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## Council of Europe Action Plan for Azerbaijan 2014-2017

Final Report (31 May 2014 – 30 June 2017)

Document prepared by the Office of the Directorate General for Programmes

*Item to be considered by the GR-DEM at its meeting on 14 November 2017*

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### EXECUTIVE SUMMARY

The Council of Europe Action Plan for Azerbaijan 2014-2016 was adopted by the Committee of Ministers (CM) during its 1197<sup>th</sup> meeting on 16 April 2014, and it was launched on 20 May 2014 in Baku. Implementation of the Action Plan has coincided with Azerbaijan's Chairmanship of the Committee of Ministers (May to November 2014). On 14 December 2016, during its 1273bis meeting, the CM decided to extend the Action Plan until the end of 2017 following discussions and an agreement with the authorities of Azerbaijan.

This Final Report covers the period from 31 May 2014 to 30 June 2017, and presents the major achievements in each sector in the context of clearly defined objectives. This report neither aims at providing reflection on the general political, social and economic situation in the country nor detailed information on individual projects.

Azerbaijan has benefited from country-specific and regional actions aimed at supporting the development of effective legal frameworks, reinforcing capacity-building of national institutions, improving training systems and promoting best practices. The actions implemented have achieved some results, in particular on human rights implementation, judicial functioning, media governance and fighting corruption.

A positive trend of increasing technical co-operation, noted in 2015, continued in 2016 and in 2017. Some progress continued in areas such as increasing capacities of the judiciary and fight against corruption. Further efforts are needed to intensify co-operation in the areas of freedom of assembly and of expression and electoral legislation reform.

In the framework of technical co-operation, results were noted in the areas of human rights, justice and fight against corruption, and in particular on the preparation of legislation concerning the liability of legal entities for adoption and drafting of a National Action Plan on Promoting Open Government.

Partnership with the Justice Academy led to a significant increase of training capacities and knowledge of legal professionals. A pool of 38 new national trainers delivered human rights training to 679 advocates and 260 judges, 79 human rights lawyers and defenders and 126 judge candidates (including 212 women) on the application of human rights standards. These amounts to 85% of members of the Collegium of Advocates, 78% of judges, and 100% of the judge candidates have already been trained. A number of human rights publications were translated into Azerbaijani and distributed to legal professionals (in addition to books donated to library of the Justice Academy). The real long-term impact of these trainings is too early to measure.

Targeted work was carried out to strengthen the efficiency of courts and the quality of judicial services. The Ministry of Justice and the Judicial Legal Council of Azerbaijan were constructively engaged in the implementation of the tools of the European Commission for the Efficiency of Justice (CEPEJ).

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<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

The revised overall budget of the Action Plan totals approximately €11.8 million, of which more than €6.7 million (57% of the total budget) has been secured. The donors are the European Union and Norway. Additionally, Azerbaijan participates in 14 regional projects for six Eastern Partnership (EaP) countries under the Partnership for Good Governance (PGG).<sup>2</sup>

Co-operation with Azerbaijan should be continued beyond 2017. Financial resources will be essential to ensure the sustainability of results in areas where achievements have already been tangible and to continue efforts to develop meaningful co-operation in other fields.

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<sup>2</sup> Former Partnership Co-operation Framework (PCF).

## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	1
TABLE OF CONTENTS.....	3
LIST OF ACRONYMS AND ABBREVIATIONS .....	4
1. INTRODUCTION.....	5
1.1 GENERAL OVERVIEW .....	5
1.2 OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS .....	5
2. SECTOR REVIEW .....	6
2.1 FREEDOM OF ASSEMBLY .....	6
2.2 FREEDOM OF EXPRESSION AND ASSOCIATION, MEDIA FREEDOM .....	6
2.2.1 Improving freedom, independence, pluralism and diversity of the media; safety of journalists .....	6
2.2.2 Civil Society Dialogue.....	7
2.3 GOOD GOVERNANCE AND FIGHT AGAINST CORRUPTION .....	7
2.4 FREE AND FAIR ELECTIONS, FUNCTIONING OF POLITICAL PARTIES.....	8
2.5 PENITENTIARY SYSTEM, PRE-TRIAL AND ADMINISTRATIVE DETENTION.....	8
2.6 INDEPENDENCE AND EFFICIENCY OF THE JUDICIARY.....	9
2.6.1. Reinforcing the capacity of national training organisations to train on Human Rights standards.....	9
2.6.2. Enhancing the quality and efficiency of judicial services in line with European standards through the practical application of the CEPEJ tools .....	9
2.6.3 Regional dialogue.....	10
2.7 LOCAL DEMOCRACY .....	11
2.8 CYBERCRIME.....	11
2.9 INTERCULTURAL DIALOGUE .....	12
3. IMPLEMENTATION AND CO-ORDINATION .....	12
3.1 TRANSVERSAL ISSUES .....	13
3.2 RISK MANAGEMENT .....	14
3.3 LESSONS LEARNED.....	14
4. FUNDING AND PARTNERS.....	14
5. APPENDICES .....	17
Appendix I: LIST OF PROJECTS.....	17
Appendix II: FUNDING .....	19

**LIST OF ACRONYMS AND ABBREVIATIONS**

Action Plan	Council of Europe Action Plan for Azerbaijan
CBM	Confidence Building Measures
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
Congress	Council of Europe Congress of Local and Regional Authorities
CSO	Civil Society Organisation
EaP	Eastern Partnership
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
EUD	Delegation of the European Union
NGO	Non-governmental organisation
OB	Ordinary budget
PACE	Parliamentary Assembly of the Council of Europe
PGG	EU/Council of Europe Eastern Partnership for Good Governance Cooperation Framework
The Commissioner	Council of Europe Commissioner for Human Rights
UN	United Nations
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
Venice Commission	European Commission for Democracy through Law
VC	Voluntary contribution

## 1. INTRODUCTION

### 1.1 GENERAL OVERVIEW

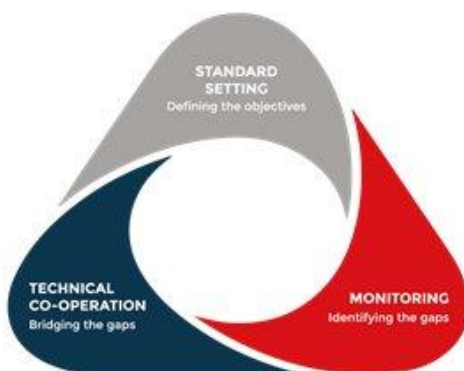
This report describes the impact of the implementation of the Action Plan for Azerbaijan 2014-2017. The Committee of Ministers (CM) adopted the Action Plan at its 1197<sup>th</sup> session on 16 April 2014. On 14 December 2016, at its 1273bis meeting, the CM decided to extend the Action Plan until the end of 2017. The decision followed earlier discussions and an agreement to that effect with the authorities of Azerbaijan. The Action Plan was prepared in close consultation with the authorities of Azerbaijan.

