



PROGRESS REPORT ON IMPLEMENTATION OF CONDITIONS FOR
DISBURSEMENT OF THE SECOND TRANCHE
FINANCING AGREEMENT N° ENPI/2012/023-600
“SUPPORT TO JUSTICE REFORM IN ARMENIA – PHASE II” PROGRAM
REPUBLIC OF ARMENIA

LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
CCC	Council of Court Chairmen
CoE	Council of Europe
EU	European Union
FA	Financing Agreement
GoA	Government of Armenia
GC	General Condition
JA	Justice Academy
JD	Judicial Department
JC	Judicial Code
MoU	Memorandum of Understanding
MoF	Ministry of Finance
NA	National Assembly
MoU	Memorandum of Understanding
MoJ	Ministry of Justice
RA	Republic of Armenia
SC	Specific Condition
TA	Technical Assistance

I. INTRODUCTION

The Financing Agreement (FA) for the ENP AAP2012 SPSP for Support to Justice Reform in Armenia was signed by Government of Armenia (GoA) in December 2013. The FA provides for a total grant of up to € 29.0 mln (including €9.0 mln under EaPIC 2012), with €25.0 mln as budget support in three instalments or tranches of up to €7.0 mln, €8.0 mln, and €10.0 mln respectively 2014, 2015, and 2016, and € 4.0 mln for complementary actions, including Technical Assistance (TA). The overall objective of this program is to contribute to the development of a more independent, transparent, accountable, accessible and efficient judicial system, in line with the "2012-2016 Strategic Program for Legal and Judicial Reforms". Disbursement of each installment or tranche of the budget support component is subject to compliance with General and Specific Conditions. Compliance with the General Conditions (GC), considered as eligibility criteria for EU sector budget support, is a precondition for consideration of compliance with the Specific Conditions (SC), and hence for release of any funds. For the accomplishment of the GC, the GoA has to indicate that a satisfactory progress has taken place: i) in the implementation of the justice reform strategy and action plan, ii) in the maintenance of a stability-oriented macroeconomic policy, iii) in the implementation of the program to improve public finance management and iv) in transparency and oversight of the budget.

With the respect to the SC, GoA has to prove that adequate measures were undertaken in order to meet the expected results on specific conditions foreseen for the 2nd tranche. For the Second Tranche the relevant SC are related to the increase of accountability and transparency of the justice sector through the publication of relevant statistical indicators, digitalisation of court archives and random assignment of cases (SC 4); The functioning of the Justice Academy and the School of Advocates properly in line with EU best practices, contributing to better trained judges, prosecutors and advocates (SC 5); The enhancement and improvement of the mechanisms and the quality of free legal aid (SC 6); The development of a model of Alternative Dispute Resolution (ADR) (SC 9).

This Progress Report on Implementation of Conditions for Disbursement of the Second Tranche (Report) presents the progress of the implementation of the General and Specific Conditions under the disbursement of the 2nd variable tranche of the Financing Agreement N° ENPI/2012/023-600 entitled "Support to Justice Reform in Armenia – Phase II" Program.

Progress with regard to activities pending under the 1st tranche: According to the assessment of the Review Mission of the 1st variable tranche the following activities were considered not fulfilled:

I. 2nd Condition related to testing and nomination/appointment of candidate judges as well as evaluation and promotion of judges: *An action plan/list of measures to promote gender balance among candidate judges approved by the designated judicial self-governance body*

With regard to the given activity, the Review Mission considered that the list of measures adopted by the Council of Court Chairmen (CCC) Decision was inadequate to qualify as an action plan, and insufficient to meet the objectives of the SC.

Progress: It should be noted here that according to the Review Mission's recommendation the JD has developed more comprehensive and extensive draft of gender balance action plan and CCC is currently in the process of discussion and adoption. In this respect we kindly present you the draft of gender balance action plan for your information (SEE ANNEX_ Gender Balance Action Plan).

II. 8th Condition related to a more efficient civil registration: With regard to the given condition, the Review Mission considered that the Ministry of Justice (MoJ) had to submit a report on the introduction of the e-civil registry, as suggested as a source of verification for compliance with the SC.

Progress: the MoJ has duly prepared a report on the introduction of the e-civil registry (SEE ANNEX 1.2.) and on 21 April 2015 it was submitted to EU Delegation to Armenia. Moreover, MoJ also presented the following documents:

- a. "Memorandum of Understanding on Handover of the Electronic Civil Status Register and Further Cooperation" between the Ministry of Justice and Estonian E-Governance Academy Foundation on Civil Status Register (SEE ANNEX 1.1);
- b. The Protocol on discussion with respect to the supplements and amendments to RA Law on Civil Status Acts and to other relevant legal acts (SEE ANNEX 1):

In addition, a public discussion with the members of the Public Council adjunct to the RA Minister of Justice was held on April 25, 2014. The participants of the public discussion had the opportunity to discuss the Draft Law on Making Amendments to the RA Law on Civil Status Acts, as well as issues relating to the introduction of e-civil registry system. The list of participants and agenda of the session are provided. (SEE ANNEX 2)

Hereby, we kindly request you to assess the 8th condition and consider the disbursement of the respective installment.

The MoJ presents its assurance that it continues efforts towards full performance of conditions under the 1st variable tranche assessed not satisfactory and wishes to present those for assessment during the 3rd variable tranche review.

II. COMPLIANCE WITH THE GENERAL CONDITIONS

General conditions for the disbursement of the 2nd tranche.

1. *Satisfactory progress in the implementation of the justice reform strategy and action plan.*

On June 06, 2015 the semi-annual report on Measures Deriving From the 2012-2016 Strategic Program for Legal and Judicial Reforms in the Republic of Armenia was published on the official website of the MoJ ¹. The implementation is considered to be satisfactory (SEE ANNEX 3).

2. *Satisfactory progress in the implementation of a stability-oriented macroeconomic policy.*

Regarding the fulfillment of the mentioned condition please find attached the latest published «IMF Country Report No. 15/65» (SEE ANNEX 4, “Executive Board Assessment” part, p. 105).

At the same time, it is worth mentioning that in the framework of conditions assessment for the 2nd variable tranche under EU Budget Support Financing Agreement ENPI/2011 a satisfactory progress was recorded in the sphere of stability-oriented macroeconomic policy and the relevant report will be published soon.

3. *Satisfactory progress in the implementation of the public finance management reform.*

In accordance with evaluation report of public expenditures and financial accountability in the RA (made in 2013 and published in 2014 and granted with PEFA CHECK quality assurance certification) process has been recorded in relation to 11

¹ <http://moj.am/legal/view/article/816/>

indicators of 31 being evaluated in the public financial management system. In addition, the main reforms have been reported in the fields of realistic budget, transparency, and budget performance.

For more details we submit also a reference on implemented activities during 2010-2014 in the framework of Public Finance Management System Reform Strategy per separate elements (SEE ANNEX 5).

4. *Satisfactory progress with regard to the public availability of accessible, timely, comprehensive and sound budgetary information.*
 - a. The representatives of the majority political parties (coalitions) represented in the RA National Assembly are engaged in the discussions of the draft medium-term expenditure (MTEF) framework, which serves as the basis for drafting the Law on State Budget of the coming year. The MTEF adopted by the RA Government is consequently published in the “The RA Official Newsletter”, periodical on the website of Armenia legal information system: *www.arlis.am*, the official website of the RA Ministry of Finance: *www.minfin.am*, as well as submitted to the National Assembly of RA (NA). In accordance with the requirements of the Article 26 of the RA Law “On the Budgetary System of the RA” upon submitting the Draft Law on State Budget of the next year to the NA of RA, the GoA within three days publishes it in the press, as well as posts it on the official website for public notices of the RA, with the exception of the articles containing confidential state secret. The discussion in the NA of RA of the Draft Law on State Budget of the coming year is covered in the media with the exception of the articles considered containing state secret. The Draft Law on State Budget of the coming year (draft law and government's budget message), as well as the Draft Law on State Budget of the coming year adopted by the NA of RA are then published in the “The RA Official Newsletter” periodical, on the website of Armenia legal information system: *www.arlis.am*, the official website of the RA Ministry of Finance (MoF): *www.minfin.am*, as well as the official website of the NA of RA: *www.parliament.am*.
 - b. For the purposes of enhancing the public access to the projects funded by the State Budget and making their implementation more effective and controlled, activities aimed at gradual introduction of program budgeting are being currently carried out. The gradual introduction of program budgeting will enable to introduce qualitative changes in the process of state budget performance results verification by laying

special emphasis on the implementation of the outlined policy objectives from the processes of state budget treasury performance and on assuring the principle “Value for money”. In the framework of reforms for the introduction of program budgeting, in the recent years, with the initiative and support of the MoF, the RA line ministries have developed and the GoA has approved the non-financial / output indicators of expenditure programs execution envisaged by the Law of the State Budget of each year, on the execution of which state bodies have submitted reports (covered in their budget reports). For the purposes of formulating the complete program budgeting system, the stage by stage establishment and introduction of budget programs description is being implemented. About 35 budget programs descriptions have been already created which are published on the official website of the MoF: *www.minfin.am*. It should be mentioned that the budget programs description a tool which allows summarizing and submitting all the important financial and non-financial indicators and targets needed for expenditure planning and performance evaluation of the project. In this context, it is envisaged to establish budget programs descriptions system for 83 budget programs out of 153 included in the format drawn up in accordance with the requirements of program budgeting of the RA state budget for 2015 (which are of interest for the users of budget information and the public). In view of the mentioned the schedule for establishing budget program descriptions has been elaborated by the MoF and approved by the GoA protocol decree №53/18, dated December 18, 2014 according to which 48 budget program descriptions should be established by 2018, including 15 budget program descriptions in 2015, 17 budget program descriptions in 2016 and 16 budget program descriptions in 2017. The GoA initiated amendments to the RA Law “On Budget system of the Republic of Armenia” in 2013 with the effect of incorporating the program budgeting in the budget processes. Hereinafter, the document in the form of software presenting the budget outflows envisaged by the draft law of on state budget is the integral part of the GoA budget message submitted by NA of RA by force of the law. In accordance with the requirement of the same law, the GoA approves the budget outflows stipulated by law after having adopted the RA Law “On State Budget”. The document in the form of software is the part for the GoA decision on measures ensuring the state budget execution adopted each year, which in the established manner is published in “The RA official newsletter” periodical, on the website of Armenia legal information system: *www.arlis.am*, and the official website of the RA Ministry of Finance: *www.minfin.am*.

III. COMPLIANCE WITH THE SPECIFIC CONDITIONS FOR SECOND TRANCHE

The specific condition 4 related to transparency and accountability of the justice sector.

Expected result of the 4th condition: increase of accountability and transparency of the justice sector through the publication of relevant statistical indicators, digitalisation of court archives and random assignment of cases.

Conditions for disbursement:

1.1. Statistical indicators (both for courts and judges) in line with recognized EU / International standards are developed, automatically retrieved from an implemented and functioning Court Management Information System (MIS) and are analyzed in semi-annual reports published by judiciary.

Performance / progress:

In order to ensure the efficiency, transparency and public accountability of the judiciary the amendments 20-47-У dated June 10, 2014 were made to the Judicial Code (JC) which stipulate requirements to administering judicial statistics. According to the Paragraph 1 of the Article 21.1 of JC, the courts are required to conduct judicial statistics and the Paragraph 2 of the same article provides clear requirements for administering the statistics. Particularly, GoA determines the form and content of the judicial statistical indicators card which are subject to mandatory publication with the description of their content. The CCC defines the procedure of filing the card of the case and running judicial statistics. In addition, the CCC is authorized to set additional statistical indices. Gathering and administration of judicial statistics are being conducted and implemented by Judicial Department (JD). JD presents to the CCC the semi-annual statistical reports of the court activities for approval. It also publishes the statistical indicators in special section of the official website of judiciary dedicated to the publication of statistical data². Moreover, relevant data are published concerning civil, criminal and administrative cases and the First instance, Appellate and Supreme Courts and judges (SEE ANNEX 6).

In order to increase the accountability and transparency of the justice sector on 19 March 2015 GoA approved the Decision N 278 –У by which defines the form and the content of the statistical card of the judicial case. According to the aforementioned Decision,

² <http://www.datalex.am/reports/>

the statistical card of the judicial case has an electronic form and contains information on civil, administrative and criminal cases. (SEE ANNEX 7)

Moreover, on the same date GoA adopted Decision N 306-Ն, which provides for the classification of court cases, the list of statistical data which is subject to compulsory disclosure and publication, and the description of the content of reports. (SEE ANNEX 8)

Statistical data on Judicial Practice is collected and published on *www.court.am* which is the official website of the judiciary³. Meanwhile, according to the Paragraph 7 of the Article 21.1 of the Judicial Code of RA “The Judicial Department, in a manner and within timeline specified by the decision of the Council of Courts Chairmen, shall submit quarterly and annual statistical reports to the Council of Courts Chairmen for approval”. In this case, it’s worth mentioning that the semi-annual statistical reports will be published in July. After the publication of statistical reports in official website of judiciary it will be submitted for your consideration.

Efforts are taken by the JD aimed at upgrading the Court Management System (CAST) to allow full automatic retrieval. The updating of CAST will reflect the last amendments made in legislation (new criteria). The efforts are planned to be finalized by JD in July 2015.

Moreover, the GoA now in process to create a new generatic system for analysis of the reports of cases. A new system is not running yet but it will function during the upcoming months (SEE ANNEX_REPORT ON CAST).

Furthermore, for ensuring the increase of accountability and transparency of the justice sector MoJ has developed the standards for the evaluation of the activity of the judges. The development of the mentioned standards proceeds from the Executive Order NK-96-A of the President of RA dated June 30, 2012 on approving the 2012-2016 Strategic Program for Legal and Judicial Reforms in RA and the List of Measures Deriving from the Program. The need for introduction of the system of the evaluation of the judges is established by a number of international documents. For this purpose, the draft on evaluation of the activity of the judges is based on international principles and approaches of various international documents, including:

1. Kyiv Recommendations on “Judicial Independence in Eastern European, South Caucasus and Central Asia: Challenges, Reforms and Way Forward”;

³ See: <http://court.am/?l=lo&id=50>, in Armenian

2. American Bar Association: “Black Letter Guidelines for the evaluation of judicial performance”, 2005;

3. The Summary Report of the International Union of Judges on the System of the Evaluation of the Judges, 2006;

4. The Comparative Analysis on the Professional Evaluation of the Judges and Prosecutors in the frame of the EU Twinning Program, 2007;

5. The Approved Methodology by the Council of the Presidents of the Courts of Croatia on the Evaluation of the Judges, 2007;

6. The recommendations of the OSCE-ODIHR of the introduction of the evaluation system for the judges in the Republic of Moldova. Moreover, the draft on the introduction of the evaluation system for the activity of the judges was developed taking into account the experience of Belgium, France, Netherlands, Italy, Spain, Austria, Croatia, and the US. (SEE ANNEX 9)

1.2. All new court records and archived records for the past 3 years (2010, 2011, 2012) are digitalized.

Performance / progress

Digitization works are scheduled to start in August 2015. The appropriate request is made to GoA for allocation of additional funds for digitization which is approved and is pending the procurement process of necessary equipment in order to start the digitization. Moreover, with the aim of financing digitization process discussions are held with the US Embassy in the RA and USAID .

1.3. An action plan for further archive digitalization is developed and approved.

Performance/progress

On July 1, 2015 by the JD’s Decision N-501-A there was approved an Action Plan for Digitalization of Court Case Archives for the period 2015-2016. The aforementioned document stipulates the steps for digitalization process, as well as provides the resources for the implementation of the Action Plan (SEE ANNEX 10).

1.4. Rules covering full public access to court records, archives and statistics are defined and applied.

Performance / progress

Article 27 of the Constitution of RA guarantees the right of freedom of expression including freedom to search for, receive and impart information and ideas by any means of information regardless of the state frontiers⁴. On the basis of mentioned Article of the Constitution, on 23 September 2003 the NA adopted the law on Freedom of Information⁵ (the Law). The Law regulates relations pertaining to the freedom of information, defines the powers of persons holding (possessing) information, as well as the procedures, ways and conditions of obtaining information and the procedures of information inquiry, application and discussion. The Law in its Article 6 stipulates that each person has the right to address an inquiry to information holder to get acquainted with and/or get the information sought by him as defined by the law. The freedom of information can be limited in cases foreseen by RA Constitution and the Law. The Law guarantees any person to possess the information he needs, including access to the court records, archives, statistics and reports within the framework of legislation of RA. The above mentioned information is provided to the public by means of internet, particularly via *www.datalex.am*. Moreover, in case when the interested person is not able to find information through the aforementioned website he or she can still require it from the JD by filing a written request.

In addition, the JC defines the rules which authorize full public access to court records, archives, statistics and reports. The Article 67 of the JC stipulates that «Judiciary shall have its official website, which shall be administered by the JD. The information required by this Code shall be posted on the website in a way that is accessible for the public. The structure of the site, its maintenance procedure, and other information posted on the site shall be defined by CCC».

Moreover, the Article 68 of the Judicial Code provides that substantive judicial acts of the Cassation Court shall be published in the Official Journal of RA, as well as in the official website of the judiciary of RA. When the Cassation Court decides to start proceedings over cassation complaint it (written version) is subject to mandatory publication in the official website of Judiciary of RA, except for the cases, when the Cassation Court has decided to hold a closed-door hearing of the case.

⁴ <http://www.parliament.am/legislation.php?sel=show&ID=1&lang=eng>

⁵ <http://parliament.am/legislation.php?sel=show&ID=1390&lang=eng>

CCC provides the records of all hearings and in case of necessity the live broadcast outside the courtroom in area available to the public.⁶

Thus, the RA legislation guarantees the right of access to information by such legal instruments as Constitution, the Law and the JC. Although the subject matter Condition requires the adopted rules for covering full public access to court records, archives and statistics, the RA stipulates the freedom of information through Laws and Constitution, which according to the us have supremacy over the requested rules, that's why the particular right is enshrined in the Constitution and Laws.

1.5 Establishment of electronic system of e-filing for civil and administrative court cases.

Performance / progress

According to the Report provided by JD, due to the electronic system of e-filing each person will be able to create an account in the system by which he or she may bring the case to the court and follow the process of his or her claim. This system also gives an opportunity to see all the applications submitted by him or her and follow their status. The system will facilitate the process of filing the claim.

The main functions of the “On-line Electronic Claims Management System” are as follows:

- filing an electronic claim/application,
- starting claim submission process in the corresponding server of the distributed system.

Moreover, the introduction of “Case e-filing” system was presented to the public through the media⁷. The official website of the MoJ published an article relating to the introduction of “Case e-filing” system⁸ (SEE ANNEX 11).

1.6 Objective criteria for random assignment of cases that takes into account the specialization of judges is defined by law, covering all cases, and including regional courts where there is more than one judge.

Performance / progress

⁶ <http://www.court.am/upload/file/Judicial%20Code%20Eng%20final%20-%20290607.pdf>

⁷ <http://armenpress.am/arm/news/810787/kgortsarkvi-elektronayin-haycadimum-hamakargy.html>

⁸ <http://moj.am/article/1313>

Objective criteria for random assignment of cases that takes into account the specialization of judges has been defined by the Amendment ՀՕ-47-Ն to JC adopted on 10 June 2014. The Article 4 of the above mentioned Amendment introduces a new chapter 2.1 in the Judicial Code which is totally devoted to the procedure of random assignment of cases in all court instances (First instance courts, Appellate courts and the Cassation Court) through computerized system. The Amendment ՀՕ-47-Ն stipulates that the distribution of cases among the judges is implemented through the special software. While administering the software system data confidentiality is ensured to exclude possible external intervention. If due to a force majeure situation the computerized distribution of cases is not possible, then the cases are distributed equally among the judges on alphabetical order by the Chairman of the Court, immediately after the entry of those cases into the system. In these cases the Chair of the Court shall immediately inform the Chair of the Court of Cassation and the Council of the Courts Chairmen, in written form. (SEE ANNEX 12)

Furthermore, CCC by its decision N25L, dated 18 May 2015, defines the particularities of case assignment at the First instance and Appellate courts and the certain percentage of assignment of cases to mentioned courts' Chairmen and to the Commission of Judges on the ethics, disciplinary, education issues. Moreover, it stipulates that the new system will be tested in general jurisdiction courts of Kentron and Nork-Marash administrative districts of Yerevan and in Tavush Marz, also in the Civil Court of Appeals (the Pilot programm is being tested). (SEE ANNEX 13)

On April 8, 2014 public discussion event was held at MOJ with the participation of Members of the Public Council adjunct to the Minister of Justice. The purpose of the public event was to discuss the Draft Amendments to the JC, entailing the random assignment of cases. The list of participants to the public discussion and the agenda are attached. (SEE ANNEX 14)

2. The specific condition 5 related to better trained judges, prosecutors and advocates.

Expected result of the 5th condition: the functioning of Justice Academy (JA) and the School of Advocates properly in line with EU best practices, contributing to better trained judges, prosecutors and advocates.

Conditions for disbursement:

2.1. The Justice Academy is functioning in line with the final report of EU-CoE EJREPC joint project.

Performance / progress

On February 5, 2013, the NA of RA adopted the Law on Justice Academy (JA), based on which, on March 18, 2014 the JA was officially opened. The Academy is functioning and providing trainings to judges and prosecutors as well as candidate judges and candidate prosecutors.

The JA is a state non-commercial organization founded by RA, represented by the GoA. The MoJ of RA is the authorized public administration body acting on behalf of the Founder (as per Law of the Republic of Armenia on the Academy of Justice (hereinafter "Law"), Article 2 (1) and (2)). The JA has commenced its activities, i.e. trainings, in January 2014. Based on the lists of persons to receive professional training submitted to JA by the staff of the Council of Justice, the JA, inter alia, arranges for and implements professional training of persons who are on the list of candidates as per results of qualification check-up (Article 3 and Article 2(3) of the Law).

JA's institutional and legal framework is aligned with European recognized standards such as Opinion No. 4 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at National and European levels⁹. Moreover, according to the Paragraph 13 of the aforementioned Opinion, European Charter on the Statute for Judges (paragraph 2.3) states that "any authority responsible for supervising the quality of the training program should be independent of the Executive and the Legislature and that at least half its members should be judges"¹⁰. In addition, the CCJE recommends that, under the authority of the judiciary or other independent body, training should be entrusted to a special autonomous establishment with its own budget, which is thus able, in consultation with judges, to devise training programs and ensure their implementation. In this regard, it should be noted that the Law on Justice Academy states that the JA is a state non-commercial organization which is independent of the Executive and the Legislative authorities (i.e. special autonomous establishment with its own budget). In fact, Council of JA consists of 7 members, 3 of which are judges. The fact of inclusion of Judges makes it possible, in consultation with judges, to devise training programs and ensure their implementation. (SEE ANNEX 15)

⁹[https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE\(2003\)OP4&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3](https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2003)OP4&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3)

¹⁰[https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE\(2003\)OP4&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3](https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2003)OP4&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3)

The aforementioned Opinion stipulates that the training of judges should not be limited to technical legal training, but should also take into account that the nature of the judicial office often requiring the judge to intervene in complex and difficult situations. In this respect, it is worth mentioning that both in 2014 and in 2015, the JA organized the following study programs on "Professional ethic for a judge" and "Professional ethic for a prosecutor" for persons on the list of candidates for judges and prosecutors. The ultimate aim of these study courses is to share knowledge on professional ethics for judges and prosecutors accordingly with the trainees, and ensure capacity building for implementation thereof. The ethics (deontology) course requirement is stemming from the recommendation made by CCJE in the Opinion no 4, point 28 (III). Furthermore, the JA organizes the following professional training courses for judges and prosecutors:

- Fundamentals of public relations and communication
- Stress management
- Human resource management: employer motivation and adaptation;

The above mentioned trainings, in fact, pursue the goal of improving proper implementation of the justice process, especially in terms of enhancing the efficiency of management of such processes. Moreover, a wider scope of trainings pursuing such goal was actually implemented in 2014 and this year (still ongoing) for persons who are on the lists of candidates for judges and prosecutors (in 2014: "Communication and negotiation", "Justice and ethics", "Fairness doctrine", "Argumentation and rhetoric (eloquence)", "Stress management", "Time management, Leadership", "Psychology of influence", and "Contemporary issues in psychology of a prosecutor" and "Contemporary issues in psychology of a judge", accordingly; in 2015: "Communication and negotiation skills", "Fairness doctrine and ethics", "Argumentation and rhetoric", "Time management", "Psychology of influence"). (SEE ANNEX 15)

2.2. The cooperation between the JA and the School of Advocates is legally established and implemented.

Performance / progress

On March 7, 2015 JA and the School of Advocates of RA have concluded the Memorandum of Understanding (MoU). The purpose of MoU is to establish active and effective cooperation, and the willingness of Parties to exchange experience and to contribute to the advancement of qualification of professionals involved in the system of justice in compliance with the best international practice. The parties have agreed to

organize joint courses, academic events, cooperate with the aim of introducing a platform for distance learning, as well as organizing joint distance learning course, support each other in exchanging academic materials, provide jointly developed and approved training materials for the training courses conducted jointly by the Parties, carry out scientific and research activities in the fields of mutual interest, exchange personnel, if necessary, for the purposes of teaching, carrying out scientific and research activities.

The whole essence of MoU is stemming from the European standards enshrined in the OPINION No.12 (2009) and (2013) 16 of the Consultative Council of European Judges (CCJE) as well as EU-CoE EJREPC Joint Project Report (SEE ANNEX 16).

Within the framework of the signed MoU the JA and the School of Advocates of RA have agreed to organize joint training courses for judges and prosecutors. In particular, the training course on “Practical issues of judicial supervision over pre-trial proceedings” was provided on 3- March 4, 2015 and the training course on “Current issues of arbitration and other approaches for ADR ” was provided on March 6-7, 2015. Each of the courses included 10 academic hours and was included in the training programs of both the JA and the School of Advocates of RA. The training courses were conducted by judges, advocates, as well as by legal scholars enabling the profundity and diversity of the material delivered, and an enabling environment was created for healthy professional discussions. The copies of the list of participants in the training courses are enclosed (SEE ANNEX 17). The training courses and the conclusion of MoU were covered by media¹¹. It is worth mentioning that courses and trainings were organized in compliance with Opinion No. 4 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at National and European levels¹², in particular the aforementioned Opinion suggests that that theoretical and practical programs should not be limited to techniques in the purely legal fields but should also include training in ethics and an introduction to other fields relevant to judicial activity, such as management of cases and administration of courts, information technology, foreign languages, social sciences and alternative dispute resolution (ADR), also that the training should be pluralist in order to guarantee and strengthen the open-mindedness of the judge. In this case the training on "Contemporary issues in arbitration and alternative dispute resolution techniques" aimed at sharing with the trainees the fundamentals, aims and types

¹¹ <http://iravaban.net/79974.html#ad-image-10>

¹² [https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE\(2003\)OP4&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3](https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2003)OP4&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3)

of alternative dispute resolution, institutional and functional peculiarities and types of commercial arbitration, rules of case hearing at arbitration tribunals, recognition and execution of rulings taken by Armenian and foreign arbitration courts in Armenia, peculiarities of litigation, as well as modern doctrine-based and judicial practices of countries that have implemented the UNCITRAL model law and have well-established arbitration culture. The training on "Contemporary issues in judicial control over pre-trial proceedings" focused on enhancing trainees expertise in regulations related to judicial control over pre-trial proceedings and on improving their competencies and skills to implement those. Taking into account these facts it is undeniable that the JA organized the trainings in line with EU-Coe recommendations.

3. The specific condition 6 related to free legal aid.

Expected result of the 6th condition: the enhancement and improvement of the mechanisms and the quality of free legal aid.

Conditions for disbursement:

a. Increased financing for free legal aid taking as a baseline the year 2013.

Performance / progress

According to the Paragraph 1 of Article 45 of Law on Advocacy (the Law), the funding of the Public Defender's Office is provided from State Budget Resources to ensure functioning of the Public Defenders. The funding of Public Defenders Office for providing free legal aid has been increased in the course of last three years: during 2011 and 2012 - about AMD 152 mln, 2013 – AMD 260.069.600, 2014 – AMD 275.451.900 mln and AMD 290.834.200 during 2015. The increase of funding for 2015 Budget is envisaged by the Law on State Annual Budget for 2015. (SEE ANNEX 18)

The reports of the activities of Public Defenders are published on [www.advocates.am](http://advocates.am) official web site of the Chamber of Advocates of RA¹³.

3.2 Necessary building infrastructure for Public Defender's Office in Yerevan and all regions are identified, rehabilitated and fully equipped by GoA.

¹³<http://advocates.am/%D5%A3%D6%80%D5%A1%D5%A4%D5%A1%D6%80%D5%A1%D5%B6/%D5%B0%D5%A1%D5%B7%D5%BE%D5%A5%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6%D5%B6%D5%A5%D6%80/%D5%B0%D5%BA%D5%A3-%D5%B0%D5%A1%D5%B7%D5%BE%D5%A5%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6%D5%B6%D5%A5%D6%80.html>

Performance / progress

On 27 October 2011 and on April 2014 by the Decisions of the GoA it was decided to provide the Chamber of Advocates of RA with immovable property in Yerevan, Zakian, 2 for joint use for both Chamber of Advocates and Public Defender's office. The relevant floor of the building was decided to provide for the Public Defender's office without any charge. The Public Defender's office in Zakian street occupies 700 m². Moreover, in fact the building has been already transferred to the Chamber of Advocates and Public Defenders; however, the formal registration of the immovable property is still underway and shall be completed by mid-July.

The GoA financed the Public Defender's offices in Yerevan and in all the regions and big cities with necessary building infrastructure and equipped facilities, particularly computers, multifunctional printers, internet connection. The offices of Public Defenders are furnished and also there are many rooms for confidential meetings which are equipped with appropriate furniture, computer and necessary literature. Regarding offices in regions, it should be noted, that offices for Public Defenders have been already functioning in all the regions of RA and are equipped with relevant furniture and other necessary equipments.

The Acts of Acceptance for the facilities in regional offices and rent contracts are provided in ANNEX 19.

3.3. All Public Defenders received compulsory training at the School of Advocates.

Performance / progress

According to the Paragraph 2 of the Article 45.12 of the Law on Advocacy of RA, the Advocate (including Public Defender) is obliged to undergo compulsory trainings in accordance with conditions and number of hours prescribed by the Council of Chamber of Advocates (SEE ANNEX 20). It should be noted that all 52 Public Defenders in RA, similar to all other Licensed Advocates are required to take part in 24-hour mandatory trainings on annual basis (SEE ANNEX 20). The decision 35/8-L of the Council of the Chamber of Advocates, dated 18 December 2014 establishes the procedure and timing of mandatory trainings of all Licensed Advocates, including Public Defenders.¹⁴ It's worth mentioning that

¹⁴http://advocates.am/images/khorhrdi_voroshumner/2014/18_12_2014/358_Verapatrastman_karg_15.12.2014.pdf

in terms of mandatory training participation the Law on Advocacy makes no differentiation between the Advocates and Public Defenders. (SEE ANNEX 20)

Moreover, during 2014-2015 years the School of Advocates in the framework of EU / CoE joint project organized a number of trainings for advocates and Public Defenders focused on strengthening capacities of legal professionals working on issues of human rights and ECHR (SEE ANNEX 20). The topics of organized trainings are as follows:

“The specifications of the admissibility of complaints under the Article 14 of the European Convention of Human Rights”;

“The protection of the rights of national minorities in the ECHR and the Revised European Social Charter”;

“The legal basis for the acquisition of citizenship and features. The European Convention on Human Rights correlation with the domestic law in respect of citizenship”.

It's worth mentioning also that in the framework of the School of Advocates the training programs for advocates and public defenders are being organized in line with CoE recommendations, in particular in line with the final report of EU-CoE EJREPC and Consultative Council of European Judges (CCJE), Opinion No. (2013) 16 on the relations between judges and lawyers. (SEE ANNEX 20)

4.The specific condition 9 related to development of an ADR model.

Expected result of the 9th condition: the development of a model of ADR and to contribute to a better business environment.

Conditions for disbursement:

4.1 An Arbitration Code, other ADR Rules, and a Code of Ethics for arbitrators are developed and applied, their legal basis is ensured.

Performance / progress

On May 7, 2015 the Civil Procedure Code of RA was amended by the Law ՀՕ-44-Ն which introduced the institution of Mediation. The Law ՀՕ-44-Ն stipulates the mediation agreement and the procedures of filing the case, selecting of mediation and mediator, the frame and timing of the mediation appointed by the court, the proceedings of approval of mediation agreement in extrajudicial procedure, and the expenses relating to the mediation.

Moreover, in order to comply with the provisions of Civil Procedure Code the amendments were made in several legal instruments of RA such as the Judicial Code, Civil Code, Family Code, and Law on State Duties. (SEE ANNEX 21)

In addition, the Draft Amendments to the Law on Arbitration and Mediation has undergone public discussion in March 2015. On June 08, 2015 the Law on amendments and additions to Commercial Arbitration was included in the session of the NA. On 11 June 2015 the amended version of the Law was submitted to NA and on 19 June 2015 the Law on amendments and additions to the Law on the Commercial Arbitration was adopted by NA (SEE ANNEX 22).

An important provision in the newly adopted Law on Commercial Arbitration is that the Law applies also to non-commercial disputes, in case the Law provides that the dispute can be resolved through arbitration.

The amendments on the Law on Commercial Arbitration are essential, as they ensure out of court dispute settlement mechanism and promote the institution of commercial arbitration. Enhancing commercial arbitration in RA will take place by introducing general rules of conduct for arbitrators to avoid any discretion by an arbitrator. In addition, the Law addresses conditions for provisional measures, the specific Court which has to assist and supervise the arbitration, rules of conduct and principles of the conduct of the activities of arbitrators etc.

In order to comply with the new Law on Commercial Arbitration and consecutively with the UNCITRAL rules the amendments and additions were made also in other legal instruments of the RA such as Civil Code, Civil Procedure Code, Family Code, Labor Code, the Law on Protection of the rights of consumers, the Law on Compulsory Enforcement of Judicial Acts.

In addition, Draft amendments to the Law on Commercial Arbitration and Mediation have undergone several public discussions during 2015. Such as, on January 22, 2015 a meeting covering the “Summary of Conditions for the First Disbursement and Clarification of Actions to be Undertaken for Fulfillment of Conditions for the Second Disbursement Provided under Financing Agreement for “Support to Justice Reform in Armenia – Phase II” Program” took place at MoJ, headed by Mr. Arman Tatoyan, Deputy Minister of Justice of RA. The agenda and the list of participants are provided (SEE ANNEX 23).

On February 10, 2015 in MoJ of RA “Third Session of the Public Council adjunct to the Minister of Justice of the Republic of Armenia” was held with the participation of NGO

representatives, representative of the EU Delegation to the Republic of Armenia, EU Experts. During the aforementioned session the participants discussed the Draft Laws on Making Amendments and Supplements to the RA Law on Commercial Arbitration and to the Civil Procedure Code of RA. The agenda and the list of participants are provided (SEE ANNEX 24).

On March 7 and 8, 2015 in Aghveran, Kotayk Marz of Armenia public discussion was held which was entitled "The need for making amendments and supplements to the RA law on Arbitration", headed by Mr. Arsen Mkrtchyan, First Deputy Minister of Justice of RA. The next day on March 8 public discussion was focused on the Mediation Package, which included the Draft Package of Amendments to the RA Civil Procedure Code, the Civil Code, the Family Code, the Labor Code, the Law on State Duty, the Law on Enforcement of Court Acts (Mediation block). The agenda and the list of participants are provided (SEE ANNEX 25).

4.2. A comprehensive course on the nature of arbitration, recognition and enforcement of arbitral awards is developed and integrated into the curricula of continuous training for judges and advocates.

Performance / progress

On March 7, 2015 the JA and the School of Advocates of the RA concluded the MoU. Based on the MoU, the educational program of seminars / training for judges and advocates in line with UNCITRAL standards was approved by the rectors of JA and the School of Advocates. Thus, the training course on "Current issues of arbitration and other approaches for ADR" was provided on March 6-7, 2015, where each of the courses included 10 academic hours. The aforementioned training course is included in the training programs of both JA and the School of Advocates.

The courses were presented by judges, advocates, as well as by legal scholars and special efforts were taken to ensure the profundity and diversity of the material delivered, and a platform was created for professional discussions and opinion sharing.

During the courses, which were delivered to on March 6 and 7, 2015 the judges and advocates were introduced the concept and types of arbitration agreement, the jurisdiction of arbitral tribunals, the recognition and enforcement and the recourse procedure of arbitral awards (SEE ANNEX 17).

Furthermore, on June 20-21 a seminar took place in Dilijan, devoted to the development prospects of the institution of Arbitration. The seminar was held within the framework of joint project of EU and CoE entitled "The Strengthening of independence,

professionalism and accountability of Justice System of RA”. During that discussion the First Deputy minister of Justice of RA stressed that the main purpose of making amendments to the law on Commercial Arbitration was to comply with the latest edition of UNCITRAL Model law on International Commercial Arbitration of 7 July 2006.

During the seminar the experts of the CoE introduced the concept on the development of the Commercial Arbitration institute in Armenia in which the experience regarding the arbitration of England, Sweden and Switzerland were presented. The concept suggests creating a union or association of arbitrators to function on voluntary basis. It is supposed that the union will conduct a voluntary certification for arbitrators and oversee observing the rules of conduct of arbitrators. The list of participants and the agenda of the discussion are submitted. (SEE ANNEX 26)

ANNEXES

ANNEX_GENDER BALANCE ACTION PLAN



REPUBLIC OF ARMENIA

COUNCIL OF COURTS CHAIRPERSONS

DECISION N –N

**ON MAKING AMENDMENTS TO THE DECISION N 04-N OF THE COUNCIL OF
COURTS CHAIRPERSONS OF THE REPUBLIC OF ARMENIA**

DATED AS OF AUGUST 29, 2014

Based on the Paragraph 25, Part 3, Article 72 of the Code of Justice of the Republic of Armenia and guided by Part 5, Article 70 of the RA Law on Legal Acts, the Council of Courts Chairpersons of the Republic of Armenia

DECIDES

1. To complete the final provision of the RA Council of Courts Chairpersons Decision N 04-N, on Supporting the Gender Balance among the Candidate Judges, dated as of August 29, 2015 with a new paragraph with the following content:

“to approve the Action Plan for 2015-2017, targeted to the implementation of the decision hereof, in compliance with the Annex”.

2. The decision hereof enters into force on the tenth (10th) day following the official publication.

A.Mkrtumyan
Chairperson
Council of Courts Chairpersons of Armenia
July, 2015, Yerevan

annex

ns

of X15.

Action Plan 2015-2017, targeted at implementation of the RA Council of Courts Chairpersons Decision N 04 on Promoting the Gender Equality Among the Candidate Judges, dated as of August 29, 2014

<i>Nº</i>	<i>Activity</i>	<i>Implementing agencies</i>	<i>Deadlines</i>	<i>Output</i>
1.	Monitoring with the aim of revealing the current approaches and opinions concerning the gender equality in the Judicial System among various social groups.	RA Ministry of Justice RA Department of Justice	September, 2015 – February, 2016	Publication of the comprehensive report of findings of the monitoring
2.	Establishment of a Working Group with the aim of summarizing the results of monitoring, as well as analysis of the international experience and development of training materials and thematic training programs, stemming from the monitoring.	RA Ministry of Justice RA Department of Justice <i>If agreed, also</i> Academy of Justice, Chamber of Advocates of Armenia/ School of Advocates, Higher Education Institutions/YSU Legal Lab NGOs, International Organizations	March, 2016 – June, 2016	Training materials, Training Programs
3.	Organization of Summer School, the curriculum of which will also include the coverage of the two previous events.	RA Ministry of Justice RA Department of Justice <i>If agreed, also</i> Academy of Justice, Chamber of Advocates of Armenia/ School	July, 2016 – August, 2016	Raising legal awareness amongst the groups involved in Summer School

		of Advocates Higher Education Institutions/YSU Legal Lab, NGOs, International Organizations		
4.	Initiating collaboration with the Academy of Justice, Chamber of Advocates of Armenia/School of Advocates, Higher Education Institutions, NGO and International Organizations with the aim of achieving the goals of the Action Plan.	RA Ministry of Justice RA Department of Justice	September, 2015 – December, 2017	Ensuring participation at large and joint implementation of the Action Plan.
5.	Meeting with high school students (class visits, discussion, role-play, etc.).	RA Ministry of Justice, RA Department of Justice, <i>If agree, also:</i> Academy of Justice, RA Ministry of Education and Science, NGOs	September, 2016 – December, 2016	Raising gender equality awareness among the students
6.	Three (3) of more workshops (discussion, round table, training etc.) with the involvement of the State and non-state bodies and organizations.	RA Ministry of Justice, RA Department of Justice, <i>If agree, also:</i> Academy of Justice, RA Ministry of Education and Science, NGOs	November, 2016 – June, 2017	Promoting the perception of the gender equality (concept)
7.	Regular publication of the comprehensive information on the activities implemented	RA Ministry of Justice, RA Department of Justice	September, 2015 – December, 2017	Raising public awareness on the implementation of the project

8.	Project efficiency assessment (Report) regarding the 50% increase of gender balance (representation) in the courts and general increase of awareness among the population.	RA Ministry of Justice RA Department of Justice	July, 2017 – December, 2017	Increased gender equality (representation) in the courts Public General increase in public awareness
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ANNEX 1

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MINISTER OF JUSTICE
REPUBLIC OF ARMENIA

МИНИСТР ЮСТИЦИИ
РЕСПУБЛИКИ АРМЕНИЯ

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EUROPEAN UNION DELEGATION TO ARMENIA					
Arms Save No 1885011					
21 APR 2015					
Doc:	NDD	FEIS	COOP	FC&A	ADMIN

HEAD OF DELEGATION OF
THE EUROPEAN UNION TO
THE REPUBLIC OF ARMENIA
H.E. MR. TRIAN HRISTEA

Your Excellency Mr. Ambassador,

The Ministry of Justice of the Republic of Armenia presents its compliments to the Delegation of the European Union to Armenia.

We kindly inform you that the Ministry of Justice of the Republic of Armenia has completely met the 8th specific condition of the Support to Justice Reform in Armenia – phase II project, namely .

Hereby, I have honor present for your consideration the following documents:

- a) "Memorandum Of Understanding On Handover Of The Electronic Civil Status Register And Farther Cooperation" between the Ministry of Justice and Estonian E-Governance Academy Foundation on Civil Status Register;
- b) The Report on "E-Civil Status Register Development And Handover"; and
- c) The Protocol on discussion with respect to the supplements and amendments to RA law on Civil Status Acts and to other relevant legal acts.

At the same time, I would kindly like to inform that all the tasks relating to the activities prescribed by 8th specific condition were fulfilled in October, 2014. Only the documents mentioned above were not finalized and not presented.

The Ministry of Justice of the Republic of Armenia expresses its gratitude for your comprehension and cooperation.

SINCERELY

HOVHANNES MANOUKIAN

A handwritten signature in blue ink, appearing to read 'H. Manoukian', positioned between the words 'SINCERELY' and 'HOVHANNES MANOUKIAN'.

PROTOCOL N1

"On discussion of draft laws of the Republic of Armenia on making supplements and amendments to the Law of the Republic of Armenia On Civil Status Acts and other laws of the Republic of Armenia"

Yerevan

16 May 2014

A discussion of the draft law of the Republic of Armenia "On making amendments to the Law of the Republic of Armenia On Civil Status Acts" took place in the Ministry of Justice of the Republic of Armenia at 11:00.

PARTICIPANTS

Suren KRMOYAN — Deputy Minister of Justice of the Republic of Armenia

Argam STEPANYAN — Head of the Civil Status Acts Registration Agency of the Ministry of Justice of the Republic of Armenia

Anna ABRAHAMYAN — Deputy Head of the Civil Status Acts Registration Agency of the Ministry of Justice of the Republic of Armenia

Ani MKHITARYAN — **Head of the Division of Activities and Apostille of the Civil Status Acts Registration Agency of the Ministry of Justice of the Republic of Armenia**

Norayr BALAYAN — Head of Division of the Legal Organisational Department of the Ministry of Justice of the Republic of Armenia

Julieta BABAYAN — "Health and Social Rights Protection Scientific and Practical Centre" non-governmental organisation

Vigen KHACHATRYAN — "Armenian Center of Rights" non-governmental organisation

Tigran GRIGORYAN — "House of Rights and Democracy» non-governmental organisation

Nazik ASLANYAN — "Harmonious Development" non-governmental organisation

Hrachik SARGSYAN — "Association of Judges" non-governmental organisation

Naira ARAKELYAN — "Armavir Development Center" socio economic non-governmental organisation

Taron SIMONYAN — "Unity of Lori Youth" non-governmental organisation

Narine BABAYAN — "Center of International and Comparative Law"

Edgar AZIZYAN — "Sustainable Development Initiative" non-governmental organisation

Margarita SEDRAKYAN — "Huysi Metsamor" non-governmental organisation

Rapporteur — Argam Stepanyan

The protocol of the discussion was drawn up by Tatevik Harutyunyan

AGENDA

1. Opening speech — Deputy Minister of Justice of the Republic of Armenia Suren Krmoyan
2. Report — "On the procedure for introduction of more effective electronic system of civil status acts registration"/ rapporteur Argam Stepanyan
3. Questions and Answers

DISCUSSION

Deputy Minister of Justice of the Republic of Armenia welcomed the participants of the discussion and attached great importance to holding of public discussions in such a format. The Deputy Minister emphasised the necessity of discussing the issues included in the agenda concerning improvement of the quality of services rendered by the Civil Status Acts Registration Agency and expressed willingness to listen to everybody's opinions and constructive recommendations.

SECOND ITEM OF THE AGENDA

Rapporteur Argam Stepanyan represented the nature of the electronic system to the participants of the meeting. He mentioned that the electronic system of civil status acts registration ensures that all registrations of civil status acts of the Republic of Armenia are carried out electronically and kept in a unified register. Apart from the applications of the citizens, the statements received from medical establishments also serve as a basis for the registration (*especially in case of death and birth registration*). The Ministry of Justice of the Republic of Armenia is elaborating draft laws on making amendments and supplements to the legal acts regulating the field of registration of civil status acts.

Stepanian stated, that everybody has been provided with a digitising device so as the previously submitted documents which serve as a basis for registration should be digitised and attached to the case in a digitised format.

All 54 divisions of the Civil Status Acts Registration Agency have been equipped with computer networks. It is considered to be a very effective system. Additional steps have already been taken to connect the systems of the Ministry of Healthcare, Ministry of Foreign Affairs and the Police to this system for the purpose of providing comprehensive services in a very short time limits. This system enables performing of the functions of the bodies of Civil Status Acts Registration Agency

with the principle of "one-stop-shop" principle, which primary follows from the interests of the Applying persons both by reducing the time limits for assuming the functions and ensuring the improvement of the quality of the service under the competitive climate.

The Minister intends to meet all the Heads of the divisions of Civil Status Acts Registration Agency of the Republic and recommends that the significant improvement of this system should be considerable for the citizens in case of adoption of the draft law. The State shall take additional measures to facilitate the effective operation of this system by raising the salaries of the employees of the Civil Status Acts Registration Agency.

Further on a unified statistical portal of the Civil Status Acts Registration Agency is also to be developed, which will enable building of statistics on civil status derived from the registrations made by the Civil Status Acts Registration Agency in a real-time mode and submitting thereof to the interested state bodies in a format convenient to be accessed by them. Meanwhile, development of a portal will facilitate the transfer of data exchange with the National Statistical Service to real-time electronic media thus excluding paper circulation of documents between the Civil Status Acts Registration Agency and the National Statistical Service.

A. Stepanyan also presented draft laws of the Republic of Armenia on making amendments and supplements to the Civil Code of the Republic of Armenia and to the Law of the Republic of Armenia "On public service number", which are also necessary to adopt together with the draft Law of the Republic of Armenia on making amendments and supplements to the Law of the Republic of Armenia "On civil status acts".

QUESTION AND ANSWER SESSION

Members present at the discussion came up with a number of recommendations, in particular regarding the uniform electronic management system of civil status acts registration of the Republic of Armenia.

Question. Julieta Babayan: Does the principle of one-stop-shop service allow citizens of applying, irrespective of their place of registration, to their preferable territorial division for making a registration of civil status act?

Answer. Suren Krmoyan: Definitely, every person is to decide for himself or herself what territorial division of the Civil Status Acts Registration Agency to apply, which first of all ensuring competition in this field, would also secure the increase in the quality of service rendered to citizens.

Julieta Babayan recommended to make appropriate legislative amendments.

Suren Krmoyan instructed to consider the recommendation and ensure the execution thereof.

Question. Tigran Grigoryan: Does the registration or the approach to submit applications to the division of the place of residence entirely lose its significance due to the introduction of an electronic system and the application of the principle of one-stop-shop service, or are there certain functions available, which will be preconditioned thereby?

Answer. Argam Stepanyan: The only function preconditioned by the territorial principle is the state registration of death in the City of Yerevan, which will continue to be carried out in Yerevan Special Service, the territorial division of the Civil Status Acts Registration Agency of the Ministry of Justice of the Republic of Armenia.

Question. Vigen Khachatryan: If one takes account of the fact that the electronic system contains personal data, then who is responsible for its maintenance and security?

Answer. Argam Stepanyan: Firstly, according to the Law of the Republic of Armenia "On registration of civil status acts", the employees of the Civil Status Acts Registration Agency bear the responsibility for maintaining and not disclosing information made available thereto. The electronic system is open, the access is possible through identification cards only, for which, ex officio, an authorisation to enter the system is provided beforehand. Besides, the electronic system clearly fixes the name of the person performing any operation upon them.

Question. Nazik Aslanyan: Does the electronic system allow citizens of filling in on-line applications envisaged for registrations of Civil Status Acts Registration Agency?

Answer. Argam Stepanyan: Currently, the electronic system is accessible only for territorial bodies of the Civil Status Acts Registration Agency.

A. Abrahamyan emphasised that in the case of approval of the system, all the territorial divisions of the Civil Status Acts Registration Agency and those functioning in all communities of the Republic have been furnished with necessary computer equipment, trainings on the use of Management System have been conducted.

A. Stepanyan added that the Project allows of carrying out appropriate text and software changes and modifications in the forms of applications, act registrations and reports available in the electronic management system of the territorial divisions of the Civil Status Acts Registration Agency — with a view to properly registering, storing and printing out necessary data.

N. Balayan added that progress will really be noticed in terms of quality, and the role of civil society will increase in this process, but in the case of approval of the system, certain expenses will arise; hence, how the issue of financing should be addressed?

S. Krmoyan replied that they are planning to hold such discussions with the EU, cooperate with them and implement the reform program also in cooperation with the EU.

DECIDED:

Based on the discussions, to put into official circulation the draft laws of the Republic of Armenia on making amendments and supplements to the Law of the Republic of Armenia "On civil status acts".

Chairperson of the sitting:

Suren Krmoyan

Suren Krmoyan _____

Argam Stepanyan _____

Anna Abrahamyan _____

Ani Mkhitaryan _____

Norayr Balayan _____

Julieta Babayan _____

Vigen Khachatryan _____

Tigran Grigoryan _____

Nazik Aslanyan _____

Hrachik Sargsyan _____

Naira Arakelyan _____

Taron Simonyan _____

Narine Babayan _____

Edgar Azizyan _____

Margarita Sedrakyan _____

ANNEX 2



Ministry of Justice of the Republic of Armenia

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Minutes N2

Of the First Session of the Public Council Adjuncted to the RA Minister of Justice

Yerevan, April 25, 2014

On April 25, 2014 the Civil Society Public Council (hereafter referred as to the Council) under the Minister of Justice of RA held its second meeting.

Participants:

Aram Orbelyan, Deputy Minister of Justice of the Republic of Armenia

Tatevik Davtyan, Counterpart International Armenia

Georgi Khachatryan, Armenian Center of Rights NGO

Taron Simonyan, International Comparative and Law Center NGO

Karen Zadoyan, Armenian Young Lawyers Association NGO

Tatev Gharibyan, Civil Society Institute NGO

Mikayel Hovhannisyan, Eurasia Partnership Foundation

Gevorg Hayrapetyan, Freedom of Information Center of Armenia NGO

Quorum present. Minutes taken by Lusine Martirosyan, Senior Specialist of the Division of the Information and PR of the Ministry of Justice of RA

AGENDA

1. Approval of the Agenda
2. “Concept of the Institutional and Legislative Reforms of the Developments of the Civil Society Organizations” and related issues.
3. The results of the very recent RCSA sector research (Rapporteur: K.Zadoyan, The Association of Young Lawyers of Armenia NGO)
4. Draft Law on Making Amendments to the RA Law on Civil Status Acts

DISCUSSIONS

Members of the Council unanimously approved the Agenda.

An agreement was reached during the previous meeting of the Council that the members of the Council could have raised questions or submitted recommendations with regards to the “Concept of the Institutional and Legislative Reforms of the Developments of the Civil Society Organizations”. However, since the members of the Council didn’t have any questions to the Concept, K. Zadoyan – the President of the Armenian young Lawyers Association NGO, upon the suggestion of A. Orbelyan, passed on to the second issue of the Agenda, which was about the results of the most recent research implemented in the area of Registration of Civil Status Acts.

The fourth question on the Agenda - Draft Law on Introducing Amendments to the RA Law on Civil Status Acts was presented by Deputy Minister A. Orbelyan.

Article 1. to amend the RA Law on Civil Status Acts N HO-9-N, dated December 08, 2004 (hereafter referred to as the Law) with Article 9.1 and 9.2.

«Article 9.1. Unified (integrated) e-management system and integrated e-Registry of Registration of Civil Status Acts registration

1. Integrated e-management system of Registration of Civil Status Acts is operating at the RA Ministry of Justice and it is available through the database processed by the RCSA bodies.
2. The RCSA bodies prepare all the Civil Status Acts envisaged hereof (under the given Law), as well as all the Certificates provided upon registration exclusively through the e-management system.
3. Integrated e-Registry is an electronic official document, where electronically is uploaded and maintained all the information envisaged hereof (under the given Law) and subject to registration

for all Civil Act Registries in accordance with the given Law, as well as e-copies of all the documents that are considered as a basis for registration, Certificates provided and Civil Status Acts.

Article 9.2. Applying for the Civil Status Acts

The requirement set forth hereof (under the given Law) to submit application to the RCSA bodies is considered fulfilled when the citizen applying for the Civil Status Act submits all the information necessary for the elaboration of the Application to the employee/staff of the Office of the Registration of Civil Status Acts and signs the Application developed by the e-management system.”

Article 2. Transitional and Final Provisions

1. The Republic of Armenia Judicial Code shall come into force on September 30, 2014.
2. Until January 1, 2018 in the event when processing of documents through electronic system is technically impossible, as well as in the event when registration through the e-system is technically impossible, the RCSA bodies shall make the paper based registration and input the registration data into the e-management system no later than within a week from the date of paper based registration.

