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<p>For further information, please contact:</p> <p>Office of the Directorate General of Programmes Verena Taylor, Director Council of Europe F-67075 Strasbourg Cedex</p> <p>Tel: +33 (0) 3 88 41 28 64 Fax: +33 (0) 3 90 21 46 31 E-mail: verena.taylor@coe.int</p>	<p>DG NEAR Mathieu Bousquet, Head of Unit European Commission 15 rue de la Loi B - 1000 BRUXELLES</p> <p>Tel: +32 229 80 861 E-mail: mathieu.bousquet@ec.europa.eu</p>
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List of Acronyms and Abbreviations

ACA	Anti-corruption Agency (Georgia)
AML/CFT	Anti-Money Laundering/ Countering the Financing of Terrorism
APA	Annual Plan of Action
ARO	Asset Recovery Office
ASAN	State Agency for Public Service for Citizens in Azerbaijan
CC	Criminal Code
CCEJ	Consultative Council of European Judges
CCU	Constitutional Court of Ukraine
CEC	Central Election Commission (Republic of Moldova)
CEPEJ	European Commission for the Efficiency of Justice
CLEP	“Controlling corruption through law enforcement and prevention in Republic of Moldova”
CM	Committee of Ministers
CoC	Code of Conduct
CPC	Corruption Prevention Committee
CPC	Criminal Procedure Code
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment – Council of Europe
CSO	Civil Society Organisation
DG I	Directorate General of Human Rights and Rule of Law – Council of Europe
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations - European Union
DoA	Description of Actions
DOST	Agency for Sustainable and Operational Social Security in Azerbaijan
DNFBP	Designated non-financial business and professions
EaP	Eastern Partnership
EC	European Commission
ECRI	European Commission against Racism and Intolerance – Council of Europe
ECRML	European Charter for Regional or Minority Languages
ECtHR	European Court of Human Rights
ECHR	European Convention of Human Rights
EU	European Union
EUD	European Union Delegation
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FMS	Financial Monitoring Service
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
GBA	Georgian Bar Association
GRECO	Group of States Against Corruption
GR-DEM	Group of Rapporteurs for Democracy
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HCoJ	High Council of Justice
HELP	Human rights Education for Legal Professionals
HRDO	Human Rights Defender Office

ICCM Law	“Legal assistance in criminal cases”
ICNL	International Centre for Non-profit Law
ICT	Information and Communications Technology
IMF	International Monetary Fund
IOM	International Organisation for Migration
IT	Information Technology
Istanbul Convention	Convention on preventing and combating violence against women and domestic violence
KPI	Key Performance Indicators
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex Persons
LSC	Local Steering Committee
LTC	Lawyers Training Centre (Republic of Moldova)
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
ML/TF	Money laundering and terrorism financing
MP	Member of Parliament
NCBC	Non-Conviction-Based Confiscation
NGO	Non-governmental Organisation
NIJ	National Institute of Justice (Republic of Moldova)
NHRI	National Human Rights Institution
NRA	National Risk Assessment
NSJ	National School of Judges
NUEA	National Union of Enforcement Agents
ODGP	Council of Europe's Office of the Directorate General of Programmes
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
OSCE PCU	Organisation for Security and Cooperation in Europe Project Coordination Unit
PACE	Parliamentary Assembly of the Council of Europe
PGG	European Union/Council of Europe Partnership for Good Governance in the Eastern Partnership Countries
PMM	Project Management Methodology
QRM	Quick Response Mechanism
RA	Republic of Armenia
RBA	Risk-based approach
SARAS	Service for Accounting, Reporting and Auditing Supervision (Georgia)
SCFWCA	Law Department at the State Committee for Women and Children Affairs (Azerbaijan)
SC	Steering Committee
SCM	Superior Court of Magistracy (Republic of Moldova)
SMART	Specific, Measurable, Achievable, Relevant, Time-bound Methodology
TP	Technical paper
TPC	Technical project committee
UIHJ	International Union of Judicial Officers
UN OHCHR	United Nations Office of High Commissioner for Human Rights
UN SDG	United Nations Sustainable Development Goals
UNDP	United Nations Development Programme
UNFPA	United Nations Populations Fund

UNICRI	United Nations Interregional Crime and Justice Research Institute
USAID	United States Agency for International Development
VAW	Violence against women
Venice Commission	European Commission for Democracy through Law – Council of Europe
Warsaw Convention	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism

Synopsis of the Partnership for Good Governance

Title:	Partnership for Good Governance - Phase II
Duration:	1 January 2019 to 31 December 2021 (36 months)
Funding:	17.5 Million EUR
Co-financing ratio:	European Union 80% (14 Million EUR); Council of Europe 20% (3.5 Million EUR)
Location:	Eastern Partnership countries: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.
Overall objective:	To prevent and combat threats to the rule of law and to support justice sector reforms, in line with deliverables 9 and 10 of the EU 2020 deliverables for the Eastern Partnership.
Specific objective:	To support the alignment of the national legislation and practice with European standards in the field of combating threats to the Rule of Law and support of judicial reforms according to the individual needs of the Eastern Partnership countries.
Expected results:	<ol style="list-style-type: none"> 1) Strengthening the Rule of law and anti-corruption mechanisms and combating money laundering/terrorist financing, linked to deliverable 9 of the European Union 2020 deliverables; 2) Fostering implementation of key judicial reforms with a view to strengthening the independence, quality and efficiency of the judiciary; 3) Combating discrimination and protecting the rights of vulnerable groups and women.
Main activities:	Technical assistance tailored to assist beneficiaries in achieving an increased compliance with European standards and legal advice linked to priority-related reforms through the Council of Europe Quick Response Mechanism (QRM).
Partners:	Governmental bodies at all levels, notably ministries of justice, interior, ministries responsible for public administration; parliaments; public structures with specific responsibilities in the relevant areas, such as anti-corruption and anti-money laundering bodies; the judiciary, judicial professions and judiciary supervisory bodies.
Target groups:	Civil servants and public officials involved in decision-making, policy development and implementation in relevant ministries and administration structures; the civil society will be involved in specific activities and will also be part of the implementation process (non-exhaustive).
Final beneficiaries:	Citizens in the Eastern partnership countries

1. EXECUTIVE SUMMARY

This report presents the state of implementation and the results achieved through the European Union/Council of Europe Joint Programme “Partnership for Good Governance” (PGG) in the Eastern Partnership (EaP) countries - Phase II, from 1 January to 31 December 2020, covering both the country-specific (12) and regional projects (4).

Since March 2020 the PGG Programme was implemented in the context of the COVID-19 crisis. In response to the COVID pandemic and taking in consideration political instability in some EaP countries, the Council of Europe developed and implemented mitigation measures enabling to address the most urgent needs of the EaP countries and to ensure the continuation of the PGG implementation in line with the Programme’s objectives.

Following the presidential elections in Belarus in August 2020 and taking into account the political tension in the country, the PGG activities with Belarus were put on hold. The conflict around Nagorno Karabakh also impacted the PGG implementation in Armenia and Azerbaijan.

During the reporting period, the PGG Programme was implemented in three priority areas stemming from the EU 20 Deliverables for 2020:

- ✓ Strengthening rule of law and anti-corruption mechanisms, combating money laundering/terrorism financing;
- ✓ implementing key judicial reforms;
- ✓ combating discrimination and protecting the rights of vulnerable groups.

Legal expertise by the European Commission for Democracy through Law (Venice Commission) was integrated through the Quick Response Mechanism (QRM) and used for ad-hoc legal advice to the EaP in the areas of democratic institutions and fundamental rights, elections, referendums, political parties and constitutional and ordinary justice. In 2020 the scope of legal expertise was open to other relevant areas of expertise of the Council of Europe’s bodies (e.g. GRECO, MONEYVAL).

The second phase of the “Partnership for Good Governance” (PGG II) derives from the Statement of Intent signed between the European Union and the Council of Europe in April 2014 aiming to strengthen co-operation between the two Organisations in key areas of common interest and builds upon the results of the PGG phase I 2015-2018. The PGG II translates the European Union/Council of Europe partnership into concrete actions for supporting democratic reforms in the EaP countries. Since 2017, the PGG has also provided support to the achievement of the EU 2020 Deliverables adopted by the European Commission in June 2016.

The PGG II contributes to the United Nations (UN) Sustainable Development Goals (SDGs), notably to the goal 5 – aiming to achieve gender equality and empower all women and girls, to the goal 10 – reducing inequality within and among countries and promote peaceful and inclusive societies for sustainable development, and to the goal 16 – to provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Main results in the PGG II priority areas - including examples of progress towards EU 20 deliverables for 2020 - are provided below. In addition, an analysis of the main achievements per beneficiary country with a view to progressing towards the EU 2020 Deliverables is presented in **Appendix 1** (analytical notes per country).

Information on mainstreaming and cross-cutting issues is reflected in the report as part of thematic results and co-ordination and management activities.

The human rights approach reinforced some elements of the PGG II during the reporting period by incorporating the key principles of equality and non-discrimination such as inclusive participation, accountability, transparency and access to information. The perspectives of rights-holders, including vulnerable groups and civil society were enhanced in a large number of activities implemented in 2020.

In particular, the representatives of the civil society were closely involved in drafting the anti-discrimination laws and in the activities of the Equality Council in the Republic of Moldova as well as in developing the monitoring guide on hate speech for the Audiovisual Council.

Civil society organisations (CSOs) were also involved in the development of the reports on data collection on discrimination, hate speech and hate crimes in Armenia, Ukraine and the Republic of Moldova, notably through the call for grants organised for non-governmental organisation (NGOs).

The representatives of NGOs participated in discussions on the preparation and implementation of the criminal justice reforms in Armenia.

Involvement of the civil society was critical to ensuring sustainability of the PGG actions on the ground. NGOs, professional associations and academic communities offered expertise and shared experience on the real countries' needs on the ground where the support provided under the PGG directly targets citizens.

The PGG activities also fostered the country level engagement in the regional exchange among the EaP countries and contributed to reinforce a network of professional associations in the EaP region and enhance the dialogue between representatives of the civil society and governments in line with the [Guidelines on civil society organisations' participation in Council of Europe's co-operation activities](#).

Inclusive dialogue and interactive networking have brought together different stakeholders, including the representatives of civil society in the regional activities implemented in the field of combating corruption and money laundering and judicial reform. This provided a comprehensive framework for effectively use of the anti-corruption and anti-money laundering tools (e-platforms) developed under the Programme and enabled the exchange of relevant information and more comprehensive awareness raising actions amongst the stakeholders involved in the anti-corruption and judicial reforms.

The human rights approach was integrated in the PGG activities and notably in the project on women's access to justice through underlying social dynamics (i.e. different life circumstances, opportunities and barriers among vulnerable groups) in order to encourage justice sector professionals to apply new competences that improve access for vulnerable groups to justice in line with European standards.

Accountability towards the public has been strengthened through [developing a draft Code of Conduct](#) for the Members of Parliament (MPs) in Armenia, expected to be adopted by the National Assembly in early 2021. An inter-agency strategic group on harmonising law enforcement training on hate crimes was set up in the Republic of Moldova and the integrated curriculum for law enforcement training on equality and combating hate crimes was developed. The Equality Platform was set by 13 civil society organisations in Azerbaijan, formed in order to strengthen the role of civil society on combating discrimination.

In accordance with the policy "leaving no one out" in the anti-discrimination actions, equality bodies, ombudspersons' offices, CSOs and state authorities were brought together for targeted training with a focus on how to best communicate with and inform victims of discrimination on their rights and redress mechanisms.

A gender balance approach is key for implementation of the PGG II activities and the gender dimension was integrated in the PGG both as a transversal component and as a specific project objective. In order to effectively mainstream the gender approach for the PGG activities in line with the [Council of Europe's 2018-2023 Gender](#)

[Equality Strategy](#), gender analyses were conducted under the country-specific projects in Armenia, Georgia and the Republic of Moldova.

The analyses are tailored to each country project and provide practical recommendations on gender inclusion while taking into account the situation in the countries.

The findings of these analyses were made available in Armenia, based on the quantitative and qualitative research and a first set of recommendations on further strengthening the gender mainstreaming approach of the PGG actions was provided.

Complementary to the transversal approach, the regional project on anti-discrimination provided an additional support to improve a disaggregated data collection in order to enable the project stakeholders (the police, Prosecutors' Offices, Equality bodies, Ombudsoffices and CSOs) to effectively counter discrimination.

The regional project on women's access to justice enhances gender equality through the implementation of the provisions of the [Council of Europe Convention on preventing and combating violence against women and domestic violence \(Istanbul Convention\)](#) with the aim to strengthen the measures to fight violence against women in the EaP countries.

The PGG co-ordination mechanisms were reinforced to ensure that all relevant PGG stakeholders, including the European Union Delegations (EUDs), DG NEAR and national partners, are fully informed of the PGG implementation. The PGG stakeholders were regularly consulted on the proposed mitigation measures developed by the Council of Europe to address the new challenges linked to the COVID pandemic.

The PGG visibility was further improved and communication activities allowed to convey more coherent messages with a focus on the benefits of the PGG for citizens and on the European Union/Council of Europe partnership in the region. An [online Event](#) on the PGG mid-term results was organized in October 2020 to promote the PGG deliverables and further improve the PGG visibility across the EaP region.

Theme I – Strengthening Rule of law and anti-corruption mechanisms, combating money laundering and terrorism financing

In 2020, the PGG II continued to support the EaP countries to establish and develop more effective national mechanisms to prevent corruption, money-laundering and financing of terrorism, and better comply with international standards, by providing national authorities with legal Opinions, technical papers and recommendations, in addition to capacity building activities.

The main deliverables and developments include:

- ✓ *Improvements of legislative frameworks in Armenia and Azerbaijan.* The National Assembly of Armenia adopted the Law on Civil Forfeiture of Illegal Assets in line with the majority of the recommendations and the legal Opinions provided by the Council of Europe experts.
- ✓ *Azerbaijani authorities reinforced the national legislation in the field of Anti Money-Laundering (AML) by preparing new laws on Anti Money-Laundering/Countering the Financing of Terrorism (AML/CFT) and on Targeted Financial Sanctions and associated Amendments to the Criminal Procedure Code in compliance with [the recommendations](#) on the implementation of targeted financial sanctions against terrorism and terrorist financing provided under the PGG II.*

- ✓ *A significant step towards improvements in legislative framework in Armenia.* The proposed “Code of Conduct for members of the National Assembly of Armenia” was drafted by the [working group](#) of the National Assembly to address a major recommendation of [GRECO’s Fourth Round Evaluation Report](#).
- ✓ *Progress towards compliance with the Recommendation XV of GRECO’s Fourth Round Evaluation.* The PGG II supported the Prosecutor’s Office of Georgia with a [technical paper](#) to update the legal framework related to the prosecutor's disciplinary liability in compliance with the Recommendation XV of GRECO’s Fourth Round Evaluation on reviewing the disciplinary regime applicable to prosecutors.
- ✓ *Strengthened anti-money laundering strategic framework and implementing mechanisms.* In Georgia and Ukraine, following the adoption of the new AML laws, the national authorities received the experts’ support to improve secondary legislation and institutional capacities. The Financial Monitoring Service (FMS) of Georgia adopted two laws on receiving, systemising and processing the information and forwarding to the FMS.

In Ukraine, national authorities started the application of the new Law and drafting secondary AML/CFT legislation for specific institutions or sectors with the support of the PGG II. The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) assigned Ukraine higher international compliance ratings in the relevant areas, following the positive steps by Ukrainian authorities.

- ✓ *Improved operational capacity of the newly established Corruption Prevention Commission (CPC) of Armenia.* CPC received a support to build its operational capacity by providing a [methodology for the integrity checking of judicial nominees](#). The detailed guidelines and a practical manual for every stage of the integrity checking process were provided to address GRECO's recommendations and the requirements of the amendments to the Law on the CPC and Judicial Code.
- ✓ *Strengthened linkages for regional co-operation in fighting and preventing corruption, money laundering and terrorist financing in six EaP countries.* The operational and strategic capacities of specialised corruption prevention and oversight bodies were reinforced by providing guidance to the oversight bodies on prioritisation of asset declarations for an in-depth audit, and by sharing good international practices on Non-Conviction-Based Confiscation (NCBC) to raise awareness on benefits and challenges of NCBC.
- ✓ *Improved capacities of AML/CFT sector actors in beneficiary countries.* The specialised training contributed to improve knowledge and skills and to ensure effective implementation of AML/CFT measures by the representatives of the regulatory/supervisory institutions, reporting entities including financial and non-financial sectors, the Financial Intelligence Units, prosecution offices and law enforcement and other national actors involved in AML/CFT.

Table 1: PGG II contribution to EU 20 Deliverables for 2020 – Strengthening institutions and good governance/ rule of law and anti-corruption mechanisms (deliverable 9)

Progress towards EU targets by end 2020	PGG II contribution
Progress towards an effective system of declarations of assets and conflicts of interest, i.e. - adoption of the required legislative and institutional framework, including verification mechanisms and dissuasive sanctions against false declarations.	✓

Steps taken to implement GRECO recommendations to prevent and to fight corruption in all six EaP countries and, in particular in Azerbaijan and Georgia, based on the outcome of the third round of GRECO recommendations.	✓
Effective progress towards independent specialised anti-corruption bodies.	✓
Effective progress towards the establishment of Offices for the recovery and management of assets in all EaP countries.	✓
Progress towards the legal framework against money laundering in line with the European Union's fourth Anti-Money Laundering Directive and other international standards in the EaP countries.	✓
Progress towards effective tools for financial investigations and reinforced Financial Intelligence and Investigation Units in the EaP countries.	✓

Theme II - Implementation of key judicial reforms with a view to strengthening the independence, effectiveness and efficiency of the judiciary, linked to EU deliverable 10 of the 2020 deliverables

Under the key judicial reforms, the PGG II continued to support the EaP countries to align their legislation and practices in line with the European standards while focusing on independence and efficiency of the judiciary, enforcement of decisions, access to justice and comprehensive training of justice sector actors in its actions.

The main deliverables and developments include:

- ✓ *Progress made towards improving the legislative framework for justice systems in Armenia and Georgia.* The Government of Armenia approved the draft Criminal Procedure Code (CPC) and Criminal Code (CC), elaborated in line with the Council of Europe recommendations. A needs assessment report was prepared to identify the laws most associated to the new CPC and CC and justifications for their amendments were provided. Armenian authorities were also supported in the implementation of the judicial reform through seven expert opinions on various laws: legal acts for different national institutions following the adoption of the Law on Amendments and Addenda to the Judicial Code and 13 related laws; the draft law for amendments and addenda of the “Law on Compulsory Enforcement of Judicial Acts”. The Georgian authorities were supported by an expert opinion on the CPC of Georgia and a report on the Independent Inspector's statutory framework.
- ✓ *Improvements for the enforcement of decisions in civil and administrative cases in Azerbaijan and the Republic of Moldova.* The draft Code of Enforcement was finalised, the new legal framework for the system of enforcement of court decisions in civil and administrative matters was developed. In the Republic of Moldova, the National Union of Enforcement Agents (NUEA) and the Ministry of Justice had the opportunity to improve the professional management system via an expert report, which provided recommendations on the system, indicators of efficiency and quality, new technologies and Cyberjustice tools, which are now available for the enforcement systems.
- ✓ *Strengthened institutional capacities of highest judicial instances in Georgia.* The Supreme Court of Georgia developed the draft version of the Supreme Court Strategy and Action Plan with the support of the PGG II.
- ✓ *Further steps towards better access to justice in Azerbaijan, Georgia and the Republic of Moldova, in particular for women, children and the most vulnerable groups.* An [expert report](#) on “Access to justice for vulnerable

groups in Azerbaijan” was prepared to promote and facilitate access to courts for four categories of vulnerable groups (persons with physical/mental disabilities, minority members, victims of violence and minors). In Georgia, the General Prosecutor adopted a decree on guidelines on "Dealing with persons with disabilities-interrogation and witness statements". In the Republic of Moldova, the Equality Council [drafted a monitoring strategy](#), based on previous recommendations of the PGG II.

- ✓ *Efficiency and quality of courts and the justice systems increased in Azerbaijan, Georgia and the Republic of Moldova.* The PGG II supported the Azerbaijani institutions in the preparation of a road map to further disseminate the European Commission for the Efficiency of Justice (CEPEJ) tools to all courts in the country. The Georgian institutions received support to finalise the report on performance evaluation of judges, and with evaluations on the type of statistical data and existing data collection methods and tools. The Moldovan institutions developed a consolidated detailed methodology for the evaluation of national courts through the use of statistical instruments and key performance indicators recommended by the CEPEJ.
- ✓ *Improvements of accountability of the judiciary and building of public confidence in Armenia, Azerbaijan and Georgia.* The PGG II supported the Armenian institutions in drafting an amendment to the Rules of Procedure of the General Assembly of Judges, in preparing the requirements for non-governmental organisations nominating candidates for non-judge members of the Ethics and Disciplinary Commission of the General Assembly of the Judges, and in drafting a Methodology for the performance evaluation of judges and the procedure, which were adopted by respective institutions in 2020. The “Communication strategy for the judiciary of Azerbaijan” was prepared in Azerbaijan and the Georgia’s Independent Inspector’s Office received a Guide on Legal Reasoning, including an explanatory note on newly introduced grounds, following the revision of the Grounds for Judges' Disciplinary violation.
- ✓ *Strengthened implementation of the Council of Europe standards in EaP countries through the alignment of the judicial training practices.* The Justice Academy of Armenia integrated five new courses into its curriculum and extended its pool of trainers through training of trainers of the PGG II. The Justice Academy of Azerbaijan introduced a new training course on court management and the Georgian Bar Association’s Continuous Legal Education Programme also included two online training courses into its continuous legal education curriculum.
- ✓ *Strengthened implementation of the Council of Europe standards in EaP countries through assessments and training of legal professionals.* The national partners in all six EaP countries incorporated several tools, developed and adapted by the PGG II into their training programmes, and translated into national languages such as HELP online courses, gender mainstreaming tools, assessment and evaluation tools, methodologies and interactive training methodologies. The institutions also increased their capacities by training their staff in several training activities of the PGG II.
- ✓ *Progress in strengthened co-operation among the bar associations and law societies of the region.* The bar associations and law societies of the region benefitted from four comparative reviews of the PGG II on: procedural and institutional setup of the functioning of lawyers; internal structure of bar associations; procedural safeguards for lawyers and protection against undue interferences for lawyers; and system of legal representation, including free legal aid and the monopoly of advocates.

Table 2: PGG II contribution to EU 20 Deliverables for 2020 - Strengthening institutions and good governance/ Implementation of key judicial reforms (deliverable 10)

Progress towards EU target by end 2020	PGG II contribution
Legislative and regulatory amendments in civil and criminal justice in Armenia, Azerbaijan and Georgia.	✓
Strengthened institutional capacity and the review of responsibilities of the highest judicial instances in Georgia.	✓
Improved enforcement of judgments in civil and administrative cases in Armenia, Azerbaijan, the Republic of Moldova.	✓
Substantial reduction of the backlog of civil and administrative cases and case disposition time in Armenia, Azerbaijan, Georgia and the Republic of Moldova.	✓
Improved system of accountability of the judiciary and building of public confidence in the system especially in Armenia, Azerbaijan and Georgia.	✓
Comprehensive and effective training of the judiciary on judicial competences and ethics in Armenia, Azerbaijan, Belarus, Georgia and the Republic of Moldova.	✓
Improvement in the day-to-day administration of courts in Azerbaijan, Armenia and Belarus.	✓
Improved access to justice in six EaP countries, in particular for women, children and the most vulnerable groups, and whenever civil rights or obligations are at issue or criminal charges are to be determined.	✓
Independent training institutions delivering initial and continuous training to the judiciary, in line with the EU standards and best practices.	✓

Theme III - Combating discrimination and protecting the rights of vulnerable groups

In the field of combating discrimination, combating violence against women and strengthening women's access to justice, the PGG II concentrated on aligning anti-discrimination legislative frameworks, strengthening 'equality bodies'/Ombudsperson institutions and CSOs' capacities to combat discrimination, hate speech and hate crimes, improving access to justice for women, and promoting the signatures and ratifications of the Istanbul Convention through two high-profile regional projects and a new bilateral project with Azerbaijan.

The main deliverables and developments include:

- ✓ *Improved institutional approach to better collect data to address hate crime.* Agreement was reached with the national institutions dealing with hate crime in the Republic of Moldova to integrate the hate crimes component in their respective databases and in the integrated training curriculum for law enforcement and legal professionals. Targeted training for the legal professionals of the Equality Council and Ombudsperson

office and expert assistance to the Audiovisual Council of the Republic of Moldova on hate speech monitoring was provided.

- ✓ *Reinforced development of institutional mechanisms to tackle discrimination in line with the Council of Europe standards.* An inter-agency strategic group on harmonising law enforcement training on hate crimes provided input to the development of an integrated curriculum for law enforcement training on equality policy in the Republic of Moldova.
- ✓ *Effective implementation of anti-discrimination law enhanced through increased dialogue between civil society and state institutions.* Substantial support was provided to civil society organisations in all six countries of the Eastern Partnership, and in particular the Equality Platform Azerbaijan, formed by 13 civil society organisations was set up in Azerbaijan in order to strengthen the role of civil society on combating discrimination.
- ✓ *Maintaining the signature and ratification of the Istanbul Convention high on the agenda across the Eastern Partnership region.* Deeper engagement with the Istanbul Convention was secured by launching a new project with Azerbaijan reiterating the relevance of the Convention to the authorities across the region.
- ✓ *Enhanced practical application of approaches to improve women's access to justice in line with the Istanbul Convention and legislation to protect against gender-based violence and domestic violence.*
- ✓ *Systemised training approach to strengthen women's access to justice.* The PGG II prompted the Prosecutor's Office in **Georgia** to integrate the HELP course on Access to Justice for Women as a compulsory element in their mentoring programme for legal professionals. The law schools were encouraged to gender mainstream their curricula through an interactive gender mainstreaming training tools, to promote more gender sensitivity in the judicial practice of future legal professionals.
- ✓ *Strengthened capacities to fight racism, xenophobia, homophobia and transphobia through certification of participants from the Eastern Partnership countries in the region, including from NGOs working on gender issues.* The PGG II further reinforced staff of equality bodies and civil society to monitor and counter discrimination in accordance with anti-discrimination law that is moreover continually evolving through the PGG II recommendations in 2019 and expert analysis.

Table 3: PGG contribution to EU 20 Deliverables for 2020 – Gender equality and non-discrimination (deliverable 2)

Progress towards targets by end 2020	PGG contribution
Adoption of anti-discrimination legislation in remaining countries and effective implementation. Relevant legislation harmonised.	✓
Signature and ratification of the Council of Europe Istanbul Convention.	✓
Adoption of gender-based violence/domestic violence legislation in all countries and setting up an effective referral mechanisms.	✓
Establishing track record of equality bodies and effective monitoring of anti-discrimination law.	✓

The developments in 2020 under the transversal component include:

- ✓ *Developed and effectively implemented mitigation policy* to address the unprecedented COVID pandemic and to provide assistance to the EaP countries facing challenges to ensure their citizens' full enjoyment of fundamental rights and effective functioning of the EaP countries' institutions with respect of the Rule of Law and the principals of good governance.
- ✓ *Strengthened co-ordination mechanisms* to ensure that all relevant PGG stakeholders, including the European Union Delegations (EUDs), DG NEAR and national partners, are informed at all stages of the PGG implementation and regularly consulted on the proposed measures to address the most urgent needs of the EaP national authorities, in compliance with the COVID restrictions in force in the region.
- ✓ *Reinforced ownership* of the national stakeholders and effectively promoted inclusive and multi-stakeholder approach to co-operation in the region, which is key to boost the democratic reforms undertaken in the EaP countries, in spite of the COVID related restrictive measures.
- ✓ *Strengthened application of the Results-Based Approach* to PGG programming and management in line with the Council of Europe PMM. *Continued use of the SMART methodology* for the PGG implementation along with a results-oriented and budget performance approach and with explicit reference to the EU 2020 Deliverables.
- ✓ *Mainstreamed gender balance approach* across the PGG, reinforced gender approach in the project design through gender-based indicators, in line with the [Gender Mainstreaming Toolkit for Co-operation](#) developed as part of a follow-up to the Gender Equality Strategy 2018-2023 and the [EU Gender Action Plan III](#).
- ✓ *Enhanced dialogue with civil society* and their involvement in the PGG, including the participation of civil society representatives in the project activities, to ensure sustainable results of the PGG actions on the ground and the outreach to the final beneficiaries of the Programme.
- ✓ *Regular contributions* to policy discussions and exchange of best practices under the Panel "Rule of Law" of the EaP Platform 1 for "Democracy, Good Governance and Stability" to support the implementation of justice reform and fight against corruption. *Regular communication flow established and reinforced* among project contact points within DG NEAR/EUDs and the Council of Europe/Field Offices to reinforce co-ordination and increase the PGG effectiveness.
- ✓ *Stronger PGG visibility, more coherent messages* with a focus on the benefits of the PGG for citizens. Better understanding of, and increased visibility for the European Union/Council of Europe partnership in the region. The Communication Guidelines were adapted to the new requirements.

Quick Response Mechanism

In addition to the actions outlined in the Annual Plans of Actions, the EaP countries can benefit from the [Quick Response Mechanism \(QRM\)](#), by which the Venice Commission provides ad-hoc legal advice to respond to requests for legislative analysis in the areas of democratic institutions and fundamental rights, elections, referendums and political parties, constitutional and ordinary justice. The Venice Commission delivered eight legal Opinions in respect of Armenia, Georgia and the Republic of Moldova.

- ✓ *Two legal Opinions were issued with respect to Armenia.* In the Joint Opinion with OSCE/ODIHR ([CDL-AD\(2020\)004-e](#)), the Venice Commission analysed the draft amendments to the legislation concerning political parties, and Opinion provided a series of recommendations to facilitate the founding and functioning of political parties and to reinforce the measures to combat or prevent corruption. The Armenian authorities expressed their intention to adopt revised legislative amendments which should follow the recommendations of the Opinion. In the second Opinion ([CDL-AD\(2020\)016-e](#)) the Venice Commission responded to three questions in the context of constitutional amendments concerning the mandate of the judges of the Constitutional Court. Unfortunately, a proposal for constitutional amendments was introduced in the Armenian Parliament on the day of the adoption of this Opinion by the Venice Commission, which is not in line with the recommendations in this Opinion.
- ✓ *One amicus curiae Opinion ([CDL-AD\(2020\)005-e](#)) was delivered following the request from the Constitutional Court of Armenia.* The Venice Commission analysed the Article 300.1 of the Criminal Code, which penalises overthrowing the constitutional order and provided the Constitutional Court with a comparative constitutional law perspective on the issue. The Constitutional Court's hearings on Article 300.1 of the Criminal Code, failed to take place due to the lack of a quorum.
- ✓ *One legal Opinion was issued with respect to Georgia.* As a follow-up to an Urgent Opinion, issued on 16 April 2019, the Venice Commission first analysed the amendments to the Organic Law on Common Courts, regarding the appointment of judges to the Supreme Court of Georgia. The [new Opinion](#) recognises some improvements to the previous procedure, while pointing to a series of shortcomings which hold valid regarding the system of appointment of Supreme Court judges by the High Council of Justice.
- ✓ *Four legal Opinions were delivered with respect to the Republic of Moldova.* In the [first Urgent joint Opinion](#), the Venice Commission analysed the draft Law amending the Electoral Code, the Contravention Code and the Code of Audiovisual Media Services, further to a proposal to change the electoral law before the next elections. Main recommendations of the Venice Commission concern the restrictions to freedom of expression, the misuse of administrative resources, the observation of the electoral process and the proportionality of sanctions. According to available information, the draft law has not been adopted yet.
- ✓ The [second Urgent Joint Opinion](#) was on the draft law on amending and supplementing the Constitution with respect to the Superior Council of Magistracy. Even though regretting that the Parliament of Moldova adopted the draft Law prior to the issuing of the urgent Opinion on the matter, the Opinion is generally positive: increased number of members of the Superior Council of Magistracy is seen as a way to qualitatively strengthen the evaluation, management, discipline and accountability of judges; and the election of non-judge members by Parliament is favourably assessed as a positive step. The legislative amendments to the Law on Superior Council of Magistracy entered into force in January 2020. The authorities also launched a constitutional reform process concerning in particular the constitutional provisions regarding the Superior Council which is reported upon on the next points.
- ✓ In the [third Joint Opinion](#), the Venice Commission analysed the draft law on amending and supplementing the Constitution with respect to the Superior Council of Magistracy and welcomed a series of provisions pertaining to the appointment and career of judges, the role and composition of the Superior Council of Magistracy (SCM) and provided some specific recommendations on the appointment, suspension or removal of the SCM members. It criticised, however, the election of four lay members in March pending a thorough reform of the constitutional provisions in a controversial, non-consensual manner and called for suspending the nomination of these four lay members which should take place after the adoption of the constitutional amendments.

- ✓ The [fourth joint Opinion](#) was a follow up Opinion on the revised draft law on amending and supplementing the Constitution with respect to the Superior Council of Magistracy. The Venice Commission reiterated the previous positive assessment that the draft amendments to the Constitution could improve the independence, accountability and efficiency of the judiciary. However, the previous recommendation concerning the renewal of the lay composition of the SCM upon the entry into force of the constitutional amendments was not followed in the revised version of the amendments.

2. INTRODUCTION

Building upon the Council of Europe and the European Union policy priorities in the context of the Eastern Partnership (EaP), this Joint Programme aims to accompany the countries in their efforts to implement national reforms in line with European standards in the areas of the judiciary, fight against corruption, money laundering and terrorism financing as well as combating discrimination and violence against women and domestic violence. Five of the six European Union/Council of Europe Partnership for Good Governance (PGG) in the EaP beneficiary countries (Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine) are member States of the Council of Europe. As such, they are Contracting Parties to the European Convention on Human Rights (ECHR) and its fundamental rights protection system. In addition, as Contracting Parties to other Council of Europe international treaties, these countries have committed to making progress towards European standards in key areas of the judiciary, fight against corruption, money laundering and terrorism financing as well as combating discrimination and violence against women and domestic violence. The sixth PGG beneficiary country, Belarus, is not a member State of the Council of Europe and, consequently, the scope of the Organisation's action in this country is narrower than in the other EaP countries.

Council of Europe development co-operation 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.

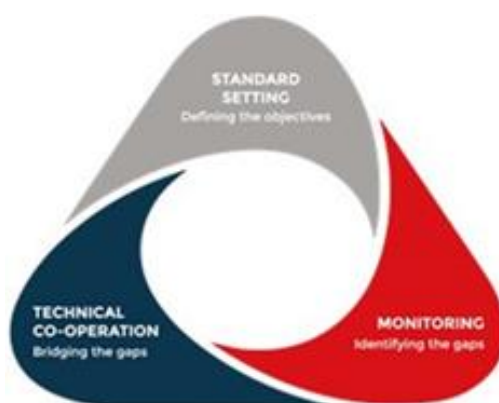


Figure 1: Council of Europe strategic triangle

Co-operation priorities, developed and implemented in areas where the Council of Europe has strong expertise and added value, are adopted by the Committee of Ministers (CM), the decision-making body of the Organisation, and have been agreed with the beneficiary States. These priorities are outlined in strategic Action Plans concluded between the Council of Europe and each EaP country which aim to make the best use of the Organisation's expertise to accompany the implementation of actions aiming to fill the gaps identified by monitoring bodies in relation to provisions of Council of Europe conventions and other legal instruments. In line with this approach, the PGG actions

are largely designed on the basis of relevant Council of Europe monitoring mechanisms' findings and recommendations.

In accordance with the PGG [Description of Action](#) (DoA), the actions were structured around two thematic areas: implementation of key judicial reforms and strengthening the Rule of law and anti-corruption mechanisms, combating money laundering/terrorism financing. They also address crosscutting issues such as combating discrimination and promoting the rights of vulnerable groups and protection of minorities and women, notably those who are victims of violence. A specific transversal component on co-ordination and monitoring is aimed at ensuring the PGG management and co-ordination with a variety of stakeholders, the monitoring of actions, as well as effective implementation of the PGG communication and visibility strategy.

The present report examines achievements in each priority area in 2020 as defined in the DoA and the Annual Plans of Action (APAs) 2019-2021.

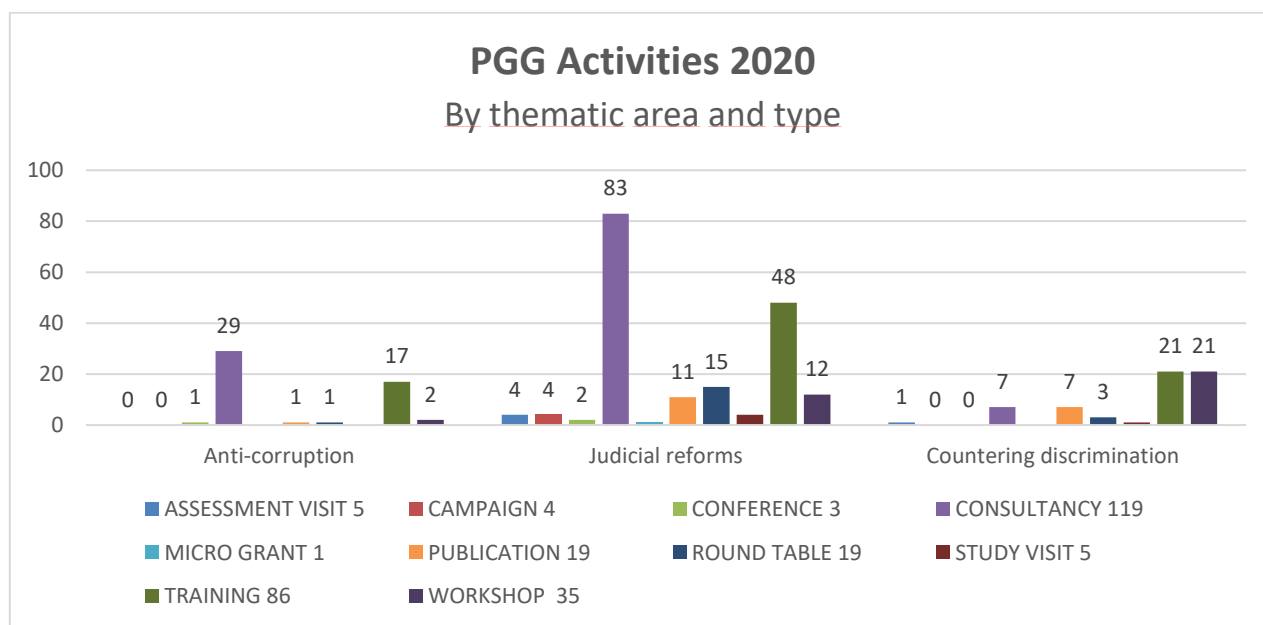
The PGG actions were implemented in accordance with the APAs endorsed by the PGG Steering Committee meeting (PGG-SC) held in October 2019. The APAs 2020 were reviewed following consultations with the European Union Delegations (EUDs) and national stakeholders during the Local Steering Committees (LSCs) held in the EaP countries in autumn 2019 and further adjusted during the 2020 implementation cycle due to the COVID outbreak in March 2020.

In response to the COVID pandemic and taking in consideration political instability in some EaP countries the Council of Europe developed and implemented mitigation measures enabling to ensure the continuation of the PGG implementation in line with the Programme's objectives.

At the same time, the PGG activities with Belarus were put on hold since August 2020 following the presidential elections in Belarus and taking into account the political tension in the country. The conflict around Nagorno Karabakh also impacted the PGG implementation in Armenia and Azerbaijan.

