended Constitution was adopted and transformed the country into a parliamentary republic. The constitutional reform was supported by the Venice Commission which provided six opinions on different editions of the concept paper and the draft texts during the constitutional reform process.

Furthermore, the Council of Europe contributed significantly to the revision or drafting of the legal acts that are deriving from the amended Constitution with the objective of guaranteeing respect for fundamental rights and freedoms and strengthening the separation of powers. The adoption in 2016 of fundamental legal acts largely in line with the recommendations of the Council of Europe should be noted: the Electoral Code adopted in May 2016, the Law on Political Parties and the Law on Human Rights Defender adopted in December 2016, the Law on Probation adopted in May 2016, the Law on Financial Equalisation adopted in October 2016, and the Laws on Local Self-Government, and on Local Duties and Fees adopted in December 2016.

During the period covered by this report, at the request of the Ministry of Justice, the Council of Europe also provided recommendations for a large number of revisions to the fundamental laws and other legal acts currently in various stages of discussion at Government and/or Parliament level including inter alia: Civil Procedure Code, Code of Administrative Offences, three legislative amendments packages to the Civil Code, Judicial Code, Criminal Code, Criminal Procedure Code, Law on Constitutional Court, Law on Prosecution Office, Penitentiary Code and related by-laws, Law on Higher Education, Law on Inter-municipal Unions. The Organisation has also been working since October 2016 on strengthening the application of European Human Rights standards in the armed forces in Armenia.

Capacity development for judges, investigators, advocates, staff of the penitentiary system and other legal professionals on combatting ill-treatment and impunity, and Council of Europe human rights standards were conducted mainly through the Justice Academy, the School of Advocates, and the Law Institute of the Ministry of Justice (currently being reorganised into Legal education and rehabilitation programme Centre). The staff of the Human Rights Defender Office received particular focus to ensure the effective functioning of the National Preventive Mechanism (NPM) against torture, and enhanced capacity on other specific topics, such as the Istanbul Convention.

Regarding the penitentiary reform, the Council of Europe supported the Governments' efforts through legal assistance in improving laws, by-laws and internal regulations on medical services in penitentiaries in line with Council of Europe's recommendations and CPT reports. Capacity-building activities were provided for medical and non-medical personnel on medical ethics and human rights, and on respective health promotion and prevention activities in prisons.

2. SECTOR REVIEW

2.1. PROTECTING AND PROMOTING HUMAN RIGHTS

2.1.1 EFFECTIVE IMPLEMENTATION OF EUROPEAN HUMAN RIGHTS STANDARDS AT NATIONAL LEVEL

The Action Plan foresees a number of actions for protecting and promoting human rights and freedoms for which no funding has been available. Donor contributions would be welcomed for such priority actions as:

- 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, including translation of the key ECtHR judgments into Armenian;
- harmonising the application of human rights standards, including social rights, by the Armenian judiciary; strengthening respect of social rights in Armenia in line with the provisions of the revised European Social Charter;
- strengthening the capacity of lawyers to understand and apply European human rights standards, including social rights.

The first and last priorities on this list would require further consolidation and sustainability in the continuation of actions implemented under the previous Action Plan for Armenia 2012-2014. Examples include capacity-building for the human rights unit in the Judicial Department established with the support of the Council of Europe, for the judges of the Court of Cassation, for the Government Agent Office and in updating the “Datalex” legal database.

In November 2016, upon the request of the Armenian authorities, the Council of Europe launched actions aimed at strengthening the application of European human rights standards in the armed forces. Key pieces of the Armenian military legislation have been translated into English, and three fundamental Council of Europe documents on human rights in the armed forces into Armenian. Two needs assessment researches – on the general evaluation of the military legislation and on the improvement of human rights training in the military institutions – were launched.

The Council of Europe will further support the Armenian authorities in reviewing the relevant military legislation and harmonising it with European human rights standards, strengthening the capacities of the Human Rights and Integrity Building Center (Ministry of Defence). The Council of Europe will support the monitoring of the situation in the armed forces by the Human Rights Defender and Civil Society Organisations with the aim to enhance the effectiveness of investigation of human rights violations in the army, conduct trainings for the armed forces personnel (in particular, officers) as well as disseminate Council of Europe documents on human rights standards in the armed forces.

2.1.2 SUPPORTING CRIMINAL JUSTICE REFORM AND COMBATTING ILL-TREATMENT AND IMPUNITY

During the period under review, the Council of Europe continued to support criminal justice reform to bring criminal legislation in line with European standards, and to ensure the translation of the findings of ECtHR judgments into the Armenian legal system and practice regarding ill-treatment. Work in this priority area resulted in the preparation and adoption of key legislation and the training of a significant number of actors responsible for implementing new legislation and approaches.

The Council of Europe provided expert recommendations on several chapters of the draft Criminal Code and a comprehensive opinion on the draft Criminal Procedure Code, which are in different stages of consideration by the Government. It also contributed to the harmonisation of the draft Law on Human Rights Defender, the draft Law on Constitutional Court, and the draft Law on Prosecution with the new Constitution and European human rights standards. The Law on Human Rights Defender was adopted in 2016, and is in line with the recommendations of the Venice Commission.

