

Supporting the criminal justice reform and harmonising the application of European standards in Armenia

Project summary

Project title	Supporting the criminal justice reform and harmonising the application of European standards in Armenia
Country	Armenia
Budget	875 000 €
Funding	European Union/Council of Europe Partnership for Good Governance for Eastern Partnership Countries for 2019-2021
Duration	36 months (1 January 2019 – 31 December 2021)
Partners and beneficiaries	The Ministry of Justice, the Judiciary, the Justice Academy, the Representative of the Republic of Armenia before the European Court of Human Rights, Prosecutors' Office, Special Investigation Service, Investigative Committee, Human Rights Defender's Office and NGOs
Main objectives	<p>The Project aims at supporting Armenia in the criminal justice reform through legislative, methodological and capacity-building assistance. It will provide expert advice in the process of formulating and applying criminal and criminal procedure policy by key justice sector stakeholders. This will include capacity building for the Justice Academy to train judges and judicial servants, as well as direct capacity building for criminal justice sector institutions. Special attention will be paid to the issues highlighted by the CoE monitoring mechanisms. These will include, but will not be limited to, the prevention of ill-treatment and impunity, application of pre-trial detention, procedural guarantees in the criminal procedure, etc. The Project will attempt to capitalise on the heightened interest of the public towards some of these issues to both raise the awareness of European standards, but also to achieve, together with Armenian stakeholders, legislative and practical solutions most in line with the European standards.</p>
Expected outputs and results	<p>Objective 1: The judiciary is ready to deliver higher quality criminal justice owing to more harmonised application of European standards and national case-law</p> <ul style="list-style-type: none"> - Methodologies and inter-judicial mechanisms for dealing with specific issues in criminal justice related to European standards are enhanced and their application is harmonised

	<ul style="list-style-type: none"> - The knowledge and skills of judges and their judicial assistants to apply European standards on criminal justice in a harmonised manner are enhanced - Relevant HELP training course and materials are available in the national language and accessible <p>Objective 2: National criminal justice policy and practice is further aligned with European standards</p> <ul style="list-style-type: none"> - Criminal legislation is adopted in line with the European standards - Legal professionals are trained on the implementation of the new criminal legislation - Key laws associated to the new Code of Criminal Procedure and Criminal Code are redrafted to facilitate the implementation of provisions in the new legislation - Guides on implementing the new Code of Criminal Procedure and Criminal Code are developed <p>Objective 3: The capacity of the Justice Academy to train judges and judicial assistants on criminal justice is strengthened, taking into account the needs of vulnerable groups and relevant gender aspects</p> <ul style="list-style-type: none"> - Improved quality, relevance and gender sensitiveness of criminal justice related courses included into the initial and mandatory continuous training programme of the Justice Academy for judges and judicial assistants - Increased number of trainers for judges and judicial assistants trained by the project for Justice Academy - Proportion of criminal judges and their judicial assistants trained on criminal justice related courses developed by the project, who then apply the acquired knowledge and skills - Enhanced institutional capacity of the staff of the Government Agent of Armenia before the ECtHR
<p>Implemented or planned activities</p>	<ul style="list-style-type: none"> - Needs assessment on possible divergences and approaches on the application of the European standards and case-law of the European Court of Human Rights by national courts in Armenia; as well as review of training programmes for judges and judicial servants in the Justice Academy - Baseline survey for judges, prosecutors, investigators and advocates to assess the quality of application of the ECtHR case law on Articles 3 and 5 of the ECHR by national courts from the point of view of Armenian legal professionals as of 2019

	<ul style="list-style-type: none"> - Preparation and publication of 5 training modules¹ for the curricula of criminal law judges and judicial servants in the Justice Academy - Training of trainers on the modules prepared for the curricula of criminal law judges and judicial servants - Translation and adaptation of HELP distance learning courses on Reasoning of criminal judgments and Procedural safeguards in criminal proceedings and victims' rights to the Armenian legal context - 2 two-day workshops on “Improving knowledge, practical and legal drafting skills on Articles 2 and 3 of the ECHR” and on “Friendly settlements and unilateral declarations” for the staff of the Government Agent of Armenia before the European Court of Human Rights and other invitees - Two round table discussions and two public discussions on draft Criminal Procedure and Criminal Codes - CoE expertise of the draft Criminal Procedure and Criminal Codes - Study visit to the Government Agent Offices of Poland and Croatia - Translation into Armenian language and publication of 4 ECtHR guidebooks - Seminar on fair trial and presumption of innocence in the context of criminal justice for criminal law judicial servants and experts from the Court of Cassation and Criminal Court of Appeal - Two seminars for criminal law judges on specific aspects of Articles 3, 5 and 6 of the ECHR and on reopening of criminal cases - Expert assessment of the concept/institute of criminal liability of legal entities (material and procedural aspects) based on the best practices of the CoE member states - Publication of the decisions of the Criminal Chamber of the Court of Cassation for 2018
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¹ 1) Techniques for drafting judgments and decisions, 2) Peculiarities of the victim's status in the criminal proceedings, 3) Interviewing techniques and communication management, 4) Current issues of the cross-examination (confrontation) and 5) Practical skills for applying alternative preventive measures to detention

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| | <ul style="list-style-type: none">- Two meetings of the working groups tasked to prepare and finalise the draft Criminal Procedure Code and Criminal Code- Trainings and seminars for legal professionals on the specific issues of the new criminal legislation (after the adoption of the new Criminal Procedure Code and Criminal Code)- Preparation of commentaries on the new Criminal Procedure Code and Criminal Code- Post evaluation of the adopted new Criminal Procedure Code and Criminal Code to assess compliance with the CoE recommendations- Post evaluation to assess the trainings held for the criminal law judges and judicial servant in the Justice Academy based on the trainees' feedback- Support to drafting of and expert opinion on the laws associated to the new Criminal Procedure Code and Criminal Code- Follow-up training-of-trainers on HELP methodology for the trainers of the Justice Academy- Two workshops for the staff of the Government Agent of Armenia before the European Court of Human Rights and other invitees- Study visit to CoE and EU member state- Impact survey aiming to assess the quality of application of the ECtHR case law on Articles 3 and 5 by the national courts from the point of view of the legal professionals in 2020-2021 |
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