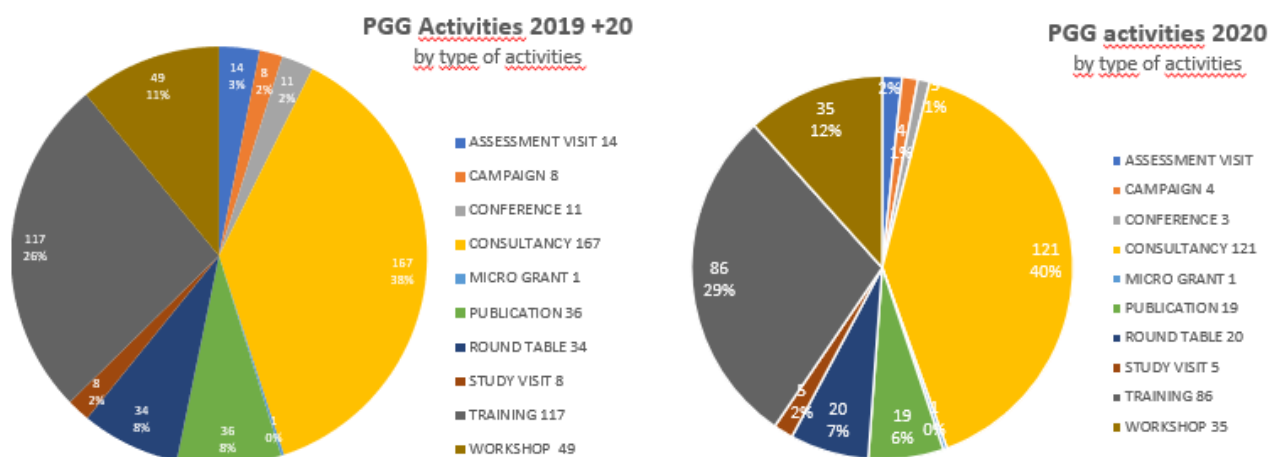
The present report demonstrates PGG's strong support towards the overall European efforts to reinforce the stability and resilience of the region - based on a shared commitment to international law and fundamental values - and assesses the PGG's contribution to the EU 2020 Deliverables. In spite of new challenges and restrictions linked to the COVID pandemic, the PGG proved to be an effective and flexible co-operation tool.

Around 300 activities were implemented in 2020.



This contribution includes a series of concrete results and their continued support to the effective implementation of the European Union Association Agreements with Ukraine, Georgia and the Republic of Moldova and the new bilateral co-operation agreements with Armenia and Azerbaijan: more effective legislative frameworks, reinforced capacity of national institutions as well as consolidated skills and knowledge of those responsible for the implementation of domestic reforms.

The PGG implementation methodology and working methods were adapted to the new situation, taking in consideration the risks and restrictions in force in the region. The resources allocated to the activities implemented in 2020 were used in accordance with the budgetary forecast.



The ownership of the national stakeholders and their strong support of the PGG activities was key for the efficient and results-oriented implementation of co-operation projects. The communication and co-ordination with the national partners were enhanced during the pandemic period and their inclusive involvement in the PGG projects reinforced the activities' results and sustained the ongoing domestic reforms.

The lessons learned from the PGG implementation in 2019 allowed, in particular, to reinforce project management, enhance the risk management approach with a view to an effective implementation of the mitigation measures, strengthen the analysis of budgetary monitoring, improve co-ordination with the European Union and the EUDs. In addition, the gender approach was better mainstreamed in projects, communication on results was considerably improved and the PGG visibility was increased.

The PGG II Annual Report follows a thematic approach, presenting the results according to the respective thematic areas. For ease of country specific reference, the main achievements are also grouped in six Analytical Notes per country (**Appendix 1**).

The main achievements and deliverables were assessed against the objectives and expected results using outputs and outcomes indicators as specified in the PGG II DoA and in the revised APAs 2019-2021. The Report also includes a non-exhaustive list of deliverables, including publications, reports, brochures, leaflets, produced by the PGG II during the reporting period, with links to the electronic versions of these documents (**Appendix 8**).

3. ASSESSMENT OF RESULTS TOWARDS OUTCOMES

THEME I - Strengthening Rule of law and anti-corruption mechanisms, combating money laundering and terrorism financing

1. Legislative framework, implementing mechanisms and procedural accountability in the prevention of corruption and money laundering compliant with European standards

In 2020 the bilateral projects continued to support legislative developments in Eastern Partnership countries, by providing national authorities with legal opinions and recommendations, which helped them to develop and improve national legislation, to be more effective in the fight against corruption and money-laundering, and countering the financing of terrorism (AML/CFT) in line with international standards. In this regard a major achievement in **Armenia** is the adoption by the National Assembly of the Law on Civil Forfeiture of Illegal Assets in line with the majority of recommendations provided by the Council of Europe. The PGG II also supported the Armenian authorities by providing several technical papers on various aspects of prevention of corruption and money laundering, which are explained under relevant headings below.

In **Azerbaijan**, the PGG II provided extensive legislative support, including three detailed legal opinions: (i) an expert legal opinion on the new draft law on AML/CFT with an analysis and recommendations for its compliance and alignment with international standards and best practices, (ii) a legal opinion for the Financial Monitoring Service (national Financial Intelligence Unit) on the implementation of targeted financial sanctions against terrorism and terrorist financing - the recommendations of which were directly applied by the beneficiaries to draft a new proposed law on targeted financial sanctions and related amendments to their Criminal Procedure Code, which the project further supported with (iii) a legal opinion on the new draft Law of Azerbaijan on Targeted Financial Sanctions and associated draft Amendments to the Criminal Procedure Code. Additionally, the project conducted a preliminary consultative process in preparation of a legal opinion on the legislative framework of Azerbaijan in relation to beneficial ownership in support of the Azerbaijani authorities' efforts in complying with ultimate beneficial ownership standards, which are becoming increasingly important internationally. While it still remains to be seen to what extent the Azerbaijani Parliament will approve these new laws and amendments in line with the opinions, the new legislation will help to address relevant international requirements in the fight against money laundering and terrorist financing. The process of review and refining of the draft laws with Council of Europe support has advanced the awareness and knowledge of the concerned stakeholders on the international and European legal standards in these areas and their application in Azerbaijan.

Georgia had adopted the first National Money laundering and terrorist financing risk assessment report (NRA Report)¹ and introduced the new AML law², ensuring the compliance of the Georgian AML/CFT legal framework with relevant international standards in 2019, both with technical assistance from the project. These achievements from 2019 bore further fruit in 2020: based on the new AML Law, the Financial Monitoring Service (FMS) adopted two by-laws³ in this reporting period, replacing the previous 18 bylaws issued since 2012, on receiving, systemising and processing the information and forwarding to the FMS. Once these by-laws were adopted, the project potted the laws' provisions and supported their application by concerned actors through a series of capacity-building activities (see 2 for more details).

¹ NRA Report, 30 October 2019.

² Law on Facilitating the suppression of money laundering and terrorism financing, adopted on 30 October 2019.

³ 1- Rules of recording and storing of information on transactions by a reporting entity and submission of such information to the Financial Monitoring Service of Georgia (Order №1 of June 5, 2020 of the Head of the FMS),

2- Procedure of identification and verification of a client by reporting entities (Order №2 of 5 June 2020 of the Head of the FMS).

A major development in **Ukraine** is the entry into force of the new Law on anti-money laundering and countering the financing of terrorism (AML/CFT) on 28 April 2020 – after it had been adopted by the Ukrainian Parliament in December 2019. While in 2019 the project was actively involved in participating in working group discussions, committee sessions and in facilitating consultations processes, in 2020 it supported the national authorities in the application of the Law via technical papers (expert advices) as well as capacity building activities for specific topics and groups of stakeholders concerned by the different aspects of the implementation of the Law. The AML Law is a significant advancement since it transposes the latest EU anti-money laundering requirements envisaged by the Fourth and partially Fifth EU Anti-Money Laundering Directives, achieving compliance with FATF standards and recommendations by the IMF and MONEYVAL. The positive steps by Ukrainian authorities have already prompted MONEYVAL to assign Ukraine higher international compliance ratings in the areas of improving the criminal law provisions for the offence of terrorism financing as well as enhanced sanctions for financial institutions and other entities for non-compliance with AML/CFT legislation.

Despite these positive developments, the project identified seven draft amendments proposed to the AML Law by various interest groups attempting to water down its provisions against the international standards and obligations. Together with the EU Delegation to Ukraine, the project addressed and raised these concerns with the relevant authorities, and the attempted amendments have been prevented so far.

Additionally, the project provided support to Ukrainian authorities in drafting secondary AML/CFT legislation for specific institutions or sectors, such as the gambling sector.

2. Strengthened institutional capacities of anti-corruption and money laundering special bodies to implement Council of Europe recommendations and European standards in fighting and preventing corruption, money-laundering and terrorist financing

2.1. Strengthened institutional frameworks for combatting corruption through independent and efficient anti-corruption bodies in line with GRECO recommendations, in particular of the Third round (political party financing) and the Fourth round (integrity and monitoring with respect to MPs, judges and prosecutors)

In **Armenia**, after having supported the establishment and expansion of the mandate of the Corruption Prevention Commission (CPC) in 2019, in 2020 the project helped to reinforce the operational capacity of the Commission to perform its extensive mandate in various areas. This includes support in developing a unique Armenian methodology for the integrity checking of judicial nominees, by producing detailed guidelines on integrity checking of judicial nominees, including a [comparative overview of international practices](#), and a practical manual with concrete recommendations for every stage of the integrity checking process. Provided support helped to address GRECO's recommendations (Fourth Evaluation Round Compliance Report of December 2019) and the requirements of the amendments to the Law on the CPC and Judicial Code of the Republic of Armenia⁴. Given the pressing needs of the CPC to begin the integrity checking process for nominees to different Courts, the project ensured rapid and targeted assistance through a series of substantive exchanges and feedback from national authorities, and the methodology provided was used by the CPC members in their first round of integrity checks for 45 nominees in 2020. The project will continue to support this process by helping the CPC members assess this first round and advise on possible methodological and practical improvements for the second round in 2021.

Other areas of support to the Armenian CPC include [advice](#) on developing a model Code of Conduct for Public Servants in a related technical paper on this topic, and thorough support in the area of verification and analysis of asset and interest declarations of public officials, which is described in sections 2.3 and 2.4 below.

⁴ The project had supported the amendments to the Law on the CPC with legal expertise in 2019.

In **Georgia**, the PGG helped build the capacity of the Anti-corruption Agency (ACA), whose mandate is prevention of corruption including identification, investigation and elimination of corruption. Since the ACA is relatively new in these areas the project focused on improving the capacity of the institution to carry out effective measures to combat corruption (at the prevention stage) by providing good knowledge of international best practices as well as possible challenges the institution might face. For this purpose, the PGG II organised a workshop on "Prevention of Corruption in Public Sector" and developed a technical paper on "Sharing good practices on prevention of corruption in public sector applied by relevant anti-corruption law enforcement agencies".

The workshop for 18 representatives of the ACA and the Office of the Prosecutor General of Georgia, helped these institutions to increase their knowledge on best practices of different countries in various facets of the prevention of corruption in the public sector, including: conflicts of interests, reporting mechanisms and whistleblowing, public procurement, the ACA's role, corruption proofing and risk assessment as well as the co-operation with civil society – with the ultimate aim to reduce or avoid the further increase in corruption offenses. ACA found the workshop very useful and informative and requested an additional tool to support its work for which a technical paper was issued providing insights in good practices on prevention of corruption in the public sector applied by relevant anti-corruption law enforcement agencies.

2.2. Strengthened strategic and operational capacities of AML/CFT structures, including in particular those of Asset Recovery Offices (AROs), in line with European and international standards

The National Assembly of **Armenia** adopted the Law on Civil Forfeiture of Illegal Assets (Civil Forfeiture Law) on 16 April 2020, which is a major step towards strengthening the national framework for asset recovery. The PGG II directly contributed to the strengthening of the law by providing an expert opinion and recommendations as well as organising discussions with various stakeholders, such as the workshop on "Non-conviction based confiscation of illegally obtained property" on 22 January 2020, with the participation of 30 representatives of the judiciary, Prosecutor's Office, investigative bodies, Ministry of Justice, and civil society. The discussion was focused on the different Non-conviction-based confiscation (NCBC) models, the draft Civil Forfeiture Law of Armenia and the challenges that may occur during the implementation of NCBC. Majority of the recommendations provided by the Council of Europe were taken into account in the final version of the law. Additionally, the participatory consultative process that was conducted in the process of the revision of the draft and adoption of the Law also contributed to public debate and awareness-raising on asset recovery, thus preparing the ground for further progress in this area.

In July 2020, the project also provided a technical paper on international co-operation in criminal matters, responding to questions from the Ministry of Justice of the Republic of Armenia on this subject, to help Armenian authorities understand how to exchange information with their counterparts in other countries and deal with mutual legal assistance requests in relation with AML/CFT and asset recovery. The PGG II will further extend support in this area to accompany the Armenian stakeholders in the implementation of the new Law.

The PGG II launched an important exercise to provide a detailed assessment and recommendations on the institutional and legislative asset recovery framework of **Azerbaijan** in line with international standards and best practices. For this purpose, an initial review and analysis of the existing institutional and legislative framework for asset recovery was conducted. Since recovery, management and disposal of seized and confiscated assets is a relatively new area within the national framework, this will be an important contribution to improvements in national policy and regulatory frameworks. In this respect, this initiative will support national authorities to identify priority areas for a coherent policy framework and an operational action plan on asset recovery. After a review of the existing legal provisions, a questionnaire was prepared for all national authorities playing a role in the asset recovery process – and in the next reporting period, a series of consultative meetings will be held before the assessment findings and recommendations are drafted, to ensure their accuracy and relevance for the country.

The PGG II also significantly helped build the operational capacities of the Azerbaijani FIU, the General Prosecutor's Office and other key actors involved in AML/CFT through a series of targeted trainings, as described in 2.5.

In **Georgia**, following the NRA Report and legal amendments in 2019 and 2020, as well as the Fifth Round Evaluation Report of MONEYVAL (adopted in 2020), the PGG II focused on capacity building and awareness raising activities for national authorities, to ensure effective implementation of AML/CFT measures by the relevant regulatory/supervisory institutions and reporting entities, including financial and non-financial sectors. First, the representatives of the financial sector (commercial banks, microfinance organisations and the National Bank) focused through online training on AML/CFT standards including risk based approach (RBA), ongoing monitoring, effective reporting mechanisms of suspicious transactions, and identifying and managing money laundering and terrorist financing risks. Second focus of the PGG II was the gambling sector, which had been identified as a high risk area for money laundering and terrorism financing (ML/TF) by the NRA and MONEYVAL Fifth Round Evaluation; the PGG II raised awareness of the actors of the sector (regulatory/supervisory institutions and the gambling business) on AML/CFT international standards, national obligations, risks identified for the sector and best practices, through an online training for 30 representatives of the sector. Thirdly, the PGG II started to support the capacity of the Service for Accounting, Reporting and Auditing Supervision (SARAS), upon its request, for efficient implementation of AML/CFT supervision in co-operation with the Financial Monitoring Service of Georgia; and raise awareness of accountants and auditors on AML/CFT compliance, following the Fifth Round Evaluation Report of MONEYVAL, which recommended the country to put appropriate risk-based AML/CFT supervision in place.

Additionally, the project helped to develop the knowledge and skills of the Georgian judiciary, prosecution and law enforcement representatives in the area of asset recovery through a case-based, practice-oriented training on seizure, confiscation and recovery of proceeds from economic crime organised in an online format – which allowed judges, prosecutors and investigators from different regions of Georgia to benefit from the training.

In **Ukraine**, following the adoption of the new AML law (see 1 above) and in the process of supporting its implementation, the PGG II helped strengthen analytical skills of the Financial Intelligence Unit (FIU) with a series of specialised trainings for 20 analysts, and also developed the knowledge and capacities of other national actors involved in AML/CFT through targeted trainings for specific institutions or sectors (with a total of 211 individual beneficiaries trained in 2020). This included training on identifying money laundering and terrorism financing (ML/TF) risks associated with corporate entities, thus shedding light and raising awareness of the sector's supervisory institutions on those risks to which attention should be paid; and a workshop on AML/CFT compliance in the gambling sector, raising the awareness of actors of this high-risk sector on their specific AML/CFT risks, while sharing good practices from other countries, and supporting the Ministry of Finance in its new supervisory functions. AML/CFT awareness-raising and capacity-building was also provided to Ukrainian prosecutors and judges in their respective capacities, to enhance their practice of prosecution and adjudication of ML/TF crime cases in accordance with the new legal framework and international standards (see 2.5 more details).

Another means of support to Ukrainian authorities in the process of implementing the AML Law has been the provision of strategic and technical advice as well as recommendations on effective measures and practices to be adopted by relevant stakeholders in different areas of implementation of the law, in the form of a series of technical papers. These papers (eight in total in 2020) were delivered in response to requests by national authorities to guide them on how to achieve effective risk-based AML/CFT measures including supervision of non-bank financial institutions and designated non-financial businesses and professions (DNFBPs), and substantially contributed to the development and implementation of effective secondary legislation by concerned entities such as the National Bank, Ministry of Finance, Ministry of Digital Transformation and State Financial Monitoring Service. Two technical papers also covered the question of identification and verification of ultimate beneficial ownership information, to implement updated legislative requirements on ultimate beneficial ownership and assist with strengthening the national beneficial ownership regime.

Finally, the PGG II also started assisting Ukrainian authorities with the development of national proliferation financing indicators to identify, analyse, and determine how Ukraine might be exposed to various proliferation financing activities and sanctions evasion tactics employed by proliferators. As a result of this co-operation, a set of national-level indicators will be available in early 2021.

2.3. Reinforced level of accountability of public officials and MPs, including fully operational electronic and publicly accessible systems for the declaration and verification of declaration on assets and interests

In **Armenia**, the PGG II developed a “Proposed Code of Conduct for members of the National Assembly of Armenia” in line with the European standards, translated into Armenian and shared with the working group of the National Assembly in April 2020. This addresses a major recommendation of GRECO’s Fourth Round Evaluation Report that a code of conduct for members of parliament be adopted and made easily accessible to the public, which provides clear guidance on conflicts of interest and related areas. The Technical Paper produced in this regard consists of 33 suggested provisions to be considered for inclusion in the Code of Conduct of the National Assembly; eight general principles and 24 detailed obligations regarding the management of conflicts of interest, outside activities, gifts, and other issues. It will be discussed with the Working Group of the National Assembly and different fractions of MPs in early 2021, with support from the PGG II, in view of the draft revision and adoption of the Code of Conduct of the National Assembly.

The PGG II also helped to raise awareness of multiple Armenian stakeholders on accountability and corruption prevention systems for civil servants through a workshop in March 2020, which resulted in useful recommendations for next steps in this area – including the expressed need for developing a Code of Conduct for all public servants. This was followed by further PGG support in the elaboration of a proposed model Code of Conduct for civil servants (mentioned in 2.1), to be discussed with the Corruption Prevention Commission (CPC) and other relevant actors in 2021.

Additionally, the PGG II provided substantive assistance in developing a detailed methodology for the verification and analysis of asset and interest declarations of public officials in Armenia, as described in 2.4 below.

2.4. Enhanced systems of declaration and verification of declarations on assets, conflict of interest and illicit enrichment for all levels of public officials

In **Armenia**, the PGG II provided substantive support in the key area of verification and analysis of asset, income and interest declarations of public officials, through the development of a comprehensive methodology and guidelines aimed at guiding the Corruption Prevention Commission (CPC) in this exercise. The CPC had to analyse a large number of declarations manually in 2020, while an e-system for analysing declarations was still being developed. Adapting the PGG II’s responses to the beneficiary’s needs, a temporary “compact” version of the methodology was additionally developed to be used for the verification and analysis to be conducted while the e-system was not yet available.

The PGG II thus developed three different technical papers (TP) with tailored methodologies according to the specific needs and requests of the CPC in the process of analysing and verifying the declarations of assets, income and interest: i) TP “Compact version of the methodology on processing and analysis of property, income and interest declarations of public officials”, which combines plausibility check and audit check of the declarations to be conducted manually by CPC; ii) TP “Operational manual for public officials’ property, income and interest declarations processing and analysis”, which details the comprehensive methodology that considers the capabilities of the new online system and represents analytical grounds for internal procedures that will govern the relevant work processes within the CPC in line with applicable legal and administrative rules; and iii) TP “Practical guidance for public officials’ property, income and interest declarations analysing process,” a manual developed with the

input of local expertise, for the daily use of CPC's staff members based on the above-mentioned comprehensive methodology.

In the process of development of these TPs and of building the CPC's capacity to perform this function, several videoconferences were organised to provide additional technical support and clarifications to the CPC, whose members have already been using this methodology in practice. Training sessions for CPC staff members on verification and analysis of declarations will follow in 2021.

The PGG II prepared [a technical paper](#) for the Prosecutor's Office of **Georgia** to support its further work in updating the legal framework related to the prosecutor's disciplinary liability in compliance with the Recommendation XV of the GRECO Fourth Round Evaluation on reviewing the disciplinary regime applicable to prosecutors. The technical paper on "Analysis of the current system of disciplinary liability within the Georgian Prosecution Service" was prepared along with Recommendations and a road map towards the full Implementation of, and in compliance with the relevant GRECO recommendations.

2.5. Increased effective investigation, prosecution and adjudication of corruption-related crimes and offenses

In **Armenia**, the PGG II has been supporting national law enforcement agencies by developing a handbook on investigation and prosecution of money laundering and terrorism financing (ML/TF) (based on an earlier Council of Europe paper produced for Georgia) which includes advice on international standards and practices in financial investigation and prosecution of these crimes. With the support of the international and local experts, the handbook has been adapted to the national context and needs of the investigators and prosecutors of economic crimes in the country. It will be presented and discussed with beneficiaries in early 2021, before being further refined, and related training will be conducted to enhance the capacities of Armenian judiciary and law enforcement entities in investigation, prosecution and adjudication of economic crimes.

The paper provided relevant information on international co-operation in criminal matters (as mentioned in 2.2) as well as address the requests of the Ministry of Justice to reinforce the international cooperation in the criminal matters.

In **Azerbaijan**, the PGG II actively continued supporting the enhancement of capacities of law enforcement and judiciary representatives in investigation, prosecution and adjudication of economic crimes by providing targeted training. It supported the operational capacities of financial intelligence practitioners through two technically advanced specialised training activities: one training on "data analysis tools", which improved the knowledge and skills of 12 representatives of the relevant institutions to effectively analyse data and create interactive reports with the use of Microsoft Power BI, and one training on "tactical analysis", which improved the skills of 17 practitioners to better analyse suspicious transaction reports, evaluate and collate information, and produce quality analytical assessments with a view to support the investigation and prosecution of financial crimes.

The PGG II also conducted other online training activities to support investigation, prosecution and conviction of financial crimes in Azerbaijan: it empowered 26 representatives of law enforcement agencies and judiciary on the application of the Warsaw Convention and integration into the national context; and introduced to another 18 representatives the latest techniques and methods used in the investigation and prosecution of ML/TF cases by addressing MONEYVAL recommendations and meeting international standards.

In **Belarus**, the PGG II delivered [a publication](#) on liability of legal persons for economic crime and drafted an outline of topics for Financial Investigation Training course, the implementation of which had to be postponed due to political situation in the country.

In **Georgia**, the PGG II provided a better understanding of the international and national asset recovery framework and supported the improvement of the capacity of Georgian law enforcement agents and judiciary representatives to analyse further steps for creating an effective seizure, confiscation and asset recovery national mechanism, via an online training session for 26 participants from the Prosecutor's Office, the Ministry of Finance, the State Security Service and judges – as mentioned in 2.2.

In **Ukraine**, the PGG II undertook significant efforts to support more effective investigation, prosecution and adjudication of financial crimes, through dedicated training sessions targeting the respective professions playing key roles in fighting ML/TF and corruption-related crimes. In addition to the specialised analytical training aimed at increasing the capacities of the FIU mentioned in 2.2, the PGG II partnered with relevant training institutions such as the Training Centre for Prosecutors as well as the National School of Judges in order to design and deliver trainings in a more sustainable way. In this context, 20 prosecutors increased their knowledge on FATF standards on money laundering criminalisation and Ukraine's obligations under the Warsaw Convention through an online training session for two days. Approximately 75 judges benefited from the opportunity to learn from international experience and exchange views about adjudication of money laundering cases, in another dedicated two-day online training session. In the following reporting period, the PGG II aims to further strengthen the awareness and capacities of prosecutors and judges in relation with economic crime investigation, prosecution and adjudication by developing durable training courses to be owned and rolled out by the dedicated training institutions of each of these professions.

Additionally, the PGG II developed a technical paper on "Review of Guidance Manual on Financial Investigations" to assist the Ukrainian FIU with developing a guidance on financial investigations, as the lead institution in the inter-agency working group in charge of its development.

3. Strengthened regional co-operation to address national shortcomings and regional challenges to fighting and preventing corruption, money-laundering and terrorist financing

3.1. Strengthened mechanisms for regional co-operation in fighting and preventing corruption, money-laundering and terrorist financing

The regional PGG II, in complementarity with the country projects, contributed to strengthening capacities of Eastern Partnership countries to prevent and fight economic crime, through regional-level technical support and stimulating co-operation between countries. The outbreak of the COVID-19 pandemic and the regional tensions in some of the beneficiary countries impacted the feasibility of planned regional actions. However, the project team took appropriate measures to maintain the implementation of activities and organise actions remotely via online platforms where possible. The GRECO guidelines aimed at preventing corruption in the context of the health emergency caused by the COVID-19 pandemic were also translated into national languages and shared with beneficiary institutions.

The PGG II focused on strengthening operational and strategic capacities of specialised corruption prevention and oversight bodies, in particular in the area of verification and analysis of asset and interest declarations. This was achieved by making available a [Technical Paper](#) providing guidance to the oversight bodies on prioritisation of asset declarations for an in-depth audit, through criteria for "red flags"; and by series of meetings with asset declarations oversight bodies from the EU, Western Balkans and Eastern Partnership region, to obtain an overview on how oversight bodies prioritise declarations/declarants for audit and identifying expectations towards an ideal mechanism of selecting declarations.

Furthermore, the PGG II has developed technical content through deskwork for several training events to be organised in 2021 as soon as the sanitary and political situations allows it, or through adapted formats as needed. This includes content development for a scenario-based regional training on financial investigations, addressing the

perceived challenges and shortcomings in financial investigations, while also dealing with the shortcomings identified by MONEYVAL in the legislative system and practice in combating financial crimes in Eastern Partnership jurisdictions.

3.2. Enhanced (cross-border) co-operation and regulatory framework on seizure, confiscation of proceeds from crime.

One of the key areas where the regional PGG II seeks to support the Eastern Partnership countries is recovery of illicitly acquired assets. While traditional confiscation measures appear to be providing limited results, development of non-conviction-based recovery is being explored within the Eastern Partnership context. In a resolution adopted in 2018, PACE invited all member States of the Council of Europe to provide for non-conviction-based confiscation or similar measures in their national laws, while establishing appropriate safeguards, and adopt successfully tested good practices. These measures are strongly supported as the most realistic way for states to tackle the enormous and inexorably growing financial power of organised crime, in order to defend democracy and the rule of law. With this in mind, a paper outlining good international practices on Non-Conviction-Based Confiscation (NCBC) was developed, aiming to raise awareness on benefits and challenges of NCBC, as well as the compatibility of such confiscation system with the ECHR. This regional paper was produced as a [web-publication](#) and made publicly available in English and Russian on the Council of Europe's website. A follow-up regional workshop to further present the publication and discuss the subject of NCBC had to be postponed and will be conducted in 2021.

In addition, a [regional conference on Asset Recovery held in January](#) 2020, organised together with the European Union/Council of Europe country-specific project CLEP in the Republic of Moldova, allowed for sharing experiences and common challenges among countries in this area (e.g. excessive bureaucratisation and undue influence on asset recovery processes, lack of access to state registries, insufficient use of available informal communication platforms and collection of quality data). The regional conference also responded to the needs for increased co-operation among the authorities, providing for an opportunity to establish contacts and networking among the beneficiaries from the Eastern Partnership region and the Western Balkans. These activities also helped raised awareness on international standards and existing asset recovery networks and initiatives, encouraging the beneficiary countries to take part in them for a more sustainable enhancement and increased effectiveness of regional co-operation.

THEME II - Implementation of key judicial reforms with a view to strengthening the independence, effectiveness and efficiency of the judiciary, linked to European Union deliverable 10 of the 2020 deliverables

1. Legislative framework and implementing mechanisms involved for judicial reform is in compliance with European standards

The PGG II produced significant results in the **Armenian** reform context in this reporting period, particularly regarding the amended Judicial Code. The PGG II delivered seven expert reviews on various Armenian legislation, to support the Armenian authorities for the implementation of the committed judicial reform. In March 2020, the National Assembly adopted the Law on Amendments and Addenda to the Judicial Code and 13 related laws, which entered into force in May 2020.

Upon request from the Ministry of Justice, the PGG II supported the development of number of legal acts deriving from the amended Judicial Code by elaborating the legal acts. The PGG II supported national authorities in the drafting of the: i) amendments to the Rules of procedure of the General Assembly of Judges, to improve ethical and disciplinary framework and practice (adopted in June 2020); ii) requirements for non-governmental organisations nominating candidates for non-judge members of the Ethics and Disciplinary Commission of the General Assembly

of the Judges to contribute to the accountability and transparency of the system (adopted in June 2020); iii) a methodology for performance evaluation of judges and the procedure to improve efficiency of the judicial system (adopted in August 2020); iv) internal working disciplinary rules of the judges which are in the process of finalisation by the Supreme Judicial Council; and v) a legal act on the distribution of cases on operative-investigation measures which are in the process of finalisation by the Ministry of Justice and the Supreme Judicial Council.

In addition to the support for drafting legal acts, the PGG II initiated the post adoption review of the amended Judicial Code of Armenia and other legal acts, which aims to identify to what extent the recommendations given in the Joint Opinion CDL-AD(2019)024⁵ are incorporated into the amended Judicial Code and related laws and elaborate on further improvements, which will be discussed with the Armenian authorities at the beginning of 2021. Secondly, the Draft Law "On Amendments and Addenda to the RA Law 'On Compulsory Enforcement of Judicial Acts'" was reviewed and the experts suggested institutional reforms/solutions for removing the writ of execution system and replacing it with a more efficient system (see more details under 3 below).

The PGG II has also been providing consistent support to the Armenian authorities to enhance the criminal justice reform through legislative reforms. The criminal justice reform significantly progressed in 2020, as the [draft Criminal Procedure Code](#) (CPC) and [Criminal Code](#) (CC), elaborated in line with the Council of Europe recommendations and comments of the stakeholders, were approved by the Government and sent to the National Assembly. On 9 December 2020, the draft CC and on 11 February 2021 the draft CPC passed their first readings at the National Assembly. Both Codes are pending adoption by mid-2021.

Following this, a needs assessment as regards the laws associated to the new CPC and CC was completed by the PGG II, which identified the 10 most associated laws⁶; provided grounds and short justifications for their amendments; summarised the key provisions that should be amended; and assessed the necessity of preparation of separate law(s) on entry into force of the new CPC and CC. The PGG II also provided the Ministry of Justice with an expert assessment on the draft law on "Legal assistance in criminal cases" (ICCM-Law), which identified that the ICCM-Law regulates certain forms of international co-operation in criminal matters that Armenia cannot (yet) offer or as the requesting state, obtain; and that the more recent instruments of the Council of Europe still await signature or ratification by Armenia.

The Ministry of Justice started working on the improvement of the ICCM-Law based on the expertise provided by the Council of Europe as of October 2020.

In **Azerbaijan**, the project reviewed compliance of selected provisions of the draft Code of Enforcement of the Republic of Azerbaijan with the European Convention on Human Rights (ECHR) and the case-law of the European Court of Human Rights in order to assist the Ministry of Justice in the finalisation of the draft Code (see 2.3) and submitted to the Ministry of Justice in December 2020.

In **Belarus**, upon the request of the Supreme Court, the PGG II provided recommendations for the preparation of the unique procedural code on civic and commercial cases and contributed with expertise to the Conference with Organisation for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions (ODHIR) on the reform of the civil and economic branch of law in Belarus.

⁵ Joint Opinion CDL-AD(2019)024 of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Amendments to the Judicial Code and Some Other Laws.

⁶ Law on Police, Law on National security bodies, Law on Investigative Committee, Law on Special investigative service, Law on Prosecution, Law on Tax service, Law on Custom service, Law on Operational Intelligence activities, Judicial Code and Law on Advocacy.

A working meeting on the death penalty to build a common strategy with key stakeholders was organised to promote the abolition of death penalty in Belarus, however a follow up mission with the newly established Parliamentary working group on the abolition of death penalty was postponed due to the situation in the country.

In **Georgia**, the project finalised a report on the Independent Inspector's statutory framework, a comparative analysis on regulatory frameworks and best practices from the Council of Europe member States, which identified the need to deepen the examination of the role and competences of inspection.

The report recommendations concern: the appointment of a data protection officer within the Independent Inspector's Office; the development of a Charter with the details on: i) objectives of data processing; ii) necessity; iii) proportionality; iv) designated personnel; v) monitoring and evaluation scheme; and the development of secured Application Programming Interfaces with the highest cybersecurity standards. The project is in active co-operation with the Independent Inspector's Office to ensure the implementation of the recommendations in 2021.

The expert opinion on the Criminal Procedure Code (CPC) of Georgia was finalised, which will facilitate further work with the legislator and respective state authorities with its recommendations on specific areas for improvement and amendments in legislation.

The PGG II helped the Ministry of Justice in finalising the guidelines on the transfer of sentenced persons, which provides Ministry of Justice staff with detailed instructions on how to handle requests related to the transfer of sentenced persons in line with best international practices and ECHR standards. Once adopted, the guidelines will become a legally binding document for the respective staff of the Ministry of Justice.

2. Support to the implementation of targeted judicial reforms in the Eastern Partnership region

2.1. Strengthened institutional capacity and the review of responsibilities of the highest judicial instances

The project supported the capacity of the Supreme Court of **Belarus** by translating into Russian and sharing the i) the Consultative Council of European Judges [CCEJ opinion No. 19](#) on the role of Court Presidents and ii) the [Guidelines](#) of the Committee of Ministers of the Council of Europe on electronic evidence in civil and administrative proceedings in order to raise awareness of Belarussian courts about Council of Europe standards. Furthermore, the PGG II analysed gender equality in the judiciary in Belarus and included recommendations for improvement in a brochure on "[Gender equality and justice in the Republic of Belarus](#)" for judges and court staff, which was delivered to the Supreme Court for further distribution among court staff and lawyers. Following the post-election situation in Belarus the activities were put on hold.

In **Georgia**, the PGG II started to work on the development of a strategy and Action Plan for the Supreme Court, upon the request of the Court. The needs assessment part of the process has been finalised and the first draft of the strategy and Action Plan was drafted in 2020. It identifies a set of areas that require legislative and institutional support and provides recommendations on improving the capacities of the Constitutional Court staff, Constitutional Court's dialogue with the civil society, international organisations and academia, bearing in mind the Court's Communication Plan, to increase public awareness on the functioning of the Constitutional Court.

Following the previous evaluation report for the non-judge staff in the judiciary, the work on an appraisal system for the staff of the Supreme Court was launched, which will be shared with the stakeholders for discussion, and is expected to be implemented by the Supreme Court in 2021, based on the findings of the report on an appraisal system along with electronic software.

The PGG II also established a Consortium of Electronic Law Libraries, to ensure court staff's high value academic research capabilities, which provides access to the electronic legal resources (HeinOnline/Westlaw) to the academic and public institutions and support their staff to deliver high-quality legal research. The consortium is established

as a sustainable and cost-effective solution, providing a platform for co-operation among the universities and the Constitutional Court of Georgia that will continue to exist (with a shared financial constitution) without donor support in the future.

The institutional structure of the analytical department of the Supreme Court in Georgia was further strengthened by adding the mandate for statistical data collection with respective staff. The analytical department of the Supreme Court continued its work based on the valuable support provided by the first phase of the PGG. During 2020 the analytical department produced 10 reports⁷ on various matters of law and court practice providing judges with useful information on ECHR standards and case-law of the ECtHR based on the methodology developed in 2016. Thus, the department shows sustainable results by performing an important role in assisting the court system for the development of unified court practices.

2.2. Improved enforcement of judgments of the ECtHR (reflecting gender perspective)

In Armenia, it is expected that the draft CPC and CC, elaborated in line with the Council of Europe recommendations, are adopted by mid-2021, which will also result in progress in the execution of ECtHR judgments against Armenia related to torture and ill-treatment that are under enhanced supervision of the Committee of Ministers; the execution of these judgments is a focus of the Council of Europe Action Plan for Armenia 2019-2022. To facilitate this process, interactive webinars were organised for the staff of the Representative of Government of Armenia before ECtHR. One of the immediate outcomes of the webinars was making key ECtHR judgments more accessible to Armenian legal professionals by supporting the preparation of case summaries in Armenian. The PGG II further supported this process with the compilation and printing of the summaries of the key ECtHR judgements in Armenian; the translation and adaptation of the handbook entitled “Detention as a preventive measure - justification for its use and prolongation”; and supporting the publication of the decisions of the Criminal Chamber of the Court of Cassation for 2019 to ensure more uniform application of the laws and other normative legal acts by all courts.

In **Azerbaijan**, support was provided to the national authorities by delivering an expert opinion on the compliance of provisions of the draft Code of Enforcement with the ECHR (see 2.3).

In the Republic of **Moldova**, the Equality Council drafted a [monitoring strategy](#), which had been recommended by the PGG II earlier in 2020 in its [report](#) on the assessment of the monitoring mechanism and instruments of the Equality Council. The recommendations of the report to create a more effective monitoring system were well accepted by the President of the Equality Council who requested additional supporting activities to finalise the strategy. A report based on an assessment of the efficiency of the recommendations provided by the Equality Council was prepared, focussing on the positive change in equality and non-discrimination fields with recommendations for improvements and providing analysis from the different perspectives of applicants/petitioners in discrimination cases, respondents, and the procedures in managing complaints by the Equality Council.

In order to further increase awareness of the Equality Council on equality and gender-related discrimination, the PGG II supported the participation of the Equality Council in the conference on “Women’s Human Rights in the Twenty-First Century” organised at the ECtHR in Strasbourg, which is expected to help the Equality Council staff improve their elaborations in decisions related to gender discrimination. The PGG II also organised a set of capacity building activities aimed at enabling the Equality Council to better deal with non-discrimination cases: 11 staff (nine women and two men) increased their skills and knowledge in the field of intersectional/multiple discrimination, by

⁷ - Reports produced by the analytical unit: <http://www.supremecourt.ge/information25/>

- Reports produced by the Human Rights Center: <http://www.supremecourt.ge/human-rights-centre/>

learning to analyse the effects and the concept of intersectionality in situations where intolerance and discrimination occur; and nine staff (seven women and two men) benefitted from training on “Writing referrals to the Constitutional Court,” a course developed upon the request of the Equality Council, following a meticulous needs assessment and preparation.

2.3. Improved enforcement of judgments in civil and administrative cases as well as the execution of court decisions according to enforcement timeframes, cost and recovery rates indicators.

In **Armenia**, as mentioned under 1 and 2, the Ministry of Justice was provided with an expert review on the “Draft Law On Amendments and Addenda to the Armenian Law 'On Compulsory Enforcement of Judicial Acts'” in order to support institutional reforms/solutions, for a more efficient execution system, which came up with the most feasible model applicable for Armenia. With a comprehensive analysis of the current situation in Armenia, in comparison with some European Union member States, the review recommended amendments in around 15 legal acts, including the Judicial Code, Compulsory Enforcement Law, Civil Procedure Code, Administrative Procedure Code. The Ministry of Justice accepted the package of amendments, circulated among the interested parties and published it on the “e-draft.am” web site for public discussion, which is expected to be adopted in 2021 and to contribute to the simplification of the process of submission of applications for enforcement of judicial acts.

Furthermore, the PGG II helped raising awareness among legal professionals on decisions of civil and administrative cases by supporting the publication of a volume of indexed decisions of the Civil and Administrative Chamber of the Court of Cassation in 2018 and the Annual Report on the activities of the Civil and Administrative Chamber of the Court of Cassation of Armenia for 2018. These publications represent a great support for the legal professionals, given the fact that the judges, advocates and other legal professionals make use of these decisions in their daily work and that the unified e-court electronic system has not yet been introduced in Armenia.

In **Azerbaijan**, the Ministry of Justice was supported in drafting the new legal framework for the system of enforcement of court decisions in civil and administrative matters in line with European standards; defining targeted indicators for national enforcement procedures and establishing an objective and transparent methodology for the evaluation of the performance of enforcement bodies; and provided recommendations on introducing and upgrading ICT tools in the national enforcement system.