A total of 130 investigators and 110 prosecutors received human rights training (international and national standards relating to the right to life, prohibition of torture and inhuman or degrading treatment, arbitrary deprivation of liberty and the procedural limb of these fundamental rights) in the Justice Academy in 2016. Although not many women participated in these training programmes (only three women investigators and 13 prosecutors) these low numbers are consistent with the gender structures of the respective services. In order to achieve sustainability, a pool of 22 trainers, of which 10 were women, underwent a Training of Trainers to multiply the trainings on human rights in the Justice Academy.

The staff of the Human Rights Defender's office and human rights NGOs were trained in August (27 participants, of which 11 were women) and December 2016 (33 participants, of which 15 were women) to ensure better functioning of the National Prevention Mechanism. Particular attention during the exercise was paid to the questions related to health care in closed institutions and the special needs of female and juvenile inmates.

The Council of Europe will further support strengthening the capacity of the Human Rights Defender's Office to ensure the effective functioning of the National Prevention Mechanism.

Furthermore, following the request of the Ministry of Justice, the Council of Europe will continue providing expertise on the draft Criminal Code as to its compliance with ECHR and the case-law of the ECtHR. The Organisation will also continue to assist the Justice Academy with the delivery of human rights training for the remaining prosecutors and investigators (human rights aspects of conducting of investigation, general criminal investigative methodology, pre-trial detention, investigations involving vulnerable victims/witnesses and suspects, and investigation of cases on alleged violation of the right to life) with a view to ill-treatment prevention as well as to strengthen the investigation mechanisms to ensure effective investigation of alleged cases of ill-treatment.

2.1.3 GENDER EQUALITY, COMBATTING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE, FIGHT AGAINST DISCRIMINATION

Signature by Armenia of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is still pending. The key findings of a gap-analysis report on the criminal law of Armenia in relation to the standards set by this Convention, prepared with the support of the Council of Europe, draw as a conclusion that a number of shortcomings are not properly addressed in the current legislation (notably regarding sexual violence, stalking and forced marriages) and the application of the criminal law (e.g. unacceptable justification of violence). In addition, the Council of Europe provided the national working group on the draft Law on Preventing and Combating Domestic Violence with advice in the process of the law preparation.

In October and November 2016, the Council of Europe delivered tailor-made training to the Human Rights Defender Office staff (20 participants in the first session and 18 in the second) and NGOs (4 participants in the first session and 5 in the second), on key principles of the Convention, domestic violence and violence against women and gender stereotypes.. Armenian translations of the Istanbul Convention and promotional materials have been distributed at various events. A peer-to-peer exchange between the Public Defender of Georgia and the Human Rights Defender of Armenia was held in Tbilisi in November 2016. The events organised in this project included both women and men participants.

At the end of January 2017, an international seminar on the European practice related to the fight against violence against women, including domestic violence was organised with the Human Rights Defender of Armenia and the UNFPA Armenia. The 118 participants (public officials, parliamentarians, NGOs, survivors of domestic violence international community, media and academia) familiarised with the Istanbul Convention and the Armenian draft law on preventing domestic violence. Furthermore, the seminar facilitated the exchange of experience between five Council of Europe member states (Albania, Armenia, Germany, Georgia, Slovakia) in creating institutional architectures to eliminate violence against women as well as introducing special measures aimed at ensuring the safety, protection and empowerment of the victims during the investigations and criminal proceedings. The seminar received significant coverage in the national media, thus raising also the awareness of the general public on the topic.

An action plan to promote gender equality and gender balance in the judiciary was adopted by the judicial self-governance body (the Armenian Council of Court Chairpersons) in 2015. It includes measures such as the development of gender equality training materials and thematic training programmes.

In 2017-2018, the Council of Europe will continue to promote the signature of the Istanbul Convention by Armenia. It will also provide expert and technical support to strengthen the capacities of relevant institutions to combat domestic violence, the drafting or revision of relevant pieces of legislation as well as to implement awareness raising activities on gender equality, women's rights, and anti-discrimination.

2.1.4 STRENGTHENING FREEDOM OF EXPRESSION/MEDIA

To encourage peer-to-peer parliamentary dialogue and focus on evaluating strategies for ensuring media freedom, transparency and access of political parties and candidates to the media, the Parliamentary Assembly of the Council of Europe provided a platform for an exchange of views between members of parliaments from the Eastern Partnership (EaP) countries.

The Council of Europe promoted professional and responsible journalism by supporting the regional EaP network of self-regulatory bodies and specifically the Armenian self-regulatory body Media Ethics Observatory through awareness-raising on ethical standards and standards relating to media coverage during elections.

2.1.5 DATA PROTECTION

The Council of Europe prepared two assessments of the compatibility of the provisions of the Armenian Data Protection Law with the relevant Council of Europe standards – mainly the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol. The findings of this legal analysis were discussed by Council of Europe experts, the Ministry of Justice and the Data Protection Agency in May 2016. Though most of the observations were welcomed by the authorities, further work to promote alignment of the Armenian Data Protection legislation to Council of Europe standards needs to be conducted in 2017-2018.

2.2 ENSURING JUSTICE

2.2.1 CONSTITUTIONAL REFORM

The comments and recommendations of the Venice Commission were largely taken on board in the constitutional reform adopted at the end of 2015. The reform introduced changes to the definition and scope of human rights and freedoms, which were positively assessed by the Venice Commission. The amended Constitution envisages a number of revisions in the current legal frameworks. Such revisions relate to the appointment and tenure of judges and to the composition of the High Judicial Council (former Council of Justice) with wider powers and functions. Changes were also made to the provisions on the appointment of presidents of courts and the limitation of their terms of office, an improvement which contributes to strengthening the independence of the judiciary.

