

## PROJECT "IMPLEMENTATION OF THE JUDICIAL REFORMS IN ARMENIA"

**Component 1: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia**

**Component 2: Supporting the criminal justice reform and harmonising the application of European standards in Armenia**

**Closing Conference – Extended Steering Committee Meeting  
21 February 2023**

## Support to the judicial reform in Armenia

**The Project (January 2019 – February 2023) was seeking to achieve through both Components:**

- Improved legislation on the judiciary
- Enhanced professionalism of the Judicial Self-governing Bodies
- Enhanced access to justice and improved court management
- Improved application of arbitration and mediation
- Better alignment of national criminal justice policy and practice with European standards
- Harmonisation of national jurisprudence with case-law of the European Court of Human Rights
- Strengthened capacity of the Justice Academy to train legal professionals in criminal justice

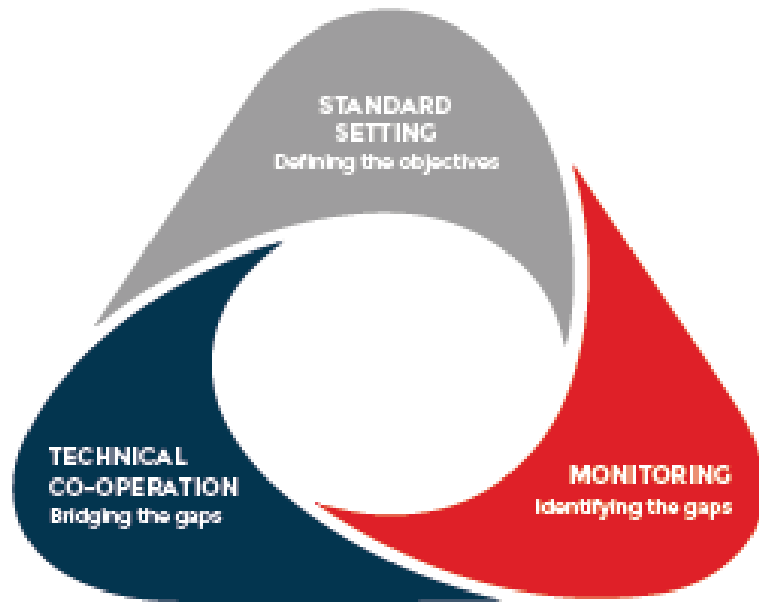
# Support to the judicial reform in Armenia

## How were the Project results achieved?

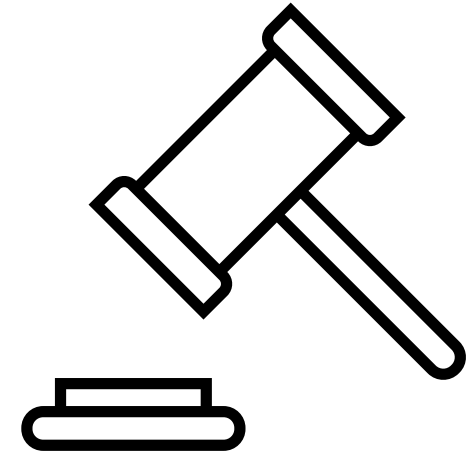
- Through the Council of Europe intervention logic of Standard-setting – Monitoring – Technical Cooperation
- By providing legal advice, methodological, technical and professional capacity-building assistance in line with Council of Europe human rights-oriented Project Management Methodology
- Through sustainable partnerships & ownership by Project beneficiaries; in coordination with relevant stakeholders and consultations with civil society experts; through advocacy and political dialogue.

## Alignment with national and Council of Europe priorities & relevance for EU 2020 deliverables:

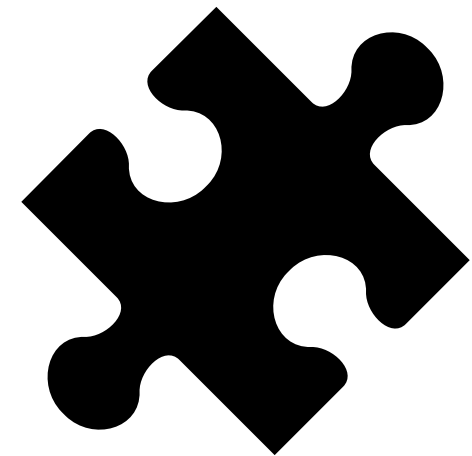
- In line with *the Strategy on Legal and Judicial Reform of Armenia for 2019-2023*
- In line with the *Council of Europe - Armenia Action Plan 2018-2022*
- In line with the priority area 2 “*Strengthening institutions and good governance*” of the EU Eastern Partnership key priorities & contributing to achieve the goals under *Deliverable 10: implementation of key judicial reforms.*



**Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia**



**Expertise on the regulatory and legal framework**



## Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia

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The project experts assessed the **Judicial and Legal Reforms Strategy for 2019-2023**.