To achieve these objectives, the PGG II provided three expert reports: i) The “Recommendations on setting up a system of enforcement timeframes and recovery rates as indicators on the efficiency of the enforcement system and in view of evaluating enforcement agents’ performance in Azerbaijan” identified a set of 23 practical multi-level performance indicators, including efficiency indicators, case-revolving indexes, specific indicators and financial indicators; ii) The “Development of ICT solutions to support the national enforcement system of Azerbaijan” provides recommendations on further developments of ICT solutions in the national enforcement system based on experience and best practices in other countries; and iii) The “Compliance of selected provisions of the draft Code of Enforcement of the Republic of Azerbaijan with the European Convention on Human Rights and the case-law of the European Court of Human Rights” mainly reviewed the compliance of provisions of the draft code with regards to the “right to property”, “right to respect for private and family life” and “right to liberty and security.”

In the **Republic of Moldova**, the National Union of Enforcement Agents (NUEA) and the Ministry of Justice were supported to improve the professional management system (monitoring of case-flow and evaluating the efficiency and the quality of enforcement procedures) based on an assessment of the evolution of the profession of enforcement agents since its reform in 2010. For this purpose, the project organised meetings and prepared an expert report with recommendations on the methodology of evaluating the performance of enforcement agents, the related indicators of efficiency and quality, as well as new technologies and Cyberjustice tools at the service of the enforcement systems.

CEPEJ and International Union of Judicial Officers (UIHJ) experts provided examples of best European practices to promote the adoption and implementation of a modern management system and to provide the enforcement agents with practical tools to enhance the efficiency and quality of their services. The PGG II also co-operates with the NUA and the Ministry of Justice for the purpose of improving the enforcement of judicial decisions through upgrading the Register of enforceable documents and proceedings and the introduction of another advanced IT solution which is the platform for online auctioning of seized goods.

2.4. Strengthened independence and institutional capacities of High Councils for the judiciary and increasing the transparency of their activity

In **Georgia**, the PGG II provided support to the High Council of Justice by analysing the randomly selected acts of the Council on judicial appointments and prepared recommendations with specific guiding steps to enhance the reasoning standards, including a template on reasoning.

2.5. Reduced court case backlogs through strengthened and effective implementation of the CEPEJ tools and other efficiency and quality indicators to steer courts' performance and established track records of transparent and merit-based recruitment and promotion systems, and of track records of all disciplinary proceedings undertaken against judges and prosecutors meeting due process standards of independence, equality of arms, a reasoned decision and the right to appeal the decision made to court

The PGG II continued to establish more efficient management systems to reduce the case backlogs in courts. In **Armenia**, the PGG II reviewed the "Draft Law on Amendments and Addenda to the RA Law on Compulsory Enforcement of Judicial Acts" and provided recommendations for improvement which were accepted by the Ministry of Justice. The draft law is under discussion and expected to reduce the unnecessary burden of the courts because of the issuance of the writ of execution and to contribute to the simplification of the process of submission of applications for enforcement of judicial acts. Furthermore, the PGG II significantly helped raising awareness of public, especially in the times of lockdown, on the alternative dispute resolution by developing 17 videos⁸ (a series of online talks) on different aspects of arbitration and mediation and publishing them on the [Facebook page](#) of the Council of Europe Office in Armenia, which had over 14,000 views.

In addition, the Arbitration Association of Armenia received support to enhance and facilitate the application of arbitration by helping in particular with the design of a [website](#), which will contain all necessary information on arbitrators, legal acts and procedures.

Finally, the PGG II provided support to the Armenian authorities through the dissemination of important information during the lockdown, by initiating the design and dissemination of two infographics on: i) [a new electronic platform](#) for payment orders for the use of the parties of the legal proceeding, which makes the procedure of issuing payment orders faster and more efficient, reducing the use of financial and human resources and increasing the efficiency of justice; and ii) [the steps on protection of Human Rights](#) and ensuring the access to justice undertaken by the Compulsory Enforcement Service during the quarantine period and the state of emergency.

The PGG II provided substantial support to the **Azerbaijani** authorities to increase efficiency and quality of Azerbaijani courts through the application of CEPEJ tools at national level by preparing: [a road map](#)⁹, an [expert](#)

⁸ 7 Online Talks

Online talks on arbitration https://www.facebook.com/events/577811702864492/?active_tab=discussion

Online talks on mediation https://www.facebook.com/events/526405131375649/?active_tab=discussion

⁹ Road map on dissemination of CEPEJ efficiency and quality measurement tools in all courts of Azerbaijan.

[report](#) on “Access to justice for vulnerable groups” (see 2.7), a [needs assessment report](#)¹⁰ for training on CEPEJ topics for different target groups within the judiciary (see 2.8), and an [expert advice](#)¹¹ on communication with the media and the public (see 2.6).

The road map aims at further dissemination of CEPEJ tools on nationwide timeframes, efficiency and quality measurement to all courts in Azerbaijan and ensuring: the use of the CEPEJ methodology for court reporting in a unified manner; publication and analysis of courts’ key performance indicators on a regular basis; implementation of efficiency and quality measurement tools by the judiciary; modernisation of management methods and tools, including the clearance rate, disposition time and the age of pending cases.

It also contains steps for the dissemination of these tools and recommendations for implementation, including the establishment of an organisational structure to implement a comprehensive system of statistical reporting, time and quality management throughout the country.

The PGG II is planning to prepare an Action Plan to facilitate the planning and monitoring of the implementation of the road map in 2021, which will consider the experiences and good practices in pilot courts of the PGG I and specify the necessary activities for a more efficient implementation of the road map in the future.

In **Belarus**, despite many difficulties in implementation, the PGG II was able to prepare a “Report on the assessment of the existing legislation in Belarus concerning mediation in civil cases” and share it with the Ministry of Justice. This report, aimed at contributing to reducing the workload of courts in Belarus, developed a number of recommendations based on CEPEJ instruments such as the Mediation Development Toolkit and draws from the discussions held in the framework of the CEPEJ Working Group on Mediation, other Council of Europe technical assistance from PGG II, as well as from European Union research papers and existing literature. The activities with Belarus were put on hold following the presidential elections in the country.

In **Georgia**, the PGG II continued to support the authorities in establishing a more efficient court management system via several activities: the PGG II finalised a report on performance evaluation of judges, to evaluate the effectiveness of measures relating to the evaluation of performance of judges' work in order to enhance the quality of the justice and strengthen the public trust in the judicial system. The report, recommending a formal evaluation system to be set out in primary legislation and addition of qualitative criteria to the existing evaluation model, was shared with the partners and will be followed-up in 2021. The CEPEJ Toolkit for “Supporting the implementation of the Guidelines on how to drive change towards Cyberjustice” was translated and disseminated to project partners to support them since the judiciary has elaborated its first IT strategy and Action Plan in Georgia. The PGG II also supported the judiciary in identifying overlaps and eliminate obsolete reporting, by concluding two important works related to data collection and analyses: evaluation of the existing data collection methods and tools that are applied within the judiciary; and a study on the type of statistical data - how data collection methods can be improved and what categories of data needs to be analysed to be in line with CEPEJ standards.

In the **Republic of Moldova**, progress was made in developing a consolidated detailed methodology for the evaluation of national courts, both at the level of individual courts (self-evaluation) and at national level, through the use of statistical instruments and key performance indicators recommended by the CEPEJ in order to ensure an objective assessment of courts’ efficiency and quality. To support national authorities, the relevant CEPEJ instruments and tools on court functioning were translated into Romanian, published, and are applied in activities focused on the development of national tools and procedures or for capacity building purposes.

¹⁰ Training needs assessment report, including a training programme on court management for the Justice Academy of the Republic of Azerbaijan

¹¹ [Communication strategy for the judiciary in Azerbaijan](#)

Concrete recommendations regarding the use of statistics in the evaluation of the impact of judicial reforms were developed for decision making purposes such as distribution of resources within the court system and a draft of the JUST-STAT concept – a web-based IT tool to publish comprehensive judicial statistics following the model of CEPEJ-STAT – which will be finetuned with representatives from the Superior Council of Magistracy and the Agency for Court Administration.

2.6. Effective system of judicial accountability based on European standards and recommendations

In **Armenia**, the PGG II contributed to an improved system of accountability of the judiciary and building of public confidence in the system by an improved ethical and disciplinary framework and practice. The General Assembly of Judges received an expert advice to draft an amendment to the Rules of Procedure of the General Assembly of Judges (adopted by the respective body in June 2020); the Supreme Judicial Council was supported to draft the requirements for non-governmental organisations nominating candidates for non-judge members of the Ethics and Disciplinary Commission of the General Assembly of the Judges (adopted by the respective body in June 2020) and to draft the Methodology and the procedure for performance evaluation of judges (adopted by the respective body in August 2020). The PGG II also provided support in drafting internal working disciplinary rules of the judges, which are in the process of finalisation by the Supreme Judicial Council.

During the reporting period, the PGG II activities contributed to the accountability system and improving the transparency and quality outreach of the courts and prosecutorial offices in **Azerbaijan** by preparing a “[Communication strategy for the judiciary of Azerbaijan](#)”. The communication strategy reflects the rules of communication between the judiciary and the media/public in Azerbaijan and includes an Action Plan with a set of concrete activities based on CEPEJ tools on communication, together with timeframes to achieve the specified goals to increase the mutual understanding between judiciary and media, raise awareness within the judiciary on the importance of communication with the media external communication, professionalise the press relations in the courts and the public prosecutors’ offices and ensure a transparent, visible and understandable judiciary. The PGG II also distributed the CEPEJ Guide on “Communication with the media and the public for courts and prosecuting authorities” to the national stakeholders together with the strategy to further support the capacities of relevant national bodies.

In **Georgia**, the PGG II also supported the capacity of the Independent Inspector’s Staff on ways to enhance communication with citizens, while ensuring transparency of the work of the Office, by providing a Guide on Legal Reasoning, an explanatory note on newly introduced grounds, following the revision of the Grounds for Judges’ Disciplinary violation, and via other capacity building activities to support the Independent Inspector’s Office in better identifying potential judicial misconduct and to strike a better balance between reasoning Independent Inspector’s decisions and transparency while considering data protection issues. These efforts resulted in a commitment by the Independent Inspector’s Office that it will proactively publish its decisions to enhance accountability to the civil society and the public at large¹².

The PGG II finalised a report on fair and merit-based standards for the assessment and evaluation of non-judge staff, which highlighted the importance of the creation of a working group who will work on the revision of existing evaluation rules and update them per the expert’s suggestions. The report was shared with the PGG II partners and the Supreme Court began to pilot the system, based on an online software which will be built on the suggested methodology. The process is underway, and its results will be available in 2021.

¹² See the report of an NGO (IDFI) on publication of the decisions of Independent Inspector’s Office: https://idfi.ge/en/the_administrative_complaint_of_idfi_was_partially_granted?fbclid=IwAR1ZP9ibYrrtcSpMJXBYIqSOGNeD8iFrvaxlFvesNz0kggpVvZkhJ78P8Ec

2.7. Improved access to justice in particular for women, children and the most vulnerable groups

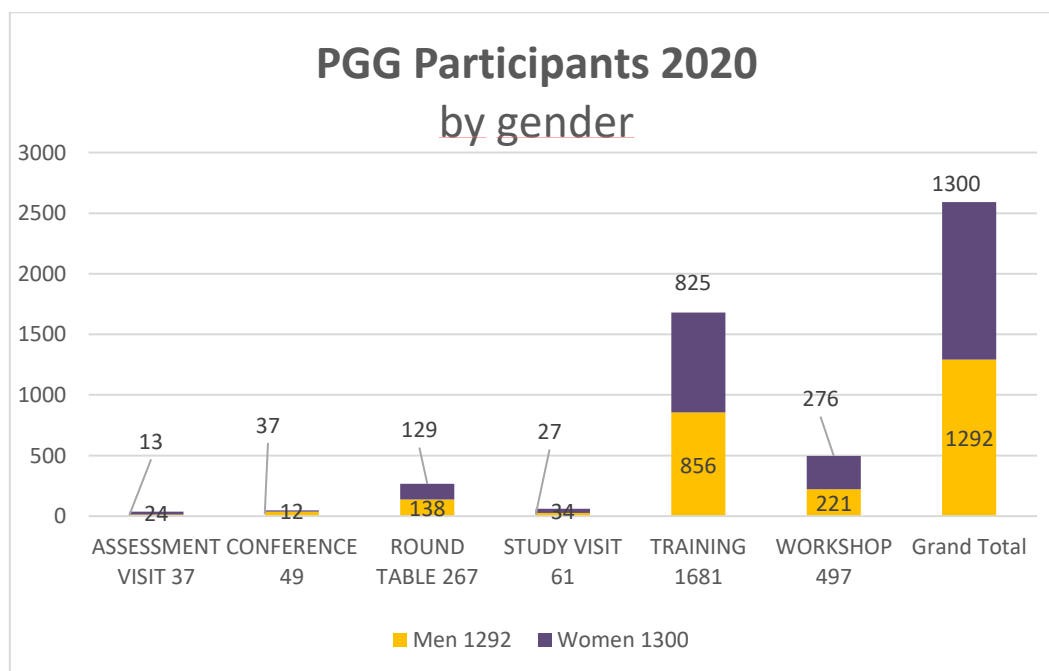
In **Azerbaijan**, the PGG II supported the improvement of access to courts for vulnerable groups by providing the national authorities with an expert [report](#) on “Access to justice for vulnerable groups in Azerbaijan,” which contains an analysis of the situation in Azerbaijan and a set of findings and recommendations to Azerbaijani authorities on steps to promote and facilitate access to courts for four categories of vulnerable groups (persons with physical/mental disabilities, minority members, victims of violence and minors) according to international standards, best practices and CEPEJ tools on efficiency and quality of justice.

The General Prosecutor of **Georgia** adopted a decree on guidelines on "Dealing with persons with disabilities-interrogation and witness statements," which had been prepared by the support of the PGG II in close co-operation with the General Prosecutor's Office.

In terms of awareness raising to improve the access to justice for women, **the regional project on Women's Access to Justice**, the “[Women's Access to Justice: a guide for legal practitioners](#)” factsheet and all its translated versions is available on the project webpage as well as in national languages on the Ukrainian and Belarusian national partners websites and the Georgian Electronic Library of the Prosecutor's Office. 35 mid-to-high level ministerial decision makers participated in a series of events (pre-webinar questionnaire, two webinars, post-webinar online discussions and questionnaire) on the framework to measure access to justice including specific challenges facing women. The events provided participants with information about women's access to justice, including European and other human rights standards on access to justice and gender equality, best practices and indicators.

The Guidance Note “Framework for measuring access to justice including specific challenges facing women” was translated in all six languages of the EaP countries to strengthen the framework for multi-agency co-operation at national level in the area of gender responsive access to justice and made available to all participants (see 3.1.3 for more details).

2.8. Independent training institutions delivering initial and continuous training to the justice sector; actors in line with European Union standards and best practices (reflecting gender)



In **Armenia**, the PGG II helped to assess the needs of the Justice Academy, responsible for training most of the actors in the justice sector and preparing five new courses which were integrated into its curriculum for 2020 and

2021. Furthermore, a pool of 20 trainers was created through training of trainers to deliver these courses in the Academy. The new courses, already attended by 96 judges specialised in criminal law, covered techniques for drafting judgments and decisions, peculiarities of the victim's status in the criminal proceedings, interviewing techniques and communications management, current issues of the cross-examination and practical skills for applying alternative preventive measures to detention.

The key ECtHR materials were translated, including six ECtHR guides on different Articles of ECHR, Rules of Court and the website interface of HUDOC intended for eventually providing an Armenian version of the search system. Four of the guidelines were published in 500 copies and disseminated to legal professionals in the country.

The capacity of the Justice Academy of **Azerbaijan** was enhanced by preparing a [training needs assessment](#) and a training programme on court management. The PGG II carried out extensive research to identify training needs for different target groups within the judiciary regarding the usage/knowledge of CEPEJ tools, involving 1,335 participants in an online survey (around 70% of court administration, 62% of court chairmen and 52% of judges) and produced a needs assessment report with recommendations for training courses and an accompanying training programme/plan on court management. The training programme, including implementation timelines, suggests and elaborates on four training courses on “Case and time management”, “Court performance indicators”, “Collection and analysis of judicial/court statistics”, and “Measuring the quality of justice.”

As a second step, training modules on CEPEJ main tools will be developed within the training programme, which will be instrumental to trainers of the Justice Academy to deliver courses on efficient court management and quality of justice to judges and court staff.

In **Georgia**, the PGG II supported two main institutions providing training for legal professionals: recommendations on revising the initial training programme of the High School of Justice were provided, including a roadmap on altering both the theoretical and internship parts of the initial training. The initial training programme has been revised per expert's recommendations and the High School of Justice's Board is currently considering its approval.

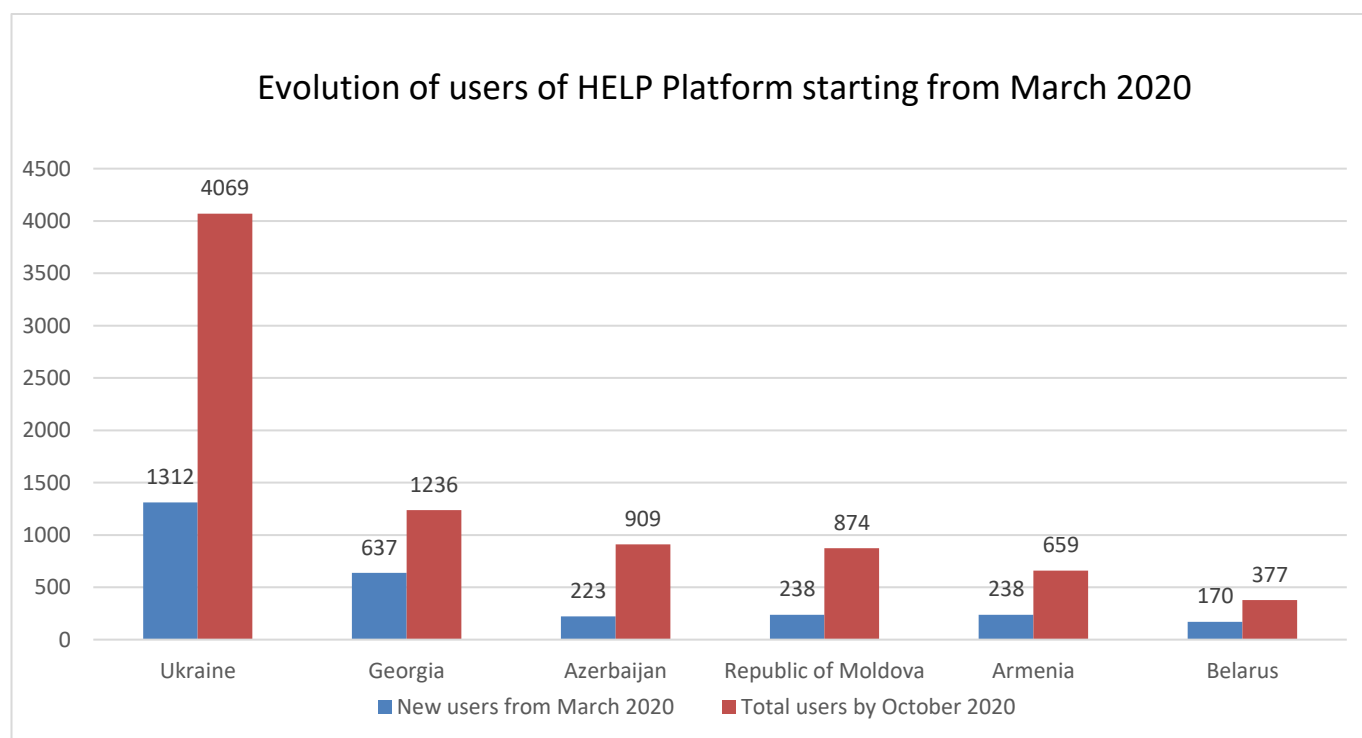
The capacity of the Georgian Bar Association (GBA) Continuous Legal Education Programme was reinforced by introducing new methodologies and tools such as the training needs assessment and outcomes evaluation. Two online training courses were developed, which have already become part of the GBA's continuous legal education curriculum, with interactive blended learning methodologies, assessment tests (pre and post), case-law materials and the focus on the new learning approaches, replacing the former 60-minute lecture type training methodology that lacked knowledge-delivery capabilities. The trainers of the GBA were also trained according to the same training methodology and approaches.

In the Republic of **Moldova**, the PGG II supported the National Institute of Justice (NIJ) by increasing the capacities of the trainers: 14 trainers (10 women and four men) benefited from hate crimes training which was focused on increasing their skills and knowledge on understanding, defining, identifying and investigating hate crimes in order to respond appropriately and proactively to such crimes; and nine participants from the NIJ benefited from an online HELP training-of-trainers aimed at equipping them with the necessary practical skills to effectively implement HELP online tutored courses. Together with the Lawyers Training Centre (LTC), the PGG II finalised the needs assessments report aimed at analysing its current structure; and developed the analysis of the training programme and regulatory framework of the LTC to help the Bar to revise the priorities in organising the activity of the LTC.

The national partners in all six EaP countries incorporated the tools developed and translated them under the PGG **regional** project on women's access to justice in their curricula, as optional subjects. These tools (Women's access to justice: a Guide for Legal Practitioners, the HELP course on Access to Justice for Women, Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice including the four country chapters, European Court of Human Rights Factsheet on Domestic Violence, European Court of Human Rights Factsheet on Violence against

Women) are repeatedly offered to new generations of judges and prosecutors. This contributed to ensuring the medium-to-long term sustainability of the human rights-based tools and measures on women's access to justice. In 2020, the national partners showed increased interest in gender mainstreaming and how to improve the gender responsiveness of the national justice systems through capacity building aimed at legal practitioners, in particular judges and prosecutors.

As a result of COVID-19, the PGG II team decided to modify its delivery methods by disseminating the HELP course on Access to Justice for Women among its stakeholders. During 2020, this HELP course saw an exponential increase in participants, being one of the most requested online courses offered on the HELP platform in the last nine months of 2020. This has resulted in 1,862 participants enrolled worldwide of which 256 received a certificate of accomplishment of the course. In addition, 94 legal professionals from the EaP countries participated in the course tutored version. Furthermore, the PGG II reached out to other gender equality projects to identify ways of ensuring the translations of the HELP course on Access to Justice for Women in all the EaP languages (see 2.2.9 for more details). Through the PGG II the Academy of Justice of Armenia is strongly encouraging mentees to take both HELP courses on Access to Justice for Women and Violence against Women and Domestic Violence. The Prosecutor's Office in Georgia integrated the HELP course on Access to Justice for Women as a compulsory element in their mentoring programme for legal professionals as a proactive response to COVID-19.



The PGG II extended its reach to legal academia by providing a useful tool, the [“Checklist for Gender Mainstreaming Law Schools' Curricula”](#), which would allow legal professionals to develop, at the very beginning of their career, a gender sensitive approach to the application of justice. The launching webinar attracted more than 50 academics across Europe on the importance of introducing measures in tertiary legal education to ensure that the justice chain is gender responsive and guarantees equal rights to both men and women. The webinar and the tool enhance efforts to build awareness and competences on human rights and gender equality among legal professionals at the early stages of their legal education. The [checklist](#) and its [interactive tool](#) are available in English and the EaP countries languages on the project website.

2.9. Comprehensive and effective training of the justice sector actors on their competences and ethics

In **Armenia** the PGG activities focused on the empowerment of women judges by enhancing their leadership skills and organised a one-day training for 25 women judges (38% of the total number of women judges) from the Court of Cassation, Courts of Appeal, as well as courts of general jurisdiction and specialised courts of Armenia. During the event the important role of women judges in the judiciary, leadership traits and types of leadership, as well as development of leadership skills were emphasised. The participants also discussed the existing gender stereotypes and obstacles hindering the career promotion of women judges and actions to remove those barriers.

HELP distance learning courses also gained popularity in Armenia. The courses on "[Prohibition of ill-treatment](#)" and "[Reasoning in Criminal Judgments](#)" were translated, adapted and successfully piloted with three groups of 49 judges in total. The translation and adaptation of two more HELP distance learning courses on "[Procedural safeguards in criminal proceedings and victims' rights](#)" and "[Introduction to ECtHR and case-law of ECtHR](#)" were also carried out during the reporting period.

In **Belarus**, the PGG II focused on capacity building for current and future legal professionals (law students) and civil society and trained: 20 law professors on international human rights standards, online learning and HELP programme to make Universities' curricula and legal training more effective; 272 students on European human rights standards, including criminal justice through eight online lectures and rounds of a moot court competition; and an online seminar on "accountability for ill-treatment and torture during mass protests in Belarus" for 40 lawyers and human rights defenders. Training activities were further supported with the development and publication of a handbook entitled "Pre-trial detention as a preventive measure in the Republic of Belarus" for the use of Investigative Committee of the Republic of Belarus and dissemination to investigators of regional branches of the Committee. The activities with Belarus were put on hold after the presidential elections in Belarus.

In **Georgia**, the PGG II continued to support ensuring better protection of human rights via actions improving performance of prosecutors, lawyers and judges in criminal proceedings: a pool of trainers, consisting of 14 senior prosecutors, was established to train their peers on the modalities of application of preventive measures and judicial control over the lawfulness of applied coercive measures; and 314 legal professionals (138 women/ 176 men) strengthened their knowledge on ECHR standards and case-law of the ECtHR on the application of pre-trial measures and fight against ill-treatment. The participants showed around 45% percent improvement in knowledge, according to the overall evaluation of pre- and post-test questions administered during the trainings, and a strong commitment to apply new knowledge in their daily practice. The PGG II also promoted the HELP training platform by training 15 additional HELP tutors (nine women and six men) from various state institutions to address the increasing demand on HELP online courses and increase the capacity to implement activities under the pressure of pandemic restrictions. Furthermore, the PGG II organised two intensive HELP online courses in Georgia: the course on "[International Cooperation in Criminal Matters](#)" and "[Reasoning of Criminal Judgments](#)" was completed by 26 prosecutors and Ministry of Justice staff (14 women and 12 men) who increased their knowledge on international co-operation in criminal matters, whereas the course on "Reasoning of Criminal Judgments" increased the capacity of 25 judges (12 women and 13 men) to fight ill-treatment and contribute to the development of gender sensitive court practices.

In the Republic of **Moldova**, in addition to institutional support mentioned under 2.8, several capacity building activities for beneficiaries were organised. Through PGG II activities, judges and prosecutors (six women and seven men) had the opportunity to increase their knowledge in the field of domestic violence and hate speech; 14 Judicial staff (13 women and one man) from different regions increased their understanding of discrimination on the ground of disability, sex and gender; and another 39 judicial staff (27 women and 12 men) increased their knowledge on the prohibition of discrimination and related issues, including defining discrimination, comparators, reasonable and objective justification, remedies and standards in cases of discrimination; 123 lawyers and intern lawyers (48

women and 75 men) attended five online training courses, organised jointly with the Training Centre for Lawyers, and increased their knowledge in the fields of prohibition of discrimination and the ECtHR case-law; the procedure for examining admissibility of applications to the ECtHR; Art. 6 of the ECHR; how to build defence strategy in discrimination cases and prohibition of discrimination in the workplace.

In 2020, the most important achievements of the **regional project** on women's access to justice were the increased competences of legal professionals to address the structural and institutional barriers women are facing when accessing justice, in particular how the justice system and its actors need to adapt to an unprecedented situation while maintaining the same level of protection of human rights.

The successful implementation of the [Mentoring Programme for Legal Professionals](#) in four out of the six EaP countries contributed to ensuring that judges and prosecutors exchanged experiences and expertise not only on how to guarantee equal access to justice for everyone but also how to deal with unexpected barriers to women's access to justice triggered by the COVID-19 context. National courses for legal aid lawyers in three EaP countries increased not only their competences on dealing with violence against women and domestic violence cases but also how to ensure that legal aid services integrate a gender perspective, particularly in crisis situations in order to guarantee equal access to justice for all their clients.

The PGG II contributed to ensuring the application of new gender sensitive competences among legal professionals: the teaching staff of the legal training institutions reinforced the necessary skills on how to transfer gender equality and access to justice standards to legal professionals, and judges and prosecutors increased their qualifications in the field of women's access to justice through human rights based tools and teaching materials developed within the PGG II. In 2020, the Mentoring Programme for Legal Professionals with its adjacent methodological guide was pioneered despite the health and geo-political crisis situations in the EaP region. The programme has been endorsed and adapted to the online medium by all national partners and implemented in whole or partially, with encouraging evaluations.

The mentors and mentees have become more aware and better equipped to identify barriers for women in the justice chain and found that the programme *"was useful and successful as all of the mentees shared their desire to continue the programme as mentors and they all gave very positive feedbacks"*.

Mentees gained theoretical knowledge, got aware about case-law as well as about each other's experiences. *"One of the most interesting part of the mentoring programme was the research that my mentees made. Mentees created a 10-question questionnaire which referred to the topics we covered and interviewed 10 Judges, 20 lawyers and 20 victims on domestic violence cases. They then summarised the results, which were very interesting and challenging, "as such kind of research had never been held before"*. Additionally, the evaluations of the pilot phase of the programme highlighted that the legal professionals involved had taken concrete steps to address gender stereotypes and gendered barriers to justice in line with the Council of Europe standards. As one of the mentors expressed, the entire process was carried out under the motto *"Improve something that you're already doing"*.

38 legal aid lawyers from the Republic of Moldova, Ukraine and Georgia strengthened their competences on international standards on access to justice and violence against women, including the case law of the ECtHR and the [Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\)](#) standards. Their awareness on gender sensitive approaches in dealing with cases of violence against women, and how this approach is crucial for their legal aid work with victims has been enhanced. This is just one of the testimonies during the evaluation sessions of the webinars: *"[I] always had to confront the argument that the aggressor must not be evicted from the common dwelling when he had no other place to live. Now I can refer to this case and demand for the aggressor to be evicted when he poses risk for other family members because of him being aggressive. I understand that his right to property does not overcome victims right to physical*

integrity". Due to the conflict between Armenia and Azerbaijan the national training course for legal aid lawyers in Armenia has been postponed for early 2021.

3. Strengthened regional co-operation to address national shortcomings and regional challenges to judicial reform

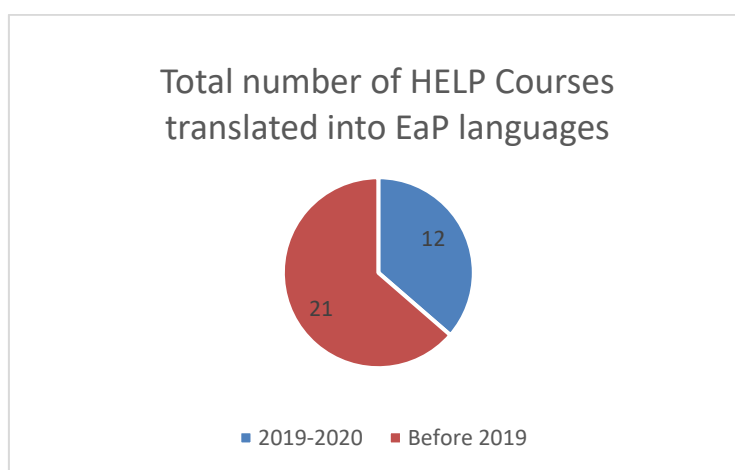
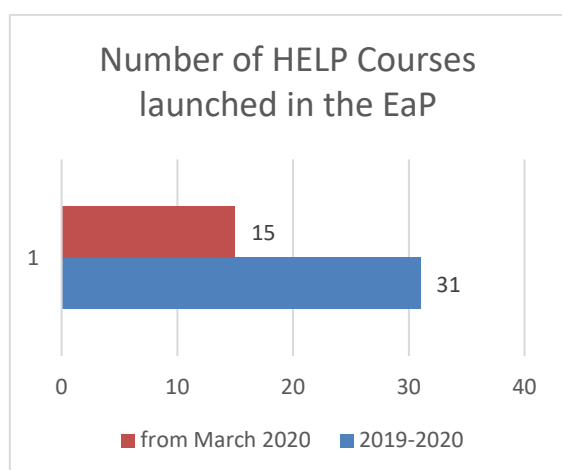
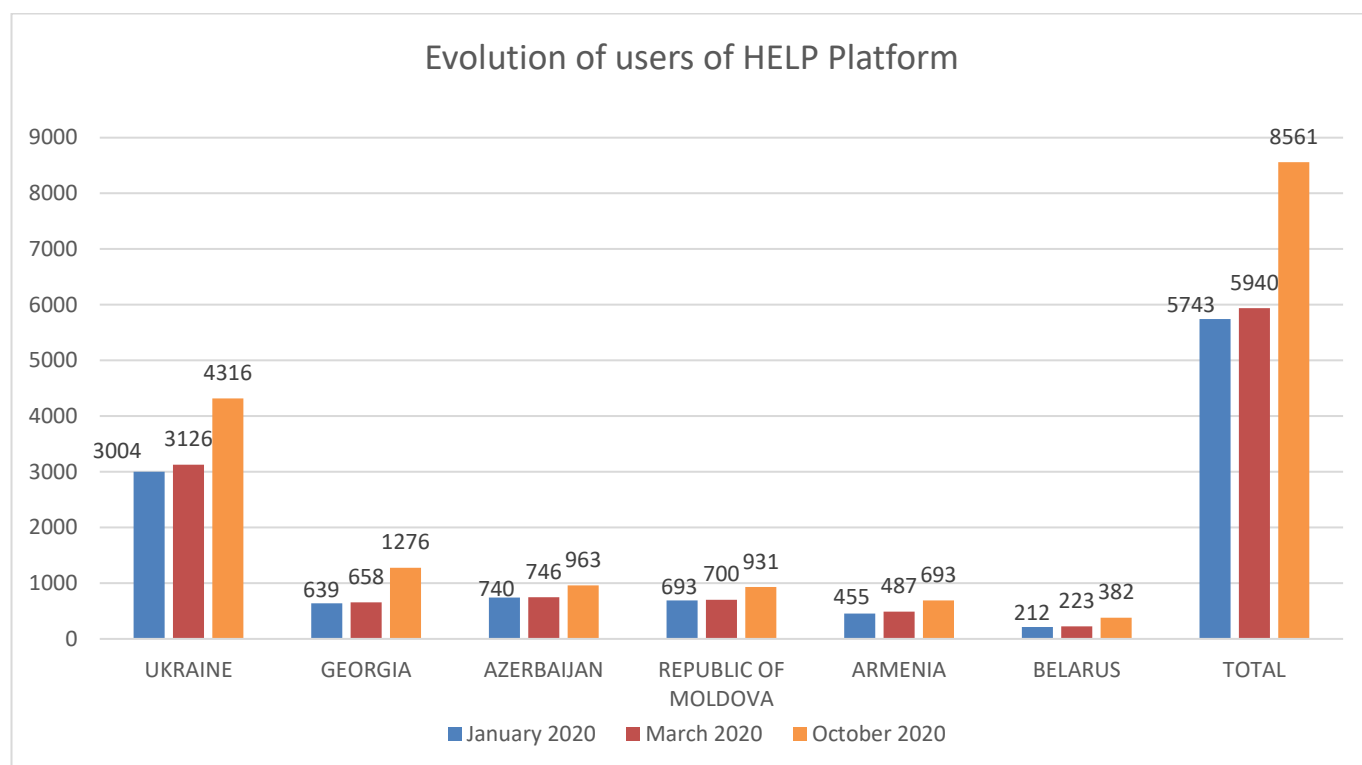
3.1. Strengthened co-operation amongst the Bar Associations and law societies of the participating countries, including women lawyers and young lawyers' associations to reinforce independence and professionalism of lawyers and representative of legal professions

The regional project showed significant progress in strengthening the co-operation among the bar associations and law societies of the region. Despite difficulties in the region, the PGG II managed to ensure all preconditions for the establishment of regional co-operation of the bars and professional associations of lawyers including women and young lawyers in the participating countries. The PGG II delivered four comparative reviews on: procedural and institutional setup of the functioning of lawyers; internal structure of bar associations; procedural safeguards for lawyers and protection against undue interferences for lawyers; and system of legal representation, including free legal aid and the monopoly of advocates. These topics of high significance are analysed from the perspective of differences among the countries, and against European standards and practices, as well as the case-law of the ECtHR. A set of legislation and regulations related to the profession of lawyer in Belarus, the Republic of Moldova and Ukraine were translated into English for this purpose.

Both the analytical reviews and the subsequent events including online joint discussions of the country reviews further contributed to the establishment of a regional network of bars, professional associations of lawyers and free legal aid systems through providing the representatives of these institutions with a platform for the exchange of information and views concerning the most acute issues of the profession.

3.2. Improved internal functioning and strengthened independence of the Bar (including stronger links between the Bar, legal professionals, judiciary and civil society, women lawyers' and young lawyers' associations

In addition to comparative reviews mentioned under 3.1, the PGG II developed a [website](#) to serve as an online regional co-operation platform for networking between the five participating countries. The website provides comprehensive data on European standards on the legal profession, a compilation of existing regulatory/legal frameworks and analytical studies on legal activities in participating countries, and a comprehensive database of lawyers and law firms from participating countries. Availability of this consolidated database will significantly promote understanding of the European perspective on the statutory regulations of the legal profession by the bar associations and law societies of the participating countries and will serve as an additional digital platform to promote co-operation between them.



THEME III - Crosscutting issues - Combating discrimination and protecting the rights of vulnerable groups (including the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI) and protection of minorities, in particular Roma) and women notably those who are victims of violence, in line with the cross-cutting deliverable 2 of the 2020 deliverables.

1. Combating discrimination and protecting the rights of vulnerable groups (including the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI) and protection of minorities, in particular Roma) and women notably those who are victims of violence, in line with the cross-cutting deliverable 2 of the 2020 deliverables

The PGG II aims to tackle discrimination and protect the rights of vulnerable groups and of women by improving the alignment of anti-discrimination legislative frameworks, strengthening 'equality bodies'/Ombudspersons offices and civil society organisations capacities to access redress mechanisms, promoting the Istanbul Convention and improving access to justice for women through two high-profile regional projects and a project in Azerbaijan.

1.1. Improved alignment of anti-discrimination policies with European standards in order to increase access to non-judiciary redress mechanisms for men and women victims of discrimination, hate crime and hate speech

The **regional** PGG II on anti-discrimination made solid progress towards strengthening the access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in the Eastern Partnership (EaP). The monitoring bodies of the Council of Europe, and particularly the European Commission against Racism and Intolerance – Council of Europe (ECRI)¹³ on this topic, have recommended to the countries involved in the PGG II to improve their data collection to support legislation based on grounds of interest of discrimination. Three reports on data collection related respectively to [Armenia](#), the [Republic of Moldova](#) and [Ukraine](#) were completed and translated into the local languages. Important steps on harmonisation of data collection on discrimination, hate speech and hate crime were taken in [Armenia](#), the [Republic of Moldova](#) and [Ukraine](#). In each of these countries, working groups are following-up on the recommendations.

The PGG II assisted Moldovan and Ukrainian institutions in improving the current hate crime and hate speech related procedures. An agreement was reached with the institutions in the Republic of Moldova working on hate crimes as to the ways their databases should reflect crimes with hate component. Key actions were agreed, such as the setting up of a strategic group on hate crimes and assistance to the Moldovan Audio-visual Council on hate speech monitoring. Assistance was provided timely before the Presidential elections held in November 2020 in the Republic of Moldova. The inter-agency group established under the Ombudsperson office in Ukraine continued its work with the main stakeholders agreeing on working methods for the group.

The PGG II also made significant advances towards strengthened combating hate speech. The focus on hate speech was translated into specific activities on this theme at regional level and national level, for example in Armenia and the Republic of Moldova. A [comparative study](#) on legislative responses to hate speech was provided to the Ministry of Justice of Armenia, ahead of legislative changes they planned. The study included specific recommendations for Armenia, which the Ministry took into account when preparing amendments to legislation.

An inter-agency strategic group on harmonising law enforcement training on hate crimes was set up in the Republic of Moldova. The General Police Inspectorate, the Police Academy, the Prosecutor's Office, the National Institute of Justice (NIJ) increased their awareness on standards related to hate crimes and increased their co-operation and co-ordination. The main result from this strategic group is a proposal of trainings for Police and mixed training for law enforcement (Police, prosecutors, judges) to be piloted in 2021. This was the first-of-its-kind participatory initiative to engage institutions in the building of a joint curriculum on hate crimes and stronger co-operation resulted from this.