According to A. Orbelyan the necessity of accepting Legal Acts is conditioned by the necessity to introduce the e-management system for the RCSA which is stipulated by Paragraph 8.4 of the List of Measures derived from the Strategic Program approved by the Order N NK-96-A of the President of RA, dated June 30, 2012. The president of the Republic of Armenia and by RA obligations set forth by Condition 8 related to the more efficient registration of civil acts, stipulated by the Financial Agreement between RA and EU (Budget Support Program) N EUPI/2012/23600. The legislative Draft is aiming to introduce relevant amendments in the current legislation, with the purpose of introducing the necessary procedures and providing smooth implementation of RCSA sector reforms.

According to A. Orbelyan, currently the RCSA sector is operating with paper-based system and hard copy Registration logs (though certain information databases and systems have been applied previously, but currently the system operates solely as paper based) and the documents and applications are prepared in handwriting. With the support of EU a new software and e-registration system have been developed and tested, which is now operated by the RCSA bodies in Yerevan and in Gyumri. The installation of the system throughout the territory of Armenia is planned for May-June 2014. At the same time, there was no provision in the current legislation on the creation and application of the e-Registry system.

The proposed amendments are targeted at introduction of the RCSA e-system and the notion of e-Registry, as well as the commitment (obligation) of the RCSA bodies to use the systems mentioned.

Taking into consideration the fact that the newly introduced e-management system allows preparing all the necessary Applications electronically the Law envisages a provision that “the requirement to submit application to the RCSA bodies is considered fulfilled when the citizen applying for the Civil Status Act submits all the information necessary for the elaboration of the Application to the employee/staff of the Office of the Registration of Civil Status Acts and signs the Application developed by the e-management system.”

The approval of the above-mentioned Draft Law will enable clarifying the RCSA system and introducing the e-Registry system through regulating the legal framework.

DECISIONS

1. It was suggested to postpone the discussion of the second topic of the Agenda ““Concept of the Institutional and Legal Reforms of the Developments of the Civil Society Organizations” and related issues till the next session. To receive written recommendations within two weeks, discuss those at the next session, finalize and introduce to the RA Government.
2. To submit to the Secretariat of the Public Council recommendations on the topics suggested to be discussed at the next sessions, particularly with regards to the RA Constitutional reforms, Anti-Corruption Strategy, Probation Service.

The Armenian version of the Minutes is 19 pages.

L. Martirosyan

Secretary of the Public Council

ANNEX 3

SEMI-ANNUAL REPORT

ON

ACTIVITIES IMPLEMENTED BASED ON THE 2012-2016 STRATEGIC PROGRAM OF THE RA LEGAL AND JUDICIAL REFORMS

Within the scope of measures approved by the Executive Order N NK-96-A of the President of the Republic of Armenia “On Approving the 2012-2016 Strategic Program for Legal and Judicial Reforms in the Republic of Armenia and the List of Measures Derived from the Program”, dated as of June 30, 2012 the Ministry of Justice of the Republic of Armenia, in the period January –June 2015 has fulfilled the following activities:

1. “1.2.2. Provide the hardware and software support for the performance evaluation system for judges”.

The activities to provide support the hardware and software for the performance evaluation system for the judges are under implementation.

2. “1.11.2. Provide the hardware and software support for the digitization of the documents”.

With the purpose of improving the application of information and communication technologies in the courts relevant activities are fulfilled to provide software and hardware support for the digitization of the documents. The relevant reforms of the court management e-system are in process: activities are implemented to provide the opportunity for electronic submission of Applications for Civil Cases.

3. “1.12. Develop and introduce a more effective model of financing of the judicial power of the Republic of Armenia in conformity with European standards and best practice”.

A study of the European standards and best practice of the model of financing the judicial power has been implemented. As a result of the study, a conclusion was issued that the current model of financing, in terms of ensuring the financing guarantees for the judicial power corresponds to the international standards.

4. “2.1.1. Adopt a Decision of the Government of Armenia on “Approving the Concept Paper for the New Criminal Code of the Republic of Armenia”.

The Draft Decision of the Government of Armenia in Approving the Concept Paper for the New Criminal Code of Armenia has been approved by the protocolled Decree N 25 of the Government of Armenia, dated as of June 4, 2015.

5. “2.1.2. Draft a new Criminal Code of Armenia”.

The first draft of the new criminal Code of Armenia is in its final stage. It is envisaged that the working group will present the first Draft to the Ministry of Justice of Armenia in July 2015. Besides, discussions related to the Draft Criminal Code are planned to be implemented with the

GIZ. Currently, the synchronization of the Drafts of the RA new Criminal Code and new Code of Criminal Procedure is in the process.

Based on the discussions of the Draft of the RA new Code of Criminal Procedure in the Committee on State and Legal Affairs of the National Assembly of Armenia, the Draft has been reviewed /amended and submitted to the National Assembly of RA.

With the purpose of supporting the integrity of reforms in the sector of criminal justice, the RA Ministry of Justice has initiated the process of drafting the new Penal Code of Armenia. A Committee and a working group have been established to fulfill this purpose. Within the framework of the activities of the Committee, the Draft Concept Paper of the new Penal Code of Armenia has been developed and submitted to the international expertise. The new Penal Code of Armenia shall be based on a number of fundamental principles, such as:

- Ensuring integrated legal policies in the sector of compulsory enforcement measures;
- Fulfilment of the requirements of international human rights laws;
- Revision of the system of disciplinary sanctions and procedure of application of those towards the persons subject to compulsory measures due to custody;
- Reform of the system of compulsory enforcement applied towards juvenile inmates;
- Clarification of the criteria for separating the sentenced persons and convicts.

6. “2.3.1. Drafting a Legal Act regulating the activities of the probation service”.

The Concept Paper on Introducing the Probation Service in the Republic of Armenia was approved by the Government of Armenia by Protocol Decision N19, dated as of April 30, 2015. The activities on introducing the probation service are ongoing.

On June 17, 2-15 pilot probation services were launched in Shengavit administrative district of Yerevan and in the town of Vanadzor. The piloting is carried out on the basis of the Division of Execution of Alternative Punishments of the Penitentiary Department of the RA Ministry of Justice. Social re-integration programs are planned to be implemented. At the same time, the Ministry of Justice of the Armenia, with the support of the Yerevan office of the Council of Europe, have organized training courses for the penitentiary officers, judges and prosecutors.

7. “2.4. Reform the procedure for early conditional release and for substituting the unserved portion of the sentence with a mitigated punishment”.

The RA Government Draft Decision on “Early Release of the Person Sentenced for a Fixed Term on for Life-Term or On Substituting the Remaining (Unserved) Portion of the Sentence with Mitigated Punishment” has been developed and submitted to the Government of Armenia. The Draft has been amended with clear criteria on early conditional release and re-sent for the stakeholders’ opinion.

8. “2.5. Reforming the procedure for releasing, on the ground of a serious disease, a convict serving the punishment in the form of imprisonment”.

The RA Government Draft Decisions on “Making Changes and Amendments to the RA Government Decision N 825-N, dated as of May 26, 2006” and “Making Changes to the RA Government Decision N 1636-N, dated as of December 4, 2003” have been submitted to the Government of Armenia.

It is worth mentioning the Program on Strengthening Healthcare and Human Rights Protection in Prisons of Armenia, implemented by the Council of Europe in Armenia, launched on June 2, 2015

in partnership with the Ministry of Justice of RA. Within the scope of the project, reforms will be implemented in the sector of healthcare in prisons, not only on infrastructure level, but also on legal level. Consequently, there will be need to revise and amend the procedure of releasing a convict serving the punishment in the form of imprisonment, on the ground of serious decease.

9. Including in the concept of “administrative body” within administrative proceedings those private entities, upon whom the State vests public functions, as well as ensuring judicial protection of private individuals from the decisions, actions and omissions of such entities”.

The Ministry of Justice of RA has developed Draft Law on Making Amendments to the “RA Law on Administration and Administrative Proceedings” and has submitted that to the Government of Armenia. The Draft envisaged including the concept of “administrative body” those entities upon whom the State has vested public functions, ensuring the judicial protection of the persons from the decisions, actions and omissions of such entities.

10. “3.4. Ensuring, in practice, the exercise of the rights granted by the Administrative Proceedings Acts adopted by virtue of Article 48 of the RA Law on Fundamentals of Administrative Action and Administrative Proceedings”.

The Ministry of Justice of RA has developed a Draft Law on Making Changes to the RA Law on Administrative Acts and Administrative Proceedings and has submitted that to the Government of Armenia. The Draft envisages the exercise of the rights stipulated by the Article 48 of the Law.

11. “3.6. Developing a new Administrative Offences Code of the Republic of Armenia”

The Draft Administrative Offences Code of the Republic of Armenia was put into circulation on March 9, 2015. Currently the draft is under the revision, based on the opinions received. At the same time, the draft has been submitted for international expertise.

12. “4.1. Adjusting the Civil Code of Armenia to modern approaches for regulating private legal relations”.
13. The following changes have been introduced to the RA Civil Code and approved by the RA national Assembly:
 - The Draft Law on Making Changes and Amendments to the Civil Code of Armenia, which envisages the introduction of the institute of “Ensured Rights”, which will enter into force from October 1, 2015.
 - Legal package introducing changes and amendments to the legal regulations on purchasing real estate in a building under construction in the RA Civil Code and other Legislative Acts.

The Draft Law on Making Changes and Amendments to the Chapter on Legal Persons of the RA Civil Code has been developed.

At the same time, the RA Ministry of Justice has developed Concept Papers on the following themes of the RA Civil Code (<http://www.moj.am/legal/drafts>):

- On introducing the provisions regulating the personal servitude in the RA Legislation;
- On reforming the Private International Law;
- On making changes to the provisions on utilizing the common share space in the multi-apartment buildings;
- On making changes to Division 10 of the RA Civil Code (on intellectual property);
- On provisions of the RA Civil Code related to the Right of Collateral;
- On the right related to the utilization of residential accommodation/space;
- Liabilities arising as a result of unjustified enrichment;
- On provisions of the RA Civil Code related to the Mortgage Norms;

- On provisions related to the common ownership by spouses;
- On making changes to the provisions of Chapter 5 (Legal Persons);
- On issues of legal regulations related to the e-trade in the Republic of Armenia;
- On introducing reforms to the provisions to the RA Civil Code related to regulating the right to use someone else's property;
- On reforming the Articles of the RA Civil Code on construction (landscape development) and land plot renting;
- On the provisions related to the neighborhood institute;
- On reforming the Chapters of RA Civil Code related to the ownership rights;
- On making amendments to the RA Civil Code related to the liabilities arising from causing damage (Chapter 60);
- On reforming the provisions of RA Civil Code related to the heritage rights.

The above-listed Concept Papers have been subjected to international expertise and based on the opinions of those the drafting is in process.

14. "5.11. Examining the issue concerning jurisdiction over appeals filed to court against the decisions of the Head of the penitentiary establishment".

A study of the issue concerning jurisdiction over appeals filed to court against the decisions of the Head of the penitentiary establishment has been implemented. Based on the legal position expressed in by the RA Court of Cassation regarding the Administrative Case N EAQD/1369/02/09, dated as of December 3, 2010 and as a result of the study of international experience, it was revealed that it would be more efficient to put the appeals filed to the court against the decisions of the head of penitentiary establishment under the jurisdiction of the Court of General Jurisdiction. The planned legal amendments will be introduced to the RA new Penal Code.

15. "5.12. Improving the Judicial Acts search system"

With the purpose of improving the Judicial Acts search system the RA Ministry of Justice has drafted a Government Decree on Providing Funds, which plans to finance the given system, implemented by the Council of Europe Yerevan office, within the scope of Strengthening the application of the European Convention on Human Rights and the case law of the European Court of Human Rights in Armenia.

16. "6.1. Specifying the scope of free legal assistance and improving its quality"

With the support of the Judicial Projects Implementation Unit State Institution under the Ministry of Justice of the Republic of Armenia and within the framework of the World Bank funded Strengthening of Training Capacity of the School of Advocates of the Republic of Armenia" grant project Global SPC has implemented a study of the "Review of Existing Framework of Pro-bono Aid Services, Including International Best Practice on Pro-bono Legal Aid Services As Well As Financing Challenges".

At the same time, as a result of the study of international experience and current system various alternative mechanisms have been recommended for the improvement of the pro-bono legal aid services. Particularly, the following recommendations have been drafted:

- 1) To create a pro-bono aid system, which will be an alternative to the office of the Public Defender, when these two systems will be not competing but complementary. The system will operate on One Window principle, when the potential of pro-bono services available in the public sector will be completely and synchronously accessible to the beneficiary.
- 2) To apply the mentoring principle. To use the full potential of the trainees of the School of Advocates and the graduate level students of the Law Faculty. Particularly, to attach the trainees of the School of Advocates to the advocates of the Public Defender Office, so that

the beginners combine their knowledge and skills with the experienced ones, hence resulting in increased efficiency of the advocates of the Public Defender Office.

- 3) To set tax privileges for pro-bono service.
- 4) To create positive psychological atmosphere to promote the pro-bono services among the advocate community of Armenia.
- 5) To apply the bonus system and other offers towards the organizations and persons providing pro-bono legal services, which will improve the given system.

Besides, the Chamber of Advocates of Armenia has drafted a Law that partially refers to the issues of pro-bono legal aid.

Currently, the Draft Law and the study are under discussion. By the Letter N 02/19.3/ 7835-15, dated as of June 5, 2015 the findings of the study are forwarded to the Ministry of Finance of Armenia to receive the position of the Ministry concerning the study and to appoint a representative for participation in further discussions.

17. “7. Measures aimed at enhancing the effectiveness of the activities of the Prosecutor’s Office”.

The opinions of the stakeholders have been received on the following documents: “Draft Law on Making Changes and Amendments to the RA Law on Prosecutor’s Office”, “Draft Law on Making Amendments to the RA Criminal Code” and “Draft Law on Making Changes and Amendments to the RA Public Service” and relevant revisions based on those opinions are in the process.

Law on Prosecutors’ Service has been drafted and submitted to the RA National Assembly.

18. “8.1. Improving and promoting alternative mechanisms for resolving disputes through arbitration”.

The Law on “Making Changes and Amendments to the RA Law on Commercial Arbitration” has been drafted and public discussion was organized. On June 19, 2015, the RA National Assembly adopted the Law fully, in second reading.

At the same time, within the same scope, the RA Law on Commercial Arbitration has been brought in compliance with the requirements of the Model Law on International Commercial Arbitration of the UN International Trade Rights Commission. Besides, studies have been implemented on the voluntary certification of the arbitrators’ qualification, introduction of mechanisms aimed at strengthening the oversight over maintaining the rules of ethics by the arbitrator, in line with international practice. In these terms, the Draft Law on Making Changes and Amendments to the RA Law on Commercial Arbitration defined the rules and principles of ethical conduct for the arbitrators, based on which the permanently operating arbitration institutions can develop and adopt Codes of Conduct for their arbitrators.

Other ongoing activities are implemented to promote the arbitration.

19. “8.2. Studying international practice and perspectives of introducing the institute of referral of civil cases by the courts of the first instance to conciliators”.

RA Ministry of Justice has implemented a study with regards the introduction of the institute of conciliator (mediator) and evaluated the efficiency of the introduction of such an institute, based on which relevant legal changes have been implemented.

On May 7, 2015, the RA National Assembly has adopted a package of draft Laws that envisages the introduction of the institute of conciliator and legal regulations aimed at solving the civil, family and labor issues through the conciliators (mediators).

The above-mentioned changes enter into force on September 30, 2015, with the exception of the Articles the 227.6, 227.7 and 227.9 that are added to the Judicial Code, in accordance with Article 2 of the “Draft Law on Making Changes and Amendments to the RA Code of Justice” These Articles will enter into force on the tenth (10th) day following the official publication of the Law.

Currently the RA Government is working on the Draft Decision of the RA Government “On Approving the Regulations of the Establishment and Operations of the of the Conciliation (mediation) Qualification Committee, Organization and Implementation of the Qualification Courses, Procedures and Dates of Issuing the Certificates”, the adoption of which is directly related to the adoption of the package of Drafts. Together with the Decision of the Government there are two Orders of the RA Minister of Justice that are meant to coordinate the program of the training courses for the Conciliators (mediators?) and the Conciliator Register Procedures.

20. “8.3. Introducing the electronic notary system and “one-stop-shop” principle in the notary office”.

Armenian E-Notary Information System (AENIS) has been established, which provide an opportunity to provide the notary service at “one-window-shopping” principle. The E-notary system is fully operated/utilized in the Republic of Armenia and has already impacted the improvement of the notary services.

21. “8.4. Developing the electronic system of civil status acts registration”.

The e-system of registration of civil status acts has been installed in all the offices of Civil Status Acts Registration.

22. “8.5. Providing centralized services to natural and legal persons on “one-stop-shop” principle through establishing integrated service centers for maintaining registers (registrations)”.

The Draft Decision of the Government of Armenia on “Establishing Integrated Service Centers for Maintaining Registers (Registrations)” has been revised, following the opinions received and with the purpose of circulating that again.

23. “9.2. Improving the quality of middle level and higher professional legal education and legal education requirements”.

The Work Group developed and put into circulation a Draft Decision of the RA Government on “Approving the Concept Paper on Re-structuring the System Legal Training, Legal Awareness and Legal Education”. Based on the feedback from the stakeholders, the document was revised and sent, as final document, to the discussion of the Staff of the President of the Republic of Armenia.

ANNEX 5

INFORMATION

ON ACTIVITIES IMPLEMENTED IN 2010-2014 IN THE FRAME OF PUBLIC FINANCIAL MANAGEMENT SYSTEM (PFMS) REFORMS STRATEGY BY PFMS ELEMENTS (AREAS)

1. *Projection of Key Macroeconomic and Budget Indicators:*

1) Improvement of macroeconomic projections:

a. In the frame of a Technical Assistance provided by the World Bank, models for projecting real growth in the GDP, key economic sectors, export and import have been elaborated and used to make and improve regular macroeconomic projections.

b. To improve short-term projections, the Macroeconomic Policy Department has developed an advanced index for economic growth in Armenia.

2) Fiscal risk assessment:

a. In the frame of a Technical Assistance provided by the World Bank a fiscal risk assessment model has been elaborated and used to assess fiscal risks for 2014 and 2015 public accounts, results whereof have been presented as an analysis in the Government of Armenia budget messages for corresponding years.

b. The above-mentioned fiscal risk assessment model was further improved by the Ministry of Finance of Armenia, and a new model for medium-term fiscal risk assessment has been elaborated. The model was used to assess 2015-2017 MTEF fiscal risks and the results were shared as an analysis presented in that paper.

3) Improvement of macroeconomic stability analysis:

a. To improve debt and fiscal sustainability analysis, in addition to the existing model, a new one offered by the International Monetary Fund and the World Bank for average income countries that have access to global financial markets has been used to assess medium-term risks.

2. *Public Revenue Policy Elaboration*

The Government of Armenia, in its Protocol Decision No 29 from July 25, 2013, has adopted the Strategic Principles Guideline for Reviewing Tax and Customs Legislation and the schedule for implementation of relevant actions. This Guideline sets the strategic principles for tax legislation review, specifically:

1) Diminution of tax privileges and strengthening of tax base (strengthening the principle of horizontal equity of taxation). The mentioned principle prescribes that in the coming years diminution of tax privileges, enhancement and strengthening of the tax base shall be prioritized in terms of tax policy, thus enabling gradual improvement of tax/GDP ratio and strengthening of the principles of horizontal equity of taxation. Meanwhile, the mentioned principle provides for strengthened application of the same taxation rules and regulations as regards tax payers operating in similar economic situations. The guideline also sets following areas where actions should be implemented under the principle of diminution of tax privileges and strengthening of the tax base:

- a. Diminution of the tax privileges framework;
- b. Maximum enhancement of the tax base;
- c. Provision of new tax privileges only in exclusive cases;
- d. Time limitation on tax privileges.

2) Strengthening of the principles of horizontal equity of taxation. It is envisaged that implementation of the mentioned principles will enable the Government to raise additional funds to execute its social programs at the expense of persons with relatively high income and to address other issues of social relevance. The Guideline provides that actions implemented under this principle shall focus on applying higher taxes to visible wealth or luxury.

Meanwhile, the Ministry of Finance of Armenia has started elaborating the tax code, which includes reviewing the existing tax privileges framework. Specifically, the measures in place aim at appraising the efficiency of the existing privileges and the economic feasibility, as well as at the discussion of the possibilities of diminution of economically unjustified privileges.

Elaboration of the Tax Code implies discussion of the issue of setting a really progressive tax rate against revenues of natural persons in order to strengthen the vertical equity principles of taxation.

Moreover, in recent years the Ministry of Finance of Armenia has developed and the Government of Armenia has approved the Concept Paper on ways to increase the efficiency of property taxation that aims at strengthening horizontal and vertical equity principle of the taxation levied on property.

To that end the Ministry of Finance of Armenia has elaborated, and the Government of Armenia has adopted and submitted to the National Assembly of Armenia for deliberation the drafts of RA Laws "On immovable property tax" and " On vehicle property tax".

3. Treasury System

1) The Client-Treasury system has been introduced enabling the administrators of accounts maintained at the Treasury to manage their accounts online. As a result, clients are able to autonomously enter the estimate of each budgetary program, the schedule of fulfilment of financial obligations, the

extract from the contract or the certificate, the budget requests and billing statements, the compliance of which with the provisions of legislation is assessed by software application, thus enabling online registration or rejection of financial obligations.

2) Individual data accounts maintained at the Local Treasury Branches and the Central Treasury have been consolidated into a Single Treasury Account since January 2014.

3) An electronic system for state budget execution reporting has been introduced and consolidated with the existing systems. The Program implementation is expected to result in reduction of time spent on preparing the reports, better quality reports, as well as in raising the level of responsibility of government agencies in terms of timely submission and reliable reports. The Program started in late 2011 and has been implemented in two phases. In the first phase a new software for submission of RA state budget execution reports, including on generation and disposal of extra budgetary funds of RA government agencies, has been developed enabling automation of the processes of auditing state budget execution reports, and some data contained in such reports that were previously processed into the system manually are now generated by default from other software applications in use at the Ministry of Finance of Armenia ("LSBudget" and "Treasury Operation Day"). In the second phase the major administrators of budgetary allocations (MBA) were connected to the system. The system has been tested, training for specialists responsible for MBA reports was provided. Twelve out of sixty MBAs have submitted RA state budget execution reports online for the first quarter of 2014, to the nine months whereof 29 more months were added, while in the process of submission of 2014 annual reports all MBAs were incorporated into the system. 2014 reports were simultaneously submitted as printed handouts, while starting from 2015 they have been submitted only online. This program has been financed from the State Budget of Armenia. The second phase of the Program was included in the 2014 list of priorities of the Government of Armenia. Given this, on April 1 2015, the Minister of Finance of Armenia adopted Order No 176-N "On approving general conditions of execution of budgets, as well as preparation, submission, finalisation of the reports related to the financial activities of central and local governments and the enterprises under their subordination, on the specificities of preparing and submitting specific types of reports and on repealing Order No 80-N of the Minister of Finance and Economy of the Republic of Armenia, dated as of February 8, 2008".

4) Following measures were implemented in the area of 2010-2014 state budget expenditure financing, specifically:

a. The format of state budget expenditure, as a result of specific software modifications, was fully converted into electronic mode in 2012-2013, that has ensured substantial increase in the efficiency in terms of accuracy of functions and steps, as well as accountability and effective management of resources.

b. Some amendments have been made to the Government Decision No 48 from January 18, 2002, that sets out the procedure of budget executions, as well as in other decisions setting out other specific functions relevant to this area, thereby creating more favourable conditions for the stakeholders of the budgetary process to fully implement their tasks/functions.

4. Public Debt Management

To carry out public debt management reforms a series of actions have been implemented since 2010, including following:

1) in 2010 the Program of Public Debt Management Reform Actions was prepared and adopted by way of Order of the Minister of Finance of Armenia, leading to following:

a. The internal structure of the Debt Management Unit has been improved, the tasks of the Debt Management Unit have been clarified, and a new unit dealing with debt management in compliance with the international best practices has been set up;

b. DMFAS 6 software for debt registration and stock-taking has been procured and installed. Actions are in place to link it with other public debt management software applications;

c. A single system has been introduced through integrating previously separated primary markets of short-term, medium-term and long-term public bonds leading to a situation where only brokers are active in the primary public bond markets performing "market making" functions;

d. The quality of annual and quarterly public debt reports has been improved taking into consideration also the requirements of international organizations and other consumers (link: <http://minfin.am/index.php?cat=160&lang=1>);

e. The annual strategic program of debt management of the Republic of Armenia has been prepared in accordance with provisions of Article 12 of the Republic of Armenia Law on Public Debt, and incorporated into the MTEF (link: <http://minfin.am/index.php?cat=161&lang=1>).

2) In order to strengthen the transparency and predictability of public bonds market guiding principles for public bond issue and the annual program of issue has been clarified and published (link: <http://minfin.am/index.php?cat=157&lang=1>);

3) Guided by the principles of transparency, accountability and publicity of public debt, monthly public debt bulletins with brief information on the internal and external public debt of Armenia and implemented operations have been issued (link: <http://minfin.am/index.php?cat=159&lang=1>);

4) The World Bank has carried out an assessment of the Armenian public debt management (DeMPA) process and prepared a report that has been published on the official web page of the World Bank. Before the WB assessment of the debt management process the Ministry of Finance of Armenia has conducted such assessment, and the results of both assessment were compatible.

Meanwhile, it is worth noting that the process of harmonizing public debt management with the Guidelines for Public Debt Management published by the WB in 2001 and the EU standards started back in 2008, during preparation of the draft RA Law on Public Debt, which was approved by the National Assembly of Armenia in 2008.

5. Public Procurement

1) The key regulation (hereinafter "Regulation") on administering the procurement process adopted by way of Government Decision No 105-N, dated as 30 January, 2015, ensuring the implementation of the RA Law on Procurement is updated. The draft regulation was discussed with the experts of EU SIGMA Project and the Transparency International Anti-corruption Center. The Regulation settles following major issues identified in the public procurement sphere:

- The Regulation effective by then (hereinafter "Previous Regulation") failed to regulate by whom and how the participant to whom the bid invitation should be furnished is determined in the staff of the client in cases when the items are procured from one person only on grounds of urgency.

Adoption of the Regulation introduced a competitive procedure for selection of participants in cases of procuring from one single person by way of providing the invitation to at least three participants, while meanwhile publishing it on www.gnumner.am web page, while parallel negotiations for price cut with participants having submitted bids are planned with an aim to reducing proposed prices.

- The previous regulation set out that the client could extend the contract for any period before its end which made it possible to initially determine in the invitation such period for the contract to bid that would lead to limited competition or possible forms of corruption for extending the contract.

The present Regulation limits the mentioned competency of the client by allowing only one time extension of the contract for up to 30 calendar days.

- In previous regulation, in case of procurement of goods the bidders would not furnish any description of the good being offered as equivalent in their bid ending in a situation where the client did not have the chance to estimate the equivalence of the good being offered in the bidding phase. Therefore appraisal of the equivalence became possible only at the moment of actual handover of the good to the client, which endangered the fulfilment of activities planned by the client and increased the risk of misuse.

The present Regulation obliges the bidder to include in the bid technical specifications of the goods and appraisal thereof by the client in the bidding phase. Moreover, in case of fair grading the offer of the bidder will be included in the contract to be signed.

- As per previous regulation, in case of construction works the bidders should have included the unit price per each specific type of works in their budget estimations separately, without complying with the unit prices provided for in budget estimates that have undergone formal expert examination. Hence, the prices for individual types of works subject to mandatory completion also in the initial phases is shown substantially higher (which is in fact an advance pay), while the price of works that should have been performed in the final phase or in the coming years, is given substantially lower than the examined estimate prices.

The present Regulation sets out that in case of procurement of construction works the bidders shall not furnish any budget estimate filled in thereby, while the payments against performed works

will be made on the basis of multiplying the percentage of the savings against the estimated price with the unit value of the works specified in the budget estimate that has been examined.

- As per previous regulation, in the tender negotiations the client used to hold a pre-qualification procedure and only pre-qualified bidders were given the chance to partake in further procurement process. This made the scope of possible bidders visible to the client and therefore possible for the latter to rule the bid submission process.

The present Regulation excludes the use of pre-qualification procedure in cases where tender negotiations are held.

- The previous regulation made it optional for the client to check whether the bidders have any outstanding tax liabilities as a prerequisite of participation, which in practice led to a situation where the client could rule the procurement process.

The present Regulation makes it mandatory to check via relevant authorities the information as regards any outstanding tax liabilities of bidders that have been ranked as the 1st and 2nd in the bidding process.

- In the previous regulation state and municipal non-commercial organizations used to organize the procurement processes autonomously, which failed to ensure adequate efficiency due to lack of proper capacities within such organizations, as well as the implementation of such procurement on beneficial conditions and online.

The present Regulation provides that procurement made for the needs of state or municipal non-commercial organizations operating under central or local government authorities shall be managed centrally by the staff of the higher authority leaving the function of bid approval, bid appraisal, winner identification, and acceptance and payment for the contract output to these organizations, thereby allowing for managing such processes through e-procurement system.

- To reduce the volume of mediated procurements, a system for applying participation and qualification criteria as regards the participants of the bid in each case of procurement under the framework agreement has been implemented. In the previous regulation the participant in the bid used to submit price quotation only.

- In case of procurement of goods availability of a quality certificate and original packaging became a must.

- Relations relating to the acceptance of the contract output are regulated. Specifically, it is established that the acceptance act for the subject of contract can be approved only where the positive opinion of the official who has prepared corresponding technical specification is available. Meanwhile it is envisaged that the acceptance act, the opinion and the storing entry order should be provided to the financial service on the day of processing the good into the warehouse, which will make the monitoring of the actual delivery of the goods and the date of delivery possible.

- A mechanism for reducing the prices set in the contract once in a while between the date of entry into force of the contract of supply of goods and the end to the timeline for the supply of goods in full volume has been introduced for cases where there has been a drop in the price of the good concerned.

- The chances of the client to terminate the contract without applying any measure of liability against the person who has concluded the contract for non-compliance with contractual obligations have been limited.

- The power of the client to declare the procurement process incomplete on grounds of termination of the purchase order has been limited to a situation where it can be done only upon such authorization by the Government of Armenia. This limitation will in fact increase the level of responsibility among the clients as regards proper management of procurement processes, while excluding improper treatment as regards procurement planning and management of the processes.

2) The Government of Armenia Decision No 1493-N, dated as December 25, 2014, has come to amend the Government of Armenia Decision No 1370-N "On approving e-procurement rules", dated as December 05, 2013, whereby from April 1, 2015 simplified procedure based procurements for government authority needs, and open and simplified procedure based procurements and those under framework agreements for the needs of urban municipalities shall be implemented electronically. By the specified deadline only open procedure and framework agreement based procurements for the needs of government authorities shall be implemented electronically.

Government of Armenia Decision No 527-N, dated as of May 21, 2015, has come to amend Government of Armenia Decision No 1370-N from December 05, 2013 "On approving the procedure of e-procurement", whereby negotiation based procurements shall be implemented electronically by means of prior publication of the procurement advertisement by the mentioned clients.

Meanwhile, the process of acquiring three modules of the ARMEPS e-procurement system has been initiated, which refer to the planning of procurement, management of the procurement contract and preparation of procurement reports. The results of the procurement process have been finalized, and the contract will be concluded in the nearest future. The mentioned modules are planned to operationalise starting from October 2015. The purchase of the modules will come to automate all phases of the procurement process, which will ensure more efficient and transparent implementation of the procurement processes.

3) Order 525-N of the Minister of Finance of Armenia from August 14, 2014, has made amendments to the Regulation on Risk Assessment approved by Order No 451-N of the Minister of Finance of Armenia from June 03, 2013. which specified risk assessment criteria for transactions that create obligations for the state and the relations regarding the optional monitoring based on such criteria. Specifically, as per the above order invitations to bid, as well as specifications of the items approved by the clients for procurement and the requirements for qualifications of the bidders shall be appraised in terms of ensuring the competition as per RA Law on Procurement and compliance with non-discrimination requirements, the results whereof are published at www.gnumner.am web page.

4) The indicative samples of advertisements on organizing and holding procurement processes and the invitations to bid in compliance with the provisions of the new regulation have been

approved by way of orders of the Minister of Finance of Armenia and have been published at www.gnumner.am web page.

6) Rules for awarding qualifications to procurement coordinators and continuous professional training of qualified procurement specialists have been approved in Government of Armenia Decision No 99-N, dated as of February 12, 2015, that regulates relations related to the examinations for awarding procurement coordinator's qualifications, as well as to organizing and holding continuous professional training of qualified procurement specialists.

The new test questionnaire for qualification of the procurement coordinators, that has reflected recent amendments to the RA procurement legislation, has been revised and published at www.gnumner.am web page.

Meanwhile, on the basis of the same decision, the curricula and topics for continuous training of the clients' procurement coordinators defined in the RA Law on Procurement has been approved in the Order of the Minister of Finance of Armenia.

7) The process of ratification of the new text of the Agreement on Public Procurement of the World Trade Organization has been initiated, and approved in the Presidential Directive No NH-217-N, dated as February 23, 2015.

Meanwhile in the context of international commitments, making amendments to the RA Law on Procurement became essential in order to approximate it to the revised public procurement system of the WTO, as well as to the requirements of the EEUC. To that end the draft concept on making amendments to the RA Law on Procurement has been elaborated and discussed with the experts of the EU SIGMA initiative and the European Bank for Reconstruction and Development, and submitted to the Government of Armenia for deliberation. After the Concept is approved by the Government of Armenia the plan is to prepare draft RA Law on Making Amendments to the RA Law on Procurement within three months period.

8) Given the need to ensure proper control by senior managers of public administration bodies over procurement processes, the Armenian legislation on internal audit has made it compulsory to implement procurement processes in case of procurement lots in excess of 20 million AMD, including the requirement to audit contract executions through clients' internal audit units. By that time in addition to the existing regulation the audit shall be optional.

9) A mechanism for codifying the list of procured items - The Common Procurement Vocabulary (CPV) has been introduced. Previously, stocktaking of procurement items being acquired by the state and running corresponding statistics was an arduous task in the sense that the same item could have been described differently by different clients. In such cases one should have known all possible descriptions of the procurement item in order to differentiate the data on that particular procurement item. The newly introduced system has resolved this issue comprehensively since it is a common system for all clients, as well as it incorporates corresponding coding.

10) In October-November of 2014 training seminars for potential participants in the procurement process have been organized in all regions (marz) of Armenia. Major objective of the training seminars was inform the business community about the rules of participation in

procurement procedures, the possible remedies in case where their rights might have been infringed, as well as the rules of getting registered and using the e-procurement platform in order to participate in e-procurement processes.

11) Qualifying examinations have been held for around 3000 procurement coordinators from central public administration bodies and local self-government bodies, as well as from enterprises, SNCOs and CJSCs operating under their subordination, 650 whereof have passed it successfully.

12) In March-April of 2015, workshops were organized for around 180 procurement coordinators from public administration bodies of Armenia at the Training Center of the RA Ministry of Finance, during which recent amendments to the RA legislation on procurement and the implementation mechanisms have been presented to these specialists.

6. *Public Internal Financial Control (including internal audit)*

1) In order to support full-fledged establishment of the public internal financial control system in Armenia an EU funded Twinning Project "Strengthening the regulatory and institutional framework of Public Internal Financial Control and supporting the Central Harmonization Unit in its role of operationalizing the new systems in the Republic of Armenia" was launched in September 2014. The aim of the Project is to develop public internal financial control sphere in Armenia based on EU best practices. The Project will last for 24 months. It is implemented by the Swedish National Financial Management Authority, and the direct beneficiary is the Ministry of Finance of Armenia. The Project is implemented via introduction of comprehensive public internal financial control (PIFC) system taking note of the fact that the two components of the system - internal audit that ensures proper assurance at all managerial levels and the Central Harmonization Unit responsible for setting standards for regulation of relations relating to public internal financial control and monitoring thereof - are in place. Specifically, major efforts are taken under the Twinning Project to introduce the component of financial management and control based on managerial accountability of the public internal financial control system.

The draft RA Law on Financial Management and Control has been elaborated jointly with the experts of the Twinning Project and submitted to donor partners and EU SIGMA Project for deliberation. At present the draft is being amended and its final version will be submitted to interested/relevant public administration bodies, international partners and non-governmental organizations for deliberation.

In the frame of the Twinning Project the existing legal framework on Internal Audit is reviewed, revised and where needed amended and supplemented, while missing legal acts shall also be elaborated.

2) In the framework of activities pertaining to the internal control audit sphere, following measures were implemented in 2011-2014:

- a. RA Law No HO-17 on Internal Audit was adopted in November 2011;
 - b. Large-scale piloting of new internal audit methodologies was implemented in 2011-2012 by a consulting company supported by the WB, leading to updating of the legal framework, as well as design and elaboration of the Automated Information System (AIS) for internal audit.
- 3) Works of elaboration of the legal framework for internal audit has led to adoption of following legal acts in 2011-2015:
- a. Government of Armenia Decision No 1233-N from August 11, 2011 has approved the standards for professional internal auditing in the public sector of Armenia, the code of conduct for internal auditor and the timeline for introducing the internal audit system in public sector organizations;
 - b. Order No N974-N of the Minister of Finance of Armenia "On approving best practice guidance for application of standards for internal audit profession in the Republic of Armenia", dated as December 08, 2011;
 - c. Order No 143-N of the Minister of Finance of Armenia "On approving the guidelines for elaboration of manuals and regulations for internal audit", dated as February 17, 2012;
 - d. Order No 165-N of the Minister of Finance of Armenia "On approving major requirements for the internal audit unit and internal audit committee", dated as February 23, 2012;
 - e. Order No 1050-N of the Minister of Finance of Armenia "On defining the internal audit setting for public sector organizations in the Republic of Armenia and on approving the rules for depicting tasks thereof", dated as November 30, 2012;
 - f. Order No 1096-N of the Minister of Finance of Armenia "On approving the indicative form of internal audit regulation and the specific features of elaboration thereof", dated as January 12, 2012;
 - g. Decision No 896-N of the Government of Armenia "On approving the regulations for performing evaluation of the system of internal audit of an organization by persons not associated with that organization, as well as for collaboration of the internal auditor with the entities responsible for control and the external auditor with a view to ensuring the quality of internal audit of the organization", dated as August 08, 2013;
 - h. Order No 541-N of the Minister of Finance of Armenia "On approving the procedure of continuous professional training of internal auditors", dated as December 12, 2012;
 - i. Decision No 176-N of the Government of Armenia "On approving the rules for qualification of internal auditor and the key requirements for organizations to implement internal audit in the public sector", dated as February 13, 2014.
- 4) As regards implementation of the internal audit system, the schedule for introducing the internal auditing system in public sector organizations in Armenia was adopted in Annex 3 to the RA Government Decision No 1233-N, dated as August 11, 2011, in the framework of which the

internal system was introduced in 2012 and has been operational in 52 public sector agencies in Armenia, as well as in 49 self-government agencies starting from January 1, 2013.

5) In parallel the unified internal audit information management system has been developed and piloted in RA Ministries and Yerevan Municipality, leading to operationalization of the amended and improved version thereof, particularly in government agencies of Armenia, and all phases of the internal audit in the Armenian urban communities - planning, implementation, reporting and validation process- are processed through corresponding software application.

6) Since March 19, 2012, the Ministry of Finance of Armenia has organized continued professional training programs for internal auditors, the scope of which includes legislation on internal audit, the single internal audit information management system, audit of taxes, procurement and accountancy.

7) Meanwhile a presentation on the topic of "Development of the Public Internal Financial Control in Armenia: Findings of Gap Analysis" organized by the EU SIGMA Project took place on March 13, 2015, to furnish recommendations to the Government of Armenia, represented by the Ministry of Finance of Armenia, on improvement and enhancement of the Public Internal Financial Control (PIFM) system in the sphere of public management. Experts of the EU SIGMA Project presented the actual state of major components of the PIFM system - financial management and control, internal audit - in the Republic of Armenia, its strengths and weaknesses, as well as recommendations to support the Central Harmonization Unit and to ensure further development of the PIFM system.

7. Budgetary System: Programme Budgeting

Programme budgeting (PB) reforms constitute a logical part of the second generation fiscal reforms dating back to 2000s. The first step on that way was gradual introduction of Medium-Term Expenditure Framework (MTEF), followed by the PB reforms since 2004. In the period till the end of 2008, the main support in the aforementioned sphere of the RA Government reforms was provided within the frame of “Support to the Roll-out of Programme Budgeting in Armenia” Project implemented by the Department for International Development”, Great Britain. Over this period, Armenia has seen significant progress in terms of considering it as inception of PB in Armenia. Particularly, the first (pilot) methodological guidelines were developed and approved, which were subsequently tested and introduced, on a pilot basis, within the social sector ministries. Through the next years, till 2009, all the agencies implementing the budgetary programs were incorporated in the pilot PB reform roll-out process. In the meantime, parallel to the traditional format, the RA State budgets were also gradually elaborated and submitted in the PB format as appendix on quarterly proportionalities to the annual State budget.

In 2008, with the WB support, the RA Government undertook, for the first time, Public Expenditure and Financial Accountability (PEFA) assessment activities. Based on the PEFA assessment results for 2008, in 2010, the RA Government elaborated “Public Financial Management” (PFM) strategy and the implementation program for 2010-2014; thus, the RA Government once again specified the importance of implementation of the PB introduction reforms.

Since 2009, further enhancement activities in relation to the PB reforms have been carried out with technical assistance provided by the German Agency for International Cooperation (GIZ). In that scope, generic action plan was developed and agreed on with the RA Ministry of Finance, according to which the course of reforms was organized in three major phases:

- 1) phase one: 2012-2014 - legislative consolidation of the key programme budgeting elements, by making, inter alia, appropriate amendments to the RA Law “On the Budgetary System of the Republic of Armenia”;
- 2) phase two: 2014-2016 – partial transition to the programme budgeting system in the context of development, execution and control of the RA State budget;
- 3) Phase three: 2016-2018: not later than in 2018, complete transition to the programme budgeting in the context of development, execution, accountability and control of the RA State Budget.

Since 2012, the cooperation has been underway in the frame of the GIZ “Public Financial Management in the South Caucasus” Regional Project.

In the frame of this cooperation, the following results were achieved:

a) With the view of aligning with the PB requirements, new elements stemming from the PB requirements were introduced in the RA budgetary process for 2012 on a pilot basis:

(i) A new program structure and new identification codes system for such programs in respect to all agencies implementing expenditure programs using the RA state budget. Methodological instructions for their enforcement were elaborated and provided to the agencies; the latter were also provided with on-site advisory assistance. In compliance with the above-stated, the RA draft state budgets were prepared for 2012, as well as for 2013-2015.

(ii) As a result of the program structure modification, 153 programs have been currently drawn up in the budget system instead of around 860 programs. Among those, for 83 programs that are of higher interest to budget information users and the public, it is envisaged to create budget program descriptions (passports) system. It should be noted that the budget program descriptions (passports) represent a tool enabling to put together and present all key financial and non-financial indicators

and targets required for planning and execution assessment of the expenditures for a given program. Since 2011, being led by the RA Ministry of Finance, different agencies have already drawn, on a pilot basis, 35 budget program descriptions (passports). To create a complete system for budget program descriptions (passports), in view of the need of clarification of a precise framework for the programs and the State government bodies implementing such programs, as well as the timeframes for drawing budget program descriptions (passports), the RA Ministry of Finance developed and approved, under the RA Government Protocol Decree No. 53/18, dated as of December 18, 2014, timetable for drawing budget program descriptions (passports), according to which, by 2018, more 48 budget program descriptions (passports) are to be created, including 15 – in 2015, 17 – in 2016 and 16 – in 2017.

b) On the basis of the results of the pilot reform roll-out, the RA Draft Law “On making amendments and supplements to the Law of the Republic of Armenia “On the Budgetary System of the Republic of Armenia” was drafted and passed by the RA National Assembly on April 30, 2013; currently, it is in effect. Along with a set of regulatory issues, the stated Law settled also the objective of creating legal bases required for development of the currently achieved results of the PB reforms implemented by the RA Government in the financial management system of the Republic and continuation of the reforms, particularly the objective of making, on a gradual basis, the PB system a component and integral part of the budgetary process by virtue of the Law.

8. *Financial Management System for Public Organizations*

To reduce the fiscal risks for SNCOs in scope of the PFMS reforms, with support of the WB, the Ministry of Finance performed, on a pilot basis, works to introduce a pilot project of State Non-Commercial Organizations (SNCO) fiduciary control; subsequently, in 2011, the Government of Armenia Protocol Decree “On approving the strategy of introducing fiduciary control for State Non-Commercial Organizations” was elaborated, for which the following had served as a basis:

- 1) Report of the recommendations on standards for creation of non-commercial organizations (different categories of non-commercial organizations) and key requirements thereto;
- 2) Report on risk assessment and gap analysis in relation to roll-out of monitoring system;
- 3) Report on the results of system testing and presentation of the revised monitoring system;
- 4) Organizing training on elaborated guidelines and revised (updated) system for appropriate staff of non-commercial organizations, authorized bodies and the RA Ministry of Finance.
- 5) The monitoring system testing activities were performed within 12 State Non-Commercial Organizations, 7 authorized bodies and at the Ministry of Finance of Armenia.
- 6) A number of legislative amendments were made in scope of the reforms, including those made in the Government Decree No. 1648-N “On approving the procedure of submitting the program indicators for financial and economic activity of State Non-Financial Organizations, preparing, submitting and aggregating reports on this activity, as well as creating a unified database, and

restricting credit-funding functions of State Non-Commercial Organizations”. As a result, a unified database – a new monitoring format was elaborated, which represents an aggregate of information on annual financial and economic results of organizations’ targeted and entrepreneurial activity to be submitted in the formats defined by the RA Ministry of Finance. Elaboration of a new format enabled to apply a common approach to issues related to ensuring an increase in financial and economic activity and accountability level of State Non-Commercial Organizations.

9. Corporate Accounting and Audit

With the view of legislative regulation in the corporate accounting and audit areas, the following acts were elaborated and adopted:

1) Government of Armenia Decree No. 235-N “On publishing International Financial Reporting Standards and the guides to international standards” (effective with edition in Decree No. 770-N, dated as of July 18, 2013), dated as March 11, 2010;

2) Government of Armenia Decree No. 1209-N “On publishing International Financial Reporting Standards for Small and Medium-Sized Entities”, dated as September 16, 2010;

3) Government of Armenia Decree No. 1931-N “On publishing International Standards on Auditing and Quality Control and making amendments to the RA Government Decree No. 509-N, dated as of April 21, 2005”, dated as December 29, 2011;

4) Order No. 353-N of the Minister of Finance of Armenia “On approving the accounting chart of accounts of organizations’ financial and economic activity, and instruction on its application, and revocation of Order No. 319-N of the Minister of Finance and Economy of the Republic of Armenia, dated December 29, 2000”, dated as December 29, 2012;

5) Order No. 1016-N of the Minister of Finance of Armenia “On approving financial and economic activity accounting chart of accounts for small and medium-sized entities and instruction on its application”, dated as November 21, 2012.

In addition to the above-stated acts, “Indicative financial reports” and “Indicative financial reports of small and medium-sized organizations, and table for their submission and disclosure verification” were elaborated and posted on the website of the Ministry of Finance of Armenia.

10. Public Sector Accounting

1) For the purpose of elaborating the public sector accounting law (standard, manuals, etc.) and piloting of the stated methodology within the frameworks of the project implemented with

the WB support, an agreement on providing consultancy services was concluded. The consultant being selected in scope of the project implemented with support of the WB in frame of public sector accounting reforms submitted the final version of the RA Draft Accounting Standard (APSAS).

Within the frameworks of this Project, complete testing of the public sector accounting standard and manual, as well as development and introduction of the automated accounting system were undertaken. In scope of the latter, pilot introduction of computer-based accounting system (program) was also undertaken in a number of public sector organizations.

Besides, the consultant administered training for some specialists of the public sector organizations. The training courses will be continuous; “training of trainers” will also be organized, and it is envisaged to administer, prior to the transition period, training for appropriate specialists of the public sector organizations by groups.

2) On June 21, 2014, the RA NA adopted the RA Law “On accounting of public sector organizations”, laying down unified bases for organizing and administering accounting within public sector organizations. On the basis of this Law, timetable and action plan for transition of public sector organizations to the new accounting system was approved as per Order issued by the Minister of Finance of Armenia.

3) Order No. 725-N issued by the Minister of Finance of Armenia, dated as October 24, 2014, approves public sector accounting standard of Armenia.

4) Order No. 463-N of the Minister of Finance of Armenia, dated as of July 23, 2014, approves the timetable for transition of the public sector organizations to the new accounting system, in compliance with which the new accounting system introduction activities will be undertaken.

5) Government of Armenia Decision No. 82-N, dated as January 22, 2015, lays down the procedure of registration of accountants having qualification of public sector accountant and persons providing accounting services to public sector organizations.

6) Government of Armenia Decision No. 115-N, dated as February 19, 2015, provides for the list of public sector organizations requiring the qualification of public sector accountant for the post of the chief accountant.

7) Order No. 207-N of the Minister of Finance of Armenia, dated as April 9, 2015, approves accounting chart of accounts of the Republic of Armenia public sector organizations and the instruction on application thereof.

While performance of some works has been initiated in scope of the introduction of the new accounting system, it is impossible to finalize such works during 2014; hence, it has been also envisaged to incorporate this initiative in the action plan for the phase two Public Financial Management System reform implementation.

In addition, on the basis of the RA Public Sector Accounting Standard (APSAS), a reference draft model for accounting policy was elaborated to be submitted to the Minister of Finance for approval.

11. Introducing “Government Financial Management Information System” (GFMIS)

To support the preparatory works required for introducing “The Government Financial Management Information system” (GFMIS) in frame of the World Bank TF 012529 grant project, SPFM-CS-3 Agreement on Acquisition of Consultant Services was concluded between the RA MoF and “Harmony” Information Technologies and Education Development Fund (Consultant) on 24.02.2014.

The goal of the proposed GFMIS is to automate the processes connected with the Government fund management at various levels of governance, and ensure the efficiency and transparency of transactions. Moreover, introduction of the system will enable to ensure automated financial information management at all public sector levels, including budget planning, budget execution, procurements, accounting, reporting and audit.

In accordance with the timetable approved by the Terms of Reference under this Agreement, the 1st and 2nd Reports submitted by the Consultant were received by the Ministry of Finance of Armenia. The Consultant has also submitted the 3rd Final Draft Report, which is currently under discussion.