A package of amendments to the **Law on Compulsory Enforcement of Judicial Acts** was prepared.

Legal acts deriving from the amended **Judicial Code** were drafted:

- ∅ Rules of procedure of the General Assembly of Judges;
- ∅ Requirements for non-governmental organisations nominating candidates for non-judge members of the Ethics and Disciplinary Commission of the General Assembly of the Judges;
- ∅ Methodology and procedure for performance evaluation of judges;
- ∅ Internal working disciplinary rules of judges;
- ∅ Legal act on the distribution of cases on operative-investigation measures

## Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia

**Post adoption review of the Judicial Code** was conducted to assess the compliance of the significant amendments made in 2020 with the recommendations of the Venice Commission Joint Opinion.

**Code of Civil Procedure** was reviewed and discussed under the light of the European Court of Human Rights case-law.

The Project had direct impact on the development of the **Draft Judicial and Legal Reforms Strategy for 2022 – 2026**, by completing the Assessment of the Draft Strategy including gender impact assessment with detailed analysis and recommendations on all strategic goals and directions.

An expert opinion was provided related to powers of the Minister of Justice to initiate **disciplinary proceedings against the judges** before the Supreme Judicial Council, and the creation of the **institute for the appeals** against the decisions of the Supreme Judicial Council in disciplinary matters.



## Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia

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The **Law on Commercial Arbitration** was reviewed, *inter alia* to reduce the backlog of the cases in the courts.

A package of draft amendments to the **Law on Mediation** and other related laws was reviewed under the light of the Council of Europe mediation standards and the best practices of the Council of Europe member states.

A package of draft amendments to the **Law on Commercial Arbitration** and **Draft Law on Amendments to the Code of the Civil Procedure of Armenia**, as well as draft **Arbitration Rules** were reviewed under the light of the Council of Europe standards and the best practices of the Council of Europe member states.

**Component I: Support to the  
judicial reform – enhancing  
the independence and  
professionalism of the  
judiciary in Armenia**

Joint Opinions with  
the Venice  
Commission



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



## Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia

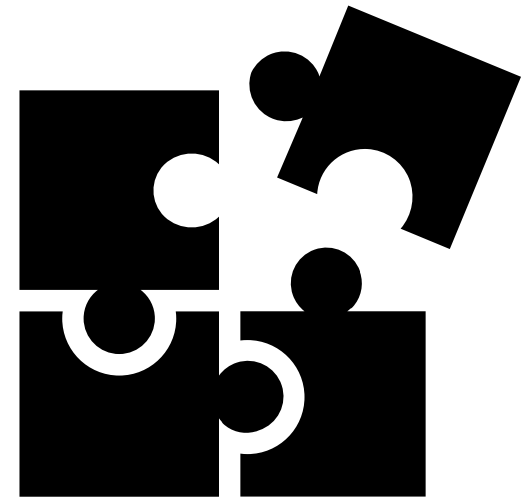
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**The Venice Commission adopted a joint opinion with DGI ([CDL-AD\(2022\)002-e](#))** related to the draft introduction of a new “**incompatibility requirement**” in the Judicial Code which could eventually lead to judges’ dismissal. Following Venice Commission’s joint opinion, the recommendations provided in the Opinion were taken into account and the amendments to the Judicial Code have been introduced with some changes in 2022 without new “incompatibility requirement”.

