



# **Project: “Support for the execution by Armenia of judgments in respect of Article 6 of the European Convention on Human Rights” VC/2650**

**Final Report**

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**Altair**  
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## Acronyms/Abbreviations

CoE	Council of Europe
CM	Committee of Ministers
CSOs	Civil Society Organizations
ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
GA	Government Agent
GAO	Representative of Armenia on International-Legal matters
HRTF	Human Rights Trust Fund
MPs	The members of the National Assembly
MS	Member States
PMM	Project Management Methodology
LDPF	Law Development and Protection Foundation
JC	Judicial Council
MoJ	Ministry of Justice
EILJs	Ethics and Impartiality Lead Judges
JAC	Judicial Appointments Commission.

## I – EXECUTIVE SUMMARY

The project “Support for the execution by Armenia of judgments in respect of Article 6 of the European Convention on Human Rights” VC/2650 constitutes an adequate response to the current needs of the target groups /end beneficiaries in Armenia, namely the low level of execution of ECtHR judgments in the country related to the application of article 6 of the ECHR. The project is implemented within the framework of the Action Plan for Armenia 2019 – 2022 and its design mainly focused on providing expert advice and recommendations to the relevant Armenian authorities as regards legal and institutional reforms, in particular the activity of the GAO. Particular attention was given to the application of Protocol No. 16 to ECHR and the procedure of re-opening of judicial proceedings following the judgments of the ECtHR. For that purpose, the project methodology was rightly based on round tables where, after a previous thorough analysis made by external consultants, the stakeholders discussed and agreed on those recommendations, but it missed a formal follow up phase to support their adoption by the National Assembly. The project description lacked appropriate qualitative and quantitative indicators.

The project officially started on 01/01/2021 and will last till 31/12/2022. It had a total budget of 650 000 Euros and is partly funded by the Human Rights Trust Fund (HRTF). The Steering Committee played a very active role during the project implementation by wisely replacing some activities with others, which increased the project’s impact and provided a proof of its flexibility. The numerous staff changes during the implementation did not influence the development of the planned activities, but the late start of the implementation carried out an excessive concentration of the round tables in less time. The inputs and resources provided by the project were appropriate for achieving the results, nevertheless, a wider group of stakeholders like the bar associations and MPs involved in the legislative process would have enriched the results. The Covid19 pandemic did not have any significant effect on the main activities as regards the expected outcomes. The budget funding was adequately spent.

The expected outcomes were achieved through the project outputs. The project indicators were met. The quality of the outputs of the project is remarkable (recommendations, guides), the target groups of the project were adequately influenced by the project intervention and their policies and actions reflect it (interagency commission and digital platform for ECtHR judgments execution, new criminal procedure code, legislative package on the application of the ECHR Protocol N°16), nevertheless it is still an ongoing process as to observe the whole project impact. The international and national consultants’ work was highly appreciated by the stakeholders.

The technical nature of the project was not appropriated to give a wide visibility to the CoE in the general public of Armenia. Nevertheless, all interlocutors of the evaluation stated the added value of the CoE’s intervention through this project and the importance of its continuation with other relevant ECHR articles. The sustainability of the significant project achievements in principle is not endangered as it can be regarded as a consequence of the changes generated after the 2018 “Velvet Revolution” in the general context of Rule of Law and democratic consolidation. Nonetheless, setbacks in such political will or the conflict of Nagorno-Karabaj might affect the outcomes of this project in the future.



## II – INTRODUCTION

### 1. The context of the project: Armenia and the ECHR

The implementation of the European Convention on Human Rights (ECHR) in Armenia faces significant challenges regarding the access to justice, prevention of the non-execution or delayed execution of judgments of national courts, and development of remedies concerning excessive length of judicial proceedings.

The violations on Article 6 of the ECHR on fair trial are the most common violation against Armenia, which include: violations of right to a fair hearing by an impartial tribunal due to the connection between the opposition counsel and the presiding judge (*Ghulyan v. Armenia*); infringement of the principle of impartiality, when, during the hearing, the Chairman of the panel of the Civil and Economic Chamber of the Court of Cassation repeatedly persisted on acceptance by the first applicant of the friendly settlement proposal (*Vardanyan and Nanushyan v. Armenia*); unreasonable restriction of the applicants' right to examine witnesses whose testimony played a decisive role in securing their conviction in court proceedings (*Gabrielyan group of 7 cases*); late or non-execution of national judgments notably concerning property claims, job reinstatement and forced absence compensation claims (*Avakemyan group 5 cases*), access to court for vulnerable persons (*FIL LLC v. Armenia, Yeghukian v. Armenia, Olimp Producers' Cooperative v. Armenia*) and the lack of an adequate legal mechanism for the re-opening of proceedings (*Virabyan v. Armenia, Nalbandyan v. Armenia, Muradyan v. Armenia, Ter-Sargsyan v. Armenia*). Another issue of special concern not yet well regulated in Armenia refers to the legal system for depriving a person of his/her legal capacity (*Nikolyan v. Armenia*).

Despite the initiated wide judicial reform by the authorities after the political changes in May 2018 in Armenia, the so-called “Velvet Revolution”, the public trust in the judiciary still remains very low.

The Council of Europe has been supporting the national authorities aligning the current national judicial reform with Council of Europe standards. First, with the project “Support to the judicial reform – enhancing the independence and professionalism of the Judiciary in Armenia” (2019-2021) that addressed the recent judicial reform issues of Armenia and the reconsideration of the Government's priorities on the functioning of the justice sector. Secondly, it considerably supported the drafting process of the Government Strategy for Legal and Judicial Reforms 2019-2023 and the deriving Action Plans, which are closely interlinked with the provisions of the new Judicial Code and the new Civil Procedure Code. According to that strategy, the proposed reforms were to be implemented through the introduction or development of effective legislative and regulatory frameworks and effective mechanisms for their application, as well as the institutional development of the judicial field, the improvement of the infrastructure and professional capacity of the Judiciary, and the effective execution of the judgments of the ECtHR.

On 31 January 2017 the Armenian Parliament ratified Protocol 16 to the European Convention on Human Rights, which establishes a consultation procedure between the highest national judicial instance and the European Court of Human Rights. The Protocol entered into force in August 2018. The Government of Armenia designated the Constitutional Court and the Court of Cassation of the Republic of Armenia to interact formally with the ECtHR, including on requesting advisory opinions under Protocol 16. The Court of Cassation plays an important role also in the procedure of re-opening of judicial proceedings following ECtHR judgments. However, there was the need to have effective procedures regarding the

interaction with the ECtHR, especially in the light of the recent ECtHR's advisory opinion in May 2020, provided on request of the Constitutional Court of Armenia.

These deviations and gaps in the legal frameworks and practice of Armenia related to ensuring access to justice and access to a court in accordance with Article 6 of the ECHR and related to the implementation of its Protocol 16 required relevant amendments in the Armenian legal framework.