The Venice Commission drafted an Opinion on the draft Constitutional law on the Constitutional Court of Armenia. This draft Opinion is on the agenda of the June 2017 plenary session of the Venice Commission.

2.2.2 JUDICIAL REFORM

Another objective of the Action Plan is to support the reform of the judiciary to enhance the independence, professionalism and accountability of the justice system and the effectiveness of judicial proceedings and access to justice.

The Concept Paper on making revisions to the Judicial Code which derives from the Constitutional amendments of 2015 was prepared in November 2016 with the support of the Council of Europe and has resulted in a request by the Ministry of Justice to provide further expertise with a view to the revision of the Judicial Code.

The Council of Europe directly contributed to the improvement of legal frameworks in the field of judiciary by drafting a new Civil Procedure Code, which, among other revisions, introduced legal procedures for speedy trials (this is believed to reduce the backlog of cases in the courts of Armenia). Contributions also include the drafting of a new Code of Administrative Offences, which will replace the current Code effective since Soviet times and the revision of the Civil Code to ensure its better compliance with the Council of Europe standards. The draft Civil Procedure Code is pending adoption by the Parliament whereas the final draft of the Code of Administrative Offences is pending discussion in the Government. Two legislative amendments packages to the Civil Code were adopted in 2016 while three legislative amendments packages are pending adoption by the Parliament and two legislative amendments packages are undergoing discussions with the interested ministries and state authorities.

The Council of Europe's intervention contributed to an improved system of accountability of the judiciary. This has been done by revising the Rules of Judicial Conduct (adopted by the General Meeting of Judges of Armenia on 19 February 2016), developing the By-laws of newly established Ethics and Disciplinary Committee of General Meeting of Judges of Armenia (adopted by the General Meeting of Judges of Armenia on 19 February 2016) and developing the By-laws of the Judicial Evaluation Committee of the General Meeting of Judges of Armenia (adopted by the General Meeting of Judges of Armenia on 5 March 2015).

The Council of Europe also supported the thematic indexation and publication of the decisions of the Constitutional Court of the Republic of Armenia passed from 1996 to October 2016. This book is believed to highly enhance the better application of the principle of legal certainty in Armenia.

The Court Users Satisfaction Survey in Armenia was organised, for the first time, in all courts of all instances of Armenia by using the methodology of the Commission for the Efficiency of Justice (CEPEJ). The results of the Survey have been taken into consideration by state authorities for the development of the 2018-2022 State Strategic Action Plan for Justice Sector Reform of Armenia.

The capacities of the School of Advocates and the Justice Academy were promoted through the exchange of best practices with similar training institutions of other Council of Europe member states and the development of distance learning courses on deontology and mediation.

The Council of Europe supported the introduction of the court-annexed mediation institute in Armenia by supporting the drafting of amendments to a number of associated codes and laws, which entered into force in September 2015. In 2016, the Council of Europe trained 24 mediators, 51 judiciary representatives and 33 practising lawyers. In December 2016, the Self-governing organisation of mediators of Armenia was established. All 54 mediators of Armenia are members of this organisation. A total of eight cases has been solved through mediation in 2016 under a pilot initiative of the Council of Europe. In October 2016, the Council of Europe conducted the first Arbitration Days in Armenia, where representatives of local institutions exchanged information and experience with international experts and arbitrators working in other Council of Europe member states.

The Council of Europe's intervention also allowed enlarging the scope of the areas where arbitration is possible to be conducted, such as employment disputes and the rights of consumers, by drafting amendments to the law on Commercial Arbitration which entered into force in 2015.

The institute of court-annexed mediation and arbitration would benefit from further consolidation. The Council of Europe will continue focusing on further support to drafting the new Judicial Code and revising other related laws in line with European standards. Continued support includes drafting a new law on Mediation, enhancing the application of mediation and arbitration, supporting the work of the judicial self-governing bodies and improving the institutional and internal capacities of the Chamber of Advocates to adequately address any instances of possible persecution, improper restrictions and alleged infringements of the rights of the members of the Chamber.

The Council of Europe will also work on enhancing the capacity of advocates for educating their clients about the overall functioning of the justice system, the rights and obligations of court users, the rights and duties of judges, advocates, prosecutors and other parties engaged in the court cases.

2.2.3 PENITENTIARY REFORM

In this area, the Council of Europe facilitated the preparation and adoption by the Ministry of Justice of Armenia of the Concept Paper on improving medical services in prisons. A national expert team was established to work on legislative drafts (laws, by-laws and internal regulations) in line with the recommendations of this concept paper, international standards, relevant Council of Europe recommendations and CPT reports.

In co-operation with the Ministry of Justice, the Council of Europe conducted cascade seminars for 650 medical and non-medical staff on the developed training modules on medical ethics and human rights, and on respective health promotion and prevention activities in prisons. The delivery of medical equipment for 11 prisons is underway.

The penitentiary reform should remain in the Council of Europe focus in 2017-2018, with particular attention to enhancing health care in prisons by refurbishing prison health care centers, encouraging the authorities to consistently apply rehabilitation principles to the inmates, as well as the improvement of supervision and inspection mechanisms.

2.2.4 PROBATION

The Law on Probation was adopted in May 2016. The Organisation also contributed to establishing two pilot probation units in the Shengavit district of Yerevan and in Vanadzor. Staff from these units as well as prosecutors, judges, lawyers, and NGO representatives enhanced their knowledge on probation through the participation in training sessions organised with the support of the Council of Europe.