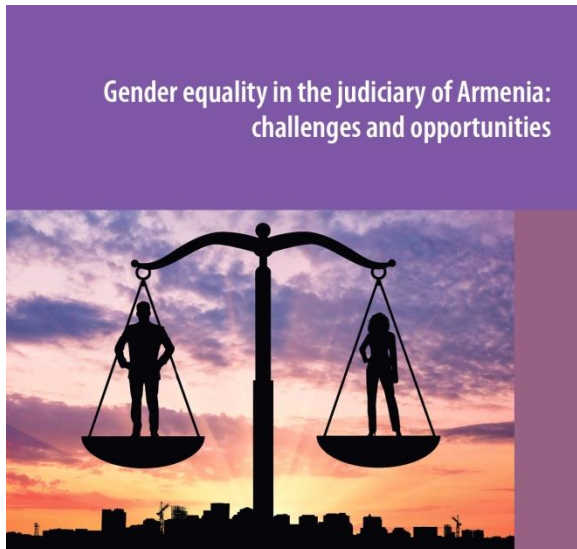
**The Venice Commission adopted a Joint Opinion with DGI ([CDL-AD\(2022\)044](#))** on the draft amendments to the Judicial Code, which intended to introduce a **new system of appeal** against the decisions of the Supreme Judicial Council in disciplinary matters, by a second-instance panel created within the Council itself. The Venice Commission expressed the view that the creation of an appellate instance within the Supreme Judicial Council appears to be an acceptable compromise.

# Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia

New mechanisms established and skills developed



## Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia



Gender equality in the judiciary of Armenia:  
challenges and opportunities

Partnership for Good Governance  
2019-2021

Project "Support to the judicial reform – enhancing  
the independence and professionalism of the  
judiciary in Armenia"

Support to the establishing of the **institute of the performance evaluation of judges** was provided, the respective procedures were revised based on the Council of Europe standards and recommendations.

Among all the judges in Armenia, only 26,6% were women (2021 data). A comprehensive research on **gender equality** was conducted to support the relevant policy changes in the judiciary to bring the composition of the judiciary in Armenia in compliance to the Council of Europe standards (minimum 40% of the opposite sex in decision-making bodies).

**Leadership skills trainings** for women judges were organised with the aim to discuss the importance of the women's role in the judiciary, obstacles in their career development and actions for removal of those barriers.

**Gender Impact Assessment (GIA)** of the Judicial Code of Armenia and several deriving legal acts was conducted. The central question that GIA asks is whether the Judicial Code of the Republic of Armenia and the deriving legal acts *reduce, maintain or increase* the gender inequalities between women and men.

# Partnership for Good Governance

Funded  
by the European Union  
and the Council of Europe



Implemented  
by the Council of Europe

New website for the Self-regulating organisation of mediators was developed  
[www.mediators.am](http://www.mediators.am)

New website for the **Arbitrators' Association of Armenia** - [www.aaa.am](http://www.aaa.am)

New website for the **Constitutional Court**- [www.concourt.am](http://www.concourt.am)

PEER-TO-PEER  
EXCHANGE

Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia

# Partnership for Good Governance

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COUNCIL OF EUROPE



Implemented  
by the Council of Europe

## Component I: Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia



A high-level delegation headed by the President of the **Constitutional Court** Arman Dilanyan held bilateral meetings with the high officials of the Council of Europe.

A high-level delegation from the **Court of Cassation** headed President Lilit Tadevosyan, met in Strasbourg with the representatives of the Office of the Commissioner for Human Rights, the Registry of the European Court of Human Rights and several departments of the Directorate General of Human Rights and the Rule of Law.



## Opening of the Judicial Year 2022

# Partnership for Good Governance

Funded  
by the European Union  
and the Council of Europe



Implemented  
by the Council of Europe



**Component I:** Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia

The key role of the judiciary in preserving the democratic values was highlighted during the high-level conference entitled "**Judiciary as a Guardian of Democracy**" organised jointly by the Council of Europe and Constitutional Court.



## Component 2 – achievements: national criminal justice policy and practice are better aligned with European standards

- **Important legal reform in the criminal justice was accomplished with the entry into force of the new Criminal and Criminal Procedural Codes in 2022 (CC and CPC), adopted in line with majority of Council of Europe recommendations delivered at drafting stage.**
- **Key complementary legislation associated to the new CC and CPC - aligned with the new Codes: 14 laws were revised** with the support of the project national expert.
- **National stakeholders and legal professionals received first-hand methodological guidance and knowledge** based on new Codes through the project's capacity building assistance:
  - Two Guides to facilitate implementation of the new CC and CPC - prepared and disseminated among Armenian legal professionals
  - Pool of 15 trainers established & 4 training of trainers (ToTs) held
  - 523 legal professionals benefitted from 25 seminars the new legislation in the light of European human rights standards.

