

Project Fiche - Component 1

Title:	Support for Access to Justice in Armenia		
Indicative cost:	EC Contribution: € 4.0 million		
Aid method:	Project Approach – centralized management		
DAC-code	15130	Sector	Legal and Judicial Development (access to justice)

1. Rationale

1.1 Strategic Framework

The Government of Armenia is committed to promote “Rule of law” in the judiciary. That concept is clearly reflected in the Poverty Reduction Strategy Programme (PRSP), State Anticorruption Programme, large -scale reform of the judicial sector initiated by the Government following the amendments to the Constitution (referendum of November 27, 2005), and provisions of Articles 62 and 68 of the PCA. Nevertheless, obstacles - such as implementing mechanisms and practices - remain. Generally the level of professional skills of advocates and judges is not sufficient, which has been recognised by the ministry of Justice and therefore the Ministry seeks support of EC and other donors on this matter. Furthermore, the citizens and particularly vulnerable groups of the population avoid defending their rights in court due to the lack of knowledge, absence of affordable legal defence / consultancy services of a reasonable quality, and general mistrust toward the court system. The overall weakness of professional association of attorneys “Chamber of Advocates”, lack of knowledge among the judges on specific issues, and deficiencies of relevant legislation contributes to this problem.

From the political point of view the priority of the Government and particularly the Ministry of Justice is to meet commitments under international agreements, especially those pertaining to the Council of Europe and European Union. Armenia and the European Union are linked by a Partnership and Co -operation Agreement (PCA) signed in 1996 and entered into force in 1999, under which Armenia has taken the commitment to reform gradually its institutions and legislation in compliance with EU practices. Furthermore, Armenia is a member of the Council of Europe since 2001 and of the WTO since 2002. The inclusion of the country in the European Neighbourhood Policy (ENP) in 2004 marked a decisive achievement in the EU integration process. A five -year ENP action plan is expected to be adopted in early 2006, as well as a National Plan for Implementation of the PCA.

In this respect Armenia is looking to the experience of the Baltic States. A government programme, which will raise wages for judges in 2006 is underway, and legislation on the compulsory regular training for judges is in the pipeline for 2006 (estimated adoption time is July-August 2006). The Ministry intends to set up a post-graduate training centre for Judges, and establish Administrative Courts at Republican and regional levels. The

Ministry also identified an urgent need to raise qualifications amongst the advocates/lawyers in order to enable them to assist/serve the population appropriately. In Armenia, there are difficulties in providing with sufficiently high standard legal aid to the population. Another priority task that the Ministry wants to tackle in the near future is the promotion and strengthening of the service of judicial expertise.

Taking into account the above, it becomes obvious that strengthening of the Chamber of Advocates, Public Attorney's Office (free social welfare legal representation), provision of professional continuous training for advocates and judges, development of implementing mechanisms and practices, as well as, the revision of relevant legal framework and promotion of Rule of Law is an imperative for further progress.

This target coincides with the objectives of the EC Country Strategy Paper (CSP) that identifies support for institutional, legal and administrative reform as a priority area and underlines the need to respect the rule of law and human rights. It is also consistent with the Indicative programme. Furthermore the envisaged activities follow Articles 62 and 68 of the PCA, contribute to the good governance and are in line with National Programme of PCA implementation and upcoming ENP strategy.

1.2 Lessons Learnt

Previous attempt of Tacis assistance in the field of Judges Training (AP 1998-1999) did not bring the desired results mainly due to lack of appropriate judiciary reform context. Current situation is much more favourable due to a continuous support of World Bank in terms of infrastructure, support of CoE and USAID in the filling up the legislative and regulatory gaps, strong commitment from the side of the Ministry, and legal stipulation for judges training.

To secure sustainability of the EC assistance this project will build on already existing structure of the National Chamber of Advocates (NCA) or the Public Attorney's Office. Furthermore, this programme should create strong networking between NCA, together with its professional training centre; post-graduate training centre for Judges; "Legal Clinics", a structure that supports the vulnerable groups of population with provision of free legal assistance and consultancy; and EU/International law chair of Yerevan State University (YSU), together with its centre for European studies (AP 2004)

1.3 Complementary Actions

The European Commission currently implements or is about to launch the following projects:

- AP 04-05 : AEPLAC phase 4, supporting the legal approximation process (Oct. 2005 – Oct. 2007);
- AP 04-05 : Policy Advice on creation of EU integration structures in the GoA (Nov. 2005)
- AP 04-05: Creation of an EU/International law chair and a center for European studies at the YSU (estimated start –up: spring 2006)
- AP 02-03: Policy Advice projects to support the State Commission for the protection of Economic Competition;
- EIDHR projects

1.4 Donor Coordination

The EC is in a constant exchange and coordination with other donors (USAID, WB, UN, CoE, and EU member states) implementing projects in the field of access to justice. Information is shared at the occasion of regular Donor meetings, where EU Member States participate as well, and as often as needed at the working level. Government of Armenia has significantly improved its co-ordination skills.