In 2017-2018, Council of Europe support is needed to reinforce the newly established Probation Service in line with the requirements of the Council of Europe human rights standards.

2.3 COMBATTING THREATS TO THE RULE OF LAW

2.3.1 FIGHTING CORRUPTION AND MONEY LAUNDERING

The Council of Europe supported Armenia in combatting corruption in higher education – as set out in the National Anti-corruption Strategy and Action Plan of 2015 – by leading a participatory change process that included the Ministry of Education and Science, 20 Armenian universities, more than 400 academic staff and students and civil society including media organisations.

Model codes of ethics for students, academic staff and managers of higher education institutions on rights and responsibilities, disciplinary measures and sanctions, and three toolkits on transparency and accountability in student assessment and curricula development, human resource management and higher education and governance of higher education institutions were published, presented and widely discussed with professionals and decision makers from the higher education system. The toolkits will be used as guidelines for agreed standards of general management, curriculum development, student assessment and human resource management regarding potential areas of corruption in higher education.

The Council of Europe will pursue work in this sector to facilitate the effective implementation of the codes of ethics and the above-mentioned toolkits.

2.3.2 FIGHTING CYBERCRIME

Armenia is a Contracting Party to the Council of Europe Convention on Cybercrime (Budapest Convention). The Council of Europe supported the country in strengthening legislation and regulations to combat cybercrime. However, the procedural powers of this treaty have not yet been fully implemented in the criminal procedure laws, since the amendments to the Code of Criminal Procedure are still pending adoption. This creates risks to the rule of law, and is adversely affecting co-operation between law enforcement and service providers in combatting cybercrime.

In November 2016, the Council of Europe organised a workshop in Yerevan on best models of public-private co-operation on cybercrime and electronic evidence.

Work in this area will be continued.

2.4 PROMOTING DEMOCRATIC GOVERNANCE

2.4.1 FREE AND FAIR ELECTIONS

The recommendations of the two joint opinions of the Venice Commission and the OSCE/ODIHR on the new draft Electoral Code adopted in May 2016 with its subsequent amendments adopted in June and October 2016 were largely followed in the new text. In December 2016, the Venice Commission and the OSCE/ODIHR provided a joint opinion and recommendations on the new draft Constitutional Law on Political Parties, which was adopted later that month.

The new Electoral Code takes into account a significant number of Venice Commission recommendations, notably: the removal of the mandatory test for citizen observers; the addition of the requirement for the President to appoint the chairperson or a member of the Central Electoral Commission (CEC) "in consultation with parliamentary factions" as a means to build consensus on the appointment of central election administration; the enhancement of women's representation by increasing the minimum quotas for women on candidate lists from 25% to 30%.

With the support of Council of Europe, a national network of domestic observer organisations was established. Approximately 300 domestic, long and short-term observers were trained and three domestic election observation missions were conducted during local, parliamentary and Yerevan Municipal elections including the public presentation of their findings. In addition to the domestic observers, approximately 50 journalists were trained and supported to provide independent electoral coverage through ten studio debates previous to the local and parliamentary elections and through mobile reporting teams during both e-days.

From April to September 2016, the Council of Europe trained a total of 310 women on improving their political and legal knowledge by developing their skills of political leadership and teaching them techniques of conducting election campaigns in order to enhance their participation in the 2016 local elections. In the autumn 2016 local elections, out of 85 women participants of 5 regions, more than 50 of them won seats mainly as village councillors.

From April 2016 to May 2017 the Council of Europe and its partner Yerevan School of Political Studies trained 220 teachers and headmasters of ten regions on election education and conducted a nation-wide first time voters education campaign that reached out to 33 000 first-time voters from 109 schools of Armenia through mock elections.

Based on the new Electoral Code, expert assistance was provided through Council of Europe to the Central Election Commission, in order to improve their training strategies for commissioners at all level and to improve their internal and external communication before and during April 2017 parliamentary elections and May 2017 Yerevan Council elections.

2.4.2 LOCAL DEMOCRACY

The constitutional amendments of 2015 paved the way for further decentralisation which requires the adoption of revision and adoption of enabling pieces of legislation. In 2016, the authorities started a major territorial administrative reform. Many municipalities have very small populations and often lack sufficient financing and capacities to perform their tasks and provide basic public services. In support to the local government reform in Armenia, the Council of Europe provided legal expertise and contributed to the capacity building of local elected officials and municipal staff. The Council of Europe contributed to the revision and adoption of the Law on Financial Equalisation in October 2016, the Laws on Local Self-Government and the Local Duties and Fees in December 2016. In addition, the Organisation supported the preparation of the draft law on Inter-community unions which is currently pending adoption. The manual on Human Resource Management at Local Level, Code of Public Ethics for Armenian municipalities and the Municipal Best Practices Brochure were published and widely disseminated. A toolkit on citizens' participation was developed and disseminated to the local authorities in Armenia.

The successful implementation of the territorial-administrative reform requires further capacity building of mayors, councillors and municipal servants of the amalgamated communities. Expert support from the Council of Europe is requested by the authorities to improve the local government legislation.

The Council of Europe, through its Congress of Local and Regional Authorities, continues to provide institutional support to the CAA.