# Criminal and Criminal Procedure Codes – from development to action

Impact of the reform:

effective implementation of the Codes shall contribute to making the criminal justice system in Armenia more human & to enhancing human rights guarantees of participants of criminal proceedings.



GUIDES



Re-opening of judicial proceedings in Armenia following the judgments of the European Court of Human Rights: Guide



Guide on the new Criminal procedure code (in Armenian)



Guide on the new Criminal Code (in Armenian)



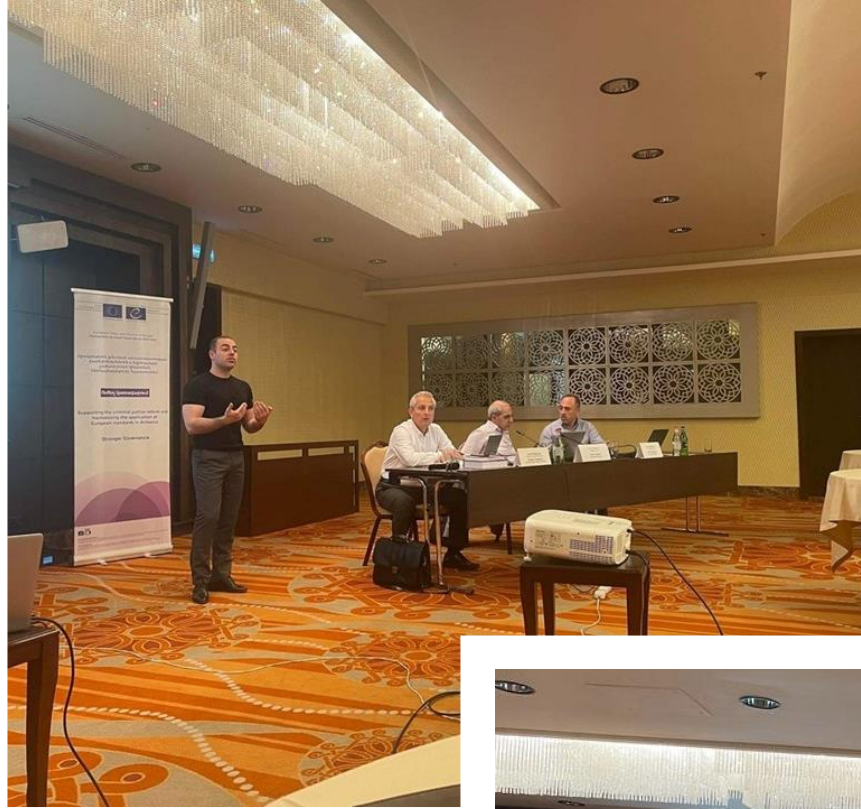
DETENTION AS A PREVENTIVE MEASURE

Detention as a

## Building national professional capacities on the new Codes:

The Guides on the new CC and CPC serve as an important source to facilitate effective implementation of the new legislation. They explain the context, meaning, and interpretation of the key new provisions in the newly adopted Codes.

# Building sustained national professional capacities



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TOTS ON ADULT LEARNING  
METHODOLOGY IN RESPECT  
TO THE NEW CRIMINAL AND  
CRIMINAL PROCEDURE CODES



# Knowledge-sharing & dissemination



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523 LEGAL PROFESSIONALS  
BENEFITTED FROM 25  
TRAINING SEMINARS ON THE  
NEW CC AND CPC

# New Criminal and Criminal Procedure Codes in action & progress in execution of ECtHR judgments:

The adoption and implementation of both Codes shall result in the enhanced execution of ECtHR judgments against Armenia related to torture/ill-treatment and use of pre-trial detention.

In its recent decisions on the *Mushegh Saghatelyan* and *Virabyan* groups of cases against Armenia, the CoE Committee of Ministers has already welcomed the long-awaited adoption of the new CC and CPC, which were drafted with a considerable assistance from the Council of Europe.