## 2. The project

The Council of Europe's project "**Support for the execution by Armenia of judgments in respect of Article 6 of the European Convention on Human Rights**" VC/2650 is the first project about the execution of ECtHR judgments in Armenia, which is the subject of this evaluation exercise. The aim of the project is supporting full, accessible and effective justice as understood by Article 6 of the European Convention in Armenia through improved interaction between the Government Agent and different state bodies involved in the process of execution of ECtHR judgments, as well as through developing the Armenian legislation, the national remedies concerning the excessive length of judicial proceedings, access to justice, impartiality and independence of judiciary, interaction between the high courts of Armenia and the ECtHR via advisory opinions and improved national system of re-opening of proceedings following the judgments of the ECtHR in accordance with the ECHR Protocol 16.

Specifically, the project was built to contribute to the following specific priorities of the CoE Action Plan for Armenia for 2019–2022:

- Problems within the Judiciary are addressed through the support for the effective execution of the general measures in the relevant judgments of the European Court of Human Rights (ECtHR) related to Article 6 of the European Convention on Human Rights (ECHR).
- The Office of the Government Agent before the ECtHR and its Department for the execution of the ECtHR judgments is supported with a view to further strengthen its capacity to efficiently fulfill its mandate.
- Armenia's Court of Cassation is supported in building effective procedures related to interaction with the European Court of Human Rights, with a focus on the implementation of Protocol No 16 to the ECHR (as regards the requests for advisory opinions) and as to the re-opening of judicial proceeding following a judgment of the ECtHR.

The expected **main outcomes** that the project aims to achieve are the following:

1. An Armenian national strategy for the implementation of general measures for execution of the ECtHR judgments adopted by the relevant Armenian bodies.
2. The Armenian legislation contains effective national remedies concerning the excessive length of judicial proceedings.
3. Up to 50% of the CoE recommendations to Armenia towards strengthening access to justice and judicial independence are taken into account in the legal and institutional reforms in accordance with the respective ECtHR judgments.
4. The Armenian Court of Cassation has effective procedures related to the interaction with the ECtHR with a focus on the implementation of Protocol 16 to the ECHR as regards requests for advisory opinions and as to the reopening of judicial proceedings following a judgment of the ECtHR.

The main **target groups** of the project are the Department for Execution of Judgments and Decisions of the Office of the Government Agent, the Department of the Ministry of Justice in charge of elaboration of the draft legislation, the judges of the Court of Cassation, the

members of the Supreme Council of Judiciary, and the Service of Compulsory Enforcement of Judicial Acts.

The **main project activities** for the project implementation involve policy discussion and policy formulation, support to the drafting of national Action Plans for execution of the ECtHR judgments, support to legislative development, and provision of international and national expertise, awareness-raising activities. The traditional capacity-building action within the project has a very limited presence.

The project officially started on **01/01/2021** and it will last till **31/12/2022**. It had a total budget of 650 000 Euros and is partly funded by the Human Rights Trust Fund (HRTF). The launching event and the first steering committee of the Project took place on 9 April 2021, the main activities started in May and June 2021.

### 3. The evaluation

The evaluation purpose is assessing the progress and identifying lessons from the implementation of the project for potential future projects on execution of ECtHR judgments in Armenia. The main objectives of this evaluation are to provide the relevant services of the Council of Europe<sup>1</sup> with:

1. An assessment of the efficiency and effectiveness and relevance of the project results.
2. An estimation of the degree to which the project's outputs will continue to benefit the stakeholders after the project has been completed.
3. An assessment of the level of coordination within the CoE and with other relevant national and international actors; and the added value of the CoE's intervention.
4. An assessment of the degree of the gender mainstreaming by the project.

The scope of the evaluation covers all the activities carried out under the *Support for the execution by Armenia of judgments in respect of Article 6 of the European Convention on Human Rights* project from the beginning until its end. It was carried out by using the OECD DAC evaluation criteria in application of the mission ToRs (Annex I) in **three phases**:

-An Inception Phase/Desk Phase. The evaluation mission started in an online kickoff meeting in September 2022 with the project managers. After an initial background study of the main project documents that was conducted by the evaluator from home, a visit in Strasbourg was organized with the Contracting Authority on September 27th to clarify the key issues to be addressed and proceed with the first interviews related to this project scope at the level of CoE staff. After this phase, the evaluator produced a **Concept Note** for the Contracting Authority (Annex II) including the relevant evaluation questions and criteria.

-A Field Phase. The field evaluation mission took place from October 4<sup>th</sup> to 6<sup>th</sup> in Yerevan, Armenia, to meet the relevant CoE staff in Yerevan and the main project stakeholders following a scheduled **work plan** (Annex III). The aim of the field mission was to collect more relevant project documentation and to exchange with the stakeholders on their project participation and feedback in order to answer the agreed evaluation questions.

-A Synthesis Phase. The final phase was devoted to analyzing all the data collected in the previous phases, which constitutes the core of the qualitative analysis to be undertaken for the draft and the final evaluation reports.

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<sup>1</sup> Mainly the Cooperation Programmes Division of the Department for Implementation of Human Rights, Justice and Legal Cooperation Standards (Directorate of the Human Rights, Directorate General Human Rights and Rule of Law)



Despite the difficult political context in Armenia due to the resurgence of the Nagorno-Karabaj conflict, the evaluation mission took place without major problems. Neither the remaining Covid19 worldwide pandemics had any impact in the mission logistic developments.

## **Methodology**

**Desk analysis** – this involved studying all documentation received from CoE and stakeholders; compiling other relevant documentation from public sources and using those to formulate preliminary findings that could be tested during interviews and triangulate against other sources of information, such as interviews. A special attention was given to the amendments introduced in the Armenian legislation through the project activities.

**Semi-structured interviews** with a range of stakeholders, including project beneficiaries – this involved discussing the project, based on the evaluation matrix that was proposed in this inception note, and considering each stakeholder's particular area of work, level of knowledge or experience of the project, and other specificities. The persons interviewed during the field phase in Yerevan included: the Yerevan CoE staff involved in the project and the Armenian counterparts involved in the project (See the work plan).

**One Focus group with beneficiaries** - The purpose of focus group discussions was to ascertain the respondents' attitudes and views in a conducive setting and reach a greater number of respondents. The expert adopted a neutral-assessment approach to safeguard objectivity throughout the study.

**Triangulation** - This set of **data collection methods** provided access to a range of sources and allowed for better **triangulation** of data. As such, the data collection approach was guided by the principles of **reliability and relevance**, ensuring that the expert received the best evidence available, analyses it appropriately, and generates findings, conclusions and recommendations that allow the CoE to rely on the evaluation report confidently.

**Inclusive, participatory and bottom-up approach** - The proposed data collection methods were participatory, sensitive to and interrogate gender roles, and they will be contextually and culturally sensitive, taking the specific local settings into account.

## **III – MAIN FINDINGS**

### **1. Relevance**

The project constitutes an adequate response to the current needs of the target groups /end beneficiaries in Armenia. The context of the project is the low level of execution of ECtHR judgments in the country related to the application of article 6 of the ECHR, the right to a fair trial, and its fundamental principles. One of the main issues regarding the compliance of CoE MS with the human rights standards established by the Convention is the lack of proper execution either in relation to individual measures or to the general measures enacted in the ECtHR judgments and this situation was particularly serious in the case of Armenia. In fact, compliance with ECHR by a MS can only be clearly seen through the level of execution of judgments, especially in the way each MS faces the general measures included in those judgments to prevent more violations through the due legal and institutional reforms.