The PGG II established priorities to improve evidence, information and data to understand and address discrimination, hate speech and hate crimes. Law enforcement agencies, equality bodies/Ombudsperson offices, other public institutions and civil society organisations (CSOs) are exploring how to develop better responses to discrimination, hate speech and hate crimes using data from cases and victim-focused research. The priorities for the EaP are the improvement in legislation, better co-ordination of all actors, need for training of law enforcement and equality bodies, and further support to civil society working with vulnerable communities. The stakeholders demonstrated a net increase in competences on the specific topic and a high satisfaction with the networking opportunities offered.

The experts' talks interventions from the online activities resulted in a wealth of Audiovisual material made available to beneficiaries and interested public/non-governmental organisations (NGOs): a first group of 13 videos from the six webinars organised were prepared in the format of individual files. These are educational resources

¹³ ECRI latest country monitoring [reports](#) on Armenia (§ 10, 17 and 26), Rep. of Moldova (§11 and 22) and Ukraine (§8)

useful for the region also featuring good practices. They were included in the Council of Europe anti-discrimination [website online library](#) and regularly circulated in social media. Several videos also cover intersectionality and the specific situation of women (Roma women and disabled women, for example).

The project extended its influence to new, significant actors in the field of discrimination. For example, in Ukraine, the Legal Aid Coordination Centre was involved in a planning process for a curriculum for their staff on combating discrimination and hate crimes and offering assistance to victims. A working group was set up under the auspices of the Ombudsperson on data collection, which brings together state institutions and civil society actors to streamline data on discrimination. In the Republic of Moldova, the project engaged actors from the media field (TV stations, radio stations, CSOs) in the development of a guide for the Audiovisual Council on monitoring and sanctioning hate speech. This led to a participatory process involving multiple, different stakeholders in the analysis of the problem and solutions.

In Azerbaijan, agreement was reached with the Ombudsperson institution on carrying out a study and assisting the institution to further develop its mandate on non-discrimination. The study was officially requested by the Ombudsperson.

1.2. Strengthened capacities of 'equality bodies' and civil society organisations to assist persons belonging to vulnerable groups in pursuing discrimination complaints through relevant non-judiciary redress mechanisms

The PGG II progressed well in reinforcing the capacities of equality bodies/Ombudsperson office institutions and NGOs to tackle discrimination, hate speech and hate crimes through a number of online activities. The most significant regional activities on this matter were the online [HELP regional course on fighting racism, xenophobia, homophobia and transphobia](#), which 47 participants completed and got certificates for, including from NGOs working on gender issues. Six webinars were organised on combating racism affecting Roma people, combating LGBTI-phobia and combating discrimination affecting disabled people, hate speech and remedies to discrimination with audiences from civil society and equality bodies, with an average participation of 70 people at each webinar.

At the national level, in the Republic of Moldova, 37 staff of the Equality Council, Ombudsperson office and the Security and intelligence service increased their competence in tackling hate speech. In Azerbaijan, over 20 CSO and 30 Ombudsperson office staff learnt more about discrimination, hate speech and gender, the Council of Europe standards on this and how to combat gender-based violence, in online training sessions organised throughout 2020. Furthermore, training sessions were organised with 17 staff of the Ombudsperson office and nine staff of the Equality Council Moldova on the specific issue of hate speech, how to assess a case, how to carry out litigation on this matter, which led to an increase of competence of the legal teams under each institution, but also of the communication and awareness teams and the thematic teams under the Ombudsperson office. In Ukraine, the coalition of NGOs on discrimination increased its capacity on this topic and developed a strategic plan for the next years, re-evaluating its mission on this topic. Through dialogue sessions with the Ombudsperson office, stronger co-operation is now in place. A national training seminar for the staff of the Ombudsperson in Azerbaijan was organised in early 2020, with the involvement of 30 staff members.

Through these activities involving representatives of equality bodies/Ombudsperson offices, public institutions and NGOs, the PGG II made significant steps in supporting national beneficiaries to work with vulnerable groups and victims so that they can access redress.

In terms of streamlining redress to hate crimes, in the Republic of Moldova, the PGG II engaged the Police and the Prosecutor's Office and their related training agencies in a participatory process of defining the training curriculum for law enforcement on combating hate crimes, through online sessions of a strategic group on this topic. Moreover, with the project's support, the NIJ included in its 2021 programme the first course for judges and

prosecutors on hate crimes. This is an important achievement and demonstrates the added value for national institutions.

The PGG II supported the creation of the Equality Platform Azerbaijan, formed by 13 civil society organisations in order to strengthen the role of civil society on combating discrimination. At least three organisations work on gender issues. The platform started to work in July 2020. Subsequently stronger co-operation was enhanced between the Ombudsperson office institution and the newly formed Equality Platform bringing together over 15 NGOs. The Ombudsperson office discussed with the NGOs the modus operandi of the Ombudsperson office and how the NGO platform can contribute to its work. As a result, the Ombudsperson office institution agreed to consult with NGOs in the process of enriching its mandate on discrimination.

Similar assistance was provided to the coalition of NGOs on combating discrimination in Ukraine: from June 2020 onward, the project supported throughout the reporting period the strategic planning of the NGO coalition on combating discrimination in Ukraine, through strategic planning and training sessions. 15 civil society organisations from Ukraine and the Ombudsperson institution were involved in a dialogue on the co-operation between them in combating discrimination, in autumn 2020. This came at the moment of the finalisation of the strategic planning of the coalition of NGOs on combating discrimination in Ukraine.

Finally, the PGG II dedicated resources to translating important European standards to the languages of the countries involved in the project, ECRI general policy recommendations [2](#) and [15](#) were translated, respectively, to Armenian and [Azerbaijani](#), and to Armenian and Ukrainian. A brochure on hate speech for citizens was finalised¹⁴. Four project [newsletters](#) were sent featuring good practices from the region, reaching on average 500 recipients each.

1.3. Strengthened access to justice for women, especially women victims of violence, in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and thus contributing towards the signature/ratification of the Istanbul Convention.

The PGG II reinforced the high profile of the Istanbul Convention in the EaP with the launch of the [new project](#) on raising awareness of the convention in **Azerbaijan**. In conjunction, the National Action Plan for Combating Domestic Violence was approved, and the Law Department at the State Committee for Women and Children Affairs (SCFWCA) will be responsible for its implementation. The Head of the Law Department has requested the support of the new project on raising awareness of the Istanbul Convention and other gender equality standards in implementing the National Action Plan.

The Ministry of Labour and Social Protection of the Population showed interest to participate in the project activities. Since the Ministry is responsible for shelters of victims of domestic violence and has responsibilities in the implementation of the recently approved National Action Plan for Combating Domestic Violence, this a very positive development and the PGG II is looking into ways to accommodate the needs of the Ministry, in order to contribute to the achievement of both immediate outcomes and intermediate outcome. On the one hand, their interest shows that the project, specifically, is visible, and on the other, that violence against women and domestic violence is a relevant topic and there is a need and willingness to work on it among different state authorities.

The PGG II delivered a report providing the legislative and policy context in Azerbaijan with regards to violence against women and domestic violence. Based on this report the project developed an outline for the gap analysis as well as questionnaires for the needs assessment to be done with the relevant stakeholders.

¹⁴ Soon available here: <https://www.coe.int/en/web/inclusion-and-antidiscrimination/eap-regional-project>

The PGG II translated eight publications to contribute to raising awareness on the Istanbul Convention and on violence against women and domestic violence in Azerbaijan: 1) [Four infographics](#) on what the Istanbul Convention does and requires from member States, one for each of the convention's four pillars; 2) [a brochure](#) on the four pillars of the Istanbul Convention; 3) [a general leaflet](#) on the monitoring mechanism of the Istanbul Convention; 4) [a general leaflet](#) on the Istanbul Convention: Safe from fear, safe from violence; 5) A [banner](#) for the campaign on 16 days of activism against gender-based violence. The project presented six of these publications, the infographics and the brochure on the four pillar of the Istanbul Convention and the banner of the campaign through a small social media campaign for the Azerbaijani general public through a series on the [Facebook](#) and [Twitter](#) accounts of the Council of Europe Office in Azerbaijan and the PGG II throughout the *16 Days of Activism against Gender-based Violence*. In addition, the infographics and [brochure](#) are now available on the [Council of Europe Office in Azerbaijan](#) and [PGG II websites](#). The [general leaflet on the Istanbul Convention: Safe from fear, safe from violence](#) was published.

During the reporting period, key stakeholders increased their awareness of the Istanbul Convention. The project needs assessment that took place in early September was used as a platform for not only presenting the project objectives and activities, but also to get in touch with relevant stakeholders and to find out the information gaps on the Istanbul Convention. During these meetings, brief presentations of the convention were given, after which many stakeholders requested publications to be sent to them, as well as information on project activities and how to participate in them.

The [Social Media campaign](#)¹⁵, developed for the *16 Days of Activism against gender-based violence* (25 November to 10 December), created visibility around what the Istanbul Convention is and what it requires states to do, and reached 48,793 people through its 17 posts and two news items. Thanks to the publication of tools that the PGG II translated into Azerbaijani through the campaign, several stakeholders contacted the project to show their interest in finding out more information on the Istanbul Convention. For example, the Ministry of Internal Affairs requested to send them publications explaining what the convention is and does. As another example, a youth NGO also asked the project to participate in a webinar to clarify misconceptions on the Istanbul Convention, which took place on 15 December, reaching 67 students from universities from Baku and the regions.

Promoting the Istanbul Convention and other European gender equality standards in the EaP region, the **regional** project on *Women's Access to Justice: delivering on Istanbul Convention and other European gender Equality standards*, made progress towards both of its planned outcomes during 2020: "authorities, justice sector professionals and civil society introduce new measures" and "apply new competences on the standards on access to justice of the Istanbul Convention, in order to remove obstacles to access to justice". The PGG II contributed to increased competences of key legal actors, judges and prosecutors in dealing with national cases on violence against women and domestic violence and ensuring that barriers on women's access to justice are addressed from within the system by successfully implementing the [Mentoring Programme for Legal Professionals](#) in four out of the six EaP countries, delivering three national training courses on women's access to justice for legal aid lawyers (see 2.2.9 for more details on both), and by organising a cascade-style of online events of ministerial level professionals on indicators and multi-agency co-operation on women's access to justice.

The partner authorities in the EaP countries continued to introduce measures to enhance equal access to justice, such as the introduction of the [HELP online course on Access to Justice for Women](#) as a compulsory course in the specialised Prosecutors legal training in Georgia. Through the pioneering Mentoring Programme for Legal Professionals on Women's Access to Justice, the judges and prosecutors in the region enhanced their competences on gender sensitive justice and concretely on the Council of Europe standards on gender equality and rule of law.

¹⁵ The campaigns were run on the Council of Europe Office in Azerbaijan [Facebook](#) and [Twitter](#)

The programme is showcasing the added value of the regional dimension of the project, by ensuring that the Guiding methodology incorporates both Council of Europe standards and the national practice and that the legal professionals involved in this pilot phase, both mentors and mentees, are networking and sharing experiences and know-how as well as challenges they are encountering in the practical application of Council of Europe standards in the context of their national legal system.

The national partners, the training institutes for judges and prosecutors in the EaP countries continued to use the tools developed within the project (i.e. HELP course on Access to Justice for Women, and the Training Manual for Judges and prosecutors on ensuring Women's Access to Justice) to address legal professionals' gender bias and to ensure a gender sensitive approach to justice. They maintained combating violence against women and women's access to justice courses in their optional curricula for legal professionals.

35 mid-to-high level ministerial decision makers gathered to discuss women's access to justice, including European and other human rights standards on access to justice and gender equality, best practices, and indicators. The Guidance Note: Framework for measuring access to justice including specific challenges facing women translated in all six languages of the EaP countries aiming to strengthen the framework for multi-agency co-operation at national level in the area of gender responsive access to justice was made available to all participants of the event and it will be soon available on the project website. Participants reflected on the role of their institutions in fostering women's access to justice and the possible strategies to improve women's access to justice and a discussion platform to share experiences and exchange on regional good practices and challenges. The PGG II is collecting data for the final report from representative stakeholders within different state ministries in all EaP countries. So far, the responses have been essential for tailoring the Framework for measuring access to justice to the realities of the EaP countries and how they assess against the Council of Europe standards on access to justice.

One of the priorities for 2020 was to extend the project's target group from judges and prosecutors in all EaP countries to legal aid counsellors, law schools and ministerial level authorities, as important actors in addressing the structural barriers to women's access to justice.

The PGG II's effectiveness is particularly visible in improved legal aid work with victims of domestic violence. 38 legal aid lawyers from Georgia, the Republic of Moldova and Ukraine strengthened their competences on international standards on access to justice and violence against women, including the case law of the ECtHR and the Istanbul Convention standards. Their awareness on gender sensitive approaches in dealing with cases of violence against women, and how this approach is crucial for their legal aid work with victims has been enhanced.

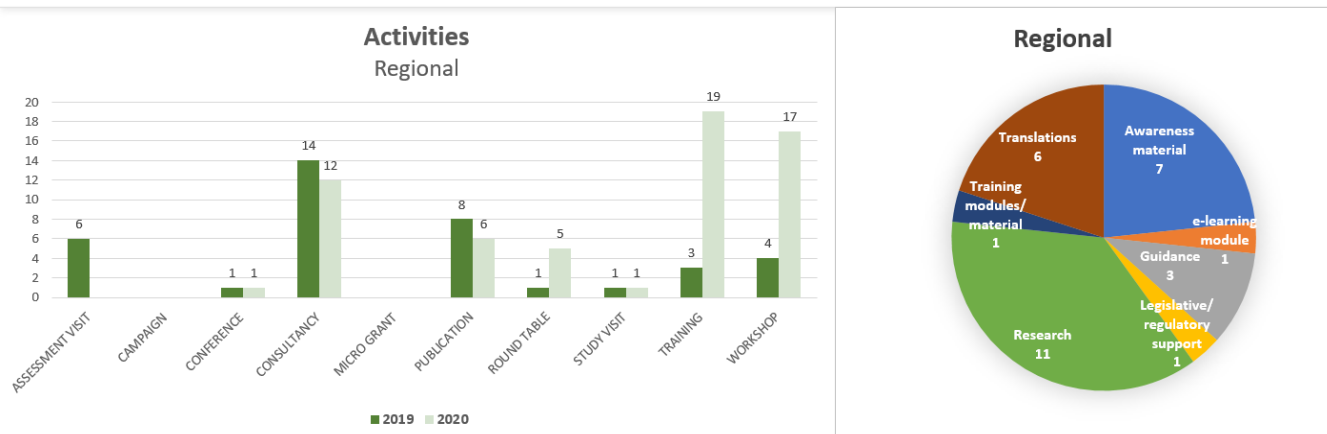
This is just one of the testimonies during the evaluation sessions of the webinars: *"[I] always had to confront the argument that the aggressor must not be evicted from the common dwelling when he had no other place to live. Now I can refer to this case and demand for the aggressor to be evicted when he poses risk for other family members because of him being aggressive. I understand that his right to property does not overcome victims right to physical integrity".*

Finally, the PGG II focused on strengthening the capacity of NGOs in the region on access to justice for women in particular victims of violence, an area of intervention highlighted as key also by the sanitary crisis.

The PGG II supported the academia from the EaP countries to gender mainstream, with a particular focus on gender mainstreaming the curricula of law schools. The tool, "[Checklist to gender mainstream law schools' curricula](#)" developed by the project in 2020, provides relevant national stakeholders with a broad overview of the strengths and weaknesses of the curricula for legal professionals in regards gender and it provides concrete links to already available tools, from Council of Europe and other relevant international actors such as the European Union and the United Nations, which are strongly rooted in a human rights based approach. Over 50 representatives of European research and academic institutions increased their awareness on the benefits of gender mainstreaming and have

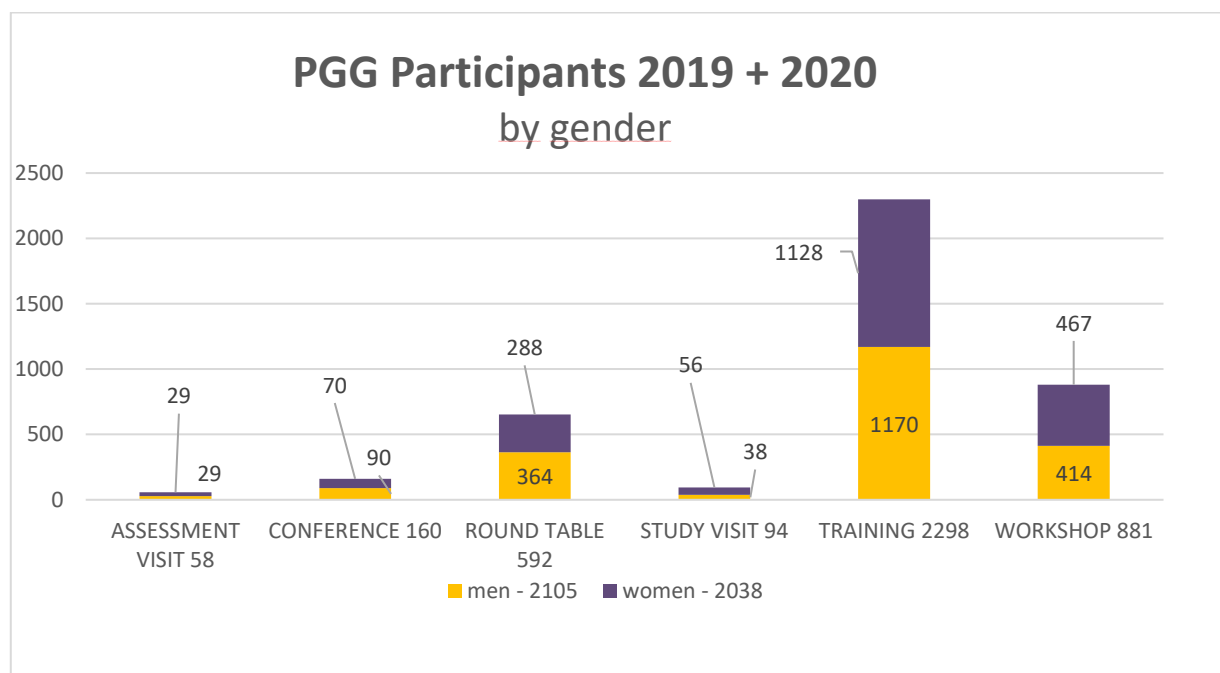
gained knowledge on how to assess, from a human rights perspective, that the tertiary curricula is gender mainstreamed and improve their educational policy design. An interactive [online tool](#) developed based on this document supports academia throughout Europe and in EaP countries to assess and reflect on the content, pedagogy, structures, and the context of academic education from a gender sensitive perspective. By addressing legal professionals in their initial formative years through changes into the overall curricula, the PGG II offers sustainable tools that promote and strengthen Council of Europe standards on access to justice.

Regional activities



Cross-cutting issues

Gender mainstreaming



During the current reporting period, the PGG II ensured gender mainstreaming through all country specific and regional projects using different tools and means in line with the [Council of Europe's 2018-2023 Gender Equality Strategy](#). The Council of Europe Gender Mainstreaming Toolkit for Co-operation Projects offers practical guidance

on the implementation of a gender dimension in co-operation activities within the Organisation as well as by national partners and other stakeholders. Prior to and during project implementation, project teams can also rely on the expertise of the regional Gender Advisor based at the Council of Europe Office in Ukraine covering the Eastern Partnership region.

All PGG projects ensured gender mainstreaming notably through a balanced approach in selecting project participants and consultants, balanced representation in project events as well as using gender-sensitive language in project activities, indicators and outputs.

Projects in Armenia, Georgia and the Republic of Moldova conducted gender analyses to assess the projects from the gender mainstreaming perspective including training activities, particularly the involvement of the main concepts of gender equality (gender bias, gender stereotypes, gender-sensitive language, etc.) therein and the integration of a gender-sensitive approach in the training processes. The analyses covered also among other things issues related to women's access to justice in the framework of the projects and gender sensitive legislation.

In Armenia, a comprehensive research was launched to identify the main obstacles for the advancement of women judges' career and to provide national authorities with tools to promote the career development of women judges and to attract more women into the judiciary. A training for 25 women judges was organised to develop and advance their leadership skills, while improving their skills and knowledge about the impediments women usually face in their professional life.

In Azerbaijan, a survey among judges was conducted to assess the needs of the Academy of Justice which also provided recommendations on gender issues in the selection of trainers and participants. Also the expert advice to Azerbaijani judicial authorities on steps to promote and facilitate access to courts for groups in vulnerable positions includes a gender perspective by taking into account women in vulnerable positions, such as victims of domestic violence, gender-based discrimination and other women's human rights violations.

In Belarus, the "[Gender equality and justice in the Republic of Belarus](#)" Brochure was developed, published, and distributed. The Brochure analysed the situation with regard to gender equality in the judiciary in Belarus and included recommendations for improvement. The analysis included for example information on national legislation and proposals for measures to achieve gender equality in civil proceedings.

In Georgia, an expert opinion on the CPC was finalised and complemented with a gender analysis; gender equality indicators were developed for the criminal justice sector offering a series of gender-sensitive indicators for use in data collection by the criminal justice system to foster effective monitoring and accountability, and to prevent any gender discriminatory effects of apparently neutral provisions.

The regional project successfully involved representatives of women lawyers and young lawyers' associations in the Technical Project Committee (TPC) as members and started preparations for peer-to-peer activities for these groups; and reflected gender equality and youth participation in the cross-country reviews as separate topics.

In terms of communication and information, the PGG activities ensured that the publications were gender sensitive. For example, the brochure on hate speech for citizens included gender sensitive communication. Examples of relevant gender situations were included. The five brochures developed for the Ombudsperson office included different examples of discrimination, affecting women and men in different ways. In capacity building activities, the PGG programme took into account how discrimination affects men and women differently. For example, the webinars on combating racism affecting Roma, LGBTI and disabled people included content related to intersectional discrimination, and hence the situation of women. At the ECRI special event on combating hate speech in September 2020, specific presentations on combating sexist speech were included. The programme of the regional event on data collection included considerations related to gender as a protected characteristic, also from an

intersectional perspective. There were discussions about multiple discrimination on the grounds of gender plus, for example, ethnicity.

A session on gender issues was organised for NGOs and Ombudsperson office staff in Azerbaijan, in order to increase their understanding of the topic and help them identify gender issues in their society. In the production of reports, gender was taken into account specifically. For example, the legislative review on hate speech for Armenia made reference to the need to consider the gender ground in legislation related to hate speech. In the terms of reference for the guide on monitoring and sanctioning hate speech currently under development for the use of the Audiovisual council in the Republic of Moldova, sexist hate speech was included as a topic to be elaborated in the guide.

In relation to participation, the PGG II paid attention to facilitate the access of both women and men to the activities. Furthermore, the PGG II paid attention to involve NGOs dealing with women's rights in its activities, for example for the regional [HELP online training course "Fighting racism, xenophobia, homophobia and transphobia"](#) it was asked to partners to specifically involve organisations that work on gender equality matters. The PGG II also considered the gender composition of its teams of experts and trainers. The PGG II also considered the gender composition of its teams of experts and trainers.

Civil society involvement

Additional efforts were deployed to enhance dialogue with civil society and ensure its involvement in the PGG, including the participation of civil society representatives in the project activities, which allowed to sustain the results of the PGG actions on the ground and the outreach to the final beneficiaries of the Programme.

The civil society representatives were involved in the PGG actions as much as it was possible and relevant for the projects' activities.

For example, in Armenia and Azerbaijan representatives of NGOs and human rights defenders were involved in the needs-assessment work in the criminal justice field and took part in public discussions on the draft CPC and CC in Armenia. In Belarus, the projects' special focus was on civil society partners and involved universities, lawyers and law students to continue co-operation following the political turmoil in the country.

In the field of fight against corruption, civil society representatives were invited to attend the TPC meeting and the Annual Co-ordination Platform meeting which created an open venue for NGOs to address their questions and provide recommendations.

The project in the Republic of Moldova involved civil society representatives as consultants and as participants in activities, including in the TPC and Local Steering Committee (LSC) meetings; and maintained very productive co-operation with the Legal Resource Centre and Promo-Lex.

The regional project on bar association ensured strong representation of CSOs via involving two target groups of the project – young lawyers and women lawyers of the five participating countries, and two more professional associations ("Europe in Law" and All-Ukrainian Public Organisation "Ukrainian Bar Association") are represented in the project from Armenia and Ukraine. The CSOs of women lawyers provide a good opportunity to introduce the principles of gender equality in the bars, the work with the CSOs of young lawyers give more emphasis on the principles of transparency and inclusion in the national bars, while the CSOs of advocates provide an additional perspective as to the functioning of the bars in the participating countries. Moreover, the work with the Ukrainian CSO of advocates "Ukrainian Bar Association" provides access to the Ukrainian lawyers on the background of the reluctance of the Ukrainian National Bar Association to work with the project.

Representatives of vulnerable groups are involved in most anti-discrimination activities, by the intermediary of CSOs. Several project activities were NGO specific, for example the online training meeting with NGOs from Azerbaijan on discrimination. Other activities involve NGO next to public authorities, for example equality bodies/Ombudsperson offices. For example, in the online [HELP online training course "Fighting racism, xenophobia, homophobia and transphobia"](#), each country delegation includes at least a third of participants from NGOs, and at least one NGO tackling gender issues. This set up of activities ensured representation of final beneficiaries in the PGG II.

The PGG II has made efforts to include civil society and vulnerable groups representatives in the activities related to capacity building and awareness raising. For example, the regional anti-discrimination project organised a call for grants for civil society in Ukraine, the Republic of Moldova and Armenia to address the need for CSOs to network with equality bodies. CSOs were consulted while developing the project reports on data collection on discrimination, Hate speech and hate crimes, in Armenia, the Republic of Moldova and Ukraine, and also while developing the monitoring guide on hate speech for the Audiovisual Council in the Republic of Moldova. CSOs presented good practices of combating discrimination from the EaP region in the six project webinars organised over the summer 2020. The PGG II involved NGOs active in combating violence against women and domestic violence in the region in all its activities and ensured that representatives of civil society are closely involved in the project outputs both as experts as well as recipients of capacity building efforts.

4. CO-ORDINATION AND MANAGEMENT

The PGG II Annual Plan of Action (APA) 2020 was implemented in accordance with the parameters and modalities as defined in the [Description of Action \(DoA\)](#) of the European Union/Council of Europe Joint Programme Partnership for Good Governance (PGG) in the Eastern Partnership (EaP) countries 2019-2021 and endorsed at the **PGG Steering Committee (PGG-SC) meeting** held on 15 October 2019 in Strasbourg.

The APAs 2020 were adjusted in the course of 2020 due to the outbreak of the COVID pandemic in March 2020. The implementation of the APA 2020 was regularly monitored through [Bi-monthly Information Notes and a Six-month Report](#) covering the first semester 2020. The monitoring focussed on the progress of the PGG implementation, taking into consideration the restrictions linked to the COVID pandemic, and on the risk assessment and the mitigation measures undertaken by the project teams in response to the situation impacted by COVID, the political situation in Belarus and the tension around the Nagorno Karabakh conflict.

The PGG Programme was constantly monitored by the PGG Co-ordination team, using the [Project Management Methodology](#) (PMM) data base. PGG monitoring modalities comprise a variety of tools, including PGG-SC and Local Steering Committee (LSC) meetings, co-ordination and information meetings at Headquarter level (Office of the Directorate General of Programmes (ODGP), Council of Europe and Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR), European Commission) and on the ground between the Council of Europe Field Offices and the European Union Delegations (EUDs). Information meetings also took place between the Council of Europe Field Offices and the PGG National Co-ordinators in the EaP countries as well as between the ODGP and the Permanent Representations of the EaP countries to the Council of Europe.

Co-ordination

During the reporting period, **comprehensive co-ordination was provided** at Headquarter level and in the field using different co-ordination tools: bilateral and multi-lateral consultations, information meetings, Technical Project Committee (TPC) meetings at project level, LSC meetings at country level and among members of the PGG-SC.

In total:

- **Eight co-ordination meetings with DG NEAR**
- **One [information meeting for Ambassadors of the EaP region](#)**
- **One high-level event on [mid-term results “Improving the lives of citizens through better governance”](#)**
- **Three LSC meetings: ([Georgia](#), [Republic of Moldova](#), [Ukraine](#))**
- **One participation in the [EaP Platform 1 – “Strengthening Institutions and Good Governance”](#)**

The bilateral and multi-lateral consultations, notably the videoconferences and LSC meetings were organised in an online format and provided an appropriate platform for comprehensive and inclusive co-ordination between the Council of Europe and the DG NEAR/EUDs as regards the PGG activities implemented in 2020.

The established co-ordination mechanism allowed to co-ordinate the ongoing and planned European Union/Council of Europe bilateral co-operation programmes as well as the projects implemented by different international partners in the EaP countries.

In accordance with the PGG DoA, the Council of Europe organised extensive consultations with the EUDs in the EaP countries during the 2020 implementation period, in order to adjust the project parameters and work plans as a result of the COVID situation.

Close co-operation and regular communication with the EUDs in the EaP countries was maintained by regular exchange of information about ongoing or upcoming activities and developments related to risks.

For example, in the field of fight against corruption, the project teams participated in donor co-ordination meetings to be updated on the ongoing projects delivered in the country by other international organisations in the Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) sector and organised bilateral meetings and discussions with different organisations such as OSCE and UNDP in Armenia; the United Nations Interregional Crime and Justice Research Institute (UNICRI),^[1] USAID,^[2] IOM^[3], ICNL, and MG Consulting in Azerbaijan; UNICRI in Belarus; and OSCE PCU in Ukraine.

In the field of the judiciary, all projects worked closely with the EUDs and other national and international actors involved in similar issues in the region to strengthen partnerships with other international partners, foster linkages and avoid duplications. Some good examples of co-operation, among others, include the US Embassy Yerevan’s Bureau of International Narcotics and Law Enforcement (INL) and UNDP in Armenia; the Raoul Wallenberg Institute of Human Rights, the Centre for Constitutionalism and Human Rights of the European Humanities University; the International Law in Advocacy Programme in Belarus; and USAID/PROLoG, UNICEF, UNDP, UN OHCHR and GIZ in Georgia.

Comprehensive co-ordination allowed to swiftly react in a co-ordinated and effective manner to the new challenges and risks and to take necessary corrective measures.

^[1] EU-UNICRI initiative, “Support the EU Eastern Partnership Countries to Enhance Asset Recovery”

^[2] USAID’s “Empowering Civil Society Organizations for Transparency” project implemented by FHI360

^[3] “E-Learning Solutions to Support Justice Academy Phase II” project implemented by IOM Azerbaijan and financed by U.S. Department of State.

Considering the political situation in Armenia and Azerbaijan, the project parameters and the activities planned for these countries in 2020 were adjusted following additional consultations with the national partners and EUDs. Taking into consideration the political situation in Belarus and the European Union restrictive measures applied to this country, the PGG project for Belarus in the field of judiciary was discontinued in December 2020. The project in the field of fight against corruption was put on hold in accordance with the joint decision between the DG NEAR and the Council of Europe.

The results of the consultations with the national stakeholders and the EUDs were presented to the PGG LSC decision making body, established at country level, to assess the results of the PGG projects implemented in 2020 and to agree on the activities planned for 2021.

A comprehensive discussion of the APA 2020 took place during the **PGG TPC and LSC meetings**.

At project level, six TPC meetings were organised to monitor the projects' implementation, assess the projects' results and formulate proposals for possible adjustments of the project work plans.

The LSC meetings for [Georgia](#), the [Republic of Moldova](#) and [Ukraine](#) were organised in December 2020 in an online format to assess the PGG implementation results in 2020 and discuss/endorse the APA 2021, taking into consideration the EUDs and the national authorities' proposals and the restrictions linked to COVID.

The LSC meetings provided a platform for co-ordination of the implementation of the PGG country specific projects with the national stakeholders, EUDs and the international partners, sharing relevant information among the PGG stakeholders, ensuring synergy and complementarity of the PGG country specific and regional activities and presenting recommendations to the PGG-SC on the APA 2021.

In particular, during the LSC for **Georgia**, the participants recommended to focus the project "Enhancing the systems of prevention and combating corruption, money laundering and terrorist financing in Georgia" on effective implementation of the recommendations of the new [MONEYVAL Fifth Round Mutual Evaluation Report](#).

The LSC for the **Republic of Moldova** supported the proposal to focus the regional project "Strengthening the access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries" on reinforcing capacity building for law enforcement to address the hate crimes (Police officers, prosecutors, judges) in 2021. Technical assistance to reinforce the mandate of the Equality Council and the People's Advocate will continue in 2021, notably to strengthen the co-operation with the judiciary.

The LSC for **Ukraine** agreed to include the systemic analysis of national responses to hate speech in Ukraine, as a process based on [ECRI General Policy Recommendation No 15 on combating hate speech](#) and which will map how members of society are impacted and available redress under the regional project "Strengthening the access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries". The project will continue to enhance regional networking and exchange good practices as well as involve beneficiaries of Ukrainian equality relevant projects in regional events to increase their skills on equality issues. Support to civil society will also be reinforced.

The LSC meetings for **Armenia** and **Azerbaijan** were postponed until January 2021 due to the political situation in these countries. With regard to **Belarus**, it was agreed jointly with DG NEAR not to hold the LSC and to closely follow the development of the political situation in the country.

During the reporting period, consultations among the members of the **PGG-SC** took place in an online format to assess the PGG implementation and discuss the necessary adjustments of the APA 2020.

Under the PGG co-ordination component, joint visibility/communication activities were organised in the course of 2020, including a [high-level conference on the PGG II mid-term results](#). Detailed information on visibility/communication activities will be presented under the section “Communication and visibility”.

Monitoring and reporting

Continuous and results-oriented monitoring of the PGG II implementation is part of the PMM IT tool used by the PGG project and co-ordination teams in 2020 for regular monitoring of the project implementation, their results (outputs and outcomes), risks and challenges.

Regular updates and reporting (bi-monthly, six-month and annual reports) on the PGG projects’ implementation, problems encountered, risk management and mitigation policy, constitutes a key element of the internal monitoring system.

In 2020, the PGG continued its **bi-monthly reporting** practice as an internal monitoring tool to regularly assess the Programme’s implementation. The Bi-monthly Information Notes provided an overview of the PGG implementation at thematic level as well as **concise information on projects’ deliverables, progress made in respect of the projects’ objectives** and expected results measured against the baseline, using the output and outcomes indicators. The Bi-monthly Information Notes also included the assessment of the factors significantly affecting the project implementation, the risk linked to COVID and the mitigation measures.

During the reporting period the following regular and periodic reports were prepared:

➤ **[Bi-monthly Information Notes:](#)**

- Narrative synopsis report for the period December 2019-February 2020
- Narrative synopsis report for the period March-April 2020
- Narrative synopsis report for the period May-June 2020
- Narrative synopsis report for the period July-September 2020
- Narrative synopsis report for the period October-November 2020

- **[A Six-month Report](#)** was issued in September 2020 and provided an update on the PGG implementation to DG NEAR in a narrative synopsis format.

Information was provided at thematic level and in a **concise way on achievements and deliverables and progress made in respect of the objectives set up at thematic level**.

The report helped to mainstream the information on PGG implementation and the effectiveness and efficiency of co-operation activities. The report also provided an assessment on the risks and on the mitigation measures undertaken by the Council of Europe since March 2020 to address the new challenges, notably in the context of the COVID pandemic.

COVID pandemic and mitigation measures

Since March 2020, in response to the pandemic, the Council of Europe has identified specific areas of action which are subject to a more severe risk and timely developed and implemented **mitigation measures** including the readjustment of the projects’ activities and working methods.

The effectively implemented mitigation measures enabled to ensure the continuation of the PGG implementation, in line with the objectives of the Programme. The use of an appropriate working methodology allowed to address the most urgent concerns of the EaP national authorities, taking into account the restrictions linked to COVID-19 and the political situation in Belarus, Armenia and Azerbaijan.

In close co-operation with the national beneficiaries and the European Union, the PGG re-scheduled the logic of activities, giving priority to desk and research work - such as the preparation of legal review and advice on draft legislation originally planned for a later period - and replaced face-to-face meetings with online activities including distance learning. Around 300 activities were implemented in 2020 in spite of the COVID situation (involving around 2000 participants).

The PGG demonstrated the ability to quickly adapt its co-operation modalities to new needs as shown during the pandemic period: in Georgia, tools were put in place to allow citizens to file complaints electronically to the Constitutional Court; authorities from Azerbaijan and the Republic of Moldova took measures to improve Information and Communications Technology (ICT) tools to measure the efficiency of the enforcement system. "Face-to face" capacity building activities were replaced by on-line training.

In the field of fight against corruption and money-laundering, almost all projects shifted focus to those actions which can be taken forward through desk work. They redesigned planned activities as online or hybrid activities when possible, especially in the second half of the year; delivered training courses via video conferencing; re-scheduled activities requiring an in-person attendance to 2021; revised workplans in close co-operation with beneficiaries and EUDs in the respective countries; and revised budgets, especially following travel restrictions, which resulted in considerable savings in travel, daily allowances and meeting costs, to meet new requests and additional activities required by the beneficiaries.

In the field of judicial reform, the mitigation measures addressed the risks linked to discontinuing the core function of the judiciary and making access to justice more difficult.

In response to this challenge, the project teams re-designed and adjusted their activity plans to progress despite the conditions imposed by the restrictions. All projects concentrated on activities not requiring physical interaction, such as webinars, online meetings, deskwork, written procedures, and videoconferencing. The HELP platform proved to be a very efficient means to replace capacity building activities, while projects themselves also organised online training sessions. An unexpected positive outcome of remote training was the increase in the number of participants from regions, who would normally not be able to attend physical meetings due to logistical issues and additional financial burden. Project teams experienced, however, the challenges of remotely organised activities which require more co-ordination, including IT and internet infrastructures, but managed to handle these difficulties.

In the field of anti-discrimination, most meetings were successfully transferred online, this methodology having become the usual and acceptable way of working with national beneficiaries. The newly established pool of online moderators/trainers and online videoconference service providers were frequently used and turned out to be of great advantage. The context related to COVID-19 required the regional event on data collection organised the framework of the project on anti-discrimination to be moved online, however with positive consequences: a more important number of participants from a larger number of institutions and innovative sessions, which would have been more expensive in an offline event. In relation to the situation in Belarus, activities are still on hold given the political situation. In the first half of 2020, the project made nevertheless good contacts with CSOs in Belarus, which could be useful for future activities once the political situation will allow.

In the field of gender equality, the regional project on women's access to justice increased efforts and communication to emphasise and identify, through all its actions, the disproportionate effect of the health crisis on

women (women representing a majority in the health and other first response sectors, in main domestic careers, as victims of violence, etc.) including additional challenges and obstacles for women seeking justice redress. This contributed to an increase in participants in the HELP course on Access to Justice for Women as well as a co-ordinated effort by the HELP and Gender Equality teams to give visibility to the course among target groups.

The other two main risks identified throughout the project on women's access to justice are of a political nature and remain valid even in times of COVID-19. The first refers to the backlash on the Istanbul Convention in at least four out of six EaP countries, particularly when manifested in political decision-makers' statements. Efforts are made to mitigate this risk through bilateral projects in Armenia, Georgia and Ukraine, to combat myths surrounding the Istanbul Convention. All national partners reinforced their commitment to Council of Europe gender equality standards and take an active role in dissipating these misconceptions in the national training institutes for judges and prosecutors. The PACE Secretariat offering support to reinforce Council of Europe standards, including the Istanbul Convention through Members of Parliament in national parliaments, is another angle through which the project tries to mitigate this risk. Cross-organisational Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), European Commission against Racism and Intolerance (ECRI), the Gender Equality Division, the Human Rights Commissioner co-operation to counter discrediting voices in target countries emphasises the multi-faceted approach to mitigate this risk. The Intergovernmental committee on gender equality rapporteurs raised awareness on the backlash against the Istanbul Convention.