The Action Plan aims to contribute to the consolidation of democratic reforms in Azerbaijan. It assists Azerbaijan through technical co-operation in fulfilling its obligations as a Council of Europe member state by bringing legislation, institutions and practice in line with Council of Europe standards in the areas of human rights, rule of law and democracy. The Action Plan includes the following sectors for co-operation: freedom of assembly; freedom of expression and association; good governance and fight against corruption; free and fair elections, functioning of political parties; penitentiary system; independence and efficiency of the judiciary; local democracy; cybercrime; and intercultural dialogue.

This report presents the achievements in each sector, followed by appendices with additional information. This report describes activities at the strategic level, and therefore does not provide detailed information regarding individual projects implemented as part of the Action Plan.

### 1.2 OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS

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



**Figure 1: Council of Europe strategic triangle**

Council of Europe activities in Azerbaijan provided legislative support, institutional capacity building and targeted training in the context of bilateral and regional projects. In the framework of technical co-operation, results were noted in the areas of human rights, justice and fight against corruption, where partnerships with key institutional actors – such as the Justice Academy – led to improvements both in the legal and operational framework and in the development of training capacities and knowledge, such as the adoption of legislation concerning the liability of legal entities and of a National Action Plan on Promoting Open Government. The Council of Europe supported the media by improving the quality of journalism education and training. Two new projects – on the reform of the penitentiary service and support to civil society – were launched in 2016.

As of December 2016, there were six country-specific projects with project staff based in the Council of Europe Office in Baku. Azerbaijan also participates in 14 regional actions implemented under the PGG. The full list of project is provided in Appendix I to this report.

## **2. SECTOR REVIEW**

### **2.1 FREEDOM OF ASSEMBLY**

The Law on Freedom of Assembly in Azerbaijan, adopted in 2008 took into account most of the recommendations of the Venice Commission as to the required textual amendments. To this end, the Council of Europe stands ready to assist the Azerbaijani authorities to implement these recommendations in practice. The Council of Europe and Azerbaijan intended to launch a dialogue on freedom of assembly within the framework of the Action Plan. Due to the lack of financial resources, no actions have yet occurred and therefore no progress can be reported in this area.

### **2.2 FREEDOM OF EXPRESSION AND ASSOCIATION, MEDIA FREEDOM**

#### **2.2.1 Improving freedom, independence, pluralism and diversity of the media; safety of journalists**

Some progress can be noted in this area where the Council of Europe provided bilateral assistance to Azerbaijan through a PGG-funded project to improve freedom, independence, pluralism and diversity of their media. At regional level, the Council of Europe provided a platform to develop a multi-stakeholder dialogue on internet governance and the development of legislative and policy mechanisms for data protection.

#### **Improving freedom, independence, pluralism and diversity of the media**

The Council of Europe continued to raise public awareness and mediate a multi-stakeholder dialogue on how to improve the national legislation on defamation and journalistic practice. To date, the necessary amendments to the law on defamation have not yet been introduced. Furthermore, new Criminal Code provisions criminalising defamation on line were adopted in November 2016. The Council of Europe will continue to raise awareness of this and discuss it with the Parliament.

The Council of Europe achieved good results in promoting ethical standards for media professionals through the development of university curricula on “Journalism Ethics” and “Media and Freedom of Expression”, including four textbooks on journalism, and by training 250 journalists (including 150 journalists from different regions of Azerbaijan) on freedom of expression and privacy, including privacy online; gender equality and media; and media coverage of elections. The Guide on Human Rights for Internet Users and the Handbook on European Convention of Human Rights (ECHR) Article 10 have been translated into Azerbaijani and published. Further assistance to continue promoting Council of Europe standards related to freedom of expression online/offline for media professionals would be necessary.

#### **Safety of journalists**

The Council of Europe continued working with legal professionals to increase their capacities to deal effectively with cases involving freedom of expression in Azerbaijan. More than 150 professionals were trained, including judges, prosecutors and lawyers, representatives of the government and the Ombudsman Office, as well as civil society on ECHR standards on freedom of expression and access to information. The long-term impact is too early to assess at this stage. Further assistance, in particular the training of trainers of judges, is needed – as was confirmed through participants’ feedback and interest in follow-up – to increase the sustainability and impact on the quality of judicial rulings consistent with Council of Europe standards.

#### **Data protection**

At regional level, the Council of Europe, through the PGG, continued to provide a platform to develop multi-stakeholder dialogue the development of legislative and policy mechanisms for data protection.

The Council of Europe and the respective national authorities in Azerbaijan reached an understanding of the importance of sound data protection legislation and of the existence of an independent dedicated supervisory authority. The Council of Europe remains fully committed to providing expertise on the legislative framework in view of its enhancement.

## 2.2.2 Civil Society Dialogue

Some progress was achieved through the Civil Society Dialogue project that began on 1 March 2016 and is still underway. Importantly, the project has succeeded in bringing together government officials and civil society representatives to discuss the challenges for the operation of non-governmental organisations (NGO) in Azerbaijan and to look for ways to address the challenges.