In the case of Armenia, the reasons explaining that low level of execution are several, but the most important was the lack of an adequate state institution to deal specifically with the execution of the ECtHR judgments because the Armenian legal and institutional framework did not provide for that before 2021. In 2019, a Government Agent Office (GAO) was created under the Ministry of Justice (MoJ), however, it was not sufficient as the domestic legislation did not regulate the way in which such an institution would interact with the other State bodies that may be involved in the execution of those judgments, like the Ministry of Finance as regards the right to reparation through an economic compensation.

The project was also very significant for the CoE as it is linked to its core mandate by supporting MS to comply with its human rights through the required execution of the ECtHR judgments and as well because the project deals with one of the most structural rights of the European Convention, the right to a fair trial, because of its important implications as regards the legal framework regulating the Judiciary, the independence of judges and the length of justice. As regards Armenia, there was paradigmatic case law that demanded general measures on basic rules related to article 6 and the need to make GAO a more effective institution as regards the execution of ECtHR judgments, which required the cooperation of other state bodies such as the police, the State investigators, and the lower court judges. Another challenge for compliance in the case of Armenia was that it did not have the financial means and enough technical expertise to undertake the necessary changes, nonetheless, the CoE could give support on such matters.

In relation to Protocol 16 of the ECHR, Armenia had ratified it in 2016 and it had come into force in 2018, a courageous step to promote an adequate interpretation and implementation of the ECHR standards. However, the problem was the lack of a special procedure for the Armenian Judiciary to request advisory opinions to the ECtHR, which affected in particular the Cassation Court and the Constitutional Court. And in the same way, the CoE had the technical expertise to support Armenia to have the most appropriate regulations.

For this intervention in Armenia, the CoE chose an appropriate implementing modality. It took into account a relative similar context in the region, and it replicated the 2015 project on ECtHR judgments execution for Ukraine, where there had been the first project of this kind. All the Armenian stakeholders stated that the project was in line with their priorities, and many referred to the technical difficulties for executing ECtHR judgments due to the complexity of their legal terms and language, and that local practitioners need clear understanding about the European standards implications. Nevertheless, the Ministry of Justice (MoJ) would have liked to have participated in the previous needs assessment of the project in a deeper way as to have a say on the activities and indicators of the project.

The project design is focused on three state institutions: the Ministry of Justice, the Court of Cassation and the Government Agent of Armenia before the ECtHR: the end beneficiaries are the persons seeking justice in Armenian courts. Although in our view the project design does not contain an explicit use of the theory of change, according to which the situation in Armenia related to the compliance with article 6 of the ECHR and Protocol 16 can change through the project proposed activities, by supposedly following the model project successfully implemented in Ukraine, the project seeks to achieve changes in the legal and institutional framework by mainly using round tables where all stakeholders discuss and agree on recommendations to be taken into account by the Armenian authorities. The applied methodology required that the round tables were held in two waves: first round tables were organized for the stakeholders to familiarize with the topics of the intervention, meanwhile the second wave round tables were aimed to go in deep with the discussions to agree on the recommendations. As regards the topics for the recommendations, the project is inclusive

and it tackled many subjects, not only judgment execution as it was an umbrella project, which was especially appreciated by the stakeholders.

Another issue regarding the project design is that the project design does not either contain a real log frame together with the project description, where there is a single picture of the project purpose, expected outcomes, activities and outputs, indicators, and sources of verification so that an adequate monitoring of the implementation can be easily done from the inception. That document as such was not provided to the evaluator. Nevertheless, the PMM IT tool has all the information relevant to create the project log frame for M&E purposes. However, what is important is the insufficient accuracy of certain indicators for verification of the expected outcomes. Indicators should be concrete, clear and measurable. In our view, indicators such as “comprehensive legislative proposals to the Armenian legislation on the execution of judgments” (indicator for outcome 1.2), or “excessive length of judicial proceedings is reduced” (indicator for outcome 2) are not appropriated, they should include for example a certain number of proposals to be achieved or a maximum length for the judicial delays to be considered as an achievement.

The project required a deep cooperation between two CoE units: the Department for the Execution of Judgments of the ECtHR under the CM, and the Division of Cooperation Programmes in Human Rights and Rule of law to design the project and to understand the context and intervention with the important participation of the CoE Office in Yerevan. It is fully coherent with the CoE strategic plan for Armenia 2019-2022. As regards complementarity with other CoE projects in the country, there is still ongoing a CoE project to enhance the independence and professionalism of the Judiciary in Armenia (2019-2022), and there are other five CoE projects on judicial reform related to detention centers, human rights and army, criminal justice and human rights and medicine. Nonetheless, it would have been advisable in the project design to have made explicit reference to lessons learned and recommendations from previous CoE projects on judicial reform as it had enriched the project.

The project design seems to be based on a significant presumption: the existence of a political will to accept the recommendations of the project for amending the legal and institutional framework of the country considering the internal evolution of the country since the “velvet revolution” in 2018, but that is never guaranteed. In fact, the political developments in Armenia were considered by all the stakeholders as an important risk to consider for the smooth implementation of the project. On the other hand, the project does not include advocacy activities, which in our view would have made the project more complete to really achieve the necessary changes in the legal framework that the project aims.

Finally, the gender perspective in our view could have been more developed as including for instance an appropriate analysis of gender aspects from those case law related to article 6 about Armenia if any.

## **2. Efficiency**

The project Steering Committee was the main body for the internal supervision of the project implementation where the CoE project staff and the project stakeholders met at least twice a year. The adequate functioning of this key body to improve the efficiency of the project. This tool proved to be very fruitful not only to discuss and to approve the project work planning, but also to exchange on the needs related to the project that had not been included in the designed activities. In that sense, all the stakeholders were very active to do proposals along the implementation of the project, nevertheless there should be highlighted the participation of the Deputy Minister of Justice, the judges of the Cassation Court, the Head of the Office

of the Representative of Armenia before the ECHR and the acting Deputy Head of Legal Affairs Department of Supreme Judicial Council of Armenia together with other high rank authorities from the Judiciary and the Government of Armenia and CoE staff related to the project. It is also very interesting to note the participation in the Steering Committee of a representative of the CSO Law Development and Protection Foundation as a proof of the wish of transparency and openness with which the projects implementers desired to work.

Many of the stakeholders' suggestions were included as new activities of the project as it was agreed by all that they were necessary, for instance those approved during the second steering Committee of the Project held on 18 October 2021: the need to elaborate a software to facilitate the interaction between the GA office and other interested bodies in the context of execution of the ECtHR judgments, preparation of a guide on person's right to examine witnesses whose testimony played a decisive role in line with requirements of the case law of the ECtHR and other CoE standards and in the context of newly adopted Code of Criminal Procedure, translation into Armenian of some important action plans and reports as well the Committee of Ministers decisions in respect of Armenia in the context of execution of ECtHR judgments. All these proposals were considered in the planning of the Project activities for 2022.