A second risk is that lack of data on women's access to justice affects the authorities' capacities to adopt the most appropriate, evidence-based measures, to guarantee equal access to justice for men and women. This risk is mitigated by maintaining a close working relationship and data flow between regular monitoring of the European Commission for the Efficiency of Justice (CEPEJ) (women as suppliers) and GREVIO (qualitative and quantitative analysis) reports to raise key concern areas with national authorities in place having their own gender disaggregated data. The COVID-19 crisis has resulted in a stronger focus on how to address this risk as the PGG continued with its outputs, focusing on providing and increasing the competencies of national authorities with a gender-sensitive framework of indicators on access to justice and highlighting the importance of the human rights component of disaggregated data.

Mitigation measures adopted during the COVID-19 pandemic

Priority given to desk work in particular:

- **Legal expertise provided** to Armenia, Belarus, Georgia, the Republic of Moldova and Ukraine in the field of judiciary and criminal law.
- 4 opinions and 1 Amicus curiae **adopted by written procedure** by the Venice Commission.
- **Studies on data collection** on discrimination were produced in Armenia, the Republic of Moldova and Ukraine.

Activities redesigned online, notably:

- **5 Human Rights Education for Legal Professionals (HELP) courses** were developed and launched in the region during the COVID-19 period. **22% increase** in users since mid-March 2020.
- **Mentoring for 60 legal professionals implemented online** in Armenia, Belarus, Georgia, the Republic of Moldova and Ukraine.
- Awareness of 187 Belarusian students raised through **online trainings on European standards** in civil justice.
- 2 infographics on a new electronic platform for payment orders and on the **steps undertaken by the Armenian Compulsory Enforcement Service during the quarantine** were produced.

Risk management

Risk assessment is an integral part of the PGG monitoring and **risks** were regularly reviewed during the PGG implementation in 2020, notably in connection with bi-monthly and six-month reporting and in the framework of the PGG LSCs and the consultations with the members of the PGG-SC.

Risk assessment was conducted throughout 2020 to monitor and record the level of risk and propose mitigation measures.

The main risks identified in 2020 for the PGG effective implementation were:

- consequences of the COVID pandemic and restrictions imposed in the countries and in the EaP region for traveling and gathering;
- the volatile political situation in Armenia, Azerbaijan (conflict around Nagorno Karabakh) and Belarus;
- insufficient quality of the IT equipment used by some national stakeholders;
- risk of non-deliverables of the regional projects linked to the restrictions imposed in the EaP region.

The **level** of residual risk and potential new project and Facility **risks has remained higher than normal.**

The regular risk assessment was recurrently registered and analysed by the PGG co-ordination team and thus allowed to closely follow the evolution of the situation with regard to the PGG implementation and propose necessary mitigation measures to overcome/avoid potential obstacles to achieving the projects' goals.

Mitigation measures were developed in response to the main risks and effectively implemented, particularly since March 2020 and the onset of the sanitary crisis. The mitigation measures included the adjustment of working methods to the COVID situation as well as the revision of the project work plans and the project parameters.

In particular, following the consultations with EUDs and national partners, the PGG project teams adjusted the working methods by replacing face-to-face meetings with on-line events, developing on-line tools and e-platforms for training and experience sharing and setting up dedicated websites for regional projects to boost communication among the projects' stakeholders. These measures allowed to continue providing support to the countries' domestic reforms and to address the new challenges.

Given the EU decision to apply sanctions against Belarus, the PGG country-specific project for Belarus in the field of judiciary was discontinued in December 2020 and the project in the field of fight against corruption was put on hold in accordance with the joint decision between the DG NEAR and the Council of Europe.

Overall, it has been possible to successfully mitigate main risks and any abrupt and significant impact was avoided in the reporting period, in spite of compounded extraordinary circumstances (political volatility and unprecedented sanitary crisis). Impact was discerned mainly in the form of some slowdowns rather than halted action. The PGG activities were implemented according to the revised work plans covering all thematic areas. The **resources allocated to the activities carried out in 2020 were therefore used in compliance with contractual obligations. However, the level of budgetary consumption remained lower than it was initially forecasted.** This issue will be discussed with the DG NEAR at the beginning of 2021.

The lessons learned from the PGG co-ordination and implementation in 2020

1. The PGG proved to be a flexible and effective tool to address new challenges and risks due to the COVID pandemic and the political situation in some EaP countries.
2. A right balance between flexibility and adaptability of the PGG is a strong added value for the Programme (including adjustment of the project parameters (outputs and outcomes) in line with the Programme's objectives.
3. An inclusive and comprehensive co-ordination among partners and stakeholders (EU/EUDs and Council of Europe/Field Offices) is key to deliver tangible results of the programme for citizens in spite of the challenging times.
4. Co-ordinating of actions of country specific and regional projects in diverse thematic areas is essential to ensure complementarity of actions and avoid overlap.
5. Involvement of all relevant institutions, including civil society, in the activities is necessary to enhance Inter-agency co-operation and reinforce the countries' leadership.
6. The role of civil society and the involvement of NGOs in the PGG activities need to be further reinforced to ensure sustainability of actions and positive impact of the activities on the final beneficiaries.
7. The gender approach in the PGG activities should be further mainstreamed.
8. Communication of the PGG actions should be improved and visibility reinforced, notably during the challenging times due to the COVID pandemic.
9. The risk management should be enhanced with a view to timely develop and effectively implement mitigation measures and continue a comprehensive budgetary monitoring.

5. QUICK RESPONSE MECHANISM (QRM)

The Quick Response Mechanism (QRM) proved to be an effective tool to provide the expertise of the European Commission for Democracy through Law (Venice Commission) through Opinions on legislation in areas of its expertise, namely, constitutional matters, fundamental rights and electoral legislation. Since January 2020, seven requests were made by Armenia (2), Georgia (1) and the Republic of Moldova (4), which shows that the Eastern Partnership (EaP) countries have a good awareness of the tool and make use of it.

The list of Opinions actually issued is available in **Appendix 7**, and comprises three Opinions for Armenia, including an Amicus Curiae from the Constitutional Court requested in 2019, one for Georgia and four for the Republic of Moldova, one of which requested in 2019. Other Opinions in connection with these, such as an Amicus Curiae from the Constitutional Court of Moldova, have been issued out of the QRM framework but are reported hereinafter. The QRM followed the procedures established in Annex 1 of the Description of Action (DoA).

Following the decision of the PGG-SC in 2019, **the scope of expertise under the QRM can be considered for enlargement under certain conditions to some other relevant areas** of Council of Europe bodies such as the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

Armenia

At the request of the President of the National Assembly of Armenia submitted on 18 February 2020, the Venice Commission examined the draft amendments to the **legislation concerning political parties**. The Opinion prepared jointly with the Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was adopted on 20 March 2020 ([CDL-AD\(2020\)004](#)).

The Opinion recommended to: i) Remove other burdensome requirements for founding and registering a political party and refrain from too detailed regulation of a political party's governing bodies and decision-making processes; ii) Ensure that all in-kind donations, including volunteer work for services which normally carry a reasonable expectation of payment, are counted as donations; iii) Abolish the requirement of the workplace of a donor to be disclosed or published when making a donation; iv) Separate promoting the political participation of certain groups from awareness raising about the goals and ideology of political parties; v) Develop a clear mechanism of oversight by the Commission for the Prevention of Corruption with a clear delineation of mandates and a detailed procedure and ensure that sufficient staff and budget is allocated to the Commission for the Prevention of Corruption within its mandate of oversight of political party finance; vi) Amend the Law so that the term "gross nature of the violation of the law" reflects the gravity of the violation.

Follow-up

On 27 April 2020, a videoconference was held between representatives of OSCE/ODIHR and the Venice Commission on the one side, and a delegation of the National Assembly of Armenia on the other side, on the implementation of this Opinion. The Armenian authorities expressed their intention to adopt revised legislative amendments which should follow the recommendations of the Opinion.

On 12 May 2020, the Minister of Justice of Armenia requested the Venice Commission an Opinion on three questions concerning the **constitutional amendments pertaining to the mandate of the judges of the Constitutional Court**. In its Opinion adopted in June 2020 ([CDL-AD\(2020\)016](#)), the Venice Commission provided the authorities with material as to the compatibility of the planned amendments concerning the mandate of the judges of the Constitutional Court with European standards in particular pertaining to the independence of the judiciary.

The authorities raised in this context three specific questions concerning: i) the mandate of the sitting judges and the chairperson of the Constitutional Court, ii) the scope of *ex-ante* constitutional review of constitutional amendments by the Constitutional Court and the time-period within which the Constitutional Court has to finalise the review procedure, and iii) the possibility for the Parliament to annul its earlier decision to call a referendum, which was suspended due to the emergency situation caused by the pandemic.

The Commission found that: i) while it could be acceptable to align the length of the mandate of the sitting judges of the Constitutional Court (until retirement) to the one foreseen in the new constitution (12 years), it was necessary to do so gradually, through a transitional period to be determined by the authorities; ii) limiting the scope of a general *ex-ante* review of constitutional amendments by the Constitutional Court to a control of conformity with non-amendable provisions of the Constitution is in line with the European standards. It also warned against an expansive interpretation by the Constitutional Court of its own review power based on vague principles; iii) the Parliament should have the authority to annul its earlier decision to call a referendum, which was suspended due to the emergency situation caused by the pandemic.

The Commission regretted that a proposal for constitutional amendments was introduced in the Armenian Parliament on the day of the adoption by the Venice Commission of this Opinion, which proposal is not in line with the recommendations in this Opinion.

Follow-up

On 22 June 2020, the Armenian Parliament adopted constitutional amendments which entered into force on 26 June, providing for immediate termination of the powers of those judges of the Constitutional Court who have served for 12 years in total, as well as the powers of the President of the Constitutional Court elected by the parliament in March 2018.

The Chairperson and the ousted judges refused to step down, considering that their removal was illegal and politically motivated. They appealed to the ECtHR and requested in particular that the ECtHR indicates that the Government freeze enforcement of the constitutional amendments and preserve the judges' offices. On 8 July 2020, the request for interim measures was rejected by the Court. The three new constitutional judges were nominated by the general assembly of judges, the president and the government respectively and in September 2020, the Armenian parliament approved those nominations. On 12 October 2020, during the procedural session of the Constitutional Court of the Republic of Armenia, a new President of the Constitutional Court was elected.

The amicus curiae brief requested by the President of the Constitutional Court of Armenia on 19 August 2019, pertained to **the Constitutional Court of Armenia relating to Article 300.1 of the Criminal Code, which penalises overthrowing the constitutional order**. In June 2020, the Venice Commission provided the Constitutional Court with a comparative constitutional law perspective on the issue ([CDL-AD\(2020\)005](#)), omitting references to the ECHR or the case-law of the ECtHR, which was subject to an [advisory Opinion](#) under Protocol No. 16 to the European Convention on Human Rights (ECHR). The Venice Commission concluded that generally, only indirect or implicit references to crimes *against the constitutional order* are made in the constitutions of most member States and that the concepts of *constitutional order*, *overthrowing the constitutional order* and *usurpation of power* are not defined as such in statutory provisions. Best practices as to the factual circumstances under which charges of the most similar crimes (e.g. high treason) would be dealt with in member States could not be identified because of a lack of case-law on these concepts. For the prohibition of retroactivity of criminal laws and the requirement of providing sufficiently clear and precise definitions of criminal acts in laws, the Venice Commission identified a convergence among its member States to leave the concepts undefined or imprecise – therefore no concrete conclusion could be drawn on what constitutes a best practice from the perspective of legal certainty.

Follow-up

The Constitutional Court of Armenia's hearings on Article 300.1 of the Criminal Code, scheduled for 7 July 2020, failed to take place due to the lack of a quorum.

Georgia

By letter of 22 September 2020, the Parliament of Georgia requested an Opinion of the Venice Commission on the draft Organic Law amending the **Organic Law on Common Courts**, which was adopted in October 2020 ([CDL-AD\(2020\)021](#)).

This Opinion is a follow-up to an urgent Opinion, issued on 16 April 2019, regarding the **appointment of judges to the Supreme Court of Georgia** which was adopted by the Venice Commission in June 2019 ([CDL-AD\(2019\)009](#)). The

urgent Opinion made several recommendations, some of which were heeded by the Georgian authorities, while others still needed to be addressed – and dealt with in the new Opinion.

The Opinion considered that the draft amendments were an improvement to the previous procedure, having taken some of the recommendations made in the earlier urgent Opinion into account, such as: a) removing the vote by secret ballot in the High Council of Justice (HCoJ) and b) providing that each vote be accompanied by written reasoning that is made public.

However, other aspects still give rise for concern, for instance: i) The fact that it is not mandatory for HCoJ members to vote in compliance with the evaluation scores for judge candidates, even if they have to provide a special justification for such deviation. The Opinion considers this to be inconsistent with a merit-based evaluation system. ii) In addition, the identity of HCoJ members in relation to each vote is not disclosed and doing so would even expose them to “liability”. Only where a candidate challenges a decision of the HCoJ before the Qualifications Chamber of the Supreme Court are the HCoJ members’ names revealed to the members of the Chamber, the candidate and his or her representative and the representative of the HCoJ in these proceedings (not to the wider public). The Opinion recommends, however, that doing so would allow public scrutiny of the behaviour of the individual members of the HCoJ, which would enhance the trust of the public in this body. It would also serve as a deterrent against taking political or other irrelevant factors into consideration in the procedure. It would also enable the effective exercise of the existing possibility of appealing against the decision on account of bias or discrimination. iii) Although the Opinion welcomed that the decision of the HCoJ may be appealed to the Qualifications Chamber of the Supreme Court, the Opinion recommended that once a decision had been rendered by the Chamber and remanded to the HCoJ, the new decision by the HCoJ should also be appealable. iv) Finally, a recommendation made in the urgent Opinion (2019) is still outstanding, that is the need for an anti-deadlock mechanism for situations in which candidates have received the necessary number of votes to be nominated to the second ballot, but not two-thirds of the required votes, if this requirement is kept

Follow-up

A week before the adoption of the Venice Commission Opinion, the Parliament of Georgia adopted the draft amendments at its third and final reading on 30 September 2020. Although this was unfortunate, it is to be noted that the Parliament had to finalise its work on that day, after which it could no longer adopt legislation as parliamentary elections were then held on 31 October (and 21 November) 2020. As the Parliament was provided with the unfinished draft, some recommendations could be taken into account, nevertheless.

Republic of Moldova

At the request of the Minister of Justice of the Republic of Moldova submitted on 24 July 2020, the Venice Commission examined draft Law No. 263 on Amending the Electoral Code No. 1381/1997, the Contravention Code No. 218/2008 and the Code on Audiovisual Media Services No. 174/2018. The urgent joint Opinion was carried out jointly with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and issued in August 2020 ([CDL-PI\(2020\)011](#)) and endorsed by the Venice Commission in October 2020, at its 124th Plenary Session ([CDL-AD\(2020\)027](#)).

The urgent joint Opinion was requested further to a proposal to change the electoral law before the next elections. It covers only the draft Law officially submitted for review and it neither constitutes a full and comprehensive review of the entire legal and institutional framework governing elections in the Republic of Moldova, nor of the entire Contravention and Audiovisual Media Services codes. ODIHR and the Venice Commission take stock of the positive

steps to include previous recommendations, *inter alia* clearer definitions of “electoral campaign” and clarifications regarding the timeline for campaigning in the second round; additional provisions aimed at preventing the misuse of administrative resources; expanding the range of sanctions that could be applied for violations of campaign rules; the wide definition of the persons entitled to submit complaints or appeals as well of the appealable acts; and reasonably short deadlines, in particular for complaints and appeals.

ODIHR and the Venice Commission made also a number of recommendations in the Opinion. Notably, key recommendations read as follows:

- A. Restrictions on freedom of expression should be drafted and interpreted in conformity with constitutional and international human rights law; in particular: i) Prohibitions on participation in campaigning (“electioneering”) by non-government, trade unions, charity organisations, as well as during processions and/or religious services, as well as by media, including private ones, if they are maintained, should be reworded to give them a narrower application; ii) Provisions on hate speech and incitement to discrimination should be reworded in order to avoid overly broad application.
- B. The provisions on (misuse of) administrative resources should be further refined, including introducing an effective enforcement mechanism to prevent these violations;
- C. Draft amendments need to be re-considered to continue allowing observers to observe all stages of the electoral process;
- D. Sanctions should respect the principles of proportionality and equality, in particular those related to election observers and the media and be subject to effective judicial review.

Other recommendations include:

- A. That access to voter lists by electoral contestants, their representatives and citizen observers incorporate procedures to make such examination meaningful;
- B. Not to provide for excessive regulative delegation to the Central Election Commission (CEC), for example on the scope of application of the Administrative Code;
- C. To list in the Electoral Code the different actions, inactions and decisions open to challenge by appeal, and to clarify related competencies of the ordinary courts and the Constitutional Court;
- D. To detail competences and decision-making powers of different stakeholders in the electoral dispute process and address the decision-making power in electoral disputes in more detail.

According to information available, the draft law has not been adopted.

On the Superior Council of Magistracy

In January 2020, the Venice Commission prepared an urgent Opinion on the draft Law on amending the **Law No. 947/196 on Superior Council of Magistracy** ([CDL-PI\(2020\)001](#)) requested by the Minister of Justice of the Republic of Moldova on 20 December 2019. The Opinion was prepared jointly with the Directorate General of Human Rights and Rule of Law (DG I) of the Council of Europe and it has been endorsed at the plenary session of the Venice Commission in June 2020 ([CDL-AD\(2020\)015](#)).

Even though regretting that the Parliament of Moldova adopted the draft Law prior to the issuing of the urgent Opinion on the matter, the Opinion is generally positive. The increased number of members of the Superior Council of Magistracy is seen as a way to qualitatively strengthen the evaluation, management, discipline and accountability of judges and it possibly contributes to achieve a better balance within the Superior Council of Magistracy between judges and lay members. It is particularly welcome that the representation of lower courts on the Council is increased. Also, the election of non-judge members by Parliament is favourably assessed as a positive step towards a larger support of the candidates by Parliament, even though a stronger majority would be considered more appropriate. Other solutions are also proposed to the authorities, for instance, vesting outside bodies, not under government control, such as the Bar or the law faculties, with the possibility to propose candidates or establishing an independent, non-political commission to fulfil this task. The involvement of the Venice Commission and the Directorate in subsequent constitutional amendments on the matter is encouraged.

The legislative amendments to the Law on Superior Council of Magistracy entered into force in January 2020. The authorities also launched a constitutional reform process concerning in particular the constitutional provisions regarding the Superior Council which is reported upon on the next points.

In March 2020, the Venice Commission adopted an Opinion jointly with the Directorate General of Human Rights and Rule of Law (DG I) related to the draft law on **amending and supplementing the Constitution with respect to the Superior Council of Magistracy** ([CDL-AD\(2020\)001](#)), requested by the Minister of Justice of the Republic of Moldova on 6 February 2020.

The Opinion welcomed notably: a) the removal of the probationary periods for judges; b) the appointment of judges of the Supreme Court of Justice by the president (with a one-time veto); c) the regulation on functional immunity at the constitutional level; d) the statement in the Constitution that at least half of the members of the Council would be judges elected by their peers and that the judge members of the Superior Council should represent all levels courts of law; e) the consultative role of the Superior Council in the preparation of the budget of the judiciary.

The Opinion recommended in particular:

- A. the number of members of the Superior Council of Magistracy should be indicated in the Constitution;
- B. the method of election of lay members by the Parliament by a qualified majority should be specified in the Constitution;
- C. to mention explicitly in the Constitution that the exceptional cases where the law may provide for judges to be suspended or removed include corrupt conduct;
- D. the authorities could consider affirming the principle of security of tenure of the SCM members in the Constitution.

The Opinion criticised however the election of four lay members in March pending a thorough reform of the constitutional provisions on the SCM in a controversial, non-consensual manner. The Opinion therefore called on the Moldovan authorities to suspend the nomination of these four lay members which should take place after the adoption of the constitutional amendments.

In June 2020, the Venice Commission adopted a follow-up Opinion jointly with the Directorate General of Human Rights and Rule of Law (DG I) on the **revised draft law on amending and supplementing the Constitution with respect**

to the Superior Council of Magistracy (SCM) (CDL-AD(2020)007), requested by the Minister of Justice of the Republic of Moldova on 5 June 2020.

The Opinion reiterated the previous positive assessment that the draft amendments to the Constitution could improve the independence, accountability and efficiency of the judiciary. The revised draft amendments largely follow the previous recommendations on the SCM's composition and the method of election of its lay members.

The Opinion welcomed in particular: a) the indication of the exact number of the SCM members at the constitutional level; b) the exclusion of three de jure members; c) the requirement of a qualified majority (three-fifths) for the election of lay members.

However, the previous recommendation concerning the renewal of the lay composition of the SCM upon the entry into force of the constitutional amendments was not followed in the revised version of the amendments. The Opinion reiterated this recommendation.

Follow-up to the constitutional amendments with respect to the Superior Council of Magistracy

Following the joint Opinion on the revised draft constitutional amendments adopted in June, the Government introduced a new draft, which provided that the office of the lay members shall cease on the date the present law enters into force.

However, the Constitutional Court, in its Opinion of 22 September concerning the draft amendments, concluded that the termination of the mandate of the lay members upon the entry into force of the draft law was a disproportionate measure, contrary to the provisions of the Constitution.

On 30 September 2020, the Government approved new draft constitutional amendments which provided that the mandate of the lay members who are in office on the date of entry into force of the present law, is to be confirmed, for a term of office of 6 years in total, with the vote of three-fifths of elected MPs.

The new draft amendments were sent to the Constitutional Court for Opinion. In this context, the President of the Constitutional Court of the Republic of Moldova requested an amicus curiae Opinion from the Venice Commission on 9 October 2020. The urgent joint amicus curiae Brief on three legal questions concerning the mandate of members of constitutional bodies has been prepared jointly with the Directorate General of Human Rights and Rule of Law (DG I) out of the framework of the QRM. The document was adopted in November 2020 (CDL-PI(2020)014) and subsequently endorsed in December 2020 (CDL-AD(2020)033).

The amicus curiae Opinion considered that the solution proposed by the new draft is not disproportionate and strikes a fair balance between the security of the mandate of the lay members and removing the negative consequences of the election of lay members in March.

Finally, on 3 December, the Constitution Court issued its Opinion and following the conclusions of the Venice Commission in the amicus curiae brief, confirmed the revised draft amendments, including the reconfirmation of the mandate of lay members by a qualified majority of the MPs and that the draft amendments can be submitted to the Parliament for consideration.

6. COMMUNICATION AND VISIBILITY

The PGG visibility was reinforced and continued to be centered around coherent messages focusing on the benefits for citizens. PGG communication actions also contributed to increase the European Union/Council of Europe partnership in the region. The reporting period was marked by the outbreak of the COVID-19 and the accompanying restrictive measures in Europe and the countries of the Eastern partnership (EaP) region. PGG activities including communication were adjusted to maintain business continuity.

PGG II communication and visibility was maintained through the [PGG website](#), and PGG social media channels [Facebook page](#) and [Twitter account](#) - updated on a daily basis; but also through the strengthened network of Council of Europe external offices. Mid-term results were showcased through an online visibility event with a full range of materials tailor made for different PGG communication targets.

Adjustment on several communication matters including the PGG guidelines and visual identity were implemented during the reporting period.

1. **A strong visual identity for PGG:** the PGG visual identity was amended. It is now strictly composed of two elements: the joint logo (as previously) and the purple colour (possibly including watermark text in all local languages). The branding of the Programme was therefore strongly reinforced and attention was put to attractive graphic solutions for PGG channels.
2. **Clear guidelines for project teams:** Changes to the visual identity were reflected in a revised version of the Communication Guidelines for the PGG II (Appendix 11), shared in agreement with the Directorate-General for Neighbourhood and Enlargement Negotiations of the European Union (DG NEAR) with colleagues across all Council of Europe Offices and in the European Union Delegations (EUDs). These revised guidelines refer both to the Council of Europe Visual Identity and Graphic Charter and the 2018 European Union Communication and Visibility Requirements. Another addition to the guidelines was the requirement for eco-friendly only types of visibility items, the use of plastic being from now on strictly prohibited.
3. **Strategic Communication plans** at project level were gathered with the support of the co-ordination team and shared with EUDs and allowed for **more coherent messages** at all Programme levels, focusing on the benefit for citizens.
4. **Communicating on projects intermediate results:**

- **The PGG hub website** was largely developed and social media channels ([Facebook](#) and [Twitter](#)) have been showing constant progress, with a growing audience and number of posts and entries.

During the first stage of the COVID outbreak, special attention was put on promoting relevant online tools, for instance Human rights Education for Legal Professionals (HELP) courses, which reached a large audience but also key activities such as Online talks in Georgia. Besides communicating about the Programme and its results and contributions to the response to the crisis, information shared by the EUDs in the region on the assistance provided by the European Union in times of crisis (Republic of Moldova) has also been reposted on the PGG social media.

Furthermore, in some cases, Council of Europe Offices in the region have made additional efforts to communicate about European standards in times of crisis and the need to keep upholding human rights, democracy and the rule

of law and largely contributed to the visibility of the PGG Programme. Facebook accounts were created for the offices in [Armenia](#) (1,650 subscribers) and the [Republic of Moldova](#) (1,000 subscribers), allowing them to better communicate to a larger audience, in particular in the context of the COVID-19 pandemic.

➤ **Diversified visibility products with human centered approach were produced:**

- **Testimonies:** In addition to information on PGGII results through [webnews](#), series of video testimonies by beneficiaries were collected and received a large audience (example : [interviews](#) on the occasion of a study visit to the Council of Europe that was organised for a Georgian delegation of judicial candidates from the High School of Justice of Georgia, in the context on the 70th anniversary of the Human Rights Convention).
- **Thematic campaigns** on social media including on the occasion of relevant International events (for instance [#16 days campaign to raise awareness on gender-based violence](#) etc.) gathering more than 1,000 engagements on social media (see Appendix 12) were carried out on the PGG Social media resulting in an increased audience and a larger exposure on Council of Europe main channels.





The PGG II was featured as part of the Office of the Directorate General of Programme (ODGP) [virtual Open Days](#) from 21 to 24 April receiving significant attention especially from Strasbourg Diplomatic community and colleagues from the field.

Key statistics over the reporting period (detailed statistics in Appendix 6)

[PGG Hub Website](#)

Website statistics Jan 2020-2021	Comparison previous period (2019)
8,203 visits	⬆️+135.8%
22,704 pageviews	⬆️+193.6%
15,800 unique pageviews	⬆️+179.4%
3 min 53s average visit duration	⬆️+59.6%
3.2 actions (page views, downloads, outlinks and internal site searches) per visit	⬆️+23.1%

PGG Social media

	4492 subscribers - stable
	836 Followers (⬆️ 49%)
	5855 photos-79 albums
	9700 views-99 films (⬆️15 %)

➤ **Focus: Visibility event**



An innovative [online event](#) with a strong visibility component focusing on the PGG mid-term results and on how these impact positively on citizens' lives was well attended by partners and beneficiaries but also a larger public. Originally planned to take place in Tbilisi in May 2020 during

the Georgian Chairmanship of the Committee of Ministers of the Council of Europe, the event was adapted to an online format and a dedicated web platform. It featured tailor made visibility products for the different target groups of the PGG community.

The event was opened by the Secretary General of the Council of Europe and the Commissioner for Neighbourhood and Enlargement of the European Union.

Two **live panels** on "[EaP: challenges and priorities for future co-operation](#)" and "[Responses to Covid-19 and lessons learned in the EaP region](#)" provided the opportunity to present the European Union and the Council of Europe measures taken in response to the pandemic and allowed participants from the EaP countries to ask questions and share their thoughts on the ongoing and future co-operation between the European Union, the Council of Europe and the EaP countries.

[Interviews from high-level representatives](#) from the European Union, the Council of Europe and the EaP region as well as testimonials and success stories from beneficiaries were made available on the dedicated website in form of videos or written stories.

Over 4,300 people followed the live panels, 4,000 pages were viewed on the dedicated website and information on the event was widely shared on social media with an outreach of 49,000 people (see full report in Appendix 12).

In the framework of the event, a [photo competition](#) on the theme of anti-discrimination, inviting any citizen of the EaP countries to share their vision for the future of an EaP region free from discrimination, allowed collecting close to 50 interesting photos on the topic. The winning photos will be awarded a certificate from the Council of Europe, exhibited on the PGG website and used for a social media campaign on the results of the Programme.

A "[Suggestion box](#)", opened to allow partners and beneficiaries of the EaP region to share their thoughts and ideas about the priorities for future co-operation between the European Union, the Council of Europe and the EaP countries, resulted in a significant number of suggestions and proposals from a wide range of partners, beneficiaries and citizens of the EaP countries. The first assessment of the proposals allows to define the areas of economic crime, reform of the judiciary, anti-discrimination, gender equality, human rights and freedom of media as top priorities for future co-operation. A summary of the analysis will be published on the PGG website.

The event confirmed that the Partnership between the European Union and the Council of Europe follows very ambitious objectives and requires a long-term investment in the region.

The mid-term results were presented through four thematics and key materials were developed at this occasion:

- [thematic infographs](#),
- **success stories**
- **testimonies**
- **mini films, etc**

They were also used for a successful **social media campaign** in the different languages of the EaP. They are featured more permanently on the [PGG website](#) and can support further communication efforts.

Key Mid-term event statistics – 5-11 October

Social media

PGG FACEBOOK PAGE DURING THE EVENT	
Number of posts during the event	15
People Reached in total (organic)	49,545
Total Number of Video Views	17,351

PGG TWITTER PAGE DURING THE EVENT	
Tweets	13
Total Tweet Impressions	86 000

PGG website

PGG WEBSITE DURING THE EVENT	
Visits	1589
Average visit duration	5 min
Page views	4983

LIVE PANELS
Live 1 : 3000 views on FB 312 attendees
Live 2 : 830 views on FB 211 attendees

Stronger partnerships with European Union and Council of Europe communication teams were developed and synergies for communication actions found.

Four quarterly [Newsletters](#) were disseminated to a list of around 850 recipients, and through Facebook and Twitter with an average of 27% opening rate. The Newsletter n°16 covering highlights of the Programme in the period January-April 2020 highlighted the most important developments of the Programme putting them in the context of COVID-19 crisis. A special edition in September was dedicated to the announcement of the mid-term event.

7. BUDGET AND RESERVE FUND

The resources allocated to the activities implemented in 2020 were used according to the contractual budget with some adjustments made within the authorised budgetary parameters in accordance with Addendum 2 to the Partnership for Good Governance 2019-2021 (PGG II) agreement taking into account the COVID-19 situation.

By the end of 2020, 43% of the total budget were spent and committed (€ 7,446,538 from the total budget of € 17,500,000 - see Appendix 3)

The Reserve Fund was used in accordance with the Addendum 2 of the PGG II agreement. Additional resources for a total amount of € 1,446,500 were allocated to five projects as follows:

- Ongoing project “Implementation of judicial reforms - Supporting the criminal justice reform and harmonising the application of European standards in Armenia” (Component 2);
- Ongoing project “Supporting the criminal justice reforms - tackling criminal aspects of the judicial reform in Georgia” (Component 2);
- Ongoing project “Supporting the civil justice reforms – strengthening the judicial system in Belarus” (Component 2);
- Ongoing regional project “Strengthening the access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries”;
- New project “Raising awareness of the Istanbul Convention and other gender equality standards in Azerbaijan”.

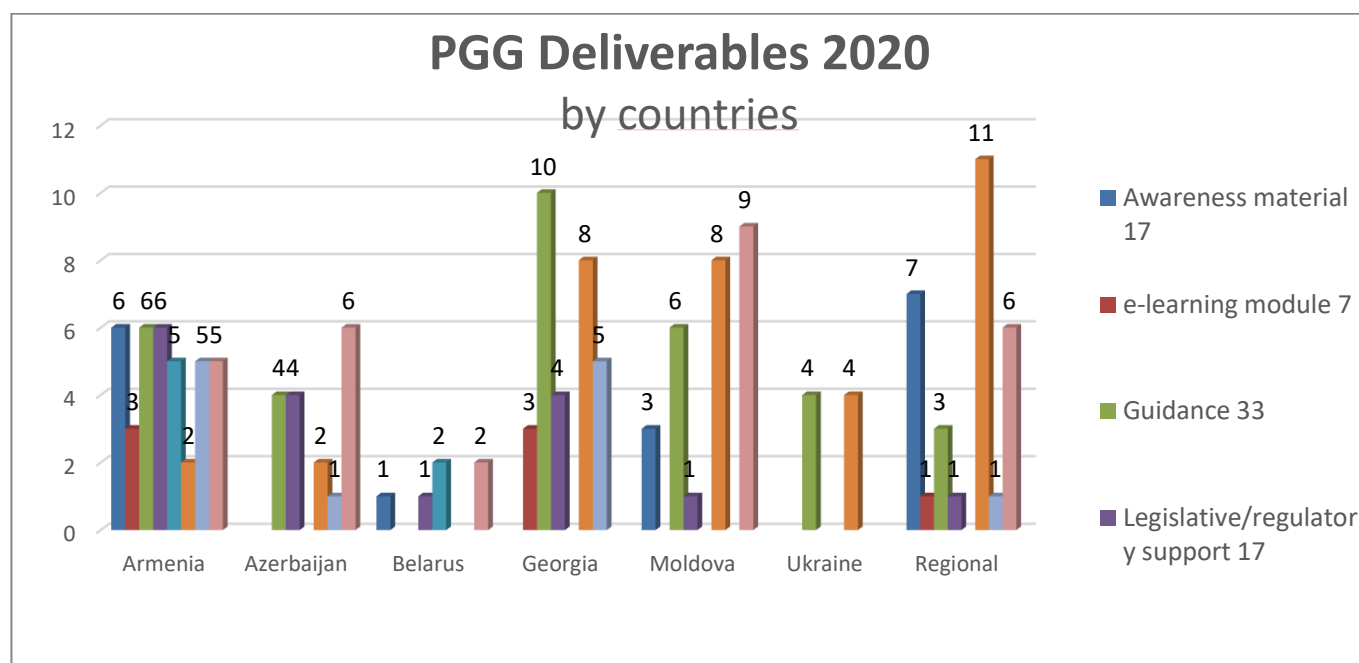
In addition, new budget lines were introduced in the budget of the following projects.

- Project “Strengthening the capacity of justice sector actors to deliver justice in line with European Standards, in particular to fight discrimination, in the Republic of Moldova”:
 - ✓ A new budgetary line for the amount of € 40,000 was introduced to purchase Equipment for the Equality Council, the Lawyers Training Center and the National Institute of Justice for improving their institutional capacities (due to the request of the national partners to reinforce co-operation with the Equality Council, the Training Center and the National Institute of Justice).
- Project “Strengthening the access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries”:
 - ✓ a new budgetary line for amount of € 15,000 was introduced as regards Grants for “peer-to-peer” exchanges (due to the request of the national partners and the needs to promote peer-to-peer exchange in the Eastern Partnership (EaP) region).

Discussions between the DG NEAR and the Council of Europe on the PGG II budgetary forecast, including a potential no-cost extension, and revision of work plans and Annual Plan of Action (APA) 2021-2022 started in November 2020.

8. APPENDICES

Appendix 1: Overview and analysis of European Union/Council of Europe Partnership for Good Governance (PGG) in the Eastern Partnership (EaP) countries results by country



ARMENIA

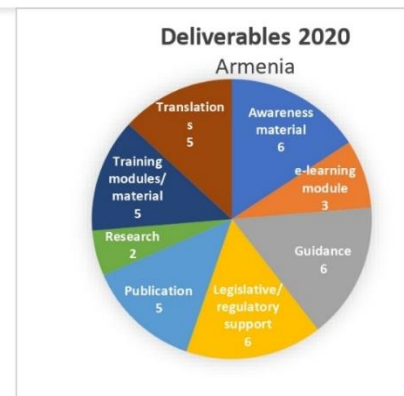
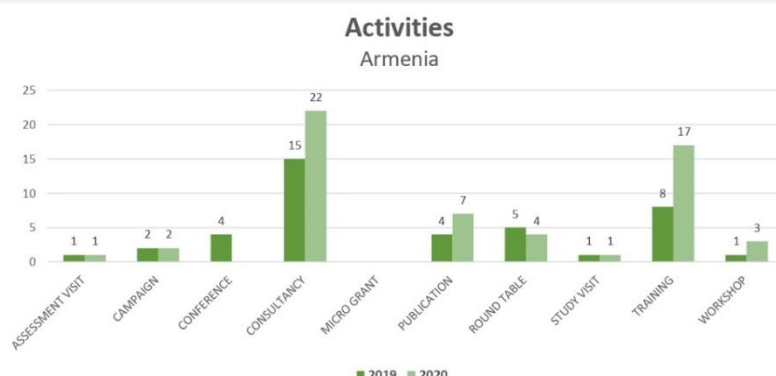
In 2020, within the framework of the Partnership for Good Governance (PGG), the Council of Europe continued to strategically engage in enhancing the independence, transparency, efficiency of the judiciary as well bringing the criminal justice system further in line with the European standards. The PGG activities also continued strengthening the national capacities to prevent and combat corruption through the PGG programmes in Armenia.

Under the [Council of Europe Action Plan for Armenia 2019-2022](#), the Organisation has assisted Armenia to carry forward reforms aiming to enhance protection of human rights in the armed forces and prisoners' rights to health care, to combat ill-treatment and impunity in detention centres, to counter discrimination on all grounds and protect the rights of minorities. Strengthening local governance is another priority of the Action Plan.

During the 2020 global health crisis, the Council of Europe swiftly adapted the PGG workplans to ensure the Programme continuation. Examples include an increased focus on distance learning such as the Human Rights Education for Legal Professionals ([HELP](#)) courses, and transferring activities such as meetings, consultancies and trainings to online-formats.

In Armenia, 2020 was marked by the conflict in and around Nagorno-Karabakh which affected to some extent the implementation of projects. Where it was possible the project teams focused on desk and analytical work in order to ensure continuity in project implementation.

Armenia



Deliverable 9 – Rule of law and anti-corruption mechanisms

The PGG, through its project “Strengthening institutional capacities to fight and prevent corruption in Armenia”, supported the Corruption Prevention Commission (CPC) in developing guidelines on verification of asset, income and interest declarations. These guidelines combine a plausibility check and an audit check of the declarations by public officials. The PGG provided a compact version of the methodology to be used manually pending the availability of the e-system for analysing declarations.

The PGG also developed three different technical papers (TP) with tailored methodologies according to the specific needs and requests of the CPC in the process of analysing and verifying the declarations of assets, income and interest.¹⁶ In the process of development of these TPs and of building the CPC’s capacity to perform this function, several videoconferences were organised to provide additional technical support and clarifications to the CPC, whose members have already been using this methodology in practice. Training sessions for CPC staff members on verification and analysis of declarations will follow in 2021.

In order to support the CPC on strengthening integrity checking of judicial nominees, the Council of Europe assisted with development of a comprehensive step-by-step guidance on how to perform integrity checks in line with Council of Europe and European standards. This addresses [GRECO's recommendations](#) (Fourth Evaluation Round Compliance Report of December 2019) and the requirements of the amendments to the Law on the CPC and Judicial Code of Armenia¹⁷. Based on these recommendations, amendments regarding the integrity checking process passed the first reading in Parliament. Given the pressing requirement for the CPC to begin the integrity checking process for nominees to different Courts, the PGG project ensured rapid and targeted assistance through a series of substantive exchanges and feedback from national authorities, and the methodology provided was immediately used by the CPC members in their first round of integrity checks for 45 nominees in 2020. The PGG project will continue to support this process by helping the CPC members assess this first round and advise on possible methodological and practical improvements for the second round in 2021.

¹⁶ “Compact version of the methodology on processing and analysis of property, income and interest declarations of public officials”; “Operational manual for public officials’ property, income and interest declarations processing and analysis”; “Practical guidance for public officials’ property income and interest declarations analysing process”

¹⁷ The project had supported the amendments to the Law on the CPC with legal expertise in 2019.

The National Assembly of Armenia adopted the Law on Civil Forfeiture of Illegal Assets (Civil Forfeiture Law) on 16 April 2020, which is a major step towards strengthening the national framework for asset recovery. The PGG project directly contributed to strengthening the law by providing an expert Opinion and recommendations as well as organising discussions with various stakeholders. Over half of the recommendations provided by the Council of Europe were taken into account in the final version of the law. Additionally, the participatory consultative process that was conducted in the process of the revision of the draft and adoption of the Law also contributed to public debate and awareness-raising on asset recovery, thus preparing the ground for further progress in this area.