The CoE plans to support the reform of the judiciary, following adoption of the new Constitution. Legal assistance will be provided with the adoption of a new framework law, a “judicial code”, which will include the provisions of the previous laws on the Judicial Council, the status of judges and the Judicial System. Legal expertise has been provided on several amendments to the Criminal Procedure Code. Further assistance will be provided on the strengthening of the recently established NCA, in particular on the development of a Code of Ethics for Lawyers, and on the adoption of legislation enhancing legal aid assistance to the population. Concrete co-operation in terms of training and technical assistance should be offered to strengthen the service of judicial expertise.

WB also plans to assist the judges training activity, particularly through financing the development of a new law for a post-graduate training centre for Judges to provide mandatory training for all candidates of judges as well as continuing judicial education. In addition, funding has been provided to create a temporary training center (in terms of the premises) in one of the recently renovated courthouses, including the provision of a computer lab. WB JRP2 financing will be used to renovate and provide additional furniture and equipment for a new permanent home for the post-graduate training centre.

USAID on a “single action” basis provides specific training for judges in the field of Commercial law.

Open Society Institute-Armenia supported the Access to Justice Project of the NCA in providing free legal information and services to socially vulnerable groups of population. Furthermore, OSI in partnership with the Open Society Justice Initiative, supported the Legal Clinic of the Yerevan State University, which enables the law students to acquire practical skills during their study at the University and at the same time provides additional opportunity for population to get free legal advices/consultancy and assistance up to the level of presenting and defending the client’s interests in the court. The Clinic also provides training to schoolteachers to help them to deal with problems in teaching of subjects, like civic education, human rights, theory of the state and law.

All these activities are highly complementary to the proposed EC assistance, which will build its project on achievements of other donors projects, consolidating the final results.

2. Country Context

2.1 Co-operation related policy of beneficiary country

The reelection of President Kocharyan in 2004 brought certain continuity in the political landscape with no major ministerial reshuffling and no negative impact on implementation of EC/TACIS projects. The Government remains committed to implementing its reform agenda (PCA and PRSP, mainly) and seeks increasingly to

integrate in the EU family and market, as testifies the great attention paid to the National Programme for PCA Implementation and elaboration of the ENP Action Plan.

Following the amendments to the Constitution (referendum of November 27, 2005) Government, i.e. Ministry of Justice announced launch of large -scale reform in the judicial sector. The reform is targeted to reorganiz e the court system; strengthen the judiciary, advocacy and public defence structures; and to build credibility of judiciary among the population. Absence of affordable legal defence / consultancy services of a reasonable quality for population, lack of professional training/re -training for judges and advocates, general mistrust toward the court system, overall weakness of recently reorganised Chamber of Advocates and deficiencies of relevant legislation are the strategic issues of particular concern for the Ministry of Justice.

2.2 Sector Context

As mentioned above, the Ministry of Justice, announcing a large -scale reform of judicial sector pursues to improve the access to justice , the trust of population and strengthen the rule of law. Obviously, competent Judges and advocates ar e a precondition for efficient functioning of the judicial system , without which implementation of laws would be impossible. Noteworthy that according to anticorruption assessment the judiciary is one of the most problematic fields. Currently a government programme, aiming to raise wages for judges in 2006 is underway , relevant legal framework is developed and commitment of the Government is clearly expressed. All this factors evidence favourable conditions for serious reform that would require assistance f rom the donor community. Therefore the EC Delegation proposes to provide targeted assistance to the reform of the judicial sector, thus fostering rule of law and social development of the country. Particularly, the TA project will address the problems of weakness of Chamber of Advocates and notably Public Attorney's Office (free social welfare legal representation), absence of a continuous professional training for advocates and judges, lack of implementing mechanisms and practices, as well as, the deficien cies of relevant legal and regulatory framework, including , amongst other the law on Advocacy.