Between August 2016 and April 2017, a member of the Council of Europe Expert Council on NGO Law of the INGO Conference (the Expert Council) worked on drafting a report on the NGO legislation in Azerbaijan. The report "Bringing the Law and Practice Relating to NGOs in the Republic of Azerbaijan into Compliance with European Standards" was officially presented during a conference in Baku in April 2017. The report analysed the NGO legislation and practice in Azerbaijan and proposed recommendations addressing issues such as: requirements for the registration of NGOs, NGO financing and legislative framework for accessing financial support, reporting and supervision of NGOs. While the participants provided their feedback and suggestions, they also emphasised the significance of the Conference in enabling a constructive discussion between the government representatives and civil society organisations. This constitutes substantial progress since the adoption of unfavourable amendments to laws and executives rules regulating the operation of civil society organisations in Azerbaijan.

Country-specific actions were complemented by a regional PGG-funded project. The project aimed to reinforce regional co-operation, improve the environment for the functioning of NGOs, create mechanisms for their active participation in democratic decision-making and promote a culture of civil participation. In 2016, the informal network of NGO representatives, public officials and experts created under the PGG provided a framework for analyses and discussions via regional conferences, working group meetings and e-mail exchanges. Two regional studies<sup>3</sup> were prepared and adopted by the network partners, to be used by NGOs and civil society in each of the EaP countries. Public officials and NGO representatives from Azerbaijan were an integral part of this project that ended in June 2017.

## 2.3 GOOD GOVERNANCE AND FIGHT AGAINST CORRUPTION

Good progress was achieved at the technical level in the field of fighting against corruption and economic crime. Concrete results are:

- adoption of a new provision into the Criminal Procedure Code of Azerbaijan concerning criminal liability of legal persons<sup>4</sup> pursuant to guidance given through PGG regional action and capacity-building provided in 2015;
- adoption of the "Action Plan 2016-2018 on Promotion of Open Government (APOG)," including anti-corruption measures and a monitoring system (software monitoring tool) that has been made accessible to all relevant stakeholders;
- review of internal policy and development of risk-assessment guidelines to enable the State Agency for Public Service to implement anti-corruption measures in the public service sector in line with European standards;
- tailor-made training of the Prosecutor General's Anti-Corruption Directorate and the national law enforcement agencies' staff on fighting complex economic crime, including plea bargaining and mutual legal assistance in asset recovery;
- preparation of two handbooks (one on Anti-Corruption concepts and one on Ethics in Public Service) and curricula by Council of Europe experts; it is expected that this tailor-made material will be used by the authorities to strengthen the capacities of civil servants to prevent corruption.

The work with the Civil Service Commission experienced delays due to institutional reforms resulting in uncertainties over its role. The co-operation was interrupted for about eight months, resuming in late 2016. To reinforce the impact, the project team co-operated with other international organisations, such as the EU-funded project on justice reform, and also chaired with USAID the donor co-ordination group on the rule of law.

Country-specific actions on fighting corruption were complemented by regional activities. A country-specific methodology on data collection and analysis of corruption risk was developed. At the same time, Azerbaijan opted out of regional activities focused on corruption risk assessment in the health sector.

<sup>3</sup> "Civil Participation in Decision Making in the Eastern Partnership Countries, Part one: Laws and Policies" and "Civil Participation in Decision Making in the Eastern Partnership Countries, Part two: Practice and Implementation, and a set of Measures for Strategic Development".

<sup>4</sup> The Law on the Amendments to the Criminal Procedure Code was adopted on 29 November 2016.

## 2.4 FREE AND FAIR ELECTIONS, FUNCTIONING OF POLITICAL PARTIES

The Venice Commission and the OSCE/ODIHR issued two joint opinions on the draft amendments to the Election Code of Azerbaijan in 2008. The Election Code was further amended in June 2010, April 2012 and April 2013. The Venice Commission also issued opinions on the legislation on political parties (2011). Further efforts are needed to take the identified concerns into account. This will also contribute to overcoming shortcomings identified in past election observation reports and relevant ECtHR judgments, which relate both to the content of the Election Code and its implementation, and regard *inter alia* registration of candidates, election commissions composition, rights of observers, and complaints and appeals procedures.

The Venice Commission will continue working on ensuring the conformity of the legislation and its implementation with the European electoral heritage once the Azerbaijani authorities express their readiness to address this.

## 2.5 PENITENTIARY SYSTEM, PRE-TRIAL AND ADMINISTRATIVE DETENTION

In 2016, the Council of Europe finalised negotiations on a new joint programme “Further support to the penitentiary reform in Azerbaijan”. The project is based on the outcomes of previous Council of Europe projects in this field<sup>5</sup> and on the recommendations made, in particular on health care, including mental health, and prison management. The project officially started on 1 September 2016, and its impact cannot yet be assessed, although some preliminary results can be mentioned.

The assessments visits (on general health care services in prisons, on mental health services in prisons and on prison management) were finalised in early 2017. The reports, including recommendations, were presented to the Ministry of Justice of Azerbaijan in March 2017.

On the basis of these reports, an action plan for the three selected pilot prisons will be drawn up. Details of the plan will be discussed with national stakeholders, but they will certainly include training for the staff of the pilot prisons on health promotion and prevention, and for senior prison managers on modern approaches to prison management.

Main results achieved to date:

- Implementation of pilots is guided by Action Plans that envisage various measures to improve prison management and provision of healthcare services for inmates. They focus on the three pilot prisons through measures such as development of internal rules and procedures, improvement of professional skills of the medical and non-medical prison staff through trainings. A number of recommendations derived from the assessments done by the Project are incorporated in Action Plans, drafted by the authorities.
- 26 trainers, selected medical staff of prisons and of the Main Medical Department of the Ministry of Justice advanced their knowledge on health promotion and prevention activities in prisons, relevant European standards and principles of medical ethics, including confidentiality and professional independence as well as improved their teaching skills. They are expected to cascade the acquired knowledge to their peers throughout the prison system.
- Access of the medical and non-medical prison staff to information on European standards and best practices in providing health care services for inmates improved through translation and dissemination of the Council of Europe Manual on Healthcare in Prisons and Medical Ethics.
- 40 senior managers of the Penitentiary Service and prisons increased their knowledge of modern European prison management standards and approaches, leadership and management in a prison context and on creating healthier prison environment.
- 8 staff members of the penitentiary administration, responsible for health care policy design and delivery obtained a first-hand insight in the practices and experience of another European jurisdiction in organising primary and specialised health care for inmates.