Through the support of the Council of Europe:

- the CAA revised its Charter and redesigned the structure and functions of its governing bodies in line with the best practices of National Associations of Local and Regional Authorities in Europe;
- the CAA formulated and submitted to the Government recommendations for amendments to the Law on Local Self-Government, and on the draft law on Intercommunity Unions. The CAA proposed a specific recommendation to include a provision on mandatory consultation with the Association in the Law on Local Self-Government, in line with the provisions of the European Charter of Local Self-Government.
- The CAA adopted a position statement calling on the government to hold consultations with local communities before proceeding further with the territorial-administrative reform.

The Council of Europe will aim to further enhance the capacities of the CAA to become an active stakeholder in the Armenian governance system, in line with the Congress Recommendations 351(2014).

The national authorities have expressed their interest in establishing of a functional consultation mechanism between the government and the CAA.

In 2016, the Community-led Urban Strategies in Historic Towns (COMUS) conducted activities in two pilot towns in Armenia – Gyumri and Goris. Reference Plans developed with the participation of the Local Stakeholders Group were developed and presented to communities and accepted by local authorities. Based on this process, heritage-led projects for local development have been selected for further consideration with the participation of international and local experts. This process was carried out through several capacity-building activities for local decision makers and community activists, in particular, regional workshops on reference plans (held in Moldova), on urban planning (held in Ukraine) and on heritage management in Armenia. The beneficiaries also made a study visit to Germany.

3. IMPLEMENTATION AND CO-ORDINATION

The Council of Europe Committee of Ministers assesses overall Action Plan implementation through its Group of Rapporteurs on Democracy (GR-DEM).

The Action Plan Steering Committee, comprising representatives of the Ministry of Foreign Affairs, other national stakeholders and Council of Europe representatives, also assesses the progress of Action Plan implementation. This committee considers the implementation of approved projects, discusses challenges and relevant proposals for future co-operation, and recommends measures to improve effectiveness. Steering Committee meeting for the current Action Plan took place on 23 May 2017 in Yerevan.

The overall co-ordination of technical co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP), which steers the programming and fund-raising for co-operation actions, and ensures the efficiency of Council of Europe Offices in the field. The Council of Europe Yerevan Office plays a key role in co-ordinating and supporting project implementation in accordance with the co-operation decentralisation policy.

Expertise, the basis of co-operation projects' added value, comes from relevant services in the entire Organisation. Projects under the Action Plan for Armenia 2015-2018 are implemented by the Directorate General of Human Rights and Rule of Law and the Directorate General of Democracy and the Congress. Project implementation can involve needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. Implementation methodology aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

The Council of Europe implements projects in close co-operation with authorities in Armenia, targeting governmental stakeholders, parliament, civil society and independent governance institutions, such as ombudsmen and local and regional authorities. This creates a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Co-ordination to ensure an efficient use of resources and relevance of Council of Europe actions is performed at different levels and in different bodies, including the CM.

The Council of Europe closely co-ordinates with relevant international partners, notably the EU, and particularly the EU Delegation to Armenia. Co-ordination is also ensured with the United Nations (UN) and the Organisation for Security and Co-operation in Europe (OSCE). The Council of Europe worked closely with the Swiss Agency of Development and Cooperation (SDC), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), United Nations Development Programme (UNDP), United States Agency for International Development (USAID), World Bank (WB), Swedish International Development Cooperation Agency (SIDA) and Armenian Territorial Development Fund (ATDF) in the framework of the local government donor co-ordination platform. This co-ordination platform is set up in the framework of the Swiss-funded "Improvement of the local self-governance system in Armenia" programme.

In December 2016, the Council of Europe and the UNDP, as Co-Chairs of the Donor Coordination Group on Democratic Governance, held a meeting with the donor community in Armenia to discuss the on-going activities and priorities within the area of justice and the rule of law.

3.1 TRANSVERSAL ISSUES

The Council of Europe prioritises a human rights approach in its activities at all levels and stages. Its *acquis*, including Council of Europe legal instruments, information and institutions, combined with the principles of equality, non-discrimination, balanced participation (both gender-based and from civil society) brings further added value to Council of Europe activities.

As a component of this human rights approach, the Council of Europe emphasises gender mainstreaming throughout its project activities. For more information, see the Council of Europe [web page](#) on gender mainstreaming. The Council of Europe also promotes civil society participation, as outlined in the [*Guidelines on civil society organisations' participation in Council of Europe's co-operation activities*](#).

Through this Action Plan, the Council of Europe promoted gender equality in Armenia. Guarantees of equality between women and men are included in the amended Constitution of Armenia, developed with the support of the Council of Europe.

The Action Plan supported women's participation in elections, the intelligent use of social media by women candidates, acceptance of women at political decision-making levels and improving women's access to justice.

The new Electoral Code, developed with support of the Council of Europe, takes into account the Venice Commission recommendations to include an increase in minimum quotas for each gender on candidate lists from 25% to 30%.

An Action plan to promote gender equality and gender balance in the judiciary was adopted by the judicial self-governance body (the Armenian Council of Court Chairpersons) in 2015 and includes measures such as the development of gender equality training materials and thematic training programmes.

NGOs take part in Council of Europe activities in Armenia (public hearing, interagency committee and cascade training sessions). Three representatives of NGOs that are part of the Council on Prevention of Torture, established by the Human Rights Defender Office as NPM, attended the training on ill-treatment prevention. During the two training sessions on the Istanbul Convention held in October and November 2016, representatives of NGOs were familiarised with Convention key principles focused on increasing understanding of domestic violence and violence against women; the consequences of domestic violence to women and society at large; the impact of domestic violence on children; and the barriers to access to justice for women victims of violence. Under the project on elections, the most notable NGOs in Armenia were the main partners of the Council of Europe.