Regarding the staff hired to be in charge of the project implementation, it was a very appropriate decision by the CoE to have decided to have an A1/A2 officer to manage the project from the CoE office in Yerevan. That is important because, according to CoE staff in Yerevan, the Organization normally hires a B5 officer, a lower administrative rank position, to be the project manager. In the particular case of this project, its complexity, its political implications, and the fact that it implied interaction with very high rank officers like the judges of the Cassation Court or members of the Supreme Judicial Council, demanded a high level professional manager. The he project manager selected for the project in particular was very adequate according to all stakeholders due to his high level of interaction, his dynamism and his professionalism.

However, there was an issue regarding the project staff that could have affected its implementation: the changes in the staff working in the project implementation. In January 2021, the hiring of the project manager had not yet finalized; he arrived at his post three months after the project inception, which influenced in the late start of the project implementation. The project coordinator in CoE Headquarters changed after the end of the first year of implementation. The project assistant left the Yerevan Office four months before the end of the second year of implementation due to the CoE policy that temporary staff can only work for nine months per year. Moreover, the project manager moved to a new position within the CoE three months before the end of the project. Nevertheless, a new project assistant was hired to work till the end of the project in the implementation of the last activities where the presence of a project manager was not so necessary as they had been prepared in advance and not much intervention was required.

The Monitoring& Evaluation (M&E) of the project implementation was done through different tools: the above mentioned Steering Committee and the regular reporting to all stakeholders through the 2021 progress report and the quarterly financial reports on budget spending that acted as periodic progress reports for 2022. The level of quality of the project reporting, in particular the 2021 progress report, was very high as to explain in detail the implementation of the activities per expected outcome, the problems that were found, the evolution of the context and the management of risks. It also included the so far lessons learned and the perspectives of sustainability, which was very useful. Nevertheless, for internal purposes, the M&E of the project was done by using the PMM IT tool, which is a complete, updated and transparent telematics system open to all CoE staff involved in the project. It can be described

as a data base to record every implementation step following the initial project log frame and it collects the main documents about the project implementation.

The inputs and resources provided by the project were appropriate for achieving the results. As explained above, the main input were the round tables organized by the project to tackle the different topics, but the round tables were just a step of a progression of activities. The process started with the elaboration of an analysis paper about the topic in question that was circulated in advance among the participants of the round table so that they could reflect on that paper to make observations to be debated at the round table. The analysis paper had been prepared by an International or a National expert depending on the perspective of the topic: the human rights standards in accordance with the ECHR and the ECtHR case law, which was done by international experts, and the Armenian legal and institutional framework and its actual interpretation and practice by decision makers in the country.

The round table was conceived as an open discussion meeting where all the participants were free to express themselves by using as a reference the paper prepared in advance. All the stakeholders present in the round table were put at the same level no matter their positions. To facilitate the discussion and to prevent time wasting, for each round table an introductory document was also distributed in advance among the participants to explain the programme of the event and the objectives of the discussion, which was very instructive according to all stakeholders. Nevertheless, the main objective of all the round tables was the same: to reach a common agreement on a set of recommendations for a better compliance of Armenia with the standards of the ECHR and the ECtHR case law in relation to article 6, right to a fair trial. Those agreed sets of recommendations should be the base for legal and institutional reforms and, therefore, they should be used by the Cabinet to do its legislative proposals to be sent to the National Assembly for adoption. However, at the end of the round tables there were not special reports to be sent to the legal committees of the National Assembly, which could have improved the project impact in the Armenian legal system.

According to most participants, the round tables held informal discussions that had fruitful and relevant conclusions. The final documents containing the recommendations for each topic were translated to English and Armenian, which was very useful for their distribution and follow up. According to the internal logic of the project intervention, the round tables were organized in two waves: the first wave, at the inception in May 2021, to cover the topics in a general approach; the second wave, from October 2021, to deepen in the said topics. Regarding the work methodology for the round tables, some interlocutors expressed that they would have liked to have more time for reflection on the proposed papers before the holding of the round tables.

The project management sent general invitations to participate in the round tables to all the target groups of the project and then it was for each institution to decide who to send to the round table in question. In most round tables, the target institutions sent as representatives high rank decision making persons with the exception of the MoJ that sometimes sent second rank advisors and members of the Academy of Justice. Although the project design had the focus on state institutions, according to most stakeholders there were significant absences. The Armenian Bar Association was not invited, however, as practitioners daily dealing with the consequences of article 6 of the ECHR to defend their clients' rights, their contribution to the round table's discussions, in our view, would have been very productive. The members of the National Assembly (MPs) who are involved in the legislative process related to judicial reforms were not either invited to participate in the round tables, a presence that according to some stakeholders had been necessary, especially those MPs belonging to legislative committees on Human Rights and judicial reforms. That would have been important as to

achieve the outcomes of the project, the necessary legal and institutional reforms for Armenia to comply with the standards of the ECHR.

Nevertheless, on the other hand, the project management just invited one CSO, the Law Development and Protection Foundation (LDPF). The reason to invite this CSO was it is an Armenian legal thinktank and it has expertise in judiciary affairs. It was founded in 2018 after the “Velvet Revolution”. LDPF also deals with electoral monitoring and with observation of the legal framework and the courts work, it is funded by Open Society Armenia to do a project on analysis of ECHR judgements related to Armenia on article 8. Also, it receives funding from the European Endowment for Democracy for internal capacity and legal research on enforcement of national judgments. And they also do advocacy on legal amendments. In 2020, LDPF did its own research on non-execution of ECHR judgments on article 6 in Armenia, which mainly refers to the Judiciary attitude in courts: access to court of mental cases, reexamination of witnesses in appeal court, difficulties for reopening of cases, timely execution of national judgments. According to LDPF, the problem in Armenia is not only the law but how it is applied. Therefore, it was the best partner for the project round tables discussions as it was dealing with article 6 issues. LDPF stated that the round tables methodology was appropriated to reach agreed recommendations that could have an impact in the legal system. As regards other possible CSOs that could have been invited, some interlocutors mentioned Human Rights without Borders.

Other interlocutors mentioned other participants that were not invited: high rank officers from law enforcement bodies like the police, general prosecutors, investigators. For JC, all the policy makers should have been involved as they are the end users who will apply the law.

All stakeholders stated the high level of consultants hired to prepare the analysis documents for the round tables. National experts had both academic and practitioner background as having ECHR knowledge. International experts were real experts in ECHR standards and ECtHR case law interpretation. All of them were hired through a CoE framework contract that provides for a pool of quality experts. There was an adequate logic in the use of International/National experts as regards European standards domestic legislation. According to the interviewed experts, there was a good collaboration between international and national experts, each of them focused on different areas, standards, and the Armenian reality. The need of the physical presence of international consultants at the round tables was justified except for the presence of one in the 3<sup>rd</sup> steering committee as he could have participated online.