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<sup>5</sup> “Support for prison reform in Azerbaijan” finalised in 2010 and the JP “Combating ill-treatment and impunity,” finalised in 2011.



## 2.6 INDEPENDENCE AND EFFICIENCY OF THE JUDICIARY

### 2.6.1. Reinforcing the capacity of national training organisations to train on Human Rights standards

Although not bringing immediate impact, a good foundation has been built for future improvements as regard training legal professionals. The focus of activities towards strengthening the implementation of European human rights standards in Azerbaijan was on supporting national training capacities in view of targeted training on specific human rights standards. As a result, 38 new national trainers delivered human rights training to 679 advocates and 260 judges, 79 human rights lawyers and defenders and 126 judge candidates (including 212 women) on the application of human rights standards. These amounts to 85% of members of the Collegium of Advocates, 78% of judges, and 100% of the judge candidates have already been trained since the beginning of the project. Although it is too early to assess the long-term impact, most participants have given positive feedback and indicated their interest to pursue training in this area. The training seminars mainly focused on a right to a fair trial, right to security and liberty of person, property rights and admissibility criteria, as well as on the case-law of the ECtHR as regards Azerbaijan. Analysis of the case-law and discussions on particular issues among the legal professionals served as a basis to avoid similar procedural and substantive violations in the future and the improving application of the ECHR at the national level.

In addition, selected trainers of the Justice Academy of Azerbaijan, including lawyers, judges and academic staff of Baku State University and the Justice Academy, participated in the initial training of trainers on HELP methodology. The new curriculum for lifelong human rights training courses is being developed based on the HELP methodology and available tools of the HELP platform. A joint working group of international consultants and Azerbaijani lawyers prepared an advance HELP course on Article 5 of the ECHR, which will be launched by the Academy of Justice in autumn 2017, and placed on HELP training platform to be also used in other jurisdictions.

### 2.6.2. Enhancing the quality and efficiency of judicial services in line with European standards through the practical application of the CEPEJ tools

Actions carried out in the field of the judiciary focused on providing quality and timely justice, improving the overall court management, and training for judicial professionals. Co-ordination with the Delegation of the European Union to Azerbaijan was ensured to avoid an overlap with the EU project "Supporting the development of the judicial system and improving the services provided by the agencies that implement criminal court orders in Azerbaijan".

- Court management was improved through introducing new methods and techniques, the administration of courts was guided by judicial data collection, and analysis was generated on the basis of the indicators and methodology developed by the European Commission for the Efficiency of Justice (CEPEJ).
- Court performance has improved continuously as a result of increased investment in courts' infrastructure, including new buildings and IT solutions. The monitoring of court performance indicators shows promising results. Both first instance and appellate courts demonstrate, on the basis of the latest data from pilot courts, including the year 2016, clearance rates close to 100% for all categories of cases and no backlog could be identified<sup>6</sup>. The disposition times are also remarkably short: on average 35 days for civil and commercial litigious cases and 70 to 80 days for criminal cases in first instance courts, while the appellate courts display disposition times of 100 days for civil and commercial litigious cases and 120 days for criminal cases. The age of pending cases is continuously monitored by courts to ensure compliance with reasonable timeframes in line with Article 6 of the ECHR.
- The results of a series of surveys carried out among court users, lawyers and court staff in five pilot courts, were used as a basis for the development of action plans to improve the quality of judicial services. This should result in concrete improvements to judicial service delivery which will be transferable to other courts throughout the country.

<sup>6</sup> Clearance Rate shows a judicial system's case turnover ratio expressed as a percentage between resolved and incoming cases within one year. Disposition time indicates the number of days required for a system to solve a pending case with the existing rate of case processing. Combining these two indicators gives a complete picture of the ability of a state's judicial system to deal with court cases within a reasonable time.

The pilot courts use these newly acquired instruments and analyse their efficiency and quality of services on the basis of CEPEJ indicators and methodology. Court staff, trained within the co-operation with the Council of Europe, is developing annual activity reports including CEPEJ-recommended indicators, thus improving the quality of judicial data analysis and assuring a court management based on sound tools and objective information. After receiving the necessary training and guidance, pilot courts conducted surveys among users, lawyers and court staff. The surveys became a tool for quality management, by measuring users' satisfaction with court services, identifying the problematic areas and designing response actions to users' concerns. The results of the surveys, carried out on the basis of CEPEJ-recommended and properly adapted questionnaires, became a starting point for concrete measures to be taken by the pilot courts to improve the quality of their services. In 2017 the pilot courts made public the results of the surveys and started implementation of action plans to improve the quality of judicial services based on the lessons learnt through the court coaching programme.

### **Improving training methodology and curricula of judicial training institutions**

The curriculum on court management has been developed in co-operation with the French National School of the Judiciary (ENM), and it became an integral part of the Justice Academy training programme, Azerbaijan being one of the few countries in the region having institutionalised such training. Training on court management for more than 200 judges and court staff was delivered by the Academy. It has not yet been possible to assess the effectiveness of these training programmes. Overall, based on the comparative analysis, indicators and statistical data available to CEPEJ, a positive trend can be observed as regards judicial efficiency. There is, however, room for improvement regarding more proactive court management, communication with court users and independence of the judiciary, particularly in the management and operation of courts. Further training of judges is considered necessary to promote the quality of judicial rulings consistent with Council of Europe standards and to ensure the sustainability of the outcomes already achieved.

The Council of Europe also worked specifically with the Justice Academy to improve its overall training methodology and curricula for judges. Based on the recommendations emanating from the needs assessment, the Academy's work programme was developed and presented to the beneficiaries to further improve their overall structure, budget and curricula. The representatives of the Academy enhanced their knowledge about the training cycle management and adult learning techniques, assisted by a pool of 12 trainers. They are now able to develop and implement new and interactive training methodologies and to assess their impact on target groups. Feedback received from the trainers indicates satisfaction with the training programme.

The preparation of an action plan with concrete measures to support the development of Regional Justice Divisions (RJDs) is under way.