ANNEX_REPORT ON CAST

Դատական Գործերի Անալիտիկ Վերլուծական Հաշվետվությունների Գեներացման Համակարգ

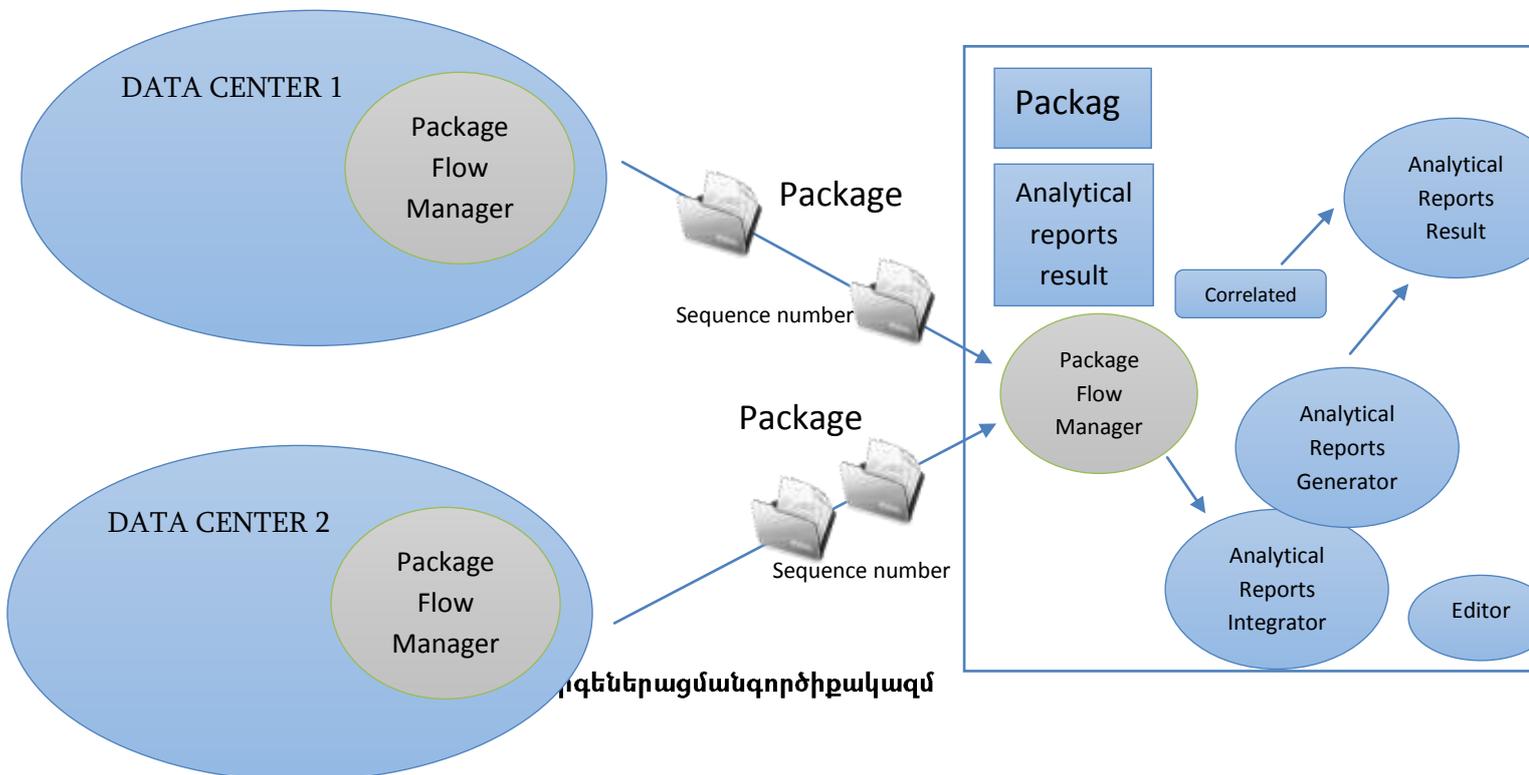
Համակարգի ընդհանուր կառուցվածքը

Կառուցվել է նոր “Դատական գործերի անալիտիկ վերլուծական հաշվետվությունների գեներացման” տվյալների կենտրոն, ստեղծվել են մի խումբ գործիքակազմ որոնք ապահովում են դինամիկ փոփոխվող կառուցվածքներով տվյալների անալիտիկ հաշվետվությունների գեներացիան:

Կառուցվել է CAST Big Data տվյալների կենտրոններից տվյալների արտահանման “Package Flow Management” ենթահամակարգում ստեղծվել է դինամիկ փոփոխվող կառուցվածքով տվյալների արտահանման նոր “Package Flow”-եր, որը ապահովում է մի խումբ սերվերների ցուցակների հոսքը “Դատական գործերի անալիտիկ վերլուծական հաշվետվությունների գեներացման” տվյալների կենտրոն:

Ստորև ներկայացված է տվյալների հոսքի ընդհանուր կառուցվածքային սխեման

CAST – datacenters



“Դատական գործերի անալիտիկ վերլուծական հաշվետվությունների գեներացման”
 տվյալների կենտրոնում կառուցված Է
 անալիտիկ հաշվետվությունների գեներացման գործիք կազմորոնք թույլ է տալիս կառուցել և
 գեներացնել անալիտիկ հաշվետվություններ:

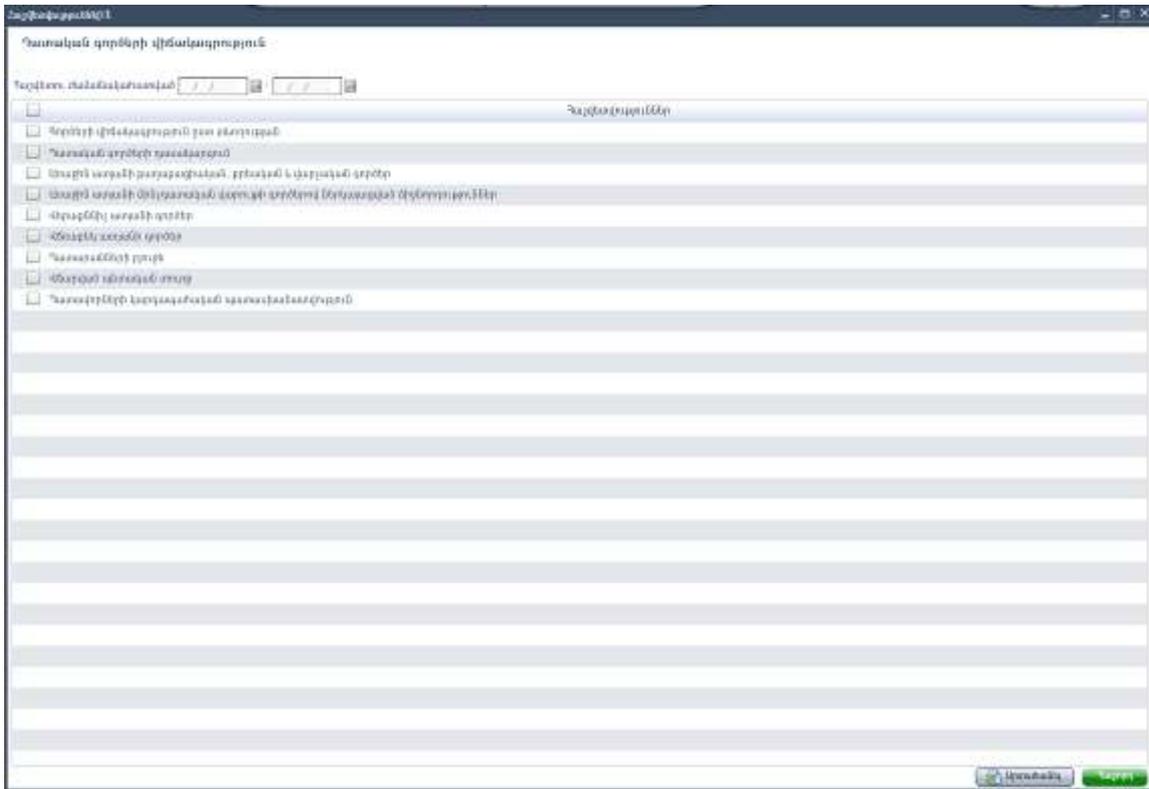
Գոյություն ունի երկու մեխանիզմ անալիտիկ հաշվետվությունների գեներացման,
 որոնք կարող են հին տեղեր վերափոխվել միմյանց մեջ: Այս երկու մեխանիզմներն են՝

- օբյեկտների տեսակների գրաֆիկական միասնական գույքի էկզեմպլարների բազմություններով,
 ֆիլտրումների,
 գրաֆիկա գալթների փոխելով անալիտիկ հաշվետվությունների արդյունքների գեներացիա,
- հաշվետվությունների պլագինային համակարգ, որը ապահովում է
 ունի վերստի վերլուծական բլոկերի մուտքային պարամետրերի ապահովումը և
 ելքային ձևերի կառուցումը:

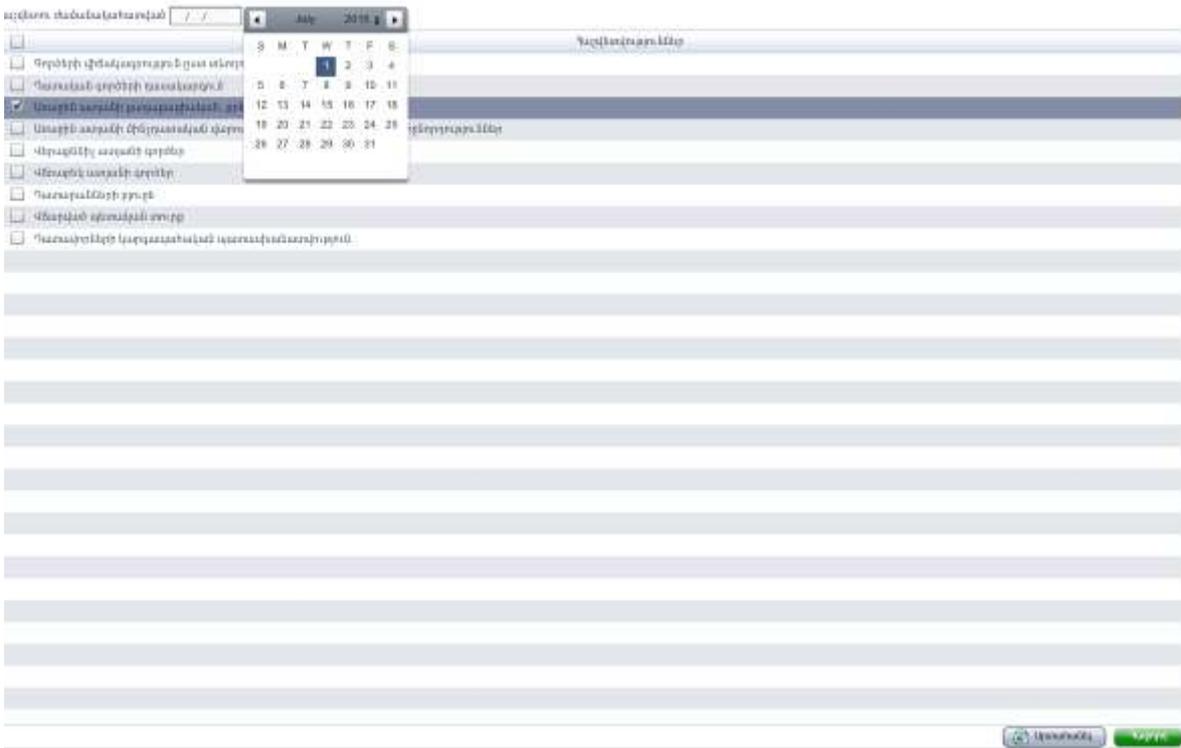
Հաշվետվությունների գեներացիայով զբաղվող հատուկ օգտագործողը մենմիքս անակային թվի հա
 մարկարող անում է տեսնել բոլոր անակային գործերի կամ անձանց ցուցակը, որից ձևավորվել է
 այդքան անակային թիվը, որը թույլ է տալիս վերլուծել արդյունքը և
 կատարել ուղղումներ թեկանս սխալներ մուտքագրումների ժամանակ:

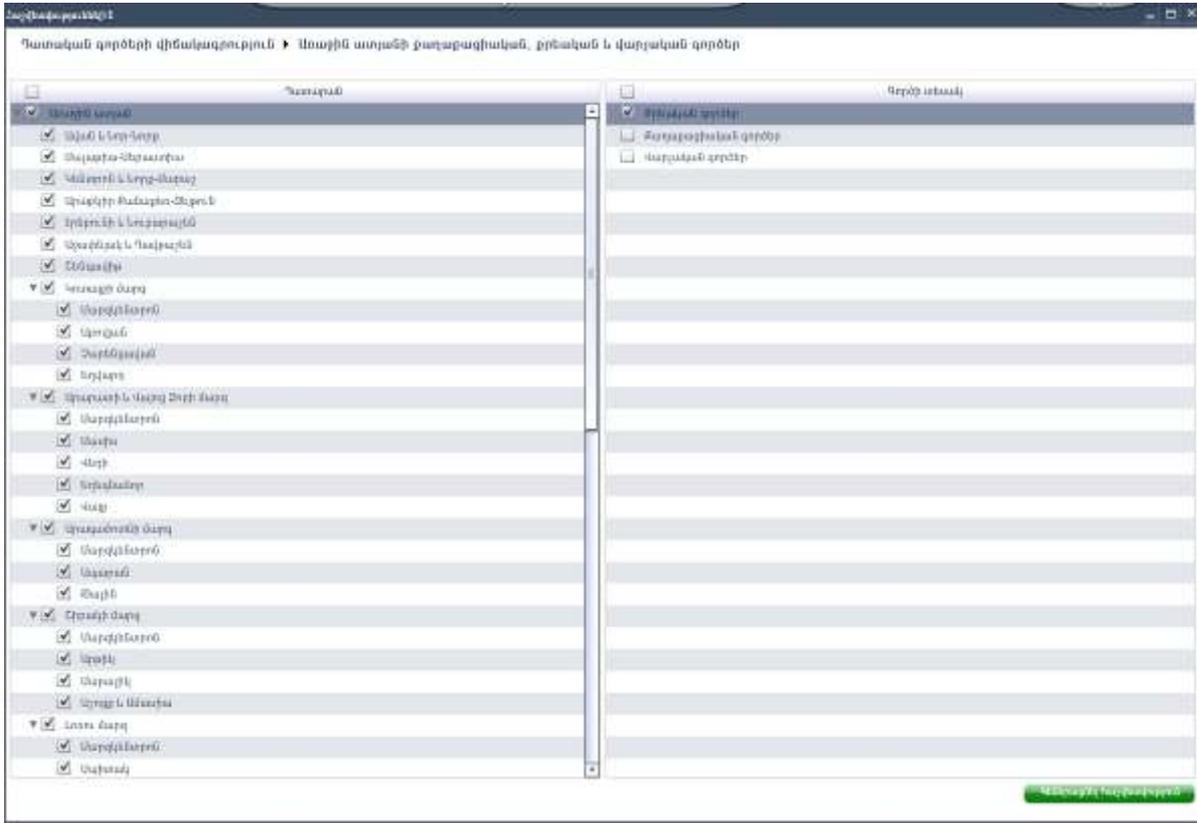
Ստորև ներկայացված են հատուկ օգտագործողի գործիք կազմի հին տերմինները:





Պատվան գործերի վիճակագրություն ▶ Առաջին ատյանի թաղարանական, քրեական և վարչական գործեր





Պատրան

Պատրան

Պատրան	Պատրանների թվակ	Փոխանցված սերմերի թվակ	Ստացված սերմերի թվակ	Անպատված սերմերի թվակ	Կատարված փառայով զրո	Տարի ընտրված միջ
Պայման և կրթություն	9	891	881	830	21	7.72
Պայման-Սերապիա	8	1,138	1,019	863	22	5.12
Վանաձորի և կրթության	39	2,272	2,272	2,029	30	6.11
Պարզիկ Քանաքիտ-Փերան	11	1,473	1,473	1,351	12	3.41
Երևանի և կրթության	8	1,154	1,154	1,109	21	6.09
Ստանդարտ և Կատարում	8	768	768	688	20	6.18
ՇՈՒԱՍԻԿ	11	1,097	1,097	1,021	16	5.97
Պատրանի ծաղ						
Ստանդարտ	10	693	693	629	12	3.09
Սերվան	8	621	621	386	18	3.88
Չարնապան	3	57	57	28	2	3.08
Սերվան	3	288	288	210	8	5.72
Պատրանի և Կարգ մեր ծաղ						
Ստանդարտ	15	850	850	788	26	4.34
Ստան	3	416	416	265	2	4.22
Վեր	4	472	472	450	8	5.6
Սերվան	3	325	325	289	2	3.16
Վեր	1	18	18	18	0	1
Պատրանի ծաղ						
Ստանդարտ	8	316	316	297	3	4.03
Ստան	2	273	273	269	0	4.54
Փայն	1	1	1	1	0	1
Շրջանի ծաղ						
Ստանդարտ	38	1,211	1,211	1,149	14	3.84
Սերվ	1	299	299	299	2	3.17
Ստանդ	1	2	2	2	0	1
Սերվ և Ստան	1	11	11	10	1	1
Ստան ծաղ						

Ստորև ներկայացված է ամեն միքանակային թվի համարի իմ քիմիա հասցող թվերից ուցակը:

Պայմանագրի համար	Միջին ամսաթիվ	Վերջին ամսաթիվ	Վերջին ընդունված ամսաթիվ	Լսվածքների դատավոր	Դատավոր
ԵԱՆ/ՍՍ1500/10	2010-12-26	2011-03-28	2010-12-30	Մանվել Ուրուցյան	
ԵԱՆ/ՍՍ1480/10	2010-12-23	2011-02-16	2010-12-30	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1480/10	2010-12-24	2011-04-15	2010-12-30	Մանվել Ուրուցյան	
ԵԱՆ/ՍՍ1470/10	2010-12-22	2011-02-01	2010-12-27	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1430/10	2010-12-22	2011-06-15	2010-12-27	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1450/10	2010-12-21	2011-03-03	2010-12-24	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1440/10	2010-12-21	2011-02-17	2010-12-23	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1430/10	2010-12-21	2011-02-14	2010-12-23	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1420/10	2010-12-17	2011-01-21	2010-12-21	Մանվել Ուրուցյան	
ԵԱՆ/ՍՍ1410/10	2010-12-17	2011-02-11	2010-12-22	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1400/10	2010-12-15	2011-03-11	2010-12-20	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1390/10	2010-12-14	2011-08-01	2010-12-20	Մանվել Ուրուցյան	
ԵԱՆ/ՍՍ1380/10	2010-12-14	2011-02-25	2010-12-18	Մանվել Ուրուցյան	
ԵԱՆ/ՍՍ1370/10	2010-12-10	2011-02-17	2010-12-10	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1360/10	2010-12-07	2011-10-10	2011-08-10	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1350/10	2010-12-06	2010-12-23	2010-12-10	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1340/10	2010-12-01	2010-12-15	2010-12-00	Արմեն Վարդանյան	
ԵԱՆ/ՍՍ1330/10	2010-12-01	2010-12-23	2010-12-03	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1320/10	2010-11-17	2010-12-22	2010-11-19	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1310/10	2010-11-12	2010-11-25	2010-11-17	Արմեն Վարդանյան	
ԵԱՆ/ՍՍ1300/10	2010-11-09	2010-12-15	2010-11-10	Արմեն Վարդանյան	
ԵԱՆ/ՍՍ1290/10	2010-11-09	2010-12-01	2010-11-02	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1280/10	2010-11-08	2011-03-23	2010-11-11	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1270/10	2010-11-03	2011-02-07	2010-11-00	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1260/10	2010-11-03	2010-12-08	2010-11-05	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1250/10	2010-10-26	2010-12-27	2010-11-02	Մանվել Ուրուցյան	
ԵԱՆ/ՍՍ1240/10	2010-10-21	2011-03-02	2010-10-20	Մանվել Մնացականյան	
ԵԱՆ/ՍՍ1230/10	2010-10-13	2010-10-25	2010-10-15	Արմեն Վարդանյան	
ԵԱՆ/ՍՍ1220/10	2010-10-12	2010-11-24	2010-10-15	Արմեն Վարդանյան	

Պայմանագրի համար	Միջին ամսաթիվ	Վերջին ամսաթիվ	Վերջին ընդունված ամսաթիվ	Լսվածքների դատավոր	Դատավոր
1 ԵԱՆ/ՍՍ1500/10	2010-12-26	2011-03-28	2010-12-30	Մանվել Ուրուցյան	
2 ԵԱՆ/ՍՍ1480/10	2010-12-23	2011-02-16	2010-12-30	Մանվել Մնացականյան	
3 ԵԱՆ/ՍՍ1480/10	2010-12-24	2011-04-15	2010-12-30	Մանվել Ուրուցյան	
4 ԵԱՆ/ՍՍ1470/10	2010-12-22	2011-02-01	2010-12-27	Մանվել Մնացականյան	
5 ԵԱՆ/ՍՍ1430/10	2010-12-22	2011-06-15	2010-12-27	Մանվել Մնացականյան	
6 ԵԱՆ/ՍՍ1450/10	2010-12-21	2011-03-03	2010-12-24	Մանվել Մնացականյան	
7 ԵԱՆ/ՍՍ1440/10	2010-12-21	2011-02-17	2010-12-23	Մանվել Մնացականյան	
8 ԵԱՆ/ՍՍ1430/10	2010-12-21	2011-02-14	2010-12-23	Մանվել Մնացականյան	
9 ԵԱՆ/ՍՍ1420/10	2010-12-17	2011-01-21	2010-12-21	Մանվել Ուրուցյան	
10 ԵԱՆ/ՍՍ1410/10	2010-12-17	2011-02-11	2010-12-22	Մանվել Մնացականյան	
11 ԵԱՆ/ՍՍ1400/10	2010-12-15	2011-03-11	2010-12-20	Մանվել Մնացականյան	
12 ԵԱՆ/ՍՍ1390/10	2010-12-14	2011-08-01	2010-12-20	Մանվել Ուրուցյան	
13 ԵԱՆ/ՍՍ1380/10	2010-12-08	2011-02-25	2010-12-18	Մանվել Ուրուցյան	
14 ԵԱՆ/ՍՍ1370/10	2010-12-10	2011-02-17	2010-12-10	Մանվել Մնացականյան	
15 ԵԱՆ/ՍՍ1360/10	2010-12-07	2011-10-10	2011-08-10	Մանվել Մնացականյան	
16 ԵԱՆ/ՍՍ1350/10	2010-12-06	2010-12-23	2010-12-10	Մանվել Մնացականյան	
17 ԵԱՆ/ՍՍ1340/10	2010-12-01	2010-12-15	2010-12-06	Արմեն Վարդանյան	
18 ԵԱՆ/ՍՍ1330/10	2010-12-01	2010-12-23	2010-12-03	Մանվել Մնացականյան	
19 ԵԱՆ/ՍՍ1320/10	2010-11-17	2010-12-22	2010-11-19	Մանվել Մնացականյան	
20 ԵԱՆ/ՍՍ1310/10	2010-11-12	2010-11-25	2010-11-17	Արմեն Վարդանյան	
21 ԵԱՆ/ՍՍ1300/10	2010-11-09	2010-12-15	2010-11-10	Արմեն Վարդանյան	
22 ԵԱՆ/ՍՍ1290/10	2010-11-09	2010-12-01	2010-11-02	Մանվել Մնացականյան	
23 ԵԱՆ/ՍՍ1280/10	2010-11-09	2011-03-23	2010-11-11	Մանվել Մնացականյան	
24 ԵԱՆ/ՍՍ1270/10	2010-11-03	2011-02-07	2010-11-06	Մանվել Մնացականյան	
25 ԵԱՆ/ՍՍ1260/10	2010-11-03	2010-12-08	2010-11-05	Մանվել Մնացականյան	
26 ԵԱՆ/ՍՍ1250/10	2010-10-26	2010-12-27	2010-11-02	Մանվել Ուրուցյան	
27 ԵԱՆ/ՍՍ1240/10	2010-10-21	2011-03-02	2010-10-20	Մանվել Մնացականյան	
28 ԵԱՆ/ՍՍ1230/10	2010-10-12	2010-10-25	2010-10-15	Արմեն Վարդանյան	
29 ԵԱՆ/ՍՍ1220/10	2010-10-12	2010-11-24	2010-10-18	Արմեն Վարդանյան	
30 ԵԱՆ/ՍՍ1210/10	2010-10-12	2010-02-06	2010-07-28	Մանվել Ուրուցյան	
31 ԵԱՆ/ՍՍ1200/10	2010-10-11	2011-07-27	2010-10-18	Մանվել Ուրուցյան	
32 ԵԱՆ/ՍՍ1190/10	2010-10-06	2010-11-11	2010-10-14	Մանվել Մնացականյան	
33 ԵԱՆ/ՍՍ1180/10	2010-10-06	2010-10-28	2010-10-12	Մանվել Մնացականյան	

Վերջին օգտագործողի ֆունկցիոնալ իզուալիստեր ֆեյսները

Անալիտիկ կերպով լուծական հաշվետվությունների գեներատորը իրաշխատանքի արդյունքում գեներացնում է միտումբիոսկապակցված HTML ֆայլեր,

Հաշվետվություններ 2015 թ. 2-րդ կիսամյակի 2015 թ. 2-րդ կիսամյակի

Վարչական ծախսեր

Չափանիշ	Վարչական ծախսերի ընդհանուր ծախս	Վարչական գումար	Վերականգնման գումար	
1	Վարչական ծախսեր			
2	Սննդի և խմիչքի	148,158,533	163,021,733	15,773,200
3	Մարզային Միջոցառում	49,801	49,801	0
4	Կենտրոնի և Նախարարի	109,410	113,410	4,000
5	Արտադրյալ Քանոնադր-Ջնարկ	199,268	199,268	0
6	Երկրակաշի և Կապույտաշի	83,834	83,834	0
7	Մարզկենտրոնի և Դաշնային	413,924	413,924	0
8	Շինարարություն	152,789	152,789	0
9	Վարչական ծախսեր			
10	Մարզկենտրոնի	5,834	5,834	0
11	Մարզային	38,614	38,614	0
12	Չարձեկատրվում	4,000	4,000	0
13	Խաղաղություն	0	0	0
14	Արտադրյալ և Վարչական ծախսեր			
15	Մարզկենտրոնի	6,400	6,400	0
16	Մարզային	5,500	5,500	0
17	Վեճի	0	0	0
18	Վարչական	0	0	0

Հաշվետվություններ 2015 թ. 2-րդ կիսամյակի 2015 թ. 2-րդ կիսամյակի

Վարչական ծախսերի վերականգնման գումարներ

Չափանիշ	Վերականգնման գումար	
1	Վերականգնման գումարներ	
2	Վարչական ծախսեր	
3	Սննդի և խմիչքի	117
4	Մարզային Միջոցառում	0
5	Կենտրոնի և Նախարարի	0
6	Արտադրյալ Քանոնադր-Ջնարկ	0
7	Երկրակաշի և Կապույտաշի	0
8	Մարզկենտրոնի և Դաշնային	0
9	Շինարարություն	0
10	Վարչական ծախսեր	
11	Մարզկենտրոնի	0
12	Մարզային	0
13	Չարձեկատրվում	0
14	Խաղաղություն	0
15	Արտադրյալ և Վարչական ծախսեր	
16	Մարզկենտրոնի	0
17	Մարզային	0
18	Վեճի	0

Հաշվետվություններ 2015 թ. 2-րդ կիսամյակ 2015 թ. 2-րդ կիսամյակ

Չտեսչական	Չտեսչականի քանակ	Փոխանցյալ քանակ	Մատչելի քանակ	Անօրինակ քանակ	Դատված (փորձարկված) քանակ
1. #Ինչպիսիք քանակ					
2. # Անօրինակ քանակ					
3. Անօրինակ և անօրինակ	9	883	883	811	21
4. Մարտիրոս-Արարատ	0	0	0	0	0
5. Պատվարի և Կարգ-Մարտ	3	4	4	4	0
6. Մարտիրոս Գևորգյան-Ջալալյան	2	4	4	4	0
7. Կրթական և Կարգապահ	0	0	0	0	0
8. Մարտիրոս և Պատվար	0	0	0	0	0
9. Երկրորդ	0	0	0	0	0
10. # Չտեսչական մարտ					
11. Մարտիրոսյան	0	0	0	0	0
12. Մարտիրոս	0	0	0	0	0
13. Պատվարյան	0	0	0	0	0
14. Մարտիրոս	0	0	0	0	0
15. # Մարտիրոս և Մարտիրոսի մարտ					
16. Մարտիրոսյան	0	0	0	0	0
17. Մարտիրոս	0	0	0	0	0
18. Մարտիրոս	0	0	0	0	0
19. Մարտիրոս	0	0	0	0	0

ANNEX 6

REPUBLIC OF ARMENIA

LAW

Adopted on June 10, 2014

ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE JUDICIAL CODE OF THE REPUBLIC OF ARMENIA

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Article 3. The Code shall be supplemented with Article 21.1 to read as follows:

"Article 21.1. Keeping Judicial Statistics and Ensuring Publicity

1. To ensure the efficiency, transparency and public accountability of the courts, courts shall keep judicial statistics.

2. Judicial statistics should meet following standards:

- 1) Objectivity, rationality and impartiality of statistics;
- 2) Reliability, accuracy, compatibility of statistical data through time and space;
- 3) Up-to-datedness, stability and integrity of statistical data;
- 4) Regular publication of statistical summaries;
- 5) Accessibility and transparency of statistical data.

3. The Government shall specify the format and content of court case statistics card by court case type, the list of statistical data (information) subject to mandatory publication and the rules of such publication, the description of the content of statistical reports. Statistical data (information) subject to mandatory publication must include data (information) provided for in Paragraphs 9-12 of this Article.

4. The Council of Courts Chairmen shall establish the rules of filling in court case statistics cards, the rules of keeping judicial statistics, as well as may define additional statistical classifiers for keeping judicial statistics based on needs of efficient implementation of functions of the judiciary.

5. Where modifications in statistical classifiers have been made, they shall be applied only in one year following such modifications.

6. The Judicial Department of the Republic of Armenia (hereinafter "Judicial Department") shall be responsible for collecting and keeping judicial statistics.

7. The Judicial Department, in a manner and within timeline specified by the decision of the Council of Courts Chairmen, shall submit quarterly and annual statistical reports to the Council of Courts Chairmen for approval.

8. The Judicial Department shall ensure public access to the statistical data collected based on court case statistical cards, save for information not subject to disclosure by law. The Judicial Department shall publish the statistical data in a specially designated section for publication of statistical data on the official website of the judiciary.

9. Specifically following data (information) shall be published as regards each first instance court and judge distinguished by criminal, civil and administrative cases:

- 1) Number of judges;
- 2) Total number of cases moved from the previous reporting period to the beginning of the reporting period;

- 3) Total number of cases received in the reporting period;
 - 4) Total number of cases completed in the reporting period (including those completed on grounds of substantive resolution of the case, discontinuing the proceedings, etc.)
 - 5) Total number of cases suspended in the reporting period;
 - 6) Average duration of case examination by number of sessions;
 - 7) Average duration of case examination by time (calculation unit - hour) (including average durations of phases of preparation to court trial, court trial and making of the judicial act);
 - 8) Pre-trial proceedings cases by type;
 - 9) Total number of pending cases in the reporting period;
 - 10) Number of appealed judicial acts by type;
 - 11) Number of reversed judicial acts by type.
10. Following data (information) shall be specifically published for each appellate court, judicial bench and judge:
- 1) Data (information) specified in subparagraphs (1), (2), (4)-(7), (9)-(11) of Paragraph 9 of this Article;
 - 2) Total number of appeals received in the reporting period;
 - 3) Total number of appeals returned in the reporting period;
 - 4) Cases filed on appeals brought against interim judicial acts by type of acts and court where the act is appealed.
11. As regards the Cassation Court, information stipulated by Paragraph 9 of this Article, save for that stipulated by subparagraphs (4)-(6), (8) and (9) of Paragraph 9, as well as information provided for in subparagraphs (2)-(9) of Paragraph 10 of this Article shall be published for each Chamber. The data stipulated by subparagraph (7) of Paragraph 9 of the present Article shall be counted by days.
12. The Judicial Department shall annually publish following data (information) no later than by January 31 of the next year:
- 1) Courts' budget, including a benchmarking of financial expenditures with those of the preceding reporting period by court, the average salary of a judge and its benchmarking with the preceding reporting period;
 - 2) Total amount of state duties paid;
 - 3) In terms of disciplinary liability of judges - the number of disciplinary proceedings filed, by parties that have filed the proceedings and the grounds of filing such proceedings, the number of cases where the proceeding was abated by the Council of Justice, by parties that have filed such proceedings and types of disciplinary penalties applied, and the total number of repeat cases of disciplinary liability;
 - 4) Benchmarking of the data stipulated by Paragraphs 9-12 of this Article with those of previous year."

President of the Republic of Armenia

S. Sargsyan

June 21, 2014
Yerevan
HO-47-N

ANNEX 7



REPUBLIC OF ARMENIA GOVERNMENT OF THE REPUBLIC OF ARMENIA

N 278-N
March 19, 2015

On Defining the Form and Content of the Court Case Statistical Card

Based on the provisions and requirements of the Part 3 of Article 21.1 of RA Judicial Code, the Government of the Republic of Armenia decides:

1. To define the form and content of the Court Case Statistical Card per type of the case, in accordance with the Annex.
2. The decision hereof shall enter into force from the day following the official publication.

Prime Minister of the Republic of Armenia
H.Abrahamyan

March 25, 2015

Yerevan



Annex
To RA Decree N 278-N
Dated as of March 19, 2015

The Form and Content of the Court Case Statistical Card, by Type of the Case

Court Case Statistical Card is electronic card that contains the following information:

1. Information on civil and administrative cases:

- 1) On the procedure and time of receiving Claim (counter claim) and Application (Case);
- 2) On the Plaintiff, Defendant, Third person;
- 3) On subscription (?)
- 4) On the (legal) request;
- 5) On the State Duty;
- 6) On receiving the Claim (counter claim), Application (Case) into the proceedings, on rejecting and returning the case;
- 7) On submission of certain petitions and the results of their investigation (in particular, on defining privileges for the State Duty, initiating Application guarantee, appointing expertise);
- 8) On making decision about recusal;
- 9) On re-suscribing the case;
- 10) On assigning the case by jurisdiction.
- 11) On the date and venue of the preliminary hearing, the trial (court sessions);
- 12) On suspension and resumption of the case;
- 13) On the Judicial Act (on satisfying, denying, terminating, etc.) made as a result of case investigation;
- 14) On Final Judiciary Act (solving the issue) entering into force;
- 15) On the process of appealing the Final Judiciary Acts (solving and solving the issue) and on Judiciary Acts made as a result of investigation of appeals.
- 16) On granting a writ of execution.

2. Information on criminal cases

- 1) On the procedure and date/time of receiving the case;
 - 2) On the defendant (Accused);
 - 3) On the accusation charged;
 - 4) On subscription;
 - 5) On accepting the case into proceedings;
 - 6) On returning the case to the prosecutor;
 - 7) On assigning the court trial;
 - 8) On the date and venue of the court sessions/hearing;
 - 9) on submission of petitions and the results of the investigation of those (in particular, on assigning expertise);
 - 10) On making decision on recusal;
 - 11) On re-subscribing the case;
 - 12) On assigning the case by jurisdiction;
 - 13) On suspension and resumption of the case;
 - 14) On Judiciary Act (prosecution, acquittal, termination/dismissal and suspension of prosecution, enforced medical intervention, amnesty, etc.) as a result of case investigation;
 - 15) On the Final Judiciary Act (solving the issue) entering into force;
 - 16) On the process of appealing the Final Judiciary Acts (solving and solving the issue) and on Judiciary Acts made as a result of investigation of appeals;
 - 17) On sending the Judiciary Act for enforcement;
3. The Stastical Card on pre-trial proceedings (per type) contains the information envisaged by Paragraphs 1-4, 10, 14 and 16 on criminal cases, that are relevant to the particular case.

Minister Head of Staff of the Government of the Republic of Armenia

D.Harutyunyan



ANNEX 8



GOVERNMENT OF THE REPUBLIC OF ARMENIA DECREE

N 306-N, March 19. 2015

ON CLASSIFICATION OF COURT CASES, PROCEDURE OF PUBLICATION OF THE LIST OF
COURT CASE STATISTICAL DATA (INFORMATION) SUBJECT TO DISCLOSURE AND
DEFINING THE DESCRIPTION OF THE CONTENT OF THE STATISTICAL REPORTS

Based on the provisions and requirements of the Part 3 of Article 21.1 of RA Judicial Code, the Government of the Republic of Armenia decides:

1. To define:

- 1) The classification of the Court Cases in accordance with Annex 1;
- 2) The List of the Court Case Statistical data (information) subject to mandatory publication/disclosure in accordance with the Annex 2;
- 3) The procedure of publication of the List of the Court Case Statistical data (information) subject to disclosure in accordance with Annex 3;
- 4) The description of the Content of Statistical Reports, in accordance with Annex 4.

2. The decision hereof shall enter into force from the day following the official publication.

Prime Minister of the Republic of Armenia
H.Abrahamyan

April 1, 2015 Yerevan



Annex 1
To the Government of Armenia
Decision N 306-N,
Dated as of March 19, 2015

CLASSIFICATION OF THE JUDICIAL (COURT) CASES

1. Judicial cases concerning the civil relationships:
 - 1) Property lawsuits (cases);
 - 2) Transaction related lawsuits (cases);
 - 3) Legal obligations related lawsuits (cases);
 - 4) Personal non-property relationship related cases;
 - 5) Intellectual property related lawsuits (cases);
 - 6) Heritage related lawsuits (cases);
 - 7) Bankruptcy related lawsuits;
 - 8) Special proceeding lawsuits;
 - 9) Special appeal proceedings lawsuits;
2. Family relationships related lawsuits:
 - 1) Spouses legal rights and responsibilities related lawsuits;
 - 2) Parent-child(ren) legal relationships related lawsuits;
 - 3) Termination of marriage lawsuits;
 - 4) Alimony obligations related lawsuits;
 - 5) Adoption related lawsuits;
3. Labor relationship lawsuits:
 - 1) Individual and collective labor relationship lawsuits;
 - 2) Employer related relationship lawsuits;
 - 3) Forced labor interruption compensation related lawsuits.
4. Land relationships related lawsuits:
 - 1) Land property rights related lawsuits;
 - 2) State and community/municipal property land alienation related lawsuits;

5. Administrative relationships lawsuits:
 - 1) Administrative sanction related lawsuits
 - 2) Lawsuits related to the annulment of decisions (Legal Acts) made by state agencies, local self-governance bodies and their officials;
 - 3) Lawsuits related to appealing the activities by the state agencies, local self-governance bodies and their officials;
 - 4) Lawsuits related to decisions on seizure from the physical or legal persons, based on the Administrative Act;
 - 5) Lawsuits relate to receiving or providing (exercising) state, municipal or other alternative service;
 - 6) Lawsuits related to the legal disputes between the administrative bodies on issues on legal jurisdiction;
 - 7) Lawsuits related to suspension or termination of activities of NGOs and other associations;
 - 8) Lawsuits related to the protection of voting rights;
 - 9) Lawsuits related to the legal liabilities associated with administrative damage (damage caused by administration);
6. Criminal Lawsuits:
 - 1) Crimes again a person;
 - 2) Crimes against property, economy and economic activities;
 - 3) Crimes against public safety, electronic information security, public order and morality, offences against public health;
 - 4) Crimes against environmental safety;
 - 5) Crimes against state authority;
 - 6) Crimes against military service;
 - 7) Crimes against peace and human security.

Government of the Republic of Armenia

Minister- Head of Staff

D.Harutyunyan

LIST

OF THE COURT CASE STATISTICAL DATA (INFORMATION) SUBJECT TO MANDATORY
PUBLICATION/DISCLOSURE

1. The following statistical data (information) related to the civil, criminal and administrative cases in the First Instance Courts of General Jurisdiction and the Judges of the Republic of Armenia is subject to mandatory publication/disclosure:
 - 1) Number of judges;
 - 2) The total number of cases transferred to the current reporting period from the previous reporting period;
 - 3) The total number of cases received during the reporting period (including the Claims and Applications);
 - 4) The total number of cases completed during the reporting period (including the solved/completed cases, suspended proceedings and completed on other basis);
 - 5) The total number of the lawsuits (cases) with suspended proceedings during the reporting period;
 - 6) The average duration of a case, by number of sessions/hearings;
 - 7) The average duration of a case, by time (counting unit – hour) (including the average duration of the trial preparation, trial and decision making);
 - 8) Pre-trial cases by type;
 - 9) The total number of incomplete cases during the reporting period;
 - 10) The total number of Judicial Acts appealed in the court, by type;
 - 11) Number of revoked Judicial Acts, by type.

2. The following statistical data (information) related to pre-trial proceeding motions (petitions) in the First Instance Courts of General Jurisdiction and the Judges of the Republic of Armenia is subject to mandatory publication/disclosure:

- 1) The total number of cases at the beginning of the reporting period transferred from the previous reporting period;
- 2) The total number of cases received during the reporting period;
- 3) The total number of cases completed during the reporting period;
- 4) The total number of incomplete cases for the reporting period.

3. The following statistical data (information) related to the each Court of Appeal, Panel of Judges and the Judge is subject to publication/disclosure:

- 1) Number of judges;
- 2) The total number of cases at the beginning of the reporting period transferred from the previous reporting period;
- 3) The total number of complaints (grievances???) filed during the reporting period;
- 4) The total number of complaints (grievances) returned during the reporting period;
- 5) The total number of cases with suspended proceedings during the reporting period;
- 6) The average duration of a case investigation, by number of sessions;
- 7) The average duration of the case investigation, by time (counting unit – hour) (including the average duration of the pre-trial preparation stage, trial and decisions making (Judicial Act) stage);
- 8) The total number of completed cases in the reporting period (including the Final decisions/solved issues/, cases with suspended proceedings and cases completed on other basis);
- 9) The total number of incomplete (unfinished) cases during the reporting period;
- 10) The number of appealed Judicial Acts, by type;
- 11) The number of revoked Judicial Acts, by type;
- 12) The cases of appeal against interim Judicial Acts, by the types of the Acts and by the type of the Court that made the decision under appellation.

4. The following statistical data (information) related to the each chamber of the Court of Cassation is subject to mandatory publication/disclosure:

- 1) The number of judges;
 - 2) The total number of cases at the beginning of the reporting period transferred from the previous reporting period;
 - 3) The total number of complaints filed during the reporting period;
 - 4) The total number of complaints returned in the reporting period;
 - 5) The average duration of the case investigation, by time (counting unit – day);
 - 6) The number of the Judicial Acts that are appealed, by type;
 - 7) The number of revoked Judicial Acts, by types;
 - 8) The cases of appeal against interim Judicial Acts, by the types of the Acts and by the type of the Court that made the decision under appellation
5. The budget of the court, including the financial costs compared with the previous reporting period, by courts; average salaries of the judges in comparison with the previous reporting period.
 6. The total amount of State Duty paid.
 7. With regards to the disciplinary responsibilities of the judges – the number of disciplinary proceedings, by the subject instigating the proceeding and basis of proceedings; the number of proceedings suspended by the Council of Justice, by the subject that instigated the proceeding; the types of disciplinary penalties; the total number of repeated disciplinary sanctions.
 8. The comparative data on point 1-7 hereof with the previous year.

Government of the Republic of Armenia

Minister- Head of Staff

D.Harutyunyan

PROCEDURE
OF PUBLICATION OF THE LIST OF THE COURT CASE STATISTICAL DATA (INFORMATION)
SUBJECT TO MANDATORY DISCLOSURE

1. The Court case statistical data (information) subject to disclosure defined hereof is published by the Judicial Department of RA, annually, no later than before January 31st of the following year.
2. The Judicial statistical data (information) subject to disclosure is published on the official website of the judicial authorities, in the relevant section for online statistical data.

Government of the Republic of Armenia

Minister- Head of Staff

D.Harutyunyan

DESCRIPTION
OF THE CONTENT OF THE STATISTICAL REPORT

1. Statistical reports are composed in accordance with the information available in the Court Case Statistical Card, defined by the Decree N 278-N of the Government of Armenia “On Defining the Form and Content of the Court Case Statistical Card, by Type of the Case”, dated as of March 19, 2015 the Annex 1 of the GOA Decree N306-N and classification of the Court cases defined by the Annex 1 of the Decree N 306-N of the Government of Armenia “On Classification of Court Cases, Procedure of Publication of the List of Judicial Statistical Data (Information) Subject to Disclosure and Defining the Description of the Content of the Statistical Reports”, dated as of March 19, 2015.
2. The Statistical Report should be objective, justified, accessible, comprehensive and transparent.

Government of the Republic of Armenia
Minister- Head of Staff
D.Harutyunyan



ANNEX 9

JUSTIFICATION

FOR

ADOPTING THE LAWS OF THE REPUBLIC OF ARMENIA

“ON MAKING CHANGES AND AMENDMENTS TO THE JUDICIAL CODE OF THE REPUBLIC OF ARMENIA “

AND

“ON MAKING CHANGES IN THE ADMINISTRATIVE PROCEDURE CODE OF THE REPUBLIC OF ARMENIA “

1. Necessity

1.1 The courts, lawyers and the public have the vital interest in having efficient and professional judiciary. The activities envisaged in RA Judicial Reforms Program (JRP) for 2012-2016 are aimed at reaching that goal.

JRP 2012-2016 envisages “developing *objective criteria for evaluating* the performance of judges and *clarifying criteria for the promotion of judges*, based also on the performance evaluation for 2013 September”. The implementation deadline for the “Computerized System for the Evaluation of Judges” is planned as of the first decade of March 2014. It is also envisaged to **test** the system of performance evaluation of judges and fill in the gaps (1 year, January – December 2014). To apply the system of performance evaluation of judges in all courts of RA (January 2015).

The need for the introduction of the system of evaluation of judges is established by various international documents. Paragraph 42 of the Recommendation of the EC Committee of Ministers (2010)¹² on Independence, Efficiency and Responsibilities of the Judges (“Judges: Independence, Efficiency and Responsibilities”) stipulates that “with a view to contributing to the efficiency of administration of justice and continuing improvement of its quality, member states may introduce systems for the assessment of judges by judicial authorities”.

System of assessment of judges is an institute that developed in the recent decades, which is now largely implemented in Europe (Belgium, France, Netherlands, Italy, Austria, Croatia etc.) and the USA.

The aim of assessment of judges is:

1. Promote the self-analysis of the judges,
2. Identify and indicate to the judges the ways to improve their performance,
3. Support the selection of the best candidates judges for career promotion,
4. Support to increase the public confidence in judiciary.

In terms of performance evaluation of judges, the Draft is based on principles and approaches enshrined in various international documents and analysis, including:

1. Kyiv Recommendations on “Judicial Independence in Eastern European, South Caucasus and Central Asia: Challenges, Reforms and Way Forward” in 2010, Part 27-31,
2. American Bar Association: “Black Letter Guidelines for the evaluation of judicial performance”, 2005, which were initially developed for the US, but due to active international advisory activities of the American Bar Association are widely applied in other countries, too.
3. Brief Report of the International Union of Judges on the Systems of Performance Evaluation of Judges, 2006.
4. Comparative Study of the Professional Evaluation of Judges and Prosecutors implemented within the scope of EU Twinning Program, 2007¹⁵.
5. Methodology on Evaluation of Judges approved by the Chairmen of Courts (or as the provisional translation of the document says “Presidents of the Councils of Judges in the Republic of Croatia”) of Croatia, 2007¹⁶.
6. Recommendations of the working meeting on the Introduction of the System of Evaluation of Judges in Moldova, conducted by the OSCE ODIHR.

The experience of systems of evaluation of judges in Belgium, France, Netherlands, Italy, Spain, Austria, Croatia, USA, as well as the study of the results of OSCE ODIHR advisory activities introducing the system of evaluation of judges in Moldova have been taken into consideration while developing the Draft. Moreover, another study of the system of evaluation of judges have been implemented by AMERIA CJSC and Human Dynamics –Public Sector Consulting Company through the order of the Judicial Reforms PIU, which has also been presented in the Report on Technical Assistance and Advisory Service to the Council of Justice and Judicial Department with the purpose of Institutional Reforms, published in May 2010.

¹⁵https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCUQFjAA&url=http%3A%2F%2Fwww.csm1909.ro%2Fesm%2Flinkuri%2F06_01_2011__38069_ro.doc&ei=FO34UZieC4nCtQbm-IHICg&usg=AFQjCNEjuUPgLj7ijw7cOx5_o8C3_Qunig&bvm=bv.49967636,d.Yms

¹⁶ <http://pak.hr/cke/propisi,%20zakoni/en/MethodologyForEvaluationofJudges/Methodology.pdf>

Analysis of International Practice

There are two main documents defining the internationally accepted and applicable criteria in the area of evaluation of judges: Kyiv Recommendations and the above-mentioned Guidelines of the American Bar Association.

Kyiv Recommendations stress that the evaluation of judges should be qualitative, focusing on the skills necessary for being a judge. In this respect, the Recommendations stress the following criteria for evaluation:

- **Professional competence**, assessing the knowledge of the judges in judicial, substantial and reasoning areas, ability to conduct trials, capacity to write reasoned documents;
- **Personal competence**, assessing the ability of the judge to cope with the work load, openness to application of new technologies, ability to make decisions;
- **Social competence**, assessing the ability to mediate and demonstrate respect to the parties;
- **Administrative competence**, when the judge might be appointed for an administrative position and needs to have competence to lead and manage.
- **Quantitative assessment**, assessing the efficiency of the judge, which shall become basis for the self-improvement of the judges and should not be the main element for the performance evaluation of judges.

According to Kyiv Recommendations, stemming from the international criteria for the independence of judges they shall in no way be evaluated based on the content of their verdict and the decisions for an individual case shall not become a basis for a sanction. This means that in the process of evaluation the judicial cases should be studied and observed not content wise, but in terms of formality (Para 27 and 28).

According to the Recommendations, the professional evaluation criteria should be clearly spelled out, transparent and uniform. The Law shall provide the fundamental criteria. The precise criteria for, timing and mechanisms of the evaluations shall be set out further in regulations (Para 29).

Other judges shall mainly conduct the evaluation of judges. The Chairpersons of the courts shall not have the exclusive competencies to evaluate judges, and in parallel to their role, it should be complemented by a group of judges from the same or other courts. While evaluating the diligence of the judge, his/her capacities of respectful attitude to the parties and ability to maintain judiciary rules should also take into consideration the opinions of those external parties who regularly deal with the judge (e.g. advocates, lawyers etc.). (Para 30).

The evaluations should include the review of the written decisions of the judge, as well as observation of a trial conducted by the judge.

The evaluation should be transparent. It is necessary to listen to the judge's opinion, too. The judges should be informed of the results of the evaluation and have opportunities to appeal (Para 31).

American Bar Association (ABA) Guidelines provide the following criteria for the evaluation of judges:

- **Legal knowledge**, assessing the ability of the judge to reason the judicial cases, the ability to keep the knowledge of substantive law and procedural rules updated. The ABA, in line with Kyiv Recommendations also emphasizes that the evaluation should not interfere into the internal beliefs and principles of the judge to make decisions.
- **Impartiality and integrity**, observing the ability of the judge to avoid unethical behavior, to treat people with dignity, impartiality, honesty; the ability to make difficult decisions.
- **Communication skills, which** is the ability of the judge to clear and logical verbal and written communication.
- **Professionalism and temperament**, when the judges should be able to maintain self-control, to promote public trust in the court and be polite.
- **Administrative competencies**, which assess the punctuality of the judges, his/her appearance in the court in timely manner and prepared, ability to maintain the control over the court room, ability to make decisions promptly, ability to maintain the court procedures and timing, capacities to improve the quality of justice administration and use new technologies.:

In Belgium the first evaluation is made a year after the appointment of the judge and every three years afterwards. The judges are evaluated on the scale *excellent, good, sufficient, and insufficient*.

Details of the evaluation remain within the judiciary and only the final scores are sent to the Ministry of Justice.

Criteria subject to evaluation

There are three sets of criteria in Belgium, where Group A is more important than Group B, and Group B is more important than Group C.

Group A

- Judiciary knowledge: knowledge of substantive and procedural law, quality of judicial reasoning;
- Efficiency and communication competencies;
- Impartiality

Group B

- Collegiality: ability to work in team, share experience with the colleagues, etc.
- Self-control

Group C

- Willingness to learn
- Ability to adapt
- Progressive thinking, readiness to assume responsibilities¹⁷.

While evaluating the judge each group has its scoring system.

Group A	Group B	Group C
Excellent =+6	Excellent =+4	Excellent =+2
Good = +3	Good = +2	Good = +1
Sufficient =0	Sufficient =0	Sufficient =0
Insufficient = -3	Insufficient = -2	Insufficient = -1

As a result, the judge received the following scores:

Excellent = +22
Good = from +11 up to +22
Sufficient = from -11to +11
Insufficient = from -22 to -11

Consequences of the evaluation

- 1) Training to improve competencies
- 2) Identification of the imperfections in the functioning of the judiciary system
- 3) Disciplinary proceedings against the judge, with retaining the salary or bonus for up to 6 months.

The evaluation does not directly affect the career promotion of the judge.

In France the evaluation takes place every two years, with the exception of judges of the Court of Cassation and the Chairpersons of the Court of Appeal. In case of necessity, the evaluation can be conducted

¹⁷ Each criteria of evaluation is available in the “Comparative study of the professional evaluation of judges and prosecutors, Twining RO 2007/IB/JH-25TL”, pg 29-31.

more frequently, if there are issues regarding the judge's [professional activity]. The evaluation is always combined with the opportunity of the judge to express him/herself and present a report. The judges are graded on the scale of *excellent, good, sufficient and insufficient*.

Criteria Subject to Evaluation

The judges are evaluated on four (4) criteria:

- 1) General professional competencies
 - a. Ability to make decision
 - b. Ability to listen and exchange opinions
 - c. Ability to adapt to new situations, including legal, technological and other changes.
- 2) Legal and technical competencies
 - a. Ability to apply his/her knowledge, including the ability to analyze facts and apply rights
 - b. Ability to conduct trials, including clear verbal communication during the trial, ability to maintain calmness (self-control) etc.;
 - c. Ability to develop instructions.
- 3) Administrative skills
 - a. Ability to undertake concrete actions, to demonstrate initiative, to obtain collegial agreement,
 - b. Ability to define targets and organize human resource.
- 4) Professional involvement
 - a. Efficiency and effectiveness of work,
 - b. Participation in trainings,
 - c. Quality of professional relationships with other structures¹⁸.

Consequences of the Evaluation

Positive evaluation is a mandatory condition for the career promotion of the judge. Based on the information revealed during the performance evaluation the judge can be dismissed, but as a result of separate disciplinary legal proceeding.

In Italy, all the judges of the first instance (magistrates) are subject to evaluation every four (4) years, up to the seventh positive evaluation.

The Criteria for the Evaluation of Judges are:

¹⁸ Comparative study of the professional evaluation of judges and prosecutors, Twining RO 2007/IB/JH-25TL, pg 37

- 1) Professional competencies
 - a. Awareness of the recent developments in the legal system,
 - b. Quality of the reasoning of Judicial Acts,
 - c. Ability to conduct court hearing (Session),
 - d. Ability to make use of (information) technologies

- 2) Performance (**laboriousness**)
 - a. Number of solved cases, including the level of complexity,
 - b. Time allotted to settle the judicial cases.
- 3) Diligence
 - a. Timely appearance in the court in the hearings,
 - b. Maintaining deadlines established for judiciary cases,
 - c. Number of hearings held,
 - d. Participation in the activities devoted to the development of judiciary (legislation)
- 4) Commitment
 - a. Willingness to substitute the absent judges,
 - b. Frequency of participation in the trainings.
The collaboration given to solve the organizational problems of the judicial office, upon the request of the Court President or Chief Prosecutor.

The judges are evaluated as positive or not positive.

Consequences of the Evaluation

The evaluation is directly linked to the career promotion of the judge. Thus, three (3) consecutive positive evaluations are a mandatory condition to be appointed as Chairperson of the Court; five (5) consecutive positive evaluations are mandatory condition for the appointments in higher Courts.

In the Netherlands, the evaluations are carried on annual basis. An important role is given to the mutual collegial evaluation, through which reciprocal training and experience sharing is taking place. The evaluation of judges in the Netherlands is based on the EFQM model, which evaluates the performance of the judge as compared to other judges.

Consequence of the Evaluation

- 1) Revealing the shortcomings of the functionality of the judiciary,

- 2) Dismissing the non-diligent judges from the system.

In Germany, the judges are evaluated once in four (4) years, on the following scale:

- 1-2 score – below average
- 3-6 scores – average
- 7-10 scores – above average
- 11-14 scores – substantially above average
- 15-16 scores – excellent

Criteria for the Evaluation of the Judges are:

- 1) Quality of the performance of the judge: ability to fulfil the assigned work, ability to work in team, communication skills;
- 2) General capabilities of the judge: ability to understand, intellectual flexibility, willingness to overtake duty, ability to cope with pressure, leadership ability, professional competencies, quality of written and verbal communication, etc.

Consequence for the Evaluation

- 1) Training to develop competencies/skills,
- 2) Revealing the shortcomings of the functionality of the judiciary system,
- 3) Career promotion of the judge.

In Croatia the evaluation of the judges is implemented on the following criteria¹⁹:

- 1) Performance
 - a. In this case a judge shall be deemed as complying with the Council milestones (benchmark performance indicators) set in percentage for the given year if the judges has delivered that number of resolved cases. In case of failing to meet the benchmark performance indicators, for each percent of unresolved cases a relevant point (score) is subtracted from the evaluation.
- 2) Maintaining deadlines

¹⁹ Methodology on Evaluation of Judges approved by the Chairmen of Courts (or as the provisional translation of the document says “Presidents of the Councils of Judges in the Republic of Croatia”) of Croatia, 2007, Article 3-17.

the judge met deadlines in 100%	points
the judge met deadlines in 76% cases and more	5 points
- the judge met deadlines in 75% cases and less	0 points

11 The quality of decisions made, assessing the number of appellations (revised decisions):

Up to 3 % revised cases	100 points
3-6 % revised cases	75 points
6-10% revised cases	50 points
10-15 % revised cases	25 points
15 % and more revised cases	0 points

12 Professional development

- a. The judge received relevant points for participation in educational programs, scientific degree, obtaining a Diploma, participating in drafting a Law, for the publication of a scientific article or research etc.

The judge loses points during the evaluation in the following cases:

- for a serious violation incurring disciplinary proceedings	200 points
- for a less serious violation incurring disciplinary proceedings or a violation of ethical principles if disciplinary accountability has not been established	100 points

The following is the scale for the evaluation of judges in Croatia

unsatisfactory performance of judicial duty	Less than 100 points
satisfactory performance of judicial duty	100-140 points
successful performance of judicial duty	140-180 points

Thus, summing up the results of the review of the international experience, we can say that the models of the evaluation of judges applied in different countries have common approached. Commonalities refer to both the criteria subject to evaluation and the consequences of evaluation.

