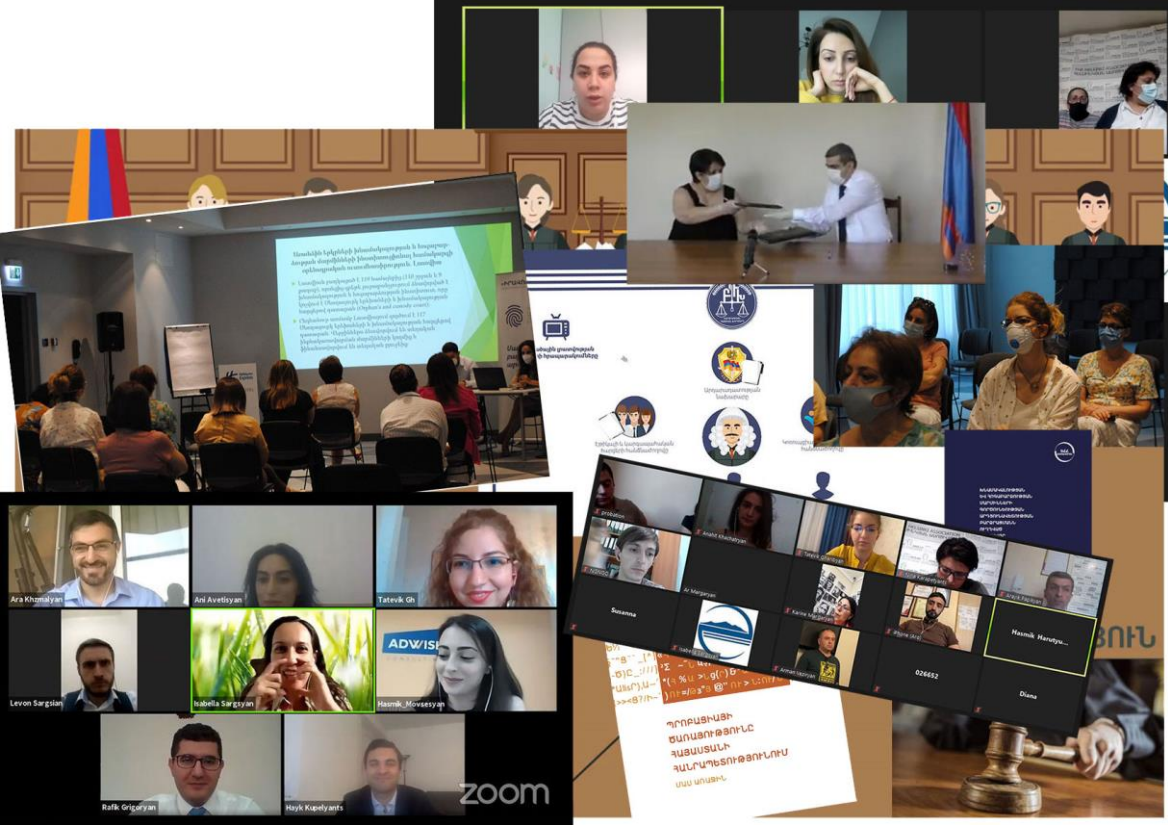


Partnership for Justice Reform Project

midterm evaluation



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The goal of the project is to contribute to the judicial reform in Armenia through strengthening the capacities of civil society and mass media to improve the efficiency of courts, ensure public oversight, and establish cooperation platforms. Specific objectives of the project are to strengthen the alternative dispute resolution and probation and guardianship institutes; increase the capacities of CSOs and media to oversee the reforms; and boost cooperation and communication between state institutions and civil society.

The project is implemented by the Eurasia Partnership Foundation in partnership with Human Rights Power and the Helsinki Association for Human Rights with financial support from the Bureau of Democracy, Human Rights, and Labor of the U.S. Department of State.

Executive Summary

Since September 2019, the Partnership for Justice Reform Project is implemented by a consortium comprised of the Eurasia Partnership Foundation (EPF), Human Rights Power (HRP), and Helsinki Association for Human Rights (HAHR) with financial support from the Bureau of Democracy, Human Rights, and Labor (DRL) of the U.S. Department of State.

After the non-violent change of power in 2018, the new authorities undertook reforms in the judicial system, which was not independent, and often carried out “orders from above.” As mentioned in the U.S. Department of State report on human rights practices (for 2018), “Although the law provides for an independent judiciary, the judiciary did not generally exhibit independence and impartiality. After the May change in government, distrust in the impartiality of judges continued, and some human rights lawyers stated there were no legal safeguards for judicial independence.” The situation is marked by the lack of accountability of the judiciary and inadequate public oversight, and it causes substantial public mistrust in the system.

The project is significant, timely, and relevant in the context of judicial reform in Armenia. Its goal is to contribute to judicial reform by strengthening the capacities of civil society, the National Assembly, and law enforcement to improve the efficiency of courts, ensure public oversight, and establish cooperation platforms. The objectives of the project are to strengthen the alternative dispute resolution, institutes of probation and guardianship; increase the capacities of CSOs and media to oversee the course of the reforms; and boost cooperation and proper communication between state institutions and civil society. By April 2022, the project is expected to enhance quasi-judiciary and alternative mechanisms; increase trust within the society towards the judiciary and respect for legal knowledge; enhance cooperation between government and civil society on judicial reform; and a new cadre of legal reform specialists from civil society and media.

Strengthening the public oversight by engaging capital-based and regional grassroots civil society and mass media, the project is internally coherent and complements the introduction of vetting and other tools of transitional justice essential for the system to function and build public trust. Public oversight is vital in instituting accountability and strengthening the cooperation of the key actors.

This midterm evaluation assessed the level of achievement of projects’ outputs and outcomes as stipulated in the project document and monitoring and evaluation plan; the efficiency of project coordination and management; the extent of the project’s contribution to the implementation of the ongoing reform of justice reform; the relevance of the project’s activities (including those of sub-grantees/sub-contractors) within the justice reform context; the effectiveness of the existing partnerships established/maintained with the government, civil society, donors, and other key stakeholders; and the extent to which the implementing team was able to identify risks and opportunities and accordingly respond to them throughout the project.

To that end, the theory of change (ToC) of the project was reconstructed, good practices and lessons learned were summarized and recommendations were proposed. The ToC distinguishes four activity clusters or pathways of change: (1) research and policy, (2) communication and awareness-raising overlapping with (3) capacity building, and a cross-cutting dimension of (4) the sub-grants scheme.

Important studies were conducted under the project. They helped in developing legislative amendments and new institutional arrangements, as well as in awareness-raising – a prerequisite and an essential element of public support and oversight. Under that component, PSAs, brochures, and other publications were produced and disseminated. Also, formal and informal meetings were conducted to inform decision-making on establishing new structures and functions in the process of

reform. The situation with the COVID-19 dictated the use of nontraditional communication methods, such as videoconferences, and a Facebook group created as an online platform for communication of stakeholders. During those meetings, the stakeholders articulated and discussed their challenges and needs, and appropriate responses were chosen.

The project's capacity-building activities include training, publications, and special events. Two major challenges in this segment were the pandemic that affected the organization of training and staff turnover, which prevented continuous capacity development. Thus, only one online training on SJC was organized for journalists. The participants appreciated the opportunity to be trained by SJC Chairman Ruben Vardazaryan.

In response to the staff turnover, the Project Team decided to publish and disseminate a handbook as a reference for current practitioners and the newcomers. Also, expanding the group of participants in project activities can help overcome the staff turnover.

Also, the project envisaged at least 15 sub-grants to NGOs and service contracts to individuals that would significantly contribute to the objectives of the project and multiply its outcomes, targeting the additional needs of judicial reform. The selected projects tackle a broad spectrum of issues relevant to judicial reform. By the time of writing this report, many of the projects were in their initial stage. They will be assessed in the final report. At this point, suffice it to mention that EPF has a good track record of managing similar sub-grant schemes.

The project has been implemented in a difficult operating environment marked by coronavirus pandemic, the aggression of Azerbaijan, and the continuous situation of civic unrest entailed by that aggression. Some activity rearrangements were done – training and public events were postponed. The consequences of the events should be assessed and additional changes to the project made.

The following recommendations are proposed.

- As a value-normative transformation, judicial reform requires public support, awareness-raising therefore should be more discerning. It can include youth-oriented campaigns, to inculcate the rule of law, human rights-based approaches, and democratic anti-corruption culture. For that, brochures or short videos can be produced considering also the specifics of young audiences.
- The capacity of independent media can be strengthened through their cooperation and investigative journalism can be promoted to enhance public understanding of the reform.
- To consult and enhance the surveys conducted and production of videos and other materials under the project, the Consortium can consider hiring an intern, e.g., a master's degree graduate of the Faculty of Sociology or a junior fellow of CRRC. That would promote volunteerism and help in directing the messages to young audiences.
- The judicial reform is gathering momentum, and many new players are providing support. To better coordinate those efforts, the Consortium can consider inviting representatives of those donors and implementing organizations to exchange or coordination meetings. To that end, the websites of EPF, HRP, and HAHR can provide more visibility. Quarterly coordination meetings can also enhance the communication culture within and between ministries and can help overcome the results of imminent staff turnover, especially considering the upcoming waves of structural and functional changes in governmental structures.
- In addition to the FB group, the project can have its YouTube channel. Also, for easy access, one URL can be considered for all materials published and publicly disseminated under the project.
- Online training sessions offer a possibility to invite more interdisciplinary professionals, as well as journalists and international legal professionals from other countries to share their experience.