#### **2.6.3 Regional dialogue**

Targeted, regional peer-to-peer dialogue and an established network of judicial stakeholders further complemented and reinforced country-specific actions. Peer-to-peer dialogue reinforced co-operation and networking among judges, prosecutors, representatives of the ministries of justice and bar associations. Challenges and best practices were identified and recommendations for national justice reforms issued in specific areas.<sup>7</sup> Drawing on outcomes of the exchanges, the countries' experiences were reflected in reports elaborated by international experts. These reports are being published [online](#).

### **Constitutional justice**

The Constitutional Court of Azerbaijan participated in a regional project that benefited from the existence of the network of judicial stakeholders and from improved peer networking among constitutional courts, including reporting cases to the CODICES database and referencing foreign and international law in constitutional courts' judgments. The upgrading of this database is key to ensuring the transfer of knowledge and easy consultation regarding constitutional judgments, in particular between EU member states and PGG beneficiaries. Whether Constitutional Court decisions in Azerbaijan reflect European standards should be seen in the medium- and long-term.

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<sup>7</sup> These areas were: selection, evaluation and promotion of judges, the role of high courts in ensuring harmonised judicial practices, equality of arms in civil and criminal proceedings, internal and external independence of judges, how to ensure transparency and public participation, effective communication in judicial reform processes, and alternative dispute resolution mechanisms.

## Access of women to justice

Azerbaijan, as other EaP countries, worked on promoting women's access to justice and the application of standards established by the European Convention on Human Rights, the European Social Charter, the Convention on Action against Trafficking in Human Beings and the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).<sup>8</sup>

The [Council of Europe Gender Equality Strategy](#) (2014-2017) provides the strategic framework for the implementation of these standards to bring member states closer to *de facto* gender equality. The regional activities in the PGG framework contributed to the overall implementation of the Strategy and in particular to the realisation of its Objective 3: Guaranteeing equal access of women to justice. In this framework support was provided with the objectives of:

- Identifying and supporting the removal of obstacles to women's access to justice;
- Strengthening the national capacity to design measures to ensure that the justice chain is gender-responsive including through the training of legal professionals.

A "National Study on Barriers, Remedies and Good Practices on Women's Access to Justice in Azerbaijan" and a "Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice" were elaborated. On the basis of the study and the training manual, a training program was adapted for Azerbaijan and piloted through a series of trainings, involving national trainers of the Academy of Justice. In 2017, the Academy of Justice carried out three two-day training seminars on women's access to justice, with the first two targeting all 126 candidate judges of Azerbaijan and the third one targeting a mixed group of 20 judges and 15 prosecutors and investigators. In 2016, two trainings were similarly organised for a total of 41 judges from first instance and appeal courts. The training programme addressed the conceptual and normative framework of gender equality, women's rights, and women's access to justice; the Council of Europe standards including relevant ECtHR case-law and the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention); the criminal and civil law challenges women experience in accessing remedies; and the role of both judges and prosecutors in addressing obstacles to women accessing legal protection and remedies, including gender stereotyping in the judicial system. On the basis of the feedback received from these trainings and those carried out in the other EaP countries, the "Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice" will be finalised and published in the fall of 2017 for future use by the Academy of Justice.

## 2.7 LOCAL DEMOCRACY

Since 2015, Azerbaijan has participated in Council of Europe regional activities organised within the programme "Strengthening local democracy and local governance in the Eastern Partnership countries" supporting the country's aspirations to establish a transparent, reliable and efficient local self-government system, in line with the provisions of the European Charter of Local Self-Government. In this framework, peer and expert networking enabled exchanges on the quality of local democracy, on ways to enhance governance and public ethics at local level and engage citizens in decision making. These key elements of local governance were highlighted in the mapping report on "Roles and responsibilities of mayors and local councillors in Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus". The Council of Europe continued to provide expert advice to EaP countries to improve the consistency and efficiency of the legislative frameworks and provision of services at local and regional levels.

## 2.8 CYBERCRIME

Azerbaijan actively participates in the Council of Europe regional project on fighting cybercrime, aimed at strengthening the capacities of both the mutual legal assistance authorities and 24/7 point of contact in the EaP countries. More in particular, with the ultimate aim to make international co-operation on cybercrime and electronic evidence more efficient, the Azerbaijani country team (composed of representatives of the Ministry of Justice, Prosecutor General's Office and Ministry of National Security) contributed to country-specific recommendations for improving international co-operation, the development of standard templates

<sup>8</sup> Azerbaijan has neither signed nor ratified the Istanbul Convention.

for mutual legal assistance requests under the Budapest Convention and the 24/7 point of contact requests for the preservation of data, as well as to the [online resource](#) on international co-operation on cybercrime and electronic evidence. In addition, Azerbaijani criminal justice officials received a 4-day specialised training on international co-operation aspects of cybercrime and electronic evidence.

Azerbaijan is also a part of the regional project focusing on public-private co-operation on cybercrime and electronic evidence, implemented from December 2015. In this context, to identify the conditions needed for public-private partnerships to work, launch a dialogue between the various stakeholders and study opportunities for co-operation, a [Mapping Report](#) was produced on public-private co-operation in the EaP, focusing on strengths, weaknesses, opportunities and risks regarding public-private co-operation. The in-country discussions on this subject attempted to lay the groundwork for increased trust between the government and the private sector, by focusing on the most basic aspects of co-operation, such as exchange of data, incident handling, legal background, ISP liabilities and voluntary co-operation models, with the aim to improve cooperation between the relevant stakeholders, possibly leading to a written memorandum of co-operation in line with the Council of Europe 2008 [Guidelines](#) on law enforcement/ISP co-operation. In addition, through a series of national workshops in February and May 2017, Council of Europe expertise was provided in support of the development of legal regulations on procedures for processing electronic evidence in compliance with the Budapest Convention, with the draft report and recommendations in on this subject delivered in June 2017.

## 2.9 INTERCULTURAL DIALOGUE

Azerbaijani authorities, notably the Ministry of Youth and Sport, have a strong interest in co-operating with the Council of Europe in the field of youth policy. Some progress can be reported in this area as actions started in 2017.

Representatives of Azerbaijani youth organisations participate in different educational activities of the Council of Europe Youth Department, including the Youth Peace Camp and activities held within the 2016-2017 Action Plan with the Russian Federation that are open for the CIS-country participants.