In terms of criteria, the following are target of evaluation:

- 1) The performance of the judge
- 2) The legal knowledge of the judge
- 3) The professionalism and impartiality of the judge
- 4) The communication skills of the judge
- 5) The peer relationship skills of the judge
- 6) The professional involvement and development of the judge
- 7) The administrative skills of the judge

In terms of consequences, the evaluation of judges has a number of main consequences:

- 1) Based on the decision of the evaluating body, the judge can be sent for additional training, when the evaluation reveals need for further improvement of certain skills/competencies of the judge in a certain area ;
- 2) A discussion is organized with the judges whose evaluation results were low, within the self-governing body, including the Chairperson of the relevant court, to come up with joint recommendations on the improvement of the professional competencies of the judge.
- 3) It affects the decisions made on the career advancement of the judge.
- 4) Financial consequences, in terms of deprived bonuses and retained salaries.
- 5) Dismissal as a result of continued failures of performance.

Study of international experience also reveals that the evaluation of judges by itself cannot lead to disciplinary sanctions, with the exception of cases when in the process or as a result, of evaluation, there come forward grounds for disciplinary proceedings as provided by the Law.

In some countries, the fact of the judge having been subject to a disciplinary act is treated as separate criteria for evaluation, the appropriateness of which is a subject to discussion. In Britain, in case it is necessary to find out the judge's professional qualities, the judge can be subjected to extraordinary evaluation within the scope of disciplinary proceedings.

Based on the requirements of the above-mentioned international documents and principles enshrined by the JRP 2012-2016 Regulations, the system of evaluation of the judges should be based on a number of important principles:

- The evaluation should be implemented on clearly defined, transparent and uniform criteria and indicators, with the fundamental ones being defined by Law.
- The evaluation of judges should be implemented with maintaining their full external and internal independence.
- The results of the evaluations should not affect the remuneration of the judge.²⁰

1.2. The current regulations relating to the disciplinary sanctions against judges also face some issues, such as:

1) Currently, in compliance with the RA Judicial Code, apparent and gross violation of Substantive or Procedural Code is considered as grounds for the disciplinary sanction against the judge. However, the Law does not define the content “apparent and gross violation”, which brings about ambiguities within the disciplinary proceeding cases. In the given case, each party of the disciplinary proceeding gives their own interpretation, resulting in a non-uniform practice in disciplinary proceedings. Therefore, with the purpose of establishing a uniform practice of sanctioning the judges on the grounds of apparent and gross violations of the Law it is necessary to clarify the criteria to assess the “apparent and gross violation” in the RA Judicial Code. This amendments is envisaged in Para 1.4.4 of the “List of Activities Stemming from the Strategic Program of the RA Legal and Judicial Reforms 2012-2016”, approved by the Oder NK-96-A of the President of the Republic of Armenia, dated as of June 20, 2012.

2) Currently, the meetings on the disciplinary proceedings against the judges by the Council of Justice are held behind the closed doors, except the cases, when the judge demands for public hearing. This somehow opposes the approach that the Council of Justice while proceeding with a disciplinary liability against a judge, acts as a court, which is provided by the Judicial Code (Article 158). The public hearing of the disciplinary liability case against the judge can be an important guarantee of objective examination of the case. Therefore, it is necessary to set public hearing procedure of the disciplinary liability cases examined by the Court of Justice, simultaneously defining those exceptional cases, when it would be possible/necessary to hold the sessions behind the closed doors.

“Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia” document by OSCE/ODIHR²¹ also supports the open hearings of the disciplinary proceedings against the judges by the Council of Justice, where, according to Para 26 “...hearings shall be open, unless the judge who is accused requests that they be closed. In this case a court shall decide whether the request is justified...”

²⁰ Brief Report of the International Union of Judges on the Systems of Performance Evaluation of Judges, Kyiv Recommendations, 2006. Para 8, 9, 12, Part 27-31.

²¹ <http://www.osce.org/hy/odihr/75436?download=true>

The same is provided by the Para 1.4.3 of the “List of Activities Stemming from the Strategic Program of the RA Legal and Judicial Reforms 2012-2016”, approved by the Order NK-96-A of the President of the Republic of Armenia, dated as of June 20, 2012.

3) There are some gaps in the issue of enhancing the legislative guarantees for the independence and protection of the judge within the scope of disciplinary proceedings. Particularly, the current legislation clearly regulates the process of disciplinary proceedings and defines timing for each stage of proceedings. However, it does not define the legal consequences for failing to meet those terms. In fact, violation of these terms does not affect in any way the progress of the disciplinary proceedings initiated against the judges, which does not stem from the need of strengthening legal safeguards for the protection of the judge within the scope of disciplinary proceedings. Therefore, it is necessary to include the violation of the given terms (timing) of the disciplinary proceedings as a basis for suspending the case. It will make the subjects that raised the proceeding act in strict accordance with the Law, maintaining all the legal timing, as a result of which the protection of independence and legal guarantees of the judges under the disciplinary proceedings would be strengthened.

The issue of strengthening the legal guarantees of the independence and protection of the judge under the disciplinary proceedings is envisaged by the Para 1.4.2 of the “List of Activities Stemming from the Strategic Program of the RA Legal and Judicial Reforms 2012-2016”, approved by the Order NK-96-A of the President of the Republic of Armenia, dated as of June 20, 2012.

3) Currently, according to the Substantive or Procedural Code, it is possible to initiate disciplinary proceedings against a judge for apparent and gross violation of the Law immediately after the decision on the Judicial Act (Decision of the Court), even if that decision has not entered into force. A situation is created, when the Court of Justice obtains an opportunity to discuss a question to sanction a disciplinary proceedings against the judge and approve or decline the fact of the violation of the Substantive or Procedural norms in case, when the fact of violation is still in the process of appeal in the Superior Court, as a result of the complaint. In this case, the Council of Justice may, by its decision, limit or predetermine the decision of the Superior, which is obviously not stemming from the constitutional powers of the Council of Justice. Besides, a situation can come forward when the Council of Justice and Court of Appeal or Court of Cassation can have apparently contradicting decisions regarding the violation of the Law by the judge. Therefore, to avoid such situations, it is necessary to define, that disciplinary proceedings against a judge for apparent and gross violation of the legislative norm, based on the Substantive or Procedural Code can be initiated only in case when the relevant Judicial Act (Decision) has entered into force.

2. The Purpose and Nature of the Regulation

2.1 The purpose of the Evaluation of Judges.

The purpose of the evaluation of judges envisaged by the Program is to:

- Identify and indicate to the judges ways to improve the efficiency of their work,
- Promote the self-assessment of the judges,
- Serve as basis for the career promotion of the best candidate judges.

2.2 General Approaches to the Introduction of the System of Evaluation

- In the Republic of Armenia, the basics of the System of evaluation of judges should be envisaged by the RA judicial Code.
- It is important to note, that the system of the evaluation of judges is primarily a tool for *internal evaluation*, it is implemented by the judicial self-governing bodies, the results of the evaluation are discussed and analyzed within the judicial self-governing bodies. As a tool for internal use, it is the responsibility of the judicial self-government bodies to introduce those tools, ensure the smooth implementation of those and initiate necessary measures stemming from those. Based on those considerations:
 - 1) Being a very important function of self-governance the evaluation of the judges should be implemented by the Evaluation Committee of the General Assembly of Judges.
 - 2) The Judicial Code should define only the key principles, approaches, criteria and evaluation indicators for the system of evaluation of judges and the Methodology and procedures for the implementation of evaluation should be defined by the Council of the Courts Chairpersons of the Republic of Armenia.

2.3 General Description of the Evaluation Criteria for Judges

- The evaluation of judges will be implemented based on quantitative – *objective* and qualitative – *subjective* criteria.
- The *objective quantitative data* will become a key share of the evaluation of judges.
- For each evaluation indicator the judges are assigned relevant points, defined by the CCC, depending on the importance of the indicator.
- To organize the process of the evaluation of the judges the CCC, upon its decision, defines the methodology/ procedure for the evaluation of judges.
- As a result of final evaluation, according to the scoring scale defined by the Council of Courts Chairpersons, the performance of the judges are classified into four groups:
 - 1) high (excellent),
 - 2) good
 - 3) average

4) low

- The evaluation based on the objective data should comprise not less than 40% of the evaluation score of the judge; and the evaluation based on the qualitative criteria shall comprise 60% of the total evaluation score.

2.4 Objective – quantitative criteria for the evaluation of judges

- According to the civil, criminal and administrative types of cases the quantitative criteria for the performance evaluation of judges of the first instance courts are:
 - 1) Quantitative performance of the judges and workload,
 - 2) Maintaining timing for the judicial cases,
 - 3) Average duration of the case per types of the cases (unit of counting: days)
- The quantitative performance and the work load of the judges is assessed by the coefficient of individual workload (CIW) for the judges through the following formula: $CIW = H / L$, $H = A / (I + J - K)$, $L = C / (M + N - O)$, $CIW = A / C * (M + N - O) / (I + J - K)$ where:

H = individual quantitative performance annual index (ratio) for the judge

A = all cases completed by the judge in the given year

I = all cases transferred from the previous year

J = all the new cases assigned to the judge in the given year

K = all the suspended current cases for the judge during the

L = coefficient of average quantitative performance for the Court for the year

C = number of all cases completed by the Court during the year

M = number of all cases transferred from the previous year in the Court (for all judges)

N = number of all cases presented to the Court (assigned to the judges) during the year

O = number of all suspended current cases during the year in the Court (for all judges)

- The evaluation of the individual quantitative performance of the judge should actually be interconnected with the Budget Program²² process, based on which the CCC should define annual performance indicators

²² The Law on “Making Changes and Amendments in the RA Law on Budget System” defines those mandatory budget provisions, through which the new model of funding could be introduced in 2014. In this respect, there is

for the judges, and the performance of the judge can be considered complete only with 100% fulfilment of the indicators.

- To assess the timing of the average duration of a case the CCC should define the framework deadlines for average case duration per types of cases. Example - see above the case of Croatia.

2.5 Subjective - Qualitative Criteria for the Evaluation of Judges

- Another share of the System of the evaluation of judges is the evaluation based on qualitative – subjective criteria. This method of assessment should be performed once in three (3) years, based on the longevity and load of summing up the results of the evaluation.
- Review of the international experience allows us recommending, that the subjective evaluation of the judges of the Court of first instance and the Court of Appeal is implemented according to the following criteria and indicators:

Criteria	Indicator	Maximum score
Legal knowledge	1) Demonstrates proper knowledge of Substantive and Procedural Law.	
	2) Properly justifies his/her judicial acts/decisions	
Professionalism and impartiality	Ability to withstand pressure, threats	
	Maintains the rules of professional ethics	
	3) Demonstrates fair and impartial attitude to the parties of the trial	
	4) Shows up at the Court session in timely manner	
	5) Shows up prepared for all Court sessions	
	6) Is able to maintain self-control	
Communication skills	1) Judicial Acts are clear, logical and	

also available the Advisory analysis of the International Center for Human Development on “Introducing Program Budgeting Indicators in the Judicial Department”.

	understandable (in understandable language)	
	2) Demonstrates clear and comprehensible verbal expression during the session	
	3) Demonstrates ability to listen during the sessions	
	4) Demonstrates polite and respectful manners during the session	
4) Peer /collegial communication/relationship skills	1) Pays attention to the relationships with the colleagues and other employees of the judiciary	
	2) Shares professional knowledge and experience	
	3) Is willing to take over responsibilities	
5) Professional involvement and development	1) Actively participates in activities of the judiciary self-governing bodies, professional associations of judges	
	2) the right to participate in development activities	
	2) Participates in legal development activities	
	3) is interested in developing professional knowledge and skills; participates in educational activities	
	4) Demonstrates computer proficiency and knowledge of other technical measures necessary to administer justice	
6) Administrative skills (only in case of the Chairpersons of Courts)	1) Is able to define targets and organize the human and material resources to reach those targets	
	2) Motivates his/her colleagues and members of staff	

- To make the results of the subjective evaluation maximally objective, it is necessary to differentiate the sources of information. To assess the above-mentioned criteria and indicators the following sources are used internationally and are recommended to be used locally in RA;

Peer-to-peer evaluation by the judges. The judges selected on random selection principle evaluate their colleges through observing their trial sessions, listening to the minutes of the sessions and expressing opinion on the professional qualifications of the respective colleagues. Still another colleague is reviewing the Judicial Acts of the judge. The judges that have low evaluation scores or administrative penalty will not be included in the group of evaluators.

2.6 Summing up the results of the Evaluation of Judges

- As a result of evaluation, the Evaluation Committee composes an individual report for each judge, with the final scoring.
- The documents containing the information of the results of the evaluation of the judge are stored in the Portfolio (personal file) of the judge.

2.7 Consequences of the Evaluation of Judges

- Based on the results of the evaluation of the judges, the CCC can make a decision to send the judge to additional training courses, if the evaluation reveals the need to improve the professional skills/competencies of the judge in a specific area.
- The judge cannot apply to be enrolled in the list of career promotion or for the vacancy of the Chairperson of the Court before the results of the next evaluation, if the current evaluation scored low.
- Those judges that have high evaluation scores two consecutive times have priority while applying for the enrolment in the career promotion list.
- Those judges that were scored at least “good” as a result of two consecutive evaluations, while applying for the enrolment in the career promotion list have the next priority after the judges scoring highest.

2.8 A number of fundamental regulations is planned by the project for the disciplinary proceedings against the judges, in particular:

- Apparent and gross violations have been identified in the Substantive and Procedural Laws. Particularly, the lists of obvious and gross violation cases of the Substantive and Procedural Laws, that have been presented, are not fully complete. As these cases are, in reality, numerous and diverse, and as a result, it is not feasible to provide for the full list of these cases, the project outlined the most fundamental and important cases.

However, these can have decisive role while making decisions on other cases, not defined by the Project, as obvious and gross violation.

- It has been defined that the hearings on disciplinary proceedings against a judge are held by the Council of Justice in an open session. At the same time, those possible cases, when the hearing can take place behind the closed doors are also defined.
- Violation of the terms (timing) of disciplinary proceedings have been involved among the grounds for termination of the proceedings; as a result, any violation of terms prescribed by the Law by the subject initiating the disciplinary proceeding will become a ground for the termination of the proceedings.
- A regulation is envisaged, by which disciplinary proceedings based on the obvious and gross violation of the Substantive or Procedural norms can be initiated only after the Judicial Act has entered into force.

3. Expected Result

3.1. Upon introduction of the procedures of the evaluation of judges, the judicial system will have comprehensive and reliable database to assess the efficiency of the activities and performance of the judges and to develop measures to increase the efficiency of the judiciary. Moreover, being based on the evaluation data, the career promotion opportunities will become more predictable, objective and merit based.

3.2. In terms of disciplinary proceedings against judges, it is planned to have system, that will ensure the impartiality in reviewing the cases of disciplinary proceedings against judges, will exclude the subjective attitudes during the disciplinary proceedings and ambiguities in interpretation of the law, thereby ensuring the legal protection and independence of the of the judges.

REFERENCE LETTER

ON

Necessity or absence of necessity to make changes or additions in the Legal Acts of the RA upon the adoption of the “RA Law on Making Amendments and Additions to the RA Judicial Code” and “RA Law on Making Amendments and Additions to the RA Administrative Procedures Code”

After adopting the “RA Law on Making Amendments and Additions to the RA Judicial Code” and the “RA Law on Making Amendments and Additions to the RA Administrative Procedures Code” it is not envisaged to make changes in other Legal Acts.

REFERENCE

ON

Significant increase or decrease of the expenditure and income lines of the budget of the national or local self-governing bodies upon the adoption of the “RA Law on Making Amendments and Additions to the RA Judicial Code” and “RA Law on Making Amendments and Additions to the RA Administrative Procedures Code”

After adopting the “RA Law on Making Amendments and Additions to the RA Judicial Code” and the “RA Law on Making Amendments and Additions to the RA Administrative Procedures Code”, no significant increase or decrease of the expenditure and income lines of the budget of the national or local self-governing bodies for 2013-2014 is planned.

ANNEX 10

HEAD OF THE DEPARTMENT OF JUSTICE OF THE REPUBLIC OF ARMENIA

ORDER N 502-A

On Approving the 2015-2016 Action Plan on Digitization of the Judicial Archives

In accordance with Part 1, Article 6 of the RA Law on Judicial Service, Paragraph 1, Article 15 and Article 21 of RA Law on Archive Keeping :

1. Approve the 2015-2016 Action Plan on Digitization of the Judicial Archives (hereafter the Plan), in compliance with Annex 1.
2. Approve the resources supporting the implementation of the Plan, in compliance with Annex 2.
3. Define the condition that the activities planned in the Plan shall be fulfilled exclusively if the resources planned by Annex 2 are provided.

K. Poladyan

July 1, 2015

Yerevan, RA

2015-2016 Action Plan on Digitization of the Judicial Archives

	Description of the activity	Implementer	Implementation Period
1	2015-2016 Action Plan on Digitization of the Judicial Archives	Head of RA Judicial department	Before July 10 2015
2	Separation of special rooms for implementation of digitization works and storage of necessary equipment	RA Judicial department	Before July 20 2015
3	Renovation of the separated rooms and judicial archive depositories in in RA courts	RA Judicial department	Before August 20 2015
4	Allocation of new building for the judicial archives, with the aim of ensuring centralization of judicial archives or major renovation of existing buildings		
5	Providing necessary human recourses, materials, computer software stated in the attached Annex	RA Ministry of Justice and /or relevant donor organization	Before August 10 2015
6	The installation of received material resources (funds) and computer software	RA Judicial department and RA Ministry of Justice	Before August 20 2015
7	Registration of all court cases closed in 2010-2014: sorting/ placing by each court, according to civil, criminal, bankruptcy, administrative cases etc.	The staff of RA courts and RA Courts Archive	Before August 10 2015
8	Separation of court cases closed in 2010 -2014: according to the quantity of photocopying for each month	The staff of RA courts	Before August 20 2015
9	Registration of all court cases closed inn 2006-2010: sorting/ placing by each court, according to civil, criminal, bankruptcy, administrative cases etc.	The staff of RA courts and RA Courts Archive	Before February 25 2016
10	Separation of court cases closed in 2006-2010: according to the quantity of photocopying for each month	The staff of RA courts	Before March 05 2016
11	Implementation of photocopying works: according to the quantity that needs to be photocopied each month, electronic and technical processing of the court cases, preparation of the protocol on completed cases	The staff of RA courts	Before December 31 2016

12	Handing over the photocopied judicial cases, their electronic forms and e-drives to the RA Courts Archive, on monthly basis	The staff of RA courts and RA Courts Archive	Before December 31 2016
13	Preparation of final protocol (minutes) on digitization of the judicial archives for 01.09.2015 – 31.12..2016	RA Courts Archive	Before December 31 2016
14	Establishment of Expert Committee with the purpose of disposing the court cases and implementation of the disposal works in accordance with the related legal reforms	Head of RA Judicial department	
15	Based on the progress and results of Action plan implementation develop a new Action Plan for digitizing the judicial archives for 2017-2018	RA Judicial department	Before January 20 2017

Annex 2

To the Order N501-A of the Head of the Judicial Department of the Republic of Armenia

Dated as of July 1, 2015

SUPPORTING RESOURCES ENSURING THE IMPLEMENTATION OF 2015-2016 ACTION PLAN ON THE DIGITIZATION OF JUDICIAL ARCHIVES

With the aim of supporting the implementation of the 2015-2016 Action Plan on the Digitization of Judicial Archives the Judicial Department will need:

1. Relevant (building) conditions for the implementation of all the works and storage of all the equipment, e-drives and court cases. That will demand full renovation of the rooms envisaged for the storage of the RA Courts staff archives and photocopying; for centralized storing of the RA Court Archives a new building should be built, or an existing venue should be totally renovated.
2. The following types of scanners will be needed to photocopy documents: Planetary scanner – for the bound cases; special document scanner – for illustrated documents; as well as other necessary technical means. The above-mentioned equipment should have at least 8 (eight) hours of work capacity.
3. Special software program that ensures the processing, archiving and quality control of the photocopied documents (such as SilverFast program)
4. Special software program that ensures conversion of the photocopied documents into other formats that would allow searching the document by subject, keyword or any other search criteria for e-documents.
5. Special software program that will ensure the accessibility of the e-cases for the public and users.
6. Relevant e-drives to store and transfer the data.
7. Specially allocated closets/cabinets/shelves to store the e-drives.
8. Specialists to provide the software maintenance.
9. Specialists to provide the processing and archiving (digital preservation) of the photocopied materials, including the conversion of the JPEG files into Word or PDF format, with the knowledge of relevant processing techniques.
10. Relevant trained specialists who will separate the court cases for which the paper (hard copy) documents also need to be preserved.

11. Servers and reserve servers necessary for the preservation of the e-documents.
12. Relevant PCs fit to perform all the above-mentioned operations.
13. Specially allocated rooms in each Court for the photocopying and processing activities. The rooms in discussion need to have both good relevant daylight and artificial light in compliance with the standards; curtains that would allow controlling the light in the room (depository). The rooms shall be equipped with Inflammable shelves for the preservation of the paper (hard-copy documents).

ANNEX 11

On-line Electronic Claims Management System

The main functions of the “On-line Electronic Claims Management System” are:

- providing electronic claim application,
- starting claim submission process in the corresponding server of the distributed system.

Claim contains the following sections:

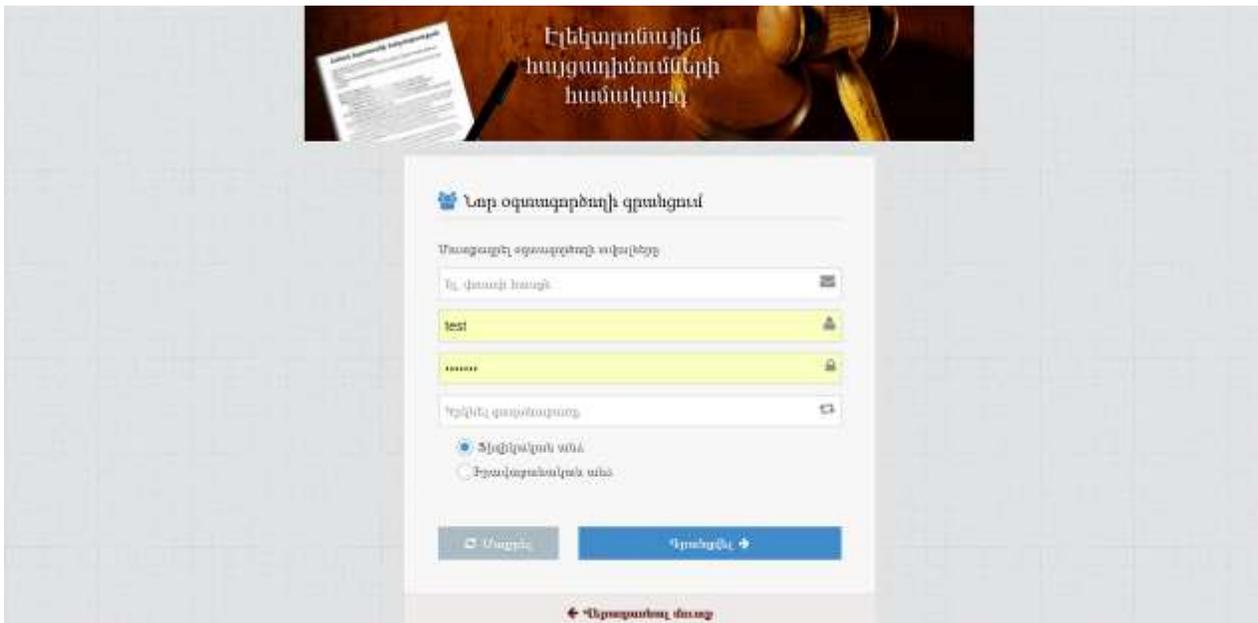
- Claimant Data,
- Respondent Data,
- Third party Data,
- Attachment of documents with e-signature,
- Claim Data.

The system allows to input this sections data part by part and validates content.

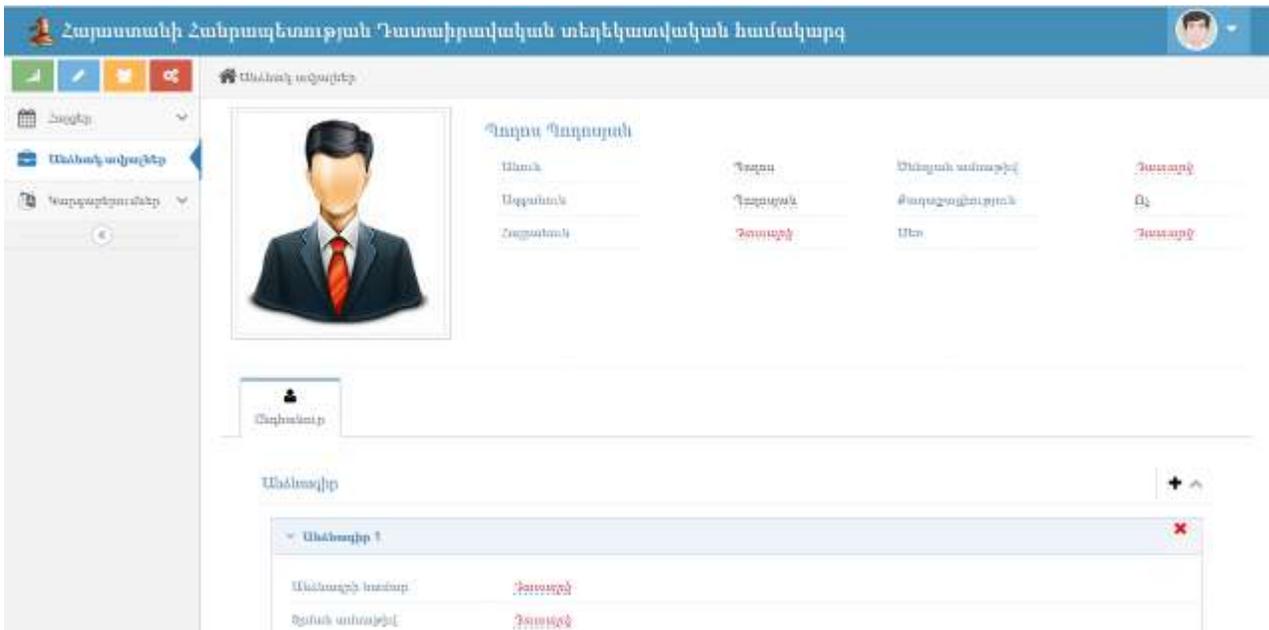
After signing up in the system the user receives a username and the password, which he/she uses to access the system.



The user can sign up by choosing from select box legal or physical entity.



The user can see his personal data:



Հայաստանի Հանրապետության Դատախազական տեղեկատվական համակարգ

Մանուկ տղայից

Պաշտոն: Պաշտոն

Մաս: Պաշտոն

Նպաստ: Պաշտոն

Մեծերի տնօրին: Մեծ

Պատվով: Պաշտոն

Որոշում: Պաշտոն

Պատվով: Պաշտոն

Մանուկ

Մանուկից

Մանուկից	Պատվով
Մանուկից	Պաշտոն

Քանակային ինդեքս

Քանակային ինդեքս	Պատվով
Քանակային ինդեքս	Պաշտոն

Խնամակալներ

After accessing the system the user can see all the applications added by him/her and their statuses.

Հայաստանի Հանրապետության Դատախազական տեղեկատվական համակարգ

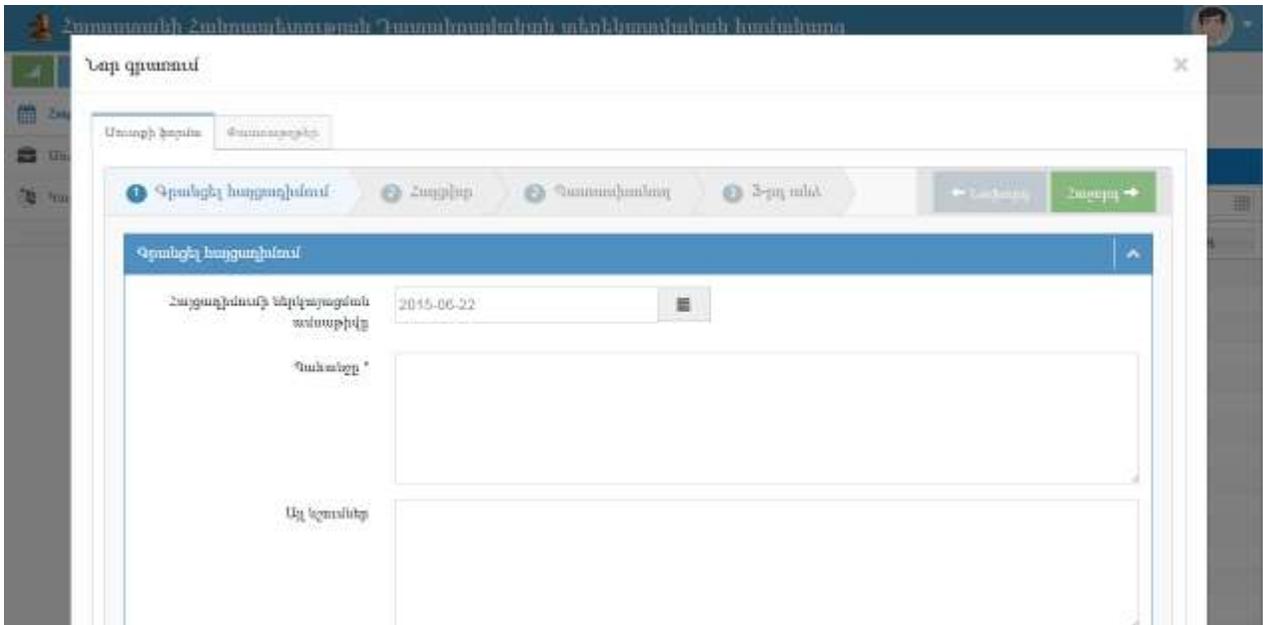
Պաշտոն

Մանուկից

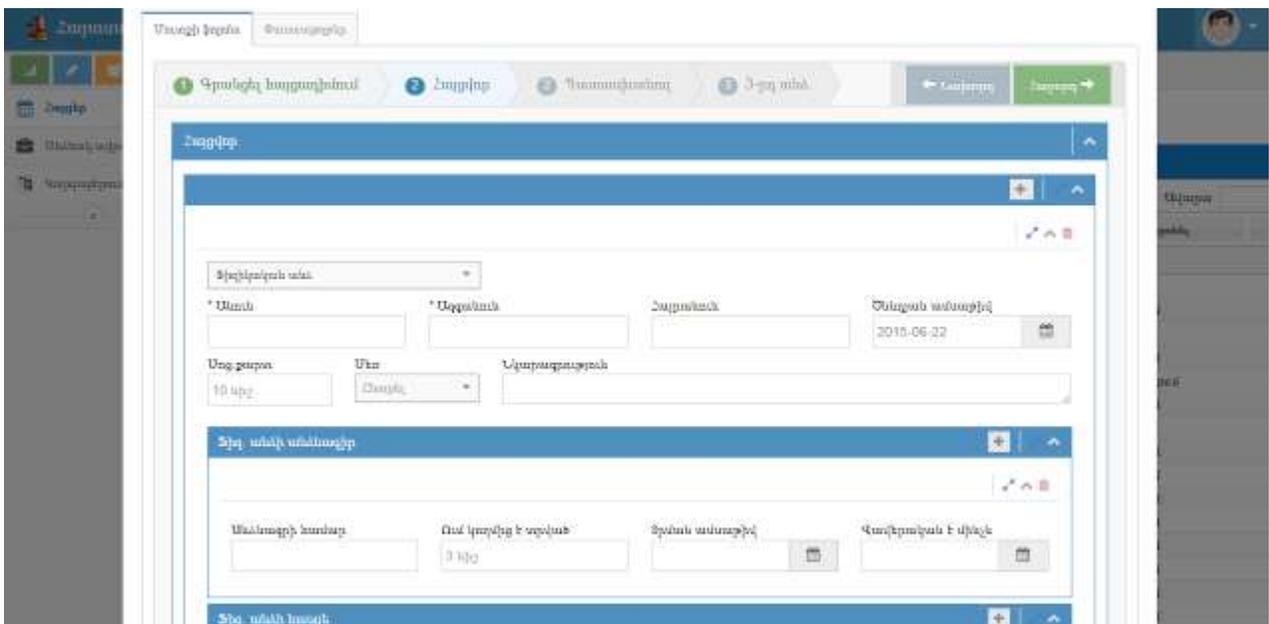
Պաշտոն

Մանուկից	Պատվով	Պատվով
451/06/15	15-06-2015 13:10:02	Պաշտոնի վերաբերյալ
450/06/15	15-06-2015 12:50:17	Պաշտոնից հրատարակում
448/06/15	05-06-2015 13:11:56	Պաշտոնից հրատարակում
447/06/15	26-05-2015 17:52:19	Պաշտոնից հրատարակում
446/06/15	26-05-2015 17:14:52	Միայն ապարդիան ընթացում
445/06/15	26-05-2015 17:13:51	Պաշտոնից հրատարակում
444/06/15	26-05-2015 17:12:48	Կարգավիճակից հրատարակում
443/06/15	26-05-2015 16:26:35	Պաշտոնից հրատարակում
440/06/15	26-05-2015 10:31:21	Պաշտոնից հրատարակում
439/06/15	26-05-2015 10:22:11	Պաշտոնից հրատարակում
438/06/15	25-05-2015 16:44:12	Պաշտոնից հրատարակում
437/06/15	25-05-2015 16:43:20	Պաշտոնից հրատարակում
436/06/15	25-05-2015 12:25:04	Պաշտոնից հրատարակում

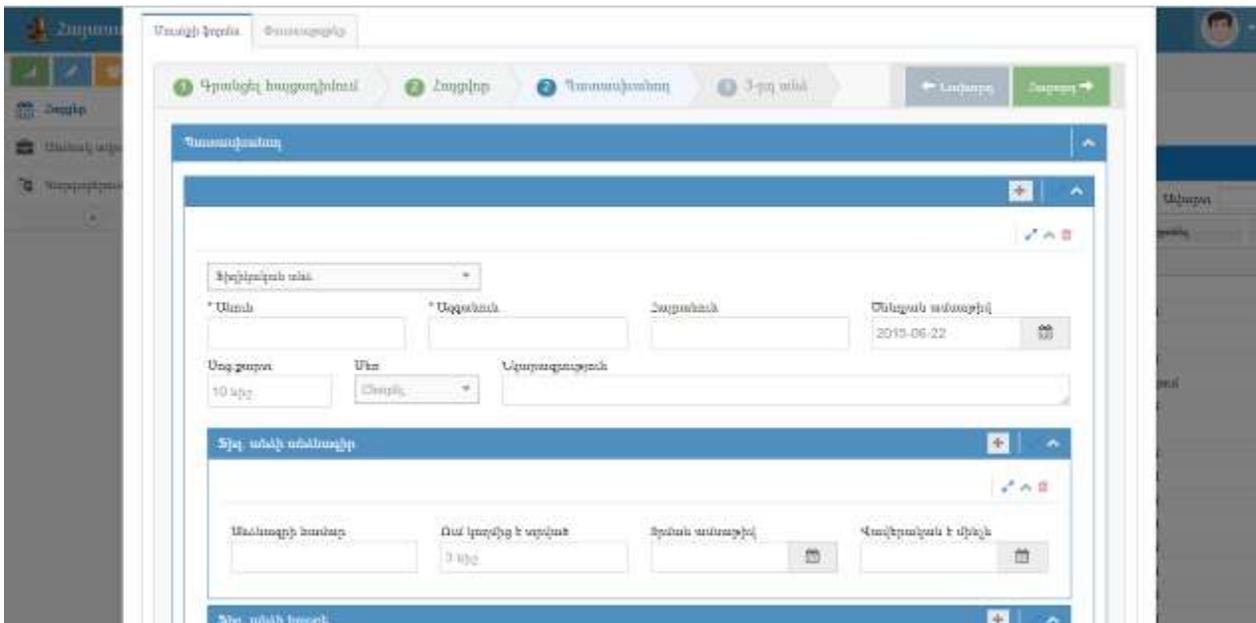
By pressing the “add claim” button, filling in the corresponding fields of the new claim step by step, the claim is submitted.



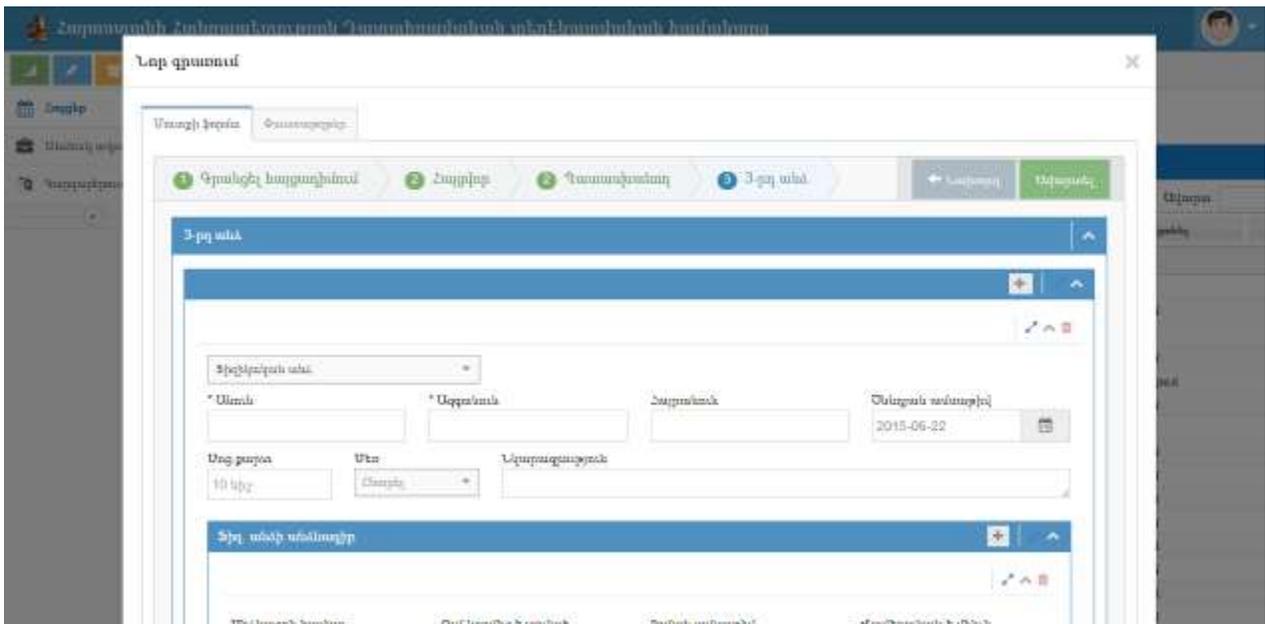
Claimant data input form is shown below:



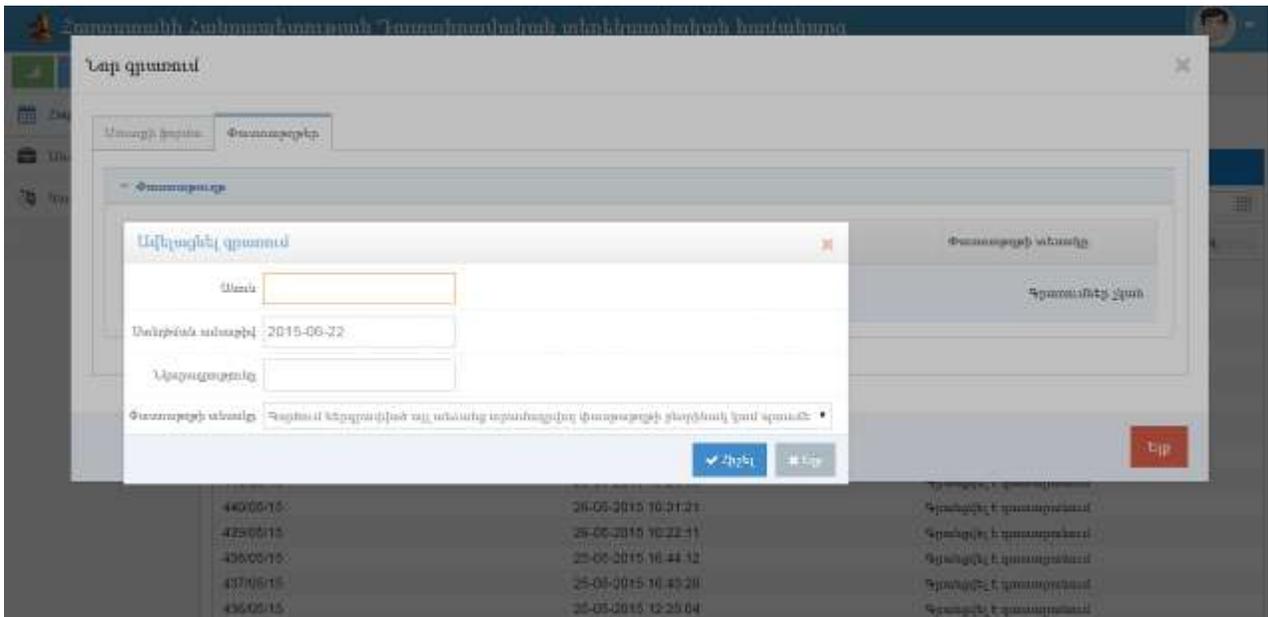
Respondent data input form is shown below:



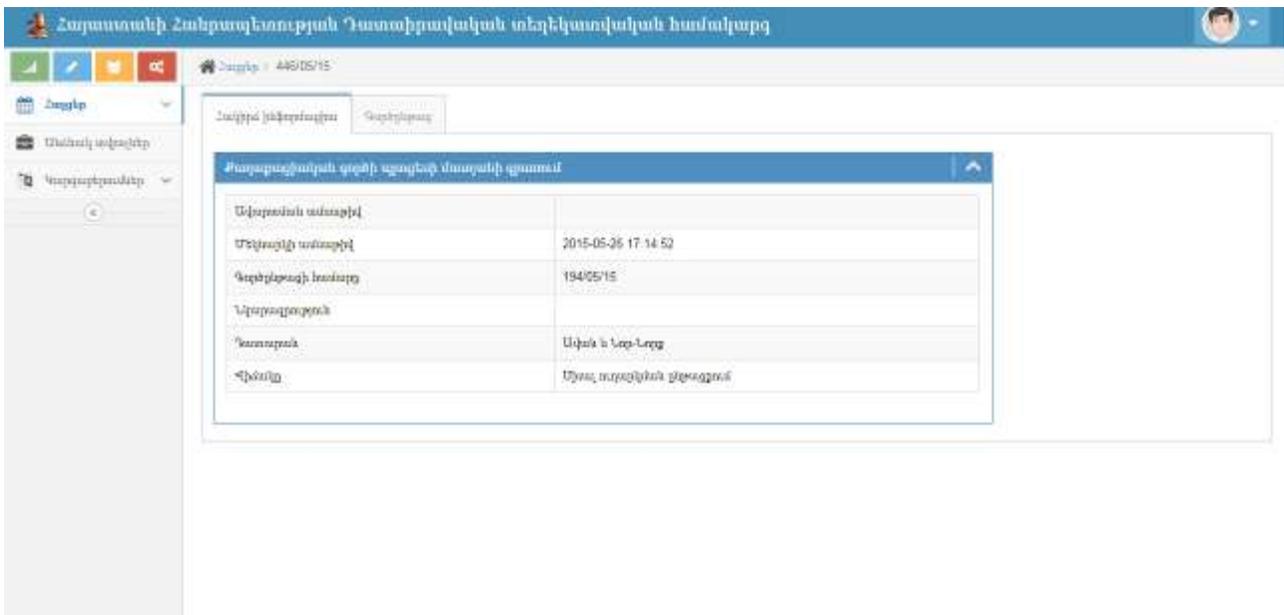
Third party data input form is shown below:



Attachment of documents with e-signature is shown below:



Submitted claim with draft status is stored as shown below:



The user can search claims by different fields, see their statuses.

ՀԱՄԱՐԱՆ 12

Վիճակի էջ Անձնական կառուցում Փնտրողական կառուցում Ազգայնագրական էջ Կարգավիճակ Էջ

Պատվար
Պատվարի հիմք 20.06.13
18:37:07

Պարբեր

- Լրջ Լրջ
- Հանգիստ Կրթում
- Ընդհանրական Կրթում
- Հոգեբանական
- Մասնագիտացում**
- Մասնագիտացում
- Ընդհանրական
- Փնտրողական
- Կրթություն
- Ընդհանրական
- Փնտրողական
- Հանձնարարություն
- Օգնություն**
- Օգնություն
- Նրբում

ԸՆԿՏՐՈՆԱՅԻՆ ՀԱՅՏԵՐ

Վիճակ

Վրաց. համարը	ԷՂ-887/15																
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Վերադարձվել (21/7)

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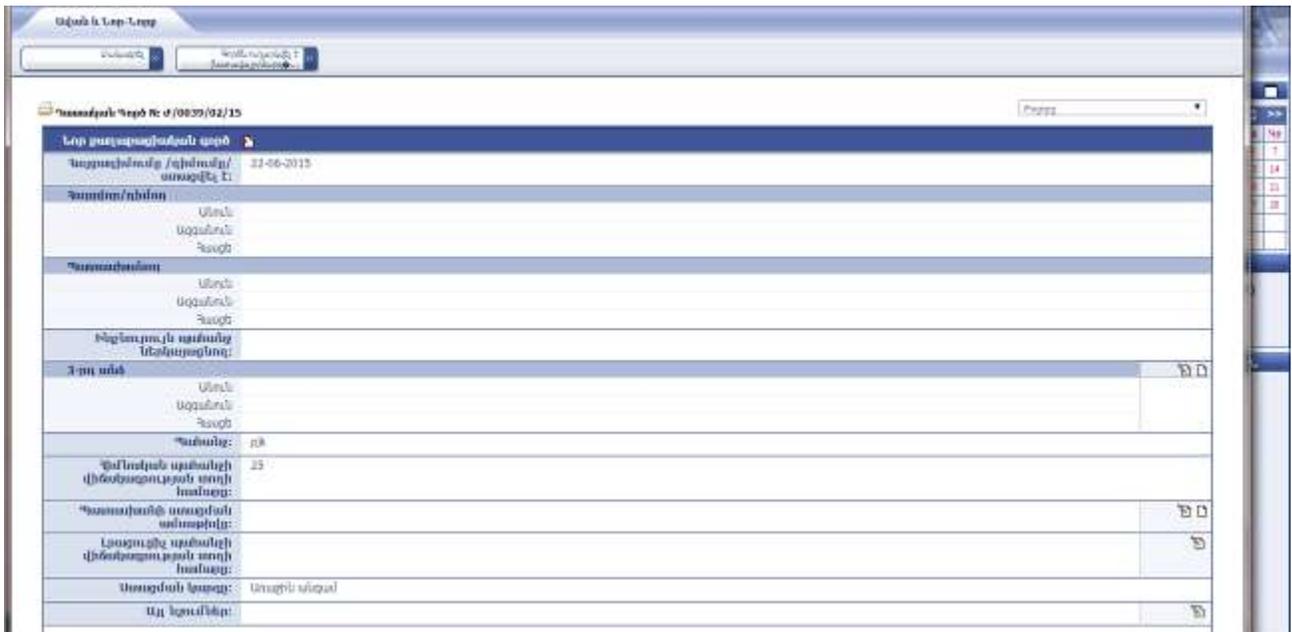
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05-06-2015

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Court employee can proceed the claim:



Then claim status in “On-line Electronic Claims Management System” is changed

22/05/15	29-05-2015 12:04:05	Գրանցվել է դատարանում
22/05/15	29-05-2015 11:14:41	Գրանցվել է դատարանում
22/05/15	05-05-2015 12:20:39	Գրանցվել է դատարանում
21/05/15	05-05-2015 11:49:00	Շնորհակալություն է փոխանցվել
21/05/15	05-05-2015 11:37:40	Գրանցվել է դատարանում
21/05/15	04-05-2015 17:15:26	Գրանցվել է դատարանում
21/05/15	04-05-2015 17:14:15	Գրանցվել է դատարանում

Technical Details of “On-line Electronic Claims Management System”

“On-line electronic claim management system” has its own dedicated database in the DataLex where claims data with statuses are stored and the search queries are running.

An **Integrator software module** is introduced that will ensure the data transfer from “On-line electronic claim management system” to CAST system.

CAST architecture is dynamic. CAST administrators can add or modify existing data structure and actions using special built in editors. Integrator will ensure synchronization between dynamic CAST database and “On-line electronic claim management system”.

Integrator will also be able to restructure data with dynamically given rules and algorithms in order to send optimized data to “On-line electronic claim management system”.

New “**COMMUNICATOR**” module has been developed, which receives the data from “On-line electronic claim management system” and transfers the data to the courts. If some court is not available the communicator sends a notification of failed transfer.

ANNEX 12

RA JUDICIAL CODE

HO-47-N,

June 10, 2014

Article 4. Supplement the Judicial Code with Chapter 2.1, with the following content:

«Chapter 2.1 Distribution of the Cases in the Courts

Article 21.2. The Procedure of the Distribution of Cases in the Court of the First Instance

1. Criminal, civil and administrative cases (lawsuits) submitted to the Court are immediately uploaded into the database and at 8 PM on the same day are equally distributed among the Judges with relevant specialization (qualification), on random selection principle, without taking into consideration the sequence of entry of the cases into the system.

2. If it is impossible to distribute the cases equally then the cases are distributed on a principle, that difference between the number of cases for each Judge with the relevant specialization is not more than one. In these cases, during the distribution of cases on the next day the Judges, that received less cases on the previous day, are first randomly assigned one case each. The rest of the cases is again distributed equally among all the Judges.

3. Submission of cases to the Chairpersons of the Court, or Judges that are member of the Council of Justice, or Commission on Ethics and Disciplinary Issues or Commission on Education of the General Assembly of Judges is implemented on general procedure. However, the number of cases submitted to them monthly should be up to 25% less that the monthly average for the preceding 6 months for one Judge with the relevant specialization of the given Court. .

4. The CCC , within the proportion envisaged by Para 3 of the given Article, decides the exact proportion of lawsuits assigned to the Judges – members of Council of Justice, or Commission on Ethics and Disciplinary Issues or Commission on Education of the General Assembly of Judges.

5. In exceptional cases, taking into consideration the load of the Chairperson of the Court, or the judge-member of the Council of Justice, or Commission on Ethics and Disciplinary Issues or Commission on Education of the General Assembly of Judges in any of the courts, the CCC can decide proportions exceeding the ones defined as the maximum by Para 3 of the given Article (25%).

6. In case there is a special complexity lawsuit under the proceeding of the Judge, the latter can apply to the CCC with a recommendation to temporary remove his/her name from the Distribution list or define a separate proportion of cases to be assigned to him/her particularly. In that case, the CCC can make a decision to temporarily remove the name of the given judge from the Distribution List or specify a separate proportion of lawsuits for that judge for a certain period of time, which cannot exceed six (6) months and in exceptional cases – one (1) year.

7. If the Judge is on vacation (including the period of twenty (20) days preceding the vacation) or is on assigned business trip to another court (including the period of twenty (20) days preceding the trip and thirty (30) days preceding the completion date of the trip) or is absent due to temporary incapacity, or the liabilities of the judge are suspended, or there is only three (3) months left to the age retirement date of the judge, then the name of the given judge should be removed from the Distribution List with the relevant justification and timing.

8. The distribution of lawsuits to a newly appointed judge is implemented on general rules.

9. If the Court of General Jurisdiction has residences (courts?) with at least two judges with the same specialization, then the Chairperson of the Court of General Jurisdiction, in accordance with the rules of jurisdiction envisaged by the Law, decides the Court residence where the lawsuits should be examined and the distribution of the cases among the judges of that particular court is implemented as envisaged by Para 3 of the given Article.

10. If there is only one judge in the local residence of the court and in accordance with the jurisdiction rules provided by the Law, The Chairperson of the Court has decided that the case should be examined in that particular court, then the distribution procedure is not applied and the case is assigned to that judge.

11. If the case entered into the system, in accordance with the Law, is subject to collegial examination by the Panel of Judges, then the given case, in accordance with the defined procedure, is assigned to the judge presiding the Panel of Judges and the rest of the team (the other members of the Panel of Judges) is formed in accordance with the procedures defined by the given Article.

12. The specifics of distribution of cases of certain type is defined by the CCC, based on the random assignment principle stipulated by the given Article, insofar as its essence (*mutatis mutandis*) applicable towards the definition of those specifics.

13. The procedure of distribution of lawsuits not requiring final decisions is defined by the Council of Courts Chairpersons.

Article 21.3. The Procedure of Distribution of Cases in the Court of Appeal

1. The cases entering the Court of Appeal are assigned to the judges (in cases of complaints against Final Judicial Acts assigned to the Chairperson of the Court) in compliance with the procedure defined in Paragraphs 1-8 and 12 of Article 21.2 of the given Code.

2. Cases of complaints against the Final Judicial Acts and cases of complaints against the Non-final Judicial Acts are entered into the System and distributed separately.

3. For collegial examination of cases of complaints against the Final Judicial Acts, Panels of Judges, composed of three judges are formed in the Court of Appeal

4. The Chairpersons of the Courts of Appeal, in accordance with Part 3 of the given Article are not involved in the Panel of Judges. They receive only lawsuits that are complaints against the Non-final Judicial Acts, in compliance with the procedures defined in Paras 1, 2 and 6 of Article 21.1. hereof. In case of complaints against Final Judicial Acts, they replace the judges absent from the Panel of Judges in cases and procedures defined by the Council of Courts Chairpersons.

5. The Panel of Judges is presided by the member who, in accordance with the given Article, was assigned with that particular case.

6. According to the provisions of Para 3 hereof, on January 1st every year one member of the Panel of Judges, on random selection basis, consecutively transfers from one Panel of Judges to another.

Article 21.4. Distribution of Cases in the Court of Cassation

1. In case a decision is made by the Chamber of the Court of Cassation to accept the lawsuit, the latter is uploaded to the computer and distributed among the judges of the given court in accordance with the Paras 1-8 and 12 of the Article 21.2 hereof. The judge reporting on the given case is determined as a result of distribution.
2. The Chairperson of the Court of Cassation and the Chairpersons of the Chambers are not assigned any cases and their names are not included in the Distribution List, with the exception of cases, when the Chairperson of the Court of Cassation or the Chairpersons of the Chamber apply for to the Council of Courts Chairpersons it in written form. In that case, the Council of Courts Chairpersons makes a decisions on including the name of the Chairperson of the Court of Cassation or the Chamber of the Court of Cassation into the List, defining the proportion envisaged by Paras 4 or 5 of Article 21.2 hereof.

Article 21.5. The Procedure of Re-distribution of Cases

1. If the judge is assigned with a business trip, or if the timing of his/her trip has expired, or the judge has moved to another court, or the judge has motioned for recusal for the given case, or has previously participated in the proceedings of the given case, or his/her terms in office has been suspended, cancelled or terminated, then the cases allocated to the given judge are randomly distributed, as evenly as possible, through the System among the other judges of the given court, who have the relevant specialization.
2. In case if the judge is absent due to the temporary incapacity, the procedure of re-distribution of the cases assigned to that judge is defined by the Council of the Courts Chairpersons.