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Abbreviations and acronyms

ADR	Alternative Dispute Resolution
CEPA	Comprehensive and Enhanced Partnership Agreement between the European Union and Armenia
CET	Capacity Enhancement Tool
CSO	Civil society organization
CoE	Council of Europe
DRL	Bureau of Democracy, Human Rights, and Labor at the United States Department of State
ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
EPF	Eurasia Partnership Foundation
EU	European Union
FB	Facebook
GTC	Guardianship and Trusteeship Committees
HAHR	Helsinki Association for Human Rights
HRD	Human Rights Defender
HRP	Human Rights Power NGO
HRRC	Human Rights Research Center
LG	Local government
M&E	Monitoring and evaluation
MEP	Monitoring and evaluation plan
MLSA	Ministry of Labor and Social Affairs
MoJ	Ministry of Justice
MP	Member of Parliament (National Assembly of Armenia)
NGO	Non-governmental organization
OSCE	Organization for Security and Cooperation in Europe
PM	Prime Minister
PS	Probation Service
PSA	Public service announcement
RA	Republic of Armenia
SJC	Supreme Judicial Council
ToR	Terms of reference
ToT	Training of trainers
UK	The United Kingdom of Great Britain and Northern Ireland
UN	United Nations
U.S.	United States of America
USAID	United States Agency for International Development

Introduction

Partnership for Justice Reform

The **Partnership for Justice Reform Project** is implemented by a consortium comprised of the Eurasia Partnership Foundation (EPF), Human Rights Power (HRP), and Helsinki Association for Human Rights (HAHR) since September 2019. The goal of the project is to contribute to judicial reform by strengthening the capacities of civil society, the National Assembly, and law enforcement to improve the efficiency of courts, ensure public oversight and establish cooperation platforms. The objectives of the project are to:

1. strengthen the alternative dispute resolution, institutes of probation and guardianship
2. increase the capacities of CSOs and media to oversee the course of the reforms and
3. boost cooperation and proper communication between state institutions and civil society.

By April 2022, the project is expected to result in the enhancement of quasi-judiciary and alternative mechanisms; increased trust within the society vis-à-vis the judiciary and respect for legal knowledge; decreased caseload; sustainable cooperation between government and civil society on judicial reform; and a new cadre of legal reform specialists from civil society and media.

This **midterm evaluation** aims at assessing:

- *the relevance* of the project's activities (including those of sub-grantees/sub-contractors) within the justice reform context
- *the extent of the project's contribution* to the implementation of the ongoing reform of justice reform
- *the level of achievement of projects' outputs and outcomes* as stipulated in the project document and monitoring and evaluation plan
- *the effectiveness of the existing partnerships* established/maintained with the government, civil society, donors, and other key stakeholders
- *the efficiency* of project coordination and management
- *the extent to which the implementing team was able to identify risks and opportunities* and accordingly respond to them throughout the project

and summarizing the *lessons learned, good practices, and possible follow-ups*.

This document contains an account and discussion of the main findings and recommendations for the next stages in the project implementation.

Independence of justice

The International Association of Judicial Independence and World Peace produced the Mt. Scopus International Standards of Judicial Independence between 2007 and 2012 building on the association's New Delhi Minimum Standards on Judicial independence adopted in 1982 and their Montréal Universal Declaration on the Independence of Justice in 1983. The ideas and concepts leading to those standards were published and discussed by Shimon Shetreet and Jules Deschênes in their seminal collection of scholarship on the independence of the judiciary *Judicial Independence: The Contemporary Debate* (1985).

The same year, the United Nations Basic Principles of Judicial Independence were adopted by the 7th UN Congress on the Prevention of Crime and the Treatment of Offenders in Milan and endorsed

by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.¹ Although there is no exact definition and the concept often varies from jurisdiction to jurisdiction, its status as a cornerstone of the rule of law is widely accepted. Vital to the idea of separation of powers,² the concept of judicial independence is that being independent of the other branches of government, the courts should not be subject to their improper influence or from private or partisan interests. Thus, externally, the independence of justice is conceived in its relation to other institutional actors, while internally it is understood that the legitimate administration of justice is based on qualified and independent judges. Courts contribute to the rule of law only when legitimately composed and if judges are independent.³

In their publication *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges*, Shetreet and Christopher Forsyth compiled another extensive range of texts on judicial independence by academics, judges, and lawyers originally presented at a series of conferences organized by Shetreet for many years. Discussing the concept of a “culture of judicial independence” necessary to the proper administration of justice, Shetreet notes that governments are responsible for developing that culture with the following five essential ingredients: (1) institutional structures, (2) constitutional infrastructure, (3) legislative provisions and constitutional safeguards, (4) adjudicative arrangements and jurisprudence, and (5) ethical traditions and codes of conduct.

According to Roger Warren, President of the National Center for State Courts, judicial independence is not total freedom, but freedom from improper influence. He describes the relationship between the judiciary and the executive as a complex web of dependencies and inter-dependencies which must counter-check and balance each other. Noteworthy also that a seemingly too independent judiciary comes with disadvantages, including a lack of accountability and possible abuse of power. If the judiciary is completely independent, then, in the absence of checks and balances to prevent the abuse of power, the decisions of judges may be influenced by self-interest, ideological bias, and corruption. He then maintains that while judges are not accountable for the rationale behind their decisions and are shielded against unfair criticism, intimidation, or retaliation, still, judicial accountability can reinforce judicial independence through appellate review – “in some cultures, e.g., ours, judicial elections; codes of judicial conduct, judicial discipline processes, judicial evaluation processes, a court culture that promotes proper performance of judicial responsibilities, pressure from our peers that promotes the proper exercise of judicial power; and the openness of our records to public inspection.”⁴

¹ <https://www.un.org/ruleoflaw/blog/document/basic-principles-on-the-independence-of-the-judiciary> Accessed 3 November 2020.

² It is widely accepted that the modern concept of separation of powers spins from Montesquieu’s *De l’esprit des lois* published in 1748, which was a result of his 21 years of researching and writing on law and social life. In that treatise Montesquieu pleaded for a constitutional system of government with separation of powers, preservation of legality and civil liberties, and the end of slavery. Building on John Locke’s concepts of state of the nature and laws of the nature in *Second Treatise of Government* (1689), Montesquieu concluded that **the legislative, executive and judicial functions of government should be assigned to different bodies to restrain the attempts by one branch of government to infringe on political liberty of other branches**. (Charles-Louis de Secondat, Baron de Montesquieu, *The Spirit of the Laws*, in Cohler, A.M. *et al.*, Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 1989).

³ See Mia Swart (2019). *Independence of the Judiciary* in Max Planck Encyclopedia of Comparative Constitutional Law [MPECCoL], Oxford University Press, <https://oxcon.ouplaw.com/view/10.1093/law-mpeccol/law-mpeccol-e339> Accessed 4 November 2020.

⁴ <https://ncsc.contentdm.oclc.org/digital/api/collection/judicial/id/207/download> Retrieved 8 November 2020.

In suggesting the requirements for a culture of judicial independence, Shetreet tends to focus on the enactment of formal rules shielding courts from interference. However, Lorne Neudorf from Cambridge University argues that “the relationship between formal rules and a culture of independence may not be so straightforward. At the very best, rules work in a bidirectional manner with culture: while rules are capable of normative influence, they are typically enacted to give expression to a social consensus of appropriate standards in the first place. Thus, depending on the context, the enactment of rules to protect judges may not create the culture of independence that Shetreet expects, particularly in the absence of underlying support for the value of independence embodied in the rules.”⁵ He refers to economist Douglass North, who wrote that informal practices are often more important than rules and can create a larger proportion of institutional constraints.⁶

This is where civil society and media come into play with the concept of public control over the judicial system. As the project document reads “Political will is necessary but not enough for a deep, comprehensive and long-lasting institutional change. Vetting and application of other tools of transitional justice are essential for restoring the functionality of the system and building public trust. Nevertheless, the efforts of the government could be fruitless and even questionable if larger civil society and mass media are not engaged in every step of the process. They should oversee the progress and hold the government, parliament, and law enforcement accountable. Cooperation between the key actors and strategic communication with the public should be achieved to legitimize the process and its outcomes. Not only capital-based organizations and journalists should be informed but also regional and grassroots civil society should be engaged.”

National context and methodology of intervention

After the non-violent “Velvet Revolution” in 2018, the new authorities promised significant changes in the judicial system, which, as stated by them and international organizations, was not independent, and often carried out “orders from above.” Marked by the continued legacy of the Soviet regime, that situation had not changed over time. The last year’s U.S. Department of State report on human rights practices (for 2018) reads: “Although the law provides for an independent judiciary, the judiciary did not generally exhibit independence and impartiality. After the May change in government, distrust in the impartiality of judges continued, and some human rights lawyers stated there were no legal safeguards for judicial independence.”

The situational analysis also showed a significant lack of public trust in the system. The authors of that and other recent reports⁷ emphasized the lack of accountability of the judiciary and inadequate

⁵ Neudorf, L. (2013). *Shimon Shetreet and Christopher Forsyth (eds), The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges*, Leiden: Martinus Nijhoff, 2012 in *The Modern Law Review*, 76(1), 181–184. doi:10.1111/1468-2230.12009_2.

⁶ See North DC (1990a) *Institutions, institutional change, and economic performance*. Cambridge University Press, Cambridge; North DC (1981) *Structure and change in economic history*. W. W. Norton, New York.

⁷ See European Commission – DG NEAR 1st Peer Assessment Mission on the Rule of Law in Armenia 2017. *Report on the Efficiency of the Armenian Judiciary*, JHA IND/EXP 64029, https://www.moj.am/storage/uploads/001.Final_Efficiency-Judiciary_Quintavalle-2.pdf Retrieved 4 November 2020; Human Rights Watch, *World Report 2020* <https://www.hrw.org/world-report/2020/country-chapters/armenia> Accessed 4 November 2020; European Network of National Human Rights Institutions (2020). *Human Rights Defender of the Republic of Armenia* in *State of the Rule of Law in Europe 2020*, <http://ennhri.org/wp-content/uploads/2020/06/State-of-the-Rule-of-Law-in-Europe-2020-Armenia.pdf> Retrieved 4 November 2020; Council of Europe, *Armenia Action Plan 2019-2022*, GR-DEM(2018)16, 11 December 2018, <https://rm.coe.int/action-plan-armenia-2019-2022-en-web-version/168092014b> Retrieved 4 November 2020; Hasmik Harutyunyan (2018) Policy Brief for OSF Armenia: *The Impact of Judicial and Legal*

public oversight. They recommend that Armenian civil society should work on targeted public awareness-raising, such as youth-oriented campaigns, to inculcate an anti-corruption culture. Also, the capacity of independent media should be strengthened by better training, exchange visits, and cooperation and investigative journalism should be promoted as a means to raise public awareness of reforms.

The project document underscores that the reform is a long-term process: “the judiciary is a strong, conservative and professionally run institution – qualities which ensure its independence – and, as the experience of other countries suggests, cannot be a subject to a rapid reform.” Political will is necessary, yet, it is not enough to enact a comprehensive and lasting institutional change. Although vetting and application of other tools of transitional justice are essential for the system to function and build public trust. However, *public oversight through the engagement of larger civil society and mass media is vital* to ensure the accountability of the government, parliament, and law enforcement and cooperation of the key actors and their strategic communication with the public is essential to legitimize the process and its outcomes.