## Component 2 - achievements:

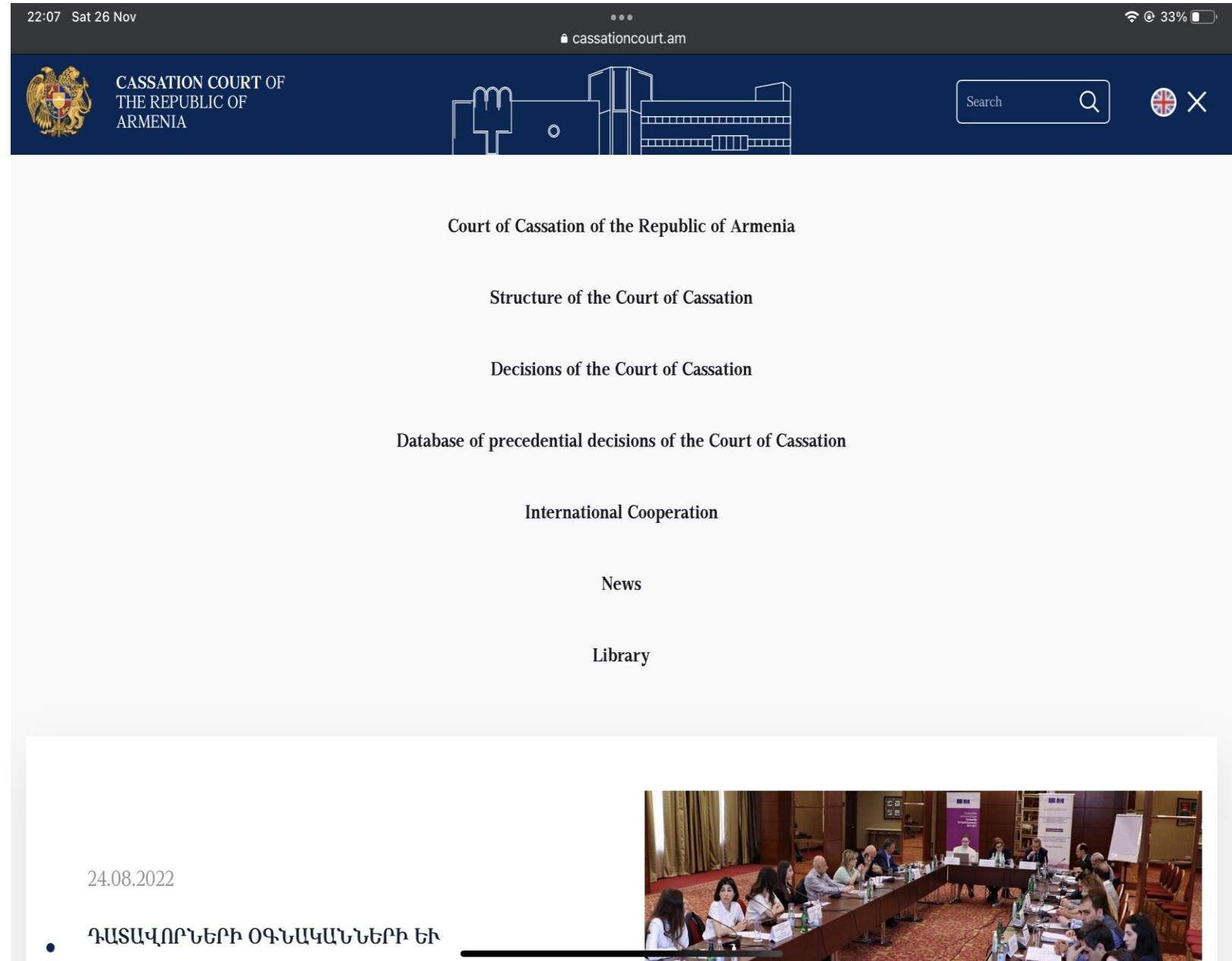
### Harmonisation of national jurisprudence with the ECtHR case-law was facilitated

- Legal professionals' and public **access to the jurisprudence of the Cassation Court improved** – through the website of the court developed with the Project support.
- Legal professionals' **access and awareness on ECtHR case-law** and its interpretation, as well as on **precedents of the Cassation Court enhanced**:
  - Six ECtHR Guides of on Articles 2, 5, 6 (criminal limb), 7 and 8 of the ECHR and Article 4 of Protocol No.7 of the ECHR - translated into Armenian and published
  - Two compilations of summaries of key ECtHR judgements in Armenian – prepared, published, disseminated
  - Decisions of the Criminal Chamber of the Court of Cassation for 2018, 2019 and 2020 – published and disseminated.
- Office of the **Representative of Armenia on International Legal Matters** and the **Office of the Human Rights Defender enriched their knowledge and skills** on new criminal justice legislation through capacity building activities by the project.