Article 21.6. Software Provision of the Distribution of the Cases in the Courts

1. The distribution of cases among the judges and creation of Panels of Judges in cases defined by Article 21.3 hereof, is implemented through the special software.
2. While administering the software system data confidentiality is ensured to exclude possible external intervention.
3. If due to a force majeure situation the computerized distribution of cases is not possible, then the cases are distributed equally among the judges on alphabetical order by the Chairperson of the Court, immediately after the entry of those cases into the system. In these cases the Chair of the Court shall immediately inform the Chair of the Court of Cassation and the Council of the Courts Chairpersons, in written form.
4. Illegal intervention into the computerized system of distribution of cases among the judges leads to criminal responsibility”.

ANNEX 13

Council of Courts Chairpersons of the Republic of Armenia

Decision N 25

On Defining the Specifics of the Distribution of Lawsuits (Cases) in the Courts of the Republic of Armenia and

On Repealing the Decision 11-L of the Council of Courts Chairpersons of July 21, 2011

Based on the Article 21.2-21.6 of the RA Judicial Code and following the Para 25, Part 3 of Article 72 of the same Code and Part 1 and Part 5 of Article 71 of the RA Law on Legal Acts the Council for Courts Chairpersons of Armenia

Decides

1. Define the specifics of the distribution of cases in the Courts of First Instance of the Republic of Armenia in accordance with Annex 1.
2. Define the specifics of the distribution of cases in the Courts of Appeal of the Republic of Armenia in accordance with Annex 2.
3. Define the exact proportion (percentage) of the cases assigned to the Chairpersons of the Courts of First Instance and Courts of Appeal of the Republic of Armenia in accordance with Annex 3.
4. Define the exact proportion (percentage) of the cases assigned to the Judges – members of the Commission on Education and Commission on Ethics and Disciplinary Issues of the General Assembly of Judges of the RA and the Council of Justice of the Republic of Armenia, in accordance with Annex 4.
5. With the purpose of testing, to introduce the system of random appointment of cases in the Courts of the Republic of Armenia in the Civil Courts of Appeal of Kentron and Nork-Marash Districts of the city of Yerevan and the First Instance Courts of General Jurisdiction of Tavush Marz of Armenia, effective from May 19, 2015 till June 19, 2015.
6. Repeal the Decision N11-L of the RA Council of Courts Chairpersons of July 21, 2011 on Approving the Random Distribution of cases in the Courts of Armenia.
7. The decisions of the given provision apply to the procedures of distribution of cases assigned to the Courts of Armenia upon the introduction of the new system of random distribution of cases in the Courts of Armenia.

Chairman of the Council of Courts Chairpersons of the Republic of Armenia

Arman Mkrtumyan

May 18, 2015

Yerevan, Armenia

Annex 1

May 18, 2015

Council of Courts Chairpersons of the Republic of Armenia

Decision N 25

On Specifics of Distribution of Cases in the Courts of First Instance of the Republic of Armenia

1. Distribution and re-distribution of criminal (including Juvenile), civil (including Bankruptcy, Commercial Arbitration, Payment Orders) and administrative cases, with the exception of exclusive cases envisaged by the given Annex, is fulfilled through a relevant software system (hereinafter referred to as the System) in accordance with the specializations (expertise) defined by the Decision 16-L of the Council of Courts Chairpersons of the Republic of Armenia as of August 26, 2011.
2. In case of decisions of the superior courts on abolishment of cases regarding the same issues and between the same persons, submitted and resubmitted irrespective of the deadline of re-submission envisioned by the Law, cases returned and re-submitted by jurisdiction, as well as on dismissing (rejecting the acceptance of) the cases or on returning the cases, the System appoints those cases to the same Judge, with the exception of cases when the given Judge is on vacation, or the activity of the given Judge is away from duty based on the relevant grounds envisaged by the Law, or the activity of the Judge is suspended or terminated. In these cases the distribution is implemented on the general grounds envisaged by the Law.
3. If the lawsuits is split, the split part is submitted through the Software as a new case to the same Judge who made the decision on splitting.
If the Court receives part(s) split from the criminal case currently under proceeding, which was/were split during the pre-trial stage, the System assigns the case to the same Judge who runs the case.
4. The System allocates the cases that are quashed by the Superior Court and overturned to the lower court, to another judge (not the same whose decision was squashed by the Superior Court).
5. If the Judge is on vacation (including the period of 20 days prior to the vacation) or is on assigned business trip to another court (including the period of 20 days preceding to the trip or 30 days prior to the completion of the trip), or is absent to the temporary incapacity to work, or due to the suspension of liabilities, or it is the last 3 months of the judge in position, due to retirement age, then the name of the given Judge should be removed from the Distribution list, with the relevant justification and timing recorded. In such cases the Head of Staff of the Court immediately submits the legal grounds (Order, Temporary Work Incapacity document, etc) to the Head of the Judicial Department of the Republic of Armenia, through e-governance system.

If the legal ground for the vacation or assigned business trip to another court comes forward incompliant with the above mentioned timing of twenty (20) day, then the name of the given Judge is removed from the Distribution List as soon as the legal basis is provided.
6. Cases of Bankruptcy, Commercial Arbitration, Juvenile criminal cases are distributed only to the judges with relevant specification of the given Court, on general legislative provisions. In case the given Court doesn't

currently have judges specialized in Bankruptcy and/or Commercial Arbitration, the cases of the given type are allocated, on the legislative provisions, among the judges of the given Court, who specialize in civil cases; and the Juvenile criminal cases are allocated among the judges of the given Court, who specialize in criminal cases.

7. In cases, when the judge specialized in civil cases examines Bankruptcy and/or Commercial Arbitration cases and the judge with criminal specialization examines Juvenile criminal cases, the number of cases assigned to the given judges should not exceed the number of civil or criminal cases allocated to one judge with relevant specification in the given Court.
8. In case there is/are particularly difficult Civil and Bankruptcy/Commercial Arbitration or Juvenile criminal cases under the examination of the judge, based on the availability of the relevant Reference (Letter) by the Judge to the RA Council of Courts Chairpersons, the latter can decide a separate proportion with regard to the civil and criminal cases.
9. The allocations (case distribution) for the cases that are presented within the scope of judicial supervision of the pre-trial proceedings, as well as for the mediations, including the judicial assignments received from the relevant competent bodies of other countries, are implemented by the Chairperson of the relevant Court.
10. The allocation of the cases envisaged by Chapters 27 and 28 of the RA Administrative Procedure Code is implemented by the Chairperson of the relevant Court.
11. In case of a long-term absence of the judge due to the temporary incapacity the Chairperson of the given Court, based on the need to maintain the regular operation of the given Court, as well as the reasonable timing for examining and proceeding the cases, solves the issue of the re-distribution of the cases (not in proceedings yet, already under proceeding) assigned to the judge who appeared to be on a long leave due to temporary incapacity. In the given case, the cases subject to re-distribution are submitted to the office of the relevant Court and re-distributed by the System on the random assignment basis among other judges with relevant specialization.
12. It is mandatory to clearly mention the cases to be re-distributed in the window of the re-distribution of cases (e.g. decision to satisfy the motion on recusal, temporary incapacitation, appointment of the Judge to serve in a different Court, termination or suspension of the liabilities of the Judge, etc.) and select one of the grounds for re-distribution of the case. The case subject to re-distribution cannot be re-assigned to the same Judge.
13. If the Judge who suspended the proceeding of the case does not work in the same Court any more, and it is necessary to resume the suspended case, the distribution of those cases is implemented in the order provided by the Law.

Annex 2

May 18, 2015

Council of Courts Chairpersons of the Republic of Armenia

Decision N 25

On Specifics of Distribution of Cases in the Courts of Appeal of the Republic of Armenia

1. The necessity to replace the absent judge/judges in the judicial panel in each case is the matter of decision of the Chairperson of the Court, based on the need to maintain the regular operation of the Court, as well as to maintain the reasonable timing for the case examination.
2. If more than one judge is missing at the same time from the judicial panel composed by the System, then the Chairperson of the relevant Court, based on the necessity to maintain the regular operation of the Court, as well as taking into consideration the load of the given judicial panels, makes the decision with regard the Judge(s) who is/are going to substitute the one(s) missing.
3. If there is a motion on recusal by the Judge presiding the judicial panel, or by all the judges of the judicial panel, then the re-allocation of the cases is implemented through the System. If the motion on recusal is made by the Judge or Judges who are part of the judicial panel of the Court, then the decision on substitution (completion of the team) is taken by the Chairperson of the Court.
4. Appellation against the Judicial Act substantively solving the same issue is submitted to the Judge presiding the same judicial panel.
5. The lawsuits quashed by the Superior Court and overturned to the lower Court for revision are allocated by the System to a different judge (not the same judicial panel that made the decision quashed by the Superior Court).
6. In case of appellation of cases not registered in the “Judicial system” the distribution of the cases is done by the Chairperson of the Court.
7. In those cases, when the Judge presiding the judicial panel that made a decision on suspension of the case is not serving the given Court any more, and there is a need to re-open the suspended case, the distribution is implemented on the general provisions of the Law.
8. On January 1st every year a Panel of Judges is formed to collegially examine the cases appealed against the Legal Acts on final decisions. When the members of the Panel, as prescribed by Law, successively, on random selection principles, transfer from one judicial panel to another, the unfinished cases of the given panel are not re-distributed among the newly formed panels. The examination of the cases continues within the same panel, until the given cases are finished.
9. Regulations 5, 9, 11 and 12 of the Annex 1 are applicable to the Specifics of Distribution of Cases in the Courts of Appeal of the Republic of Armenia.

Appendix 3

May 18, 2015

Council of Courts Chairpersons of the Republic of Armenia

Decision N 25

On the Exact Proportions of the Cases Assigned the Chairpersons of the Courts of the First Instance and the Courts of Appeal of the Republic of Armenia

N	Name of the court	Chairman of the court	Percentage of cases assigned
1	RA Civil Court of Appeal	Anatoli Matevosyan	25%
2	RA Criminal Court of Appeal	Tigran Sahakyan	25%
3	RA Court of Administrative Procedures	Karen Matevosyan	5%
4	Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts	Ruben Vardazaryan	5%
5	Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Armen Danielyan	10%
6	Court of General Jurisdiction of Malatia-Sebastia Administrative Districts	GarikAvagyan	25%
7	Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Arthur Ohanyan	75%
8	Court of General Jurisdiction of Ajapnyak and Davtashen Administrative Districts	Vardan Abrahamyan	75%
9	Court of General Jurisdiction of Avan and Nor Norq Administrative Districts	Samvel Uzunyan	75%
10	Court of General Jurisdiction of Shengavit Administrative District	David Balayan	75%
11	Court of General Jurisdiction of Ararat and VayotsDzorMarzes	Gagik Sargsyan	75%
12	Court of General Jurisdiction of Aragatsotn Marz	Suren Mnoyan	75%

13	Court of General Jurisdiction of Kotayk Marz	Vardan Stepanyan	50%
14	Court of General Jurisdiction of Armavir Marz	Hrachik Sargsyan	50%
15	Court of General Jurisdiction of Lori Marz	MusheghHarutyunyan	50%
16	Court of General Jurisdiction of Tavush Marz	SamvelMardanyan	50%
17	Court of General Jurisdiction of GhegharqunikMarz	Aghvan Petrosyan	50%
18	Court of General Jurisdiction of Shirak Marz	Gagik Hovhannisyan	25%
19	Court of General Jurisdiction of Syunik Marz	Samvel Grigoryan	25%

Appendix 4

May 18, 2015

Council of Courts Chairpersons of the Republic of Armenia

Decision N 25

On the Exact Proportions of the Cases Assigned the Judges – members of the Commission on Education and Commission on Ethics and Disciplinary Issues of the General Assembly of Judges of the RA and the Council of Justice of the Republic of Armenia

Members of Council of Justices			
N	Name of the Court	Chairperson of the Court	Percentage of cases assigned
1	Court of General Jurisdiction of Shirak Marz	Armen Khachatryan	50%
2	RA Criminal Court of Appeal	Sergey Chichoyan	75%
3	RA Criminal Court of Appeal	RuzannaBarseghyan	75%
4	RA Civil Court of Appeal	Margarita Hartenyan	75%
5	RA Administrative Court of Appeal	Ara Babayan	75%
6	RA Administrative Court	AghasiDarbinyan	75%
7	Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of	Gagik Khandanyan	75%

	Yerevan		
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Members of the Commission on Ethics and Disciplinary Issues of General Assembly of Judges of the RA

N	Name of the Court	Chairperson of the Court	Percentage of cases assigned
1	Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts of Yerevan	Samvel Tadevosyan	50%
2	RA Criminal Court of Appeal	MkhitarPapoyan	75%
3	RA Criminal Court of Appeal	Gagik Avetisyan	75%
4	RA Civil Court of Appeal	Narine Barseghyan	75%
5	RA Administrative Court of Appeal	AshotAbovyan	75%
6	Court of General Jurisdiction of Kotayk Marz	Slavik Tadevosyan	75%
7	Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan	MnatsakanMartirosyan	95%

Members of the Commission on Educational of the General Assembly of Judges of the RA

N	Name of the Court	Chairperson of the Court	Proportion of cases assigned
1	RA Criminal Court of Appeal	HovsepBedevyan	25%
2	Court of General Jurisdiction of Avan and Nor Norq Administrative Districts of Yerevan	Arsen Babayan	75%
3	Court of General Jurisdiction of Shengavit Administrative District of Yerevan	AleksandrAzaryan	75%

ANNEX 14



Ministry of Justice of the Republic of Armenia

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Minutes N1

Of the First Session of the Public Council Adjuncted to the RA Minister of Justice

Yerevan, April 08, 2014

On April 08, 2014 the Civil Society Public Council affiliated to the Minister of Justice of RA held its first meeting, presided by the Minister of Justice of RA Hrayr Tovmasyan.

Participants:

Hrayr Tovmasyan , the Minister of Justice of the Republic of Armenia

Grigor Muradyan, First Deputy Minister of Justice of the Republic of Armenia

Aram Orbelyan, Deputy Minister of Justice of the Republic of Armenia

Taron Simonyan, International Comparative and Law Center NGO

Arshak Gasparyan, Social Justice NGO

Tatevik Davtyan, Counterpart International Armenia

Tatevik Gharibyan, Civil Society Institute NGO

Artak Zeynalyan, Rule of Law NGO

Karen Zadoyan, Armenian Young Lawyers Association NGO

Rouben Revazyan, Helsinki Committee of Armenia NGO

Mamikon Aslanyan, President of the Notary Chamber of Armenia

Izabella Sargsyan, Eurasia Partnership Foundation

Gayane Mkrtchyan, Eurasia Partnership Foundation

Gevorg Hayrapetyan, Freedom of Information center of Armenia NGO

Naira Arakelyan, Armavir Development Center Social-Economic NGO

Quorum provided. Minutes taken by Lusine Martirosyan, Senior Specialist of the Division of the Information and PR of the Ministry of Justice of RA.

Agenda:

1. Draft Law on Introducing Amendments and Additions to the Judicial Code of RA. Rapporteur: Grigor Muradyan, the First Deputy Minister of the Ministry of Justice of RA.
2. The process and results of the discussion of the Judicial Code of RA (procedure of evaluation of Judges) by the Venice Commission. Rapporteur: Grigor Muradyan, the First Deputy Minister of the Ministry of Justice of RA.
3. Civil society oriented current and planned EU programs. Rapporteur: David Avakian, Project Manager EU Delegation to Armenia.
4. “Concept of the Institutional and Legislative Reforms of the Developments of the Civil Society Organizations”. Rapporteur: Aram Orbelyan, Deputy Minister of the Ministry of Justice of RA.

Discussion

Hrayr Tovmasyan, the Acting Minister of Justice hold the welcoming speech. The Acting Minister emphasized the importance of the Council, mentioning that the constructive recommendations and criticism raised during the sessions will be taken into consideration during the Draft Law revision and amendment

stages. The Minister encouraged holding an open discussion. Prior to the approval of the Agenda the Minister also stressed the importance of the judicial statistics for the elaboration of judicial policies.

The Agenda of the meeting approved unanimously.

Grigor Muradyan, the First Deputy Minister of the Ministry of Justice of RA, presented the Draft Law on Introducing Amendments and Additions to the RA Code of Justice, reforms stipulated by the Law and results expected. Particularly, the following issues and solutions to those issues were emphasized:

1. Assignment (Distribution) of Court Cases

- The Draft Law envisages a system of court case assignment that would allow, following the procedures defined by the Law, assigning the cases based on certain clear preliminary defined criteria excluding the subjective approaches. Moreover, it should be operating through a special software, excluding the human factor (intervention).

- Thus, all the cases submitted to the Court are immediately entered into the system and at 8 PM on the same day are equally allocated amongst the Judges of the Court who have the relevant specialization, based on the principle of random selection and irrespective of the order of entry into the system.

- If it is not possible to allocate the cases evenly, then the allocation is planned so that the difference between the number of cases each relevant Judge has been assigned with does not exceed one case.

- Peculiarities (Exceptions)

- If the Judge is leading a peculiarly complex case (cases), s/he can apply to the Council of Court Chairmen to determine a separate ratio for his/her cases, which cannot exceed the period of 6 months, in exceptional cases – one year.

- The Draft Law also envisages the confidentiality of the information while operating the computer system and the illegal breach or interference into the computer system leads to criminal liability.

2. Court statistics

- The Draft Law envisages the minimal requirements and deadlines for the statistical data collection, publication and distribution procedures.

3. Duration of the Court Chairmen terms in office

The RA Judicial Code does not set time limitations for the duration of terms in office for the Court Chairmen. Currently the Court Chairmen are in position on permanent basis until their liabilities and duties

are terminated in accordance with the procedures stipulated by the Judicial Code: “the terms of office of the Judge continue till his/her retirement at the age of 65”.

- While planning legislative regulations with regards to the Courts Chairmen the primary basis is that they are first and foremost Judges like all the other Judges, with the only difference that beside their juridical duties they are also entrusted with certain organizational functions.

- The opposite approach can bring about overestimation of the role of Court Chairman and inadvertently create conditions for the latter to try to somehow influence the other Judges.

- Besides, introducing restrictions in the terms of office of the Court Chairmen is stipulated by the necessity of creating healthy competitive environment among the Judges. With the Court Chairmen having unlimited terms of office, this opportunity becomes very limited for the other Judges, since usually the Court Chairmen stay in the position for quite a long time, thus excluding the opportunity for the vacancy on this position. Meanwhile, the career advancement is of great importance for the efficient operation of the judicial system, the necessity of which is also enshrined in various international documents.

- The restrictions of the terms of office for the Court Chairmen is very common in the international practice. In addition, as the best practice shows, it is common in both CIS countries (Ukraine, RF, Kazakhstan, Kyrgyzstan, Georgia) and Eastern and Western European countries (Holland, Iceland, Serbia, FYR Macedonia, Croatia, Bosnia).

- The terms of office of the Chairmen of the Court of Cassation and Court of Appeal is restricted to 4 years, with the same person not allowed to be appointed for two consecutive terms.

- When the terms of office of the Court Chairman is terminated and the President of the RA, in accordance with the Law, appoints the new Court Chairman, the Chairman past continues serving in the same Court as a Judge.

4. The Draft Law stipulates the following fundamental regulations:

- The Commissions on Ethics and Disciplinary Issues and On Educational Issues are established not by the Council of Court Chairmen, but by the General Assembly of Judges.

- The proper notification procedure in the civil proceedings is under improvement.

- The list of circumstances that can become a basis for postponing the Court Session stipulated by the Civil Code is being expanded.

- The requirements set forth for appeal to the Court of Cassation are also being improved.

- It is envisaged, that the Court of Cassation must mention in the Substantive Judicial Act what was the appeal basis of the given case for the Court of Cassation to take into proceeding, providing detailed justification for the grounds of the complaint to be taken into proceeding. This will make the work of the Court of Cassation more predictable and will increase the trust towards the decisions on appeal proceedings.

The representative of the Rule of Law NGO **Artak Zeynalyan** touched upon the problem of lack of access to the judicial acts, as well as the procedure of admitting the case into proceedings and returning it. He mentioned that often the DATALEX system does not provide information on the decisions on returning the claim. He also added that he himself knows at least 7-8 decisions of the Court of Cassation of 2013 that have not been published.

This issue was further addressed by the Acting Minister of Justice Hrayr Tovmasyan and First Deputy Minister of Justice Grigor Muradyan.

The speakers noted that the issues raised are on the agenda, however the deadlines for the solutions are not known yet. They also mentioned that not publishing the decisions is a violation of the Law. They added, that in the future it is planned to submit the Lawsuits to the Court of Cassation electronically, which will make it technically possible to make the Cassation Claims (appellations) publicly available.

A. Zeynalyan questioned the issue of case appointments (distribution) after the Draft Law is approved, mentioning that currently the Administrative Court is operating the computerized system of case appointment. He asked for more detail on the difference between the current and expected practice of case distribution.

The question was responded by G.Muradyan, who noted that the main difference of case appointment would be the random appointment principle. G.Muradyan added also, that it stems from the constitutional principles of the legitimate judge that the appointment of the cases is regulated by the Law and not by Legal Acts of lower legal power.

Grigor Muradyan also introduced the **second point of the agenda** – the discussion of the RA Judicial Code (the procedure of evaluation of Judges) at the Venice Commission and the outcomes of that discussion.

According to G.Muradyan, the elaboration of the Draft Law was based on the practice of the system of evaluation of Judges in a number of countries, such as Belgium, France, the Netherlands, Italy, Spain, Austria, Croatia and the US.

- The purpose of Evaluation of Judges is:
 - to identify and indicate to the Judges the ways to improve their performance,
 - to encourage the performance self-assessment by the Judges,
 - to support the selection of the best candidates while preparing the career advancement Promotion

List

- The performance Evaluation of Judges is implemented based on quantitative and qualitative criteria.
 - The Commission on the Evaluation of Judges of the General Assembly of Judges:
 - 7 Members
 - 2 Judges from the from the First Instance Courts of Yerevan
 - 2 Judges from the from the First Instance Courts of RA Marzes
 - 2` Judges from the Court of Appellate
 - 1 Judge from the Court of Cassation
 - Court Chairmen cannot be included in the composition of the Commission on Evaluation.
 - The following are the quantitative criteria:
 - Quantitative performance and work load of the Judge;
 - keeping the deadlines defined by the Law for the performance of various court proceedings.
 - the average duration of a case per different types of the cases (counting unit – days),
 - The following are the qualitative criteria
 - 1) Legal knowledge
 - 2) Professional competencies
 - 3) Communication skills
 - 4) Professional involvement
 - 5) Organization skills (for the Court Chairmen)
 - The evaluation is carried out:
 - Through Peer-to-peer evaluation, when the Judges evaluate each other. The Judges selected through drawing participate at court sessions, listening to the court session recordings or studying the Judicial Acts assess the work of another Judge.
 - For of all the Judges of the relevant Court (in case of the Court Chairman)
 - Once in three years and annually
 - Based on the results of evaluation the performance of the Judges is classified into the following four groups:
 - 1) High (effective)
 - 2) Good
 - 3) Average
 - 4) Poor
 - Appellation
 - Consequences

Negative

- If the results of the evaluation are low, the Commission on Evaluation makes a decision on mandatory additional training(s) for the Judge
- If the results of the evaluation of a Judge are low in two consecutive evaluations, the Commission on Evaluation makes a motion to the Council of Justice on the termination (cessation) of the terms of office of the Judge
- If the results of the evaluation are low, the Judge cannot apply for the inclusion in the career advancement Promotion List or for the vacancy of the Court Chairman.

Positive

- The Judges, whose performance according to the integrated evaluation results has been rated as “high” two consecutive times, have the priority right while applying for the inclusion in the Promotion List.
- .
- Those Judges, whose performance according to the integrated evaluation results has been rated as at least “good” two consecutive times, while applying for the inclusion in the Promotion have, after the persons mentioned in the Paragraph 6 hereof (Article 96.4), the priority right for inclusion, in accordance with the procedures envisaged in Paragraph 6 hereof” .
- Other issues
- The sessions of the Council on Justice on the cases of disciplinary proceedings of the Judges are public
- The cases of obvious and gross violations of the material and procedural norms have been clarified, in particular:
 - The notion of obvious violation
 - The cases of gross violation

The following are the cases of gross material and procedural violations:

- Applying the Statutory (legal) Act or a Provision of a Statutory (legal) Act that has no legal power,
- Unlawful sanctions towards a person,
- Retroactive use of a Law envisaging liabilities or more severe liabilities,
- Regular and unjustified delay of a case examination in the case of absence of legal basis (envisaged by the Law),
 - Examination of the case in the absence of any involved party(ies), who are absent due to the lack of proper notification of the place and time of the Sessions,

- Other obvious and gross material or procedural violations that have led to the gross violation (restriction) or deprivation of the rights guaranteed for a person by Legal Acts and have affected or could have affected the proper decision-making on the given case.

- It is envisaged that all relevant amendments will go into effect on January 1, 2015

The representative of the Helsinki Committee of Armenia NGO **Robert Revazyan** was interested whether the Conclusions of the Venice Commission are available in Armenian and what results have been recorded in the work with the Commission. G.Muradyan has provided a positive answer to the first question, noting that all the participants of the session will be provided with an e-copy via e-mails.

As to the second question, G.Muradyan mentioned that hot discussions developed with the Venice Commission around the Draft and debates were held with the international experts. The Commission has mostly approved of the Draft, but also introduced quite serious recommendations content-wise, which have been accepted by the Armenian side. G.Muradyan also noted that the decision to send the Draft to the Venice Commission was based on the serious concerns raised by the Union of Judges of RA and the Court of Cassation of RA that the Draft may jeopardize the internal independence of the Courts and bring about the violation of a number of international criteria (standards). The First Deputy Minister of Justice assured that the Venice Commission has mostly dispelled these concerns, enabling an opportunity to have a document corresponding to international standards.

The representative of the Social Justice NGO Arshak Gasparyan has aired the opinion that the assessment or evaluation of the Judges by their own colleagues is problematic, emphasizing that the personal traits (qualities) of judge should be assessed if not by the human rights organizations that are implementing the monitoring, then at least by the psychologists with relevant professional skills. G.Muradyan mentioned that the Ministry is not opposing the idea of human rights organizations involvement in this process, but the Union of Judges insists that his process of evaluation implies only self-analysis. On the other hand, in the event of involvement of NGOs there will raise the issue on the selection of NGOs and criteria defined for that selection. However, G.Muradyan stressed once again, that he agrees to the idea that in terms of personal traits (qualities) evaluation it would be more efficient receiving the evaluation of a more professional society. From this perspective, the Ministry would encourage to share recommendations and possible solutions, which would enable having a better Draft.

A.Orbelyan suggested approving the issues to be discussed at the next meeting:

- “Concept of the Institutional and Legislative Reforms of the Developments of the Civil Society Organizations”.

- The results of the very recent RCSA sector research (Rapporteur: K.Zadoyan, The Association of Young Lawyers of Armenia NGO)
- Draft Law on Introducing Amendments to the RA Law on Civil Status Acts

Decision:

- To hold the next meeting within three or four weeks. Date and time: the Secretary of the Council will send a note on the date and time of the next week to the Council members via e-mail.
- In terms of openness of the meetings of the Council, the minutes of the meeting upon the agreement with the members of the Council will be uploaded to the official website of the RA Ministry of Justice.
- The members of the Council will share the issues of priority to be included on the Agenda of the next sessions before the next meeting (15 days prior to the session).

The Armenian copy of the Minutes is 14 pages.

Secretary of the Council L. Martirosyan

ՀՀ արդարադատության նախարարին կից քաղաքացիական հասարակության խորհրդի արաջին նիստը
 Ապրիլի 8, ժամը 14:00, 10-րդ հարկ

Անուն ազգանուն	Կազմակերպություն	Կանոնադարին տվյալներ
Տարա Վանյա	Երևանի 6 համայնքում կենտրոն 53	091 215034 Taron.Simonyan@cell.am
Գրգոր Երվանդ	Հայաստանի հիմնադրամ	540155 kazecology@gmail.com
Վահագն Լեզգյան	ՀՀ Երաքամակ պարկի Երևանի	093 507000
Գրիգոր Գրիգորյան	Արևիկալիսական պարկի Երևանի 29	058 - 100030
Արմեն Գրիգորյան	Երևանի քաղաքացիական հասարակության կենտրոնի կողմից	091 501027
Արմեն Գրիգորյան	Երևանի քաղաքացիական հասարակության կենտրոնի կողմից	58-03-72, 099363943
Մարկոս Գրիգորյան	Երևանի քաղաքացիական հասարակության կենտրոնի կողմից	098120307
Վահագն Լեզգյան	Երևանի քաղաքացիական հասարակության կենտրոնի կողմից	091 193528

ՀՀ արդարադատության նախարարին կից ըստացման կառավարության խորհրդի առաջին նիստը
 Ապրիլի 8, ժամը 14:00, 10-րդ հարկ

Գրասենյակ Մարտի 21	Գրասենյակի նախագահական Վերջին անգամ	Գրասենյակի նախագահական Վերջին անգամ	095 436915 isargyan@epfound.am
Գրասենյակ Մարտի 21	Գրասենյակի նախագահական Վերջին անգամ	Գրասենյակի նախագահական Վերջին անգամ	091 40 7553 garkatchyan@epfound.am
Գրասենյակ Մարտի 21	Գրասենյակի նախագահական Վերջին անգամ	Գրասենյակի նախագահական Վերջին անգամ	091 50 2039 arizoo@armaridc.org
Գրասենյակ Մարտի 21	Գրասենյակի նախագահական Վերջին անգամ	Գրասենյակի նախագահական Վերջին անգամ	099 44 2059 ghargapov@armaridc.am

ANNEX 15

REPORT

ON ACTIVITIES OF "ACADEMY OF JUSTICE" STATE NON-COMMERCIAL ORGANIZATION

The Academy of Justice (hereinafter "Academy") is a state non-commercial organization founded by the Republic of Armenia, represented by the Government of the Republic of Armenia. The Ministry of Justice of the Republic of Armenia is the authorized public administration body acting on behalf of the Founder (as per Law of the Republic of Armenia on the Academy of Justice (hereinafter "Law"), Article 2 (1) and (2)). The founding document of the Academy is the RA Government Decision No 1340-N "On approving the charter of the "Academy of Justice" state non-commercial organization", dated as November 11, 2013. The Academy has commenced its activities in January 2014. Based on the lists of persons to receive professional training submitted to the Academy by the staff of the Council of Justice, the Academy, inter alia, arranges for and implements professional training of persons who are on the list of candidates as per results of qualification check-up (Article 3 and Article 2(3) of the Law). In total, 20 candidates for judges, including 11 specializing in civil cases, 8 - in criminal cases and 1 - in administrative cases, received professional training at the Academy in 2014. All candidates for judges receiving professional training at the Academy have successfully completed the training and appointed as judges.

The management of the activities of the Academy is tasked to the Governing Board of the Academy (hereinafter "Board"), while the day-to-day operations of the Academy is administered by the executive body; i.e. Academy Rector (*Article 4 of the Law*). The Board consists of seven members, including the Minister of Justice or his/her Deputy appointed thereby, three prosecutors appointed by the General Prosecutor of the Republic of Armenia, and three judges, to represent civil, criminal and administrative specializations, appointed by the General Assembly of the Judges of Armenia (*Article 5(1) of the Law*). The Board's mandate, inter alia, includes taking all crucial decisions relating to arrangement and implementation of the learning process at the Academy. Specifically, the Board, upon recommendation of the Rector, approves the educational standards and curricula of the Academy, as well as the rules and the schedule of implementation thereof, the probation rules during the professional training of the attendees and the criteria for assessing attendee probation, minimum requirements for the content of probation, and the forms of report to be submitted after the probation and written test, the rules for assessing attendee attainment and for computing examination points, the schedule of exams, methods of assessing attendee attainment, minimum requirements for the structure and content of test items, rules for appealing examination results, as well as, upon recommendation of the Rector, deliberates and settles the issue of applying legally prescribed disciplinary sanctions against attendees, takes decisions in a legally prescribed manner to bring a motion to the Council of Justice of Armenia on removing the attendee's name from the list of candidates for judges and

on granting deferment to the attendee (*Article 6 (1 (12-14) and (16-18) of the Law*). The Board functions by way of sessions (*Article 8 (1) of the Law*). Sessions of the Board shall be legitimate, where at least 4 members of the Board are present at a session, while in discussing issues regarding the persons who are on the list of candidates for judges - at least three members should be present (*Article 8 (3) of the Law*). Moreover, issues regarding the persons who are on the list of candidates for judges are discussed and relevant decisions are taken only in the presence of judge-members of the Board and the representative of the Ministry of Justice (Minister of Justice or his/her Deputy, as appointed thereby) (*Article 8 (4(1)) of the Law*). As to the prosecutor-members of the Board, they take part in the deliberation of the above-mentioned issues only with a right to consultative vote²³ (*Article 8(5) of the Law*). Unless otherwise provided by the Law, decisions of the Board are taken by the majority vote of the members present at the session, while in cases where the Board composition is adequate for discussing issues regarding the persons who are on the list of candidates for judges, such decisions are taken by at least three votes - by voting for or against (*Article 8(8) of the Law*).

Since February 2015, the Academy has launched professional training of persons who are in the list of candidates for judges specialized in criminal cases, where 10 candidates for judges are involved. Given the list of candidates for judges approved by Presidential Decree No NH-429-A, dated as June 10, 2015, professional training courses for persons who are on the list of candidates for judges specializing in civil and administrative cases will be launched in September 2015, where seven candidates for civil judges and two candidates for administrative judges will be involved.

²³ The Chair of the Cassation Court, the General Prosecutor, the Minister of Justice of the Republic of Armenia and the Rector may partake in the sessions of the Board with a right to consultative vote (*Article 8(8) of the Law*)

ANNEX 16

CoE STANDARDS ON ORGANIZATION OF JOINT TRAINING FOR JUDICIARY AND ADVOCATES

Summary

Here it is presented the summary recommendations of Council of Europe on cooperation between Judiciary and Advocates to create a dialogue on mutual understanding of each other's role, on mutual respect and on independence. The sharing of common legal principles and ethical values by all the professionals involved in the legal process is essential for the proper administration of justice. One of the essential modes of cooperation is organization of joint trainings for judges, public prosecutors and lawyers on the themes of common interest. Among other things, trainings curricula might touch upon ethics issues of all Justice Professionals as well as issues of friendly settlement of disputes. These trainings could contribute to the achievement of justice of the highest quality for the interests of parties. In addition, according to these standards, professional associations and independent governing bodies of both judges and lawyers (advocates) should be responsible for this process.

I. EU-CoE EJREPC Joint Project Report

2.5 Guarantees against undue pressure

Relevant European Standards

The curricula of training programs as part of pre-trial and continuous legal education for judges should involve judicial ethics in general and cover the requirements surrounding the proper behaviour of judges in particular, in order to avoid undue influence.

II. CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE), OPINION NO. (2013) 16 ON THE RELATIONS BETWEEN JUDGES AND LAWYERS

17. Judges and lawyers must co-operate in meeting the needs of the parties. To this end, the CCJE considers it important to develop planning hearings and procedural calendars, to facilitate, in the interests of the parties, an effective co-operation between judges and lawyers. Further, judges and lawyers must cooperate in facilitating the friendly settlements in the interests of the parties. In its Opinion No. 6 (2004), the CCJE recommended the development of arrangements for the friendly settlement of cases. Joint training

sessions can improve the understanding of the respective roles of judges and lawyers in the field of friendly settlements of disputes, by the processes of conciliation or mediation.

21. The CCJE considers that the relations between judges and lawyers should be based on the mutual understanding of each other's role, on mutual respect and on independence vis-à-vis each other.

The CCJE accordingly considers it necessary to develop dialogues and exchanges between judges and lawyers at a national and European institutional level on the issue of their mutual relations. The ethical principles of both judges and lawyers should be taken into account. In this regard, the CCJE encourages the identification of common ethical principles, such as the duty of independence, the duty to sustain the rule of law at all times, co-operation to ensure a fair and swift conduct of the proceedings and **permanent professional training. Professional associations and independent governing bodies of both judges and lawyers should be responsible for this process.**

22. Training conferences for judges and lawyers should deal with their respective roles and with their relations, with the general aim of promoting the fair and efficient settlement of disputes, whilst respecting the independence of both sides. The CCJE refers to paragraph 10 of its Opinion No. 12 (2009), in which it considered that, where appropriate, joint training for judges, public prosecutors and lawyers on themes of common interest could contribute to the achievement of justice of the highest quality.

V. Recommendations

V. In order to meet the needs of the parties, the CCJE recommends developing arrangements for the friendly settlement of disputes. It considers that understanding the respective roles of judges and lawyers in the framework of friendly settlements by conciliation or mediation is a vital factor for developing this approach and that, as far as possible, joint training sessions on the various modes of friendly settlement should be provided.

VI. The CCJE recommends the development of dialogues and exchanges between judges and lawyers at an institutional level (both national and international) on the issue of their mutual relations, whilst taking full account of the ethical principles of both lawyers and judges. Such dialogue should facilitate mutual understanding of and respect for the role of each side, with respect for the independence of both judges and lawyers.

VII. The CCJE considers that, where appropriate, joint training for judges and lawyers on the themes of common interest can improve the quality and efficiency of proceedings.

III. OPINION No.12 (2009) OF THE CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

10. The sharing of common legal principles and ethical values by all the professionals involved in the legal process is essential for the proper administration of justice. Training, including management training, is a right as well as a duty for judges and public prosecutors. Such training should be organized on an **impartial basis and regularly and objectively evaluated** for its effectiveness. Where appropriate, joint training for judges, public prosecutors and lawyers on **themes of common interest** can contribute to the achievement of a justice of the highest quality.



ACADEMY OF JUSTICE

9 Pirumyanner street, Yerevan 0054

justice.edu.am@gmail.com

No 0351G-2015

20 March 2015

**To: Mr. Hovhannes Manoukian,
Minister of Justice of the Republic of Armenia**

Dear Mr. Minister,

Kindly be informed that for the purpose of maintaining cooperation between the Academy of Justice and the School of Advocates two training courses, for judges and prosecutors, have been organized and conducted with our joint efforts. In particular, the training course on “Practical issues of judicial supervision over pre-trial proceedings” was provided on 3-4 March of this year and the training course on “Current issues of arbitration and other approaches for alternative dispute resolution” was provided on 6-7 March, where each of the courses included 10 academic hours. The mentioned courses are included in the training programs of both the Academy of Justice and the School of Advocates. The training courses were conducted by judges, advocates, as well as by legal scholars enabling to ensure the profundity and diversity of the material delivered, and an enabling environment was created for healthy professional discussions.

Acknowledging the effectiveness of joint training courses the Academy of Justice and the School of Advocates have concluded a Memorandum of Understanding aimed at enhancing the cooperation.

The training courses and the conclusion of the Memorandum were covered by the media (<http://iravaban.net/79974.html#ad-image-10>).

The copies of the list of participants in the training courses and the Memorandum of Understanding are enclosed.

Enclosure: 24 pages

Rector [signature] R. Melikyan

Training program

Together with Justice Academy and Advocates School of RA

A training course

Current issues of supervision of the court over pre-trial proceedings

List of Participants to March 3, 2015 training

№	Name, surname	Number of the license	Position	The day of training	The time of training	Signature
1	Aram Ghazaryan	1792	Public Defender	03.03.2015	14:00-18:00	
2	Karen Mezhlumyan	1844	Public Defender	03.03.2015	14:00-18:00	
3	Armine Fanyan	1262	Public Defender	03.03.2015	14:00-18:00	
4	Arthur Alikhanyan	404	Public Defender	03.03.2015	14:00-18:00	
5	Hrant Ananyan	1156	Advocate	03.03.2015	14:00-18:00	
6	Eduard Aghajanyan	134	Public Defender	03.03.2015	14:00-18:00	
7	Syuzanna Khcheyan	1443	Public Defender	03.03.2015	14:00-18:00	
8	Stepan Voskanyan	31	Advocate	03.03.2015	14:00-18:00	
9	Armen Baghdasaryan	689	Advocate	03.03.2015	14:00-18:00	
10	Emil	993	Advocate	03.03.2015	14:00-18:00	

	Amirkhanyan					
11	Khachatur khachatryan	1283	Advocate	03.03.2015	14:00-18:00	

Justice Academy

Advocates School of RA

Training program

Together with Justice Academy and Advocates School of RA

A training course

Current issues of supervision of the court over pre-trial proceedings

List of Participants to March 4, 2015 training

№	Name, surname	Number of the license	Position	The day of training	The time of training	Signature
1	Aram Ghazaryan	1792	Public Defender	04.03.2015	14:00-18:00	
2	Karen Mezhlumyan	1844	Public Defender	04.03.2015	14:00-18:00	
3	Armine Fanyan	1262	Public Defender	04.03.2015	14:00-18:00	
4	Arthur Alikhanyan	404	Public Defender	04.03.2015	14:00-18:00	
5	Hrant Ananyan	1156	Advocate	04.03.2015	14:00-18:00	
6	Syuzanna Khcheyan	1443	Public Defender	04.03.2015	14:00-18:00	

7	Stepan Voskanyan	31	Advocate	04.03.2015	14:00-18:00	
8	Eduard Aghajanyan	134	Public Defender	04.03.2015	14:00-18:00	
9	Khachatur khachatryan	1283	Advocate	04.03.2015	14:00-18:00	
10	Armen Baghdasaryan	689	Advocate	04.03.2015	14:00-18:00	
11						
12						
13						
14						

Justice Academy

Advocates School of RA

Training program

Together with Justice Academy and Advocates School of RA

A training course

Current issues of ADR

List of participants to March 6, 2015 training

Association of American lawyers

Yerevan, Alek Manukyan 9, room 406

№	Name, surname	Number of the license	Position	The day of training	Signature
1	Sergey Payazat	373	Advocate	06.03.2015	
2	Vahagn Baghramyan	884	Advocate	06.03.2015	
3	Gagik Grigoryan	1711	Advocate	06.03.2015	

4	Taron Simonyan	1092	Advocate	06.03.2015	
5	Hovhannes Petrosyan	1354	Advocate	06.03.2015	
6	Robert Manvelyan	925	Advocate	06.03.2015	
7	Marlen Smbatyan	1806	Advocate	06.03.2015	
8	Arthur Martirosyan	926	Advocate	06.03.2015	
9	Sayad Badalyan	1175	Advocate	06.03.2015	
10	Ani Movsisyan	1232	Advocate	06.03.2015	
11	Emil Amirkhanyan	993	Advocate	06.03.2015	
12					
13					
14					

Justice Academy

Advocates School of RA

Training program

Together with Justice Academy and Advocates School of RA

A training course

Current issues of ADR

List of participants to March 7, 2015 training

Association of American lawyers

Yerevan, Alek Manukyan 9, room 406

№	Name, surname	Number of the license	Position	The day of training	The time of training	Signature
1	Sergey Payazat	373	Advocate	07.03.2015	10:00-18:00	
2	Vahagn Baghramyan	884	Advocate	07.03.2015	10:00-18:00	
3	Gagak Grigoryan	1711	Advocate	07.03.2015	10:00-18:00	
4	Taron Simonyan	1092	Advocate	07.03.2015	10:00-18:00	
5	Hovhannes Petrosyan	1354	Advocate	07.03.2015	10:00-18:00	
6	Robert Manvelyan	925	Advocate	07.03.2015	10:00-18:00	
7	Marlen Smbatyan	1806	Advocate	07.03.2015	10:00-18:00	
8	Arthur Martirosyan	926	Advocate	07.03.2015	10:00-18:00	
9	Sayad Badalyan	1175	Advocate	07.03.2015	10:00-18:00	
10	Ani Movsisyan	1232	Advocate	07.03.2015	10:00-18:00	
11	Armen Baghdasaryan	689	Advocate	07.03.2015	10:00-18:00	
12	Emil Amirkhanyan	993	Advocate	07.03.2015	10:00-18:00	
13						
14						

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]

7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	9-10	[signature]

LIST OF PARTICIPANTS IN THE SEMINAR

3,4,6,7 March 2015, Yerevan

Responsible performer [signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative	Current issues of arbitration and other approaches for	7 March 2015	7-8	[signature]

		Districts	alternative dispute resolution			
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	7-8	[signature]

LIST OF PARTICIPANTS IN THE SEMINAR

3,4,6,7 March 2015, Yerevan

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Current issues of arbitration and other approaches for alternative dispute resolution	7 March 2015	6	[signature]

Responsible performer [signature]

LIST OF PARTICIPANTS IN THE SEMINAR

3,4,6,7 March 2015, Yerevan

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	5	[signature]

Responsible performer [signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]

10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	3-4	[signature]
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LIST OF PARTICIPANTS IN THE SEMINAR

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
8	Arthur	Judge of the Court of General Jurisdiction of Arabkir and	Current issues of arbitration and other	6 March 2015	1-2	[signature]

	Stepanyan	Kanaker-Zeytun Administrative Districts	approaches for alternative dispute resolution			
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Current issues of arbitration and other approaches for alternative dispute resolution	6 March 2015	1-2	[signature]

3,4,6,7 March 2015, Yerevan

Responsible performer [signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of	Practical issues of judicial	4 March 2015	9-10	[signature]

		Arabkir and Kanaker-Zeytun Administrative Districts	supervision over pre-trial proceedings			
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	9-10	[signature]

LIST OF PARTICIPANTS IN THE SEMINAR

3,4,6,7 March 2015, Yerevan

Responsible performer [signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of	Practical issues of judicial supervision	4 March 2015	7-8	[signature]

		Shengavit Administrative District	over pre-trial proceedings			
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	7-8	[signature]

LIST OF PARTICIPANTS IN THE SEMINAR

3,4,6,7 March 2015, Yerevan

Responsible performer [signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]

		District				
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]

		Districts				
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Practical issues of judicial supervision over pre-trial proceedings	4 March 2015	6	[signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]

10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	5	[signature]
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LIST OF PARTICIPANTS IN THE SEMINAR

3,4,6,7 March 2015, Yerevan

Responsible performer [signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of	Practical issues of judicial supervision	3 March 2015	3-4	[signature]

		Kentron and Nork Marash Administrative Districts	over pre-trial proceedings			
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	3-4	[signature]

LIST OF PARTICIPANTS IN THE SEMINAR

3,4,6,7 March 2015, Yerevan

Responsible performer [signature]

N/N	First name, Last name	Position	Name of the course	Date of the Course	Hours	Signature
1	Garik Avagyan	Chairman of the Court of General Jurisdiction of Malatia-Sebastia Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
2	Hayarpi Zargaryan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
3	Tatevik Stepanyan	Judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]

4	Arayik Melkumyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
5	Armen Chichoyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
6	Naira Hovsepyan	Judge of the Court of General Jurisdiction of Shengavit Administrative District	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
7	Karine Petrosyan	Judge of the Court of General Jurisdiction of Kentron and Nork Marash Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
8	Arthur Stepanyan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
9	Hovik Shahnazaryan	Judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]
10	Lilit Sargsyan	Judge of the Court of General Jurisdiction of Tavush marz	Practical issues of judicial supervision over pre-trial proceedings	3 March 2015	1-2	[signature]

I HEREBY APPROVE

Rector of the Academy of Justice

_____[signature]____ R. Melikyan

27 February 2015



ACADEMY OF JUSTICE

I HEREBY APPROVE

Director of School of Advocates

_____[signature]____ S. Babayan

27 February 2015



SCHOOL OF ADVOCATES

TRAINING PROGRAM

Current issues of judicial supervision over pre-trial proceedings

YEREVAN 2015

COURSE PROGRAM

NAME OF THE TRAINING PROGRAM TRAINING OF ADVOCATES
 TRAINING OF JUDGES

COURSE NAME **Current issues of judicial supervision over pre-trial proceedings**

LECTURER(S) R. Melikyan, D. Babayan, H. Alumyan

BENEFICIARIES	NUMBER OF PARTICIPANTS	REQUIREMENTS SET FOR PREMISES (size and structure)
Advocates, Judges	20	Lecture room, conditions for sitting in groups, electronic whiteboard (whiteboard), projector

OBJECTIVES OF THE COURSE

The course aims at enhancing the level of knowledge of the trainees on new legal regulations relating to judicial supervision over pre-trial proceedings and at improving their capacities and skills for implementing these regulations.

DELIVERABLES

- The trainee will enhance his or her knowledge on conditions and grounds for detention, practical issues of court examination for determining on the issue of detention, as well as on judicial supervision over the implementation of investigative operations
- The trainee will improve his or her capacities and skills for implementing the above mentioned

TRAINEE MATERIALS

	NAME	QUANTITY	COMMENTS
×	Note-pad	one	
×	File folder	one	Case study materials
×	Pen	one	

TRAINER MATERIALS

PPT for the lecture
 Case study materials

COURSE STRUCTURE

CLASS 1. General issues regarding the role and functions of the court exercising judicial supervision over pre-trial proceedings, the scope of judicial supervision

(2 hours)

Content

- **The role and functions of the court exercising judicial supervision over pre-trial proceedings**
 - Supervision over lawfulness or guaranteeing human rights?
 - Function of “verifying” vs. function of “ascertaining”
 - Preliminary supervision vs. further supervision
- **The scope of judicial supervision**
 - Current issues, i.e. criteria and recommendations for extending judicial supervision over new fields
 - Making arrest a subject of judicial supervision
 - Correlation between arrest and detention (Article 18 of the Constitution of the Republic of Armenia, Decision of the Constitutional Court of the Republic of Armenia SDVo-827, Decision of the Court of Cassation of the Republic of Armenia on the case of G. Mikayelyan)

CLASS 2. The system of conditions and grounds for detention

(2 hours)

Content

- **Differentiation of conditions and grounds for detention in proceedings on preliminary detention and extension of the term detention**
- **Reasonable suspicion as a universal condition of detention**
 - Criteria of reasonable suspicion
- Practical issues of argumentation, counter-argumentation and establishment of reasonable suspicion
 - Preliminary supervision vs. further supervision
- **Formal conditions of detention**
 - Status of the accused
 - Criminal nature of the act incriminated (ECtHR Judgment, Case of Khachatryan and others v. Armenia)
- **Due diligence and necessity for detention (Decision of the Court of Cassation of the Republic of Armenia on the case of A. Avetisyan)**
- **Legal consequences of detention**

CLASS 3. The system of conditions and grounds for detention (continuation)

(2 hours)

Content

- **Scope and criteria of grounds for detention**
- **Practical issues of argumentation, counter-argumentation and establishment of the ground for the risk of escape**
- **Practical issues of argumentation, counter-argumentation and establishment of the ground for the risk of committing a crime**
- **Practical issues of argumentation, counter-argumentation and establishment of the ground for the risk of unlawful influence on the examination**

CLASS 4. Practical issues of court examination for determining on the issue of detention

(2 hours)

Content

- **Determining the moment of actual deprivation from liberty**
- **Filing a motion for detention: preliminary detention, extension of the term of detention, reconsideration of the issue of detention (Decision of the Court of Cassation of the Republic of Armenia on the case of T. Vahradyan)**
- **Examination of the motion for detention: procedure, time frames (ECtHR Judgment, Case of V. Grigoryan v. Armenia)**

**CLASS 5. Practical issues of judicial supervision over the implementation of
investigative operations**

(2 hours)

Content

- **Judicial supervision over the inviolability of residence**
- **Judicial supervision over secrets protected by law**

BIBLIOGRAPHY

TRAINING MATERIALS

1. Scientific and practical interpretations of the decisions of the Court of Cassation of the Republic of Armenia, Volume 1, Yerevan 2011, pages 109-157.
2. Scientific and practical interpretations of the decisions of the Court of Cassation of the Republic of Armenia, Volume 2, Yerevan 2013, pages 347-393 and 423-444.
3. Davit Avetisyan, "Main issues of lawfulness of imposing detention pursuant to the new draft Criminal Procedure Code" // State and law, 2013 N 1, pages 67-84.
4. Davit Avetisyan, "Reasonable suspicion as a lawfulness condition for imposing measures of restraint pursuant to the new draft Criminal Procedure Code" // State and Law, 2014 N 2, pages 35-44.
5. D. Avetisyan, "Main issues of detention in the criminal procedure of the Republic of Armenia", Yerevan, YSU publication, 2006, pages - 416.
6. David Melkonyan, "Peculiarities of imposing measures of restraint pursuant to the new draft Criminal Procedure Code" // State and Law, 2013 N 1, pages 59-66.
7. Davit Melkonyan, "New procedural opportunities and their counterbalances for the legal defence party" // State and Law, 2014 N 2, pages 62-67.
8. S. Dilanyan, "Guarantees for ensuring the protection of rights and lawful interests of detainees pursuant to the new Criminal Procedure Code of the Republic of Armenia" // State and Law, 2014 N 2, pages 16-25.
9. H. Avetisyan, "Main issues of judicial supervision over pre-trial proceedings", Yerevan, YSU publication, 2010, pages - 216.
10. A. Tatoyan, "Guarantees for ensuring rights of detainees at the initial stage of depriving from liberty pursuant to the new Criminal Procedure Code of the Republic of Armenia" State and Law, 2013 N 1, page 46-58
11. Draft Criminal Procedure Code of the Republic of Armenia

LEGAL ACTS

1. 1966 UN Covenant on Civil and Political Rights
2. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms
3. Constitution of the Republic of Armenia
4. Criminal Procedure Code of the Republic of Armenia

I HEREBY APPROVE

Rector of the Academy of Justice

_____[signature]____ R. Melikyan

27 February 2015



ACADEMY OF JUSTICE

I HEREBY APPROVE

Director of School of Advocates

_____[signature]____ S. Babayan

27 February 2015



SCHOOL OF ADVOCATES

TRAINING PROGRAM

Current issues of arbitration and other approaches for alternative dispute resolution

YEREVAN 2015

COURSE PROGRAM

NAME OF THE TRAINING PROGRAM TRAINING OF ADVOCATES AND JUDGES

COURSE NAME	Current issues of arbitration and other approaches for alternative dispute resolution
LECTURER(S)	Hayk Hovhannisyán, Vahe Hovhannisyán

BENEFICIARIES	NUMBER OF PARTICIPANTS	REQUIREMENTS SET FOR PREMISES (size and structure)
Advocates, Judges	20	Lecture room, conditions for sitting in groups, electronic whiteboard (whiteboard), projector

OBJECTIVES OF THE COURSE

The course aims at conveying knowledge to trainees regarding the basics, purposes, types of alternative dispute resolution, the institutional and functional peculiarities and types of commercial arbitration, the procedure of hearing cases in commercial arbitration, the peculiarities of recognition and enforcement of arbitral awards taken by Armenian and foreign arbitration courts and peculiarities of recourse against these arbitral awards, as well as knowledge about the current doctrinal and judicial practice of countries having implemented the UNCITRAL model law and having a well-developed arbitration culture.

DELIVERABLES

1. The trainee will have a clear understanding of the types of alternative dispute resolution, including the arbitration and its peculiarities, differences between court and arbitration.
2. The trainee will have an understanding of the peculiarities regarding the protection of rights in arbitration and representation.
3. The trainee will have an understanding of the peculiarities regarding the recognition, enforcement and setting aside of arbitral awards taken by Armenian and foreign (international) arbitration courts, as well as will gain knowledge on the current approaches regarding the application and interpretation of their legal grounds in countries having a considerable arbitration doctrine and practice.