Meanwhile, both capital-based and regional grassroots civil society organizations and journalists should be engaged. For that, civil society should be educated on judicial issues. The project document argues that because such politically backed comprehensive judicial reform was impossible under the previous government, little investment had been made into the public oversight, therefore only a few specialized NGOs are now working in the field of justice, and civil society organizations at large lack capacities and skills to perform in that role.

Substantial technical gaps were highlighted in the reform strategy by the previous government and echoed in the recommendations under the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA). Those include “the low number of judges per capita, backlog of cases per judge leading to inefficiency of courts, insufficient capacities of the judges –especially in the regions – to deal with human rights-related cases, limited access to justice for vulnerable groups.”

International organizations are supporting the reform, but those efforts are not well communicated to civil society and the larger public and do not cover the entire need. Independence of the judiciary should not be seen only in the context of independence from the incumbent political regime. The recent experience shows the lack of institutional independence as the judiciary was at risk of being influenced also by a broad range of actors, including even foreign players. To face these challenges, a system of functioning checks and balances should be introduced with strong buy-in from civil society and media. Public awareness, accountability, and transparency are considered the key to confront malpractices, illegal arrangements, and unwanted influences.

According to the project document, the project is being implemented in support of (1) participation of civil society in Yerevan and regions in the oversight of reform, advocacy for it, and its coverage by the media to build public trust towards the sector; (2) strengthening and promotion of alternative justice mechanisms to decrease the workload of judges and increase the effectiveness of courts; (3) development of policy recommendations to increase access to justice for society; and (4) promotion of cooperation between civil society and state institutions via online and offline platforms and ad hoc discussions to advance the reform.

Reform Programs on Establishing Independent Judiciary in Armenia, <http://www.osf.am/wp-content/uploads/2019/06/The-Impact-of-Judicial-and-Legal-Reform-Programs-on-Establishing-Independent-Judiciary-in-Armenia-policy-brief.pdf> Retrieved 4 November 2020.

Evaluation methodology

According to the U.S. Department of State Program and Project Design, Monitoring, and Evaluation Policy, evaluation is “the systematic collection and analysis of information about the characteristics and outcomes of programs, projects, or processes as a basis for making judgments, improving effectiveness and informing decisions about current and future programs, projects, and processes.”⁸

This evaluation included a review of project documents, including its Monitoring and Evaluation Plan and secondary data as well as interviews with the project implementers and beneficiaries as well as group discussions with Consortium members.

Monitoring and Evaluation Plan

In the project’s Monitoring and Evaluation Plan (MEP), the overall process of monitoring and evaluation (M&E) is divided into internal and external M&E activities. Internally, MEP envisaged training for Consortium partners, sub-grantees, and direct beneficiaries, e.g. experts, contracted researchers, followed by their consistent monitoring and a clear and straightforward narrative and financial reporting incorporated by EPF in aggregate quarterly and annual reports to DRL.⁹ Lessons learned distinguished at each stage and mid-course corrections developed while planning the subsequent implementation stages with the Consortium partners and DRL.

These narrative reports include quantitative and qualitative gender-differentiated data on the accomplished work as indicated in the logframe and M&E Plan of the project. EPF and the partners collected performance information including feedback from beneficiaries and stakeholders. Some data, such as case statistics on GTCs, was collected through inquiries, some of the outputs included the number of participants in different events, downloads of the documents published, views of the videos released by the partner organizations, etc.

Overall, the internal M&E intended to track the progress with indicators for outputs and outcomes, including gender analysis. At the same time, the methods for internal monitoring of the project were differentiated in terms of the daily developments in the project, the delivery of outputs linked to activities, and outcomes. The Project Team also tracked the unexpected impact and risks.

The Consortium held monthly coordination meetings (in-person and on-line) to discuss the project developments in a full quorum, as well as strategic planning meetings every six months. In between these meetings, the project management team, which included EPF and Consortium partners’ managers, have worked together daily. Before the monthly Consortium meetings, the management team provided Consortium heads with minutes of the previous meeting.

External evaluation

Internal data collection and analysis were envisaged to be complemented by an independent external in-progress review of the implementation process and its results. The terms of reference

⁸ <https://www.state.gov/wp-content/uploads/2018/12/Department-of-State-Program-and-Project-Design-Monitoring-and-Evaluation-Policy.pdf> Retrieved 3 November 2020.

⁹ DRL considers MEP as a “tool that articulates the project’s performance indicators... aligned with the objectives, outputs and outcomes in the logic model, <https://www.state.gov/wp-content/uploads/2019/01/DRL-Guide-to-Program-Monitoring-and-Evaluation.pdf> Retrieved 9 December 2020.

(ToR) were agreed upon with DRL. Commenced in the ninth month of the project, the external evaluation was expected to produce this midterm report and a final evaluation report.

The major purpose of this mid-term evaluation is to inform the Consortium and the donor about issues that the project may face with the delivery of outputs and achievement of outcomes against the indicators specified in the M&E plan (MEP) and advise on more effective and efficient methods of accomplishing the project's activities and events, in which case relevant revisions may be done to the MEP. The overall objectives of the external evaluation are as follows.

- 1) Assess the structure of the project in terms of its efficiency and coordination mechanisms among Consortium partners and between the Consortium and the donor
- 2) Assess the relevance of project activities within the evolving political context in Armenia, as well as the efficiency (value for money) and positive synergies between the project's activities (including those of sub-grantees, contractors, and other beneficiaries)
- 3) Assess the level of achieving the project's outputs and outcomes as indicated in the M&E plan of the project. In particular, assess the level to which the expectations of the Consortium partners have been met regarding the changes in public trust towards the judiciary, awareness of and trust towards the alternative dispute resolution mechanisms; level of awareness and approval of justice reform initiated by the government; effectiveness of cooperation avenues between the government and the civil society and beyond¹⁰
- 4) Recommend actions that may help sustain certain components of the project beyond its term, including an algorithm of regular observation and media coverage of court trails, tools for cooperation between the civil society and government; approaches for pro-active and meaningful oversight of the reforms by CSOs and media, especially on the regional level, etc.
- 5) Assess the extent to which the Consortium partners addressed cross-cutting issues such as gender and minorities. In particular, advise whether the gender-sensitive approach in Guardianship and Trusteeship Committees (GTC) was successful and could be applied in other fields; to what extent channeling voices of minorities and vulnerable communities had an impact on project results; whether cross-cutting issues became a key for better understanding of systemic problems (judge bias, discrimination against women and minority groups, etc.)
- 6) Identify lessons learned, good practices, and possible follow-ups for consideration of the Consortium partners and the donor.

An attempt was made to follow the template for the final evaluation report; however, as this is a midterm report, it will markedly differ in-depth and in terms of capturing the project's progress, outputs, lessons learned, etc.

Generally, in this document, by 'evaluation', we refer to the systematic collection and analysis of information about the project's characteristics and outcomes as a basis for making judgments regarding improving its effectiveness and informing decisions about current and future programming.¹¹ To that end, a participatory and iterative evaluation approach was adopted.

Indicators from the MEP were used as a basis for this evaluation. Besides, to better contribute to the effectiveness and strategic thinking on specific issues, the project's implicit [theory of change](#) (ToC)

¹⁰ The overall level of achieving the project's outputs and outcomes will be discussed in the final report to be prepared at the end of the project.

¹¹ See U.S. Foreign Aid Transparency and Accountability Act of 2016 (FATAA), <https://www.congress.gov/bill/114th-congress/house-bill/3766/text> and USAID Evaluation Policy (2016), <https://www.usaid.gov/sites/default/files/documents/1870/USAIDEvaluationPolicy.pdf> Retrieved 7 November 2020.

was reconstructed. Document review, semi-structured interviews, discussions, and direct observations were used to collect and analyze data, allowing for triangulation of the information.

This midterm report is comprised of an executive summary, introduction, description of the relevance and background to the intervention, description of the evaluation methodology, main body addressing the objectives of the evaluation by capturing the project’s progress, outputs, lessons learned, etc., conclusion, a consolidated list of recommendations, and annexes, including the ToR, logical framework matrix and the reconstructed theory of change, notes on field visits, list of people interviewed, documents reviewed, and presentation summarizing the report. The following is a consolidated table of the project activities.

Table of activities

Table 1. Activities: outputs and indicators

Activity component	Output	Indicator
Activity 1.1. Promotion of ADR bodies and mechanisms – EPF		
A1.1.1: ADR research	Op1.1.1: Research report, incl. int’l best practices, analysis of the state of ADR in Armenia, and recommendations	I1.1.1: #reads – website hits/downloads*
A1.1.2: Three advocacy meetings with key stakeholders	Op1.1.2: 60 stakeholders advocated	I1.1.2: #meeting participants I1.1.2a: #participants (m) I1.1.2b: #participants (f)
A1.1.3: ADR awareness-raising Public Service Announcements	Op1.1.3: Three PSAs produced and disseminated	I1.1.3: 30,000 viewers I1.1.3a: #views online*
A1.1a: Small grant to promote ADR in Armenia		
Activity 1.2. Enhancing the effectiveness of the probation service (PS) – HAHR		
A1.2.1. ToT on PS monitoring for 12 HAHR staff and experts by a Georgian expert	Op1.2.1: 12 HAHR staff and experts trained on PS monitoring	I1.2.1: #training participants I1.2.1a: #participants (m) I1.2.1b: #participants (f)
A1.2.2: Baseline research on PS conducted by ToT trainees	Op1.2.2: Baseline research report	I1.2.2: #reads – website hits/downloads*
A1.2.3: Monitoring of PS in 10 marzes and Yerevan	Op1.2.3: 5 semi-annual reports	I1.2.3a: #probates interviewed I1.2.3b: #PS officers interviewed
A1.2.4: Twelve workshops in marzes with Chamber of Advocates	Op1.2.4: 200 advocates and public defenders trained	I1.2.4: #training participants I1.2.4a: #participants (m) I1.2.4b: #participants (f)
A1.2.5: Two advocacy meetings with stakeholders	Op1.2.5: 40 key stakeholders briefed and advocated	I1.2.5: #meeting participants I1.2.5a: #participants (m) I1.2.5b: #participants (f)
A1.2.6: Awareness-raising of PS through PSAs	Op1.2.6: 2 one-minute PSAs produced and disseminated	I1.2.6: at least 20,000 outreach
A1.2a: Small grant to promote ADR in Armenia		
Activity 1.3. Building capacities of Guardianship and Trusteeship Committees – HRP		
A1.3.1. Study of GTCs	Op1.3.1: research report	