The representative of the Ministry of Youth and Sport of the Republic of Azerbaijan takes part regularly in the Steering Committee on Youth and Joint Council on Youth meetings.

The planned measures and activities of the youth dimension of the Council of Europe Action Plan for Azerbaijan seek to contribute to establishing a network of youth leaders, trainers and multipliers in Azerbaijan with the capacity to initiate and implement projects and educational activities on promoting democratic youth participation, human rights education, and on enhancing the role of youth work and non-formal education within the youth field in your country.

The COMPASS long-term training course on human rights education and democratic citizenship (Compass LTTC) is the flagship activity of this youth dimension. Following the negotiations and the preparatory meeting with the Azerbaijani partners, the initial training seminar of the Compass LTTC was scheduled to be held in Baku from 26 June to 4 July and will bring together up to 30 participants; young leaders, youth workers, youth activists and multipliers for human rights education with the potential to become trainers in the youth field.

## 3. IMPLEMENTATION AND CO-ORDINATION

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

The Action Plan Steering Committee, comprising representatives of the Ministry of Foreign Affairs, other national stakeholders and Council of Europe representatives, also assesses the progress of Action Plan implementation. This committee considers implementation of approved projects, discusses challenges and relevant proposals for future co-operation, and recommends measures to improve effectiveness. Steering Committee Meetings for the current Action Plan took place on 8 June 2016 and 22 June 2017 in Baku.

The overall co-ordination of technical co-operation implemented by the Council of Europe is ensured by the Office of the Directorate General of Programmes (ODGP), which steers the programming of and fund-raising for co-operation actions, and ensures the efficiency of Council of Europe Offices in the field. The Baku field office plays a key role in co-ordinating and supporting project implementation in accordance with the co-operation decentralisation policy. As of 19 June 2017, 15 staff members worked at the Baku Office.

Expertise, the basis of co-operation projects' added value, comes from relevant services in the entire Organisation. Project implementation can involve needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. The methodology aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

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

The Council of Europe co-ordinates closely with relevant international partners, notably the European Union (EU), and in particular the Delegation of the European Union (EUD) in Baku. To ensure efficiency and avoid overlapping of activities, the Council of Europe also co-ordinates with member state development agencies and all other relevant actors.

The Council of Europe Office in Baku participates in the Donor Co-ordination Meeting, which is chaired by the UN Resident Co-ordinator/UNDP Resident Representative and is composed of the main international organisations, embassies, and state aid agencies. The Council of Europe Office in Baku co-chairs with USAID a subgroup of this co-ordination meeting on democracy and rule of law. In addition, the Council of Europe Office participates in the Human Dimension Meeting – a monthly meeting composed of representatives of embassies and international organisations to discuss main relevant human rights issues.

### 3.1 TRANSVERSAL ISSUES

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

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

The gender dimension is considered throughout the Action Plan implementation, and is pursued in most activities in line with the Council of Europe Gender Equality Strategy 2014-2017. The Strategy seeks to analyse national and international frameworks to gather data and identify the obstacles women encounter in gaining access to national courts and to international justice, and to identify, collect and disseminate existing remedies and good practices to improve the situation. In particular, most of the actions promoted the participation of women in their activities, which resulted in a good gender balance. As an example, about 60% of beneficiaries and participants in media-related actions are women. However, in some areas, involving women more prominently is challenging, given their overall low representation in target institutions, particularly in the field of the judiciary. Also, in the field of fighting corruption 84% of participants in the capacity-building activities were men and 16% were women.

The Council of Europe involves CSOs wherever possible in its activities by promoting civil society participation throughout all thematic areas, by assuring their contributions to regional and bilateral projects alike, and by including them in the different types of intervention. In the PGG framework, CSOs increasingly assume their role as important partners in policy-decision making. CSO representatives are part of the National Co-ordination Platforms, projects' Steering Committees, expert groups, consultants and activity participants. In most bilateral projects, CSOs are involved in legislative reviews, needs-assessment missions and campaigning/awareness-raising activities, sometimes on sensitive issues like the roundtable

on defamation in Azerbaijan. In regional actions, they take part in multi-stakeholder dialogue, regional research and at times advocate as spokespersons in regional exchange at national level, for example, Human Rights and Democratic Citizenship Education.

The Council of Europe also seeks to include minorities by taking into account their interests and needs when conceptualising and implementing activities aimed at decreasing social inequalities and discrimination. Although the primary focus of planned interventions is not necessarily on minorities, their interests and stakes are mainstreamed to generate benefits for them and to avoid unintended impact on them as a consequence of PGG interventions. In Azerbaijan, for example, there were several media-related activities targeting Tالش minorities.

### 3.2 RISK MANAGEMENT

Due to the nature of its mandate, the Council of Europe sometimes operates in complex and unstable environments that expose it to risks. The analysis of risks relevant to the implementation of the Action Plan and possible mitigation strategies are made on the basis of the Council of Europe risk-management [guidelines](#).

When the Action Plan was adopted, the Council of Europe obtained the commitment of the Government of Azerbaijan and the Presidential Administration to implement it.

The basic assumption was sufficient engagement by all stakeholders, as well as adequate resources, to achieve the outcomes of the Action Plan. Within these confines the risks related to the Action Plan could be reasonably anticipated on the basis of the Council of Europe experience.

The Council of Europe maintained permanent dialogue with the Azerbaijani authorities at the Committee of Ministers' level, as well as with authorities on the ground and civil society through the Council of Europe office in Baku. The agreement reached with national authorities and civil society on the key partners in the Civil Society Dialogue project is a good example.

### 3.3 LESSONS LEARNED

The Council of Europe's results-based management methodology requires the looking at lessons learned. Lessons learned from the implementation of this Action Plan during the period of reference include the following:

- A human rights approach to co-operation – using the Council of Europe standards as both means and goals of technical assistance – can significantly contribute to securing those rights.
- Technical assistance toward comprehensive reforms requires long-term funding and effective co-ordination mechanisms among national and international partners;
- Action Plan level funding, which allows flexibility for allocating funds where they are most needed;
- Development of capacities of national partners remains an important element of the technical assistance programmes;
- The Council of Europe can play an important bridging role between various state and non-state actors.