The Covid19 pandemics was considered a risk for the project implementation, and it had an effect at the beginning as the first-round tables had to be organized online due to the pandemics restrictions on gatherings. Obviously, online meetings are not the same as face-to-face meetings as regards the motivation of participants and their active participation, but it was an adequate decision to start the activities and, for most interlocutors, the influence was minimal as regards the results of those round tables. In any case, those round tables held from June 2021 were face-to-face, although there was always the possibility to join online for those who had to do it.

The intervention encountered a significant delay at the inception phase because the official start of the project was January 2021, but the launching of the project was done on April 9<sup>th</sup>2021, and no project activity took place before that date. Also, as mentioned above, the project started in January without a manager and just what we consider a project proposal that required adjustments for its implementation to the Armenian reality. Therefore, when the project manager finally started to work, his first task was to make those adjustments by deepening the formal cooperation with the target groups of the project so that everything was

ready for such launching, which was not easy taking into account the time pressure. Nevertheless, the project design allowed enough flexibility as to move activities in the schedule and even to replace them with others that were considered more focused on the objectives of the project. A very adequate decision by the project managers was to devote the first year of the project mainly to develop the round tables methodology and the second year for the study visits, events and publications, capacity building for GAO and for the Judiciary.

At the end of September 2022, the level of expenditure of the project budget was around 95% and the CoE office in Yerevan considers that it would reach around 100% by the end of time for implementation. Due to the travel restrictions established in the context of the Covid19 pandemics, many of the budgeted 40 international flight tickets were not purchased and that funding was used in other activities that the Steering Committee agreed. The continuous variations in the exchange rate of the Armenian currency may affect the final figures of the budget. The cost of the budgeted items was appropriated.

Not all the planned activities at the inception phase were implemented as there were changes in the budget lines. The project management with the Steering Committee's support, after the first-round tables and discussions, to eliminate some activities related to the topic of impartiality of judges and one visit to Strasbourg because they were considered not necessary. Nonetheless, new activities were included as a proof of flexibility: the guides on witness examination and re-opening of cases and the translation of the CoE guide on article 6 and the CM comments on Armenia. It was found that the ECHR standards required wider dissemination through publication in paper and the website. In October 2022, the only activities pending for implementation were the formal presentations of the software for GAO and the online training on execution of ECtHR judgments for the Academy of Justice.

### 3. Effectiveness

Most of the achieved outputs of this project take the form of recommendations. Overall, twenty documents were delivered by the international and national consultants. Those documents are dedicated to the different issues covered under the project. If we group them by outcome:

**Intermediate outcome 1.** The Armenian national strategy for the implementation of general measures for execution of the ECtHR judgments is finalised and adopted by relevant Armenian bodies, which includes: immediate outcome 1.1 (a regular inter State authorities platform for the execution of the general measures within the ECtHR judgments); immediate outcome 1.2 (Improving the Armenian legislation on the execution of judgments to properly address the execution of the general measures within the ECtHR judgments); and immediate outcome 1.3 (Statistical databases on the execution of national judgments):

- Recommendations of the national consultant on the regular platform for interaction and interaction strategy related to the execution of judgments.
- Assessment by the international consultant of the legislative framework regulating the process of execution of ECtHR judgments in Armenia and the functioning of the Government Agent.
- SWOT analysis of the international consultant on the interaction between the Government Agent and different state bodies involved in the execution of judgments of ECtHR;
- Recommendations by the international consultant aimed at development of an interaction strategy concerning the process of execution of ECtHR judgments.

- Recommendations of the national consultant regarding the improvement of legal framework regulating the activity of the Government Agent's office.

- Recommendations for the Human Rights Defender's office and the NGOs on Rule 9 communications to the Committee of Ministers concerning execution of ECtHR judgments

**Intermediate outcome 2.** Development of national remedies concerning the excessive length of judicial proceedings in accordance with relevant general measures, which includes immediate outcome 2.1 (Proposals to amend the Armenian codes of procedure to reflect the remedies against the excessive length in accordance with ECHR standards):

- Analysis and recommendations of the international consultant of the issues related to reduction of excessive length of judicial proceedings in the light of the ECtHR judgments against Armenia and to reflect the remedies against the excessive length of judicial procedure in an appropriate way, within the understanding of the European Court of Human Rights. Relevant CEPEJ tools for measuring the length of judicial proceedings are presented for the use as a monitoring instrument.

- Consultancy work cooperation with Supreme Judicial Council on excessive length of judicial proceedings

**Intermediate outcome 3.** Recommendations towards strengthening access to justice and judicial independence, in accordance with ECtHR judgments, and at least 50% of the recommendations are implemented, which include immediate outcome 3.1 (Analysis of Issues of judicial independence in Armenia); immediate outcome 3.2 (Identification of barriers to the access to justice and recommendations as to their removal and prevention):

- Analysis and recommendations of the international consultant related to the impartiality of judges, which implied among others an urgent judicial reform taskforce (UJRT) to improve training and capacity development for the judiciary in regard to article 6, to institute ethics and impartiality lead judges (EILJs) in all judicial chambers; to establish a new judicial appointments commission (JAC).

- Analysis and recommendations of the international consultant regarding the issue of access to court, including for the mentally incapable persons and the issue of late or non-executions of national court decisions in the light of ECtHR judgments against Armenia.

In particular, the introduction into the legal system of the partial limitation of legal capacity or its adequate replacement more individualized, limited in time and preserves as much as possible the capacity of persons with intellectual or mental disabilities to act independently and protect their interests.

- Recommendations regarding late or non-execution of domestic judgments in collaboration with the Service of Compulsory Enforcement of Judicial Acts of Armenia. There should be appropriate compensation for non-pecuniary damage and provide instructions for subsequent proceedings in the case. For material damage caused by inaction or lengthy judicial proceedings, including failure to enforce judgments, the State must be liable in civil law.

**Intermediate outcome 4.** Armenia's Court of Cassation is supported in building effective procedures related to interaction with the European Court of Human Rights, with a focus on the implementation of Protocol No. 16 to the ECHR (as regards the requests for advisory opinions) and as to the re-opening of judicial proceeding following a judgment of the ECtHR, which includes immediate outcome 4.1 (The practice of the Court of Cassation is established in line with the understanding of the ECtHR):



-Recommendations for a legislative package on implementation of the Protocol no 16 to ECHR on advisory opinions

Those recommendations were the output of the project round tables. The discussion papers prepared by the consultants already contained recommendations, but they had to be discussed and validated by the State bodies involved in the activity through their representatives. All stakeholders recognized their willingness in such involvement and their internal reflection before the holding of the round table in question where those papers were to be debated. All the round tables were considered relevant for the stakeholders to improve the compliance of Armenia with the ECHR and the ECtHR judgments' implications through the necessary amendments in the legal framework. According to some stakeholders, a remarkable round table was that on September 24<sup>th</sup> 2021, where a draft strategy for interaction GAO-state bodies regarding execution was discussed.