TRAINEE MATERIALS		
	NAME	QUANTITY
×	Note-pad	one
×	File folder	one
×	Pen	one
TRAINER MATERIALS		
PPT for the lecture Case study materials		

COURSE STRUCTURE

CLASS 1 (1 hour)

TOPIC 1. Alternative dispute resolution

Basics, objectives, types (negotiations, arbitration, mediation) of alternative dispute resolution

TOPIC 2. Arbitration form of protection of subjective rights

Legal preconditions for hearing the case in arbitration; Selecting the place of the dispute resolution; Possibility of parties to select an arbitrator; Establishment of the procedure for the arbitration hearing by the parties; Possibility of selecting applicable substantial law; Confidentiality of arbitration; Limited jurisdiction of arbitral tribunal; Final nature of arbitral awards; New York Convention on Recognition and Enforcement of Foreign Arbitral Awards; Reception in the Republic of Armenia of the UNCITRAL Model Law on International Commercial Arbitration through adoption of the Law of the Republic of Armenia “On commercial Arbitration”; positive and negative aspects of the draft law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia “On commercial arbitration””.

Presentation, discussions, problem solving

**CLASS 2
(2 hours)**

TOPIC. Concept, types of arbitration agreement

Subject matter, form and requisites of an arbitration agreement; Manner of conclusion (in the form of an arbitration clause in a contract or in the form of a separate contract); Autonomy of arbitration agreement

Presentation, discussions, problem solving

**CLASS 3
(2 hours)**

TOPIC 1. Jurisdiction of arbitral tribunals

Competencies of arbitral tribunals; Arbitration jurisdiction; Powers of arbitral tribunals

TOPIC 2. Extent of court intervention

Power of arbitral tribunal to order interim measures; Court assistance in taking evidence; Setting aside an arbitration award; Recognition and enforcement of an arbitration award; Procedure for challenging an arbitrator

Presentation, discussions, problem solving

**CLASS 4
(2 hours)**

TOPIC. Recognition and enforcement of arbitral awards

Grounds for refusing recognition or enforcement; Time limits for enforcement of awards, etc.; Positive and negative aspects of the draft law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia “On commercial arbitration” in the context of recognition and enforcement of awards

Presentation, discussions, problem solving

**CLASS 5
(2 hours)**

TOPIC. Recourse procedure against arbitral awards

Grounds, authorities, time limits for setting aside arbitral awards; Positive and negative aspects of the draft law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia “On commercial arbitration” in this context

Presentation, discussions, problem solving

BIBLIOGRAPHY

TRAINING MATERIALS

1. Vahe Hovhannisyan, "Commercial arbitration in the Republic of Armenia", YSU publication, Yerevan, 2010
2. А. В. Асосков, Влияние статьи 6 Европейской конвенции о защите прав человека и основных свобод на третейское разбирательство [A. V. Asoskov, "Influence of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms on arbitral proceedings"].
3. А. В. Асосков, Допустимость соглашений об исключении оспаривания решений международного коммерческого арбитража, вынесенных на территории России [A. V. Asoskov, "Admissibility of agreements on exclusion of recourse against international commercial arbitration awards taken on the territory of Russia"].
4. Р. А. Петросян, Обращение в международный коммерческий арбитраж в силу международного договора [R.A. Petrosyan, "Applying to international commercial arbitration based on an international agreement"].
5. Б.Р. Карабельников, Исполнение и оспаривание решений международных коммерческих арбитражей. Комментарий к Нью-Йоркской конвенции 1958 г. и главам 30 и 31 АПК РФ 2002 г. [B. R. Karabelnikov, "Enforcement of and recourse against international commercial arbitration awards. Commentary to 1958 New York Convention and Chapters 30 and 31 of the Arbitration Procedure Code of the Russian Federation of 2002"].
6. Постановление Конституционного Суда Российской Федерации от 26.05.2011 №10-П "По делу о проверке конституционности положений пункта 1 статьи 11 Гражданского кодекса Российской Федерации, пункта 2 статьи 1 Федерального закона "О третейских судах в Российской Федерации", статьи 28 Федерального закона "О государственной регистрации прав на недвижимое имущество и сделок с ним", пункта 1 статьи 33 и статьи 51 Федерального закона "Об ипотеке (залоге недвижимости)" в связи с запросом Высшего Арбитражного Суда Российской Федерации" [Resolution of the Constitutional Court of the Russian Federation No 10-P of 26 May 2011 "In the matter of examination of constitutionality of the provisions of point 1 of Article 11 of the Civil Code of the Russian Federation, point 2 of Article 1 of the Federal Law "On arbitration courts in the Russian Federation", Article 28 of the Federal Law "On state registration of rights to immovable property and transactions therewith", point 1 of Article 33 and Article 51 of the Federal Law "On mortgage (pledge of immovable property)" in connection with the request of the Supreme Arbitration Court of the Russian Federation].
7. Постановление Конституционного Суда Российской Федерации от 18 ноября 2014 года по делу о проверке конституционности положений статьи 18 Федерального закона "О третейских судах в Российской Федерации", пункта 2 части 3 статьи 239 Арбитражного процессуального кодекса Российской Федерации и пункта 3 статьи 10 Федерального закона "О некоммерческих организациях" в связи с жалобой открытого акционерного общества "Сбербанк России" [Resolution of the Constitutional Court of the Russian Federation of 18 November 2014 "In the matter of examination of constitutionality of provisions of Article 18 of the Federal Law "On arbitration courts in the Russian Federation", point 2 of part 3 of Article 239 of the Arbitration Procedure Code of the Russian Federation, and point 3 of Article 10 of the Federal Law "On non-commercial organizations" in connection with the complaint of "Sberbank of Russia" open joint-stock company].

LEGAL ACTS

8. New York Convention on Recognition and Enforcement of Foreign Arbitral Awards
9. Constitution of the Republic of Armenia
10. Civil Procedure Code of the Republic of Armenia
11. Law of the Republic of Armenia "On commercial arbitration"
12. Law of the Republic of Armenia "On compulsory enforcement of judicial acts"
13. UNCITRAL Model Law on International Commercial Arbitration of 1985 (with amendment of 2006)

JUDICIAL ACTS

14. Decision of the Court of Cassation of the Republic of Armenia on the case No EKD/1910/02/13
15. Decision of the Court of Appeal of the Republic of Armenia on civil case No EKD/0024/16/12



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MEMORANDUM OF UNDERSTANDING

**ON COOPERATION BETWEEN THE ARMENIAN ACADEMY OF JUSTICE AND THE
ARMENIAN SCHOOL OF ADVOCATES**

Yerevan

7 March 2015

The Academy of Justice (hereinafter referred to as “the Academy”), represented by Ruben Melikyan, Rector of the Academy, on one side, and the School of Advocates (hereinafter referred to as “the School”), represented by Simon Babayan, Director of the School, on the other side (hereinafter together referred to as “the Parties”), have concluded this Memorandum of Understanding (hereinafter referred to as “the Memorandum”).

Based on the Executive Order of the President of the Republic of Armenia No 96-A of 6 June 2012 “On approving the 2012-2016 Strategy Program for Legal and Judicial Reforms in the Republic of Armenia and the List of Measures Deriving from the Program”, as well as Decision of the Government of the Republic of Armenia No 303-N of 27 February 2014 “On approving the Plan of Actions deriving from the National Strategy on Human Rights Protection”,

Taking into account that the Parties share similar missions and wish to cooperate in areas of mutual interest,

Aiming to improve the procedure for the professional education and training of learners of the Academy and the School (judges, prosecutor, advocates, persons included in the lists of candidates for judges and prosecutors, learners of the School of Advocates), to enhance cooperation and contacts between learners through organizing and conducting joint training and other joint activities, the Parties have agreed to the following:

1. Purposes of the Memorandum

- 1.1. Purposes of the Memorandum shall be the following:
 - 1.1.1. to establish active and effective cooperation, and the willingness of Parties to exchange experience;
 - 1.1.2. to contribute to the advancement of qualification of professionals involved in the system of justice in compliance with the best international practice;
 - 1.1.3. to contribute to the constructive and constant cooperation between the participants of the system of justice.

2. Subject Matter of the Cooperation

- 2.1. The parties shall agree to:
 - 2.1.1. Organise joint courses, academic events (joint discussions (round-table discussions), conferences, seminars, etc.);
 - 2.1.2. Cooperate with the aim of introducing a platform for distance learning, as well as organising joint distance learning courses;
 - 2.1.3. Support each other in exchanging academic materials, literature, and information regarding the organisation of the learning process;
 - 2.1.4. Provide jointly developed and approved training materials for the training courses conducted jointly by the Parties;
 - 2.1.5. Carry out scientific and research activities in the fields of mutual interest;
 - 2.1.6. Exchange personnel, if necessary, for the purposes of teaching, carrying out scientific and research activities.
- 2.2. For the purposes of implementation of joint programs provided for by the Memorandum, the Parties may create working group acting on a pro-bono basis.

3. Final Provisions

- 3.1. The Memorandum shall enter into force from the moment of signing.
- 3.2. The Parties may make amendments in the Memorandum upon mutual agreement. The amendments shall be in the form of separate protocols, which shall enter into force from the moment of their signing by the Parties or their authorised representatives and shall constitute an integral part of the Memorandum
- 3.3. The effectiveness of the Memorandum may be terminated upon mutual agreement of the Parties or upon the initiative of one of the Parties. The Party willing to terminate the effectiveness of the Memorandum shall be obliged to inform thereon to the other Party at least two months in advance. In this case the Parties undertake a commitment to complete the programs that have not been completed prior to termination of the agreement.
- 3.4. Communication regarding the performance of the Memorandum shall be made based on the contact data indicated by the Parties in the Memorandum.
- 3.5. The Memorandum is executed in two copies, each having equal legal force.

Simon Babayan,
Director of the School of Advocates
[signature]

Ruben Melikyan,
Rector of the Academy of Justice
[signature]

REPORT

ON JOINT TRAINING PROGRAMS FOR THE JUDICIAL SYSTEM AND ADVOCATES IMPLEMENTED BY THE "ACADEMY OF JUSTICE" STATE NON-COMMERCIAL ORGANIZATION IN LINE WITH COUNCIL OF EUROPE STANDARDS

1. Taking as a basis Directive No 96-A of the President of the Republic of Armenia "On approving 2012-2016 strategic program for legislative and judicial reforms in the Republic of Armenia and the list of strategy-based activities", dated as of June 30, 2012, as well as the Memorandum of Understanding "On collaboration between the Academy of Justice of Armenia and the School of Advocates of the Republic of Armenia" signed on March 07, 2015, the Academy of Justice, in consortium with the School of Advocates of the Republic of Armenia, arranged for "Contemporary issues in arbitration and alternative dispute resolution techniques" and "Contemporary issues in judicial control over pre-trial proceedings" training programs in 2015 to re-train advocates and judges. The training on "Contemporary issues in arbitration and alternative dispute resolution techniques" aimed at sharing with the trainees the fundamentals, aims and types of alternative dispute resolution, institutional and functional peculiarities and types of commercial arbitration, rules of case hearing at arbitration tribunals, recognition and execution of rulings taken by Armenian and foreign arbitration courts in Armenia, peculiarities of litigation, as well as modern doctrine-based and judicial practices of countries that have implemented the UNCITRAL model law and have well-established arbitration culture. The training on "Contemporary issues in judicial control over pre-trial proceedings" focused on enhancing trainees' expertise in regulations related to judicial control over pre-trial proceedings and on improving their competencies and skills to implement those.

Moreover, implementation of the joint trainings mentioned above came to achieve another goal tasked to the judiciary - fostering the enhancement of qualifications of active members of the judicial system in line with international best practices and contributing to the establishment of sustained and constructive legal relations between the judiciary stakeholders by way of joint trainings and meetings.

2. In 2014, as well as in 2015, the Academy of Justice organized "Professional ethic for a judge" and "Professional ethic for a prosecutor" study programs for persons on the list of candidates for judges and prosecutors, aiming at sharing with the trainees knowledge on professional ethic for judges or prosecutors accordingly, and building capacities for implementation thereof.

3. In order to enhance the skills of judges and prosecutors of the Academy of Justice essential for their official duties and for ensuring more efficient handling and administration of justice, to enable efficient functioning as a judge or as a prosecutor and acting at courts, managing cases and communicating with people, as well as to train in other skills and knowledge, following courses were administered and held in 2014 under the annual training program for judges and prosecutors:

for judges:

- Fundamentals of public relations and communication
- Stress management
- Human resource management: employer motivation and adaptation;

for prosecutors:

- Communication and negotiation
- Stress management
- Time management.

In 2015 the plan is to implement following related professional training courses for judges and prosecutors:

- Fundamentals of public relations and communication
- Argumentation and rhetoric
- Stress and time management.

The above trainings, in fact, pursue the goal of improving proper implementation of the justice process, especially in terms of enhancing the efficiency of management of such processes. Moreover, a wider scope of trainings pursuing such goal was actually implemented in 2014 and this year (still ongoing) for persons who are on the lists of candidates for judges and prosecutors (in 2014: "Communication and negotiation", "Justice and ethics", "Fairness doctrine", "Argumentation and rhetoric (eloquence)", "Stress management", "Time management, Leadership", "Psychology of influence", and "Contemporary issues in psychology of a prosecutor" and "Contemporary issues in psychology of a judge", accordingly; in 2015: "Communication and negotiation skills", "Fairness doctrine and ethics", "Argumentation and rhetoric", "Time management", "Psychology of influence").

ANNEX 18

To the Acting Head of Staff of Ministry of Justice of the Republic of Armenia

Mr. Armen Gevorgyan

Dear Mr. Gevorgyan,

According to Part 1 Article 45 of the RA Law on Advocacy (hereafter referred to as the Law) “the Office of Public Defender shall be financed from the State Budget of the Republic of Armenia. The funds allocated to the Office of Public Defender should provide for regular work of the Office of Public Defender”.

According to the RA Law on the State Budget for 2015 (hereafter referred to as the Budget Law), Class 02 (Legal defense) Group 03 (Judicial functions and Legal defense) Part 03 (Public order, security and judicial functions) of Annex 1, the budget envisaged for the Office of Public Defender makes 290 834 200 AMD (two hundred ninety million eight hundred thirty four thousand two hundred Armenian drams).

The above mentioned amount includes the salaries (taxes included) for the 50 Public Defenders²⁴ and the Head of the Office of Public Defense (hereafter referred to as the OPD)²⁵, as well as amounts for envisaged by Part 8 Article 45 of the Law, for reimbursement (hereafter referred to as the Reimbursement amount) of other expenses made for the functioning of the OPD – 30% of the amount envisaged for the salary. The Reimbursement amount is designed for compensation of the transport, postal, stationary costs, for hiring support staff and other expenses that by the RA Law on Wages are not considered as a salary or a salary equivalent payment.

The Legal Act regulating the working relationships with the Public Defenders and head of OPD is the RA Labor Code, according to Part 1 of Article of 130 “*An employer must make a full settlement of accounts with an employee being dismissed from work on the day of his dismissal, unless a different procedure for settling accounts is provided by this code, the law or upon agreement between the employer and the employee*”.

It stems from the above mentioned legal norm, that in case of terminating the Labor Contract with the Public Defender or the Head of OPD (irrespective of the reason of termination), the employer – in this particular case the chamber of Advocates of the RA, is responsible for a **full settlement of accounts**.

Part 2 of the same Article stipulates that the full settlement includes a) **the employee his/her wage** and b) **other payments equalized to it on the day of the settlement of accounts**.

From the perspective of the RA Labor Code and RA Law on Tax, the full settlement is included in the payments equalized to salary/wages.

Article 158 on the Annual Leave of the RA Labor Code stipulates that the employee be paid an **average wage as annual leave amount**.

²⁴ According to the calculations presented in Part 6 Article 45 of the Law, the amount of the salary of the Public Defender is 363 770 (three hundred sixty three thousand seven hundred seventy) AMD.

²⁵ According to calculations presented in Part 6 Article 45 of the Law, the amount of the salary of the Head of the Office of Public Defense is 454 713 (four hundred fifty four thousand seven hundred thirteen) AMD.

In case the Public Defender or the Head of OPD has not used the annual leave in the respective year (which means taking less than 20 days of annual leave), then the RA Chamber of Advocates faces the issue of paying the average salary for unused annual leave while setting the contract termination with the Public Defender or the Head of the OPD.

However, the amount provided to the RA Chamber of Advocates through the RA Ministry of Justice for the OPD (through the Contract), according to the Budget Law is equal to the salary for 50 Public Defenders and the Head of the OPD (including taxes envisaged by RA legislation) and Reimbursement amount.

This brings about a situation when in case of termination of the contract of the Public Defender or Head of the OPD the RA Chamber of Advocates is responsible for the full settlement money for which it does not actually have, since that amount is not envisaged by the financing framework.

It is also worth mentioning that the RA Chamber of Advocates is already facing this issue, as on 20.01.2015 has stopped its working engagement with one Public Defender, who during the full settlement has also received the annual leave amount, which was not envisaged by the financial scope.

Taking into account the information written above, we ask to discuss the issue of provision of additional financial means while calculating the full settlement when terminating the Labor Contract with a Public Defender or the Head of OPD and consider this note, while making the decision on the amounts provided to the RA Chamber of Advocates.

Ara Zohrabyan

Head of the RA Chamber of Advocates



**FIRST DEPUTY CHAIRMAN
OF THE CHAMBER OF ADVOCATES**

2 Zakian street, Yerevan 0010

Tel: 010-600-701

E-mail: deputychairman@advocates.am

27 March 2015

No AT/331

**To: Mr. A. Mkrtchyan,
First Deputy Minister of Justice of the Republic of Armenia**

In response to your letter
02/17/10654-14 addressed to the
Chairman of the Chamber of
Advocates of the Republic of
Armenia

Dear Mr. Mkrtchyan,

Kindly be informed that the measures are completely fulfilled, which are related to the conditions for the second disbursement provided under Financing Agreement for “Support to Justice Reform in Armenia – Phase II Program”, signed between the Republic of Armenia and the EU.

In particular, necessary training courses (related also to arbitration) have been organized; a Memorandum on cooperation has been concluded between the School of Advocates of the Republic of Armenia and the Academy of Justice of the Republic of Armenia. Detailed information about the above-mentioned activities has been provided in the letter of the Chairman of the School of Advocates of the Republic of Armenia No 44/15-E of 23 March 2015.

As regards the second disbursement condition relating to enhancement of free legal aid mechanisms and improvement of quality of legal aid, we kindly inform the following:

It is envisaged by the mentioned conditions that necessary building infrastructure for Public Defender’s Office in Yerevan and all regions (marsez) must be identified, reconstructed and fully equipped by the Government.

We kindly inform that in April 2014 the 2nd and 4th floors of the building at the address of 2 Zakian street, Yerevan, have been actually provided to the Chamber of Advocates of the Republic of

Armenia (the 3rd floor is provided to the School of Advocates of the Republic of Armenia). The legal procedures for the transfer and acceptance of the mentioned premises are in the final stage. The Public Defender's Office and the public defenders providing services to Yerevan occupy the second floor of the building. The Office occupies an area of 700 square meters in total. Twenty five public defenders operate in Yerevan and all of them are provided with necessary assets: computers, multifunctional printers, internet connection. Offices of public defenders are furnished. There is a room for confidential private meetings, which is equipped with necessary assets, computer and required literature. The office is provided also with transportation means.

The head of the Public Defender's Office, the deputy head, assistants, clerks and other support staff are also provided with necessary assets and equipment.

As to public defenders located in regions (marsez), we kindly inform that PDOs operate in all the regions of the Republic of Armenia (in those residences where there are courts), where public defenders are provided with premises, assets and necessary computer hardware (the list of PDO regional offices is enclosed).

Meanwhile the Chamber is concerned about another measure envisaged by the mentioned conditions; in particular, it is planned to increase the financing for providing free legal aid by identifying the year of 2013 as a baseline year. This measure is not yet fulfilled by the Government of the Republic of Armenia. Financing provided to the Public Defender's Office constituted AMD 260.069.600, AMD 275.451.900 in 2014, and AMD 290.834.200 is envisaged by the State Budget for the year of 2015, however, there has been no development in terms of increasing the financing of the Office, as the financing has not enabled to increase the number of public defenders. The annual increase of the budget is conditioned by the last change in salaries paid to state servants in the Republic, as well as by cumulative payments provided for by law. Yet the level of maintenance of the Public Defender's Office has not been changed for the last three years.

Enclosure: list of regional (marz) offices (4 pages).

Sincerely

[signature]

Arthur Hovhannisyan

LIST

of regional (marz) offices and assets of the Public Defender's Office of the Chamber of Advocates of the Republic of Armenia

N/N	Region (marz)	Residence	Area (in square meters)	Amount of rent payment	Date of conclusion and term of effectiveness	Indication of the assets available	Other notes
1	2	3	4	5	6	7	8
1.	Aragatsotn	Ashtarak	23.5	25.000	1 October 2007, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; portable computer; multifunctional printer; mobile internet connection; heater	
2.	Ararat	Vedi	14	5.000	6 March 2013 – 5 March 2018	Computer with accessories; table; chair (chairs); office cabinet; multifunctional printer	
		Masis	-	-	-	Computer with accessories; table; chair (chairs); office cabinet; scanner; printer	
		Artashat	-	free of charge	-	Computer with accessories; table; chair (chairs); office cabinet; scanner; printer; recorder	
3.	Armavir	Armavir	13.8	30.000	3 July 2013, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; multifunctional printer; mobile internet connection	
		Etchmiadzin	58.1	30.000	17 September 2014, for an indefinite term	Scanner; printer	
4.	Gegharkuniq	Gavar	15.7	33.000	23 January 2014, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; multifunctional printer; current controller; internet connection; recorder, headphones	
		Vardenis	11.22	2.244	15 March 2008, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; multifunctional	

						printer; current controller	
		Sevan	12.63	30.000	24 November 2014, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; scanner; printer	
5.	Kotayk	Hrazdan	26.2	22.000	25 December 2009, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet	
		Abovyan	69.95	25.000	21 January 2013, for an indefinite term	Computer with accessories; table (tables); chair (chairs); office cabinet(s); portable computer; printer; multifunctional printer	Two computers for two public defenders
		Eghvard	-	-	-	Portable computer	
6	Syunik	Kapan	60.8	25.000	11 August 2014, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; printer; multifunctional printer	
		Sisian	12.62	20.000	16 March 2015, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; printer; recorder	
		Goris	15.4	10.010	6 August 2013 – 6 August 2018	Computer with accessories; table; chair (chairs); office cabinet; multifunctional printer; electrical heater, phone	
7.	Vayots Dzor	Eghegnadzor	18.3	33.000	12 November 2012 – 12 November 2015	Computer with accessories; table (tables); chair (chairs); office cabinet(s); internet connection; recorder; electrical heater; upright lamp; phone; multifunctional printer;	Two computers, printers, recorders for two public defenders
8.	Tavush	Ijevan	-	-	-	Computer with accessories; table; chair (chairs); office cabinet; multifunctional printer; current controller	
		Berd	19.63	20.000	2 August 2014, for an indefinite term	Computer with accessories; table; chair (chairs); office cabinet; printer; mobile	

						internet connection	
9.	Lori	Vanadzor	83.66	70.000	14 April 2009, for an indefinite term	Computer with accessories; table (tables); chair (chairs); office cabinet(s); multifunctional printer; internet connection; power supply block; recorder; phone	Three computers for three public defenders
		Alaverdi	-	-	-	Computer with accessories; table; chair (chairs); office cabinet; multifunctional printer	
10.	Shirak	Gyumri	77.22	100.00	20 January 2015 – 20 January 2016	Computer with accessories; table (tables); chair (chairs); office cabinet(s); multifunctional printer; portable computer; internet connection; TV set; refrigerator; safe; phone; electrical heater	Three computers for three public defenders

Note:

1. Total number of offices in the regions (marzes) – 17, one of which (in Artashat) is an area provided for use free of charge by the city municipality.
2. Number of premises to be rented – 3, regarding which contracts will be concluded for the two premises – in Eghvard and Ijevan. A contract is envisaged to be concluded also in Masis.
3. No contract is envisaged for Alaverdi in the case of a part- time working public defender.
4. Does not include the office in Yerevan

Public Defender's Office

25 March 2015

ANNEX 19

Appendix 1
To Directive No 01-L of the
Financial Director of
the RA Chamber of Advocates ,
dated as 22.01.2015

I hereby confirm
Financial Director of the RA Chamber of Advocates
Artem Tarzyan (signed)
04, February, 2015
(sealed)

Territory PDO, 55 Araratyan str., Town of Vedi, Ararat Region, Republic of Armenia
Staff member responsible for assets
Louisa Manvel Harutyunyan

Number of pages of the act on attaching equipment
(2)

Act on attaching equipment

No	1	2	3	4
	Name of the Item	Quantity	Unit of measure	Other comments (including description of the item)
1	Monitor display	1	piece	Black (in good condition)
2	Keyboard	1	piece	Black (in good condition)
3	Processor	1	piece	Black (in bad condition)
4	Mouse	1	piece	Black (in good condition)
5	Printer	1	piece	White (in good condition)
6	Table	1	piece	Brown (in good condition)
7	Chair	1	piece	Brown (broken)
8	Chair	1	piece	Black, with a prop (in good condition)

9	Shelf	1	piece	Black, small (in good condition)
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

Handed over by Artur Gasparyan
(signature)

Accepted by Louisa Manvel Gasparyan
(signature)

21				
22				
23				
24				
25				

HANDED OVER BY
Head of Administrative
Department of the RA
Chamber of Advocates,

Artur Gasparyan
(signed)

ACCEPTED BY
Responsible for the equipment attached
Public Defender,

Louisa Harutyunyan
(signed)

04 February, 2015

Appendix 1
To Directive No 01-L of the
Financial Director of
the RA Chamber of Advocates ,
dated as 22.01.2015

I hereby confirm
Financial Director of the RA Chamber of Advocates
Artem Tarzyan (signed)
04, February, 2015
(sealed)

Territory PDO, Town of Ashtarak, Aragatsotn Region
Staff member responsible for the equipment
Haykaz Galstyan

Number of pages of the act on attaching equipment
(1)

ACT ON ATTACHING EQUIPMENT

No	1	2	3	4
	Name of the Item	Quantity	Unit of measure	Other comments (including description of the item)
1	Monitor display	1	piece	LG
2	Processor	1	piece	ASUS
3	Mouse	1	piece	Genius
4	Keyboard	1	piece	Genius
5	Printer	1	piece	Canon
6	Table	1	piece	Laminate
7	Chair	2	piece	Metallic base
8	Shelf	1	piece	Laminate
9	Heater	1	piece	
10	Internet modem	1	piece	Beeline
11	Puncher	1	piece	
12	Stapler			

HANDED OVER BY
Head of Administrative
Department of the RA
Chamber of Advocates,

Artur Gasparyan
(signed)

ACCEPTED BY
Responsible for the equipment attached,
Public Defender,

Haykaz Galstyan
(signed) 04 February, 2015

Appendix 1
 To Directive No 01-L of the
 Financial Director of
 the RA Chamber of Advocates ,
 dated as 22.01.2015

I hereby confirm
Financial Director of the RA Chamber of Advocates
Artem Tarzyan (signed)
04, February, 2015
(sealed)

Territory PDO, Town of Sisian, Syunik Region
Staff member responsible for the equipment
Hrach Hakobyan

Number of pages of the act on attaching equipment
(1)

ACT ON ATTACHING EQUIPMENT

No	1	2	3	4
	Name of the Item	Quantity	Unit of measure	Other comments (including description of the item)
1	Computer: _Monitor display /Dell/ _Power canle	_1 Piece _1 Piece		
2	Computer _Processor /Dell/ _Power cable _Processor-Monitor connecting cable	_1Piece _1Piece _1 Piece		
3	Computer _Keyboard /Dell/	_1 Piece		
4	Computer _Mouse /Dell/	_1 Piece		
5	Printer /LazerJet 1100/ _connecting cord	1 Piece 1 Piece		
6	Book shelf	1 Piece	180x76x36/sm/	Wooden
7	Chair	2 Pieces		With metallic
8	Desk	1 Piece	136x71x76/sm/	Wooden
9	Audio recorder /Sony/	1 Piece	11x3,5 /sm/	Made in China

HANDED OVER BY
 Head of Administrative
 Department of the RA

ACCEPTED BY
 Responsible for the equipment attached,
 Public Defender,

Chamber of Advocates,

Artur Gasparyan
(signed)
04 February, 2015

Hrach Hakobyan
(signed)

Transaction code: 616-20140802-37-118397

Transaction codeword: 60YQ01

Rent Contract

Berd Town, Tavush Marz, Republic of Armenia

On the second of August, two thousand fourteen

Berd community of Tavush Marz in the Republic of Armenia, place of location – 5 (five) Levon Beck Street, Berd Town, Tavush Marz, on behalf of the Head of Community Harutyun Kalin Manucharyan, registered at the address 46 (forty-six)Vardanants Str., Berd Town, Tavush Marz, acting in compliance with the Law on Local Self-Government, whose authorized person is Chief Specialist of the Staff Davit Suren Melikyan born on 14.06.1954, Passport AM0577074 issued on 23.12.2011 by 056, registered at 13 (thirteen) R. Melikyan Street, Berd Town, Tavush Marz, letter of attorney issued on the second of August, two thousand fourteen, by the Head of Berd Community, hereinafter referred to as “The Landlord”, on the one side, and **Chamber of Advocates of the Republic of Armenia**, location - building 3 (three) Zakiyan Street, Yerevan Town, with authorized person represented by Advocate and Public Defender Anna Seryezha Mezhlumyan, born on 12.07.1982, Passport AK 048083, issued on 21.01.2010 by 011, registered at address Apt.#114 (one hundred fourteen), 12 (twelve) Amiryan Street, Yerevan City , letter of attorney No. 38./2014, issued on twentieth of July, two thousand fourteen, by the Chairman of the Chamber of Advocates of the Republic of Armenia, hereinafter referred to as “The Tenant”, on the other side,

concluded the present Contract on following:

1. THE SUBJECT OF CONTRACT

Hereby, the Landlord shall be obligated to lease, against payment, to the Tenant, for temporary possession and use, an administrative building and land plot, non-residential area with 19.63 (nineteen point sixty three) square meters surface from Real Estate, registered as Room No. 8 (eight) on the fourth floor in the Certificate of

Ownership Registration of Real Estate, as well as an appropriate share of land plot located at the address 5 (five) Levon Beck Str. in Berd Town, Tavush Marz, belonging to it by the right of ownership for the purpose of performing advocacy activity, hereinafter referred to as “Real Estate.

The plan of Real Estate is enclosed in Contract and is an integral part thereof.

This Contract is concluded for an indefinite period.

The rented Real Estate belongs to the Landlord by ownership right, being certified under Certificate of Ownership Registration of Real Estate No. 0265640, issued on the 11th (eleventh) of May, 2001 (two thousand one) by Berd Territorial Office of the Staff of State Committee of Real Estate Cadastre adjacent to the Government of the Republic of Armenia.

At the moment of concluding this Contract, there have not been any registered limitations in relation to Real Estate, it is free of any rights of third parties (it has not been sold, donated to other persons, or pledged, neither it is in lien, seized, or provided for use), in accordance to a joint Note No. MT-10072014-11-0008 on Real Estate unit and registered rights and limitation in relation thereto, as issued by the Berd Territorial Office of the Staff of the State Committee of Real Estate Cadastre adjacent to the Government of the Republic of Armenia, issued as of the 10th (tenth) of July, 2014 (two thousand fourteen).

Transfer of the ownership right to Real Estate provided for lease to another person shall not be a basis for termination or amendment of this Contract.

The Landlord shall guarantee and certify that at the moment of concluding this Contract, there has not been any registered limitations in relation to Real Estate, it is free of rights of third parties, it has not been sold, donated to other parties or pledged, it is not in lien or seized and has not been provided to other persons for tenancy or use without compensation.

RIGHTS AND RESPONSIBILITIES OF PARTIES

1.1. The Landlord shall have the right to:

- 2.1.1 request the Tenant to use Real Estate in compliance with the terms of this Contract and for the specified purposes;
- 2.1.2 request the Tenant to make preliminary rental payment, in case of significant violation of payment of rental fee by the Tenant;
- 2.1.3. request to terminate Contract and compensate for losses, where the Tenant makes use of Real Estate failing to comply with the terms of Contract or the specified purposes;

1.2. The Landlord shall be obliged to:

- 1.2.1. provide the real Estate to Tenant by Transfer and Acceptance Act within 1 (one) day period of entry of this Contract into force. Transfer and Acceptance Act shall be signed by the Landlord and the Tenant;
- 1.2.2. provide Real Estate to Tenant in such condition that corresponds to the terms of this Contract and specified purposes;
- 1.2.3. provide Real Estate to Tenant along with the documents related thereto;
- 1.2.4. undertake capital repair of the leased Real Estate at own expense;
- 1.2.5. warn the Tenant about all the rights of any third party in relation to Real Estate provided for lease (pledge, servitude, tenancy, use without compensation, etc.);

- 1.2.6. upon request by the Tenant, remove all disrepairs in Real Estate or proportionally reduce the rental payment;
 - 1.2.7. discuss, within one month period, any applications by the Tenant in relation to purpose alteration of Real Estate, as well as issues related to the latter's repair or re-equipping;
 - 1.2.8. not later than 2 (two) months earlier, notify the Tenant, in writing, of the need of vacating Real Estate in connection with capital repair of building or decisions on its destroying for urban development considerations as adopted pursuant to defined procedure;
 - 1.2.9. sign insurance agreement of Real Estate provided for tenancy at the expense of the Tenant;
- 1.3. The Tenant shall have the right to:
- 1.3.1. request the Landlord to provide it Real Estate and the documents related to Real Estate in the time period referred to in Paragraph 2.2.1 of this Contract;
 - 1.3.2. where identifying disrepairs fully or partially impeding the use of Real Estate, at own option,
 - 1.3.2.1. request the Landlord to fix disrepairs of Real Estate or proportionally reduce the rental payment or to reimburse expenses made by it for fixing disrepairs in Real Estate;
 - 1.3.2.2. withhold from rental payment the amount of expenses made by it for fixing the particular disrepairs through a prior notice sent to the Landlord;
 - 1.3.2.3. request premature termination of Contract;
 - 1.3.3. request to reduce the amount of rental payment, if as a result of circumstances beyond its control, for which it shall not bear responsibility, the condition of Real Estate has deteriorated.
 - 1.3.4. where the Landlord fails to fulfill any obligation to undertake capital repair as stated in this Contract,
 - 2.3.4.1 undertake capital repair as provided for under this Contract or that resulted from an urgent need, and request from the Landlord the amount of repair or calculate it at the expense of the rental payment;
 - 2.3.4.2. request to reduce the rental payment by an appropriate amount;
 - 2.3.4.3. request to terminate this Contract and compensate for losses;
- 1.4. The Tenant shall be obliged:
- 1.4.1. to use Real Estate in compliance with the terms and purposes specified in this Contract;
 - 1.4.2. to pay the rental payment for use of Real Estate as referred to in Paragraph 3 of this Contract on a timely basis;
 - 1.4.3. to transfer the insurance fee for Real Estate during the whole term of this Contract;
 - 1.4.4. to perform current repair of rented Real Estate on a timely basis;
 - 1.4.5. to ensure the maintenance of engineering networks, communication paths and equipment of Real Estate;

- 1.4.6. not to carry out close or open wiring, redesign and re-planning in the rented premises without the Landlord's consent. Where the Tenant identifies self-willed repairs, disruption of the walls, partitions or covers integrity, network modification or cable laying, which disrupt the initial appearance of Real Estate, those shall be removed, and the premises shall be restored to its original appearance at the expense of Tenant and within time period determined by the Landlord;
- 1.4.7. to comply with the requirements related to Sanitary-Epidemic, State Fire Control Services in the rented premises, as well as all the rules and norms applicable to the forms of Tenant's activity and rented Real Estate;
- 1.4.8. to vacate the premises in time periods determined by the Landlord in connection with emergency condition of the Real Estate structures (or part thereof), undertaking capital repair in Real Estate to or its destruction for urban development considerations;
- 1.4.9. to keep Real Estate and adjoining premises in proper sanitary condition;
- 1.4.10. to immediately inform the Landlord of any damage, accident or other occurrences that have caused (or threaten to cause) damage to Real Estate, and take, in a timely manner, all necessary measures for prevention of the risk and those against further destruction or damage of Real Estate;
- 1.4.11. not to conclude, without written agreement by the Landlord, any pledge, sub-tenancy agreements and not to enter into transactions (embedding the right to rental of Real estate or part thereof in the charter (share) capital of legal person). Concluding such agreements or entering into such transactions by the Tenant without the stated consent shall be a basis for unilateral termination of this Contract;
- 1.4.12. to ensure free entry of the Landlord and his/her representatives into Real Estate for its inspection or check-up;
- 1.4.13. where an insurance case occurs as provided for under insurance contract, to immediately notify of it to respective authorized body (the Police, Fire Service, service ensuring safety of communication paths, etc) and the insurance organizations, affording them an opportunity to inspect the premises;
- 1.4.14. to notify, not later than two months earlier, the Tenant of expected vacation of the rented Real Estate in connection with expiration of the term of Contract, as well as with its preliminary termination;
- 1.4.15. when vacating the rented premises, to hand it to Tenant in proper condition and along with the Act, taking into consideration the normal depreciation;
- 1.4.16. to comply, within defined period, with the Tenant's instructions aiming at removal of such situations raised in course of own activity, which endanger Real Estate, as well as environmental and sanitary situation outside of the rented premises.

1.4.17. to make payments, at own expense, for used electricity, gas, water and to pay other fees.

2. PAYMENTS AND CALCULATIONS MADE AS PER CONTRACT

2.1. Rental payment for rented Real Estate is set at 20,000 (twenty thousand) AMD to be paid in non-cash form by the end of each month.

3. RESPONSIBILITY OF PARTIES

3.1. Parties shall be held liable for failure to comply with or improper compliance with the obligations provided for under this Contract pursuant to the procedure defined by the legislation of the Republic of Armenia.

3.2. If the Tenant fails to return Real Estate or has returned it with violation of term after termination of Contract, the Landlord shall have the right to claim rental charge for the whole period of breach. If such payment fails to fully cover the losses incurred to the Landlord, he/she can claim compensation for the rest of it.

3.3. The Landlord shall not bear responsibility for such disrepairs of Real Estate, which have been mentioned when concluding this Contract, or which have been previously known to the Tenant or the Tenant should have identified those when inspecting Real Estate.

4. IMPROVEMENTS OF RENTED FACILITIES

4.1. Separable improvements of the rented Real Estate made by the Tenant shall be considered its property.

4.2. Where the Tenant has made improvement inseparable from Real Estate at own expense and by the Landlord's consent without causing damage to Real Estate, then after termination of this Contract, Tenant shall have the right to get a refund in an amount equal to the amount of improvements;

4.3. The amount of improvements inseparable from the rented Real Estate made by the Tenant without the Landlord's consent shall not be a subject refund.

4.4. Both separable and inseparable improvements made at the expense of amortization resources of the rented Real Estate shall be considered the Landlord's property.

5. THE BASIS OF PREMATURE TERMINATION OF CONTRACT

5.1. Upon Landlord's request, Contract can be terminated prematurely by the procedure defined under Law, provided that the Tenant:

5.1.1. has used Real Estate with essential or multiple violations of the terms of this Contract or specified purposes;

5.1.2. has essentially deteriorated the condition of Real Estate;

5.1.3. has failed to pay the rental payment for more than two times after expiration of the payment deadline as defined under this Contract;

5.1.4. has failed to perform the current repair of Real Estate within the time period defined under this Contract.

- 5.2. Upon the Tenant's request, this Contract can be prematurely terminated in compliance with the procedure laid down under Law, provided that:
- 5.2.1. the Landlord has failed to provide Real Estate for the Tenant's use or has created obstacles for use of Real Estate in compliance with the terms of Contract or the specified purpose;
 - 5.2.2. Real Estate provided to the Tenant has disrepairs impeding its use, of which the Landlord has failed to mention in Contract and which have not been previously known to the Tenant and could not be identified by it when concluding Contract;
 - 5.2.3. for reasons, for which the Tenant is not responsible, Real Estate has become not fit for use.

6. FORCE MAJEUR

The Parties shall not bear liability for the non-performance or incomplete performance of their obligations under this Contract, if it is due to force majeure circumstances, which occurred after the execution of this Contract and which the Parties could not foresee or prevent. Such events of force majeure include earthquakes, floods, fire, war, declaration of military or emergency situations, political upheavals, strikes, interruption of the operation of communication means, acts of state and other circumstances, which render it impossible to comply with the obligations assumed under this Contract. Should the impact of external force continue for more than three months, each of the parties shall have the right to terminate this Contract by notifying of it, in writing, to another party.

7. FINAL PROVISIONS

- 7.1. Installing external advertising and informational subjects on Real Estate (buildings, constructions) shall be conducted by the Tenant or person entering into an appropriate agreement with it by the Landlord's consent.
- 7.2. Any right arising from this Contract shall be subject to registration at the respective territorial office of the Staff of the State Committee of Real Estate Cadastre within 30 (thirty) workday period.
- 7.3. All the amendments and additions to this Contract, premature termination of Contract shall be discussed by parties within one month period and formulated under a supplemental agreement in compliance with the procedure defined under Article 468 of the Civil Code of the Republic of Armenia.
- 7.4. Any disputes arising out of this Contract shall be resolved through negotiation between the Parties, and should they fail to reach agreement, such dispute shall be settled in the RA courts.
- 7.5. Expenses for certification of this Contract by notary procedure and state registration of the right shall be made by the Tenant.
- 7.6. At parties' option, this Contract is executed with 4 (four) copies in Armenian language, each one legally valid. One copy is kept at Tavush Notary Office, one copy at Tavush territorial office of the Staff of State Committee of Real Estate Cadastre adjacent to the Government of the Republic of Armenia, and the rest of

the copies are issued to parties. The original is considered the copy kept with Notary Officer; should there be any contradiction between the original and other copies, preference shall be given to the original.

Parties have read this Contract in the presence of Notary Officer; they have got familiar with all clauses of this Contract.

The LANDLORD:

Berd Community, Tavush Marz

Location – 5 (five) Levon Beck Street, Berd Town, Tavush Marz

TIN 07803704

Central Office of the RA Ministry of Finance A/N 900385101101

Authorized person – Davit Suren Melikyan, 13 (thirteen) R. Melikyan str. Berd Town, Tavush Marz

THE TENANT

Chamber of Advocates of the Republic of Armenia; location – 3 (three) Zakiyan Str., Yerevan Town

Authorized Person Anna Seryezha Mezhlumyan; registered Apt. 114 (one hundred fourteen), 12 (twelve) Amiryan Str.

The second of August, two thousand fourteen

This Contract has been notarized by me, the Notary Officer Gohar Navasardyan, working for Tavush Notary District Office of the Republic of Armenia. Both parties have signed this Contract in my presence. The identity, activity of signatory parties of Contract, as well as the legal capacity of legal persons, the authorities of their representatives and the rights of Berd community to Real Estate have been verified.

As per Article 611 of the Civil Code of the Republic of Armenia, any rights arising from this Contract are subject to registration at appropriate Office of the Staff of State Committed of Real Estate Cadastre.

Registered in Register Book No. 802

State duty equal to 5,000 AMD and service fee amounting to 15,000 AMD were charged in compliance with the RA laws on “State Duty” and “On Notary”

Gohar Navasardyan

Notary Officer

ANNEX 20

REPUBLIC OF ARMENIA

LAW

ON ADVOCACY

Adopted on December 14, 2004

Article 45.12. Organizing Training for Advocates

1. Advocates can receive training at the School of Advocates or at any other institution accredited by the Chamber of Advocates.

2. Advocates must pass training courses in a manner and workload determined by the Board of the Chamber of Advocates which should not be less than forty-eight hours in two years period.

3. In course of trainings absence of the advocate from pre-trial proceedings and (or) court trial shall be excused, if the advocate has correspondingly informed the relevant authority.

(Chapter amended by HO-339-N dated 08 December 2011)

TRAINING COURSES IMPLEMENTED BY THE CHAMBER OF ADVOCATES OF ARMENIA AND BY ORGANIZATIONS ACCREDITED THEREBY IN 2014 AND 2015

Ref	Date	Course Topic	Organization
1	10.06. 2014	Rules of conduct at the court session hall (discussion of the draft)	CA RA
2	11.07.2014	Specificites of labour disputes	CA RA
3	12.07.2014	Deontology and professional status	CA RA
4	14.07.2014	Concept of Inheritance: Matters in controversy	CA RA
5	15.07.2014	Deontology and professional status	CA RA
6	17.07.2014	Psychology of advocacy	CA RA

7	21.07.2014	Concept of Inheritance: Matters in controversy	CA RA
8	22.07.2014	Deontology and professional status	CA RA
9	23.07.2014	Concept of indemnification	CA RA
10	24.07.2014	Judicial control over pretrial proceedings. Inviting, appointing, replacing the attorney for defense and other grounds for his/her participation in proceedings	CA RA
11	25.07.2014	Non-public investigative actions and operative-search measures in criminal procedure	CA RA
12	26.07.2014	Tax offences	CA RA
13	01.08.2014	Skills relevant for applying to the Constitutional Court	CA RA
14	08.09.2014	Deontology and professional status	CA RA
15	10.09.2014	Deontology and professional status	CA RA
16	11.09.2014	Concept of indemnification	CA RA
17	12.09.2014	Psychology of advocacy	CA RA
18	17.09.2014	Tax offences	CA RA
19	18.09.2014	Skills relevant for applying to the Constitutional Court	CA RA
20	23.09.2014	Practical problems of forensic enquiry	CA RA
21	13.09.2014	Concept of indemnification	CA RA
22	17.09.2014	Tax offences	CA RA
23	18.09.2014	Skills relevant for applying to the Constitutional Court	CA RA
24	23.09.2014	Practical problems of forensic enquiry	CA RA
25	26.09.2014	Precedent-setting decisions of the Cassation Court in tax law and audits	CA RA
26	27.09.2014	Deontology and professional status	CA RA
27	07.10.2014	Criminal subculture in places of detention	CA RA
28	08.10.2014	Precedent-setting decisions of the Cassation Court in	CA RA

		tax law and audits	
29	14.10.2014	Types of claims in administrative litigation	CA RA
30	15.10.2014	Types and specifics of intellectual property	CA RA
31	16.10.2014	Deontology and professional status	CA RA
32	20.10.2014	Skills relevant for applying to the Constitutional Court	CA RA
33	20.10.2014	Advocate's engagement in customs cases	CA RA
34	21.10.2014	Deontology and professional status	CA RA
35	22.10.2014	Concept of indemnification	CA RA
36	27.10.2014	Judicial control over pretrial proceedings. Inviting, appointing, replacing the attorney for defense and other grounds for his/her participation in proceedings	CA RA
37	28.10.2014	Deontology and professional status	CA RA
38	29.10.2014	Types and specifics of intellectual property	CA RA
39	31.10.2014	Psychology of advocacy	CA RA
40	6.11.2014	Deontology and professional status	CA RA
41	11.11.2014	Deontology and professional status	CA RA
42	14.11.2014	Skills relevant for applying to the Constitutional Court	CA RA
43	18.11.2014	Practical problems of forensic enquiry	CA RA
44	19.11.2014	Deontology and professional status	CA RA
45	20.11.2014	Deontology and professional status	CA RA
46	20.11.2014	Psychology of advocacy	CA RA
47	21.11.2014	Concept of indemnification	CA RA
48	25.11.2014	Deontology and professional status	CA RA
49	27.11.2014	Types of claims in administrative litigation	CA RA
50	22.11.2014	Administration	CA RA

51	08.12.2014	Deontology and professional status	CA RA
52	09.12.2014	Specificities of labour disputes	CA RA
53	10.12.2014	Proof and the process of proving in civil procedure	CA RA
54	12.12.2014	Advocate's engagement in customs cases	CA RA
55	12.12.2014	Practical problems of forensic examination	CA RA
56	13.12.2014	Types of rights and responsibilities of taxpayers, Types of taxes, Rules of settling tax-related disputes in the RA, Liability for infringing the tax law	CA RA
57	15.12.2014	Deontology and professional status	CA RA
58	16.12.2014	Judicial control over pretrial proceedings. Inviting, appointing, replacing the attorney for defense and other grounds for his/her participation in proceedings	CA RA
59	17.12.2014	Deontology and professional status	CA RA
60	18.12.2014	Deontology and professional status	CA RA
61	19.12.2014	Deontology and professional status	CA RA
62	22.12.2014	Precedent-setting decisions of the CC in tax law and audits	CA RA
63	23.12.2014	Specificities of labour disputes	CA RA
64	24.12.2014	Concept of indemnification	CA RA
65	12.04.2014	Exclusion of discrimination on grounds of religion or belief pursuant to the European Convention of Human Rights	CE
66	19.04.2014	Protection of ethnic minority rights	CE
67	19.04.2014	Human rights and non-discrimination in the context of international legal regulations and development of national law	CE
68	25.04.2014	Human rights and non-discrimination on grounds of religion and gender	CE

69	01.05.2014	Criteria for acceptance of complaints regarding Article 14 of the Convention by the European Court of Human Rights	CE
70	30.05.2014	Human rights and non-discrimination on grounds of religion and gender	CE
71	31.05.2014	Protection of rights of the disabled in the context of European Convention on Human Rights and other international instruments on human rights	CE
72	31.05.2014	Human rights and non-discrimination in the context of international legal regulations and development of national law	CE
73	20.06.2014	Protection of rights of ethnic minorities	CE
74	21.05.2014	Manifestations of discrimination on grounds of age and right protection	CE
75	21.05.2014	Features of acceptance of complaints regarding Article 14 of the Convention by European Court of Human Rights	CE
76	28.05.2014	Problems in preparation of complaints in discrimination cases to be filed to the European Court of Human Rights	CE
77	25.07.2014	Presentation of the case-law on Article 14 of the European Convention on Human Rights and Application of Provision No 392 of the Court Regulation	CE
78	24.02.2014 25.02.2014 26.02.2014 27.02.2014	Punishments and probation not associated with deprivation of liberty	CE
79	24.10.2014	Protection of rights: National and international instruments against discrimination	CE
80	25.10.2014	Problems with preparation of complaints to the European Court of Human Rights	CE

81	31.10.2014	Specifics of acceptance of complaints regarding Article 14 of the Convention by the European Court of Human Rights	CE
82	07.06.2014	Specifics of acceptance of complaints regarding Article 14 of the Convention by the European Court of Human Rights	CE
83	14.11.2014	Protection of ethnic minority rights pursuant to the European Convention on Human Rights and the revised European Social Charter	CE
84	28.11.2014	Developments as regards non-discrimination in the international and European law	CE
85	29.11.2014	Non-discrimination on health situation and other grounds pursuant to the European Convention on Human Rights and the revised European Social Charter	CE
86	05.12.2014	Legal peculiarities of being admitted to citizenship: Interconnection between the European Convention on Human Rights and the national laws on citizenship	CE
87	12.04.2014 13.04.2014	Enhancing the rights of the accused in the draft of the new Criminal Procedure Code of Armenia	CA RA
88	07.06.2014 08.06.2014	Advocacy skills course: Provisions of the draft Criminal Procedure Code of the RA regarding the opening speech: Counter-interrogation of witnesses	ABA
89	06.09.2014 07.09.2014	Advocacy skills course: Provisions of the draft Criminal Procedure Code of the RA regarding the opening speech: Counter-interrogation of witnesses	ABA
90	25.09.2014	Problems of the draft Criminal Code of Armenia	ABA+ the Chamber Club
91	25.09.2014	Problems of the draft Criminal Code of Armenia	ABA+ the Chamber Club
92	11.10.2014	Evidentiary material	ABA

93	25.10.2014	Developing defense tactics and strategy in criminal cases	ABA
94	15.11.2014 16.11.2014	Deontology and professional status	ABA+ Chamber Club
95	22.11.2014	Skills relevant for applying to the Constitutional Court	ABA
96	29.11.2014	Skills relevant for applying to the Constitutional Court	ABA
97	26.11.2014	Regulations provided for in the general part of the draft Criminal Code of Armenia	ABA+ Chamber Club
98	01.12.2014	Deontology and professional status	ABA+ Chamber Club
99	20.12.2014	Evidentiary material	ABA
100	27.12.2014	Proceedings at first instance court	ABA
101	19.03.2014 20.03.2014	Distinguishing features of proceedings in human trafficking or exploitation cases in Armenia	OSCE
102	10.06.2014 11.06.2014	International legal instruments on asylum seekers	CA RA, UNHCR
103	01.07.2014 02.07.2014	International and national legal system for asylum	CA RA, UNHCR
104	08.09.2014	International legal instruments on asylum seekers	CA RA, UNHCR
105	08.10.2014	The method of interviewing asylum seekers	CA RA, UNHCR
106	11.11.2014	The method of interviewing asylum seekers	CA RA, UNHCR
107	14.01.2014	Deontology and professional status	CA RA

108	20.01.2015	Rights and responsibilities of taxpayers, Types of taxes, Rules of settling tax-related disputes in the RA, Liability for infringing tax law	CA RA
109	21.01.2015	Concept of indemnification	CA RA
110	27.01.2015	Specificities of labour disputes	CA RA
111	29.01.2015	Concept of Inheritance: Matters in controversy	CA RA
112	30.01.2015	Deontology and professional status	CA RA
113	07.02.2015	Administration	CA RA
114	09.02.2015	Deontology and professional status	CA RA
115	11.02.2015	Rights and responsibilities of taxpayers, Types of taxes, Rules of settling tax-related disputes in the RA, Liability for infringing tax law	CA RA
116	12.02.2015	Psychology of advocacy	CA RA
117	16.02.2015	Representation in arbitration, international arbitration. Commercial arbitration. Mediation	CA RA
118	17.02.2015	Discussion with the Chairman of the Chamber	CA RA
119	17.02.2015	Concept of Inheritance: Matters in controversy	CA RA
120	18.02.2015	Deontology and professional status	CA RA
121	20.02.2015	Evidentiary materials in criminal procedure	CA RA
122	24.02.2015	Procedure of bankruptcy case hearing	CA RA
123	25.02.2015	Preparatory session in civil procedure. Advocatory tactical tricks	CA RA
124	26.02.2015 27.02.2015	Conflict management	CA RA
125	9.03.2015	Deontology and professional status	CA RA
126	13.03.2015	Amendments made to the administrative procedure legislation	CA RA

127	16.03.2015	Liability in civil and legal obligations	CA RA
128	24.03.2015	Procedure of bankruptcy case hearing	CA RA
129	25.03.2015	Concept of Inheritance: Matters in controversy	CA RA
130	27.03.2015	Effective communication skills	CA RA
131	30.03.2015	Specificities of legal aid agency management	CA RA
132	31.03.2015	Defense strategy and tactic	CA RA
133	10.04.2015	Liability in civil and legal obligations	CA RA
134	13.04.2015	Deontology and professional status	CA RA
135	16.04.2015	Relief of criminal liability based on intensive regret, reconciliation of the offender with the victim and the situation	CA RA
136	20.04.2015	Amendments made to the administrative procedure legislation	CA RA
137	27.04.2015	Deontology and professional status	CA RA
138	28.04.2015	Concept of transactions	CA RA
139	29.04.2015	Psychology of Advocacy	CA RA
140	6.05.2015	Requirements for advocates, private entrepreneurs offering legal services, and legal entities provided for in the RA Law on Combating Money Laundering and Terrorism Financing	CA RA
141	13.05.2015	Specificities of labor disputes	CA RA
142	14.05.2015	Deontology and professional status	CA RA
143	15.05.2015	Evidentiary material in criminal procedure	CA RA
144	19.05.2015	Effective communication skills	CA RA
145	20.05.2015	Effective communication skills	CA RA
146	21.05.2015	Rights and responsibilities of taxpayers, Types of taxes, Rules of settling tax-related disputes in the RA, Liability for infringing tax law	CA RA

147	22.05.2015	Evidentiary material and process of substantiation in civil procedure	CA RA
148	25.05.2015	Deontology and professional status	CA RA
149	25.05.2015	Concept of Bankruptcy	CA RA
150	25.05.2015	Non-public investigative actions and operative-search measures in criminal procedure	CA RA
151	26.05.2015	Legal problems of protection of economic competition in the Republic of Armenia	CA RA
152	5.06.2015	Deontology and professional status	CA RA
153	11.06.2015	Concept of transactions	CA RA
154	12.06.2015	Evidentiary material and process of substantiation in civil procedure	CA RA
155	15.06.2015	Concept of preparation phase in civil case trial	CA RA
156	16.06.2015	Protection of proprietary rights in land disputes	CA RA
157	17.06.2015	Judicial control over pretrial proceedings	CA RA
158	19.06.2015	Representation in cases on administrative offence due to vehicle operation	CA RA
159	22.06.2015	Problems of procedural proceedings	CA RA
160	26.02.2015	Specificities of acceptance of complaints on Article 14 of the Convention by the European Court of Human Rights	CE
161	28.02.2015	Non-discrimination on health situation and other grounds as per European Convention on Human Rights and the revised European Social Charter	CE
162	14.03.2015	Non-discrimination on health situation and other grounds as per European Convention on Human Rights and the revised European Social Charter	CE
163	20.03.2015	Efficient implementation of international and national human right protection instruments. Interrelation between a number of articles of the European	CE

		Convention on Human Rights and Article 14	
164	28.03.2015	Protection of ethnic minority rights in the European Convention on Human rights and the revised European Social Charter	CE
165	4.04.2015	Specificities of acceptance of complaints regarding Article 14 of the Convention by the European Court of Human Rights	CE
166	16.01.2015	New draft of the RA Criminal Code	ABA
167	21.02.2015	Subject and criteria of judicial acts authorizing pre-trial arrest	ABA
168	28.02.2015	Defender in the pre-trial proceedings	ABA
169	27.02.2015	Deontology and professional status	ABA
170	11.04.2015	Face to face interrogations of witnesses as per European Convention of Human Rights	ABA
171	26.04.2015	Online training platforms for advocates	ABA
172	22.05.2015	Deontology and professional status	ABA
173	30.03.2015	International legal system of asylum	SA
174	12.05.2015	International legal system of asylum	SA
175	13.05.2015	Refugee status determination criteria	

CA RA - Chamber of Advocates of the Republic of Armenia

CE - Council of Europe office in Yerevan

OSCE - Organization for Security and Cooperation in Europe

ABA - Armenian representation of the American Bar Association

SA - "School of Advocates of the Republic of Armenia" Foundation

UNHCR - Office of the United Nations High Commissioner for Refugees

Compulsory Training of Advocates and Public Defenders in Comparison with European Recommendations

School of Advocates of the RA (hereinafter: School of Advocates) with a status of foundation is a non-profit organization whose founder is the Chamber of Advocates of the Republic of Armenia represented by the Board of the Chamber of Advocates.