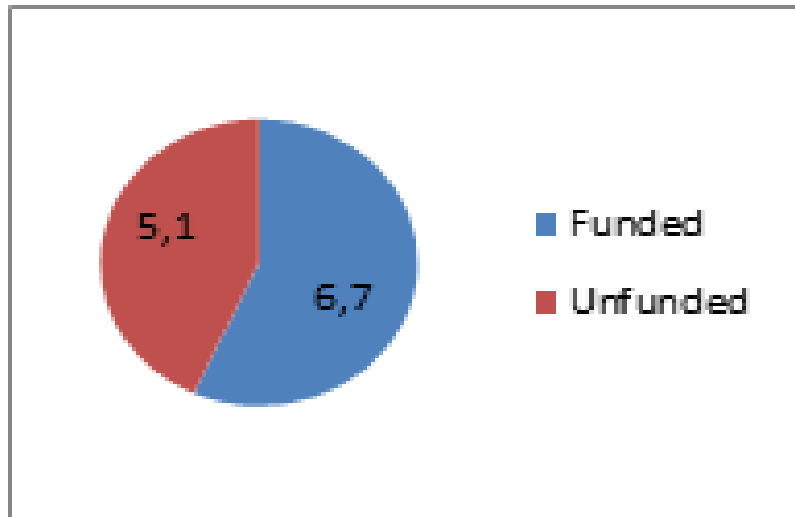
## 4. FUNDING AND PARTNERS

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

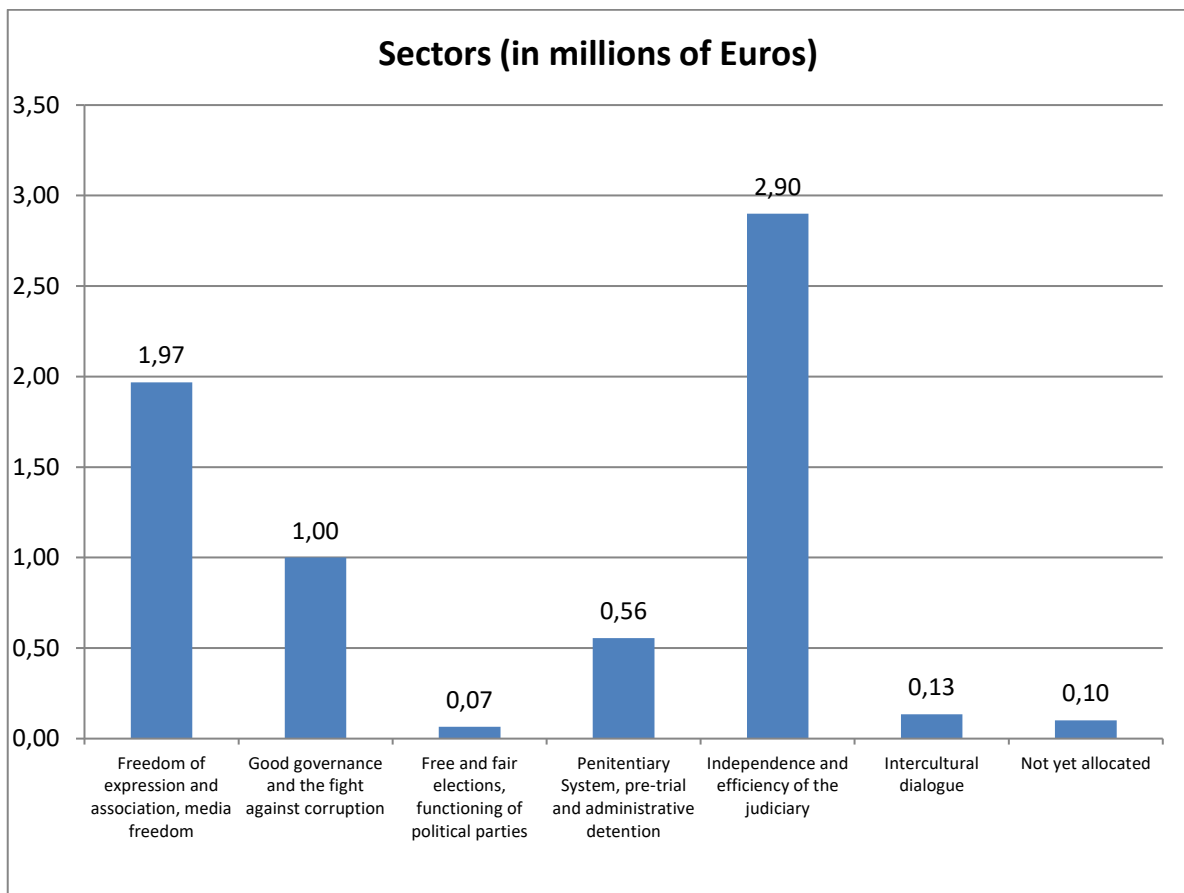
Country action plans and co-operation documents describe strategic priorities of co-operation and the resources needed to achieve them. This valuable tool serves to pool voluntary contributions that are not earmarked or that are broadly earmarked.

The Action Plan for Azerbaijan 2014-2017 received a total of €6.7 million (57% of the total budget of €11.8 million). Action Plan-level funding totalled €200 000, and project-level funding totalled €6.5million. These amounts refer to country-specific projects and exclude regional actions. The remaining funding required for Action Plan amounts to approximately €5.8 million (see Figures 2 and 3).