Nevertheless, because of the importance of all issues related to article 6 of the ECHR., all stakeholders highlighted the importance of the practical approach of the documents prepared by the project consultants in the sense that they referred to specific regulations of the Armenian legislation and that they expressed in what way they should be adapted to the ECHR standards by introducing the necessary amendments. A good example is the document on access to justice in the context of judgments ECHR on Armenia of September 13<sup>th</sup> 2021 and that of November 15 on the impartiality of judges and the execution of article 6 and others. However, one of the main obstacles to reach agreement in the round tables was the interpretation of the legal terms normally used by the ECtHR in their judgments. For that reason, as an example of the importance given to that problem by the project was the event of July 9<sup>th</sup> 2021 on execution of ECHR judgments and the functioning of GAO, where there was an explanation on the ECtHR standards on execution of general measures of the judgments as to prevent new violations of the ECHR.

An independent observer of the round tables, such as the CSO LDPF, stated that the participants' attitude was in general very cooperative in the aim of debating the most adequate legislative or institutional solution for each situation. It was very fruitful to put all the stakeholders at the same level, not only among themselves but also in relation with the consultants. The main obstacle for consensus on the recommendations was the resistance of certain judges to accept criticisms related to national judgments and the interpretation of legal terms. More specifically, the agreement was easy for instance regarding the right to access to court of persons with mental disabilities, meanwhile other were difficult, administrative cases, compensation after delay or wrong judgments. In our view, the quality of the agreed recommendations is outstanding because they condense the requirements of the ECHR standards and the needs of the Armenian reality.

It might be argued whether the project was too ambitious as it tackled too many topics instead of focusing on certain areas. But for most stakeholders that was not a problem, although they had to make a significant effort to be ready for each round table so that they were ready for the discussion on the proposed recommendations. The good development of all the round tables shows that those efforts were productive, and the results satisfied all the participants and the COE's expectations regarding the adequate compliance of Armenia with the ECHR. Nonetheless, it should be noted that if the project activities had started in January 2021, and not in May 2021, the implementation progress would be smoother, with less pressure on the participants to digest the analysis papers.

Another important issue that we noticed is the lack of overlapping between the analysis papers and the clarity and consistency of the recommendations. The national experts of the

project were remarkable. There should be mentioned Artyom Sedrakyan, university professor of constitutional law, former legal expert of state bodies and with a strong ECHR knowledge background, who participated in the formulation of the strategic paper for GAO and in the development of the online learning module for judges on ECHR judgment execution. And also Davit Melkonyan, university professor of criminal law and working experience at the ECtHR, who was involved in the guide on examination of witnesses at courts and in the development of the recommendations for application of Protocol 16. The stakeholders praised as well in particular the participation of technical experts on medical legal issues. However, some GAO staff criticized the documents made by international experts as sometimes their conclusions were too general to be applicable to the Armenian context, especially when dealing with domestic problems and how to solve them. The Armenian legal needs should be first thoroughly assessed.

In our view, the most significant achievements of the project were the recommendations of the Council of Europe international and national consultants as regards the platform for interaction, interaction strategy, legal framework regulating the functioning of the Government Agent's office and its cooperation with other relevant bodies of Armenian Government provide for a more effective and co-ordinated response with regard to the execution of general measures deriving from ECtHR judgments and contribute to the protection of conventional rights of the applicants to the European Court of Human Rights and more generally of the users of the justice system in Armenia. These recommendations were taken into account for the adoption of the Decree of the Prime Minister No. 1443-A on December 17<sup>th</sup>, 2021, about the creation of an interagency commission, and this fact was mentioned in the rationale of the mentioned decree. In the same sense, the recommendations, as well as the strengths, weaknesses, opportunities and threats (SWOT) analysis provided in June and September 2021 regarding the platform for interaction and the strategy for interaction largely contributed to the better understanding of the needs and enhanced the knowledge of the project stakeholders about the standards of the Council of Europe and the experience of other member States in this sphere.

The mentioned recommendations aimed to make such interagency commission a permanent platform for the execution of ECtHR judgments like a hub where all involved state bodies can interact and execute adequately without overlapping and with transparency. Through that management platform all can see the whole picture for the execution of each judgment, and they can do the necessary follow up for full execution. At the time of this evaluation, October 2022, the platform was ready, but it was not yet working, but it was supposed to start working in November that year. That platform required the training of staff.

On the other hand, regarding the legal framework for GAO's adequate functioning demanded new amendments to the Armenian legislation as to interact with the Department for the Execution of Judgments of the ECtHR, which reports to CM on the execution of each ECtHR judgment still pending by a MS. In those cases where Armenia is involved, GAO must prepare an action plan to respond to the individual and general measures contained in the judgment. Complementarily, there were the recommendations to improve the legal framework regulating the activities and statue of the representative of Armenia before the ECtHR and those related to the appointment of the Head of GAO and the internal organization and staffing of the Office. It is important to highlight those recommendations for GAO to provide the National Assembly with assessment of the legislative measures required for the execution of a judgment and to consult civil society as to the general measures to be adopted.

In 2022, there were two wide round tables with the participation of the Armenian Human Rights Defender and other CSOs on rule 9 on communication to the CM on the execution of ECtHR judgments. These events are remarkable because under Rule 9 National Human

Rights Institutions and CSOs may submit to the CM communications with regard to the execution of judgments according to article 46, paragraph 2, of the ECHR. For the CoE, local monitoring is a necessary contribution to assure compliance.

Finally, regarding Protocol 16 of the ECHR, Armenia wisely had ratified this additional instrument as to provide the Judiciary with the useful resource of requesting advisory opinion to the ECHR when necessary, however it was necessary to amend the national legal framework in order to facilitate its implementation by Armenia regarding the advisory opinions providing for more effective interaction of the designated courts (Court of Cassation and Constitutional Court) with the European Court of Human Rights, which were not present in the Armenian legal system. The project recommendations refer to the function of the Court of Cassation and the Constitutional Court to submit a request for an advisory opinion under the Protocol and to the procedure for submitting such a request in the Judicial Code in a more general way, in the Code of Criminal Procedure, in the Code of Civil Procedure, in the Code of Administrative Procedure, in the Constitutional Law on the Constitutional Court. A request for an advisory opinion on the basis of Protocol No. 16 may be submitted by the national designated courts only after the cassation appeal has been accepted by the Court of Cassation, or after admitting the appeal for further consideration by the Constitutional Court. Afterwards, the national consultant who had prepared the initial recommendations for the stakeholders, on the basis of the agreed recommendations, prepared legislative proposals to be provided to the authorities for their consideration.

As commented above when analyzing the project methodology, there was not a formal follow up step planned to support the inclusion of the agreed recommendations from each round table in the legislative proposals to be sent to the National Assembly. Several interlocutors mentioned that the presence of relevant MPs in the round tables discussions has been very useful to facilitate that process.