3.2 RISK MANAGEMENT AND SUSTAINABILITY

Due to the nature of its mandate, the Council of Europe sometimes operates in complex and unstable environments that expose it to risks. The risk analysis of the Action Plan and possible mitigation strategies are made on the basis of the Council of Europe risk management [*guidelines*](#) and the Risk Management Policy of the Organisation adopted in June 2016. All the programmes implemented within the Action Plan have their own risk assessment and mitigation modalities.

Political consensus among political forces in implementing the constitutional reforms was an important factor for the implementation of certain projects of the Action Plan. As an example, the lack of consensus on the new Electoral Code was a risk for successful reform of the electoral process. Such risk was mitigated through the Venice Commission, by promoting a constructive dialogue between the governing party and the opposition, which resulted in the revision of the new Electoral Code and the Law on political parties. This legislation created a consolidated legislative basis of electoral process in the country.

Insufficient budgetary contributions to the Action Plan create a serious risk for the effective implementation of the Action Plan and sustainability of support to Armenia in specific sectors, such as justice sector reform, consolidating local democracy, police and penitentiary reform, and freedom of media. This challenge is mitigated through constant dialogue with the donor community and proactive resource mobilisation in close co-ordination with the national authorities to identify priority areas requiring Council of Europe intervention.

3.3 LESSONS LEARNED

What follows are lessons learned from the implementation of this Action Plan during the period of reference.

- a human rights approach to co-operation – using Council of Europe standards as both means and goals of technical assistance – can significantly contribute to the enjoyment of those rights;
- technical assistance towards comprehensive reforms requires long-term funding and effective co-ordination mechanisms among national and international partners;
- Action Plan-level funding, in particular, allows flexibility for allocating funds where they are most needed;
- special attention is needed with regards to procurement procedures in order to properly observe time-framework and financial requirements;
- local capacity development remains an important element of the technical assistance programmes;
- the Council of Europe can play an important bridging role between various state and non-state actors.

4. FUNDING AND PARTNERS

Continued financial support of this Action Plan allows the Council of Europe to build on and create activities that support European standards and the principles of the European Convention on Human Rights and other legal instruments. The Council of Europe increasingly seeks to deliver on agreed priorities rather than on individual projects and activities.

The Council of Europe Action Plan for Armenia 2015-2018 Information Day Plan jointly organised by the Armenian authorities and the Council of Europe took place on 16 January 2017 in Strasbourg. It aimed to provide Council of Europe member states and international partners with the first-hand information of the reforms in Armenia, the Council of Europe support to those reforms and mobilise additional resources required to effectively implement the Action Plan.

Total funding secured for the Action Plan amounted to € 10 722 820 including ordinary budget (65% of the overall budget of €16 447 533). In order of volume, contributions are from: the European Union, mainly through the Joint Council of Europe-European Union Partnership for Good Governance (PGG), Denmark, United Kingdom, Switzerland, Norway, Sweden, the Human Rights Trust Fund and France.

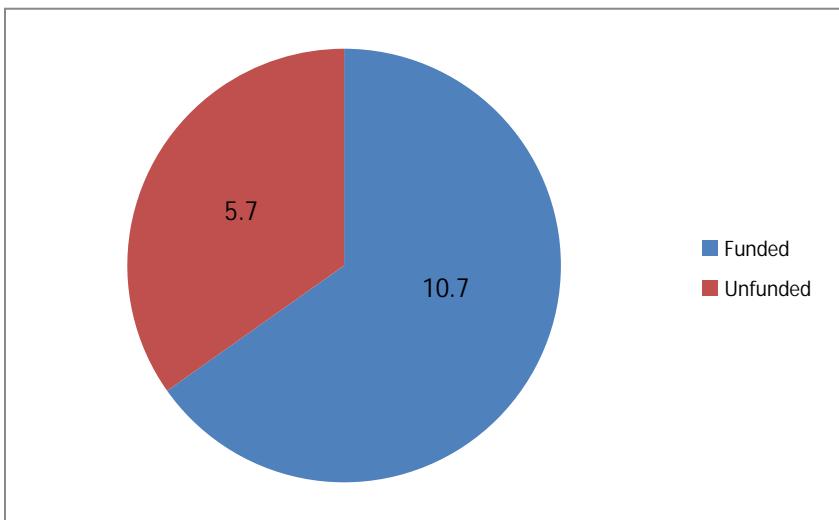


Figure 1: Funding situation of the Action Plan for Armenia (in millions of euros) as of 31 May 2017)