**Figure 2: Funding situation of the Action Plan for Azerbaijan 2014-2017 (in millions of euros) as of 30 June 2017**

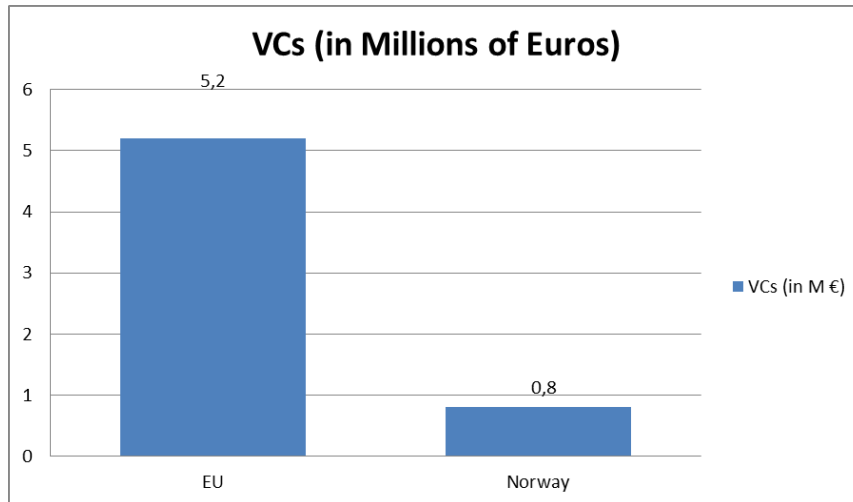


**Figure 3: Funding situation per sector of the Action Plan for Azerbaijan 2014-2017 (in millions of euros) as of 30 June 2017**

The Delegation of the European Union to Azerbaijan has allocated €800 000 through two joint programmes with the Council of Europe.

Since 2015, Azerbaijan has benefitted from funding secured through the PGG for projects on anti-corruption, freedom of expression and media freedom, independence of the judiciary and application of the European Convention on Human Rights (ECHR) and ECtHR case-law. Secured funding totals approximately €4.7 million under the PGG for country-specific projects within the current programming cycle ending in 2017.

Voluntary contributions from Norway in the amount of €200 000 went towards projects on elections, civil society and youth human rights education. The actions in the area of civil society are implemented as a joint initiative involving Council of Europe, Norway and the EU (see Figure 4).



**Figure 4: Funding sources for the Action Plan for Azerbaijan 2014-2017 (in millions of euros) as of 30 June 2017**



## 5. APPENDICES

### Appendix I: LIST OF PROJECTS

#### LIST OF COUNTRY SPECIFIC PROJECTS:

Title	Duration
Freedom of expression and media freedom	01/01/2015-31/12/2017 (36 months)
Strengthening capacities to fight and prevent corruption in the Azerbaijani administration	01/06/2015-31/12/2017 (30 months)
Support to increased efficiency of courts, improved training of judges and judicial self-governance in Azerbaijan	01/03/2015-30/04/2017 (26 months)
Application of the European Convention on Human Rights and the case law of the European Court of Human Rights	01/01/2015-31/12/2017 (36 months)
Civil society dialogue	01/03/2016-28/02/2018 (24 months)
Further support to the penitentiary reform in Azerbaijan	01/09/2016-30/04/2016 (20 months)
Capacity-building of youth leaders and activists from Azerbaijan on human rights education and democratic youth participation	01/01/2017-30/06/2018 (18 months)
Compliance to international standards in the electoral field	01/01/2014-31/12/2016 (36 months)

#### LIST OF REGIONAL PROJECTS (funded through EU/PGG-Council of Europe):

Title	Duration
Civil participation in decision making in the region	1/09/2015 – 31/12/2016 (16 months)
Improving women's access to justice in 5 EaP countries	1/01/2015 – 31/12/2016 (24 months)
Promoting Education for Democratic Citizenship and Human Rights Education in the Eastern Partnership Countries	1/01/2015 – 31/12/2017 (36 months)
Strengthening constitutional justice	1/01/2015 – 31/12/2017 (36 months)
Fight against corruption and fostering good governance; Fight against money-laundering	1/01/2015 – 31/12/2017 (36 months)
Cybercrime : projects on regional/international and public/private co-operation	1/03/2015 – 31/08/2017 (30 months)
Regional dialogue on judicial reform in the EaP countries	01/03/2015 - 28/02/2017 (24 months)
Promoting penitentiary reforms (from a punitive to a rehabilitative approach)	01/08/2015 - 30/06/2016 (11 months)
Criminal justice responses to drug dependent prisoners	01/01/2015 - 31/12/2017 (36 months)
Enhancing respect for the protection of human rights online	01/01/2015 - 31/12/2017 (36 months)

Developing and strengthening national data protection systems	01/01/2015 - 31/12/2017 (36 months)
Promoting professional and responsible journalism by supporting regional network of self-regulatory bodies	1/01/2015 – 31/12/2017 (36 months)
Reforming electoral legislation and practice; and developing regional co-operation in electoral matters	01/01/2015 - 31/12/2017 (36 months)
Strengthening institutional frameworks for local governance	01/01/2015 - 31/12/2017 (36 months)

## Appendix II: FUNDING

Funding situation at 28 September 2017<sup>9</sup> (amounts in €)

	Sectors	Total budget in Action Plan*	Funded OB	Funded VC	Funded EU-CoE PGG	Funded EUD	Total funds secured	Unfunded
1	Freedom of assembly	2 000 000	0	0	0	0	0	2 000 000
2	Freedom of expression and association, media freedom	2 768 263	248 263	700 000	720 000	300 000	1 968 263	800 000
3	Good governance and the fight against corruption	1 000 000	100 000	0	900 000	0	1 000 000	0
4	Free and fair elections, functioning of political parties**	65 000	0	65 000	0	0	65 000	0
5	Penitentiary System, pre-trial and administrative detention**	1 556 000	56 000	0	0	500 000	556 000	1 000 000
6	Independence and efficiency of the judiciary**	3 378 000	290 000	336 000	2 610 000	0	3 236 000	142 000
7	Local democracy	900 000	0	0	0	0	0	900 000
8	Cybercrime	0	0	0	0	0	0	0
9	Intercultural dialogue**	140 000	100 000	35 000	0	0	135 000	5 000
	<b>TOTAL</b>	<b>11 807 263</b>	<b>794 263</b>	<b>1 136 000</b>	<b>4 230 000</b>	<b>800 000</b>	<b>6 960 263</b>	<b>4 847 000</b>

\*Excluding Partnership for Good Governance (PGG) regional projects.

\*\*There has been revision in individual project budgets since the last report.

<sup>9</sup> The financial table covers a longer period and includes additional funding that was received after 30 June 2017, in particular €336 000 (USA VC).