Activity component	Output	Indicator
A1.3.2. Development of amendments to GTCs' regulations	Op1.3.2: A package of amendments to the existing regulations developed	
A1.3.3: Six training sessions with GTCs organized	Op1.3.3: 120 GTC members trained	I1.3.3: #training participants I1.3.3a: #participants (m) I1.3.3b: #participants (f)
A1.3.4: Two advocacy meetings with stakeholders	Op1.3.4: 40 key stakeholders advocated	I1.3.4: #meeting participants I1.3.4a: #participants (m) I1.3.4b: #participants (f)
A1.3.5: Public awareness-raising of GTCs	Op1.3.5a: 3 two-minute PSAs produced and disseminated Op1.3.5b: 5,000 leaflets published Op1.3.5c: 4 short videos produced	I1.2.6: 30,000 outreach
Activity 2.1. A Toolkit on court observation for CSOs and media – HAHR		
A2.1.1: Publication of Toolkit – a manual on court observation for CSOs	Op2.1.1: 200 print copies	I2.1.1a: #downloads
A2.1.2: Presentation of the Toolkit	Op2.1.2: 60 people attended	I2.1.2: #event participants I2.1.2a: #participants (m) I2.1.2b: #participants (f)
Activity 2.2-3. Training on court observation for media – HRP and CSOs – HAHR		
A2.2.1. Two 2-day training sessions on court reporting	Op2.2.1: 60 journalists trained	I2.2.1: #training participants I2.2.1a: #participants (m) I2.2.1b: #participants (f)
A2.3.1. Ten 2-day training sessions on court reporting in regions of Armenia	Op2.2.1: 150 CSO representatives trained (15x10)	I2.2.1: #training participants I2.2.1a: #participants (m) I2.2.1b: #participants (f)
A2.2-3.1. Event with court observers	Op2.2-3.1a: 20 journalists and Op2.2.2b: 30 CSO representatives attended	I2.2-3.1: #event participants I2.2-3.1a: #participants (m) I2.2-3.1b: #participants (f)
A2.2-3.2. Court reporting	Op2.2-3.2: 30 reports prepared	I2.2-3.2: #reports published I2.2-3.2: #reads – website hits/downloads
Activity 2.4. Handbook on legal procedures for CSOs – EPF		
A2.4.1: Publication of CSOs' handbook on legal procedures	Op2.1.1: 200 print copies	I2.1.1a: #downloads
A2.4.2: Presentation of the Handbook	Op2.1.2: 70 people attended	I2.1.2: #event participants I2.1.2a: #participants (m) I2.1.2b: #participants (f)
Activity 2.5. Training on legal knowledge for CSOs – EPF		
A2.5. Twelve 1-day training sessions for CSOs in Yerevan and the regions	Op2.5: 240 CSO representatives trained (20x12)	I2.5: #training participants I2.5a: #participants (m) I2.5b: #participants (f)
Activity 3.1. Monitoring of SJC by CSOs and journalists – HRP		
A2.2.1. Two 2-day training sessions on court reporting	Op2.2.1: 60 journalists trained	I2.2.1: #training participants I2.2.1a: #participants (m)

Activity component	Output	Indicator
		I2.2.1b: #participants (f)
A3.1.1. One 2-day training for journalists	Op3.1.1: 10 journalists trained	I3.1.1: #training participants I3.1.1a: #participants (m) I3.1.1b: #participants (f)
A3.1.2: Monitoring of SJC	Op3.1.2: recommendations listed	I3.1.2: #reads – website hits/downloads
A3.1.3: Reporting on SJC	Op3.1.3a: 3 two-minute PSAs produced and disseminated Op3.1.3b: 10 articles published	I3.1.3a: 30,000 outreach I3.1.3b: #reads – website hits/downloads
Activity 3.2. Facebook group and formal meetings with stakeholders – EPF		
A3.2.1. Facebook group opened	Op3.1.1: 1,000 users of FB group	I3.2.1: #group members I3.2.1a: #group members (m) I3.2.1b: #group members (f) I3.2.1c: #FB users/readers?
A3.2.2: 14 formal meetings with stakeholders	Op1.3.4: 50 stakeholders participated	I3.2.2: #meeting participants I3.2.2a: #participants (m) I3.2.2b: #participants (f)
Activity 3.3. Sub-grants – EPF		
A3.3. 15 sub-grants awarded and projects implemented	Op3.3: [outputs of 15 sub-grant projects implemented]	I3.3.1. #sub-grants I3.3.2. [indicators of sub-grants' outputs]

* face validity indicator

Theory of change

For this evaluation, based on the project documents, the underlying theory of change of the project was reconstructed (see Image 1) and discussed with the Consortium members.

Theory of change (ToC) is part of the broader intervention analysis or programmatic theory for informing social development practices. The theory-based evaluation has a long history – practitioners have often sought and used tools for reflecting on concepts underlying the development processes while designing and evaluating programs. The ToC approach emerged in the 1990s in the United States at the Aspen Institute Roundtable on Community Change to model and evaluate community initiatives. It was elaborated by Huey Chen, Peter Rossi, Michael Quinn Patton, and Carol Weiss.¹² In the theoretical and applied development, it also stemmed from other traditions of planning models like the logical framework approach developed in the 1970s.

Although ToC has infinite variations of style and content, its basic components often include a big picture analysis of how change happens in a specific thematic area, an articulation of an organization

¹² See, for instance, Weiss, C. H. (1995). *Nothing as Practical as Good Theory* in J. Connell, A. Kubisch, L. B. Schorr, and C. H. Weiss (eds.), *New approaches to Evaluating Community Initiatives*. New York: Aspen Institute, where she defines ToC as “a theory of how and why an initiative works. Subsequently, in *Evaluation: Methods for studying programs and policies*. (1998, Upper Saddle River, NJ: Prentice Hall) Weiss argues that “A program is a theory, and an evaluation is its test.” Therefore, in order for the evaluation to provide a responsible test, **the evaluator has to understand the theoretical premises underpinning the program.**

or program pathway of change, and an impact assessment framework designed to test both the pathway and the assumptions of how change happens.”¹³

As opposed to the logframe approach that gives a detailed description of a project, ToC shows the big picture of desired change and pathways leading to that change and explains how and why we think change happens.

Thus, ToC is a specific type of methodology for planning, participation, and evaluation which defines the ultimate, long-term, and intermediary outcomes and then maps backward to identify necessary preconditions as a pathway.

In this midterm evaluation, we considered the ToC up to the level of intermediary outcomes.

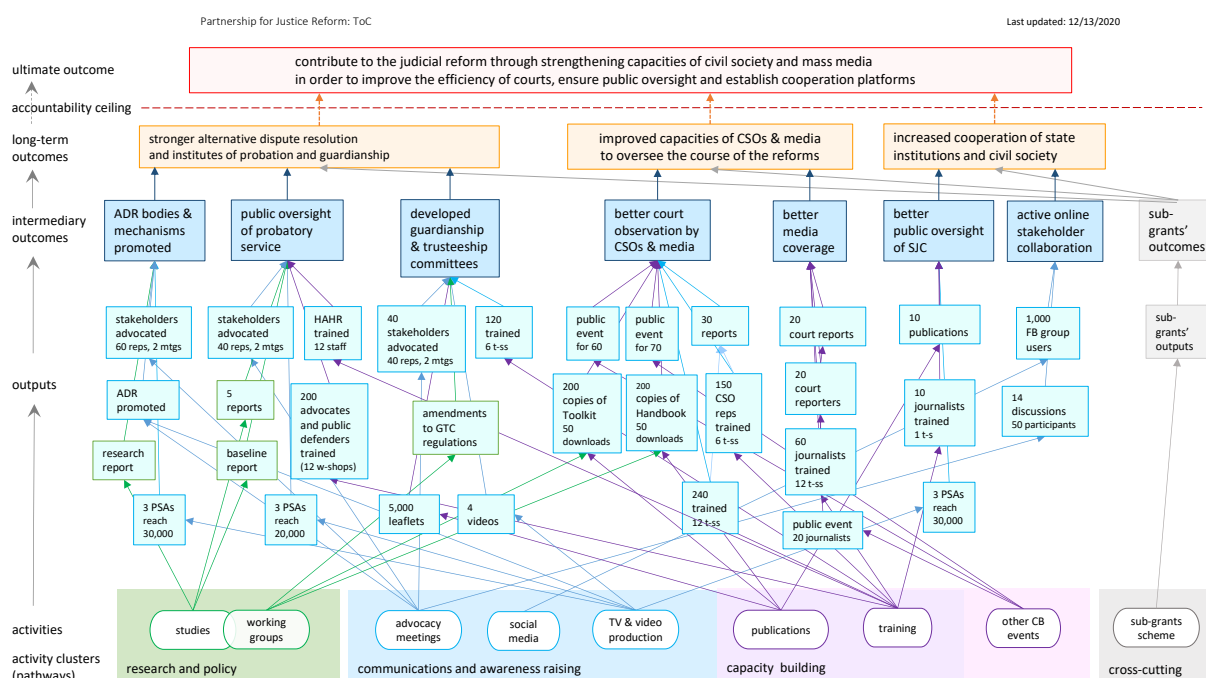


Image 1. Theory of change

Limitations

The general lack of data and the dubious accuracy of existing statistics in the country also affects the justice system and the work in the area of rule of law. This highlights the need for the Consortium to collect primary data and incorporate it into the project.

Because of the COVID-19 pandemic, only two site visits were conducted – to the Consortium member organizations, and some of the interviews were conducted remotely.

Assessment of the impact and sustainability of the project fall beyond the frames of this evaluation. They will be analyzed at a later stage and will be included in the final evaluation report.

¹³ INTRAC (2012) in Stein, Danielle & Valters, Craig. (2012). Understanding Theory of Change in International Development. The Justice and Security Research Programme, <https://www.alnap.org/system/files/content/resource/files/main/stein.pdf> Retrieved 6 November 2020.

Findings

Implementation timeline by reporting periods

In this section, we discuss the implementation process on the backdrop of the developments in the political situation and reflecting on four quarterly consolidated reports prepared by EPF.