3. Description

3.1 Objectives

The project general objectives are:

- Promote Rule of Law and Human Rights
- Support reform of the Justice sector
- Improve Access to Justice for population in general and free/affordable access for vulnerable groups of population

Specific objectives :

The project aims to address the general objectives by following three interconnected components:

1. Support to the Chamber of Advocate s, including establishment of a professional training centre
2. Support to a post-graduate training centre for Judges
3. Facilitation of access to justice for population and promotion of rule of law in judiciary

3.2 Expected results and main activities

Expected Results

- Subcomponent 1: Support to the Chamber of Advocates
 - The relevant legal/regulatory framework and particularly the law on Advocacy and implementing regulations are updated / drafted and endorsed;
 - Disciplinary procedure, rule of conduct, advocates certification and examination procedures are established and adopted by National Chamber of Advocates;
 - The Public Attorney's Office (free social welfare legal representation) is operational within the structure of NCA and provides services on a professional level with special emphasis on the Marzes. A sustainable structure for pro bono / pro poor legal services for civil and administrative cases are created under the National Chamber of Advocates / Public Attorney's Office;
 - National Chamber of Advocates strengthened and equipped to create and assume the real ownership of above mentioned legal services;
 - Advanced professional training centre/school within the National Chamber of Advocates is established, properly equipped and fully operational;
 - Level of professional knowledge of advocates is raised in accordance with European standards and local legislation;

- Subcomponent 2: Support to the Judges training school
 - The relevant legal/regulatory framework is revised and updated;
 - Disciplinary procedure, rule of conduct, judges certification and examination procedures are finalised and adopted by the Ministry of Justice/Council of Justice;
 - Post-graduate training centre for judges is established, properly equipped and fully operational
 - Curricula and syllabi for continuous training of judges are established and approved by the board of the training centre;
 - business plan for the sustainability of the School is drawn up;
 - Level of professional knowledge of judges is raised in accordance with European practices and local legislation;

- Subcomponent 3: Facilitation of access to justice for population and promotion of rule of law in judiciary
 - The relevant legal/regulatory framework and particularly the legislation on public advocacy and implementing regulations are updated / drafted and endorsed;
 - Enhanced expertise and knowledge of the prosecutors. Training needs for prosecutors in the fields of Human Rights and criminal proceedings are identified and trainings are provided via newly created training centre/school within the National Chamber of Advocates , Judges training school, and/or organisation of separate courses via prosecutor's service own facilities .

- Existing offices of free legal information and services for socially vulnerable groups of population in Marzes are strengthened, new offices are established in some other Marzes (to be identified in ToR);
 - Continuous assistance is provided to Legal Clinic, sustainability plan in view of incorporation of the Clinic into the general structure and activities of YSU is prepared;
 - Legal consultancy/assistance issues of general interest for the population are identified and incorporated in activities of free legal information and services offices, Legal Clinic and YSU Centre for European Studies
- Overall result
 - Public awareness on human / citizens rights in respect of court proceedings and trust toward the Justice are raised

Main Activities

- Subcomponent 1: Support to the Chamber of Advocates
 - Revision / drafting of the relevant regulatory framework, including the law on Advocacy, implementing regulations, disciplinary procedures, rule of conduct, advocate's certification and examination procedures, procedures for improving the Public Attorney's Office (free social welfare legal representation) and for recruiting public attorneys (attorneys provided to a defendant charged with a crime for free) with a special emphasis on transparent and non-subjective nomination of public attorneys, their independence of the prosecution and elaboration of a system for their fair remuneration; rules and procedures for assigning the cases to them, etc.
 - Identification of a model for establishment of pro bono / pro poor legal services (free "legal aid" services) for civil and administrative cases attached to the Public Attorney's Offices in Marzes/ Chamber of Advocates (feasibility study) and elaboration of sustainability strategy;
 - Provision of training and equipment for the Public Attorney's Office and legal consultancies in Marzes;
 - Establishment of a professional training centre/school for advocates attached to the National Chamber of Advocates, including development of curricula, training of trainers, organisation and administration, and provision of equipment;
 - Provision of first round of training to the attendee by a mixed team of EU and local trainers, introducing contemporary teaching methods and providing "on the job" training to local trainers;
 - Identification of a scheme by which prosecutors could benefit from the training provided for advocates, particularly in the field of Human Rights. Provision of specific joint training courses for the advocates and prosecutors (to be agreed with prosecutor service)
 - Strengthening of the National Chamber of Advocates via consultancy; study tours; provision of Management Information System/Database; organisation of attorney's continued training and education in the school for advocates (particularly for those specializing in public defence / consultancy), in close cooperation with the Yerevan State University law faculty and particularly with the Centre for European Studies, European and International Law at Yerevan State