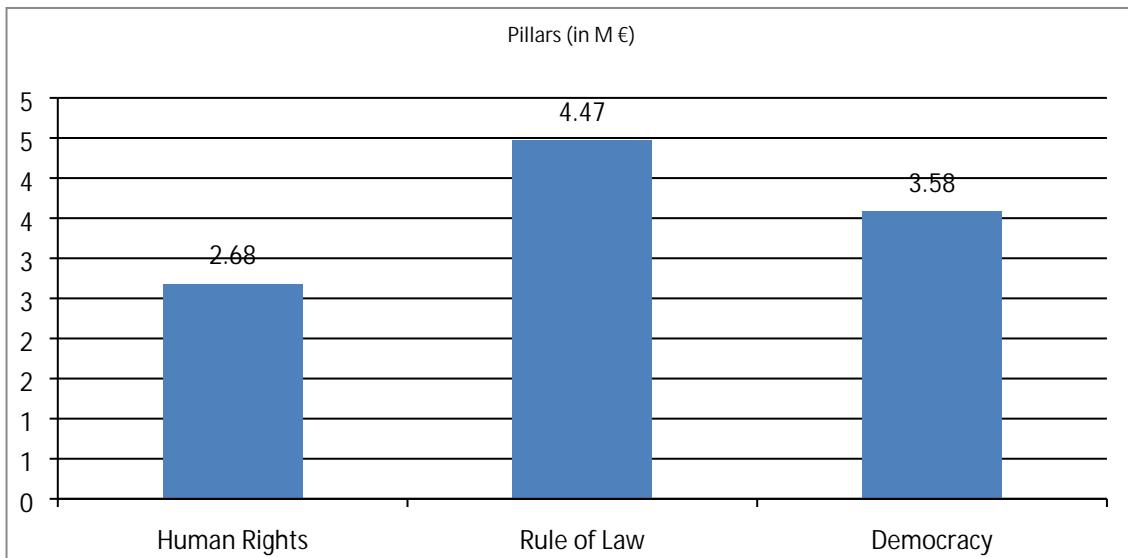


Figure 2: Funding situation per sector of the Action Plan for Armenia (in millions of euros) as of 31 May 2017

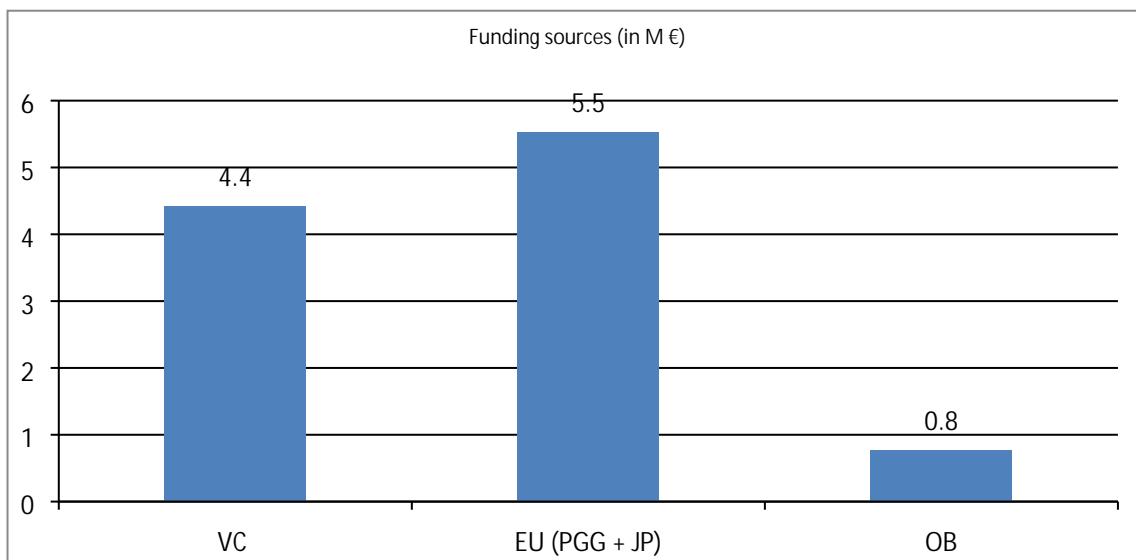


Figure 3: Funding sources for the Action Plan for Armenia (in millions of euros) as of 31 May 2017