In July 2020, the PGG project also provided a TP on international co-operation in criminal matters, responding to questions from the Ministry of Justice of Armenia on this subject, to help Armenian authorities understand how to exchange information with their counterparts in other countries and deal with mutual legal assistance requests in relation with AML/CFT and asset recovery. In 2021 the project will further extend support in this area to accompany the Armenian stakeholders in the implementation of the new Law.

A needs assessment mission was organised in February 2020, Council of Europe experts held meetings with representatives of different factions in the National Assembly, the Standing Committee on State and Legal Affairs and non-governmental organisations (NGOs). The resulting technical paper containing recommendations on a Code of Conduct (CoC) for members of the National Assembly has been submitted to the authorities in April 2020 and is being reviewed by members of the National Assembly. This addresses a major recommendation of GRECO's Fourth Round Evaluation Report that a CoC for members of parliament (MPs) be adopted and made easily accessible to the public. The TP produced in this regard will be discussed with the Working Group of the National Assembly and different factions of MPs in early 2021, with support from the PGG project, in view of the draft revision and adoption of the CoC.

An awareness-raising workshop on integrity systems and corruption prevention among civil servants took place in March and resulted in the development of a set of training materials to ensure consistent anti-corruption training for civil servants, thus contributing to more effective investigation, prosecution and adjudication of corruption-related cases. A CoC for all civil servants is also being developed with the support of the Council of Europe to ensure consistent and sustainable anti-corruption training for civil servants in the country.

The PGG project has been supporting national law enforcement agencies by developing a handbook on investigation and prosecution of money laundering and terrorism financing (based on an earlier Council of Europe paper produced for Georgia) which includes advice on international standards and practices in financial investigation and prosecution of these crimes. Through a combination of international and local expertise, the PGG project has been working to make the handbook sharply relevant to the current Armenian reality and useful to investigators and prosecutors of economic crimes in the country. It will be presented and discussed with beneficiaries in early 2021, before being further refined, and related training will be conducted to enhance the capacities of Armenian judiciary and law enforcement entities in investigation, prosecution and adjudication of economic crimes.

In addition to the PGG activities, the project "Support the scaling-up of the probation service in Armenia", included in the Council of Europe Action Plan for the country, supported the revision of the draft package of amendments to probation legislation, finalised and sent to the Ministry of Justice and probation service with feedback and detailed recommendations. To further enhance the quality of the Probation service work, a report on its training needs was finalised and sent to the Ministry of Justice and Probation service.

Deliverable 10 – Implementation of key judicial reforms

The PGG project “Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia” produced significant outcomes in the Armenian reform context in this reporting period, particularly regarding the amended Judicial Code. The project delivered seven expert reviews on various Armenian legislation, to support the Armenian authorities for the implementation of the committed judicial reform. In March 2020, the National Assembly adopted the Law on Amendments and Addenda to the Judicial Code and 13 related laws, which entered into force in May 2020. The project, upon request from the Ministry of Justice, supported the development of number of legal acts deriving from the amended Judicial Code by elaborating the legal acts. The project supported national authorities in the drafting of the: i) amendments to the Rules of procedure of the General Assembly of Judges, to improve ethical and disciplinary framework and practice (adopted in June 2020); ii) requirements for NGOs nominating candidates for non-judge members of the Ethics and Disciplinary Commission of the General Assembly of the Judges to contribute to the accountability and transparency of the system (adopted in June 2020); iii) a methodology for performance evaluation of judges and the procedure to improve efficiency of the judicial system (adopted in August 2020); iv) internal working disciplinary rules of the judges which are in the process of finalisation by the Supreme Judicial Council; and v) a legal act on the distribution of cases on operative-investigation measures which are in the process of finalisation by the Ministry of Justice and the Supreme Judicial Council. Furthermore, the Council of Europe has initiated a post adoption review in order to identify to what extent the recommendations given in the Joint Opinion [CDL-AD\(2019\)02418](#) are incorporated into the amended Judicial Code and related laws and elaborate on further improvements, which will be discussed with the Armenian authorities at the beginning of 2021.

Following this, a needs assessment as regards the laws associated to the new Criminal Procedure Code (CPC) and Criminal Code (CC) was completed by the project, which identified the 10 most associated laws¹⁸; provided grounds and short justifications for their amendments; summarised the key provisions that should be amended; and assessed the necessity of preparation of separate law(s) on entry into force of the new CPC and CC. The project also provided the Ministry of Justice with an expert assessment on the draft law on “Legal assistance in criminal cases” (ICCM-Law), which identified that the ICCM-Law regulates certain forms of international co-operation in criminal matters that Armenia cannot (yet) offer or as the requesting state, obtain; and that the more recent instruments of the Council of Europe still await signature or ratification by Armenia. The Ministry of Justice started working on the improvement of the ICCM-Law based on the expertise provided by the Council of Europe as of October 2020.

It is expected that the draft CPC and CC, elaborated in line with the Council of Europe recommendations, are adopted in 2021, which will also result in progress in the execution of European Court of Human Rights (ECtHR) judgments against Armenia related to torture and ill-treatment that are under enhanced supervision of the Committee of Ministers; the execution of these judgments is a focus of the Council of Europe Action Plan for Armenia 2019-2022. To facilitate this process, the PGG project organised interactive webinars for the staff of the Representative of the Government of Armenia before ECtHR. One of the immediate outcomes of the webinars was making key ECtHR judgments more accessible to Armenian legal professionals by supporting the preparation of case summaries in Armenian. The project further supported this process with the compilation and printing of the summaries of the key ECtHR judgements in Armenian; the translation and adaptation of the handbook entitled “Detention as a preventive measure - justification for its use and prolongation”; and supporting the publication of

¹⁸ Joint Opinion CDL-AD(2019)024 of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Amendments to the Judicial Code and Some Other Laws.

¹⁹ Law on Police, Law on National security bodies, Law on Investigative Committee, Law on Special investigative service, Law on Prosecution, Law on Tax service, Law on Custom service, Law on Operational Intelligence activities, Judicial Code and Law on Advocacy.

the decisions of the Criminal Chamber of the Court of Cassation for 2019 to ensure more uniform application of the laws and other normative legal acts by all courts.

The PGG project provided the Ministry of Justice with an expert review on the “Draft Law On Amendments and Addenda to the Law 'On Compulsory Enforcement of Judicial Acts’” in order to support institutional reforms/solutions, for a more efficient execution system, which came up with the most feasible model applicable for Armenia. With a comprehensive analysis of the current situation in Armenia, in comparison with some European Union Member States, the review recommended amendments in around 15 legal acts, including the Judicial Code, Compulsory Enforcement Law, Civil Procedure Code, Administrative Procedure Code. The Ministry of Justice accepted the package of amendments, circulated among the interested parties and published on the “[e-draft.am](#)” web site for the public discussion, which is expected to be adopted in 2021 and to contribute to the simplification of the process of submission of applications for enforcement of judicial acts.

Furthermore, the PGG project helped raising awareness among legal professionals on decisions of civil and administrative cases by supporting the publication of a volume of indexed decisions of the Civil and Administrative Chamber of the Court of Cassation in 2018 and the annual report on the activities of the Civil and Administrative Chamber of the Court of Cassation of Armenia for 2018. These publications represent a great support for the legal professional, given the fact that the judges, advocates and other legal professionals make use of these decisions in their daily work and that the unified e-court electronic system has not been introduced in Armenia yet.

In addition, the PGG project significantly helped raising awareness of public, especially in the times of lockdown following the COVID pandemic, on the alternative dispute resolution by developing 17 videos (a series of online talks) on different aspects of arbitration and mediation and publishing them on the [Facebook page](#) of the Council of Europe Office in Armenia, which had over 14,000 views. The project also supported the Arbitration Association of Armenia in order to enhance and facilitate the application of arbitration by helping with the design of a [website](#), which will contain all necessary information on arbitrators, legal acts, procedures, among others and therefore will be a main source for those who seek arbitration but do not know where to start. Finally, the project provided support to the Armenian authorities through the dissemination of important information during the lockdown, by initiating the design and dissemination of two infographics on: i) new electronic platform for payment order for the use of the parties of the legal proceeding which makes the procedure of issuing payment orders faster and more efficient, reducing the use of financial and human resources and increasing the efficiency of justice; and ii) the steps on protection of Human Rights and ensuring the access to justice undertaken by the Compulsory Enforcement Service during the quarantine period and the state of emergency.

The PGG project contributed to an improved system of accountability of the judiciary and building of public confidence in the system by an improved ethical and disciplinary framework and practice. For this purpose the project supported the General Assembly of Judges to draft an amendment to the Rules of Procedure of the General Assembly of Judges (adopted by the respective body in June 2020); the Supreme Judicial Council to draft the requirements for non-governmental organisations nominating candidates for non-judge members of the Ethics and Disciplinary Commission of the General Assembly of the Judges (adopted by the respective body in June 2020) and to draft the Methodology for performance evaluation of judges and the procedure (adopted by the respective body in August 2020). The project also provided support in drafting the internal working disciplinary rules of the judges, which are in the process of finalisation by the Supreme Judicial Council.

The PGG project helped to assess the needs of the Justice Academy, responsible for training most of the actors in the justice sector and preparing five new courses which were integrated into its curriculum for 2020 and 2021. Furthermore, a pool of 20 trainers was created through training of trainers to deliver these courses in the Academy. The new courses, already attended by 96 judges specialised in criminal law, covered techniques for drafting

judgments and decisions, peculiarities of the victim's status in the criminal proceedings, interviewing techniques and communications management, current issues of the cross-examination and practical skills for applying alternative preventive measures to detention. The project also translated key ECtHR materials, including six ECtHR guides on different Articles of European Convention on Human Rights (ECHR), Rules of Court and the website interface of HUDOC intended for eventually providing an Armenian version of the search system. Four of the guidelines were published in 500 copies and disseminated to legal professionals in the country.

The PGG project focused on the empowerment of women judges by enhancing their leadership skills and organised a one-day training for 25 women judges (38% of the total number of women judges) from the Court of Cassation, Courts of Appeal, as well as courts of general jurisdiction and specialised courts of Armenia. During the event the important role of women judges in the judiciary, leadership traits and types of leadership, as well as development of leadership skills were emphasised. The participants also discussed the existing gender stereotypes and obstacles hindering the career promotion of women judges and actions to remove those barriers.

HELP distance learning courses also gained popularity in Armenia. The courses on “[Prohibition of ill-treatment](#)” and “[Reasoning in Criminal Judgments](#)” were translated, adapted and successfully piloted with three groups of 49 judges in total. The translation and adaptation of two more HELP distance learning courses on “[Procedural safeguards in criminal proceedings and victims' rights](#)” and “[Introduction to ECtHR and case-law of ECtHR](#)” were also carried out during the reporting period. 10 criminal law judges, five judicial servants and 17 judges were trained on effective use of the ECtHR case law when drafting judgments and judicial acts.

As a result of the conflict the national training course for legal aid lawyers in Armenia has been postponed for 2021.

The PGG regional project “Strengthening the profession of lawyer in line with European standards” showed significant progress in strengthening the co-operation among the bar associations and law societies of the region. Despite difficulties in the region the project managed to ensure all preconditions for the establishment of the regional co-operation of the bars and professional associations of lawyers including women and young lawyers in the participating countries. The project delivered four comparative reviews on: procedural and institutional setup of the functioning of lawyers; internal structure of bar associations; procedural safeguards for lawyers and protection against undue interferences for lawyers; and system of legal representation, including free legal aid and the monopoly of advocates. These topics of high significance are analysed from the perspective of differences among the countries, and against European standards and practices, as well as the case-law of the ECtHR.

Both the analytical reviews and the subsequent events including online joint discussions of the country reviews further contributed to the establishment of the regional network of bars, professional associations of lawyers and free legal aid systems through providing the representatives of these institutions with a platform for the exchange of information and views concerning the most acute issues of the profession.

In addition, this regional PGG project developed a [website](#) to serve as an online regional co-operation platform for networking between the five participating countries. The website provides comprehensive data on European standards on the legal profession, a compilation of existing regulatory/legal frameworks and analytical studies on legal activities in participating countries, and a comprehensive database of lawyers and law firms from participating countries. Availability of this consolidated database will significantly promote understanding of the European perspective on the statutory regulations of the legal profession by the bar associations and law societies of the participating countries and will serve as an additional digital platform to promote co-operation between them.

Cross-cutting deliverables

The PGG regional project “Strengthening the access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech in the Eastern Partnership countries” is strengthening the access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in the EaP. The monitoring bodies of the Council of Europe, and particularly European Commission against Racism and Intolerance – Council of Europe European Commission against Racism and Intolerance (ECRI)²⁰ on this topic, have recommended to the countries involved in the project to improve their data collection to support legislation based on grounds of interest of discrimination. A report on data collection was completed and translated into Armenian. Important steps on harmonisation of data collection on discrimination, hate speech and hate crime were taken. Working groups are following up on the recommendations.

The focus on hate speech translated into specific activities on this theme at regional level and national level. A comparative study on legislative responses to hate speech was provided to the Ministry of Justice of Armenia, ahead of legislative changes they planned. The study included specific recommendations for Armenia, which the Ministry has taken into account when preparing amendments to legislation.

Finally, the PGG project dedicated resources to translating important European standards to the languages of the countries involved in the project and the ECRI general policy recommendations [2](#) and [15](#) were translated into Armenian. A brochure on hate speech for citizens was finalised. Four project newsletters were sent featuring good practices from the region, reaching on average 500 recipients each.

Within the framework of the Council of Europe Action Plan’s project “Preventing and combating violence against women and domestic violence in Armenia”, efforts continued towards the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention²¹) A large-scale awareness raising campaign on preventing and combating domestic violence is under preparation in close co-operation with the Ministry of Justice, the United Nations Populations Fund (UNFPA) and the United Nations Development Programme (UNDP). 80 journalist students received online training on the role of the media in preventing violence against women and domestic violence based on the guidelines developed with the Council of Europe assistance. In order to further align Armenian legislation to European standards on domestic violence and violence against women, support is being provided for the development of a National Action Plan on Combating Domestic Violence 2021-2023 in co-operation with the Ministry of Labour and Social Affairs. Once adopted and implemented, the National Action Plan will aim to improve laws and policies and to increase capacities of authorities to provide better protection and support to the victims and survivor of domestic violence. The training course for the Police Educational Complex has been finalised and launched to raise awareness of police officers on gender-based violence and violence against women and improve the prosecution of these crimes.

In addition to the PGG activities, the project on “Human Rights and women in the armed forces” of the Council of Europe Action Plan improved the Human Rights Course for military academies to include principles of gender mainstreaming. A manual for monitoring the protection of human rights in the armed forces was developed to improve the identification and reporting of human rights violations in the armed forces by the Human Rights Defender Office (HRDO). In order to further enhance the knowledge of women servicepersons on their rights, a

²⁰ ECRI latest country monitoring [reports](#) on Armenia (§ 10, 17 and 26)

²¹ On 10 October 2019, the European Commission for Democracy through Law (Venice Commission) gave an opinion on the constitutional implications of this ratification. The Opinion was provided as part of the EU/Council of Europe Programme for Good Governance II, within the framework of its Quick Response Mechanism (QRM) by which the Council of Europe provides expertise upon requests from all PGG beneficiaries.

practical toolkit has been developed. Using experience in Armenia, an online HELP course is being developed on the protection of human rights in the armed forces.

AZERBAIJAN

In 2020, Council of Europe activities in Azerbaijan showed some results in particular in the areas of justice, rule of law and promoting gender equality, where partnerships with key institutional players paved the way for improvements both in the legal and operational framework and in developing training capacities and knowledge.

Corruption remains endemic and thus a real challenge for the rule of law in the Eastern Neighbourhood in general and in Azerbaijan in particular, posing an additional threat to the political stability and economic development. President Ilham Aliyev urged, on numerous occasions, that the fight against corruption must be continued. In 2020, high ranking officials, including members of government were removed from their positions and/or put in custody on grounds of embezzlement of state property, funds and other irregularities. While developing and expanding e-services, such as “ASAN” or “DOST” services, which according to several assessments successfully suppressed petty corruption in public administration structures, Azerbaijan has still been ranked only 129th among 181 monitored countries by Transparency International.

Azerbaijan has initiated anti-corruption reforms, including the introduction of a comprehensive legal framework to fight corruption; yet effective implementation of the anti-corruption provisions is also an issue in this regard. Thus, Azerbaijan's law on asset declarations, adopted more than 10 years ago, remains unimplemented while progress could be expected in the framework of its new Open Government Action Plan. The government has also taken steps to criminalise money-laundering, but deficiencies remain particularly with regard to its scope and effective application, which have resulted in low conviction rates and no stand-alone and autonomous money laundering cases. Azerbaijan has established a register of beneficial ownership, but it is not publicly available.

In the field of judiciary, in Azerbaijan, there is still room to significantly enhance the independence, effectiveness and accountability, especially with a view to undue interference from the executive and transparent procedures for merit-based recruitment of judges. The ongoing reforms in these areas provide an opportunity and a suitable framework for a targeted action from the Council of Europe.

There is no progress in politically sensitive areas, in the areas where co-operation has recently started, and those where it is too early to assess the results or where no funding was provided. However, in its [Resolution 2357 \(2021\)](#) PACE welcomed the positive developments and the progress made during the reporting period in Azerbaijan: the acquittal of Mr Ilgar Mammadov and Mr Rasul Jafarov in April 2020, and the release, on humanitarian grounds of 176 prisoners aged over 65 in need of special care due to their age and state of health, in the context of the COVID-19 pandemic, thus addressing concerns expressed by the Council of Europe Commissioner on Human Rights with regard to the protection of the human rights and health of people detained in prisons in Council of Europe member States during the sanitary crisis. At the same time, in the same Resolution PACE expressed concern over reports of large-scale repression of government opponents and restrictions on freedom of expression, including internet access, under the pretext of safety measures against the COVID-19 pandemic, other outstanding concerns including, inter alia, lack of independence of justice, in Azerbaijan. A Council of Europe project to support to the Azerbaijani authorities in harmonisation of national judicial practices by providing analysis and recommendations

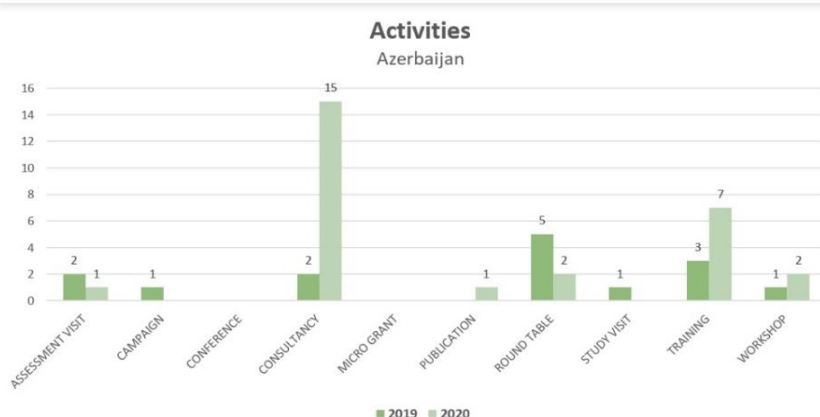
to state actors in the light of the case law of the ECtHR and other human rights protection mechanisms was finalised in 2019. Although a follow-up action was designed, no action was taken in 2020 due to lack of funding.

In 2020 Azerbaijan showed interest in co-operation with the Council of Europe in respect of the signature and ratification of [Convention 108+](#) by Azerbaijan. The Council of Europe has identified funding to assist Azerbaijan in bringing its data protection legislation in line with the European standards. The implementation of the project will start as soon as details of the project are agreed with the national authorities. However, no progress can be reported to date.

The global sanitary crisis caused by COVID-19 posed a significant challenge to the implementation of the Council of Europe activities in the country. In order to mitigate associated risks, the Council of Europe has adapted its working methods to ensure continuity of its work by increasing the use of IT for communication, introducing online courses and focusing on desk analytical work where relevant. Difficulties were occasionally identified where beneficiaries' and partner institutions' access to new technology did not match the needs created by the crisis. In general, however, rapidly adopted mitigation measures facilitated progress towards the achievement of the objectives. While delays occurred in some instances during lock-down, most of the revised workplans were successfully put into practice.

Moreover, the martial law and restrictions introduced in the country following the military conflict between Azerbaijan and Armenia over Nagorno Karabakh, that erupted at the end of September 2020, had an impact on the Council of Europe work in Azerbaijan as regards the availability of several partners and access to information technologies.

Azerbaijan



Deliverable 9 – Rule of law and anti-corruption mechanisms

The PGG project “Strengthening anti-money laundering and asset recovery in Azerbaijan” provided extensive legislative support, including three detailed legal Opinions: (i) an expert legal Opinion on the new draft law on Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) with an analysis and recommendations for its compliance and alignment with international standards and best practices, (ii) a legal Opinion for the Financial Monitoring Service (FMS) (national Financial Intelligence Unit (FIU)) on the implementation of targeted financial

sanctions against terrorism and terrorist financing - the recommendations of which were directly applied by the beneficiaries to draft a new proposed law on targeted financial sanctions and related amendments to their Criminal Procedure Code (CPC), which the project further supported with (iii) another legal Opinion on the new draft Law of Azerbaijan on Targeted Financial Sanctions and associated draft Amendments to the CPC. Additionally, the project conducted a preliminary consultative process in preparation of a legal opinion on the legislative framework of Azerbaijan in relation to beneficial ownership in support of the Azerbaijani authorities' efforts in complying with ultimate beneficial ownership standards, which are becoming increasingly important internationally. While it still remains to be seen to what extent the Azerbaijani Parliament will approve these new laws and amendments, which are expected to support the country's authorities in addressing relevant international requirements in the fight against money laundering and terrorist financing. The process of review and refining of the draft laws with Council of Europe support has advanced the awareness and knowledge of the concerned stakeholders on the international and European legal standards and their application in Azerbaijan in these areas.

The PGG project launched a major exercise to provide a detailed assessment and recommendations on the institutional and legislative asset recovery framework of Azerbaijan in line with international standards and best practices. Recovery, management and disposal of seized and confiscated assets is a relatively new area within the national framework. In this respect, this initiative will support national authorities to identify priority areas for a coherent policy framework and an operational action plan on asset recovery. After a review of the existing legal provisions has been conducted, a questionnaire has been prepared for all national authorities playing a role in the asset recovery process – and in the next reporting period, a series of consultative meetings will be held before the assessment and recommendations are drafted, to ensure their accuracy and relevance for the country.

The PGG project also significantly helped build the operational capacities of the Azerbaijani FIU, the General Prosecutor's Office and other key actors involved in AML/CFT through a series of targeted trainings.

The project actively continued supporting the enhancement of capacities of law enforcement and judiciary representatives in investigation, prosecution and adjudication of economic crimes via several training sessions. It supported the operational capacities of financial intelligence practitioners through two technically advanced specialised training activities: one training on “data analysis tools”, which improved the knowledge and skills of 12 representatives of the relevant institutions to effectively analyse data and create interactive reports with the use of Microsoft Power BI, and one training on “tactical analysis”, which improved the skills of 17 practitioners to better analyse suspicious transaction reports, evaluate and collate information, and produce quality analytical assessments with a view to support the investigation and prosecution of financial crimes. The project also conducted other online training activities to support investigation, prosecution and conviction of financial crimes in Azerbaijan: it empowered 26 representatives of law enforcement agencies, judiciary, regulatory and other relevant government institutions²² on the application of the Warsaw Convention and integration into the national context; and introduced to another 18 representatives the latest techniques and methods used in the investigation and prosecution of money laundering and terrorism financing cases by addressing the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) recommendations and meeting international standards.

It was more difficult to involve the civil society in the project activities such as specialised technical trainings in the AML/CFT sector, where the target groups and beneficiaries are mainly state actors (prosecution, law enforcement,

²² The online [training on the application of the Warsaw Convention took place](#) via video conferencing on 24 July 2020. Participants were: investigators, prosecutors, judges and other representatives of the Anti-Corruption General Directorate, General Prosecutor's Office, Baku, Shaki, Lankaran and Ganja Courts on High Crimes, Ministry of Justice, Ministry of Internal Affairs, Financial Monitoring Service, State Tax Service under the Ministry of Economy, State Security Service and State Customs Committee

central bank etc.). The project in Azerbaijan, invited the civil society representatives to the 2019 PGG Local Steering Committee (LSC) meeting which created an open venue for NGOs to address their questions and provide recommendations.

The PGG projects maintained close co-operation and regular communication with the European Union Delegations (EUDs) in each country by regularly exchanging information about ongoing or upcoming activities and developments related to risks. The project teams participated in donor co-ordination meetings to be updated on ongoing projects delivered in the country by other international organisations in the AML/CFT sector and organised bilateral meetings and discussions with different organisations such as United Nations Interregional Crime and Justice Research Institute (UNICRI)²³, USAID²⁴, IOM²⁵, ICNL, and MG Consulting in Azerbaijan.

The economic crime projects in Armenia and Azerbaijan were heavily affected by the military conflict between Armenia and Azerbaijan. In Azerbaijan, curfew and internet blockages/interruptions also caused postponement of activities initially scheduled for October to November and December. However, online meetings and training allowed for a greater geographical participation in the training activities for law enforcement and judiciary including Shaki, Lankaran and Ganja Courts on High Crimes, and Sumgayit Court of Appeals.

This PGG regional project “Strengthening measures to prevent and combat economic crime”, in complementarity with the country projects, contributed to strengthening capacities of EaP countries to prevent and fight economic crime, through regional-level technical support and stimulating co-operation between countries.

The project focused on strengthening operational and strategic capacities of specialised corruption prevention and oversight bodies, in particular in the area of verification and analysis of asset and interest declarations. This was achieved by making available a TP providing guidance to the oversight bodies on prioritisation of asset declarations for an in-depth audit, through criteria for “red flags”; and by series of meetings with asset declarations oversight bodies from the European Union, Western Balkans and EaP region, to obtain an overview on how oversight bodies prioritise declarations/declarants for audit and identifying expectations towards an ideal mechanism of selecting declarations.

Furthermore, the project has developed technical content through deskwork for several training events to be organised in 2021 as soon as the situation allows it, or through adapted formats as needed. This includes content development for a scenario-based regional training on financial investigations, addressing the perceived challenges and shortcomings in financial investigations, while also dealing with the shortcomings identified by MONEYVAL in the legislative system and practice in combating financial crimes in EaP jurisdictions.

Despite to COVID-19 restrictions, the PGG regional project continued to support the beneficiaries of EaP countries in developing effective measures on the prevention of corruption through desk work and online meetings, by producing a technical paper on the use of red flags in prioritisation of asset declaration of public officials for audit purposes. In the process of development of the paper, an experts meeting on “Red flags: how to select asset declarations for audit?” was organised, and the project held a series of meetings with asset declaration and oversight bodies from the European Union, Western Balkans and the EaP region, in order to obtain an overview of how oversight bodies prioritise declarations/declarants for audit, and to identify expectations towards an ideal mechanism for selecting declarations. The follow-up regional event to launch the draft paper and discuss its

²³ EU-UNICRI initiative, “Support the EU Eastern Partnership Countries to Enhance Asset Recovery”

²⁴ USAID’s “Empowering Civil Society Organizations for Transparency” project implemented by FHI360

²⁵ “E-Learning Solutions to Support Justice Academy Phase II” project implemented by IOM Azerbaijan and financed by U.S. Department of State.

proposed solutions, initially planned in November 2020 was re-scheduled to April 2021 due the negative impact of the COVID-19 restrictions and political tensions in the region.

Another key area in which the regional project seeks to support its target countries is the recovery of illicitly acquired assets – which notably echoes the ongoing effort to assess and improve the asset recovery framework in Azerbaijan.

A regional conference on Asset Recovery and Asset Management held in January 2020 in the Republic of Moldova²⁶, and organised together with the European Union/Council of Europe country-specific project CLEP, allowed for sharing experiences and common challenges among countries in this area (e.g. excessive bureaucratization of and undue influence on asset recovery processes, lack of access to state registries, insufficient use of available informal communication platforms and collection of quality data). The regional conference also responded to the needs for increased co-operation among the authorities, providing for an opportunity to establish contacts and networking among the beneficiaries from the EaP region and the Western Balkans. It also helped raising awareness on international standards and existing asset recovery networks and initiatives, encouraging the beneficiary countries to take part in them for a more sustainable enhancement and increased effectiveness of regional co-operation.

Additionally, the project produced a web publication on the “Use of Non-Conviction Based Seizure and Confiscation” (available in English and Russian on the Council of Europe website), which provides an overview of approaches to non-conviction-based asset recovery, outlining the key principles and model components to develop robust and procedurally fair non-conviction-based asset recovery regimes compatible with international standards. This comes as a newly available resource for the practitioners in the region on this delicate area which is crucial in the fight against economic crime and its consequences. The related regional workshop on Non-Conviction-based Confiscation, planned for October 2020, also had to be postponed to April 2021 for the above-mentioned reasons.

In the meantime, the regional project focused on advancing desk work and making best use of technical materials previously prepared for events that had to be postponed, on the above-mentioned as well as other areas of support, such as the transparency of beneficial ownership, financial investigation and other.

The outbreak of the COVID-19 pandemic and the regional tensions in and between some of the beneficiary countries heavily impacted the feasibility of planned regional actions. However, the project teams took appropriate measures to maintain the implementation of project activities and organise actions remotely via online platforms where possible. The GRECO guidelines aimed at preventing corruption in the context of the health emergency caused by the COVID-19 pandemic were also translated into national languages and shared with beneficiary institutions. Some other actions had to be postponed to 2021.

Deliverable 10 – Implementation of key judicial reforms

The PGG project “Strengthening the efficiency and quality of the judicial system in Azerbaijan” reviewed compliance of selected provisions of the draft Code of Enforcement of the Republic of Azerbaijan with the ECHR and the case-law of the ECtHR in order to assist the Ministry of Justice in the finalisation of the draft Code and submitted to the Ministry of Justice in December 2020.

The project also supported the Ministry of Justice in drafting the new legal framework for the system of enforcement of court decisions in civil and administrative matters in line with European standards; defining

²⁶ Azerbaijani authorities participated in a regional conference on Asset Recovery and Asset Management in Chisinau, Republic of Moldova in January 2020.

targeted indicators for national enforcement procedures and establishing an objective and transparent methodology for the evaluation of the performance of enforcement bodies; and provided recommendations on introducing and upgrading ICT tools in the national enforcement system. To achieve these objectives the project provided three expert reports: i) "Recommendations on setting up a system of enforcement timeframes and recovery rates as indicators on the efficiency of the enforcement system and in view of evaluating enforcement agents' performance in Azerbaijan" identified a set of 23 practical multi-level performance indicators, including efficiency indicators, case-revolving indexes, specific indicators and financial indicators; ii) "Development of ICT solutions to support the national enforcement system of Azerbaijan" provides recommendations on further developments of ICT solutions in the national enforcement system based on experience and best practices in other countries; and iii) "Compliance of selected provisions of the draft Code of Enforcement of the Republic of Azerbaijan with the ECHR and the case-law of the ECtHR" mainly reviewed the compliance of provisions of the draft code with regards to the "right to property", "right to respect for private and family life" and "right to liberty and security."

The project provided a comprehensive support to the Azerbaijani authorities to increase efficiency and quality of Azerbaijani courts through the application of the Council of Europe European Commission for the efficiency of justice (CEPEJ) tools at national level by preparing: a road map²⁷, an expert report on Access to justice for groups in vulnerable positions, a needs assessment report²⁸ for training on CEPEJ topics for different target groups within the judiciary, and an expert advice²⁹ on communication with the media and the public. The road map developed by the project aims at the further dissemination of CEPEJ tools on nationwide timeframes, efficiency and quality measurement to all courts in Azerbaijan and ensuring: the use of the CEPEJ methodology for court reporting in a unified manner; publication and analysis of courts' key performance indicators on a regular basis; implementation of efficiency and quality measurement tools by the judiciary; modernisation of management methods and tools, including the clearance rate, disposition time and the age of pending cases. It also contains steps for the dissemination of these tools and recommendations for implementation, including establishment of an organisational structure to implement the comprehensive system of statistical reporting, time and quality management throughout the country. The project is planning to prepare an Action Plan to facilitate the planning and monitoring of the implementation of the road map in 2021, which will consider the experiences and good practices in pilot courts of PGGI and specify needed activities in order to implement more efficiently in the future.

The project contributed to the accountability system and improving the transparency and quality outreach of the courts and prosecutorial offices in Azerbaijan by preparing a "Communication strategy for the judiciary of Azerbaijan" during the reporting period. The communication strategy reflects the rules of communication between the judiciary and the media/public in Azerbaijan and includes an Action Plan with a set of concrete activities based on CEPEJ tools on communication, together with timeframes to achieve the specified goals to increase the mutual understanding between judiciary and media, raise awareness within the judiciary on the importance of communication with the media external communication, professionalise the press relations in the courts and the public prosecutors' offices and ensure a transparent, visible and understandable judiciary. The project also distributed the CEPEJ Guide on "Communication with the media and the public for courts and prosecuting authorities" to the national stakeholders together with the strategy to further support the capacities of relevant national bodies.

The project supported the capacity of the Justice Academy of Azerbaijan by preparing a training needs assessment and a training programme on court management. The project carried out extensive research to identify training

²⁷ Road map on dissemination of CEPEJ efficiency and quality measurement tools in all courts of Azerbaijan.

²⁸ Training needs assessment report, including a training programme on court management for the Justice Academy of the Republic of Azerbaijan

²⁹ Communication strategy for the judiciary in Azerbaijan

needs for different target groups within the judiciary regarding the usage/knowledge of CEPEJ tools, involving 1,335 participants in an online survey (around 70% of court administration, 62% of court chairmen and 52% of judges) and produced a needs assessment report with recommendations for training courses and an accompanying training programme/plan on court management. The training programme, including implementation timelines, suggests and elaborates on four training courses on “Case and time management”, “Court performance indicators”, “Collection and analysis of judicial/court statistics”, and “Measuring the quality of justice.” As a second step, training modules on CEPEJ main tools will be developed within the training programme, which will be instrumental to trainers of the Justice Academy to deliver courses on efficient court management and quality of justice to judges and court staff.

In Azerbaijan, the project conducted a survey among judges to assess the needs of the Academy of Justice which also provided recommendations on gender issues in the selection of trainers and participants.

The armed conflict between Armenia and Azerbaijan had significant impact on projects in these countries, as also mentioned under Theme I. The regional actions mitigated the risks through the continuation of active networking with the project partners and adoption of the project activities (format, timing, participation, etc.) to the needs of the partners to the extent possible.

The PGG regional project “Strengthening the profession of lawyer in line with European standards in the Eastern Partnership countries” showed significant progress in strengthening the co-operation among the bar associations and law societies of the region. Despite difficulties in the region, the project managed to ensure all preconditions for the establishment of the regional co-operation of the bars and professional associations of lawyers including women and young lawyers in the participating countries. The project delivered four comparative reviews on: procedural and institutional setup of the functioning of lawyers; internal structure of bar associations; procedural safeguards for lawyers and protection against undue interferences for lawyers; and system of legal representation, including free legal aid and the monopoly of advocates. These topics of high significance are analysed from the perspective of differences among the countries, and against European standards and practices, as well as the case-law of the ECtHR.

Both the analytical reviews and the subsequent events including online joint discussions of the country reviews further contributed to the establishment of the regional network of bars, professional associations of lawyers and free legal aid systems through providing the representatives of these institutions with a platform for the exchange of information and views concerning the most acute issues of the profession.

In addition to comparative reviews, the project developed a website to serve as an online regional co-operation platform for networking between the five participating countries. The website provides comprehensive data on European standards on the legal profession, a compilation of existing regulatory/legal frameworks and analytical studies on legal activities in participating countries, and a comprehensive database of lawyers and law firms from participating countries. Availability of this consolidated database will significantly promote understanding of the European perspective on the statutory regulations of the legal profession by the bar associations and law societies of the participating countries and will serve as an additional digital platform to promote co-operation between them.

Within the framework of the Council of Europe Action Plan, another European Union/Council of Europe joint programme “Further Support to the penitentiary reform in Azerbaijan” (JP SPERA 2) continued in 2020 and some results of this year can be reported.

Action Plans on prison management and prison healthcare were revised and validated by the national authorities in February 2020. At the same period, a training curriculum for prison staff was reviewed by international consultants in consultation with national counterparts. In March 2020, the majority of medical and some non-medical personnel of pilot prisons No.1, 5 and 16 and Juvenile Correctional Institution increased their knowledge of prison healthcare focusing on medical examination upon admission, identification of injuries, their documentation and recording. The project advanced the work on the draft Code of Ethics, through a working group organised in September 2020, to work along with international consultant on the ethical framework and guidance to prison staff. Subsequent activities aiming at finalising the Code had to be postponed. In December 2020, training materials for coaching sessions on prison management to ensure the transfer of know-how on practical aspects of adopting a more human and open approach to prison management have been developed and are ready to be put in use, as a part of the training programme for prison managerial staff in Azerbaijan.

In May 2020, a comprehensive review of the domestic legislative and regulatory acts relating to ethical conduct against the Recommendation [CM/Rec\(2012\)5](#) of the Committee of Ministers to member States on the European Code of Ethics for Prison Staff³⁰ was undertaken in order to develop a new Code of Ethics for the Azerbaijani prison staff. The draft Code establishes the service ethics and the standards and principles of inter alia off-duty expectations for employees serving in the justice bodies and the relationships associated with their observance.

The Council of Europe adjusted its project activities to the needs that arose due to the COVID-19 crisis. In June and August 2020, in order to assist national counterparts in fighting the pandemic in prisons, the Council of Europe donated personal protective equipment to the Penitentiary Service and Main Medical Department of the Ministry of Justice of Azerbaijan³¹.

Cross-cutting deliverables

In Azerbaijan, a new PGG project “Raising awareness of the Istanbul Convention and other gender equality standards in Azerbaijan”. In the meantime, the National Action Plan for Combating Domestic Violence was approved. The Law Department at the State Committee for Family, Women and Children Affairs will be responsible for its implementation. The Head of the Law Department has requested the new project on raising awareness of the Istanbul Convention and other gender equality standards’ support in implementing the National Action Plan.

The Ministry of Labour and Social Protection of the Population showed interest to potentially participate in the project activities. Since the Ministry is responsible for shelters of victims of domestic violence and has responsibilities in the implementation of the recently approved National Action Plan for Combating Domestic Violence, the project considers this a very positive development and is looking into ways to accommodate the needs of the Ministry within the current activities and logframe, in order to contribute to the achievement of both immediate outcomes and of the intermediate outcome. On the one hand, their interest shows that the project is visible, and on the other, that violence against women and domestic violence is a relevant topic and there is a need and willingness to work on it from different state authorities and thus the project relevance.

³⁰ In September 2019, the Office translated the Recommendation of the Committee of Ministers to member states on the European Code of Ethics for Prison Staff from English into Azerbaijani language to initiate consultations with the national authorities regarding a need to adopt domestic Code of Ethics or amend the existing Behavioural Code to bring the domestic legislation in line with the recommendation in question.

³¹ 4500 single-use masks, 600 FFP2 respirators, 100 special clothing sets, 100 boxes of disposable gloves, 20 hand disinfectants, 15 remote thermometers, 10 litres of surface disinfectants and 2 ultrasonic nebulisers were handed over

The project delivered a report providing the legislative and policy context in Azerbaijan with regards to violence against women and domestic violence. Based on this report the project developed an outline for the gap analysis as well as questionnaires for the needs assessment to be done with the relevant stakeholders.

The project translated eight publications to contribute to raising awareness on the Istanbul Convention and on violence against women and domestic violence in Azerbaijan: 1) Four infographics on what the Istanbul Convention does and requires from member states, one for each of the convention's four pillars; 2) a brochure on the four pillars of the Istanbul Convention; 3) a general leaflet on the monitoring mechanism of the Istanbul Convention; 4) a general leaflet on the Istanbul Convention: Safe from fear, safe from violence; 5) Banner for the campaign on 16 days of activism against gender-based violence. The project presented six of these publications, the infographics and the brochure on the four pillar of the Istanbul Convention and the banner of the campaign through a small social media campaign for the Azerbaijani general public through a series on the Facebook and Twitter accounts of the Council of Europe Office in Azerbaijan and the PGG II throughout the 16 Days of Activism against Gender-based Violence. In addition, the infographics and brochure are now available the on Council of Europe Office in Azerbaijan and PGG II websites. The general leaflet on the Istanbul Convention: Safe from fear, safe from violence was published.