# New Website of the Court of Cassation - developed

IT AIMS AT ENSURING BETTER ACCESS TO DECISIONS OF THE COURT OF CASSATION AND INCREASING PUBLIC CONFIDENCE AND TRANSPARENCY OF THE COURT'S ACTIVITIES.

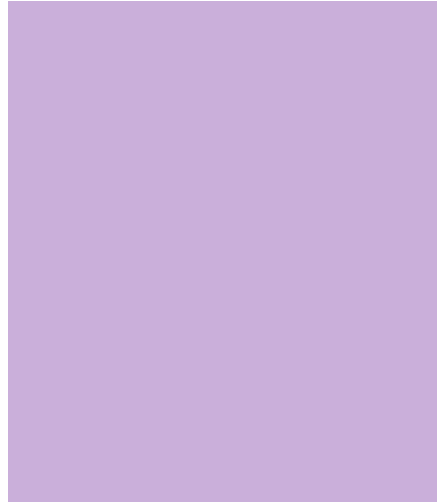
THE DATA ON MORE THAN 1800 PRECEDENT DECISIONS OF THE COURT OF CASSATION FROM 2008 TO 2022 WAS SYSTEMATIZED AND UPLOADED ON THE WEBSITE WITH CORRESPONDING SEARCH FILTERS







Capacity building on the new criminal justice legislation for the Staff of the Office of the Representative of the Republic of Armenia on International Legal Matters and Human Rights Defender



## Professional capacity building activities for the Office Representative of the Republic of Armenia on International Legal Matters

on practical aspects of the implementation of the ECHR standards at the national level within the criminal justice area:

- friendly settlements and unilateral declarations;
- rights under Articles 5, 6, 8 ECHR and their restrictions in times of emergency;
- reopening of cases at the domestic level, etc.



## Component 2 – achievements: Capacity of the Justice Academy to train legal professionals in criminal justice is strengthened

- **New curriculum** with 5 training courses in criminal justice thematic - **prepared and integrated into the Justice Academy's program**
  - Techniques for drafting judgments and decisions
  - Victim's status in the criminal proceedings
  - Interviewing techniques and communications management
  - Current issues of the cross-examination (confrontation) and
  - Practical skills for applying alternative preventive measures to detention.
- **Gender mainstreaming ensured in the content of the new training courses.**
- **A pool of 20 trainers** to teach the new above-mentioned curriculum – **established**
- **354 judges** - trained on the new curriculum in 2020-2021.
- **5 CoE HELP distance-learning courses in Armenian available for self-learning** for legal professionals



# Knowledge-sharing & dissemination



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THE JUSTICE ACADEMY WAS PROVIDED WITH RESOURCES, TRAINING MATERIALS AND ONLINE COURSES

# Five HELP e-learning courses in Armenian - available for self-learning on the CoE HELP platform:

“Reasoning of criminal judgments”,

“Prohibition of ill-treatment”,

“Procedural safeguards in criminal proceedings and victims' rights”,

“Ethics for Judges, Prosecutors, and Lawyers”

“International Cooperation in Criminal Matters”.



nal jurisprudence with the ECtHR case-law will be facilitated;

cademy to train judges, candidate judges and judicial servant on criminal  
will be strengthened.

OBJECT

CoE opinion on  
the revised CC  
draft

Opinion of the CoE on  
the revised draft  
Criminal Code of  
Armenia

HELP  
Methodology (in  
Armenian)



## WAY FORWARD PGG III:

### Support to the justice reform in Armenia

The new PGGIII Project “**Support to the justice reform in Armenia**” will focus on the following :

- Implementation of the Judicial and Legal Reforms Strategy for 2022-2026 in line with European standards and best practices
- Alignment of Legal framework and policies on judicial independence, impartiality and accountability Council of Europe standards
- Support to Judicial self-governing bodies and courts
- Strengthening capacity of criminal justice stakeholders to ensure effective implementation of new criminal justice legislation through harmonised policies, legal, institutional and operational frameworks

Please visit:

<https://pip-eu.coe.int/en/web/pgg2/home>

<https://www.coe.int/en/web/yerevan/current-projects>