Accordingly, it is broken down into the following chronological subsections:

1. October 2019 – January 2020
2. January – April 2020
3. May – June 2020
4. July – September 2020.

October 2019 – January 2020

At the onset of the project, the Consortium established internal coordination mechanisms and external cooperation with stakeholders. Consortium building included the development of a communication strategy and internal rules, data collection and reporting formats, an email group was created and the monthly meetings established.

Meetings took place with the key stakeholders – Ministry of Justice (MoJ), Ministry of Labor and Social Affairs (MLSA), Supreme Judicial Council (SJC), Center for Legislation Development and Legal Research Foundation under MoJ, Probation Center, Arbitration Clinic of the American University of Armenia, Union of Individual Mediators and local CSOs as well as with the representatives of the U.S. Embassy and the USAID. The stakeholders welcomed the project and acknowledged its timelines.

Kick-off activities included announcement and competitive selection of experts on monitoring of SJC, arbitration and mediation, guardianship and trusteeship committees, and probation. Also, the development of monitoring tools for the probation system and court observation started.

The project started in 1.5 years after the non-violent change of power in 2018 which, followed by free and fair elections, endowed the new government with legitimacy and accelerated Armenia's engagement with the European Union through the implementation of the CEPA. In that context, ambitious efforts at legal and judicial reform have become an important priority for the Armenian government.

The first reporting period was marked by the ongoing Constitutional crisis. On 10 October 2019, the government approved the 2019-2023 Strategy for Judicial and Legal Reforms in the Republic of Armenia and an action plan. According to Nerses Kopalyan and Lusine Sargsyan¹⁴, the Constitutional crisis manifested in a so-called "institutional insulation," with the structure and arrangements designed to insulate the interests of the regime within that institution and guarantee its endurance in case of political turmoil. They explain that that institutional insulation was directed by Hrayr Tovmasyan, who served as Minister of Justice under the previous administration and was the architect of the 2015 Constitution amendments. Mr. Tovmasyan assumed the Chairmanship of the Constitutional Court under the laws written by himself. In conjunction with then-President Sargsyan

¹⁴ After the Velvet Revolution, the Constitutional Court, suffered from the crisis of political and institutional legitimacy. The appointees of the previous regimes had for years served to justify undemocratic behavior of the political elite and undermining the trust of Armenian society. See <https://www.evnreport.com/politics/resolving-the-constitutional-court-s-crisis-of-legitimacy> Accessed 14 November 2020.

and their Republican Party, “he rigged the constitutional and institutional arrangements of the Constitutional Court to insulate it from any future alterations.” Insulated and deeply rooted, that infrastructure was designed to continuously “serve the interests of that regime and its lackeys.”¹⁵

Previous announcements of the Prime Minister on the need to introduce vetting in the judiciary system were not followed-up. Instead, the Strategy reflected on the reform agenda and the ethical behavior of the judiciary. Also, an amendment to the Constitutional Law On the Constitutional Court was adopted. It aimed at establishing an early pension for Constitutional Court judges in the amount of their estimated salary – upon the termination of their authority before the retirement age and until January 31, 2020. This was another bill drafted by the Armenian Justice Ministry, offering Constitutional Court judges to continue receiving their salaries and other benefits if they tender resignations by October 31, 2019. Both documents were criticized by the judges.¹⁶

January – April 2020

In January 2020, the Minister of Justice announced the intention of the government to prepare a package of amendments to the Constitution. During a press conference, the Prime Minister stated that the constitutional amendments aim to ensure judiciary reforms, while there was a lack of clarity on how the reforms will be implemented. The amendment to the Constitution was proposed in February. It provided for the termination of powers of the judges who had been appointed to the Constitutional Court before Chapter 7 of the Constitution had entered into force, i.e. the Chairman of the Constitutional court and the members of the Constitutional court who were appointed according to the former Constitution. The government circulated a package on the amendments to the Judicial Code and related other laws, and the National Assembly adopted it on 25 March 2020. Due to the COVID-19 state of emergency, the planned referendum on this amendment was postponed for an indefinite period.

The European Commission For Democracy Through Law (Venice Commission) noted in its opinion of 14 October 2019, CDL-AD(2019)024 that originally the Government of the Republic of Armenia (RA) intended “to introduce extraordinary vetting procedures to check the suitability of existing judges. However, despite the broad political mandate they obtained following the elections, the Government refrained from a headstrong approach and, instead, engaged in a dialogue within the

¹⁵ In development economics and political economy, the question of what determines effective government was central in studies of political institutions. See, for instance, David E. Lewis 2002. *Presidents and the Politics of Agency Design: Political Insulation in the United States Government Bureaucracy, 1946-1997*. Palo Alto, CA: Stanford University Press; and Poggione SJ, Reenock C. *Political Insulation and Legislative Interventions: The Impact of Rule Review*. State Politics & Policy Quarterly. 2009;9(4):456-485.

doi:10.1177/153244000900900404. That literature considers insulation as opposed to patronage, i.e. the selection of bureaucrats by political leaders. Those studies of institutional processes and outcomes show how **in the patronage set-up, bureaucrats are hired, promoted and fired by the political leadership without institutional restrictions, whereas institutional insulation from political influence in many developed countries involves standards – state examinations for entry and objective criteria for promotion, and firing restrictions guarded by a civil service or other commissions to hinder political involvement and aimed at increasing professional competence**. Meanwhile, our national experience shows that in the absence of a democratic value-normative base, even the concept of institutional insulation can also be exploited. For more information, see Mueller Hannes, 2015. *Insulation or Patronage: Political Institutions and Bureaucratic Efficiency*, The B.E. Journal of Economic Analysis & Policy, De Gruyter, vol. 15(3), pages 961-996, July.

¹⁶ <https://www.azatutyun.am/a/30107704.html>; <https://mirrorspectator.com/2020/01/02/the-last-bastion-of-rule-of-law-under-siege>; https://www.coe.int/en/web/yerevan/home/-/asset_publisher/KZTSm796kFrq/content/armenia-judicial-reform-praiseworthy-but-early-retirement-for-constitutional-court-judges-should-be-strictly-voluntary-says-venice-commission Accessed 7 November 2020.

Armenian society and with its international partners.” As a result of the dialogue with the Venice Commission, the most radical reform proposals were abandoned, and the Government developed more tailor-made solutions, which were welcomed by the Venice Commission. However, in general, civil society in Armenia and the opposition do not support this approach. Representatives of these groups consider that some judges in the courts should be removed. As long as some judges previously involved in illegal activities remain in the system, judicial reforms cannot be effective.

The amendments prescribed to:

1. consider the reasoning criterion (*ratio decidendi*) of a judicial act as an evaluation grounds
2. provide the possibility to refer the case to the Ethics and Disciplinary Commission for initiating disciplinary proceedings against the judge based on the conclusion of the Judge’s Evaluation Commission
3. lower the age of candidate judges from 28 to 25 and the minimum number of years of professional working experience to three¹⁷
4. provide the members of the Evaluation Commission with assessment criteria, a scale of accompanying points, and sample answers to assess the written examination of candidate judges. However, the law does not oblige the members of the Commission to provide grounds and justification for the scores that they assign to the written examination answers. In practice, this might lead to arbitrary evaluation. Moreover, the SJC’s assessment criteria are not precise and do not provide explanations and clear guidelines to make the exam score predictable.
5. provide for the right to appeal the candidate judges’ written examination results; however, they can be appealed not on substantive but on procedural grounds, and another issue is that the Appeal Commission is not bound to provide a substantiated decision regarding the appeal.

The highlights of the second reporting period included the development of research reports, high-level meetings, and the measures in response to the outbreak of the coronavirus pandemic. In the state of emergency declared in March 2020, the use of masks in public places became compulsory.

Government decision No. 298-N of 16 March 2020 on the state of emergency¹⁸ imposed restrictions on the freedom of movement and organization of public demonstrations and other public events, and certain restrictions in closed institutions – prisons, detention places, old age homes, childcare institutions, and restrictions on some types of economic activities, etc. The decree also provided that, during the state of emergency, any organization with media activities could publish only information about the coronavirus crisis released by official sources. The government explained that that decision was necessary for avoiding any aggression towards coronavirus patients or panic among the population and to prevent fake news. Journalists and editors criticized that decision stating that there was no precise definition of which messages may or may not cause panic.

The OSCE Representative on Freedom of the Media Harlem Désir expressed concerns about the proposed restrictions on freedom of media, and on 24 March 2020, the government decided to amend the restrictions, stipulating that in case a media outlet receives information from the

¹⁷ During their visit to Armenia, the rapporteurs of Venice Commission “heard a lot of criticism about the idea of lowering the minimal age to become a judge. However, the Venice Commission cannot criticize this proposal in abstracto, since it does not have sufficient knowledge of the Armenian education system, the “demographics” of the Armenian judiciary etc.” **The Council of Europe (CoE) standards regarding conditions for appointing judges do not mention age limits**, although some national systems have such provisions. **When the CoE standards are followed, “judges are appointed without any discrimination, on the base of merit, having regard to qualifications, skills and capacity to fulfill judicial duties”** (ibid.).

¹⁸ The emergency has been then periodically extended until January 2021 as the number of reported COVID-19 positive cases in some days in the fall of 2020 exceeded 2,000.

government which clarifies or refutes the information published by that media, the media outlet must disseminate that government information within two hours of such receipt. In the event the media publishes information from international sources, it is obliged to refer to the source. However, when the state of emergency was extended on 13 April 2020, the amended decree came without any clause on media publications.

On 3 April 2020, another amendment was made to the state of the emergency decree which enabled the authorities to use electronic means to identify the whereabouts of people and conduct surveillance over those under self-isolation. Although strongly opposed by civil society and the political opposition in the National Assembly, the amendment was adopted by a majority of MPs.

In that situation, EPF and the partner organizations HAHR and HRP started to work remotely. They discussed different scenarios for operations. For instance, the organization of an online presentation of the baseline probation report, sending the finalized studies to different stakeholders via e-mails, an online meeting with deputy ministers, online consultations with the psychologist, online training for the journalists, etc. Two activities were canceled – training journalists on the Supreme Judicial Council and a meeting with stakeholders on the Draft Law of Amendments to the Judicial Code. All other activities were implemented as planned.

The Project Team has been able to address important issues in the changing circumstances. For instance, there was a certain level of ambiguity due to a significant staff flow and a lack of both internal and external communication of the governmental bodies. To support governmental and non-governmental counterparts, EPF and Consortium partners provided an online platform for discussions as well as formal and informal meeting opportunities for sharing and mutual learning.