Other activities of the project are:

- Study visits to Strasbourg for the team of the Government Agent and the representatives of the Court of Cassation in relation to Intermediate Outcome 1, and for the team of the Government Agent and the representatives of the Court of Cassation in relation to Intermediate Outcome 4.
- Expert meetings with the representatives of the judiciary, the Government Agent's team and the prosecutors on the guide on re-opening of cases following the judgments of the ECtHR and publication of the guide (Intermediate Outcome 4).
- Expert meetings with the representatives of the judiciary, the Government Agent's team and the prosecutors on the guide on person's right to examine witnesses whose testimony played a decisive role in securing his/her conviction and publication the guide (Intermediate Outcome 3).
- Translation into Armenian of the most important action reports and CM decisions regarding Armenia and of the fact sheets of the Execution Department regarding the independence and impartiality of judges as well as other fact sheets (Intermediate Outcome 3).
- Creation of the database (software) concerning the execution of judgments and improvement of the website of the Government Agent's office. Translation into Armenian of the video showing the main search functions of the HUDOC database. Purchase of hardware for the Office of the Representative of Armenia on International Legal Matters to provide smooth and full functioning of the software. Presentation of the software for the office of Representative of Armenia on International Legal Matters (Intermediate Outcome 1)

- Development of a distant learning module on execution of ECtHR judgments elaborated in cooperation with the Academy of Justice (Intermediate Outcome 1).
- Publication of the Armenian version of the Guide of the European Court of Human Rights on Article 6 (Intermediate Outcomes 2 and 3).

The main findings on these activities are the following:

- Study visits in cooperation projects tend to be a subject of controversy when they are evaluated externally as it is not always easy to verify their cost-effectiveness because they often imply a considerable spending. In this project, study visits of stakeholders were focused on Strasbourg, the CoE headquarters and siege of the ECtHR, where for obvious reasons the main knowledge and interlocutors related to the application of the ECHR are located. In principle, in the context of this project objectives, the planned study visits were strategic as a tool to create a good cooperation between the CoE institutions and the Armenian state bodies involved in the compliance with the ECHR without affecting their respective independence. The study visits for Armenian members of the Judiciary were very significant as the president of the Cassation Court and the presidents of its chambers actively participated, on one hand, to establish a formal cooperation for application of Protocol 16 and to exchange on the adequate proceedings for such interaction, and on the other, to have a better understanding of the ECtHR functioning and decisions. As regards the study visits organized for GAO, there should be differentiated those involving high rank GAO officers, which were more formal and institutional, from those for GAO staff more that were conceived as a working experience to meet the CM staff involved in the monitoring of the effective execution of the ECtHR judgments to understand the logic with which they in relation to the MS' action plans for the implementation of the general measures contained in the judgments. These visits for GAO were justified as well because its staff is young and lacked enough professional experience on judgment execution in accordance with ECHR standards. All the participants in the study visits praised their organization and the relevance of the work plans in Strasbourg. The study visit schedules were tight and very complete and therefore the participants did not have time for personal activities. There were informal wrap up meetings in the concrete case of the GAO staff visits where they could express their feedback, however, the project management did not provide the study visits participants with evaluation questionnaires where they might have stated their opinion in relation with the logistics and the effectiveness of the work plans as regards the aims of the organized meetings in Strasbourg. These questionnaires could have been anonymous, but in any case, they would have been crucial to verify the expected outcomes of these activities.
- For the elaboration of the two project guides on re-opening of cases following the judgments of the ECtHR and on right to examine witnesses whose testimony played a decisive role in securing his/her conviction respectively, it was followed the same fruitful methodology applied for the development of recommendations through round table discussions. All the relevant stakeholders had the possibility to discuss the draft content of those guides in a formal event. Nevertheless, some participants stated that it would have been important to support the follow up of the dissemination of the guides that the project management had organized round tables to validate the final version of the guides in order to officially have a common understanding. As regards the work related to both guides, they reflect the case law of the European Court of Human Rights, the practice of the Committee of Ministers as well as regulations in the new Code of Criminal Procedure. Consequently, these two project outputs are highly remarkable because of their usefulness for all practitioners in Armenia and their adequate dissemination trough

publication in paper and online. As well, it is worth mentioning the significance of the publication in Armenian language of the CoE guide on article 6 of the ECHR in order to promote a clear and comprehensive understanding of all the procedural implications from the effective application of article 6 among all practitioners in the country: state bodies, bar associations and Academia.

- The online learning course on ECHR judgment execution for the Academy of Justice is also an outstanding output. It was developed not only for new judges studying at the Academy but also for professional judges, for that reason was conceived as an online tool so that everyone can follow the course without physical presence. According to the project management, it is the first of this kind in Europe and it has created lot of expectations for its replication in other CoE MS. It includes motivation videos, lessons, library with a very practical side and examples from Armenia.

As a general appraisal, all the project documents containing data on participation give figures on the participation of women in the activities. It would have been interesting to extract consequences of such percentages if relevant and, furthermore, that the project through the Steering Committee had organized a round table to discuss gender issues in relation to article 6 of the ECHR and its implications for the Armenian context.

Summing up, it can be stated that all the project indicators as established in the PMM IT log frame have been met, something feasible as those indicators were too general as we commented in the section on efficiency . The quality of the outputs of the project is remarkable and many of the expected outcomes have already been achieved. In our view, the target groups of the project have been adequately influenced by the project intervention and their policies and actions reflect it, nevertheless it is still an ongoing process. We just observe positive effects of the project intervention either intentionally or unintentionally for a better execution of the ECHR judgments in general and in particular in relation to article 6. Nevertheless, the inclusion of formal follow up activities and the enlargement of the participation in the activities would have increased the effectiveness of the project.

## **RESULTS/IMPACT**

Analysing the results/impact of a cooperation project means attempting to verify the actual changes that the project outputs are producing in the target groups and, through them, in the context of intervention. Two-year time, or even less if we take into account the real duration of the project implementation, is too little to observe the full impact of this project. Nonetheless, there are several signs that may lead to find interesting traces of impact:

- Armenia has received for the last years around ten to twelve judgments per year by the ECtHR. At present, there still forty-five ECtHR judgments pending of execution; most of them referred to military cases with difficult execution and situations where the accomplishment of individual measures established by the judgment are not feasible anymore or where opening new investigations is not either possible. More specifically, as regards the nature of the ECHR judgments not executed in 2021, most of them are related to a lack of reasoning for detention, meanwhile, in 2022, there can be seen more judgments about hate crime and medical cases. This evolution in the subject of the judgments may show in general more awareness among the Armenian duty bearers on the basic values of the ECHR. Nevertheless, these data are very recent, and they may not be the consequence of the project, but more generally of the CoE activities in the country. In any case, according to the CoE Division on Judgment Execution, the data from the period 2019-2022 proves a good progress of judgment execution by Armenia.

- In the same sense, the interviewed members of the Court of Cassation and the Supreme Judicial Council state that now most court decisions have reference to ECHR case law and that lawyers also use it more and more to substantiate their pleas.
- The new action plans prepared by GAO have a much better quality as to understand the implications of the individual and general measures contained in the ECtHR judgments and the understanding of the ECHR and the ECtHR case law, according to staff from the CM Division of Judgment Execution. It can be stated that currently there exists a real cooperation between the CoE and the Armenian authorities on execution of judgments. All interlocutors talked about a real political will that it has been put in practice.
- A clear proof of the project impact is the Decree of the Prime Minister No. 1443-A on December 17<sup>th</sup>, 2021, which regulated the new institutional configuration of GAO and the interagency commission for ECtHR judgment execution and its legal framework, and this fact was mentioned in the rationale of the decree.
- The interagency commission on ECHR judgment execution and its digital platform are formally set up and ready to start working with the appropriate software and the relevant staff duly trained to use it.
- The legislative package concerning the implementation of Protocol N<sup>o</sup> 16 of the ECHR, which implies amendments to different legislation on criminal, civil and administrative affairs, has just been approved by the Cabinet and it will arrive soon at the National Assembly for its study and adoption.
- The new Criminal Procedure Code contains many of the project recommendations for new procedures regarding the implications of article 6 of the ECHR in general and from judgment general measures, and more specifically on re-opening of cases after an ECtHR judgment and the examination of witnesses whose testimony played a decisive role in securing his/her conviction.
- As regards the impact of the online learning module for judges on ECjHR judgment execution is too early to state because it will start been used in November. As far as the project guides are concerned, they have just published and distributed, therefore their impact is still to be seen among the practitioners.