School of Advocates organizes and holds professional education for its attendees, professional trainings for advocates, the attendees' qualification examination, as well as implements other activities envisaged by the Charter of School of Advocates.

The training programmes of the School of Advocates equally applicable for advocates and public defenders are being developed in compliance with International recommendations, in particular the final report of EU-CoE EJREPC²⁶ and Consultative Council of European Judges (CCJE), Opinion no. (2013) 16 on the relations between judges and lawyers²⁷. One of the CCJE's recommendations is that practical trainings should be organized in advocates' bureaus for the purpose of obtaining first-hand knowledge. A high level of professional competence is one of the core principles of the legal profession as enshrined in the CCBE Charter of Core Principles, the Council of Europe Recommendation on the freedom of exercise of the profession of lawyer (Rec(2000)21), the European Parliament resolution on the legal professions and the general interest in the functioning of legal systems and the United Nations Basic Principles on the Role of Lawyers. Lawyers cannot effectively advise or represent a client unless they have had the training necessary to enable a professional to keep pace with continuous changes in law and practice and in the regulated technological, social and economic environments. In this respect, Article 45.12 of the Law on Advocacy of Armenia set out that Advocates must pass training courses in a manner and workload determined by the Board of the Chamber of Advocates which should not be less than forty-eight hours in two years period. Thus, it should be noted that during 2014-2015 a number of mandatory continuing trainings for advocates and public defenders were held in the School of Advocates of RA.

²⁶http://www.coe.int/t/dghl/cooperation/capacitybuilding/Source/judic_reform/Eastern%20Partnership_Report%20on%20Training%20of%20Judges_English_Final%20version_15%2005%202012.pdf, page 183

²⁷ <https://wcd.coe.int/ViewDoc.jsp?id=2200701&Site=COE>

The EU-CoE EJREPC's report also requires that the trainee undertakes each stage of practical training under the supervision of a mentor appointed by Council of the Advocates' Union. Respectively, the School of Advocates of RA undertakes the obligation to supervise the trainings of advocates and public defenders. According to the same report, the traineeship mentor shall be appointed from the advocates having high level of theoretical and practical knowledge. It is worth mentioning that the educational projects of the School of Advocates is established by its board, the members of which are highly educated advocates.

According to the CoE standards, the traineeship is an obligatory module which should last not less than 22 weeks. The mandatory trainings for the advocates of RA are being held for 6 month period, consequently, are in compliance with the requirements of CoE.

As mentioned, the training programs for advocates and public defenders are conducted also in line with Consultative Council of European Judges (CCJE), Opinion no. (2013) 16 on the relations between judges and lawyers. The latter encourages the identification of common ethical principles, such as the duty of independence, the duty to sustain the rule of law at all times, co-operation to ensure a fair and swift conduct of the proceedings and permanent professional training. In order to comply with this requirement the trainings entitled "Deontology and professional status" were held by the School of Advocates.

In this regard, the CCJE requires that the professional associations and independent governing bodies should be responsible for this process. As mentioned above, the School of Advocates of RA has a status of foundation and is a non-profit organization. Moreover, it organizes and supervises the training programs, therefore is responsible for their implementation. The joint trainings were organized also in partnership with CoE Office in Yerevan, OSCE Office in Yerevan and American Bar Association representation in Armenia.

Lastly, the CCJE also recommends developing arrangements for the friendly settlement of disputes and considers the respective roles of advocates in the framework of friendly settlements by conciliation or mediation. In this regard the Chamber of Advocates in cooperation with Justice Academy has organised trainings entitled "The representation in Arbitration, in International Arbitration: Commercial Arbitration: Mediation".

TRAINING COURSES ORGANIZED BY SCHOOL OF ADVOCATES WITH COOPERATION COUNCIL OF EUROPE AND EUROPEAN UNION



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"Strengthening the knowledge of advocates and defenders, for the purposes of national implementation of the European Convention on Human Rights (ECHR) and the European Social Charter (revised)."

In cooperation with the School of Advocates

Training

Dear colleagues,

The Council of Europe and the School of Advocates of RA within the framework of joint project of EU/CoE "Strengthening the knowledge of advocates and defenders for the purposes of national implementation of the European Convention on Human Rights (ECHR) and the European Social Charter (revised) " organize a one-day training entitled "The protection of the rights of national minorities according to ECHR and European Social Charter (revised) ".

It will take place on **28 March 2015** in the Chamber of Advocates (Yerevan, Zaqiyan 2).

The seminar will be delivered by local experts Avetik Ishkhanyan and Arman Khachatryan.

The places are limited to 30 participants.

By participating to the seminar every advocate will fill the **9 hours of mandatory training**.

We encourage registering only those advocates who are confident that will participate in the training.

For more information and for registration to the seminar please call to Lusine Nersisyan- the assistant of the Chairman of the School of Advocates of RA assistant attorney 055 261013 (mobile), and / or a send an e-mail to staff@advschool.am electronic address, clearly stating your license number and phone number.



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In cooperation with the School of Advocates

Training

The protection of national minorities according to ECHR and European Social Charter (revised)

Introduction to rights of national minorities, enshrined in domestic and international legislation, their protection and issues in the light of European convention of Human Rights and case law of European Court of Human Rights

28 March 2015

Advocates School of RA (Zakiyan 2)

Agenda

09:30-10:00	Registration of participants
	Session I
10:00-11:15	<ul style="list-style-type: none">• Introduction of the training course Expert Mr. Arman Khachatryan• Session I – The concept of human rights: its implementation and restrictions from it<ul style="list-style-type: none">- <i>Topic 1 – Characterization, grouping, distinguishing between right and freedom</i>- <i>Topic 2 – The implementation of rights and and restrictions from it</i> Expert Mr. Avetik Ishkhanyan Questions to experts and discussions

11:15-11:45	<i>Coffee break</i>
	Session II
11:45-13:00	<ul style="list-style-type: none"> • Session II – The concept of discrimination (practical problem-solving) <p><i>Topic 3</i> – European Convention on Human Rights (ECHR) and the European Social Charter (revised)</p> <p>Expert Mr. Avetik Ishkhanyan</p>
13:00-14:00	<i>Dinner</i>
	Session III
14:00-15:00	<ul style="list-style-type: none"> • Session III – The rights of national minorities <ul style="list-style-type: none"> - <i>Topic 4 – International instruments</i> - <i>Topic 5 – Domestic legal acts and norms</i> <p>Expert Mr. Arman Khachatryan</p> <p>Questions to experts and discussions</p>
15:00-15:30	<i>Coffee break</i>
	Session IV
15:30-16:30	<p>Topic IV – The admissibility criteria of ECtHR and its decisions (group exercise on studying of cases)</p> <p>Expert Mr. Arman Khachatryan</p>
16:30-17:30	<p>Group discussions and presentations</p> <p>Course summary</p>



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In cooperation with the School of Advocates

Training

Dear advocates,

The Council of Europe and the School of Advocates of RA within the framework of joint project of EU/CoE "Strengthening the knowledge of advocates and defenders, for the purposes of national implementation of the European Convention on Human Rights (ECHR) and the European Social Charter (revised) " organize a one-day training entitled " The specifications of admissibility of complaints to the European Court of Human Rights, regarding Article 14 of the Convention".

It will take place on **26 February 2015** in the Chamber of Advocates (Yerevan, Zaqiyan 2).

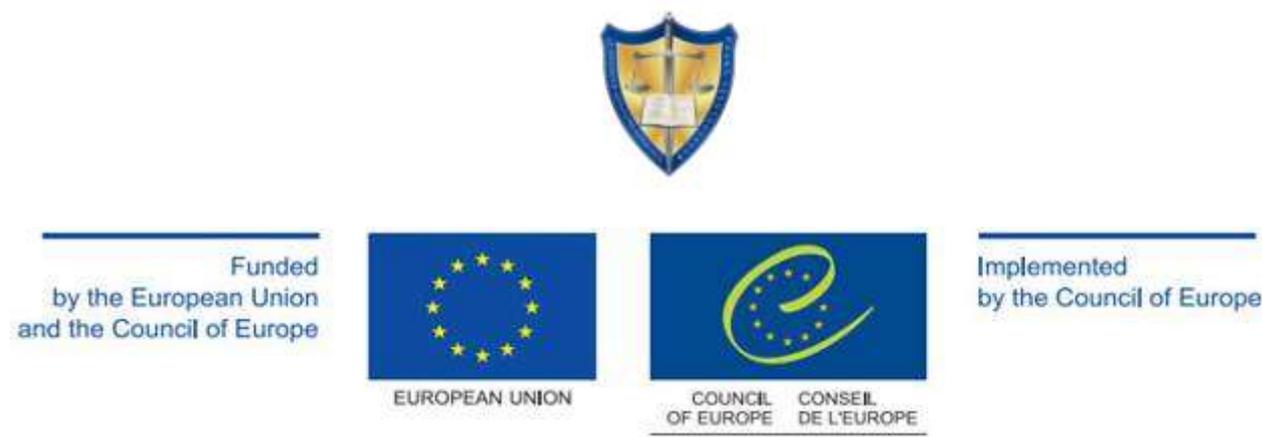
The seminar will be delivered by local experts Tigran Safaryan and Anahit Cjilingaryan.

Places are limited to 30 participants.

By participating to the seminar every advocate will fill the **9 hours of mandatory training.**

We encourage registering only those advocates who are confident that will participate in the training.

For more information and for registration to the seminar please call to Lusine Nersisyan- the assistant of the Chairman of the School of Advocates of RA assistant attorney 055 261013 (mobile), and / or a send an e-mail to staff@advschool.am electronic address, clearly stating your license number and phone number.



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In cooperation with the School of Advocates

Training

The specifications of admissibility of complaints to the European Court of Human Rights, regarding Article 14 of the Convention

26 February 2015

School of Advocates of RA, Yerevan, Zakiyan 2

AGENDA

09:30-10:00	The registration of the participants
	Session I
10:00-10:45	The admissibility criteria of ECtHR <ul style="list-style-type: none">- <i>Topic 1 – the admissibility criteria for complaint</i>- <i>Topic 2 – The amendments made in the 47th rule of the Court’s Regulation (Expert T. Safaryan)</i>
10:45-11:15	Questions and answers <i>(Experts T. Safaryan and A. Chilingaryan)</i>
11:15-11:45	<i>Coffee break</i>
	Session II
11:45-12:30	The concept of discrimination (introduction) <ul style="list-style-type: none">- <i>Topic 1 – Prohibition of discrimination within the international legal regulations (including European Convention of Human Rights and European Social Charter (revised))</i>- <i>Թեմա 2 – The prohibition of discrimination within the legislation of RA</i> <i>(Expert A. Chilingaryan)</i>
12:30-13:00	Discussion of situational problems
13:00-14:00	<i>Dinner</i>
	Session III
14:00-14:30	<ul style="list-style-type: none">- <i>Topic 1 – Procedural features of cases for discrimination (according to the case law of the ECHR)</i>

	<ul style="list-style-type: none"> - <i>Topic 2 – features of admissibility according to Article 14 and Article 1 of the Protocol 12</i> - <i>Topic 3 – The prohibition of discrimination on the ground of health condition</i> <i>Topic 4 – The prohibition of discrimination on the ground of disability (Expert A. Chilingaryan)</i>
14:30-15:30	Discussion of situational problems
15:30-15:45	<i>Coffee break</i>
Session IV	
15:45-16:45	The analyses of the cases submitted to ECtHR against Armenia <i>(Expert T. Safaryan)</i>
16:45–17:00	Summary and filing of evaluation sheets



A joint project of the Council of Europe and the European Union

"Strengthening the knowledge of advocates and defenders for the purposes of national implementation of the European Convention on Human Rights (ECHR) and the European Social Charter (revised)."

In cooperation with the School of Advocates

Dear advocates,

The Council of Europe and the School of Advocates of RA within the framework of joint project of EU/CoE "Strengthening knowledge of advocates and defenders, for the purposes of national implementation of the European Convention on Human Rights (ECHR) and the European Social Charter (revised) " organizes a one-day training entitled "The particularities and legal basis for the request for citizenship. The Interrelation between the European Convention on Human Rights and the domestic legislation on citizenship".

It will take place on **5 December 2014** in the Chamber of Advocates (Yerevan, Zaqiyan 2).

The seminar will be delivered by local experts Hamazaspuhi Grigoryan and Lusine Ohanyan.

Places are limited to 30 participants.

By participating to the seminar every advocate will fill the **9 hours of mandatory training**.

We encourage registering only those advocates who are confident that will participate in the training

For more information and for registration to the seminar please call to Lusine Nersisyan- the assistant of the Chairman of the School of Advocates of RA assistant attorney 055 261013 (mobile), and / or a send an e-mail to staff@advschool.am electronic address, clearly stating your license number and phone number. In case of impossibility to contact to Lusine Nersisyan you can register in the way of sending an e-mail to Arman Poghosyan who is an officer in Council of Europe Office in Yerevan (arman.poghosyan@coe.int).



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In cooperation with the School of Advocates

Training

"The particularities and legal basis for the request for citizenship. The Interrelation between the European Convention on Human Rights and the domestic legislation on citizenship".

5 December 2015
School of Advocates (Zakiyan 2)

AGENDA

09:30-10:00	Registration of participants
	Session I
10:00-11:15	<ul style="list-style-type: none">• Presentation of the training course Experts H. Grigoryan L. Ohanyan• Session I – The particularities and legal basis for the request for citizenship according to RA legislation

	<p>- <i>Topic 1 – The principles of gaining citizenship</i></p> <p>Experts H. Grigoryan L. Ohanyan</p> <p>Questions to experts and discussion</p>
11:15-11:45	<i>Coffee break</i>
	Session II
11:45-13:00	<p>- Session II – Discrimination in gaining citizenship</p> <p>- <i>Topic 2 – The relevant case law of European Court of Human Rights</i></p> <p>Experts H. Grigoryan L. Ohanyan</p> <p>Questions to experts and discussion</p>
13:00-14:00	<i>Dinner</i>
	Session III
14:00-15:00	<ul style="list-style-type: none"> • Session III –Legal gaps and practice in the field of discrimination in gaining citizenship - <i>Topic 3 – Types of discrimination</i> <p>Experts H. Grigoryan L. Ohanyan</p> <p>Questions to experts and discussion</p>
15:00-15:30	<i>Coffee break</i>
	Session IV
15:30-16:30	<p>Solving of situational problems, exchange of opinions, (group exercise on studying of cases)</p> <p>Experts H. Grigoryan L. Ohanyan</p>
16:30-17:30	<p>Group discussions and presentations</p> <p>Course summary</p>

Approved by

Decision N 35/8-L

Of the Chamber of Advocates of Armenia

On 18/12/2014

Chair of the Board

Ara Zohrabyan

REGULATIONS ON TRAINING OF ADVOCATES

I. GENERAL PROVISIONS

1. The Regulations on Trainings of Advocates (hereinafter referred to as the Regulations) defines the procedures, timelines, counting the engagement hours, responsibility, accountability as well as other training relationships for the trainings of advocates.
2. The Regulations are adopted in compliance with the “Republic of Armenia Law on Advocacy”²⁸ Point 3, Part 2, Article 7; Point 4.1, Article 19 and Part 2, Article 45.12.
3. The purpose of the training is to improve the skills, knowledge and competencies of the advocates through ongoing professional (vocational) trainings on advocacy.
4. The Regulations are mandatory for all the members of the Chamber of Advocate of the Republic of Armenia (hereinafter referred to as the Chamber of Advocates of Armenia)

II. TRAINING PROVIDER INSTITUTIONS

5. Trainings for the advocates, in cases defined and coordinated hereof, shall be provided by the Chamber of Advocates of Armenia, free of charge.
6. Trainings can also be provided by the School of Advocates of the Republic of Armenia Fund Non-Profit organization (hereinafter referred to as The School of Advocates) through signing a relevant agreement with the advocate.
7. Other institutions, certified by the Chamber of Advocates of Armenia shall also be entitled to provide trainings for advocate.

III. TRAINING ROCEDURE

8. The advocate shall take 12 (twelve) academic hours (hereinafter **hour**; 1 (one) academic hour is equal to 40 (forty) minutes) of training, every six months (semi-annual period). The count of the six months starts: (a) in January and ends in June (inclusive) or (b) starts in July and ends in December (inclusive).
9. If the advocate was certified in one of the months of the given semi-annual period (semester) (irrespective of the date), then instead of 12 (twelve) academic hours per semi-annual period, before the end of the last month of the reporting period, the advocate can receive two (2) hour training for each one (1) month. The regulations hereof shall also apply to the advocates that restored the suspended Advocate

²⁸ The official sources give this law under two titles: “Republic of Armenia Law on Advocacy” and “Law of the Republic of Armenia on the Profession of Advocate”.

Certificate, as well as to the advocates specified in the Chapter IV hereof, with the exception of the cases of additional training hours defined by the RA Chamber of Advocates.

10. The trainings for advocate shall be organized in groups, unless these are distant (distance learning courses) or online trainings.
11. The training(s) can also be organized on distance (**live view mode via Internet**). Distance learning training shall be proposed only to:
 - The advocates registered and operating in Shirak, Lori, Tavush, Gegharkunik, Vayots Dzor and Syunik Marzes of Armenia;
 - Advocates abroad;
 - Advocates limited in mobility due to health issues, upon the decision of the Chair of the RA Chamber of Advocates;
 - Those advocates who are allowed to participate in a specific thematic training and are in advance notified in the announcement about the distant mode of the training.
12. The trainings can also be provided online. The Online trainings (**viewing the trainings recorded in advance**) shall be available for all the advocates, but no more than 4 (four) hours per semi-annual period.
13. The distant and online training regulations are defined by the decision of the Chair of the RA Chamber of Advocates.
14. After the topics of the training are published, the advocates register for the training electronically (or via other mode, provided the identity verification of the participant).
15. Registration for the training starts at least 7 (seven) and ends at least 3 (three) days prior to the training date. In exceptional cases, if the training group is not complete, the registration deadline can be extended to the day preceding the training. In case the training group is not completed and consequently a decision is made to postpone the training date, the registered participants shall be notified electronically (via e-mails) about the change of the training date.

IV. ADDITIONAL COURSES

16. The advocate who has restored the Certificate, shall take additional courses on his/her own expense, with the ratio 2 (two) hours per each month suspended. The timeframe for the additional training course for the advocate is defined by the Board of the RA Chamber of Advocates.
17. In case there is no specific timeframe defined by the Board of Chamber of Advocates of Armenia on the additional training courses, the advocate shall take the additional training courses within 6 (six) months upon the decision of the Board enters into force.
18. The advocate who participates in the training on his/her own expense, shall (must) notify the Chamber of Advocates of Armenia in writing (hard copy or via e-mail), three days prior to the training, mentioning: (a) the date and number of the Decision of the Board on the additional training; (b) License Number; (c) the name of the training provider institution accredited by the RA Chamber of Advocates, RA School of Advocates or Board of RA Advocates; (d) first name, last name of the trainer; (d) topic of the training and (e) date and venue/location of the training. The application

shall be signed by the advocate; the copy of the invoice to the training provider institution (or the confirmation letter from the training provider institution on the fact of being informed by the advocate on the necessity to participate in the training on his/her own expense) shall be attached to the application. Participation in a training with violation of the regulations hereof will not be counted by the RA Chamber of Advocates. The regulations hereof shall also apply to the advocates who are sanctioned with additional training course.

V. CALCULATING TRAINING HOURS

19. One (1) to four (4) hours (including) of training by an advocate who is teaching at the School of Advocates or Chamber of Advocates of Armenia shall be equivalent to one training hour.
20. Full-time involvement of an advocate in mentoring the practical internship of the trainees of the School of Advocates, regardless of the number of trainees, shall be equivalent to 10 (ten) hours planned for the training for each semi-annual period (semester).
21. Upon completing the 12 (twelve) hours planned for training, the advocate can continue participating in the training, shall there be space (vacant seats) available in the group; however, the hours of participation in that particular training (unless defined otherwise by Paragraph 36 hereof) shall not be calculated for that advocate and shall not be cumulatively transferred to the next training (semi-annual) period.
22. The hours of trainings received by the advocates abroad or at other educational courses (seminars) may be calculated in (added to) the mandatory training hours for the advocate, upon the discretion of the Chair of Chamber of Advocates of Armenia and based on the topic of training.
23. Three hours of participation of the members of the Chamber of Advocates of Armenia (as well as Chair of the Board), members of the Calculating Commission, advocate members of the Qualification Commission, as well as advocate members of the Board of the RA School of Advocates in sessions of the Board and Commissions (including the qualification tests/exams) shall be equivalent to one hour of training. In cases when it shall not be possible to precisely calculate the duration of the session, then one session shall be equivalent to one hour of training.

VI. ACCOUNTABILITY/REPORTING

24. The RA School of Advocates, as well as the accredited organizations (institutions) for each month, before the 10th day of the following month, provide the Chamber of Advocates of Armenia with a reference letter regarding the advocates trained within the given period, specifying the contacts details of the participating advocate, number of training hours, topic of the training and the contact details of the trainer.
25. The RA Chamber of Advocates shall, within 3 (three) working days upon the advocates' application, provide information on the number of hours of training participated within the given year.

26. The Chamber of Advocates of Armenia can upload the information on training hours on www.advocates.am website, individually, on the personal page for each advocate, visible only for the advocates.

VII. RESPONSIBILITY

The advocate violating the Regulations s hereof shall be imposed to disciplinary penalty in compliance with provisions of the RA Law on Advocacy and the Code of Conduct for Advocates of the RA Chamber of Advocates.

27. The advocate that has registered for the training, but has failed the participation without good reason, thus consumes his/her opportunity to attend the given number of hours of free of charge training in the given subject. In such cases the advocate shall fill in the number of training hours required on his/her own expense. The advocate shall apply to the Chair of the Chamber of Advocates of Armenia within 10 (ten) days after the training, in written form, with a request to recognize the justification for “no show”.
28. The Chamber of Advocates of Armenia does not impose disciplinary penalty for missing (“no-show”) the professional training course if:
- The advocate is over 70 years old and is not practicing;
 - The advocate has first and second category disability and is not practicing;
 - Female advocates who are on their maternity leave a trimester before labor and a year after the labor (the basis for calculation is the proportion 2 hours of training per month);
 - Advocates on study abroad, if they have informed the Chamber of Advocates of Armenia about it in advance in a written form (or via e-mail);
 - The graduates of the RA School of Advocates, within a year upon graduation (the basis for calculation is the proportion is 2 hours of training/per month);
 - The advocates who are permanent residents in a foreign country (183 days and more) before providing them with distance learning courses or online training opportunity, if those advocates have informed the Chamber of Advocates of Armenia in written form (or via e-mail) in advance;
29. The advocates mentioned in Paragraphs 1 and 2 point 29 hereof shall submit a written declaration to the Chair of the Chamber of Advocates of Armenia confirming their ceased practice.

VIII. SELECTION OF THEMES (TOPICS) OF TRAINING AND THE TRAINERS

30. The themes of training shall be defined by the Chair of the RA Chamber of Advocates
31. The basis for the selection of training themes shall be the Reference Letter prepared by the Training Officer of the RA Chamber of Advocates, which is developed as a result of surveyamong the advocates.
32. The List of Training themes shall be approved for each semester in advance.
33. The Training Schedule shall be approved for each month.
34. The selection of the Trainers shall be done in compliance with the regulations set by the decision of the Chair of the RA Chamber of Advocates, from the pool of advocates or other professionals, within the scope of the approved themes.

35. The advocates, on an annual basis (January- December), shall attend at least 4 (four) hours of training on themes approved within the Code of Conduct for Advocates(deontology). The rest of the themes the advocates shall chose on their own discretion.

IX. CLOSING AND TRANSITIONAL PROVISIONS

36. The Regulations hereof enter into force from January 1, 2015 with indefinite terms of validity.
37. After the distance learning courses or online trainings are planned, the advocates of the Republic of Mountainous Karabagh shall be entitled to free of charge participation to the training courses conducted by the RA Chamber of Commerce.
38. Changes and/or modification to the Regulations shall be introduce by the Board of the RA Chamber of Advocates.

ANNEX 21

From:

Assistant to the President of the Republic of Armenia

26, Marshal Baghramyan Ave

Yerevan, Armenia

0077

June 04, 2015

NO - 842

To:

Mr. A. Mrktchyan

First Deputy of the

Minister of Justice

Republic of Armenia

Dear Mr. Mkrtychyan,

Please, accept the following Law of the Republic of Armenia for the publication in the Official Bulletin:

1. Law on Making Changes and Amendments to the Civil Procedure Code of the Republic of Armenia
2. Law on Making Changes and Amendments to the Judicial Code of the Republic of Armenia
3. Law on Making Changes and Amendments to the Civil Code of the Republic of Armenia
4. Law on Making Amendments to the Family Code of the Republic of Armenia
5. Law on Making Amendments to the Law on State Duties of the Republic of Armenia

Attached, 21 pages

M. Zakaryan

Republic of Armenia Law

Adopted on May 7. 2015

Law of the Republic of Armenia on Making Changes and Amendments to the Law on Civil Procedures Code of the Republic of Armenia

Article 1.

To amend the Part 1, Article 42 of the RA Civil Procedures Code, adopted on June 17, 1998 (hereafter referred to as the Code) with Paragraph 3.1., with the following content:

“3.1. participating in the mediation process with licensed Mediator”.

Article 2.

To complete the Paragraph 3, Part 1, Article 44.1 of the Code, adding words “the Arbitrators and Mediators” after the word “Judges”.

Article 3.

To complete the Article 48 with Paragraph 4.1 of the Code, with the following content:

“4.1. The acceptance of any fact by the person participating in the case during the mediation process cannot become basis for recognizing that fact as proved evidence”.

Article 4.

To complete the Part 1 of Article 103 of the Code with Paragraph 3.1 with the following content:

“3.1. one of the parties refers to the agreement to settle the given case through the mediator, with the exception when the Court decides the agreement as null and void, revoked or obviously not possible to fulfil”.

Article 5.

In Article 109 of the Code:

1. Edit Para 7 as follows:

7) The Court approved the Agreement of Reconciliation, signed by the parties, including the agreement of reconciliation signed as a result of the mediation”.

2. to complete the Article with Paragraph 8, with the following content:

8) as a result of the mediation the parties have signed the agreement of reconciliation, where they mentioned the termination of the case proceedings without the approval of the agreement of reconciliation by the court”.

Article 6.

To complete Para 2 of Article 120 of the Code with a new sentence with the following content:

“the chairperson also find out, whether the parties are willing to solve their conflict through a reconciliation agreement, explaining the essence of the reconciliation agreement”

Article 7.

In Part 5 of Article 132 of the Code:

1. To make a punctuation change in Armenian in Para 7.
2. To add Para 8 with the following content:

“8. Note on the decision of the court to appoint mediation, to administer mediation”

Article 8.

To complete the Code with Chapter 22.3 with the following content:

“Chapter 22.3

Article 149.10. Filing the Reconciliation Agreement and the Claim in Court

1. Reconciliation agreement is a written agreement between the parties who appeared to be in certain civil, labour or family legal relations on the resolution of all or certain current or possible (future) disputes through the mediator. The reconciliation agreement can be signed both through including the provision on conflict resolutions through the mediator in the Contract and through signing a separate agreement.
2. Through the reconciliation agreement, the parties have the right to define the maximum deadlines to resolve the conflict. The timing for reconciliation envisaged by the Reconciliation Agreement cannot exceed six (6) months from the moment of assignment of the mediator. In the process of mediation, the parties are eligible to prolong the mediation deadline up to six (6) months, only one time. In case the parties do not reconcile within the timing defined, the process of reconciliation is considered finished, without the reconciliation of the parties. If the parties have not defined the maximum deadline for resolving the dispute through the reconciliation process in the Reconciliation Agreement, then it is the maximum defined by the Law: six (6) months from the moment of appointment of the mediator.
3. The Reconciliation Agreement is signed in the simple written way, through one document. If the Reconciliation Agreement is included in the Contract, then it shall be signed as it is provided by the Contract. Violation of the given condition leads to invalidity of the Reconciliation Agreement, which becomes null and void.
4. The dispute that is under the mediation shall not be submitted for Arbitration. The dispute that has a provision on the Reconciliation Agreement and the possibility of

resolving the issue through the reconciliation agreement has not expired yet, shall not be submitted for Arbitration.

5. If the parties do not reconcile as result of the mediation, the limitations of the given Article shall not be applied and the right of the parties to file a complain to the court shall not be limited.

Article 149.11. Appointment of the Mediation and Mediator

1. If the parties have not defined the procedure of selecting the mediator by the provision on Reconciliation Agreement or otherwise, then the parties of the conflict shall fulfil the selection of the mediator within a month after the conflict arose. If a party avoids the selection of the mediator, then the other party has the right to apply to the local area court with an application to appoint a licensed mediator. The Application shall contain information envisaged by the given part, shall have an attachment with evidence which becomes grounds for the mediation all signed by the Applicant or the person delegated. In a period of 5 days after receiving the Application and the attached documents and if the Application meets the requirements hereof, the Court appoints a licensed mediator.
2. On any stage of the case in proceedings in the Court of the first instance or the Court of Appeal, the Court, with the aim to reconcile the parties, with the consent or mediation of the parties, has the right to initiate a mediation process with the appointment of a licensed mediator. The court appoints the licensed mediator selected by the parties; in the case the parties do not select a mediator, the court appoints a licensed mediator in accordance with the Part 4 of the given Article.
3. The court makes a decision on appointing the reconciliation process, mentioning the parties of the conflict, the nature of the conflict and brief description of the conflict, requirements of the parties, deadlines for the reconciliation, name if the licensed mediator and other necessary data, the next hearings day and time. After the court made a decision, within 10 days the case is submitted to the licensed mediator. If the parties do not reconcile as a result of the reconciliation process, the court proceeds with examination of the case, from the moment of termination.
4. The Judicial Department of the Republic of Armenia implements the registration of the workload and specialization of the licensed mediators. The licensed mediator shall be appointed from the List of the mediators of the relevant sector, in alphabetical order of the last name, in accordance with the specialization and workload of the licensed mediator. The least loaded licensed mediator, having the relevant specialization in the area of the dispute in subject, is selected irrespective of the alphabetical order of the last name.

With the purpose of transparency in selecting and appointing the licensed mediator, in accordance with the decision of the Council of Courts Chairpersons of Armenia, additional requirements can be established for the selection, or introduce the automated systems of selection based on the defined requirements.

Article 149.12. The Scope and Timing of the Mediation Appointed by the Court

1. Reconciliation process can be assigned both for the whole legal dispute and for a separate requirement, if the resolution of that separate part is possible through the reconciliation.
2. The initial deadline for the reconciliation defined by the Court cannot exceed six (6) months. The deadline mentioned through the joint mediation of the parties can be prolonged only once, up to six (6) months.
3. The counting of the timing by the court starts the date of appointment of the licensed (certified?)mediator.

Article 149.13. Completion of the Mediation

1. Each party, as well as the mediator, can terminate the process of termination at any time.
2. The process of mediation ends with at least one of the parties or the mediator him/herself terminating the process or upon signing the Reconciliation Agreement as a result of mediation process. In case of signing the Reconciliation Agreement, the parties receive one copy of it,each and two more copies are stored with the mediator.
3. If as a result of the mediation appointed by the court, the dispute is resolved and Reconciliation Agreement is signed the mediator shall within two working days upon signing the Agreement properly notify the court, attaching the original copy of the signed Agreement.
4. If there is a condition on confidentiality in the Reconciliation Agreement, by which the parties agreed to terminate the case without approving the reconciliation agreement, then the licensed mediator, with the consent of the parties, within two working days upon signing the Reconciliation Agreement properly notifies the court about resolving the conflict through reconciliation of the parties and about the confidentiality condition. The parties jointly submit the mediation on terminating the case without approving the agreement on reconciliation; if such mediation is absent, the court proceeds with the examination of the case from the moment of termination.
5. Upon receiving the proper notification of the mediator regarding the resolution of the dispute through reconciliation, the court, in tight deadlines, but no later than within thirty (30) days, in accordance with the requirements of Article 33 hereof, approves or rejects the reconciliation agreement between the parties or terminates the proceedings of the case, ensuring the confidentiality of the mediation.

Article 149.14. Approval of Extrajudicial Agreements on Reconciliation

1. If the reconciliation agreement, resulting from the mediation process, is signed extra judicially, with the participation of a licensed mediator, each party of the reconciliation process has the right, within six (6) months upon signing the

- reconciliation agreement to apply to the local (residential) court to officially approve the Reconciliation Agreement signed by the parties.
2. The Original copy of the Reconciliation Agreement is attached to the Application, the evidence/document confirming the fact of the other party having received the notification about applying to the court. The Application not meeting the requirements hereof the court returns on the next day upon receiving that.
 3. Receiving the Application in compliance with the requirements hereof, the court appoints a hearing (session) and within three (3) days makes the verdict, regarding approving the Reconciliation Agreement or rejecting the Application.
 4. The proceedings on the approval of extrajudicial reconciliation agreements are implemented in accordance with the procedural rules defined hereof, taking into consideration the specific provisions defined by the given Article.

Article 149.15. Mediation Costs

1. If nothing else is envisaged by the consent of the parties, then all the costs for the mediation are split equally between the parties.
2. The first four (4) hours of the mediation process, assigned by the court, that also include the preliminary stage of the mediation process and mediation management, the licensed (certified?) mediator fulfils free of charge.
3. In those case when the reconciliation is assigned by the court, and the parties sign the Reconciliation Agreement within the timing defined by the court, the state dues paid are returned, in accordance with the procedures envisaged by the RA Law on State Dues.
4. If the mediation costs with the involvement of the licensed mediator are not reimbursed before applying to the court or submitting the Notice, then, by the verdict of the court, in accordance with requirements of the given Article, the mediation costs are split between the parties.

Article 9.

The given Law comes into force within three (3) months upon the date of its official publication. “

President of the Republic of Armenia

S. Sargsyan

Jun 4, 2015

Yerevan

HO-44-N

On Making Changes in and Amendments to the Judicial Code of the Republic of Armenia

Article 1.

To complete the Article 2 of the RA Judicial Code of February 21, 2007 (hereafter referred to as the Code) with the phrase “as well as mediation” after the phrase “judicial authority”.

Article 2.

To complete the Code with Section 7.1. with the following content:

“Section 7.1. The Mediator and Mediation

1. The Mediator is the person, who as the impartial third person, based on the agreement on reconciliation, implements the mediation with the purpose of making the parties of conflict/disputes to reconcile. The Mediator has the right, as prescribed by the Law, to work both in a permanently operating mediation institution or out of it.
2. The mediation can be administered both ad hoc and within the scope of a permanently operating mediation institution.

Article 227.2. The Principles of Mediation and General Rules of Mediator’s Behavior

1. The process of mediation is administered based on the principles of voluntary involvement, confidentiality, equality of the parties and impartiality of the mediator.
2. The Mediator shall follow the following rules of behavior:
 - 1) Reveal any interest or relationship, that may have a negative impact on the impartiality of the mediator;
 - 2) Ensure equal, respectful and impartial approach to the parties – participants of the conflict (disputees);
 - 3) Explain the role of mediator and the process of mediation to the parties participating in it;
 - 4) Maintain the confidentiality of the mediation process;
 - 5) Complete the mediation process in tight timing;
 - 6) Foster trust in and reputation of the mediation, as a phenomenon.

Article 227.3. Rights and Responsibilities of the Mediator

1. The Mediator has the right to:
 - 1) During the mediation process organize meetings both with all the parties-participants of the mediation process jointly and separately;
 - 2) Advertise his/her mediation service;

- 3) Receive payment against the services provided, with the exception of cases provided by Law;
- 4) Freely apply the mediation methods not forbidden by the Law;
2. The Mediator shall:
 - 1) Explain to the parties participating in the mediation process their rights and duties, before starting the mediation process;
 - 2) Refuse to administer mediation if s/he finds her/his participation in the process violating any principles of mediation;
 - 3) Follow (maintain) the principles and behavior rules of mediation.
3. The Mediator has other rights and responsibilities defined by Law.

Article 227.4. Limitations to Use the Facts Obtained or Learnt during the Mediation Process

1. Information that is obtained or is expressed during the mediation is confidential with the exception of cases defined by the Criminal Code of the Republic of Armenia, the mediator, the parties or persons who have participated or are participating in the mediation process cannot be invited to the court as witnesses, professionals or experts to testify on a fact or information that became known in the process of mediation.

Article 227.5 Permanently Working Mediation Institution

1. Permanently operating mediation institution is a legal person, which on a permanent basis provides mediations services.
2. The mediation institution should have published rules of mediation and rules of behavior of mediators that all the mediators of the given institution follow in their work. The behavior rules of the mediator of the permanently operating institution shall be in compliance with the requirements and principles set hereof and the general rules of behavior for the mediators.
3. A permanently operating mediation institution should publish the Bio and specialization of the mediators included in its List.
4. A permanently operating mediation institution shall be registered in the Register of the Accredited Mediators.

Article 227.6. Accredited Mediator

1. Accredited Mediator is the person who:
 - a) Has reached the age of 25 y.o.
 - b) Is capable of working;
 - c) Holds Bachelor's or Master's degree, or Diploma of the Higher Education,
 - d) Has not been convicted of committing an intentional criminal offence,
 - e) Has obtained the Certificate of Accredited Mediator and
 - f) Is registered in the Register of the Accredited Mediators, in compliance with the procedures.

Article 227.7. Accreditation of the Accredited Mediator

1. To obtain the Certificate of Accredited Mediator the candidate shall take the relevant qualification courses approved by the Ministry of Justice of the Republic of Armenia or shall present the certificate of a similar participated abroad. The equivalence of the Certificate is examined/approved by the Mediation Qualification Committee.
2. Mediation Qualification Committee is composed of:
 - two representatives from the Ministry of Justice of RA,
 - one representative of the RA Judiciary,
 - one former RA Judge, whose duty in position was terminated based on his/her Resignation Letter or Age Retirement,
 - one psychologist,
 - one lawyer –researcher ,
 - one certified mediator
3. Procedure and dates of the qualification course, establishment of the Mediation Qualification Committee, activity (operation) and Certification are defined by the GoA resolution.
4. The person applying for the Certificate of Accredited Mediator shall present his/her Bio and consent on due diligence of the data provided, in compliance with the Law.
5. Persons, who participated in mediation qualification certification courses or persons, who participated in relevant courses abroad, receive the Certificate of Accredited Mediator from the RA Ministry of Justice, if these persons correspond to the requirements of Article 227.6 hereof. Besides, the provision of the Certificate of Accredited mediator can be rejected, if the candidate for the certification has provided false or incomplete Bio.

Article 227.8. Revocation of the Certificate of Accredited Mediator or Termination of the Accreditation

1. The certified mediator can, by the decision of the Mediation Qualification Committee, be deprived of the Certificate of Accreditation, if s/he has committed gross or regular/continuous violations of the responsibilities of the Mediator, prescribed by Law, or if it is revealed that the Certificate of Accreditation was received with violation of Law. Gross violation is the violation that discredits the reputation of the mediation or is not compatible with the rules of behavior for the mediator. Regular or continuous is the violation that is not considered gross if taken separately , however with the regularity it takes place it discredits the mediation or is not compatible with the rules of behavior for the mediator.
2. The Certificates of Accreditation of Mediator are subject to early termination upon the decision of the Mediation Accreditation Committee, if the accredited mediator:
 - 1) Has applied for that;
 - 2) Is deceased;
 - 3) Is recognized incapacitated;
 - 4) Is convicted of intentionally committed criminal offence.

Article 227.9. The Register of Accredited Mediators

1. All those persons who have a Certificate of the Accredited Mediator and meet the requirements defined for the mediator hereof, are included in the List/Register of Accredited Mediators.
2. The Register of the Accredited Mediators is run by the RA Ministry of Justice, by the procedure established by the RA minister of Justice.
3. The Register of Accredited Mediators is published on the official web-site of the RA ministry of Justice. The information includes the Bios of the mediators, means of communication with them, specialization, as well as information whether the mediator is a freelancer or is affiliated to a permanently operating mediation institution.

Article 227.10. Self-regulatory Organization of Mediators

1. In accordance with the given Code, self-regulatory organization of the mediators is a non commercial legal entity, which all the accredited mediators of Armenia are members of. In the Republic of Armenia there is one self-regulatory organization, that is established by at least 20 accredited mediators.
2. The self-regulatory organization is considered established from the moment of state registration as provided by Law. The state registration of the Self-regulatory organization of mediators is implemented by the Central Body of the State Register. For the state registration of the self-regulatory organization of mediators, beside the documents envisaged by Law, information on its members should also be provided to the above-mentioned body. The name of the self-regulatory organization of mediators should contain the words “self-regulatory” or the relevant abbreviation (in Armenian).
3. The self-regulatory organization of mediators, within 10 days from the moment of its registration must be registered in the Judicial Department , submitting the copies of the documents listed in Part 2 of the given Article. In case of changes with the data defined hereof, the self-regulatory organization of mediators shall immediately notify the Judicial Department.
4. The purpose of the self-regulatory organization of mediators is to support (promote) the transparency and efficiency of the activities of its members, monitoring of their activities, protecting corporate interests, development and application of rules of behavior for its members, as well as implementation of authorities envisaged hereof.
5. The self-regulatory organization of mediators has the right to:
 - 1) Examine the applications related to the violations of requirements by its members, defined hereof;
 - 2) Approve rules and procedures to ensure the qualification of and application of rules of behavior by its members, as well as to ensure uninterrupted operations of the organization;
 - 3) Define the average prices for the mediation services;
 - 4) Regularly organize trainings of mediators;
 - 5) Implement other activities aimed at introduction and development of mediation and other, not prohibited operations and activities.

Article 227.11 The Property and Management Bodies of the Self-Regulatory Organization of Mediators

1. The property transferred to the organization by its members (founders) is considered as the property of the Organization. The members of the organization do not bear responsibility for the liabilities of the self-regulatory organization. The self-regulatory organization of the mediators does not bear responsibility for the liabilities of its members. The members regularly pay membership fees, the amount of which is decided by the General Assembly of the Self-regulatory organization of mediators.
2. The ultimate governing body of the Self-regulatory organization of mediators is the General Assembly of its members, which implements the governing of the organization through annual or extraordinary sessions. The General Assembly has quorum is the 2/3 of its members are present at the session. Decisions are made at the General Assembly by simple majority voting, an in case of issues of exceptional competence of the General Assembly – by at least 2/3 of voices of all the members of the members of the organization.

Issues of the exceptional competence of the General Assembly are:

- 1) Adoption of the Charter, provisions, rules and procedures of the Self-governing organization and amendments to those.
 - 2) Approval of the average rates for the accredited mediator services;
 - 3) Terminating the membership of the member of the Self- regulating organization;
 - 4) Terms of election and terminationof the duty of the members and Heads of Observation Council, Oversight Service and Behavior Committee.
 - 5) Approval of the annual reports of the Self-regulatory organization on its activities;
 - 6) Other issues as envisaged by the Charter of the Self-regulatory organization.
 - 7) Defining the size of the membership fees;
 - 8) Electing or appointing the Executive Body;
 - 9) Defining the size of the Behavior Committee and procedure of election of its members.
3. The Head (member) of the Executive body cannot simultaneously be the member of the Behavior Committee.
 4. The Behavior Committee, in accordance with the Charter of the Self-regulatory organization, and in compliance with the rules and procedures defined, examine the compatibility of the activities of its members with the rules and regulations hereof.

Article 227.12. Responsibilities of the Members of the Self-regulatory Organization of Mediators

1. The self-regulatory organization of mediators shall discuss the complaint received with regard to the actions of its member within one (1) months upon receiving the complaint. In case gross violations of the Law or other Legal Acts are revealed, the General Assembly of the Self-regulatory organization of mediators resolves the issue of terminating the membership of the given member. This issue should be solved not later than within one (1) months after the violation is revealed or reported.
2. The decision n terminating the membership of the member of the Self-regulatory organization of mediators is submitted to the Qualification Committee of the RA Ministry of Justice and RA Judicial Department within five (5) days.

3. The decision of the Self-regulatory organization of mediators on terminating the membership of its member becomes ground for the Qualification Committee to deprive the given mediator of Certificate of Accredited Mediator. “

Article 3. On Entry into Force

1. The given Law comes into force within three (3) months upon the date of its official publication, with the exception of Articles 227.6, 227.7 and 227.9, that are completed by Article 1 hereof.
2. Articles 227.6, 227.7 and 227.9 completed by Article 1 hereof, enter into force on the tenth (10) day upon the official publication of the Law.

Article 4. Transitional Provisions

1. The Mediation Qualification Committee is established within one (1) month upon the entry into force of the Article 227.7, added to the Law by Article 1 hereof. Prior to granting the certificates of accreditation for the mediators, the Committee instead of accredited mediators includes researchers with experience in the area of mediation.
2. Prior to registration of the first Self-regulatory organization of mediators, the powers determined by Articles 227.10, 227.11 and 227.12, added to the Law through the Article 1 hereof, are fulfilled by the Mediation Qualification Committee of the RA Ministry of Justice.

President of the Republic of Armenia

S.Sargsyan

June 4, 2015

Yerevan

HO-45-N

Republic of Armenia

Adopted on May 7, 2015

Law on Making Amendments to the Civil Code of the Republic of Armenia

Article 1.

To complete the Section 1, Article 339 of the RA Civil Code of May 5 1998 with Paragraph 7, wit the following content:

“7) reconciliation process has started based on the consensus on reconciliation: from the moment it started till the completion of the reconciliation process”.

Article 2.

The given Law enters into force in three months after it has been officially published.

President of the Republic of Armenia

S.Sargsyan

June 4, 2015

Yerevan

HO-46-N

Republic of Armenia

Adopted on May 7, 2015

Law on Making Amendments to the Family Code of the Republic of Armenia

Article 1.

To complete the first Paragraph of Section 2, Article 16 of the RA Family Code with new sentences with the following content:

“The Court has the right to recommend using the mediation service during the divorce process, as well as to settle the disputes that rose during the divorce process, clearly explaining the essence of the mediation, as well as initiating steps to reconcile the spouses”.

Article 2.

The given Law enters into force in three months after it has been officially published.

President of the Republic of Armenia

S.Sargsyan

June 4, 2015

Yerevan

HO-47-N

Republic of Armenia

Adopted on May 7, 2015

Law on Making Amendments to the Law on State Dues of the Republic of Armenia

Article 1.

To complete the RA Law on State Dues HO-186 dated as of December 27 of 1997 with Article 38.1 with the following content:

“Article 38.1 The process of returning the state dues, paid to the court, as a result of reconciliation agreement reached in the process of mediation.

In those cases when the mediation is assigned by the court, and the parties sign a reconciliation agreement within the timing defined by the court, the paid state dues shall be returned to the payee in the following proportions:

- a) 50% return, if the mediation was appointed by the Court of the First Instance;
- b) 40% return, if the mediation was appointed by the Court of Appeal”.

Article 2.

The given Law enters into force in three months after it has been officially published.

President of the Republic of Armenia

S.Sargsyan

June 4, 2015

Yerevan

HO-48-N

ANNEX 22

K-796²-26.05.2015,11.06.2015-PI-010/1

REPUBLIC OF ARMENIA

LAW

On Making Changes and Amendments to the Republic of Armenia Law

On Commercial Arbitration

Article 1: To amend the Article 1 of the RA Law on Commercial Arbitration, HO-55-N, adopted December 25, 2006 (hereafter referred to as the Law) with Part 5, with the following content:

“5. The Law hereof applies to the disputes with non-commercial nature, if the Law envisages arbitration opportunity for the solution of the dispute”.

Article 2: To edit the Paragraph 4 of the Article 2 of the Law like the following:

“The concept of “commercial” includes all the disputes that arise from the civil legal relationships. The commercial nature, without limitations, includes particularly: disputes arising from or connected with transactions between the banks or other financial organizations and their clients; legal relationships related to transactions for the supply and exchange of goods and services; commercial representation or agency; factoring; leasing; construction of works; consulting; design (engineering); licensing; investment (financing); insurance; an exploitation or concession agreement; a joint venture or other related forms of industrial, business cooperation; carriages of goods or passengers by sea, air, rail and road”

Article 3: to replace the phrase “or by mail” in Point 1 Paragraph 1 Article 3 of the Law with the following phrase “or other means of communication”.

Article 4: To edit the Article 6 of the Law as follows:

«Article 6: the Court Supporting and Overseeing Arbitration

1. The functions envisaged by the Article 9, Paragraphs 3 and 4 of the Article 11, Paragraph 3 of the Article 13, the Article 14 and Article 27 hereof are carried out by the local Court of the arbitration dispute.
2. The functions envisaged by Paragraph 2 of the Article 34 and Articles 35-36.2 are carried out by the Courts of General Jurisdictions of Kentron and Nork-Marash administrative districts of the city of Yerevan”.

Article 5: In the Article 8 of the Law:

- 1) To replace the phrase “unless it funds the agreement null and void, invalid or incapable of being performed” with the phrase “if the opportunity to apply for arbitration has not been eliminated on the basis of such agreement, except when the availability of the agreement on arbitration, in cases stipulated by Law, does not limit the right of the side to apply to Court”.

- 2) To add Paragraph 3 with the following content: “the Agreement on Arbitration, stipulated by Contract signed by the individual consumers (physical persons) of services of the financial institutions , which can be in the form of a reservation included in the Contract or an integral part of the Contract in the form of an Attachment or a condition to signing the Contract does not deprive the Consumer of the right to submit the dispute rising from or related to the Contract to the Court, with the exception of cases, when the Agreement on Arbitration was signed after the disputed arose and according to which the Customer has explicitly agreed to hand over the dispute to arbitration. The provisions hereof shall also apply to any mandatory process, which can limit the rights of the Consumer to apply to the court”.

Article 6: To edit the last sentence of Paragraph 1 of the Article 11 of the Law as follows:

“The arbitrator may be any individual (physical person) who is of age 25 year old and over, with higher education and capable of work. The arbitrator shall not be a person recognized by the court as incapable or with limited capabilities; a person convicted of crime; as well as a person subject to criminal prosecution”.

Article 7: To complete the Paragraph 1 of the Article 14 after the second sentence with a new sentence, as follows:

“The mandate of arbitrator shall be terminated in case the arbitrator has died (including the recognition of the death by the Court), or the in case the arbitrator is recognized by the court as incapable or with limited capabilities”.

Article 8: In the Article 16 of the Law:

- 1) to edit the Paragraph 1 as follows: “the Arbitral Tribunal is eligible to, and in case of appellation of the Agreement of Arbitration must immediately investigate and make a decision with regards its jurisdiction, including the availability(existence) or validity of the Agreement on Arbitration. With this purpose, the Arbitration Clause (provision on arbitration?), which is an integral part to the Contract, shall be interpreted as a separate agreement independent of the other parts of the Contract. The decision of the Arbitral Tribunal on recognizing the Contract void, by itself or by the Law, does not lead to the invalidity of the Arbitration Clause (provision)”.
- 2) To replace the word “case” with the word “dispute” in Paragraph 3.

Article 9: To edit the second sentence of Paragraph 2 of the Article 17 of the Law as follows: “ The Arbitral Tribunal can require from each side guarantees or counter guarantees relevant to initiated measures, including the provisional (preliminary) orders with the purpose to prevent or remedy the potential damage to the other side through the application of provisional

(preliminary) order on provisional remedy or on not damaging the provisional remedy , as well as with the purpose of protecting the evidence”.