Most of the research activities – arbitration and mediation, baseline probation report, court monitoring toolkit were conducted, and their products were disseminated. Preparation of the study on Guardianship and Trusteeship Committees (GTC) and the monitoring of the Supreme Judicial Council was in progress. The study on Alternative Dispute Resolution (ADR) tools triggered remarkable interest in MoJ at the level of Deputy Minister Rafik Grigoryan. The draft was shared with the Ministry, and EPF had received comments and questions addressed in further research by providing more information on the international best practice and other related questions. The draft of the baseline Probation report was also shared and discussed with the PS.

Within the scope of cooperation and coordination activities, several meetings were held with the Deputy Minister of Labor and Social Affairs Zhanna Andreasyan, the Head of the Probation Service Gevorg Simonyan, and the President of the Supreme Judicial Council Ruben Vardazaryan. Good cooperation mechanisms have been established with these bodies; the Deputy Minister of Social and Labor Affairs expressed particular interest in learning about some aspects of international best practices concerning GTCs. Accordingly, the mentioned issues were added to the list of research topics. The President of the Supreme Judicial Council agreed to be a speaker in the training for journalists. HAHR has established good relations with the Probation Service (PS). The Head of PS has instructed the officers to participate in the interviews and provide all information needed for the monitoring of PS. The project's Facebook discussion group has been significantly enlarged; among others, Deputy Ministers of Justice Kristina Grigoryan and Rafik Grigoryan have joined the group.

In April 2020, EPF announced a call for justice reform-related projects from both legal entities and individuals (the sub-grant scheme). Proposals were due by 1 May 2020, and applicants were requested to include an explanation of their plans and ways to meet the pandemic's challenges.

May – June 2020

Advocacy during the pandemic has its challenges. Civil society cannot organize public meetings and other events, and mobilization of efforts must be undertaken on online platforms. It is difficult to advocate in certain ad-hoc cases, while advocacy for some other causes initiated by civil society can still be conducted in this situation remotely, for instance, using the change.org platform, Zoom, social media, by media interviews, sending letters to relevant bodies, the release of statements, etc.

Consolidating efforts, the Consortium periodically held meetings through online platforms, exchanged updates, and coordinated ongoing and upcoming activities. The highlights of the reporting period included the public presentation of the studies on arbitration and mediation as well as the probation system and finalization of the study on GTCs. Monitoring of the Supreme Judicial Council (SJC) was in progress, the first monitoring report regarding the SJC's decisions on disciplinary measures against judges was published, the training of journalists to cover the SJC activities was conducted. Eight projects were selected under the sub-grants scheme based on their goals, outcomes, innovation, and relevance in the judicial reform context. They aimed at the development of recommendations for Constitutional amendments; identification of the reasons for delays in court proceedings; the level of application of general measures as decided by ECtHR concerning the violation of the right to a fair trial; raising public awareness on the issues with the investigation and court proceedings in cases related to non-combat deaths in the army; and the development of a model for the provision of remedies in cases of deprivation of property for the public interest.

On 26 May 2020, the Ministry of Justice presented the law on the Fact-Finding Commission to the public. It was placed on www.edraft.am.¹⁹ After several public discussions and conferences on the need for transitional justice held after the 2018 events in Armenia, the government decided to establish a fact-finding commission. The draft law defines the cases of mass and periodic human rights violations during 1991-2018 to be reviewed by the Commission mandated to reveal their reasons and make recommendations for preventing them in future; it regulates the powers, composition, and other requirements of the Commission. According to the draft law, the Commission shall examine the following events:

- 1) holding elections, and referendums
- 2) political persecution in the post-election process
- 3) alienation of property on the ground of ensuring overriding public interests
- 4) other manifestations of deprivation of property rights
- 5) deaths of servicemen in non-combat conditions
- 6) other cases systematically interconnected with the above-mentioned cases and events which the Commission will deem necessary to address.

Two projects aimed to provide facts to the Fact-Finding Commission to be established in 2021 in the framework of transitional justice.²⁰ Also, based on the recommendations developed by arbitration experts, one project will be implemented to set up an arbitration center. For that purpose, cooperation has been established with the MoJ and its Center for Legislation Development and Legal Research. EPF established an expert group to research relevant international best practices and develop the legislative basis for the center.

In that period, Constitutional reforms were also on the agenda. On 5 April 2020, a referendum was planned to take place to amend the provision in the Constitution which regulates the appointment of justices of the Constitutional Court. However, due to the COVID-19 state of emergency, the

¹⁹ Read more <https://hcav.am/en/edraft-27-05-2020> Accessed 12 November 2020.

²⁰ See <https://www.youtube.com/watch?v=Ho4KEHE0IV8> Visited 14 November 2020.

referendum was canceled. Instead, as the Constitution provides the possibility to amend certain articles by the majority vote of the Parliament, on 22 June 2020, the Parliament adopted an amendment to Article 213 of the Constitution on the appointment of justices. The Constitution was amended to provide that all justices of the Constitutional Court would have a 12-year term of office, regardless of their date of appointment. As a consequence, three justices who had held the position more than 12 years had their powers terminated, and the Chairman of the Court Hrayr Tovmasyan was removed from his position but continued his powers as a justice. These four justices applied to the European Court of Human Rights (ECtHR) under Rule 39 to get an interim measure (application No.25240/20) to freeze the enforcement of the Constitutional measures and preserve their offices. The ECtHR decided to reject the application as outside of the scope of the application of Rule 39 (interim measures) of the Rules of Court since it did not constitute serious and irreparable harm of a core right under the European Convention of Human Rights. The justices still have the right to submit a full application with the ECtHR and argue the violation of their rights under the Convention.

The Committee working on the full package of amendments to the Constitution, including provisions on governance, judiciary, human rights, etc., was considering to launch public discussions before publishing the concept of the amendments as planned in December 2020. Several public discussions had been held and the Committee members highlighted the importance of public involvement in the drafting process. Also, the President of Armenia met the Committee members and highlighted the importance of public involvement. Among other changes, the Committee discussed the reform of the court system, abolishing the Constitutional Court, and creating a Supreme Court incorporating the Cassation Court and the Constitutional Court. There were pros and cons to that approach within the Committee, and the opinion of civil society representatives was considered important. In that context, Human Rights without Borders NGO was selected under the project as an invited grantee to work on the development of a Constitutional reform package for governance and judicial systems. Maintaining the current system of judicial hierarchy versus the creation of a Supreme Court will be one of the topics to study under the provided grant.

One of the amendments discussed within the Committee was to abolish the Constitutional Court and create a Supreme Court that would encompass the Cassation Court and the Constitutional Court. One of the reasons for that recommendation stated by the Committee members advocating for such a change was problems with the enforceability of the decisions of the Constitutional Court due to the absence of a mechanism for supervision of their implementation. The courts of general jurisdiction do not address issues of constitutionality raised by the parties to the case, and very often do not refer the issue to the Constitutional Court.

At the same time, EPF continued enhancing the capacity of the Consortium members. EPF organizational development experts conducted consultancy sessions and capacity assessment for HRP, using the Capacity Enhancement Tool (CET). The assessment process was combined with an intensive consultancy and mentoring to the HRP staff. The consultants discussed the six functional systems of the organization: governance, management and administration, human resources, financial governance, communication, and public relations, and delivery of programs and services. Specific recommendations on how to enhance some capacity areas were provided, and improvement and development of new policies and tools were discussed.

In May 2020, responding to the changes due to the pandemic, the Consortium decided to survey lawyers to find out the limitations and difficulties related to remote court trials. Fourteen lawyers took part in the online survey. Information was also provided by HAHR's court monitors in Yerevan and from Shirak and Lori regions. The Consortium members identified shortcomings in the courts' remote operations and made recommendations for improving their work during the emergency.

Those included the development of IT solutions, platforms for court proceedings, videoconferencing to ensure the technical possibility of conducting remote proceedings, preparation of amendments to the legislation to regulate remote proceedings,²¹ training of justice professionals on teleworking and use of e-justice platforms, ensuring the possibility of submission of motions, claims, appeals and other documents with the courts via emails or other platforms, even after the pandemic. The document was published and disseminated, it was also sent to the Supreme Judicial Council, MoJ, and the Standing Committee on State and Legal Affairs of the National Assembly.

The Project Manager had a meeting with Maria Abrahamyan, representative of the International Center for Transitional Justice. This project and other EPF activities were presented and an agreement was reached to organize joint events with stakeholders including civil society organizations to discuss the Fact-Finding Commission. It was agreed that future joint projects can be designed to establish platforms for and networks of civil society and the victims of human rights violations to cooperate with the Fact-Finding Commission; conduct further capacity building of the Commission members, and provide other expertise and technical support if needed.

On 22 June 2020, the Armenian National Assembly voted 89-0 with two opposition parties defiantly boycotting the session to adopt the draft on Constitutional amendments at first reading.²² The legislation was a compromise for a gradual change in the court's composition with a 12-year term limit that would force the removal of three justices appointed in the mid-1990s and two others stepping down by 2022.²³ The chairman would also be replaced by a parliamentary appointee. EPF had planned to organize a meeting on the amendments with the participation of MPs and Government representatives; however, it was canceled due to the emergency.

The external evaluation of the project began in May 2020.

July – September 2020

On 31 July 2020, the MoJ presented draft amendments to the Judicial Code for public discussion. These included the establishment of specialized anti-corruption courts with at least 25 judges at first instance, ten judges in the Court of Appeals, and eight judges in the Cassation Court. Overall, the attitude of civil society to this proposal is positive. The only concern expressed is that the salary of these judges will be higher than for the judges in other courts, and this will create unjustified discrimination and an unequal approach. The anti-corruption courts will be viewed as “elitist” courts, even though other types of disputes can also be as significant.

There are insufficient communication and cooperation between the government agencies and even departments within some line ministries. For instance, during a meeting in January 2020, the Deputy Minister of Labor and Social Affairs told that they were planning to abolish Guardianship and Trusteeship Committees (GTC) at the community level and transform the system, while the Ministry of Territorial Administration, which is the line ministry for the local government and adjunct bodies, was not aware of the anticipated changes. In that context, civil society and independent media have an important role in overseeing the reforms.

During that reporting period, the study on GTCs was finalized and presented to the stakeholders. The second part of the report on the probation system was being prepared to be finalized in October

²¹ Currently the criminal and administrative laws do not include such norms.