During the reporting period, key stakeholders increased their awareness of the Istanbul Convention. The project needs assessment that took place in early September was used as a platform for not only presenting the project objectives and activities, but also to get in touch with relevant stakeholders and to find out the information gaps on the Istanbul Convention. During these meetings, brief presentations of the Convention were given after which many stakeholders requested the publications to be sent to them, as well as information on project activities and how to participate in them.

The Social Media campaign that was developed for the *16 Days of Activism against gender-based violence* (25 November to 10 December) created visibility around what the Istanbul Convention is and what it requires States to do and reached 48,793 people through its 17 posts and two news items. Thanks to the publication of tools that the project translated into Azerbaijani through the campaign, several stakeholders contacted the project to show their interest in finding out more information on the Istanbul Convention. For example, the Ministry of Internal Affairs requested to send them some publications explaining what the convention is and does. As another example, a youth NGO also got in touch with the project and requested the project to participate in a webinar to clarify misconceptions on the Istanbul Convention, which took place on 15 December, reaching 67 students from universities from Baku and the regions.

A session on gender issues was organised for NGOs and Ombudsperson Office staff in Azerbaijan, in order to increase their understanding of the topic and help them identify gender issues in their society.

Similarly to Themes I and II, the conflict situation between Armenia and Azerbaijan resulted in delays of the meetings of the Equality Platform of NGO in Azerbaijan; the meetings started again on 16 November. Participants appreciated that the project was sensitive to other humanitarian commitments the beneficiaries had during the conflict.

The PGG regional project on “Women's Access to Justice - delivering on the Istanbul Convention and other European gender equality standards” aims to strengthen access to justice for women, especially women victims of violence in line with the Council of Europe Istanbul Convention and contributing towards the EaP countries’ signature and/or ratification of the Istanbul Convention.

The project's regional component allows for sharing practices and enhanced co-operation among the EaP region stakeholders. The project pioneered the Mentoring Programme for Legal professionals with a focus on judges and prosecutors, which is one of a series of capacity-building activities available to justice professionals with the focus on women's access to justice. Mentors encouraged mentees to use the available online materials such as HELP courses on Access to Justice for Women and on Combating Violence Against Women and Domestic Violence simultaneously with the Methodological Guide³² developed in the framework of this programme. However, the pilot phase of this mentoring programme encountered difficulties in Azerbaijan (primarily due to COVID-19) and the entire programme being put on indefinite hold.

On anti-discrimination more broadly, the Ombudsperson Office and CSOs benefitted from country specific and regional activities, in the framework of the project "Strengthening access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech in the Eastern Partnership countries", also part of the PGG Phase II.

In January 2020, 20 staff members of the Ombudsperson Office in Azerbaijan improved their knowledge of European anti-discrimination standards; later seven staff successfully completed the regional online HELP course on combating racism, xenophobia, homophobia and transphobia. Meetings between civil society actors and the Ombudsperson Office were organised by the project highlighting the need of a structured dialogue among stakeholders on combating discrimination.

The project supported the establishment of the Equality Platform Azerbaijan, bringing together 13 CSOs to strengthen the role of civil society on combating discrimination. At least three organisations work on gender issues. The platform started working in July 2020. It is the first coalition of its kind in the country, whereby NGOs working in sensitive areas need continuous support and occasions to get together, as well as help to reach out to institutions and open channels of dialogue. The coalition met the Ombudswoman and the staff, discussing joint priority areas on discrimination.

Additionally, following the [launch of the regional HELP Programme, on "Fight against Racism, Xenophobia and Transphobia"](#) a country specific training course for Azerbaijan was prepared in co-operation with the National Academy of Justice.

The project dedicated resources to translating important European standards to the languages of the countries involved in the project; the ECRI general policy recommendation 2 was translated to Armenian and Azerbaijani. A brochure on hate speech for citizens was finalised. Four project newsletters were sent featuring good practices from the region, reaching on average 500 recipients each.

In addition to the PGG activities, efforts continued within the framework of the Council of Europe's Action Plan to promote other European gender equality standards in the context of successive projects on gender equality and the media. An expert Opinion on reviewing the national legal framework on media from a gender equality perspective and bringing it in line with the Council of Europe standards was made available to the authorities³³. The textbook on *Journalism Ethics* was completed, while it is being reviewed and edited for printing scheduled for March 2021. The textbook on *Gender Equality and Media Freedom* is expected to be finalised and printed in April

³² The [Methodological Guide](#) for developing a mentoring programme on Women's Access to Justice for legal professionals has been made available in English and all the six EaP languages on our national partners', the project's and PGG II websites.

³³ The opinion is currently with the State Committee for Family, Women and Children's Affairs for their feedback. According to the Committee, the process has slowed down due to the COVID-19 pandemic, but the review process is ongoing. As a follow-up, the Council of Europe intends to organise an online public discussion (together with the NGOs and state authorities) early 2021, once the Committee has also confirmed their availability.

2021. Before the COVID pandemic erupted, the project held an information workshop on “Media coverage of elections” with a focus on gender equality with participation of 72 representatives of state authorities, academia, journalists, civil society, international community. The workshop was held on 16 January 2020 in co-operation with the Central Election Commission of Azerbaijan, ahead of early general elections held on 9 February 2020. Training sessions were also held on “the Judiciary and the media” (for 14 speaker-judges) and on “Council of Europe standards on gender equality and media” (for 45 judge candidates) were held on 29 and 30 January, respectively.

Additionally, a statistical report on the state of gender equality in the Azerbaijani media was produced. The report is being reviewed by an international expert, and upon its finalisation, it will be published and presented during a roundtable discussion, tentatively at the end of March 2021. The textbook on *Journalism Ethics* was completed, while it is being reviewed and edited for printing in March 2021. The textbook on *Gender Equality and Media Freedom* should be finalised and printed in April 2021. The Baku State University and Baku Slavic University have agreed to include these textbooks in their teaching curricula.

The monitoring bodies of the Council of Europe, and particularly the ECRI³⁴ latest country monitoring [reports](#) on this topic, recommended to the countries involved in the project to improve their data collection to support legislation based on grounds of interest of discrimination.

The project organised a four-week online event on “Improving evidence, information and data to understand and address discrimination, hate speech and hate crimes”. The event gathered 70 participants from law enforcement agencies, equality bodies/Ombudsperson Offices, other public institutions and civil society organisations (CSOs) to explore how to develop better responses to discrimination, hate speech and hate crimes using data from cases and victim-focused research. The event revealed priorities in relation to the topic for the EaP (improvement in legislation, better co-ordination of all actors, need for training of law enforcement and equality bodies, further support to civil society working with vulnerable communities). The evaluation of the event shows a net increase in competences on the specific event topic and a high satisfaction with the networking opportunities offered during the event.

Excerpts from experts’ talks interventions from the online activities resulted in a wealth of audiovisual material made available to beneficiaries and interested public/NGOs: a first group of 13 videos from the six webinars organised were prepared in the format of individual files. These are educational resources useful for the region also featuring good practices. They were included in the Council of Europe anti-discrimination website online library and regularly circulated in social media. Several videos also cover intersectionality and the specific situation of women (Roma women and disabled women, for example).

The project extended its influence to new, significant actors in the field of discrimination.

In Azerbaijan, agreement was reached with the Ombudsperson institution on carrying out a study and assisting the institution to further develop its mandate on non-discrimination. The study has been officially requested by the Ombudsperson.

The project contributed to reinforcing the capacities of equality bodies/Ombudsperson Office institutions and NGOs to tackle discrimination, hate speech and hate crimes through a number of online activities. The most significant regional activities on this matter was the online HELP regional course on fighting racism, xenophobia, homophobia and transphobia, which 47 participants completed and got certificates for, including from NGOs working on gender issues. Six webinars were organised on combating racism affecting Roma people, combating

³⁴ ECRI latest country monitoring [reports](#) on Armenia (§ 10, 17 and 26), Rep. of Moldova (§11 and 22) and Ukraine (§8)

LGBTI-phobia and discrimination affecting disabled people, hate speech and remedies to discrimination with audiences from civil society and equality bodies, with an average participation of 70 people at each webinar.

BELARUS

The Council of Europe's Committee of Ministers (CM) adopted the second [Action Plan for Belarus 2019-2021](#) at its 1351bis session on 10 July 2019. The scope of Council of Europe activities in Belarus remains rather limited as Belarus is not a Council of Europe member State. Capital punishment is still applied in Belarus, and this is a major obstacle on the path towards becoming a member State of the Council of Europe.

Nevertheless, the Council of Europe pursues co-operation with Belarus with a view to promoting a progressive rapprochement with Europe. Most of the actions of the Action Plan were not fully-fledged projects, but rather a series of activities aimed at raising awareness about key Council of Europe standards and at building confidence between the Council of Europe and Belarusian authorities. This is also due to the lack of sufficient funding. The absence of a fully-fledged Council of Europe Programme Office also impedes closer co-operation.

Moreover, mass protests that erupted after the 9 August presidential elections, that were considered neither free nor fair, had an impact on the Action Plan implementation. The majority of states did not recognise the results of the elections. "In response to the brutality of the Belarusian authorities and in support of the democratic rights of the Belarusian people", the European Union imposed sanctions on a number of high-level officials responsible for "the ongoing violent repression and intimidation" and on several economic actors³⁵.

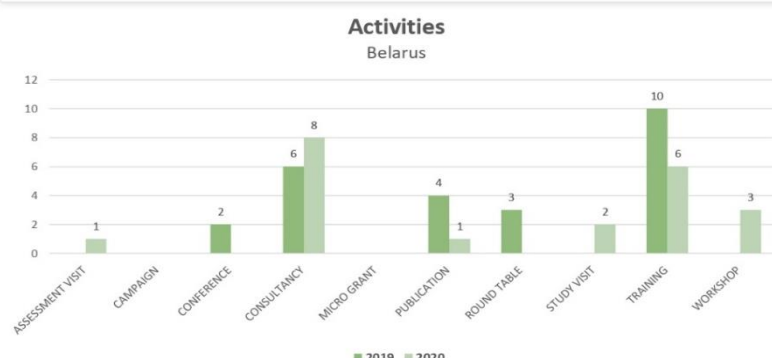
In the light of the unstable political situation following the presidential elections in Belarus, the Council of Europe developed a Priority Measures Package for Belarus. The document will be adopted by GR-DEM once the situation allows and the Belarusian authorities show clear commitment to democratic transition. Prior to adoption the document will be discussed with the relevant Belarusian authorities.

In light of the events that followed the presidential elections, most of the activities in Belarus were put on hold.

Prior to the elections, most of the country-specific projects implemented in Belarus and the regional actions in which Belarusian representatives were able to participate were funded through the PGG. Belarus participated in all four PGG regional projects and is benefiting from two country specific actions. Some progress can be reported notably in the fields where co-operation continues in the context of the PGG Phase II and as a follow-up to the PGG Phase I, such as the fight against corruption.

³⁵ <https://www.consilium.europa.eu/en/press/press-releases/2020/12/17/belarus-eu-imposes-third-round-of-sanctions-over-ongoing-repression/>

Belarus



Deliverable 9 – Rule of law and anti-corruption mechanisms

The PGG continued to provide assistance to Belarus as regards the fight against corruption, money laundering and the financing of terrorism in the context of country specific and regional PGG actions. Unfortunately, only some progress can be reported.

Within its efforts to introduce comprehensive measures on prevention and detection of money laundering/terrorist financing, the PGG country-specific project “Countering money-laundering and terrorism financing in Belarus” finalised the [publication on liability of legal persons](#) for corruption and economic crime and drafted an outline of topics for Financial Investigation Training course, the implementation of which had to be postponed.

The PGG regional project “Strengthening measures to prevent and combat economic crime”, in complementarity with the country-specific project, contributed to strengthening capacities of EaP countries to prevent and fight economic crime, through regional-level technical support and stimulating co-operation between countries. The GRECO guidelines aimed at preventing corruption in the context of the health emergency caused by the COVID-19 pandemic were also translated into national languages and shared with beneficiary institutions.

The project focused on strengthening institutional and legal capacities of specialised corruption prevention and oversight bodies, in particular in the area of verification and analysis of asset and interest declarations. This was achieved by making available a TP providing guidance to the oversight bodies on prioritisation of asset declarations for an in-depth audit, through criteria for “red flags”; and by a series of meetings with asset declarations oversight bodies from the European Union, Western Balkans and the EaP region, to obtain an overview on how oversight bodies prioritise declarations/declarants for audit and identifying expectations towards an ideal mechanism of selecting declarations.

Furthermore, the project developed technical content through deskwork for several training events to be organised in 2021 as soon as the situation allows, or through adapted formats as needed. This includes content development for a scenario-based regional training on financial investigations, addressing the perceived challenges and shortcomings in financial investigations, while also dealing with the shortcomings identified by MONEYVAL in the legislative system and practice in combating financial crimes in EaP jurisdictions.

Both projects maintained close co-operation and regular communication with the EUDs in each country by regularly exchanging information about ongoing or upcoming activities and developments related to risks. The project teams participated in donor co-ordination meetings to be updated ongoing projects delivered in the country by other international organisations in AML/CFT sector and organised bilateral meetings and discussions with different organisations such as OSCE PCU in Ukraine.

In the area of countering threats to the rule of law, some progress was achieved in combatting drug abuse and illicit trafficking, the non-PGG project “Fighting the use and trafficking of illicit drugs in the Republic of Belarus” designed to respond to the request by Belarussian authorities for assistance in improving law enforcement and health care capacities to tackle the increased trafficking and use of illicit drugs in the country was launched in 2020.

The implementation phase started with a fact-finding mission that allowed to discuss concrete needs and drug policy interventions with the relevant national institutions. It was confirmed that involving Belarussian professionals and policy makers in the international drug policy discussion as well as exchanges on good practice examples and on *modus operandi* related to fighting drug trafficking is an important dimension of the project. It emerged from the discussions that the focus of co-operation with the health and social sectors will be the development and improvement of prevention programmes targeting young people. Based on the information collected during the fact-finding mission an analytical report was prepared, giving an overview of drug policy implementation in Belarus, including challenges and opportunities that may be addressed within the project.

In the framework of awareness-raising efforts in the area of drug trafficking and harm reduction methods, officials from key ministries for drug policy and directly responsible for the co-ordination of prevention programmes improved their skills and gained in-depth understanding of an overall prevention concept, the role of different actors, the challenges and pitfalls of implementation and successful European practices through the participation in the training for drug policy managers. They can make use of this knowledge when designing and implementing prevention programmes at national level.

In addition, two middle management officials from the Ministry of Health and the Ministry of Interior enhanced their knowledge of existing prevention approaches and contributions that different stakeholders can provide to the functioning of a comprehensive prevention concept. The Pompidou Group's Executive Training on Drug Policy focused in 2020 on the ‘Role of different actors in drug prevention’. The training enabled them to better understand the requirements for making programmatic choices on prevention and making the best use of stakeholders’ potentials.

After a dynamic start based on the discussions and conclusions drawn from the expert analytical report on the drug policy situation in Belarus, implementation slowed down in the context of the COVID-19 pandemic, and stalled following deterioration of the political situation in Belarus in the aftermath of elections held in August 2020 and the European Union sanctions imposed.

Deliverable 10 – Implementation of key judicial reforms

The PGG continued supporting the implementation of judicial reforms with a view to strengthening the independence, effectiveness and efficiency of the judiciary within the PGG in all six EaP countries, including Belarus.

Aiming at improving the functioning of the courts and strengthening their capacities, procedures and practices in civil cases, the Council of Europe through its PGG country-specific project “Strengthening the right to a fair trial in Belarussian criminal justice and supporting the civil justice reforms - strengthening the judicial system in Belarus”, provided recommendations for the preparation of the unique procedural code on civic and commercial cases and contributed with expertise to the Conference with ODHIR OSCE on the reform of the civil and economic branch of

law in the Belarus Republic. Progressing towards the same goal, the project supported the capacity of the Supreme Court of Belarus by translating into Russian the i) [CCJE Opinion No. 19 on the role of Court Presidents](#) and ii) the Guidelines of the Committee of Ministers of the Council of Europe on electronic evidence in civil and administrative proceedings, in order to raise awareness of Belarussian courts about the Council of Europe standards. Furthermore, the project analysed gender equality in the judiciary in Belarus and included recommendations for improvement in a brochure on “Gender equality and justice in the Republic of Belarus” for judges and court staff, which was delivered to the Supreme Court for further distribution among court staff and lawyers.

Within its efforts to facilitate the implementation of effective mediation procedures in civil cases, the project prepared the “Report on the assessment of the existing legislation in Belarus concerning mediation in civil cases” and share it with the Ministry of Justice. This report, aimed at contributing to reducing the workload of courts in Belarus, included a number of recommendations based on CEPEJ instruments such as the Mediation Development Toolkit and draws from the discussions held in the framework of the CEPEJ Working Group on Mediation, other Council of Europe technical assistance projects as well as from European Union research papers and existing literature.

In terms of promoting thematic training on human rights, the project focused on capacity building for current and future legal professionals (law students) and civil society, and trained: 20 law professors on international human rights standards, online learning and the HELP Programme to make Universities’ curricula and legal training more effective; 272 students on European human rights standards, including criminal justice through eight online lectures and rounds of a moot court competition; and an online seminar on “accountability for ill-treatment and torture during mass protests in Belarus” for 40 lawyers and human rights defenders. Training activities were further supported with the development and publication of a handbook entitled “Pre-trial detention as a preventive measure in the Republic of Belarus” for the use of Investigative Committee of Belarus and dissemination to investigators of regional branches of the Committee.

Within its efforts to promote a dialogue on the abolition of death penalty, the project organised a working meeting on the death penalty to build a common strategy with key stakeholders. However, a follow up mission with the newly established Parliamentary working group on the abolition of death penalty was postponed due to the situation in the country.

In relation to strengthening the independence and professionalism of lawyers, the regional PGG project “Strengthening the profession of lawyer in line with European standards in the Eastern Partnership countries” showed some progress. Despite political difficulties in the region, the project managed to ensure all preconditions for the establishment of regional co-operation of the bars and professional associations of lawyers including women and young lawyers, thus contributing to the co-operation among the bar associations and law societies of the EaP region. In addition, the project delivered four comparative reviews on: procedural and institutional setup of the functioning of lawyers; internal structure of bar associations; procedural safeguards for lawyers and protection against undue interferences for lawyers; and system of legal representation, including free legal aid and the monopoly of advocates. These topics of high significance are analysed from the perspective of differences among the countries, and against European standards and practices, as well as the case law of the ECtHR. A set of legislation and regulations related to the profession of lawyer in Belarus were translated into English for this purpose.

Both the analytical reviews and the subsequent events including online joint discussions of the country reviews further contributed to the establishment of the regional network of bars, professional associations of lawyers and

free legal aid systems through providing the representatives of these institutions with a platform for the exchange of information and views concerning the most acute issues of the profession.

In relation to improving women's access to justice, Belarus participated in the regional project implemented in the framework of the PGG project "Women's Access to Justice: delivering on the Istanbul Convention and other European gender Equality standards".

During the reporting period, the project contributed to increasing capacity of legal professionals to address violations of women's human rights. This was achieved, among others, through two webinars (29-30 June 2020), with the participation of mid-to-high level ministerial decision-makers, that provided participants with information about women's access to justice, including European and other human rights standards on access to justice and gender equality, best practices, and indicators.

In addition, the national partners in all six EaP countries have incorporated the tools developed and translated through previous stages of the PGG I and II regional women's access to justice in their curricula, as optional subjects, and that are repeatedly offered to new generations of judges and prosecutors (Women's access to justice: a Guide for Legal Practitioners, the HELP course on Access to Justice for Women, Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice including the four country chapters, ECtHR Factsheet on Domestic Violence, ECtHR Factsheet on Violence against Women). This has contributed to ensuring the medium-to-long term sustainability of the human rights-based tools and measures on women's access to justice. In 2020, the national partners showed increased interest in gender mainstreaming and how to improve the gender responsiveness of the national justice systems through capacity building aimed at legal practitioners, in particular judges and prosecutors. As a consequence of COVID-19, the project team decided to modify its delivery methods by disseminating the HELP course on Access to Justice for Women among its stakeholders. During 2020, this HELP course saw an exponential increase in participants, being one of the most requested online courses offered on the HELP platform in the last nine months of 2020. This has resulted in 1,862 participants enrolled worldwide of which 256 received a certificate of accomplishment of the course. 94 legal professionals from the EaP countries participated in the course tutored version. Furthermore, the project reached out to other gender equality projects to identify ways of ensuring the translations of the HELP course on Access to Justice for Women in all the EaP languages.

Seeking to extend its reach at different stages of the justice chain, the project also focused on extending its target group from judges and prosecutors in all EaP countries to legal aid counsellors, law schools and ministerial level authorities, as important actors in addressing the structural barriers to women's access to justice.

Within the project's efforts to contribute to mainstreaming the gender perspective in the justice sector, the Guidance Note "Framework for measuring access to justice including specific challenges facing women" was translated in all six languages of the EaP countries to strengthen the framework for multi-agency co-operation at national level in the area of gender responsive in access to justice and it will soon be available on the project website. Additionally, the "Checklist for gender mainstreaming Law Schools' Curricula" developed by the project in 2020, provides relevant national stakeholders with a broad overview of the strengths and weaknesses of the curricula for legal professionals in regards gender and it provides concrete links to already available tools, from Council of Europe and other relevant international actors such as European Union and the UN, which are strongly rooted in a human rights based approach.

Overall, the participation of Belarus was limited due to the political situation in the country and restrictions imposed by the sanitary crisis. Many national activities were put on hold, such as, for example, the Mentoring Programme

for Legal Professionals on Women's Access to Justice for Belarus, which had to be put on hold at an early stage. In the first half of 2020, the project made nevertheless good contacts with CSOs in Belarus, which could be useful for future activities once the political situation will allow.

Cross-cutting deliverables

Although in Belarus the legislation concerning discrimination has major gaps, including the absence of a law on equality as such, in feedback received during the activities organised in the context of the PGG regional action, all project partners across the region demonstrated an interest in aligning their legislation with European standards and ECRI recommendations ECRI.

Belarus participates in the PGG regional project "Strengthening access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries". However, the involvement of Belarus has been put on hold due to the political developments in the country and on the basis of the joint decision between Council of Europe and DG NEAR.

As for gender equality, no country specific actions were developed for Belarus in the field of promoting the Istanbul Convention and other European gender equality standards. Belarus participated in the PGG regional project "Women's Access to Justice: delivering on the Istanbul Convention and other European gender Equality standards". The progress within this project is detailed in the section above.

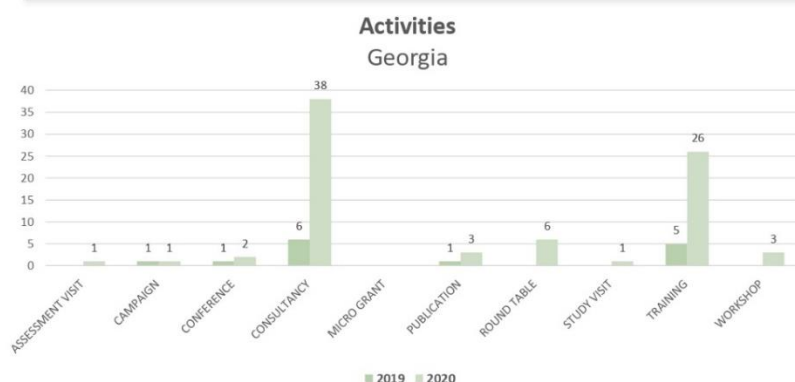
GEORGIA

The third Council of Europe Action Plan for Georgia (2020-2023) was adopted by the Committee of Ministers in October 2019. It has been launched by Minister of Foreign Affairs of Georgia, David Zalkaliani, and the Council of Europe Secretary General, Marija Pejcinovic-Buric in Tbilisi on 11 November 2019.

Implementation of the Council of Europe activities in Georgia in 2020 took place on the background of the parliamentary elections of 31 October 2020 and the sanitary crisis caused by the COVID-19 pandemic. Despite COVID-19, projects implementation continued. Depending on the methods applied to work under quarantine, while delays occurred in some instances, more than 85% of the revised workplans were successfully put into practice and projects in Georgia are not an exception. COVID-19 related restrictions on travel and large-scale events resulted in decrease of number of participants at the events as well as decrease of engagement of international experts into the activities. Where possible, this engagement has been provided online.

In 2020, the progress was visible in reforms within the PGG priorities. Notably, Council of Europe contributed to developing more transparent procedures for the appointment of judges by the High Council of Judges. These procedures were eventually instituted by the Fourth wave of reform legislative package which would lead to future appointments of judges in line with these legislative improvements. Nevertheless, the implementation of some longstanding recommendations of the Council of Europe and other international Organisations is still pending. Opinions were provided by the Council of Europe on amending the Criminal Code and the Code of Administrative Offences, already some years ago but they are not yet on the Parliament's agenda.

Georgia



Deliverable 9 – Rule of law and anti-corruption mechanisms

Georgia had adopted the first National Money laundering and terrorist financing risk assessment report (NRA Report)³⁶ and introduced the new AML law³⁷, ensuring the compliance of the Georgian AML/CFT legal framework with relevant international standards in 2019. These achievements from 2019 bore further fruit in 2020: based on the new AML Law, the Financial Monitoring Service (FMS) adopted two by-laws³⁸ in this reporting period, replacing the previous 18 bylaws issued since 2012, on receiving, systemising and processing the information and forwarding to the FMS. Once these by-laws were adopted, the project supported their understanding and application by concerned actors through a series of capacity-building activities.

The PGG project “Enhancing the systems of prevention and combatting corruption, money laundering and terrorist financing in Georgia” helped to build the capacity of the national Anti-corruption Agency (ACA), whose mandate is prevention of corruption together with identification, investigation and elimination of corruption. Since the ACA is relatively new in these areas, the project focused on providing good knowledge of international best practices as well as possible challenges the institution might face, by organising a workshop on "Prevention of Corruption in Public Sector" (21-22 July 2020) and developing a technical paper on "Sharing good practices on prevention of corruption in public sector applied by relevant anti-corruption law enforcement agencies". The workshop for 18 representatives of the ACA and the Office of the Prosecutor General of Georgia, helped these institutions to carry out effective measures to combat corruption (at the prevention stage) by enhancing the knowledge of participants on best practices of different countries in various facets of the prevention of corruption in the public sector, including conflicts of interests, reporting mechanisms and whistleblowing, public procurement, the ACA's role, corruption proofing and risk assessment as well as the co-operation with civil society – with the ultimate aim to reduce or avoid the further increase in corruption offenses. In addition, the technical paper, which was prepared following the workshop upon the beneficiaries' request, also provided insights in good practices on prevention of corruption in the public sector applied by relevant anti-corruption law enforcement agencies.

³⁶ NRA Report, 30 October 2019.

³⁷ Law on Facilitating the suppression of money laundering and terrorism financing, adopted on 30 October 2019.

³⁸ 1- Rules of recording and storing of information on transactions by a reporting entity and submission of such information to the Financial Monitoring Service of Georgia (Order №1 of June 5, 2020 of the Head of the FMS),
2- Procedure of identification and verification of a client by reporting entities (Order №2 of 5 June 2020 of the Head of the FMS).

Follow-up activities in support of anti-corruption institutions in Georgia, including workshops on corruption prevention for public officials at the local/municipal level, unfortunately had to be postponed due to COVID-19 related travel restrictions, and will be implemented in 2021.

Following the NRA Report and legal amendments in 2019 and 2020, and [the Fifth Round Evaluation Report of MONEYVAL](#) (adopted in 2020), the PGG II activities focused on capacity building and awareness raising for national authorities, to ensure effective implementation of AML/CFT measures by the relevant regulatory/supervisory institutions and reporting entities, including financial and non-financial sectors. For this purpose, it helped improve the knowledge and skills of the representatives of the financial sector (commercial banks, microfinance organisations and the National Bank) on AML/CFT standards including risk based approach (RBA), ongoing monitoring, effective reporting mechanisms of suspicious transactions, and identifying and managing money laundering and terrorist financing risks, in an online training organised in November 2020. The gambling sector, which was identified as a high risk area for money laundering and terrorism financing (ML/TF) by the NRA and MONEYVAL Fifth Round Evaluation was also a sector of focus of the project, which raised awareness of the actors from the sector (regulatory/supervisory institutions and the gambling business) on AML/CFT international standards, national obligations, risks identified for the sector and best practices, through an online training for 30 representatives of these branches.

The PGG also started to support the capacity of the Service for Accounting, Reporting and Auditing Supervision (SARAS) for efficient implementation of AML/CFT supervision; and raise awareness of accountants and auditors on AML/CFT compliance, following the Fifth Round Evaluation Report of MONEYVAL, which recommended the country to put appropriate risk-based AML/CFT supervision in place. The PGG started preparations for sector-specific guidance to be developed on AML/CFT compliance for accountants/auditors, upon request from SARAS and in co-operation with the Financial Monitoring Service of Georgia.

Additionally, the PGG II helped develop the knowledge and skills of the Georgian judiciary, prosecution and law enforcement representatives in the area of asset recovery through a case-based, practice-oriented training on seizure, confiscation and recovery of proceeds from economic crime organised in an online format – which allowed judges, prosecutors and investigators not only from the capital but also from different regions of Georgia to benefit from the training.

Two training courses on asset declarations for the Civil Service Bureau and local municipalities of Georgia were postponed due to COVID-19 restrictions upon request from the authorities after an assessment of the imperative need for physical presence for transferring this type of knowledge at the municipal level. These are being organised for the beginning of 2021. Other related activities were delivered in remote mode, such as the workshop on “Prevention of corruption in the public sector” in July 2020.

The PGG prepared the technical paper on "Analysis of the current system of disciplinary liability within the Georgian Prosecution Service with Recommendations and a road map towards the full Implementation of, and compliance with the GRECO Fourth Round Evaluation Recommendation XV", which reviewed the current state of the disciplinary regime for employees of the Prosecutor's Office of Georgia, provided recommendations and a roadmap for further steps towards full implementation of, and full compliance with Recommendation XV of the GRECO's Fourth Evaluation Round. The document will assist the beneficiary institution in updating the legal framework related to the prosecutor's disciplinary liability in compliance with relevant GRECO recommendations.

The PGG II provided a better understanding of the international and national asset recovery framework and supported the improvement of the capacity of Georgian law enforcement agents and judiciary representatives to analyse further steps for creating an effective seizure, confiscation and asset recovery national mechanism, via an

online training session for 26 participants from the Prosecutor's Office, the Ministry of Finance, the State Security Service and judges.

Deliverable 10 – Implementation of key judicial reforms

Through the PGG project "Enhancing the accountability and the efficiency of the judicial system and the professionalism of lawyers in Georgia" a report was finalised on Independent Inspector's statutory framework, as well as a comparative analysis on regulatory frameworks and best practices from the Council of Europe member States, which identified the need to deepen the examination of the role and competences of inspection. The report recommends: i) the appointment of a data protection officer within the Independent Inspector's Office; ii) the development of a Charter with the details on (a) objectives of data processing, b) necessity, c) proportionality, d) designated personnel, e) monitoring and evaluation scheme; and iii) the development of secured Application Programming Interfaces with the highest cybersecurity standards. The PGG II is in active co-operation with the Independent Inspector's Office to ensure the implementation of the recommendations in 2021.

The PGG also finalised an expert Opinion on the Criminal Procedure Code of Georgia, which will facilitate further work with legislator and respective state authorities with its recommendations on specific areas for improvement and amendments in legislation. The General Prosecutor adopted a decree on guidelines on "Dealing with persons with disabilities-interrogation and witness statements," which had been prepared by the support of the PGG in close co-operation with the General Prosecutor's Office. The PGG also supported Ministry of Justice in finalising the guidelines on the transfer of sentenced persons, which provides its staff with detailed instructions on how to handle requests related to the transfer of sentenced persons in line with best international practices and ECHR standards. Once adopted, the guidelines will become a legally binding document for the respective staff.

The PGG started to work on the development of a strategy and Action Plan for the Supreme Court, upon the request of the Court. The needs assessment part of the process has been finalised and the first draft of the Strategy and Action Plan was drafted in 2020. It identifies a set of areas that require legislative and institutional support and provides recommendations on improving the capacities of the Constitutional Court staff, Constitutional Court's dialogue with the civil society, international organisations and academia, bearing in mind the Court's Communication Plan, to increase public awareness on the functioning of the Constitutional Court. Following the previous evaluation report for the non-judge staff in judiciary, the PGG started working on appraisal system for the staff of the Supreme Court, which will be shared with the stakeholders for discussion, and is expected to be implemented by the Supreme Court in 2021, based on the findings of the report on an appraisal system along with electronic software.

The PGG also established a Consortium of Electronic Law Libraries, to ensure court staff's high value academic research capabilities, which provides access to the electronic legal resources (HeinOnline/Westlaw) to the academic and public institutions and support their staff to deliver the high-quality legal research. The consortium is established as a sustainable and cost-effective solution, providing a platform for co-operation among the universities and the Constitutional Court of Georgia that will continue to exist (with a shared financial constitution) without donor support in the future.

The PGG II further strengthened the institutional structure of the analytical department of the Supreme Court in Georgia by adding the mandate for statistical data collection with respective staff. The department continues its work based on the valuable support provided by the first phase of the PGG. During 2020 the analytical department produced 10 reports on various matters of law and court practice providing judges with useful information on ECHR

standards and case-law of the ECtHR based on methodology developed in 2016. Thus, the department shows sustainable results by performing an important role in assisting the court system for the development of unified court practices.

Joint Opinion of the Venice Commission and the Directorate of Human Rights and the Rule of Law (DG I) was provided on the Supreme Court judges' selection and appointment procedure on 8 October 2020. The Opinion concludes that some recommendations of the Urgent Opinion on the Selection and Appointment of the Judges of the Supreme Court of Georgia from June 2019 remain to be addressed.³⁹

The PGG project supported the High Council of Justice by analysing the randomly selected acts of the Council on judicial appointments and prepared recommendations with specific guiding steps to enhance the reasoning standards, including a template on reasoning.

Council of Europe continued to support the authorities to establish a more efficient court management system via several activities: first, the PGG finalised the report on performance evaluation of judges, to assess the effectiveness of measures relating to the evaluation of performance of judges' work in order to enhance the quality of the justice and strengthen the public trust in the judicial system. The report, recommending a formal evaluation system to be set out in primary legislation and addition of qualitative criteria to the existing evaluation model, was shared with the partners and will further be followed-up in 2021. The PGG II also provided translation of the CEPEJ Toolkit for "Supporting the implementation of the Guidelines on how to drive change towards Cyberjustice" and disseminated to project partners providing support since the judiciary has elaborated its first IT strategy and Action Plan in Georgia. The PGG also supported the judiciary in identifying overlaps and eliminating obsolete reporting, by concluding two important works related to data collection and analyses: evaluation of the existing data collection methods and tools that are applied within the judiciary; and a study on the type of statistical data - how data collection methods can be improved and what categories of data needs to be analysed to be in line with CEPEJ standards.

The PGG also supported the capacity of the Independent Inspector's Staff on ways to enhance communication with citizens, while ensuring transparency of the work of the Office, by providing a Guide on Legal Reasoning, an explanatory note on newly introduced grounds, following the revision of the Grounds for Judges' Disciplinary violation, and via other capacity building activities to support the Independent Inspector's Office for better identifying potential judicial misconduct and to strike a better balance between reasoning Independent Inspector's decisions and transparency while considering data protection issues. These efforts resulted in a commitment by the Independent Inspector's Office that it will proactively publish its decisions to enhance accountability to the civil society and the public at large⁴⁰.

In terms of awareness raising to improve the access to justice for women, the regional project on Women's Access to Justice, the "Women's Access to Justice: a guide for legal practitioners" factsheet and all its translated versions are available on the project webpage as well as in national languages on the Georgian Electronic Library of the Prosecutor's Office.

³⁹ The Venice Commission regrets that the draft Amendments were adopted at their third and final reading on 30 September 2020, just slightly over a week after Georgian authorities sought the Venice Commission opinion on 22 September 2020. The Commission was willing to assist the Georgian authorities in reforming the system of appointment of Supreme Court judges in line with European standards and meeting the domestic calendar. However, owing to the extremely limited amount of time it disposed as a result of the belated opinion request, the Commission could not but limit the scope of its analysis of the draft Amendments to the examination of whether its previous recommendations had been met in the draft Amendments under consideration.

⁴⁰ See the report of an NGO (IDFI) on publication of the decisions of Independent Inspector's Office: https://idfi.ge/en/the_administrative_complaint_of_idfi_was_partially_granted?fbclid=IwAR1ZP9ibYrtcSpMJXBYIqS0GNeD8iFrvaxIFvesNz0kggPvVzKhJ78P8Ec

The PGG II supported two main institutions providing training for legal professionals through recommendations on revising the initial training program of High School of Justice, including a roadmap on altering both the theoretical and internship parts of initial training. The initial training program has been revised per expert's recommendations and the High School of Justice's Board is currently considering its approval. The PGG also developed the capacity of the Georgian Bar Association (GBA) Continuous Legal Education Program by introducing new methodologies and tools such as the training needs assessment and outcomes evaluation. The PGG also developed two online training courses, which have already become part of the GBA's continuous legal education curriculum, with interactive blended learning methodologies, assessment tests (pre and post), case-law materials and the focus on the new learning approaches, replacing the former 60-minute, lecture type training methodology that lacked knowledge-delivery capabilities. The trainers of the GBA were also trained according to same training methodology and approaches.

As a result of COVID-19, the project team decided to modify its delivery methods by disseminating the Human Rights Education for Legal Professionals (HELP) course on Access to Justice for Women among its stakeholders. The Prosecutor's Office in Georgia integrated the HELP course on Access to Justice for Women as a compulsory element in their mentoring programme for legal professionals as a proactive response to COVID-19.

The PGG II continued to support ensuring better protection of human rights via actions improving performance of prosecutors, lawyers and judges in criminal proceedings: a pool of trainers, consisting of 14 senior prosecutors, was established to train their peers on the modalities of application of preventive measures and judicial control over the lawfulness of applied coercive measures; and 314 legal professionals (138 women/ 176 men) strengthened their knowledge on ECHR standards and case-law of the ECtHR on the application of pre-trial measures and fight against ill-treatment. The participants showed around 45% percent improvement in knowledge, according to the overall evaluation of pre- and post-test questions administered during the trainings, and a strong commitment to apply new knowledge in their daily practice was attested. The project also promoted the HELP training platform by training 15 additional HELP tutors (nine women and six men) from various state institutions to address the increasing demand on HELP online courses and increase the capacity to implement activities under the pressure of pandemic restrictions. Furthermore, the project organised two intensive HELP online courses in Georgia: the course on "International Cooperation in Criminal Matters" and "Reasoning of Criminal Judgments" was completed by 26 prosecutors and Ministry of Justice staff (14 women and 12 men) who increased their knowledge on international co-operation in criminal matters, whereas the course on "Reasoning of Criminal Judgments" increased the increased capacity of 25 judges (12 women and 13 men) to fight ill-treatment and contribute to development of gender sensitive court practices.

38 legal aid lawyers from the Republic of Moldova, Ukraine and Georgia strengthened their competences on international standards on access to justice and violence against women, including the case law of the ECtHR and the Istanbul Convention standards. Their awareness on gender sensitive approaches in dealing with cases of violence against women, and how this approach is crucial for their legal aid work with victims has been enhanced.

Cross-cutting deliverables

The PGG in Georgia conducted gender analyses to assess the projects from the gender mainstreaming perspective including training activities, particularly the involvement of the main concepts of gender equality (gender bias, gender stereotypes, gender-sensitive language, etc.) therein and the integration of gender-sensitive approach in the training processes.

The PGG project “Supporting the criminal justice reforms - tackling criminal aspects of the judicial reforms in Georgia” ensured the recommendations of gender analysis conducted in 2019 while implementing capacity building activities and analysing legislation on criminal procedure and international cooperation in criminal matters. The project also finalised an expert Opinion on Criminal Procedure Code complemented with a gender analysis; and developed gender equality indicators for the criminal justice sector offering a series of gender-sensitive indicators for use in data collection by the criminal justice system to foster effective monitoring and accountability, and to prevent any gender discriminatory effects of apparently neutral provisions.