Article 10: To complete the Law with Article 17.1 with the following content:

«Article 17.1 Conditions on Applying the Provisional Remedy

The Party that is submitting the Application for applying the provisional remedy in accordance with the Article 17 hereof shall justify to the Arbitral Tribunal, that in case of not applying the provisional remedy the damage will be of the kind that is not recoverable through compensating the losses and that damage will significantly exceed the damage that it caused to the Party to whom the provisional remedy was applied.

Article 11: To complete the Law with Chapter 4.1 and Chapter 4.2, as follows:

“CHAPTER 4.1

PRELIMINARY ORDERS

Article 17.2. Petitions (Motions?) on Preliminary Orders and Terms of Preliminary Orders

1. A party may apply for notifying the other party on applying the provisional remedy without the arbitration proceedings, simultaneously applying with petition on preliminary order, which requires of the party not to damage the provisional remedy, unless agreed otherwise by the parties.
2. The Arbitration Tribunal may release a preliminary order, if it finds the fact of notifying the other party on the petition on claiming the provisional remedy may threaten the enforcement of the provisional remedy.
3. The provisions of the Article 17.1 hereof shall apply to any preliminary order, and the damage mentioned in the Article is the damage that may come forth as a result of issuing or not issuing the order.

Article 17.3 Special Regime for the Preliminary Orders

1. Immediately after making the decision on petition on issuing the preliminary order by the Arbitral Tribunal, the Arbitral Tribunal shall notify all the parties of the Application for defining the provisional remedy; of the petition (mediation) on issuing the preliminary order; of all the communication between each of the parties and the Arbitral Tribunal on preliminary order and all other related communication, if available, including content of any verbal communication.
2. The Arbitral Tribunal shall give each party the opportunity to present its position with regards to all cases stipulated by Paragraph 1 of the Article hereof, within two days upon receiving the Notice.
3. The Arbitration Tribunal shall make a decision on any appellation against the preliminary order no later than within two days upon the submission of the appellation, with a decision on accepting or rejecting the petition on not to damage the provisional remedy.
4. The power of the preliminary order shall terminate in twenty (20) days after the Arbitral Tribunal makes a decision on termination. The Arbitration Tribunal can

define the provisional remedy, accepting or modifying the preliminary order after the party, for which the preliminary order is issued, is notified and received an opportunity to present its position.

5. The preliminary order shall be mandatory for the parties. The preliminary order is not considered as verdict.

CHAPTER 4.2

PROVISIONAL REMEDIES AND PROVISIONS APPLICABLE TO THE PRELIMINARY ORDER

Article 17.4. Modification, Suspension and Termination of the Provisional Remedy and Preliminary Order

The Arbitral Tribunal can modify, suspend or terminate the Provisional remedy or Preliminary Order, that is has defined, based on the application of one of the sides, or, in exceptional cases, by its own initiative, upon notifying all the parties.

Article 17.5. Provision of Information

1. The Arbitral tribunal may request that each of the parties to the arbitration proceedings shall immediately provide information on any significant changes of the circumstances that have been the basis for applying for provisional remedy or became the basis for defining the provisional remedy.
2. The party that applied with the petition on preliminary order shall notify (inform) the Arbitral Tribunal of all the circumstances, which may refer to the decision of the Arbitral Tribunal on issuing or maintaining the preliminary order and that commitment shall continue to operate as long as the party for whom the Order is issued has not been provided an opportunity to present its position.

Article 17.6. Expenses

1. In case of defining the provisional remedy or preliminary order, the Arbitral Tribunal in the Final Decision or in the Intermediary Judiciary Act shall refer to all the damages caused to any party as a consequence of the provisional remedy or preliminary order, as well as can record that in given circumstance the provisional remedy or the Order should have not been determined.
2. The party applying with motion on defining the provisional remedy or issuing the preliminary order shall be responsible for all the damage caused to any of the parties as a consequence of the provisional remedy of the order, if the Arbitral Tribunal further decides that under the given circumstances the provisional remedy or the preliminary order should have not been determined. The issue of compensating the losses shall be solved by the Arbitral Tribunal in its final verdict.
3. The Arbitral Tribunal shall refer to the issues set in Paragraph 1 hereof by adopting the Intermediary Judicial Act on its own initiative or through the mediation of the party subject to the claim guarantee or preliminary order.

Article 17.7. Provisional Remedy Defined by the Court

Within the framework of the arbitration proceedings, the court has the same jurisdiction (mandate) to apply the clam guarantee measures as defined by the RA Civil Procedure Code.

Article 12: To edit the first sentence of Paragraph 2 Article 19 of the Law as follows: “In the absence of such agreement, the Arbitral Tribunal, maintaining the provisions hereof, shall conduct the arbitration proceedings in the form stipulated by the arbitration regulations; and in case there are is no such a form defined by the arbitration regulations, the arbitration proceedings shall be conducted in compliance with the procedural rules of the RA Civil Procedures Code.

Article 13: To complete the Article 20 of the Law with Paragraph 3 with the following content:

«3. In compliance with Paragraph 1 of the Article hereof, in case of selecting the location of arbitration the legislation of the selected location for arbitration shall continue applying, irrespective of the circumstance of Arbitrary Tribunal having sessions in that location, as provided by Paragraph 2 of the Article hereof”.

Article 14: Article 26 of the Law

1) In Paragraph 1, to complete the sentence with the phrase “by its initiative or by the mediation of the arbitration proceedings” after the phrase “Arbitral Tribunal”.

2) To complete the Article with Paragraph 3, with the following content:

“3. The expert opinion of the Expert assigned in compliance with the regulation envisaged by the Article hereof, is subject to evaluation by the Arbitral Tribunal”.

Article 15: In the Article 28 of the Law:

1) to complete Paragraph 2 with a new sentence, as follows:

“In case the right chosen by the Arbitral Tribunal is different than the right of the location of arbitration, the Arbitral Tribunal shall give reasons (justify) its choice”.

2) To complete Part 2.1 as follows:

“2.1. Independent of the rule defined by Paragraph 2 of the Article hereof, in the absence of the consent of the parties, and in case the arbitration location is the Republic of Armenia, and the arbitration sides are the citizen(s) of Armenia or legal person registered in Armenia, the Arbitral Tribunal, while settling the dispute, shall apply the legal norms of the Republic of Armenia”.

3) In Paragraph 4, to add the phrase “the right and” after the phrase “commercial traditions”.

Article 16: To edit Paragraph 2, Article 31 of the Law as follows:

“2. The verdict of the Arbitral Tribunal shall be justified (reasoned), unless if parties have agreed that the justifications (reasoning) shall not be mentioned in the verdict; or, in accordance with the Article 30 hereof the verdict was made around the agreed terms. Unless

otherwise agreed by the parties, the verdict of the Arbitral Tribunal shall contain the arbitration expenses and the allocation of those expenses between the parties.

In case of disagreement with the arbitration verdict or any justification (reasoning) to that verdict each Arbitrator shall have the right to submit a separate special opinion”.

Article 17. In the first paragraph of Part 2, Article 34 of the Law, to replace the phrase “defined by the court in accordance with the Article 6 hereof”, with the phrase “defined by Part 2 of Article 6 hereof”.

Article 18: To edit the sub-point b), of Point 2, Paragraph 1, Article 36 of the Law, as follows:

“the recognition or enforcement of the verdict contradicts the public order of the Republic of Armenia”.

Article 19: To complete the Law with CHAPTER 8.1 and CHAPTER 8.2, as follows:

“CHAPTER 8.1

RECOGNITION AND ENFORCEMENT OF THE PROVISIONAL REMEDY

Article 36.1. Recognition and Enforcement of the Provisional Remedy Decisions.

- 1) The provisional remedy defined by the Arbitral Tribunal is considered as a mandatory measure, and unless anything else is provided by the Arbitral Tribunal then it is implemented through submitting the mediation petition to the court of relevant jurisdiction, taking into consideration the provisions of Article 36.2 hereof.
- 2) The party, which seeks for recognition of the provisional remedy, or whose relevant claim has been upheld, shall immediately notify the court to suspend, terminate or modify the measure in question.
- 3) The court that investigates the recognition or enforcement of the provisional remedy can oblige the party seeking for the claim, to provide guarantee relevant to the measures initiated, with the purpose of preventing or compensating the potential losses due to the enforcement of the provisional remedy to the other party, if the Arbitral Tribunal has not made a decision with regards to the guarantee; or if such a decision is necessary to protect the rights of a third party.

Article 36.2. Grounds for Refusing the Recognition or Enforcement of the Provisional remedy

1. The recognition or enforcement of the provisional remedy shall be refused only:

1) by the request of the party that it relates to, if the court find out, that:

a) the refusal is justified by grounds stipulated by any of the sub-points (a) or (b) or (c) or (d) of Point 1, Paragraph 1, Article 36 hereof or

b) the request of the Arbitral Tribunal to provide guarantees in respect to the claim, defined by the Arbitral Tribunal has not been fulfilled or

c) the provisional remedy has been terminated or suspended by the Arbitral Tribunal, or, in case of relevant jurisdiction, by the state court that is hosting the arbitration, or in compliance with the regulations of which that measure has been defined;

2) If the Court finds that:

a) the provisional remedy is incompatible with the jurisdiction of the court, if the court does not decide to reformulate the provisional remedy to the extent necessary to comply with the court's jurisdiction and procedures, with the purpose to enforce that particular provisional remedy without modifying the content, or

b) one of the grounds envisaged by sub-points (a) or (b) of the Point 2, Paragraph 1, Article 36 hereof is available.

2. Any decision made by the court based on the provisions of Paragraph 1 of the Article hereof, is operational only with the purpose of motion for recognition and enforcement of the provisional remedy. The court that received the request on recognition and enforcement of the provisional remedy does not, while making the decisions, revise the content of the provisional remedy.

CHAPTER 8.2

CODE OF CONDUCT OF THE ARBITRATOR

Article 36.3. The Principles of Professional Conduct of Arbitrator

1. In the process of arbitration proceedings, the Arbitrator shall be guided by the following principles:

1) to respect the Law and observe the Law;

2) to ensure the fairness and impartiality of arbitration;

3) to disclose any interest, relationship which may adversely affect the impartiality of the Arbitral Tribunal;

4) to ensure equitable, respectful and equal treatment for all parties and participants in the arbitration;

5) to explain to all parties to arbitration the jurisdiction (competence) of arbitration and arbitration rules;

6) to maintain the arbitration related information confidentiality;

7) to refrain from inappropriate behavior;

8) to be guided by the principles of fairness, legitimacy and honesty;

Article 36.4. Ethical Rules of Behavior of the Arbitrator

1. Any permanently operating arbitration institution can define its ethical rules of behavior in compliance with the basic principles and rules defined hereof.
2. Ethical rules of behavior are mandatory for all arbitrators.

Article 36.4. The Purpose of the Ethical Rules of Behavior and the Responsibility to Follow them

1. The arbitrator shall, through his/her performance and behavior, ensure the enforcement of the principles defined by Article 36.3 hereof. The interpretation and application of the rules of conduct shall contribute to the fulfilment of that purpose.
2. The arbitrator must contribute to rooting the high standards of behavior, both on personal example and pursuing the colleague to do so;
3. The permanently operating arbitration institutions, while developing and adopting the Code of Conduct, must ensure the implementation of principles set forth in the Article hereof⁷.

Article 20: The Law hereof enters into force on the tenth (10th) day after official publication.

ANNEX 23

MINUTES

of the Meeting on

Summary of Conditions for the First Disbursement and Clarification of Actions to be Undertaken for Fulfilment of Conditions for the Second Disbursement Provided under Financing Agreement for “Support to Justice Reform in Armenia – Phase II” Program

Yerevan,

22 January 2015

A meeting covering the “Summary of Conditions for the First Disbursement and Clarification of Actions to be Undertaken for Fulfilment of Conditions for the Second Disbursement Provided under Financing Agreement for “Support to Justice Reform in Armenia – Phase II” Programme” took place at the Ministry of Justice of the Republic of Armenia on 22 January 2015, headed by Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia.

PARTICIPANTS

Mr. ARMAN TATOYAN, Deputy Minister of Justice of the Republic of Armenia;

Mr. GEVORG TUMANOV, Head of International Legal Assistance and External Relations Department of the Staff of Ministry of Justice of the Republic of Armenia;

Mrs. LIANA GHALTAGHCHYAN, Head of Legislation Development and Legal Analysis Department of the Staff of Ministry of Justice of the Republic of Armenia;

Mr. ALEN MKRTCHYAN, Expert of International Legal Assistance and External Relations Department of the Staff of Ministry of Justice of the Republic of Armenia;

Mrs. ANNA VARDAPETYAN, First Deputy Head of the Judicial Department of the Republic of Armenia;

Mr. SIMON BABAYAN, Director of School of Advocates of the Republic of Armenia;

Mr. ARAM TUMASYAN, Head of External Relations Department of the Staff of Human Rights Defender Office of the Republic of Armenia;

Mr. EMIL AMIRKHANYAN, Head of Scientific and Research Department of the justice Academy of the Republic of Armenia;

Mrs. SIRANUSH ISKANDARYAN, Civil Society/Civil Advocacy Expert;

Mr. MOVSES HAKOBYAN, Justice Policy and Reform Expert;

Mr. NORAYR BALAYAN, Head of Organisational-Legal Department of the Ministry of Justice of the Republic of Armenia.

AGENDA

1. Welcoming speech: Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia

2. Summarisation of activities undertaken for the fulfilment of conditionality for the first disbursement provided for by the “Support to Justice Reform in Armenia – Phase II” program

3. Discussion of activities having been undertaken and to be undertaken in the future for the fulfilment of the conditionality for the second disbursement provided for by the “Support to Justice Reform in Armenia – Phase II” program

4. Questions and Answer

5. Closing speech: Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia

DISCUSSION

Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia welcomed the participants of the meeting and highlighted the importance for the discussion of the issues included in the agenda.

The participants of the meeting proceeded to the discussion covering the 9th condition for the “Support to Justice Reform in Armenia – Phase II” program related to the development and adoption of an Alternative Dispute Resolution model. As regards the fulfilment of the above-

mentioned condition, the representative of the Ministry of Justice of the Republic of Armenia stated that the Law “On making amendments and supplements to the Law of the Republic of Armenia “On commercial arbitration”” has been put into circulation, as well as the Law “On making amendments and supplements to the Civil Procedure Code of the Republic of Armenia” which provides for legal norms on reconciliation.

As he mentioned, the Code of Conduct for arbitrators is not yet developed, and nevertheless, the participants of the meeting recommended that the legal norms on conduct of arbitrators be included in the draft Law “On making amendments and supplements to the Law of the Republic of Armenia “On commercial arbitration””. At the same time in the course of the meeting the representatives from the School of Advocates and the Justice Academy reached an agreement on approving the training curriculum for candidates of judges and advocates, and one-week long training courses were proposed to be organised jointly for candidates of judges and advocates in line with the last UNCITRAL model law.

During the meeting the participants acknowledged the lack of specialists, experts and academic staff for organising the training courses. In this case it was recommended to contact international institutions for the purpose of involving specialists.

As regards the 5th condition related to better trained judges, prosecutors and advocates, it was recommended at the meeting to conclude a Memorandum of Understanding between the School of advocates and the Justice Academy envisaging joint learning courses and trainings for a group of candidates of judges and advocates. The participants of the meeting recommended organising training courses on the new draft Criminal Code taking into account its actuality. Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia stated that the training should be taken into record for communicating to the EU.

Then, the representative of the Judicial Department of the Republic of Armenia suggested discussing the condition regarding gender balance between the candidates for judges. In this regard Mr. Arman Tatoyan stressed the necessity for developing an explicit plan of actions containing a clearly-defined timetable. He also emphasised the importance of supporting actions and mechanisms that would contribute to ensuring gender balance between the candidates for judges. He proposed, in principle, to organize trainings for women candidates for judges in universities and academies in order to stimulate the level of involvement of the latter in judicial institutions. The representative of the Judicial Department of the Republic of Armenia proposed to develop a joint memorandum or an agreement between the Judicial Department of the Republic of Armenia, the Ministry of Justice of the Republic of Armenia and the Justice Academy of the Republic of Armenia aimed at implementation of the plan of actions.

The next issue at the meeting was the discussion of activities aimed at fulfilment of the 4th condition. This condition relates to transparency and accountability of the justice sector. The representative of the Ministry of Justice of the Republic of Armenia assured that the statistical data (both for courts and for judges) envisaged by the Sector Policy Support Program have

already been developed by the Ministry of Justice and presented for legal review to Presidential Administration. The statistical classifiers have already been developed by the Ministry of Justice and the Judicial Department of the Republic of Armenia, and their final version has been sent to Presidential Administration. As regards the Court Management Information System, it was found out during the meeting that it has not been installed yet conditioned by the lack of financial resources. In relation to digitalization and publication of court records/archived materials and interim acts it was noticed that they have been digitalized and are available on www.datalex.am judicial portal. The discussion concerning the fulfilment of the condition related to the establishment of an electronic system of e-filing of civil and administrative cases revealed that the «E-Justice» system is not installed yet and is under construction. However, it should be noted that DataLex web-portal has provided a special space for the installation and utilization of the E-Justice system yet with an indication “Under Construction”.

Then, the representative of the Judicial Department of the Republic of Armenia emphasised that the E-system of random assignment of cases, which is following from the 4th condition of the Program, is installed only in the First Instance Courts of Yerevan.

During the meeting Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia, proposed to organise a session of the Public Council attached to the Minister of Justice of the Republic of Armenia with the participation of representatives of public organisations for the purpose of discussing the amendments and supplements made to the Judicial Code of the Republic of Armenia with regard to the objective criteria for random assignment of cases, which is envisaged by the 4th condition of the “Support to Justice Reform in Armenia – Phase II” Programme.

During the meeting it was proposed also to present the already implemented activities regarding the development of Alternative Dispute Resolution (ADR) model as required by the 9th condition of the “Support to Justice Reform in Armenia – Phase II” Program during the session of the Public Council.

It was also proposed to prepare the minutes of the session of the Public Council together with the translation for communicating it to the EU.

Then the meeting continued with the discussion of the 6th condition relating to free legal aid. As Mr. A. Tatoyan stated, a certain amount of money is envisaged to be allocated to the Public Defender Office from the Reserve Fund of the Government.

At the end of the meeting Mr. A. Tatoyan, Deputy Minister of Justice of the Republic of Armenia, expressed his appreciation to the participants of the meeting.

ANNEX 24



Ministry of Justice of Armenia
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A G E N D A

THIRD SESSION OF THE PUBLIC COUNCIL UNDER THE MINISTER OF JUSTICE OF THE REPUBLIC OF ARMENIA

Ministry of Justice of the Republic of Armenia

February 10, 2015.

Starting at	Topic, presentation
17:00-17:05	Welcoming speech Mr. Hovhannes Manukyan Minister of Justice of the Republic of Armenia

<p>17:05-17:20</p>	<p>Presentation</p> <p>Draft Laws on Making Amendments to the Law “On Non-Governmental Organizations” and Other Relevant Laws</p> <p>Mr. Arsen Mkrtchyan, First Deputy Minister of Justice of the Republic of Armenia</p>
<p>17:20-17:40</p>	<p>Discussion</p>
<p>17:40-17:55</p>	<p>Presentation</p> <p>Draft Laws “On Making Amendments and Supplements to the RA Criminal Code” and “On Making Amendments and Supplements to the RA Criminal Procedure Code”</p> <p>Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia</p>
<p>17:55-18:15</p>	<p>Discussion</p>
<p>18:15-18:30</p>	<p>Presentation</p> <p>Draft RA Government Decision on Creating a Board to Fight Against Corruption and a Committee and on Approving the Procedure of Functioning of the Board, the Committee and the Monitoring Division of the Anti-corruption Projects of the RA Government Staff</p> <p>Mr. Suren Krmoyan, Deputy Minister of Justice of the Republic of Armenia</p>

18:30-18:50	Discussion
18:50-19:05	<p>Presentation</p> <p>Draft Laws on Making Amendments and Supplements to the RA Law on Arbitration and to the RA Civil Procedure Code</p> <p>Aghanik Avetisyan, Expert of the Legislative Development and Legal Analysis Department of the Ministry of Justice of the Republic of Armenia</p>
19:05-19:25	Discussion



The project is financed by the European Union

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Meeting notes:

Project:	<p>Technical Assistance to RA Ministry of Justice and Special Working Group Monitoring Implementation of “Support to Justice Reform in Armenia – Phase II” and the Justice Reform Progress</p>
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Title	Third Session of the Public Council Under the Minister of Justice of the Republic of Armenia
Date:	February 10, 2015
Location:	Ministry of Justice of the Republic of Armenia
Attendees:	RA Minister of Justice, Deputy Minister of Justice, Heads of MOJ Departments, Head of the MOJ Legal Institution, NGO representatives, representative of the EU Delegation to the Republic of Armenia, EU Experts
Minute Taker:	Siranush Iskandaryan, Civil Society/Civil Advocacy Expert



The project is financed by the European Union

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Meeting notes:

Project:	Technical Assistance to RA Ministry of Justice and Special Working Group Monitoring Implementation of “Support to Justice Reform in Armenia – Phase II” and the Justice Reform Progress
Title	Third Session of the Public Council Under the Minister of Justice of the Republic of Armenia
Date:	February 10, 2015
Location:	Ministry of Justice of the Republic of Armenia

Attendees:	RA Minister of Justice, Deputy Minister of Justice, Heads of MOJ Departments, Head of the MOJ Legal Institution, NGO representatives, representative of the EU Delegation to the Republic of Armenia, EU Experts
Minute Taker:	Siranush Iskandaryan, Civil Society/Civil Advocacy Expert

A G E N D A

17:00-17:05 Welcoming speech

Mr. Hovhannes Manukyan, Minister of Justice of the Republic of Armenia

17:05-17:20 Draft Laws on Making Amendments to the Law “On Non-Governmental Organizations” and Other Relevant Laws.

Mr. Arsen Mkrtchyan, First Deputy Minister of Justice of the Republic of Armenia

17:20-17:40 Discussion

17:40-17:55 Draft Laws “On Making Amendments and Supplements to the RA Criminal Code” and “On Making Amendments and Supplements to the RA Criminal Procedure Code”

Mr. Arman Tatoyan, Deputy Minister of Justice of the Republic of Armenia

17:55-18:15 Discussion

18:15-18:30 Presentation

Draft RA Government Decision on Creating a Board to Fight Against Corruption and a Committee and on Approving the Procedure of Functioning of the Board, the Committee and the Monitoring Division of the Anti-corruption Projects of the RA Government Staff

Mr. Suren Krmoyan, Deputy Minister of Justice of the Republic of Armenia

18:30-18:50 Discussion

18:50-19:05 Draft Laws on Making Amendments and Supplements to the RA Law on Arbitration and to the RA Civil Procedure Code

Aghanik Avetisyan, Expert of the Legislative Development and Legal Analysis Department of the Ministry of Justice of the Republic of Armenia

19:05-19:25 Discussion

Topics Discussed

I. Draft Laws on Making Amendments to the Law “On Non-Governmental Organizations” and Other Relevant Laws

- Mr. Norayr Balayan from the Ministry of Justice (MOJ) informed the members that the NGO Law (the Law) and the amendments thereto have been discussed with the civil society representatives a number of times before, including one in December 2014. And the purpose for presenting the amendments to the Law at the Public Council meeting was to keep its members informed about the Draft amendments to the Law.
- The Public Council members representing the NGOs were interested to know whether or not discussion of the changes was conditional under some Project. The response of the representative of the MOJ was that it was envisaged under the Concept Paper adopted by the Government. The Public Council members further suggested that discussions of the amendments should be made subject of a separate discussion. In addition, some members expressed concern over the fact that not all recommendations proposed during its discussion by the civil society representatives back in December 2014 were reflected in the current draft.
- It was suggested by the members and accepted by the MOJ that the draft amendments to the Law would be discussed at the Working Group meeting scheduled for February 12, 2015 to be convened specifically for the given purpose. The Draft amendments then would be finalized by the Working Group and then only would be presented and discussed at the next Public Council Meeting under the Minister of Justice.

II. Draft Laws “On Making Amendments and Supplements to the RA Criminal Code” and “On Making Amendments and Supplements to the RA Criminal Procedure Code”

- Mr. Arman Tatoyan, the Deputy Minister of Justice spoke about the ongoing processes in relation to amendments of the RA Criminal Code and the RA Criminal Procedure Code. He further informed that public consultations would take place to introduce in detail the new Criminal Code. According to him, efforts were in place also to develop a new Penitentiary Code.
- The Public Council Members raised questions regarding the definition of “torture” in the Draft Law. Mr. Tatoyan informed that the definition should be in line with the UN Convention Against Torture.²⁹He further stated that the matter was presented and discussed with representatives of the Council of Europe expert group.
- The alternative version of the Draft Law was introduced by the Public Council member Mr. Zeinalyan. Mr. Zeinalyan suggested that the justifications to his alternative draft would be submitted as well. It was the decision of the Public Council Members that the alternative draft could not be discussed at the meeting as certain amount of time was required for them to familiarize themselves with the alternative draft and to form their position in regard to it. It was further agreed that Mr. Zeinalyan would submit both his alternative draft and the justifications to the MOJ for consideration, possible incorporations and further public discussions/consultations.
- Mr. David Amiryan from the Open Society Foundations Armenia informed that on February 19, 2015 the CPT³⁰ meeting would be held in Yerevan to discuss the Criminal Code amendments and related matters. In May Armenia would host another international meeting aimed to exchange ideas on the topic of “torture”.

III. Draft RA Government Decision on Creating a Board and a Committee on Fight Against Corruption and on Approving the Procedure of Functioning of the Board, the

²⁹The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

³⁰European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Committee and the Monitoring Division of the Anti-corruption Projects of the RA Government Staff

- Ms. Mariam Galstyan, assistant to the Deputy Minister of Justice presented the Draft Decision on formation of the Council on Fight Against Corruption (Council). According to the designed structure, the Council would be headed by the RA Prime Minister and would have as members public Ministers, also five MPs representing the opposition factions and two civil society NGO representatives. The selected NGOs would be engaged on the principle of rotation. The requirement for the NGO selection is that the program of “fighting against corruption” should be envisaged in their respective Organization Charter and they should have engagement in the area for a number of years. As regards the engagement of the opposition MPs, the Prime Minister would ask the Chairman of the RA National Assembly for candidates to fill in the Council membership.
- According to the arranged plan, the Council would carry out surveillance over the performance of its obligations by Armenia. The assessments would be done by the independent expert group. The number of experts is not defined yet. The funding of the Council and the expert group would be done by the Government and the donor organizations.
- The members of the Public Council voiced strong concern over the creation and functioning of the Council. Mainly, they stated concerns that the Council would not be an independent body given its structure and the composition. They asked whether some criteria are envisaged for selection of NGOs, as well as the opposition MPs.
- Other concerns expressed were the conflict of interest present in the case, as the Prime Minister could not judge the effectiveness of the work of the Government that he heads and thus the functioning of the Council would yield no results.

Recommendations made by the Public Council Members included:

- The Public Council members suggested as to whether or not an assessment was done to review/assess the previous anti-corruption efforts undertaken by the Government.
- The name of the Council should be changed to read as “Corruption Risks Assessment Council”;
- Enlarge the number of NGOs represented in the Council;

- Change the name of “opposition MPs” to read as “MPs representing the non-governmental parties” and define standards for engagement for the non-governmental MPs;
- The Council would develop recommendations for the National Assembly to consider when adopting Laws and for the Government to adopt actions;
- The Council would address conflict of interest matters;
- Call back the Draft and conduct further studies to design the structure and functioning of the Council for it to be more efficient.

IV. Draft Laws on Making Amendments and Supplements to the RA Law on Arbitration and to the RA Civil Procedure Code Relevant to Mediation

- Discussion started by Ms. Liana Ghaltaghchyan stating that elaboration of New Draft Law on Arbitration is in initial stage and in the focus of MoJ attention. Following the introduction, Mr. Aghanik Avetisyan, the expert of the MOJ Legislation Drafting and Legal Analysis Department presented the advantages of both Arbitration and Mediation.
- Furthermore, Mr. Avetisyan informed that to keep pace of developments at this stage the MOJ undertook efforts to amend the RA Law on Arbitration (the Law) before drafting entirely new Draft Law on Arbitration. The Current Law of 2006 was adopted in consideration of the UNCITRAL Model Law on International Commercial Arbitration, however the Model Law was subsequently amended. Thus, the purpose of the current amendments is to reconcile the Law with the international standards. The provision referring to the conduct of the arbitrators would be developed. Following this, the arbitrators may separately adopt their own rule or code of conduct. The Draft Law is not yet circulated among the stakeholders, but is rather in the process of being finalized.
- According to Mr. Avetisyan, the provision on mediation will entail amendments to the RA Civil Procedure Code, the Judicial Code and the State Duty Law. The Draft amendments are in the stage of being finalized.
The respective draft amendments would be substantially discussed at public events scheduled in the end of February 2015.

Next Steps

- The MOJ representatives agreed to inform the Public Council members about the upcoming legal initiatives well in advance to secure their full and meaningful participation in the Public Council Meetings;
- The Public Council Members agreed to submit their comments to the drafts, as well as their recommended versions of drafts in writing to MOJ accompanied with justifications.

ANNEX 25



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Event notes:

Project:	Technical Assistance to RA Ministry of Justice and Special Working Group Monitoring Implementation of “Support to Justice Reform in Armenia – Phase II” and the Justice Reform Progress
Title	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> and Supplements to the RA Law “On Arbitration” Amendments to the Armenian Civil Procedure Code, the Civil Code, the Family Code, the Labour Code, the Law on the Duty, the Law on Enforcement of Court Acts (Mediation Package) </div> <div style="width: 35%;"> Discussion of the Draft Amendments Discussion of the Draft Package of </div> </div>
Date:	March 7 and 8, 2015
Location:	Aghveran, Kotayk Marz, Armenia.
Attended:	First Deputy Minister of Justice, MOJ Staff, representatives of the Armenian Office of the Financial Mediator, representatives from NGOs and business associations, representatives from the Union of Banks, Arbitrators, ADR experts, Lawyers and EU Experts

A G E N D A

March 7, 2015.

Aghveran.

11:00-11:10	<i>Welcoming speech</i> Mr. Arsen Mkrtchyan, First Deputy Minister of Justice of Armenia
11:10-12:15	Defining the Specific Matters of Interpretation in the Law in View of the Cases Arbitrated by the International Commercial Arbitration; Conditions to Enforcing Interim Measures by the Arbitral Tribunal.
12:45-14:00	Lunch Break
14:00-15:00	<i>Presentation</i> Launching the Institute of Interim Measures; Defining the Interim Measures and the Preliminary Order; Amending the Definitions of the Interim Measures and of the Preliminary Order; Suspension and Termination of Motions; Granting the Motion of the Interim Measures and of the Preliminary Order; Providing Information and etc.
15:00-15:30	Questions and answers
15:30-15:45	Break
15:45-16:45	<i>Presentation</i> Procedures on Recognizing and Enforcement of Decisions on Preliminary Order; the Code of Conduct of Arbitrator.
16:45-17:15	Questions and answers
17:15-17:30	Break
17:30-18:00	Closing remarks Mr. Arsen Mkrtchyan, First Deputy Minister of Justice of Armenia.

Topics Discussed

V. The Purpose for Developing Arbitration in Armenia

- Mr. Arsen Mkrtchyan, the first Deputy Minister of Justice of Armenia welcomed the participants and stressed the importance of having the public consultations on the Draft Law on Making Amendments and Supplements to the Law on Commercial Arbitration (the Law). He informed the participants that the legal experts worked to develop the package of amendments to the Law and the event served another opportunity to discuss the package, as well as Alternative Dispute Resolution (ADR) matters with the public and to get their feedback on the package of draft amendments. The Deputy Minister emphasized the value of the event, as he mentioned that the discussion event was represented by experts, specialists in ADR and the NGO representatives active in ADR and their feedback and recommendations on respective provisions and matters were particularly important in the process of finalizing the draft amendments. According to the Deputy Minister, the official circulation of the draft amendments was put off in order to have the chance of discussing and consulting the draft package with the public, which in his opinion served as an essential tool for finalizing the draft package.
- The Deputy Minister announced that the really important reason beyond taking the efforts to develop the ADR in Armenia was being mainly twofold: (i) to improve business environment and (ii) to lessen the caseload of the courts.
- The Deputy Minister further requested the participants to actively engage in the discussions and propose their recommended approaches with respect to various matters under consideration.

VI. Defining the Specifics to Interpretation of the Law in View of the Cases Arbitrated by the International Commercial Arbitration; Conditions to Enforcing Interim Measures by the Arbitration Tribunal

- Mr. Aram Orbelyan and Mr. Yeghishe Kirakosyan, as experts having worked on drafting the amendments to the Law presented draft package. When doing the presentation they went through the issues article by article. The respective provisions of each draft article under the discussion were being amended and improved by both experts right during the course of the sessions as the result of the lengthily discussions and recommendations proposed by the participants.

- Mr. Aram Orbelyan took the opportunity to stress the importance of developing the institution of ADR in Armenia. According to the expert, it would lessen the caseload of the courts and would promote improving of the doing business climate in Armenia.
- After introductory remarks, Mr. Orbelyan went on to present the specific amendments drafted. The first issue he presented was to define the scope of arbitration, in other words the types of cases which should be subject to arbitration. The wording as drafted by the experts suggested to provide the type of cases, which were out of the scope of the arbitration, mainly cases subject to the jurisdiction of the administrative court, the bankruptcy cases and the divorce. Following lengthily discussions and based on the recommendations proposed by the participants it was decided to keep the present wording of the Law, which provides the scope of commercial arbitration. It was further suggested by the participants and accepted by the experts that the amendment should be done in the respective article of the current Law, which defines the types of cases subject to arbitration.
- The next issue that was discussed was whether the arbitral tribunals would be free to apply the well-known practices of the international commercial arbitration in respect to matters not specifically defined by the domestic legislation. It was deliberated among the participants and an agreement reached among the participants and the experts that introducing of such a notion would create uncertainty among the courts/tribunals in respect to uniformity of application of such practices. The experts proposed that in cases when expressly missing stipulations the procedural law of the seat of arbitration might be applied.
- The next issue of the discussion was the struggle to define the scope of the term “arbitration” used in the Law. According to the experts and participants, the proper definition of the term would help much to determine the scope of application of the Law. The experts recommended to try to scrutinize and understand the term “commercial”. In the given matter, it was the recommendation of Mr. Yeghishe Kirakosyan that the stipulation in the Model Law on International Commercial Arbitration should be adopted and the matters beyond its scope should be eliminated from the scope of application of the Law. The recommendation was acceptable to the participants.
- It was the understanding and opinion of both the professional in the field and the drafting experts that the existing Law does not make any distinction as to the matters entailing international commercial arbitration and the domestic matters of arbitration. According to them, this causes many uncertainties in terms of de facto application of the Law. It was

proposed by a number of participants and was well accepted by the drafting experts, as well as the MOJ representatives that the Law should establish distinction between the regimes applicable to the international matters on the one hand and the domestic regime on the other.

- There was consensus reached among the participants and the experts regarding a number of other technical matters which should be reflected in the draft package of amendments to the Law. In fact, consensus was reached among the participants, the experts engaged in the drafting process and the MOJ representatives in regard to most of the matters discussed.

Next Steps

- It was agreed at the public discussion event that the drafting experts would finalize the draft package;
- The MOJ would officially circulate among the stakeholders the improved draft package for opinion.

A G E N D A

March 8, 2015.

Aghveran.

9:30-9:40 *Opening speech*

Mr. Arsen Mkrtchyan, First Deputy Minister of Justice of Armenia

Presentation

9:40-10:40 Notion of Mediation, the Need of the Institution and its Role as an Efficient Resort for Alternative Dispute Resolution. Comparative Analysis of Other Alternative Dispute Resolution Institutions (Commercial Arbitration, Financial Mediator); Revealing the Positive and the Negative Sides.

10:40-11:00	Questions and answers
11:00-11:15	Break
11:15-12:00	<i>Presentation</i> Requirements to the Mediation Agreement; the Feasibility and the Procedure for Engagement of the Mediator in Various Stages of the Disputed Relationships (Court Annexed, Out-of-the Court); Defining the Timeframes of Mediation.
12:00-12:30	Questions and answers
12:30-13:30	Lunch Break
13:30-14:30	<i>Presentation</i> Requirements to the Mediator, the Rights and Obligations of the Mediator; Principles of Mediation; the Beginning and the End of the Mediation Process
14:30-15:00	Questions and answers
15:00-15: 15	Break
15:15-16:00	<i>Presentation</i> Compulsory Enforcement of the Mediation Agreements; Issues on Paying Back the State Duty in Cases the Parties Submit Themselves to the Court But End Up Settling the Dispute Through Mediation
16:00-16:30	Questions and answers
16:30-16:45	Break
16:45-17:00	Closing remarks Mr. Arsen Mkrtchyan, First Deputy Minister of Justice of Armenia

I. The Purpose of Developing Mediation in Armenia

- Mr. Mkrtchyan, the first Deputy Minister of Justice opened the session devoted to Mediation and he announced that the Armenian Government aims to support development of the mediation institutions in Armenia. To that end, the group of experts worked under the auspices

of the Ministry of Justice to develop the package of amendments to a number of legal act. According to the Deputy Minister the legal reform efforts would have their input for the development of the alternative dispute resolution mechanism, as well as will promote the launching of the mediation institution in Armenia. The Deputy Minister further referred to the Action Plan of 2012-2016 Legal and Judicial Reforms adopted by the President Decree and stated that development of the ADR institution is envisaged in the said Program. He mentioned that the present situation is that the mediation, being as an alternative dispute resolution mechanism and also being as a legal institution, does not function properly in Armenia. The reason being the absence of the legal framework to properly regulate the mediation sector. Mr. Mkrtchyan summarized his presentation by saying that introducing of such an institution will enable the alternative dispute resolution in Armenia.

II. Notion of Mediation, the Need of the Institution and its Role as an Efficient Resort for Alternative Dispute Resolution. Comparative Analysis of Other Alternative Dispute Resolution Institutions (Commercial Arbitration, Financial Mediator); Revealing the Positive and the Negative Sides

- Mr. Mushegh Manukyan acted as an expert who was engaged in the work of the drafting team. He began his presentation by mentioning that amendments were drafted to a number of legal acts to enable the mediation in Armenia. Such legal acts addressed by the amendments included the Armenian Civil Procedure Code, the Judicial Code, the Civil Code, the Family Code and the Law on State Duty.
- Mr. Mushegh Manukyan presented the details by going through the provisions of the draft amendments. He explained that the purpose of the reforms was being to have two types of mediation, including the mediation taking place at the decision and choice of the parties and the court-annexed mediation.
- As regards establishing of requirements to the mediators, the details of the matter were discussed with the participants and it was agreed that certain requirements, including those of

age and professional background of the mediator among others, would be established for the mediators engaged in the court-annexed system. In addition, requirements will be established for such mediators to be licensed and be well trained. Whereas, in case of voluntarily choosing by the parties the mediation not related to the court, the parties would be free to appoint a mediator even if the person is not a licensed mediator.

- The notion of a court-annexed mediation is new to Armenia and Mr. Mushegh Manukyan explained the details of such a mediation. Within the framework of such a mediation, free legal aid will be provided to the parties having filed their case to the court. It is stipulated in the draft amendments that the free legal aid to the parties will be conducted for four hours. During such period one hour will be devoted to the case management and understanding the details of the case by the mediator and during the next three hours the mediator will perform the mediation. Following this, it will be up to the parties to decide whether to continue settlement of their dispute through the mediation or to go continue litigating the matter at the court.

Next Steps

- The drafting team will finalize the mediation package in consideration of the remarks and comments made by the participants;
- The MOJ will circulate among the stakeholders the final package for official opinion.

A G E N D A

March 7, 2015.

Aghveran

THE NEED FOR MAKING AMENDMENTS AND SUPPLEMENTS TO THE RA LAW “ON ARBITRATION” (THE LAW)

11:00-11:10	Welcoming speech	Mr. Arsen Mkrtchyan, First Deputy Minister of Justice
11:10-12:15	Presentation	Defining the Specifics to Interpretation of the Law in View of the Cases Tried by the International Commercial Arbitration; Conditions to Enforcing Security Over Claims by the Arbitration Tribunal
		Mr. Aram Orbelyan, Expert Mr. Aghanik Avetisyan, Ministry of Justice (MOJ)
12:15-12:45	Questions and Answers	
12:45-14:00	Lunch Break	
14:00-15:00	Presentation	Launching the Institute of Injunctions; Defining the Provisions on Enforcing Security Over the Claims and on Injunctions (Amending the Motions on Enforcing Security Over Claims and on Injunctions, Suspension and Termination of Motions; Satisfying the Motion on Enforcing Security Over Claims and on Injunction; Provision of

		Information and etc.)
		Mr. Aghanik Avetisyan, Ministry of Justice (MOJ) Mr. Aram Orbelyan, Expert
15:00-15:30	Questions and Answers	
15:30-15:45	Break	
15:45-16:45	Presentation	Procedures on Recognition and Enforcement of Decisions on Security Over the Claims; Code of Conduct of Arbitrator
		Mr. Aghanik Avetisyan, Ministry of Justice (MOJ)
16:45-17:15	Questions and Answers	
17:15-17:30	Break	
17:30-18:00	Closing remarks	Mr. Arsen Mkrtchyan, First Deputy Minister of Justice

A G E N D A

<p>March 8, 2015.</p> <p>Aghveran</p>		
<p>MAKING AMENDMENTS TO THE RA CIVIL PROCEDURE CODE, THE CIVIL CODE, THE FAMILY CODE, THE LABOUR CODE, THE LAW ON STATE DUTY, THE LAW ON ENFORCEMENT OF COURT ACTS</p> <p>(MEDIATION PACKAGE)</p>		
09:30-09:40	Opening speech	Mr. Arsen Mkrtchyan, First Deputy Minister of Justice
09:40-10:40	Presentation	Notion on Mediation, the Need of the Institution and its Role as an Efficient Resort for Alternative Dispute Resolution. Comparative analysis of Other Alternative Dispute Resolution Institutions (Commercial Arbitration, Financial Mediator); Revealing the Positive and the Negative Sides
		Mr. Mushegh Maukryan, Expert Mr. Aghanik Avetisyan, Ministry of Justice (MOJ)
10:40-11:00	Questions and Answers	
11:00-11:15	Coffee Break	
11:15-12:00	Presentation	Requirements to the Mediation Agreement; the Possibility and Procedure for Involvement of the Mediator in Various Stages of the Disputed Relationships (Court, Out-of-court); Defining the

		Timeframes of Mediation
		Mr. Mushegh Maukyan, Expert Mr. Aghanik Avetisyan, Ministry of Justice (MOJ)
12:00- 12:30	Questions and Answers	
12:30- 13:30	Lunch Break	
13:30- 14:30	Presentation	Requirements to the Mediator, the Rights and Obligations of the Mediator; Principles of Mediation; the Beginning and End the of Mediation Process
		Mr. Mushegh Maukyan, Expert Mr. Aghanik Avetisyan, Ministry of Justice (MOJ)
14:30- 15:00	Questions and Answers	
15:00- 15:15	Break	
15:15- 16:00	Presentation	Compulsory Enforcement of the Mediation Agreements; Issues on Returning of the State Duty in Cases When the Parties File to the Court and End Up With Settling the Dispute Through Mediation
		Mr. Aghanik Avetisyan, Ministry of Justice (MOJ)

16:00- 16:30	Questions and Answers	
16:30- 16:45	Break	
16:45- 17:00	Closing remarks	Mr. Arsen Mkrtchyan, First Deputy Minister of Justice



Ministry of Justice of Armenia



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March 7, 2015

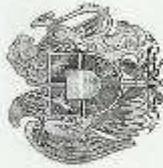
March 7 and 8, 2015.

PUBLIC DISCUSSION ON AMENDMENTS TO THE RA LAW ON ARBITRATION AND THE MEDIATION PACKAGE

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#	FULL NAME	COMPANY/ORGANISATION	E-MAIL, PHONE #	SIGNATURE
1	Գրիգոր Կարամյան	Արմենիա Բրոքերինգ Կոմպանի ՍՊԸ Կոմպանի Բրոքերինգ Կոմպանի Կոմպանի Բրոքերինգ Կոմպանի Կոմպանի Բրոքերինգ Կոմպանի	stepik@mail.ru Suharyan86@gmail.com suharyan86@gmail.com	[Signature]
2	Արթուր Առաքելյան	Արմենիա Բրոքերինգ Կոմպանի ՍՊԸ Կոմպանի Բրոքերինգ Կոմպանի Կոմպանի Բրոքերինգ Կոմպանի	Suharyan86@gmail.com	[Signature]
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5	Արթուր Կարամյան	Արմենիա Բրոքերինգ Կոմպանի ՍՊԸ Կոմպանի Բրոքերինգ Կոմպանի Կոմպանի Բրոքերինգ Կոմպանի	Ushakovskaya527731@gmail.com	[Signature]

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16	Ujara di Bungkai	Ujara pemp. temp.	vsemejyan@hag.am	Ujara
17	Ujara di Bungkai	Ujara pemp. temp.	hag@hag.am	Ujara
18	Ujara di Bungkai	Ujara pemp. temp.	klavdy@hag.am	Ujara

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20	Ukhuu Chibetogoo	5744444444	manokoyatolala	
21	Ukhuu Chibetogoo	7707777777	Pinastioy cbe.am.	
22	Ukhuu Chibetogoo	102A 21307777	skinkosgo idea.am	
23	Ukhuu Chibetogoo	444444-111111	green.orbeben @dialof.am	
24	Ukhuu Chibetogoo	22 444	justice.am	
25	Ukhuu Chibetogoo	alghatol 2 111111 77	segobharutjunge @grail.com	
26				



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March 8, 2015.
March 7 and 8, 2015.

PUBLIC DISCUSSION ON AMENDMENTS TO THE RA LAW ON ARBITRATION AND THE MEDIATION PACKAGE

#	ՄԱՍԻՆ ԸՆԴՈՒՄԱՆՈՒՄ FULL NAME	ԵՍՊԵՏՈՒԹՅԱՆ COMPANY ORGANISATION	ԷԼ. ՓՈՍՏ, ԶԵՆ. E-MAIL, PHONE #	ՄԱՍԻՆ ԸՆԴՈՒՄԱՆՈՒՄ SIGNATURE
1	Մարգարիտա Խոսրովյան	Արդյունաբերական Միություն	margaritha.khosrovyan@just.am	
2	Վահագն Մարտիրոսյան	Արդյունաբերական Միություն	petrosyan.vah@yaho.com	
3	Արմեն Բաղդասարյան	Արդյունաբերական Միություն	armen.bagdasaryan@just.am	
4	Մարտին Բաղդասարյան	Արդյունաբերական Միություն	martin.bagdasaryan@just.am	
5	Տարոն Սիմոնյան	ELL PARTNERSHIP Law Firm European Arbitration Chamber	taronsim@ell.am	

6	Thyatha Sanyasa	Amul. Sanyasa 6 and Pr. Sanyasa. 27.	amren@kalyan.com	
7	Thyatha Sanyasa	Sanyasa 6 and Pr. Sanyasa. 27.	Sukhayan.86@gmail.com	
8	Thyatha Sanyasa	Uttara Sanyasa Ganga 2/16	Uttara Sanyasa@gmail.com	
9	Thyatha Sanyasa	EU Budget Support Project	S-ikhandyan@yaho.com	
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11	Thyatha Sanyasa	16/11/11 Uttara Sanyasa, Pr. 6/11/11	6/11/11	
12	Thyatha Sanyasa	Uttara Sanyasa, Pr. 6/11/11	asakant@kalyan.com	
13	Thyatha Sanyasa	Uttara Sanyasa, Pr. 6/11/11	Uttara Sanyasa@gmail.com	
14	Thyatha Sanyasa	Uttara Sanyasa, Pr. 6/11/11	Uttara Sanyasa@gmail.com	
15	Thyatha Sanyasa	Uttara Sanyasa, Pr. 6/11/11	Uttara Sanyasa@gmail.com	
16	Thyatha Sanyasa	Uttara Sanyasa, Pr. 6/11/11	Uttara Sanyasa@gmail.com	
17	Thyatha Sanyasa	Uttara Sanyasa, Pr. 6/11/11	Uttara Sanyasa@gmail.com	
18	Thyatha Sanyasa	Uttara Sanyasa, Pr. 6/11/11	Uttara Sanyasa@gmail.com	

19	Empfang	Stangbungsbeutel	11.11.1912	empfangen	12.11.1912	12.11.1912
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ANNEX 26



Joint Project between the European Union and the Council of Europe

Strengthening the Independence, Professionalism and Accountability of the Justice System in Armenia

Round-Table Discussion

On Arbitration

20-21 June 2015

Hotel Dilijan Resort

Dilijan, Armenia

20 June 2015

10:00 – 10:30	Arrival of the Participants to Hotel Dilijan Resort
10:30—11:00	Registration of the Participants and Coffee
11:00 – 11:15	Welcoming Remarks <i>Mr Arsen MKRTCHYAN</i> First Deputy Minister of Justice of the Republic of Armenia <i>Ms Narine Gasparyan</i> Senior Project Officer, Council of Europe Office in Yerevan
10:45 -11:30	Presentation of the main directions of the amendments to the Law of the Republic of Armenia on Commercial Arbitration

	<p>Speaker</p> <p><i>Mr Arsen MKRTCHYAN</i></p> <p>First Deputy Minister of Justice of the Republic of Armenia</p>
11:30 – 12:00	Discussion
12:00—13:00	<p>Presentation of the concept paper on the development of Arbitration in Armenia developed by the Council of Europe experts</p> <p>Moderator</p> <p><i>Mr Arsen MKRTCHYAN</i></p> <p>First Deputy Minister of Justice of the Republic of Armenia</p> <p>Speaker</p> <p><i>Mr Aram Orbelyan</i></p> <p><i>Council of Europe expert</i></p>
13:00- 14:15	Break for lunch

14:15 -15:00	<p>The Organization of International Dispute Settlement</p> <p>The types of situations that give rise to disputes in the international arena? How are these different disputes settled? What dispute resolution mechanisms are available? The course will focus on investment and commercial arbitration. The main characteristics of several dispute settlement institution and procedure will be examined, with emphasis put on the types of disputes that can be brought before each one as well as other relevant issues of jurisdiction.</p> <p><i>Speakers</i></p> <p><i>Mr Yeghishe Kirakosyan</i></p> <p><i>Council of Europe expert</i></p>
15:00-15:30	Discussion
15:30-16:30	Coffee break
16:30- 17:00	Discussion

June 21,2015

10:30—11:00	Registration of the Participants and Coffee
11:00 – 11:45	<p>"Arbitration: The preferred method of dispute settlement in international commercial transactions". New York Convention of 1958, importance of choice of the seat and the effect of the choice</p> <p><i>Moderator</i></p> <p><i>Mr Arsen MKRTCHYAN</i></p> <p>First Deputy Minister of Justice of the Republic of Armenia</p> <p>Speaker</p> <p><i>Ms Aida AVANESYAN</i></p> <p>Arbitrator-ADR partners</p> <p>Lecturer</p> <p>American University of Armenia</p>
11:45 – 13:00	Discussion
13:00—14:30	Break for lunch
14:30- 15:30	Recognition and Enforcement of Foreign Arbitral Awards under New York Convention of 1958

	<p>Moderator</p> <p><i>Mr Arsen MKRTCHYAN</i></p> <p>First Deputy Minister of Justice of the Republic of Armenia</p> <p><i>Mr Aram ORBELYAN</i></p> <p>Council of Europe expert</p>
15:30- 16:00	Closing remarks
16:00-16:30	Coffee and Refreshments
17:30 Departure of the participants to Yerevan	

Joint Project between the European Union and Council of Europe
 Strengthening the independence, Professionalism
 and Accountability of the Justice System in Armenia
 Round- table Discussion on Arbitration
 Hotel Dilijan Resort, Armenia
 20-21 June 2015

Day 1

	Name of Participant	Organization	Signature
1	Aghunik Avetisyan	RA Ministry of Justice	
2	Kima Khachatryan	Department of Press, Information and Public Relations of Ministry of Justice of RA	
3	Mariam Sndoyan	Union of Banks	
4	Suren Grigoryan	AM Law Firm	
5	Levon Sahakyan	AM Law Firm	
6	Yerem Yesoyan	Judge	
7	Taron Nazaryan	Judge	
8	Ruben Vardanyan	Judge	
9	Azat Shahbazyan	Advocate	
10	Ani Khachatryan	RA Ministry of Justice	
11	Seda Melqumyan	RA Ministry of Justice	
12	Arsen Tavadyan	Arbitration Court affiliated to the Chamber of Commerce and Industry of Armenia	
13	Vahagn Dallaqyan	Arbitration Court affiliated to the Chamber of Commerce and Industry of Armenia	
14	Hayk Hovhannisyan	The Chamber of Advocates of RA	

15	Aram Orbelyan	Concern-Dialog CJSC	
16	Vanik Margaryan	AM Law Firm	
17	Mariam Mkrtchyan	Hovhannisyan and Partners LLC	
18	Mihran Khachatryan	Financial Arbitration	
19	Karine Petrosyan	Lawyer	
20	Tigran Sahakyan	Financial Arbitration	
21	Yeghishe Kirakosyan	IDEA Foundatiom	

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Day 2

	Name of Participant	Organization	Signature
1	Kima Khachatryan	Department of Press, Information and Public Relations of Ministry of Justice of RA	
2	Vanik Margaryan	AM Law Firm	
3	Mushegh Manukyan	ADR Partners	
4	Aram Orbelyan	Concern-Dialog CJSC	
5	Hayk Hovhannisyan	The Chamber of Advocates of RA	
6	Suren Grigoryan	AM Law Firm	
7	Mariam Sndoyan	Union of Banks	
8	Ruben Vardanyan	Judge	
9	Yerem Yesoyan	Judge	
10	Mihran Khachatryan	Financial Arbitration	
11	Arsen Tavadyan	Arbitration Court affiliated to the Chamber of Commerce and Industry of Armenia	
12	Azat Shahbazyan	Advocate	
13	Ani Khachatryan	RA Ministry of Justice	
14	Aghunik Avetisyan	RA Ministry of Justice	

15	Aida Avanesyan	ADR Partners	
16	Levon Sahakyan	AM Law Firm	
17	Karine Petrosyan	Lawyer	
18	Tigran Sahakyan	Financial Arbitration	
19	Taron Nazaryan	Judge	
20	Mariam Mkrtchyan	Hovhannisyan and Partners LLC	
21	Seda Melqumyan	RA Ministry of Justice	

ANNEX 1.1. Memorandum of Understanding

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ANNEX 1.2. Report of e-Civil Status Registry

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ANNEX 2_LIST OF PARTICIPANTS, APRIL 25

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ANNEX 4_IMF REPORT

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ANNEX 14_Participant list_Public Council Meeting_Apr 8

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ANNEX 23

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