²² <https://en.armradio.am/2020/06/22/armenian-parliament-votes-to-adopt-draft-on-constitutional-amendments-at-first-reading> Accessed 14 November 2020.

²³ <https://www.neweurope.eu/article/resolving-armenias-court-crisis> Accessed 15 November 2020.

2020. Interviews with the probation officers and probates have been conducted. The activities on raising awareness were continuing: the PSA script about probation was ready, PSA on SJC had been disseminated, PSA on GTCs was also ready and posted, about 15 articles on SJC had been written by the journalists who took part in the training on SJC organized under the project. The work on the Handbook began. The draft concept on the establishment of the arbitration system was also ready.

On 27 September 2020, Azerbaijan backed by Turkey launched massive aggression against Artsakh (Nagorno-Karabakh) and Armenia. Training planned to be conducted in the south of Armenia was canceled, as the South was also under attack. In October, the situation was exacerbated, and the training was delayed again. In those circumstances, it was not possible to conduct public events (training, discussions), however, research and handbook preparation, monitoring activities on Probation, Supreme Judicial Council, PSA preparations were going on as planned.

Advocacy activities were also going on, a meeting was held with the stakeholders on the proposed amendments to the Law on Probation, a meeting with the new Deputy Minister of the Social and Labor Affairs was held to discuss future possible cooperation schemes, as well as the HRP findings and recommendations on GTCs. On 6 July 2020, a Memorandum of Understanding was signed between the RA Probation Service (PS) and the HAHR at the PS headquarters to combine efforts in developing the probation system in Armenia, increase legal awareness of probates, and contribute to their reintegration into society. The parties expressed their willingness to implement new programs to prevent crimes and develop the capacities of the probation officers, including psychologists and social workers.

That collaboration provided a basis for a project proposal aimed at promoting the state –civil society collaboration and partnership building in Armenia, the goal and objectives of which conform with those put forward in the aforementioned document. That project proposal was submitted to the Embassy of the Republic of Bulgaria in Armenia under the Bulgarian Development Aid program.

The organizational development of the Consortium members continued. EPF conducted an organizational assessment of HRP and provided a report with recommendations for institutional development. As a follow-up, HRP held a strategic planning retreat where the members of the organization thoroughly discussed the report and scheduled institutional development weekly meetings. Starting from 10 September 2020, HRP has been holding weekly meetings discussing the issues on specific topics related to organizational development and project management. HRP has more clearly distributed the roles within the organization, clarified the vision and the mission of the organization, and developed a policy for the involvement of volunteers. Activities to enhance HRP's institutional development will be continuous, based on the EPF's assessment reports.

The following changes to the project were proposed: instead of training on GTCs and preparing leaflets, it was proposed to prepare a methodology of work for GTCs, or any other body that potentially can be created to carry out the functions of GTCs. This change is proposed since there are different discussions of possible reforms of the composition of GTCs. As the reforms will go beyond the project duration, that methodology can be a sustainable project outcome used after the end of the project. Steering advocacy will make it mandatory based on the governmental decree.

Another change to the project is the preparation of an introductory video about the Court Monitoring Toolkit, instead of the presentation event. That suggestion was made considering the lockdown due to COVID-19, as well as the willingness to reach more people and introduce that Toolkit also to those who might not be included in the training participants' lists. That video together with the Court Monitoring Toolkit will also be available after the end of the project.

Outputs and intermediary results

Objective 1. Alternative dispute resolution and institutes of probation and guardianship

Target groups: mediation and arbitration services, PS, bodies of trusteeship, and guardianship

Activity 1.1. Promotion of ADR bodies and mechanisms – EPF

Below is a table of consolidated accomplishments under Activity 1.1.

Table 2. Activity 1.1. Promotion of ADR bodies and mechanisms

Activity component	Output	Indicator
A1.1.1: ADR research	Op1.1.1: Research report, incl. int'l best practices, analysis of the state of ADR in Armenia, and recommendations	I1.1.1: #reads – webpage hits/downloads*
<ul style="list-style-type: none"> experts selected, they researched ADR and prepared the report 		
A1.1.2: Three advocacy meetings with key stakeholders	Op1.1.2: 60 stakeholders advocated	I1.1.2: #meeting participants I1.1.2a: #participants (m) I1.1.2b: #participants (f)
<ul style="list-style-type: none"> one advocacy meeting – ADR report presented via Zoom with 27 stakeholders arbitration and mediation-related issues and recommendations summarized²⁴ 		
A1.1.3: ADR awareness-raising Public Service Announcements	Op1.1.3: Three PSAs produced and disseminated	I1.1.3: 30,000 viewers I1.1.3a: #views online*
<ul style="list-style-type: none"> postponed until the establishment of ADR Center. 		
A1.1a: Sub-grant to promote ADR in Armenia	Op1.1a: [sub-grant's outputs]	I1.1a: [sub-grant's indicators]
<ul style="list-style-type: none"> concept paper on ADR Center prepared by the experts 		

* face validity indicator

EPF organized a meeting with the director and other representatives of the Center of Legislation Development and Legal Research Foundation under MoJ and the USAID representative Lusine Hakobyan. The Center is supported by USAID. During the meeting, the involvement of civil society organizations in the reform process was discussed as well as cooperation in the framework of measures aimed at the development of alternative dispute resolution mechanisms and raising public confidence in the judiciary. Since the legal framework development related to the Judicial Reform Strategy of 2019-2023 shall be developed by the Center, the participants expressed their interest in information sharing, collaboration related to arbitration, and mediation development.

The Action plan of Judicial Reform Strategy provides for the objectives of the stipulation of norms on compulsory mediation cases, development of the institute of mediators-conciliators, and other alternative dispute resolution mechanisms, the establishment of arbitration centers, and raising

²⁴ The agenda and the attendance sheet are included in the Annex.

public awareness of these modes of conflict resolution.²⁵ No other document, strategy, or concept paper had been developed on the means of attainment of those objectives envisaged by the Judicial Reform Strategy, and the Center is interested in identifying the current gaps and challenges in the system, as well as international best practices to develop legislative amendments package.

Therefore, it was decided that information sharing shall be conducted between EPF and the Center. EPF conducted a round-table discussion on the mediation system in Armenia: challenges and solutions. Licensed mediators, representatives of the Ombudsman office, Supreme Judicial Council, American University of Armenia arbitration clinic, Consortium members participated in the round-table. A list of gaps and problems in the system as identified by the participants was made, including recommendations for addressing these issues. This information was also shared with the Center and will serve as a baseline for ADR research within the framework of the project. It will also be considered during the sub-grant allocation.

The following issues were raised during the discussion:

- there is a lack of awareness of arbitration
- the flow of citizens is high and the level of awareness is low
- apart from the applicants, there is also the issue of awareness among lawyers and judges, and there have been cases when the mediator refused to mediate and sometimes lawyers disrupted the mediation because it is not beneficial for them.
- there is no training to help improve the arbitrators' and mediators' skills
- the institute of mediators has a status of a self-regulating organization, and it is currently in a state of disorder
- funding problems have arisen – some components of the program have not been properly implemented by the state.

A national expert team and an international expert had been recruited to research arbitration and mediation systems and the report was prepared. It included the legislative analysis, the analysis of interviews with stakeholders and experts in Armenia, and recommendations.

The RA Law on Commercial Arbitration of 2006 is based on the UNCITRAL Model Law on International Commercial Arbitration. It also complies with the requirements of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Arbitration Convention) to which Armenia is also a signatory state. There is an issue in the court practice concerning the disputes on the validity of the contract. The Court of Cassation has interpreted the law in a way that the issue cannot be decided by the arbitration, but only by the court.

Though there is enough legal basis for the application of arbitration, in practice, this method of dispute settlement is rarely selected. Lawyers do not recommend their clients to include arbitration in the contracts as a dispute settlement method. *Financial Arbitration* of the *Union of Banks of Armenia* may be considered as an exception, but it is specialized only in disputes with the financial organizations and their clients and deals with the collection of debts.

The study revealed many issues, and among them – only some 50 mediators are currently licensed. The outdated database shows that barely half of them are experienced as mediation is not their main occupation. Outside Yerevan, there are mediators only in Gyumri and Dilijan. On the one hand,

²⁵ https://www.moj.am/storage/files/legal_acts/legal_acts_172042756181_Strategy_ENG_Final_1_.pdf
Retrieved 14 November 2020.

some judges mistrust mediators and are reluctant to refer cases to them. On the other hand, judges do not have information on their specialization and workload to be able to contact and refer cases.

The report on arbitration and mediation provided recommendations for further actions. It was shared with the Deputy Minister of Justice Rafik Grigoryan. As a follow-up, MoJ sent a list of questions for further study. The government intends to establish a new arbitration center, which was also recommended in the arbitration report.

On 30 June 2020, the arbitration report was presented via Zoom with 27 participants, including the Deputy Minister of Justice Rafik Grigoryan, member of Parliament Nazeli Gharibyan, Director of the Center of Legislation Development and Legal Research Foundation under MoJ Tigran Dadunts, representatives from CoE, NGOs, mediators, and civil society organizations participated in the event.

As a follow-up, the Project Manager had a conversation with the director of the Center for Legislative Development and Legal Research Mr. Dadunts, who stated that the government is willing to establish an arbitration center, and, for that, they need technical and professional support. It was agreed that they will provide EPF with the Terms of Reference for the required expertise, and within the framework of the grants pool, which also can include service contracting in exceptional cases, and the best candidates selected through a competitive process to develop the legislative framework on establishing an arbitration center in Armenia. The selected team or organization will also be required to study the means of promoting selection of arbitration in comparison to the courts, draft the internal regulations of the arbitration center and procedures for e-justice arbitration, develop mechanisms for expansion of the list of arbitrators, and other related issues.

No other NGO is specialized in arbitration issues. As promotion of arbitration is one of the main objectives of this DRL project, at least one grant on arbitration was envisaged as a project output, forming a team of experts that will work on the legislative package on the establishment of the arbitration center. The report's recommendations, if implemented, can considerably expand the application of arbitration in the dispute resolution processes. Besides creating the arbitration institution, the following future actions can be taken:

- i. Creating a database containing detailed information about arbitrators involved in the arbitration institution (including detailed information on specializations and experience).
- ii. Expanding the list of arbitrators by involving both local experts and well-known Diaspora experts on arbitration or the laws of individual countries (primarily targeting countries with the most frequently used law in the world and the region (England, Switzerland, Russia, U.S. – New York, California, Delaware).
- iii. Establish cooperation with international arbitration centers to exchange experience and receive professional support (e.g. mentoring of arbitrators).
- iv. Introduce a case management system (including online case management, remote hearing management mechanisms, a secretariat of the institution with clear powers and capabilities).
- v. In cooperation with the state (and, if possible, with the support of the state) undertake measures to promote the concept of Armenia as a regional arbitration venue (at least through awareness campaigns, and preferably through the provision of certain privileges by the state).