#### **4. Visibility**

Visibility can be defined as the CoE's ability to be recognized by its projects' beneficiaries. It is a consequence of effectiveness as an evaluation criterion. The kind of the main activities of the project was not very appropriated to give a wide visibility to the CoE as the participation in the round tables was reduced and its public visibility was only done through publication in the CoE office in Yerevan and the social media of the participating stakeholders. According to the project management, this aspect was not so important because the topics tackled in the project are very sophisticated and they require a deep technical knowledge from participants despite the social and human implications of a correct compliance of the domestic legislation for the Armenian population. A larger participation of CSOs in the project activities would have increase the CoE visibility.

In general, the visibility relied in the development of materials (expert reports, event programmers, news items, publications), which had very clear reference to the Council of Europe and the Human Rights Trust Fund. During the Project events, the logo of the Council of Europe appeared in a visible place and the source of the project funding was clearly mentioned for the attention of the participants.



## 5. CoE added value

All interlocutors of the evaluation stated the added value of the CoE's intervention through this project. They recognized the value of the CoE's activities to improve the legal and institutional framework of Armenia in accordance with the standards of the ECHR and they see the CoE as the only organization having the technical expertise to do it, especially when states bodies are concerned like the Judiciary. The project stakeholders appreciate the monitoring mechanism working under the CM and they understand that an adequate compliance with the ECHR is essential to prevent from an authoritarian derive in the country. Moreover, in the current context of a new chapter in the Nagorno.Karabaj conflict with Azerbaijan, the role of the CoE and the ECtHR in dealing with human rights violations and war crimes has created a lot of expectations in the country.

## 6. Sustainability

The sustainability of the outcomes achieved by the project does not generate doubts in principle as they suppose important legal amendments and institutional innovations that are highly appreciated by all the stakeholders. The new criminal procedure code and the very likely adoption of the legislative package on the application of Protocol N°16 will remain in time. The financial implications of those changes are affordable by Armenia. The capacity building of GAO and the interagency commission for ECtHR judgment execution is achieved and it will be replicated by themselves if the staff changes. The adequate inclusion of the online learning course on ECtHR judgment execution in the curriculum of the Academy of Justice will increase the general understanding of the ECHR. The strengthening of GAO is solid, and it will increase in time because it also acts as the International Legal Affairs Office of the country dealing with any legal issue affecting Armenia internationally, for example UN HR bodies and ICJ. However, this success is part of the changes generated by the 2018 "Velvet Revolution" and therefore they are a consequence of a real political will that it has been put in practice, if there are troubles or setbacks in such political will and the democratic evolution of Armenia, the sustainability of the outcomes of this project might be affected. If the conflict of Nagorno-Karabakh continues the appropriate compliance of Armenia with the ECHR standards and the execution of ECtHR judgments might not be a priority.

## IV – CONCLUSIONS

1. The project constitutes an adequate response to the current needs of the target groups /end beneficiaries in Armenia, namely the low level of execution of ECtHR judgments in the country related to the application of article 6 of the ECHR. The project design mainly focused on providing expert advice and recommendations to the relevant Armenian authorities as regards legal and institutional reforms, in especial the activity of the State Representative in International-Legal Affairs of Armenia (GAO). Particular attention was given to the application of Protocol No. 16 to ECHR and the procedure of re-opening of judicial proceedings following the judgments of the ECtHR. For that purpose, the project methodology was rightly based on round tables where the stakeholders discussed and agreed on those recommendations, but it missed a formal follow up phase to support their adoption by the National Assembly. The project description lacked appropriate qualitative and quantitative indicators.
2. The Steering Committee played a very active role during the project implementation by replacing some activities with others, which increased the project impact. The numerous staff changes did not influence the project implementation, but the late start of the activities carried out an excessive concentration of the round tables in less time. The inputs and resources provided by the project were appropriate for achieving the



results, nevertheless a wider group of stakeholders like the bar associations and MPs involved in the legislative process would have enriched the results. The Covid19 pandemics did not have any significant effect in the activities. The budget funding was adequately spent.

3. The expected outcomes were achieved through the project outputs. The project indicators were met. The quality of the outputs of the project is remarkable (recommendations, guides), the target groups of the project have been adequately influenced by the project intervention and their policies and actions reflect it (interagency commission for ECtHR judgments execution), nevertheless it is still an ongoing process to observe the whole project impact. The consultants' work was highly appreciated by the stakeholders.
4. The technical nature of the project was not very appropriated to give a wide visibility to the CoE in the general public of Armenia. All interlocutors of the evaluation stated the added value of the CoE's intervention through this project. The sustainability of the significant project achievements in principle is not endangered as it can be regarded as a consequence of the changes generated after the 2018 "Velvet Revolution". Nonetheless, setbacks in such political will of the conflict of Nagorno-Karabaj might affect the outcomes of this project in the future.

## **LESSONS LEARNED**

- The quality of the consultants' work when analyzing a Country's legal framework and judicial reality is crucial to generate the appropriate debate among the stakeholders.
- Round tables when they are based on open discussions at the same level between interlocutors generate the necessary exchange to reach agreements.
- The involvement of the project stakeholders in the project design and implementation is very fruitful to achieve the expected outcomes.

## **V – RECOMMENDATIONS**

1. The project is strategic for CoE to promote judgment execution and if possible, it should be disseminated and replicated in other MS as it tackles systemic problems.
2. The project should be repeated in Armenia by tackling other articles of the ECHR related the security of persons, free expression or non-discrimination, which are also important to prevent authoritarian arbitrariness and to secure compliance with the ECHR standards with a wider participation of law enforcement decision makers, practitioners' associations and relevant MPs.
3. Follow up of the project achievements should be made by the CoE Office in Yerevan with the collaboration of the Armenian human rights monitoring bodies and the civil society.
4. Study visits and round tables as cooperation project activities should be followed with the use of means such as anonymous questionnaires to have the participants' feedback for improvement.
5. Other CoE guides on ECHR articles should be translated into Armenian as a way to promote an adequate understanding and application of the ECHR.

## **VI – ANNEXES**

**ANNEX I – THE TERMS OF REFERENCE FOR THE EVALUATION MISSION**

**ANNEX II – CONCEPT NOTE**

**ANNEX III – WORK PLAN IN STRASBOURG AND YEREVAN**