As part of the Action Plan for Georgia 2020-2023, the Council of Europe supports the authorities’ efforts in aligning laws, policies and practices on preventing and combating violence against women and gender equality with European standards. The gaps and recommendations related to practices and coordination between relevant authorities, such as law enforcement, legal professionals and social workers, have been taken into account in the development of a sexual violence manual to strengthen the investigation, prosecution and court proceedings of these cases in line with European standards, including the Istanbul Convention. The manual will be ready in 2021. On 8 December, 2020, the Public Defender of Georgia and the Council of Europe held a joint online conference and presented [the findings of the study on the "Administration of Justice on Sexual Violence Crimes against Women in Georgia"](#). The study concludes with 44 recommendations on how to overcome barriers of women’s access to justice and improving the accountability of perpetrators of sexual violence cases.

In addition, within the Council of Europe Action Plan for Georgia 2020-2023 framework, continued to build capacity to counter hate speech and investigate hate crimes: 20 Resource Officers from Tbilisi and regions are ready to implement awareness raising projects in schools. A new course "We together, We can" equipped 41 youth in municipalities with an understanding of discrimination and hate speech. 34 prosecutors and 19 investigators increased knowledge on prosecution and investigation of hate crimes in line with ECHR standards.

All PGG projects worked closely with the EU Delegations and other national and international actors working on similar issues in the region to strengthen partnerships with other international partners, foster linkages and avoid duplications. Some good examples of co-operation, among others, include USAID/PROLoG, UNICEF, UNDP, UN OHCHR and GIZ in Georgia.

Despite a complex year, in 2020 the project’s partner authorities in the EaP countries have continued to introduce measures to enhance equal access to justice, such as the introduction of the HELP online course on Access to Justice for Women as a compulsory course in the specialised Prosecutors legal training in Georgia.

In May 2020, Georgia has joined Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) of the Council of Europe. The co-operation in this field continued for some time already on the subject of treatment of drug abuse, notably in the penitentiary system, and cooperation between health professionals and social workers from Tbilisi and Sukhumi within the framework of the confidence building activities of the Council of Europe. The accession to the Group will help to extend cooperation between the Council of Europe and Georgian partners in this field even further, including such topics as prevention of drug use among youth and tackling psychological problems in relation to the health crisis.

THE REPUBLIC OF MOLDOVA

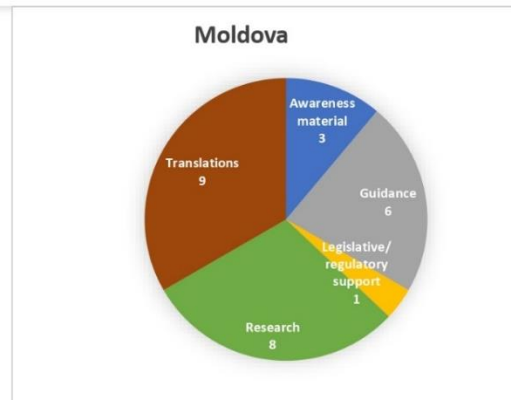
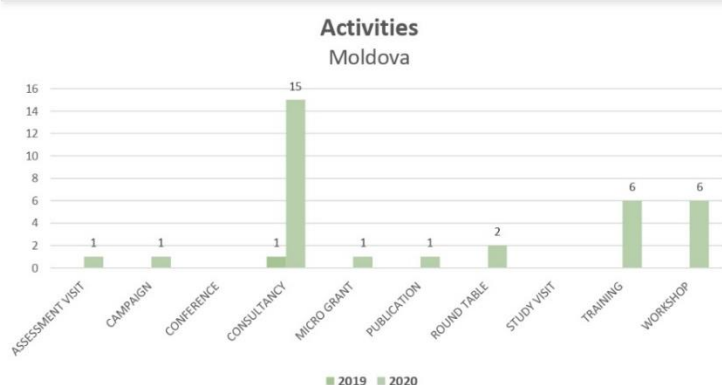
The political situation in 2020 in the Republic of Moldova was characterised by instability especially in the run-up to the electoral campaign and following the Presidential election. This led to the change of the Government in December 2020.

The Council of Europe Action Plan for the Republic of Moldova 2017-2020 aimed to contribute to the overall stability and democracy in the Republic of Moldova. In 2020, in the field of preventing and fighting corruption, some progress was achieved in strengthening the institutional and operational capacity of the relevant anti-corruption and anti-money laundering bodies. The Council of Europe also worked with Moldovan institutions to bring the criminal justice system further into line with its human rights standards and some progress was achieved, notably in preventing and fighting torture and ill-treatment. Nevertheless, the work needs to continue on securing full independence of the judiciary, in making the prosecution services more accountable to the society as well as in improving the execution of domestic and ECtHR judgments in accordance with the Republic of Moldova's commitments.

During the 2020 global health crisis, the Council of Europe swiftly adapted its workplans to ensure business continuity as part of this Action Plan. Examples include an increased focus on distance learning such as the Human Rights Education for Legal Professionals (HELP) courses, and transferring activities such as meetings, expertise and training to online-formats.

A new Council of Europe Action Plan for the Republic of Moldova 2021-2024 was approved by the Committee of Ministers at its 1,389th meeting on 25 November 2020 (see [CM\(2020\)161](#)). Under this Action Plan, the Council of Europe and the Moldovan authorities have agreed to continue to carry forward reforms in a number of areas, including the implementation of the ECHR at national level, aligning national legislation and practice concerning anti-discrimination and gender equality with European standards, enhancing the independence and accountability of the judicial system, countering corruption and money laundering, reforming the prison system, advancing the compliance of national practices with European standards in the field of media and Internet governance, enhancing data protection in the country.

Moldova



Deliverable 9 – Rule of law and anti-corruption mechanisms

[GRECO Second Compliance Report of the Fourth Evaluation Round on the Republic of Moldova](#) with the main focus on Corruption prevention in respect of members of parliament, judges and prosecutors was adopted in October 2020. It noted that “The level of compliance has barely changed since 2018. Of the 14 pending recommendations, only one which was considered not implemented in 2018’s compliance report is now considered partially

implemented. Nine recommendations remain now only partially implemented and another four, not yet implemented.”

In the framework of the Action Plan, the assistance was provided to the Republic of Moldova in the field of fighting and preventing corruption, money laundering and terrorist financing. The joint European Union/Council of Europe project “Controlling Corruption through Law Enforcement and Prevention”, (CLEP)⁴¹ aimed to strengthen the national anti-corruption and anti-money laundering frameworks in the Republic of Moldova ended in 2020. Building on its results, a new project⁴² was launched in June 2020 in the framework of the Action Plan, with the aim to enhance the capacities of authorities in the Republic of Moldova to implement pending recommendations from the GRECO Fourth Round Evaluation.

In 2020, some progress was achieved in reforming the legal and regulatory frameworks to fight corruption, money laundering and terrorism financing in line with European and international standards. The Council of Europe actions in this field contributed to an improved legislative process and strengthened institutional capacities in the Republic of Moldova in all targeted areas: anti-corruption, anti-money laundering and financing of terrorism, asset recovery and integrity of public officials. The existing regulation on gifts regime for public officials was entirely updated according to best international practices and standards and enforced with a Government Decision in March 2020 and their impact will be visible in the following years. These legislative changes will guide the managers of public offices in ensuring a compliant gifts regime within their institutions. Another important legislative progress was the adoption of the Law on sanctions regime and procedure for ascertaining violations in the field of money laundering and financing of terrorism prevention, drafted with the support and expertise of the Council of Europe. The new law provides the types of sanctions and the authorities responsible for their application, by diversifying the sanctions and by increasing the amount of the pecuniary fines.

The Council of Europe also contributed to enhancing the analytical and reporting capacity of the relevant national stakeholders. In this regard, integrity trainings for medical professionals (including managers) are currently delivered by the School of Public Health Management. They are provided by the pool of instructors who received a training of trainers and were equipped with relevant skills and knowledge, a training curriculum and a Medical Integrity Guide. The Council of Europe also provided capacity building activities related to asset declarations, conflict of interest and other integrity policies, targeting local level officials. As reported by the National Anti-Corruption Centre, these activities have led both to an increased number of anti-corruption Action Plans developed by the local level administration but also to an improved quality of reported results. Continuing the focus on all regions of the country, training activities were organised with journalists from the capital and the regions, increasing their understanding of money-laundering and financing of terrorism crimes and increasing their participation in the fight against corruption. An improved reporting on corruption crimes was also supported by additional tailored publications to guide their work in these fields.

The Council of Europe continued to support the consolidation of internal capacities of the Asset Recovery Office (ARO) of the Republic of Moldova. ARO staff and law enforcement officers have acquired increased capacities on parallel financial investigations and on assets management as a result of intensive training. In addition, criminal analysts have improved their analytical skills due to capacity building activities in connection to visualization software procured by the project, while also benefiting from improved IT capabilities provided with the support of the Organisation. An increased law enforcement agencies ability to investigate cross-border crimes and improved

⁴¹ “Controlling corruption through law enforcement and prevention (CLEP) - Republic of Moldova” This Joint European Union/Council of Europe project had a budget of €2 225 000 and the following duration: 01/06/2017-31/05/2020.

⁴² “Action against corruption in the Republic of Moldova”, this Council of Europe project is financed by the Bureau of International Narcotics and Law Enforcement Affairs (INL) of the US Department of State has a budget of €230 500, duration 01/06.2020 – 30/11/2021

coordination mechanisms on assets recovery were made possible due to targeted capacity building activities and study visits. Moreover, access to the SIENA platform was successfully achieved by the ARO which has already communicated an increased number of international requests sent and received by the ARO.

Deliverable 10 – Implementation of key judicial reforms

Work in this area was undertaken in the framework of the PGG project “Support to further strengthening the efficiency and quality of the judicial system in the Republic of Moldova” launched in December 2019. Between April and September 2020, Council of Europe Ad hoc Working Group for Justice Sector Reform held a series of online meetings with relevant stakeholders in Chisinau. It assisted the national authorities in developing the revised Strategy for Ensuring Independence and Integrity in the Justice Sector for 2021-2024, and in revising the constitutional amendments on the Superior Council of Magistracy in line with the recommendations of the Venice Commission and General Directorate for Human Rights and Rule of Law ([Opinions No. 983 / 2020](#), from 20 March 2020, and [No. 983/2020](#) from 18 June 2020 on the draft law amending and supplementing the constitution with respect to the Superior Council of Magistracy).

The Council of Europe continued its work on implementing CEPEJ recommendations from coaching reports to improve court administration and judicial services in the Republic of Moldova.

Recommendations regarding the Key Performance Indicators (KPIs) for the court system were made available to the Moldovan stakeholders, following expert missions and comprehensive reports. The Ministry of Justice and the Superior Council of Magistracy (SCM) were advised on applying clear and comprehensive KPIs with a view to evaluating the activity of individual courts and the judicial system as a whole, weighting the needs versus results and distributing rationally the available resources, designing judicial reforms and evaluating their results.

Recommendations regarding the methods for evaluation of systems of enforcement of court decisions in civil and administrative matters were made available to relevant stakeholders (Ministry of Justice and the National Union of Enforcement Agents (NUEA)) following an expert mission and a comprehensive report. Good practices in applying enforcement timeframes and specific indicators to assess the efficiency and quality of enforcement services were also explained and steps for their implementation in Moldova have been discussed, including the initiation of the necessary IT tools.

The Ministry of Justice and other partners have a better understanding of the challenges faced by the judicial systems from different countries during the COVID-19 pandemic and their responses with a view to maintaining the high standards for access to justice, as a result of attending the CEPEJ ad-hoc and specialised working group meetings. Concrete examples to be put in practice by Moldovan judicial system were made available, with a particular focus on facilitating the access to courts for groups in vulnerable positions.

In the framework of the Action Plan project “Promoting a Human Rights compliant Criminal Justice System in the Republic of Moldova”, some progress was achieved in strengthening the national capacities to align domestic criminal and penitentiary legislation, as well as policy and practice, with European standards and best practices. On 25 February 2020, a [report](#) on the research on the application of pre-trial detention in the Republic of Moldova was presented in Chisinau. The report includes specific recommendations to the Moldovan authorities aimed at ensuring that domestic policies, and the legal framework and practice, comply with international standards. As a follow-up to the report, the Council of Europe held several activities, including the Summer School on the Right to Liberty and Security in co-operation with the NIJ, as well as cascade seminars for judges, lawyers and prosecutors.

A large-scale assessment of the application of criminal sanction in the Republic of Moldova in 2018-2020 was accomplished in 2020. While the results of the assessment demonstrate an overall compliance of domestic legislation with international standards in this field, when it comes to application of laws more has to be done in terms of humanization of criminal justice and individualization of sentencing.

Following its most recent visit to the Republic of Moldova in 2020, the [report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) noted the tangible progress achieved in several areas, for instance (i) in all the establishments visited, the majority of prisoners interviewed by the delegation made no allegations of ill-treatment by staff; (ii) there are some improvements to the material conditions at Chisinau Prison; material conditions at Cahul and Taraclia prisons were on the whole satisfactory; (iii) no excessive recourse to the sanction “placement in the solitary confinement” by the prison authorities. Nevertheless, the major challenges, such as overcrowding, inter prisoner violence, subculture, and lack of provisions of health care, still remain and need deeper structural reforms in the country.

Cross-cutting deliverables

The comprehensive PGG project “Strengthening the capacities of the justice sector actors to deliver justice in line with European standards, in particular to fight discrimination, in the Republic of Moldova” launched in 2019 is contributing to enhancing human rights protection and strengthening anti-discrimination measures in this country. It focuses on the increasing the institutional capacities of three national stakeholders, the National Institute of Justice (NIJ), the Bar association’s Lawyers Training Center (LTC) and the Equality Council of the Republic of Moldova.

Being aware of the importance of organising online activities in the pandemic period, the project worked closely with the National Institute of Justice (NIJ) on increasing the number of HELP tutors. Capacities on non-discrimination of 94 judges, prosecutors and judicial staff were increased following their completion of the HELP training. However, it remains to be seen in the upcoming period if the Bar and Lawyers Training Centre will proactively improve the existing regulations in line with the Council of Europe reports.

In the framework of the same PGG project, The Equality Council of the Republic of Moldova benefited from support which resulted in strengthening its internal functioning and promoting visibility. The support provided to the Equality Council in improving their monitoring mechanism has already turned into tangible results. Further to the finalisation of the report on assessment of the monitoring mechanism and instruments, the Equality Council has drafted its Monitoring Strategy and requested the project to assess it and provide recommendations for improvement. Capacities of the Equality Council on multiple discrimination, referrals to the Constitutional Court, monitoring the implementation of decisions and recommendations were enhanced; and its visibility was promoted via the development of a [video spot](#) with testimonials from final beneficiaries.

In the framework of Action Plan, a new non-PGG project⁴³ was launched in 2020, raising awareness on the aim and content of the Istanbul Convention. The publication of the study “Advancing towards the ratification and implementation of the Istanbul Convention: good practices from states parties” in November 2020 and its dissemination across relevant stakeholders contributed to raising awareness on what the Istanbul Convention sets forth and how countries can move towards its ratification and implementation. The study covers two main sections: examples of practices put into place by states parties to the convention in their path towards ratification; and good

⁴³ “Awareness-raising activities on the Istanbul Convention in the Republic of Moldova”, implemented 13/01/2020-30/11/2020.

practices by member states when implementing the convention, targeting shortcomings and gaps face by the Republic of Moldova. The Moldovan context is taken into consideration to ensure a tailor-made approach to the proposals put forward. It gathers best practices from different Council of Europe member states illustrating the measures adopted to facilitate ratification of the Istanbul Convention and how to implement it at national level. The research provides a factual baseline for future initiatives and advocacy for the ratification of the Istanbul Convention. It can then be utilised by civil society and activities to promote ratification.

The Commissioner for Human Rights of the Council of Europe visited the Republic of Moldova from 9 to 13 March 2020. The main topics covered by her [report](#) are violence against women and domestic violence; children's rights; the human rights of persons with disabilities and Roma; hate speech; and the rights to housing and health. The Commissioner also travelled to Comrat (Autonomous Territorial Unit of Gagauzia) and Tiraspol. The Commissioner recommended the ratification of the Istanbul Convention, increasing the number of shelters and other support services available to victims of violence against women, including sexual and domestic violence, especially in the rural areas. Another recommendation is that the authorities of the Republic of Moldova collect disaggregated data on all forms of gender-based violence against women and ensure that accurate and accessible data is available on the number of cases reported, investigations, prosecutions, convictions and the sanctions imposed on the perpetrators, as well as on the remedies provided to victims.

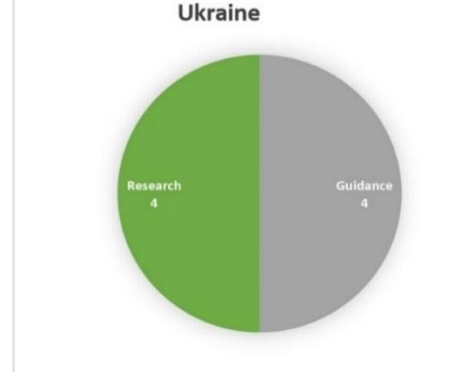
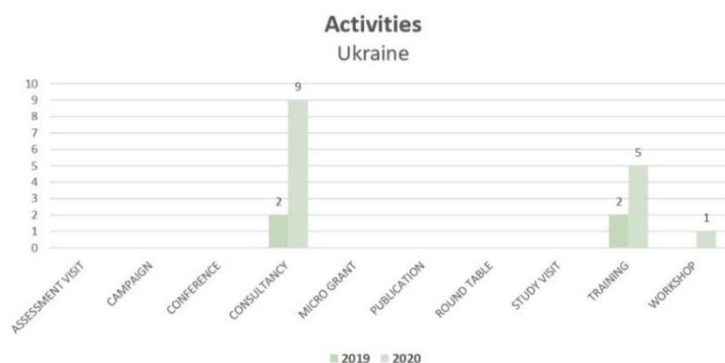
The [third evaluation round report](#) of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) was published on 3 December 2020. The focus of the report is on trafficking victims' access to justice and effective remedies, establishing substantive and procedural obligations relevant to this topic. It states that the Moldovan authorities should strengthen the provision of information on their rights, in different languages to presumed victims and identified victims of trafficking. GRETA urges the Moldovan authorities to take steps to facilitate and guarantee access to compensation for victims of trafficking and to take additional steps to protect victims of trafficking and to prevent their intimidation during and after the investigation/court proceedings.

UKRAINE

The reform process in Ukraine continued with some progress in 2020. The PGG focused on assistance in implementing new legislation and policies as well as on enhancing the capacity of national institutions to implement reforms. Significant challenges remain regarding implementation of the legislation and capacity of the public institutions to effectively counter corruption and increase their independence and accountability, execution of the ECtHR judgements needs further improvement.

On 1 July 2020, the Committee of Ministers decided to extend the Council of Europe Action Plan for Ukraine 2018-2021 until the end of 2022 in order to ensure its full implementation. This development will contribute to sustaining the Action Plan implementation, considering the inevitable slow-down due to COVID-19 related sanitary restrictions.

Ukraine



Deliverable 9 – Rule of law and anti-corruption mechanisms

A major development in Ukraine is the entry into force of the new Law on anti-money laundering and countering the financing of terrorism (AML/CFT) as of 28 April 2020 – after it had been adopted by the Ukrainian Parliament in December 2019. The PGG, through its project on “Strengthening measures to counter money laundering and financing terrorism in Ukraine” was actively involved in facilitating and participating in working group discussions, committee sessions and consultations processes. The PGG significantly supported the national authorities in the application of the Law via technical papers and capacity building activities for specific topics and groups of stakeholders concerned by the different aspects of the implementation of the Law. The AML Law is a significant advancement since it transposes the latest EU anti-money laundering requirements envisaged by the Fourth and partially Fifth EU Anti-Money Laundering Directives, achieving compliance with FATF standards and recommendations by the IMF and MONEYVAL. The positive steps by Ukrainian authorities have already prompted MONEYVAL to assign Ukraine higher international compliance ratings in the areas of improving the criminal law provisions for the offence of terrorism financing as well as enhanced sanctions for financial institutions and other entities for non-compliance with AML/CFT legislation.

Despite these positive developments, the PGG identified seven draft amendments proposed to the AML Law by various interest groups attempting to water down its provisions against the international standards and obligations. Together with the EU Delegation to Ukraine, the project addressed and raised these concerns with the relevant authorities, and the attempted amendments have been prevented so far.

Additionally, the PGG provided support to Ukrainian authorities in drafting secondary AML/CFT legislation for specific institutions or sectors, such as the gambling sector. The project helped strengthen analytical skills of the Financial Intelligence Unit (FIU) with a series of specialised trainings for 20 analysts, and also developed the knowledge and capacities of other national actors involved in AML/CFT through targeted trainings for specific institutions or sectors (with a total of 211 individual beneficiaries trained in 2020). This included training on identifying money laundering and terrorism financing (ML/TF) risks associated with corporate entities, thus shedding light and raising awareness of the sector’s supervisory institutions on those risks to which attention should be paid; and a workshop on AML/CFT compliance in the gambling sector, raising the awareness of actors of this high-risk sector on their specific AML/CFT risks, while sharing good practices from other countries, and supporting

the Ministry of Finance in its new supervisory functions. AML/CFT awareness-raising and capacity-building was also provided to Ukrainian prosecutors and judges in their respective capacities, to enhance their practice of prosecution and adjudication of ML/TF crime cases in accordance with the new legal framework and international standards.

Another means of support to Ukrainian authorities in the process of implementing the AML Law has been the provision of strategic and technical advice and recommendations on effective measures and practices to be adopted by relevant stakeholders in different areas of implementation of the law, in the form of a series of technical papers. These papers (eight in total in 2020) were delivered in response to requests by national authorities to guide them on how to achieve effective risk-based AML/CFT measures including supervision of non-bank financial institutions and designated non-financial businesses and professions (DNFBPs), and substantially contributed to the development and implementation of effective secondary legislation by concerned entities such as the National Bank, Ministry of Finance, Ministry of Digital Transformation and State Financial Monitoring Service. Two technical papers also covered the question of identification and verification of ultimate beneficial ownership information, to implement updated legislative requirements on ultimate beneficial ownership and assist with strengthening the national beneficial ownership regime.

Finally, the PGG also started assisting Ukrainian authorities with the development of national proliferation financing indicators to identify, analyse and determine how Ukraine might be exposed to various proliferation financing activities and sanctions evasion tactics employed by proliferators. As a result of this co-operation, a set of national-level indicators will be available in early 2021.

The PGG project in Ukraine undertook significant efforts to support more effective investigation, prosecution and adjudication of financial crimes, through dedicated training sessions targeting the respective professions playing key roles in fighting ML/TF and corruption-related crimes. In addition to the specialised analytical training aimed at increasing the capacities of the Financial Intelligence Unit (FIU) mentioned above, the project partnered with relevant training institutions such as the Training Centre for Prosecutors as well as the National School of Judges in order to design and deliver trainings in a more sustainable way. In this context, 20 prosecutors increased their knowledge on FATF standards on money laundering criminalisation and Ukraine's obligations under the Warsaw Convention through an online training session for two days. Approximately 75 judges benefited from the opportunity to learn from international experience and exchange views about adjudication of money laundering cases, in another dedicated two-day online training session. In the following reporting period, the PGG aims to further strengthen the awareness and capacities of prosecutors and judges in relation with economic crime investigation, prosecution and adjudication by developing durable training courses to be owned and rolled out by the dedicated training institutions of each of these professions.

Additionally, the project developed a technical paper on “Review of Guidance Manual on Financial Investigations” to assist the Ukrainian FIU with developing a guidance on financial investigations, as the lead institution in the inter-agency working group in charge of its development.

The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) [Second Enhanced Follow-up Report & Technical Compliance Re-Rating](#) on Ukraine was published in July 2020. The report analyses the progress of Ukraine in addressing the technical compliance deficiencies identified in its mutual evaluation report and in implementing new requirements that have changed since Ukraine's first enhanced follow-up report. The report states that overall, Ukraine has made progress in addressing the technical compliance deficiencies identified in its Fifth-Round mutual evaluation report and has been re-rated on Recommendations (two upgrades and one downgrade). Further steps have been taken to improve compliance with

the other Recommendations, including those Recommendations that have been revised, but some gaps remain. Ukraine is encouraged to continue its efforts to address the remaining deficiencies.

Deliverable 10 – Implementation of key judicial reforms

The Council of Europe continued to assist Ukraine in this area within the framework of the Council of Europe Action Plan for Ukraine. Through the policy dialogue of the project with relevant Ukrainian authorities, clear messages were communicated on the gaps and levels of compliance with the Council of Europe standards of some of the provisions of the new law that introduced amendments to the functioning of the institutions of the Ukrainian judiciary (Law no. 193, draft Law no. 1008). The provision on lustration of senior officials of judicial bodies was removed from the draft law, other questionable provisions were brought into the discussion of Ukrainian and international experts. In February and March 2020⁴⁴ the Council of Europe involved international consultants to deliver an Opinion as to the decisions of the Constitutional Court of Ukraine (CCU) and to contribute to the Venice Commission examination of new draft law no. 3711 aimed at overcoming the problems that appeared following the adoption of law no. 193 and the recognition of its provisions unconstitutional. The [Opinion](#) on draft law 3711 (provided under the PGG QRM) was adopted by the Venice Commission in October 2020. This Opinion was a major basis for the following round of amendments to the draft law, its adoption by Parliament is still expected.

Following the adoption of decision no. 13-r/2020⁴⁵ by the CCU, which concerned, *inter alia*, the anti-corruption mechanism vis-à-vis judges and which invalidated as unconstitutional certain provisions of the Law of Ukraine “On the Prevention of Corruption”, the Venice Commission prepared an [Opinion](#) on the adopted decisions of the Constitutional Court of Ukraine.

Within the framework of the Action Plan, the Council of Europe provided provide the necessary support to Ukrainian authorities in the execution of the ECtHR judgments in which violations of the right to a fair trial (Art. 6 of the ECHR) were established. These activities contributed to the reforms of the Ukrainian judiciary, enabling it to bring relevant court practice in closer compliance with the Council of Europe standards on judicial independence and access to justice. The Supreme Court developed proposals for the introduction of preventive remedies against the excessive length of judicial proceedings and the execution of the *Svetlana Naumenko/Merit v. Ukraine* judgments. Also, the Ukrainian authorities were informed about other effective measures and CEPEJ tools aimed at reducing the length of judicial proceedings at all levels of jurisdiction.

The institutional and professional capacity of the judiciary was strengthened through the provision of a set of comprehensive recommendations for ensuring judicial independence and proper access to justice in the context of the execution of the *Volkov* group of judgments, as well as the ECtHR judgments *Tserkva Sela Sosulivka v. Ukraine* and *Mykhailova v. Ukraine*.

Encouraged by the expertise and advice provided through the project, the Supreme Court continued to develop its practice on reopening of judicial proceedings taking due account of the findings in the judgments *Bochan v. Ukraine* no. 2, *Yaremenko v. Ukraine* no. 2, and *Shabelnyk v. Ukraine* no. 2. This contributed to the transfer of the monitoring over the execution of the mentioned group of judgments from the enhanced to the standard supervision procedure, as a result of the 3-5 March 2020 decision of the Committee of Ministers of the Council of Europe.

⁴⁴ Decision of the Constitutional Court of Ukraine no. 2-r/2020 of 18 February 2020; decision of the Constitutional Court of Ukraine no. 4-r/2020 of 11 March 2020.

⁴⁵ Decision of the Constitutional Court of Ukraine no. 13-r/2020 of 27 October 2020.

The Council of Europe supported the Ukrainian Parliament in the development of a draft law aimed at applying the advisory Opinion procedure under Protocol No 16 to the ECHR. The Council of Europe also provided recommendations for the improvement of the provisions of the draft law and created a platform for its discussion, engaging all key national institutions.

Cross-cutting deliverables

The regional PGG project on anti-discrimination is strengthening the access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in the EaP. The monitoring bodies of the Council of Europe, and particularly European Commission against Racism and Intolerance – Council of Europe (ECRI) on this topic, have recommended to the countries involved in the project to improve their data collection to support legislation based on grounds of interest of discrimination. The report on data collection related to Ukraine (as well as on Armenia and the Republic of Moldova) was completed and translated into Ukrainian. Important steps on harmonisation of data collection on discrimination, hate speech and hate crime were taken in Ukraine. The inter-agency group established under the Ombudsperson's Office in Ukraine continued its work with the main stakeholders agreeing on working methods for the group. The Legal Aid Coordination Centre was involved in a planning process for a curriculum for their staff on combating discrimination and hate crimes and offering assistance to victims. The coalition of NGOs on discrimination increased its capacity on countering hate speech and developed a strategic plan for the next years, re-evaluating its mission on this topic.

Throughout the reporting period, the impact of the regional action is particularly visible in improved legal aid work with victims of domestic violence. 38 legal aid lawyers from the Republic of Moldova, Ukraine and Georgia strengthen their competences on international standards on access to justice and violence against women, including the case law of the ECtHR and the Istanbul Convention standards. Their awareness on gender sensitive approaches in dealing with cases of violence against women, and how this approach is crucial for their legal aid work with victims has been enhanced.

The five brochures developed by the PGG for the Ombudsperson Office in Ukraine were reviewed by the gender advisor at the Council of Europe office in Ukraine and her input was included, through different examples of discrimination, affecting women and men in different ways. In project capacity building activities, the Programme took into account how discrimination affects men and women differently. For example, the webinars on combating racism affecting Roma, LGBTI and disabled people included content related to intersectional discrimination, and hence the situation of women. At the [ECRI special event on combating hate speech in September 2020](#), specific presentations on combating sexist speech were included.

Online HELP course "Access to Justice for Women" implemented together with the National School of Judges, was launched on 19 June 2020. Course participants included 28 judges (22 women and six men) from 11 regions of Ukraine from district, inter-district, appeals and city courts, with a 93% completion rate. Based on the success of the first ever run of the course for judges, on 4 November 2020, 60 lawyers (46 women and 14 men) from 16 regions of Ukraine joined the launch of the Access to Justice for Women course for lawyers, by the Council of Europe's HELP Programme. This course was launched in partnership with the National Bar Association of Ukraine and had a 78% completion rate.

Within the framework of the Action Plan's non-PGG project "European Union and Council of Europe working together to strengthening the protection of human rights in Ukraine" launched in July 2019, Ukrainian public broadcaster (UA:PBC) established the Coordination Centre on broadcasting for national minorities. The Centre,

together with regional branches, produced content for fulfilling information and language rights of the national minorities of Ukraine. During the reporting period the employees of UA:PBC, including employees of the Coordination Centre on national minorities and regional branches' editorial offices producing content on national minorities have improved their knowledge and skills on storytelling in journalism, script writing, documentary production and video shooting skills. The editorial teams of UA:Zakarpattia, UA:Bukovyna, UA:Odessa have participated in unique six-weeks mentorship programme with two professional trainers. They have produced a series of 24 short documentary film stories about representatives of 17 national minorities living in Ukraine. A five-day training was organised in Kyiv for the representatives of national minorities on creating content regarding national communities for UA:PBC. A Handbook on "National minorities in Ukraine and media: from mutual understanding to tolerance" was also published.

The European Commission's Against Racism and Intolerance (ECRI) [conclusions on the implementation of the recommendations in respect of Ukraine](#) were published on 2 June 2020. ECRI concludes that two recommendations from the fifth monitoring cycle were not implemented. This regards the recommendation "that sexual orientation and gender identity are specifically included as grounds in Article 161(1) and (2) of the Criminal Code as well as in all the aggravated forms of offences and the general provisions on aggravating circumstances under Article 67(1)(3)" and "that court fees are waived in cases of Roma seeking to prove their identity for the purpose of obtaining personal identification documents".

Within the framework of the Action Plan, the "Risk Assessment Standards and Methodologies for Diverse Stakeholders in Ukraine" was published in June 2020. It responds to the specific request of Ukrainian authorities for a resource on multi-agency risk identification and assessment methodology by police and legal professionals as well as educators and social workers. The report assesses Ukrainian legal and policy frameworks, provides checklists for diverse stakeholders, and recommends legislative amendments to bring the legal framework into conformance with international standards including article 51 of the Istanbul Convention. It further assesses several critical issues pertaining to the current practice on domestic violence response, victim protection, access to justice and inter-agency communication and cooperation. This report was used as a resource for GREVIO's first Third-Party Intervention on the *Kurt v. Austria* case in January 2020 at the ECtHR.

Research on administrative and judicial data collection was conducted from April to December 2020, resulting in the drafting of three reports on data collection and its impact on multi-agency cooperation to protect victims of domestic violence. The reports on data collection and its impact on comprehensive and coordinated policies will be provided to the authorities in Ukrainian in 2021-2022. By request of the Ministry of Social Policy in Ukraine, from October-December 2020 the project provided further expert technical support and practical recommendations on new forms on statistics currently in development in Ukraine, to bring the document in line with Council of Europe guidance on Article 11 of the Istanbul Convention.

The Report "Issuing Restraining or Protection Orders in Cases of Domestic Violence in Ukraine" produced in September 2020, analyses Ukrainian national case law, international standards on VAW, and the case law of the ECtHR as regards restraining and protection orders, allowing Ukrainian legal professionals, police, and other professionals to be better placed to improve court proceedings on issuing and extending restraining orders in domestic violence cases. On 12 November 2020 the report was presented to stakeholders at a roundtable allowing for full discussion with report experts.

The Council of Europe developed the report "Media Guidance for the Development of Self-Regulatory Standards to Report on Cases of Violence Against Women and Domestic Violence" to support Ukrainian media professionals to develop self-regulatory mechanisms to facilitate human rights-based, gender-sensitive and ethical reporting on violence against women and domestic violence. The guidance provides practical and policy suggestions to support

the development of a voluntary code of conduct for journalists when reporting on such cases, based on Article 17 of the Istanbul Convention. The guidelines for reporting on violence against women are accompanied by practical checklists for media outlets. On 26 November 2020, the Media report was presented in a forum attended by 24 participants (24 women) including Ukrainian government officials, journalists, representatives of media organisations, and civil society representatives.

As part of the Action Plan implementation, the Council of Europe provided assistance to Ukrainian authorities in implementing its obligations under the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML) and the respective recommendations of the Advisory Committee on the Framework Convention for the Protection of National Minorities and the Committee of Experts of the European Charter for Regional or Minority Languages. Extensive assistance was provided to strengthen protection of national minorities and Roma through adequate institutional, legislative and policy reforms. In June 2019, the State Service of Ukraine on Ethnic Policy and Freedom of Conscience was established. Due to the lengthy administrative procedures for approving the setup of the new State Service, only in the spring 2020 it was able to hire its first staff and start organising its work. Consequently, the process of commencing the work on the new draft Law on National Minorities was at risk of delays. The Project supported the creation of the Caucus (inter-factional union) on National Minorities in the Ukrainian Parliament, which was established on 6 March 2020. It brings together 15 Members of the Parliament committed to advance national minorities rights, coordinate their efforts and accelerate progress. The Caucus, with the support of the Council of Europe, in the course of April – November 2020 developed the first draft of the new Law on National Minorities, which in December 2020 was consulted with the internal stakeholders (researchers, relevant state authorities, international organisations). The Project supported this process from the start, by providing constant expertise and examples of good practices from other Council of Europe Member States, by assisting in organising the Parliamentary hearing about the situation of national minorities on 8 July 2020, by assisting in collecting and analysing relevant data from the regional state administrations and assisting in organising consultations about the draft text.

In 2020, the PGG assisted the non-governmental organisations in Ukraine in preparing the draft of the New Roma Inclusion Strategy and organised consultations with the local and national authorities. The Project organised a series of consultation meetings which involved the State Service for Ethnic Policy, representatives of the Ministry of Culture, Parliamentary Committee on Human Rights, Ombudsoffice representatives, Roma NGOs, representatives of international organisations and experts where they could discuss the proposals. The draft was later taken up by the Ministry of Culture and in December 2020 finally submitted for approval of the Cabinet of Ministers. Further expert support will be needed in 2021 for the development of the National Action Plan for the implementation of the Strategy.

The Council of Europe also prepared a report with assessment and recommendations regarding the impact of decentralisation reforms on the national minorities in these three regions. The report was presented in a high-level event in December 2020. A pilot work with the Zaporozhia regional administration was carried out to develop a communication and participation strategy of the region and to set up a new communication platform for consultations with national minorities. The platform was officially launched in September 2020. Following the success in Zaporozhia region, similar work has started in Odessa region and will lead to a launch of the communication platform during the Phase II of this Project.

On the request of the Ombudsperson Office, in the beginning of the COVID-19 pandemic, Council of Europe provided assistance and expertise in preparing a special report "The Impact of the COVID-19 Pandemic on the Roma Community in Ukraine". The special report was prepared based on the results of 20 monitoring visits to Roma communities/settlements and local/regional administrations as well as 286 interviews with the Roma

representatives. The official presentation of the Report, organised by Council of Europe on 23 December 2020, was attended by Members of the Parliament, representatives of national, regional and local authorities, Roma NGOs, international organisations and embassies. The report helped to stress the situation of Roma community in Ukraine and continuous problems in access to information, social and medical services and employment which became even more conspicuous as a result of the global pandemic. The report provides concrete recommendations to national and local authorities, the Verkhovna Rada and international organisations.

In 2020, events were organised in the Parliament on the occasion of the International Roma Day on 8 April, promoting the Roma culture and heritage and stress the need to strengthen inclusion policies for Roma. A specialised course “Protection of vulnerable groups in policing” was developed and implemented on the request of the Ministry of Interior and Odessa University of Internal Affairs. The course was approved as part of the teaching curricula of the University. Three more universities under the Ministry of Interior expressed interest to introduce the course (Kharkiv and Sumy Universities as well as the Patrol Police Academy). Later in 2020, trainings and presentation of the course were organised for 53 teachers of Kharkiv and Sumy universities, as well as for 31 students.

Also, in the second half of 2020 an online awareness raising campaign “Diverse Roots – Shared Opportunities” was organised by the PGG to raise awareness about the impact of the decentralisation reforms on the national minorities and about the opportunities which the decentralisation creates for them. In the summer, the decentralisation reform was being concluded in Ukraine.

In 2019-2020, within the framework of the Action Plan, the Council of Europe helped public authorities and civil society to remove the barriers to inclusive participatory decision-making, such as insufficient capacity of public officials in participatory decision-making, low level of public awareness in civil participation tools and diminished public trust in institutions, through a systemic support in setting up effective regulatory frameworks and practices (including informal) for civil participation in 12 pilot municipalities, three regional state administrations and one regional council.

In 2020, in response to the health crisis, the Council of Europe promptly moved its activities in online format and developed innovative initiatives and methodologies offering partners and beneficiaries a continuous support in ensuring the sustainable and representative involvement of citizens in decision-making under quarantine constraints. The Council of Europe has developed an [‘online toolbox’](#) which provided guidance for public authorities through deploying appropriate civic engagement and consultation practices online, raising citizens’ awareness through the online game-based training *Uchange*, increasing public officials’ skills and competencies through online courses in effective public consultations and tailored coaching support, the online multi-module “Academy of Civil Participation” for local officials, the mentoring programme for NGOs and local officials [“Mentoring for Change.”](#)

In close cooperation with the Council of Europe, the Secretariat of the Cabinet of Ministers of Ukraine started development of the new Strategy for 2021-2025, bringing to the work group civil society actors and stakeholders early in July 2020 and finishing the work on the draft document in December 2020, providing opportunities for wider public consultations, discussions and Government approval early in 2021. In 2019, the Council of Europe contributed to the expert discussions and provided recommendations, drawing on its standards, on Law No. 3612 on the All-Ukrainian Referendum. With the project advocacy support in 2020, joining wider advocacy efforts, the Draft Law was registered in the Verkhovna Rada and a positive perception was promoted among the key stakeholders and legislators that this law would significantly enhance the legal framework for civil participation and create conditions for more participatory decision-making at all levels.⁴⁶

⁴⁶ On 26 January, the Verkhovna Rada adopted draft Law No 3612 on the All-Ukrainian Referendum.