- University; Establishing links with the relevant organizations, e.g. Ministry of Justice, Association of Judges, Prosecutor's office, Human Rights Defender Office (HRDO) (Ombudsman Institution), Legal clinics, Union of Judges, Universities, relevant projects of other donor organisations.
 - Preparation of sustainability plan.
 - Public awareness campaign (development and printing of relevant textbooks, guidelines and brochures)
- Subcomponent 2: Support to the Judges training school
 - Revision / drafting of the relevant regulatory framework, including the provisions on Judges training, implementing regulations, disciplinary procedures, rule of conduct, Judges certification and examination procedures, with a special emphasis on transparent and non-subjective nomination of Judges, their independence and elaboration of a system for their fair remuneration; rules and procedures for assigning the cases to them, etc.
 - Development of Curricula and syllabi for continuous training of judges in consultation with local stakeholders and other involved donors (notably the WB);
 - Selection and training of trainers accordingly;
 - Needs assessment of Post-graduate training centre for judges, revision of the structure, organisation and administration of the School and provision of recommendations on its restructuring, introduction of Curricula and syllabi approved by the school board, provision of necessary equipment (equipment provided by WB should be taken in account);
 - Provision of first round of training to the attendees by a mixed team of EU and local trainers, introducing contemporary teaching methods and providing "on the job" training to local trainers;
 - Identification of a scheme by which prosecutors could benefit from the training provided for Judges, particularly in the field of criminal proceedings. Provision of specific joint training courses for the Judges and prosecutors (to be agreed with prosecutor service);
 - Preparation of sustainability and further development plan.
 - Public awareness campaign (development and printing of relevant textbooks, guidelines and brochures)
- Subcomponent 3: Facilitation of access to justice for population and promotion of rule of law in judiciary

The objective of this component is to support the GoA and particularly the Ministry of Justice in developing and implementing comprehensive pro bono / pro poor legal services:

- Revision / drafting of the relevant regulatory framework, particularly the legislation and implementing regulations on public advocacy;
 - Needs assessment of Existing offices of free legal information and services to socially vulnerable groups of population in Marzes, provision of assistance in terms of training, equipment and organisational matters. Preparation and establishment of new offices in some other Marzes (to be identified in ToR);

- Provision of continuous assistance to Legal Clinic and development of sustainability plan in view of incorporation of the Clinic into the general structure and activities of YSU;
- Identification of legal consultancy/assistance issues of general interest for the population and their incorporated in activities of free legal information and services offices, Legal Clinic and Centre for European Studies, including provision of necessary training and equipment

3.3 Stakeholders

The main stakeholders for this project are the National Chamber of Advocates, its training centre, post-graduate training centre for Judges, and Ministry of Justice, as well as the overall judiciary system in general. More generally, civil society will highly benefit, including business community and all economic and political actors – thanks to more professional and transparent procedure and improvement of access to justice per se.

3.4 Risks and Assumptions

- The GoA, and particularly the Ministry of Justice is committed to implementation of the PCA and to proceed with the reforms in judiciary, therefore the risk to see its position changing drastically on these matters is extremely limited;
- Availability of funds should be secured to sustain the activities of the professional training centre/school for advocates and Judges training school after the completion of the project (implementation of sustainability plan);
- The implementation assumes that the WB project will provide assistance in refurbishing and renovation of the new building for the Judges training centre, but even if this activity will be delayed by the WB, the Center will be established within the current temporary location and later on it would be the task of Armenian government to take care of its relocation;
- Due to the fact of WB involvement in the sphere of activity, strong cooperation is highly advisable with WB project (possibly even signature of MoU);

3.5 Conditionalities

From the Government's side, it is expected that the GoA maintains its commitments to build Armenia as democratic state with transparent and efficient state institutions and respect of Rule of Law.

3.6 Crosscutting issues

The proposed project is clearly in support of the institutional reforms and good governance in Armenia. Moreover, the project obviously contributes to the promotion of Human Rights and in all its components the project will constantly include gender analysis in order to contribute to the gender equality within all services.

4. Implementation issues

4.1 Implementation method

Centralised management.

The project is intended to be implemented through one service contract and one supply contract, each of them following one tender.

4.2 Budget and calendar

The total budget indicatively foreseen is 4.0 million EUR, indicatively broken down between an approximate amount of 3.3 million EUR for the service contract and 0.7 million EUR for the supply contract.

The project duration is intended for an indicative period of 24 months.

It is indicatively foreseen to launch the service tender during the first semester of 2007 and the supply tender in the course of the second semester 2007.

4.3 Procurement procedures

All contracts implementing the financing agreement must be awarded in accordance with the procedures and standard documents laid down and published by the European Commission for the implementation of external operations in force at the time of the adoption of the programme estimates in question.

In case the national authorities finally give their agreement to the implementation of twinning projects, the Commission, within the frame of this project, will take all necessary steps to set up the appropriate structures enabling the start of twinning operations in the following years.

4.4 Performance monitoring

The project will be monitored by the TACIS monitors and closely followed by EC Delegation in Yerevan.

4.5 Evaluation and audit

An ex-post evaluation should be performed by the TACIS monitors a year after the project's implementation ends.