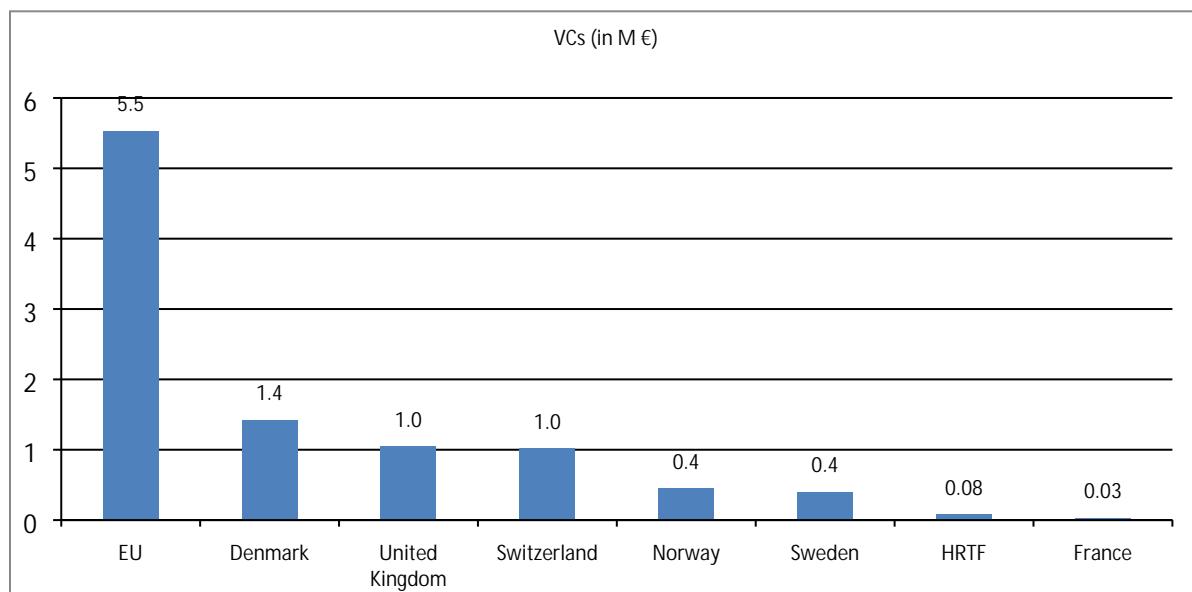


Figure 4: Donors to the Action Plan on Armenia 2015-2018

APPENDIX I: FINANCIAL REPORT

Sectors	FUNDS SECURED (in Euros)				Additional funds required	Total budget
	Ordinary budget*	EU/CoE Joint Programmes	Voluntary contributions**	Total funds secured		
Protecting and promoting human rights	238 804	987 633	1 449 445	2 675 882	5 045 000	7 720 882
Ensuring justice	290 770	2 589 934	585 780	3 466 485	1 951 029	5 417 514
Combating threats to the rule of law	99 933	899 400	0	999 333	0	999 333
Promoting democratic governance	143 545	1 051 725	2 385 850	3 581 120	439 000	4 020 120
TOTAL	773 053	5 528 693	4 421 075	10 722 820	7 435 029	18 157 849

* Includes CoE contribution to the joint EU/CoE projects

** Voluntary contributions from Denmark, France, Human Right Trust Fund, Norway, Sweden, Switzerland, and the United Kingdom

APPENDIX II: LIST OF PROJECTS

Title	Duration
Supporting the criminal justice reform and combating ill-treatment and impunity – Armenia	1/07/2015 – 30/06/2017 (24 months)
Strengthening the application of European human rights standards in the armed forces in Armenia	1/10/2016 – 31/01/2019 (28 months)
Penitentiary reform - Strengthening the health care and human rights protection in prisons in Armenia	01/04/2015 - 31/07/2017 (28 months)
Supporting the establishment of probation service in Armenia	1/05/2014 – 31/08/2017 (32 months)
Strengthening the Independence, Professionalism and Accountability of the Justice System in Armenia	20/05/2014 – 19/12/2016 (31 months)
Strengthening Integrity and Combatting Corruption in Higher Education in Armenia	01/01/2015 - 31/12/2017 (36 months)
Support to consolidating local democracy in Armenia	1/10/2013 – 30/12/2016 (39 months)
Institutional Support to the Communities Association of Armenia (CAA)	1/11/2014 – 31/12/2018 (30 months)

LIST OF REGIONAL PROJECTS

Improving women's access to justice in five EaP countries	1/02/2015 – 31/10/2017 (33 months)
Promote professional and responsible journalism by supporting regional network of self-regulatory bodies	1/01/2015 – 31/12/2017 (36 months)
To develop and strengthen national data protection system	01/01/2015 - 31/12/2017 (36 months)
Awareness raising on the role of national parliaments in matters related to public broadcasting, access to public media and safety of journalists	01/01/2015 - 31/12/2017 (36 months)
Enhancing respect for the protection of human rights online through capacity building, regional co-operation and participation to global Internet governance policies shaping	01/01/2015 - 31/12/2017 (36 months)
Education for Democratic Citizenship and Human Rights in the 6 countries of the region	01/01/2015 - 31/12/2017 (36 months)
Support the full execution of the European Court of Human Rights judgments and build the capacity of EaP national parliaments towards greater conformity of national legislation with the ESC	01/01/2015 - 31/12/2017 (36 months)
Promoting penitentiary reforms (from a punitive to a rehabilitative approach)	01/08/2015 - 30/06/2016 (11 months)
Reform of judicial Systems - Regional Dimension for 6 EaP countries	01/03/2015 - 28/02/2017 (24 months)
Strengthening constitutional justice	01/01/2015 - 31/12/2017 (36 months)
Strengthen capacities to prevent corruption in Parliaments	01/01/2015 - 31/12/2017 (36 months)
Fight against corruption and fostering good governance; fight against money-laundering	01/01/2015 - 31/12/2017 (36 months)
Criminal justice action on cybercrime	01/03/2015 - 31/08/2017 (30 months)
Project Cybercrime@EAP III - promoting public/private cooperation	01/01/2016 - 31/12/2017 (24 months)
Electoral assistance: reforming electoral legislation and practice	01/01/2015 - 31/12/2017 (36 months)
Electoral assistance: reforming electoral legislation and practice - Venice Commission	01/01/2015 - 31/12/2017 (36 months)
Develop regional co-operation in electoral matters, including its Parliamentary dimension	01/01/2015 - 31/12/2017 (36 months)

Community-led Urban Strategies in Historic Towns (COMUS)	01/01/2015 - 30/06/2017 (30 months)
Enhancing local democracy -Regional (Strengthening institutional frameworks for local governance)	01/01/2015 - 31/12/2017 (36 months)
PGG-Congress - Enhancing Local Democracy	01/01/2015 - 31/12/2017 (36 months)
Civil participation in decision-making in the Eastern Partnership countries	01/09/2015 - 31/06/2017 (16 months)
Criminal justice responses to drug dependent prisoners	01/01/2015 - 31/12/2017 (36 months)