Also, consulting and training should be conducted with judges and attorneys.

The project envisaged PSAs for arbitration and mediation. Their content was discussed at the presentation of the arbitration report, and EPF experts and the Deputy Minister stated that it's important not to have a very broad awareness-raising activity at this stage, as the system of arbitration and mediation is not ready for too many applications. Accordingly, the Project Team has

decided to put on hold the preparation of the videos until the system is improved or to raise public awareness when the arbitration center will be established.

MoJ requested EPF to provide technical and financial support in establishing an arbitration center in Armenia. Such activity was also included in the Justice Reform Strategy for 2019- 2023. As a follow-up, EPF released a TOR which was drafted in cooperation with the Center of Legislation Development and Legal Research under the MoJ, and in the frames of the grants pool, through a competitive process, the best candidate was selected to develop the legislative framework on establishing an arbitration center in Armenia. The selection committee included representatives from the U.S. Embassy and the Center. ADWISE Law Firm was selected given its experience in ADR matters and the prior high-quality ADR report prepared under this project.

The draft concept on the possible model of the arbitration center was prepared. The international expert is working on it further. When ready, it will be discussed with the MoJ. Based on the approved concept, the legislative framework will be drafted. The draft concept includes analysis and recommendations on the issues of the type of legal entity, financial sources, and founders of the arbitration center (state and non-state actors); the procedures for the appointment of arbiters and hearing the cases; the list of required documents (internal procedures and laws), etc.

Activity 1.2. Enhancing the effectiveness of the Probation Service – HAHR

On 20 November 2019, EPF requested a meeting with the Minister of Justice Rustam Badasyan to present the objectives of monitoring the Probation Service (PS) in Armenia. In response, MoJ welcomed the initiative and expressed willingness to cooperate, and the Project Team met with the Head of the Penitentiary Department of MoJ, who discussed the needs in the probation system and asked for the possibility of addressing them through the sub-grants scheme. After the meeting, EPF sent a follow-up letter to the Minister of Justice requesting to inform the regional departments of PS about the monitoring and instruct them to cooperate with the project monitors.

HAHR recruited experts to conduct the monitoring of the PS. Hasmik Harutyunyan with human rights background – the head of the monitoring group of penitentiary institutions analyzed the legal framework regulating the probation system. Ararat Margaryan and Arman Veziryan were selected to conduct interviews. The research was envisaged in two stages – the legislative analysis and an analysis of interviews with PS representatives.

A Georgian probation expert Teimuraz Magradze, former Deputy Head of the National Probation Agency in Georgia was also contracted. He worked for six years at the Ministry of Corrections in Georgia and played an important role in the development of PS in Georgia. On 10-12 January, Mr. Magradze conducted training of trainers (ToT) on probation for HAHR staff members, the probation expert working on the baseline study on the probation service, and volunteers.

Many HAHR volunteers of various ages, gender, and vocation, and who constantly invest their knowledge, skills, and abilities to support the NGO had expressed their readiness to attend the ToT, but due to budget restrictions, HAHR could not offer it to them. However, during many informal discussions and meetings within the scope of other activities, HAHR's trained staff shared with them the information gained. The training sessions were filmed, and the videos have been saved for possible future use. Information about the event was disseminated on HAHR's FB page. ToT focused on the experience of probation reform in Georgia and in other countries, the bodies, functions, procedures, probation services, impact on the prevention of crimes, and other issues.

Local experts prepared a preliminary draft of questionnaires reviewed by the Georgian expert and made the list of interviewees. The interviews were organized in cooperation with PS. The Head of the PS Gevorg Simonyan was quite responsive and open to cooperation. He informed PS office chiefs about the interviews and instructed them to participate and provide any information requested by HAHR. In turn, HAHR has provided Mr. Simonyan with the work schedule, questionnaires, and other important information about the research. Mr. Simonyan has assigned a PS Officer Emil Ghazaryan to be in regular contact and help the HAHR monitor.

HAHR launched monitoring activities on probation services in Yerevan and Armenia's 10 regions to gain a comprehensive picture of the situation and the effectiveness of the probation service in Armenia, as well as to identify gaps and challenges. As the main monitoring tool, interviews were planned to be conducted among PS officers and beneficiaries of the service (probationers). Facilitated by the external probation expert, the HAHR team developed two separate questionnaires for beneficiaries and probation workers – PS officers, social workers, psychologists, operators, etc.

Based on these questionnaires, two monitors conducted the interviews. PS officers and probationers were interviewed in Yerevan, in Lori region in towns of Vanadzor, Spitak, Alaverdi, Stepanavan, and Tashir; in Tavush region – in Ijevan, Dilijan, Noyemberyan, and Berd towns. One of the monitors visited Lori and Tavush for PS interviews in January and February, but the Project Team decided that because of the pandemic, interviews should be conducted by phone.

Interviews were conducted also in the towns of Sisian, Goris, Kapan, and Agarak of the Syunik region. In the Vayots Dzor region, in addition to the meetings with PS officers, probates were interviewed in Vayq, Yeghegnadzor, and Areni, one probate was interviewed in Yeghvard, Kotayk region. In the Shirak region, the Head of the Shirak Regional PS and probation officers were interviewed. There, the PS office is in the building of the Court of General Jurisdiction, that is, in the same place where the probates were tried and sentenced, so, entering the office, they experienced psychological pressure. The office space was small and narrow, with stacked desks and almost proper meeting space, and if all three PS employees wanted to receive their beneficiaries at the same time, they could not do that. That was a serious problem, and they said they must coordinate every time they schedule their meetings with their probates. The office was not properly equipped with video and audio recording equipment. Other departmental offices were in an even worse state.

The data received through the interviews was summed up and provided to the expert for further analysis and preparation of the second, practical part of the report. Also, two planned interim reports were prepared by the monitors. Periodic interim reports on the monitoring findings of the probation system will be prepared in the following quarters.

On 12 February, the Project Team met with the Head of PS and discussed the challenges faced by the PS and the cooperation of public bodies with civil society. The Head of PS stressed the importance of cooperation with CSOs and CSOs' important impact on the establishment of the PS.

As planned, baseline research on PS was conducted to serve as a basis for further monitoring activities. The first part includes the legislative analysis and recommendations. It proposes priority directions for reforms and analyzes factors hindering the service. It also addresses the role of the PS, considering certain loopholes in the legislation and conflicts between the Law on Probation Service and the Criminal Code and the Criminal Procedure Code. Referring to the international experience, it provides recommendations for the improvement of the probation sector in Armenia and its systemic reforms. The expert's inquiries with the PS and their results were included in the report as well.

Though the Law on Probation provides for the application of probation in all stages of criminal justice, that has not been put into practice due to the lack of proper legislation. For example, alternative preventive measures are not implemented because there are loopholes in the criminal procedure code. The same concern refers to the application of security measures which is provided by the Probation Law, and specific regulations thereof are absent in the Criminal Code.

There are concerns related to the early conditional release of prisoners or decisions on not imposing criminal sanctions conditionally. In those cases, probation officers should provide reports, but there are no standards or criteria for such reports. The Probation Law also provides the possibility of application of electronic surveillance and mediation not envisioned by criminal legislation. The mediation is included in the draft Criminal Code, but it is not in compliance with the Probation Law. Thus, although PS was initiated in the context of the transition to restorative justice, the legislators and the system were not consistent in addressing it. Those issues were exacerbated by insufficient funding of about 3 million AMD per annum, excluding salaries.

The first part of the study of the probation service was copy-edited, graphically designed, and disseminated through the HHR website.²⁶ On 22 May, an advocacy meeting for its online presentation took place. Invitations were sent to MoJ, PS, Human Rights Defender's (HDR) office, civil society organizations. The presentation was posted online in the Facebook group opened under the project. As the report is in Armenian, and the Consortium wanted to make it accessible to the English-speaking community, including international organizations, a 3-page executive summary in Armenian and English was prepared with the main points on the findings and recommendations.

Meanwhile, a summary of the first part of the *Baseline Research on Probation* report was translated into English to make available the main findings to international organizations based in Armenia. It presents the main goals of the study and the issues revealed, as well as the full set of expert recommendations submitted to the MoJ. The report is available on the HHR website²⁷ and was sent to 21 foreign diplomatic missions and international representations based in Yerevan. The addressees were informed about the online meeting held in September concerning the amendments to the Law on Probation. HHR plans to organize a meeting on the subject with the representatives of international organizations and embassies. Simultaneous interpretation and all protective measures appropriate to the COVID-19 situation will be undertaken.

Based on the 2019-2023 Strategy and Action Plan of the Penitentiary and Probation Sector of the Republic of Armenia approved by Decree N1717-L of the Government of Armenia on 28 November 2019, there was a need to make changes in the Law on Probation, and accordingly, over the period from 27 July to 11 August 2020, the Ministry of Justice published draft amendments to the Law on Probation and adjacent laws for public discussion.

On 7 September 2020, HHR held a Zoom meeting with 16 participants to discuss the proposed amendments to the law. Invitations were sent to the MoJ, MPs, Prosecutor General's office, HDR, and international organizations. The speakers – Edgar Avagyan from MoJ, the Project Probation Expert Hasmik Harutyunyan, the Project Director Nina Karapetyants, and the Project Lawyer Arayik Papikyan from HHR and other participants put forward several proposals. They expressed concern about the amendment which gives the right to probation officers to carry guns and special uniforms. The law does not even stipulate the cases when the probation officers may use the guns.

²⁶ <https://hhr.am/ARM/library/2012-11-02-09-26-40/2467> (1,675 page views) Accessed 16 November 2020.

²⁷ <https://hhr.am/en/news/2472> Accessed 16 November 2020.

As the Law on Probation is aimed at transforming from punitive policies to restorative justice in the field of criminal justice, the participants were convinced that the amendment will create serious administrative, financial, and communication challenges. The issue was highlighted in the article *Will probation officers carry weapons?* released by A1+ News Agency on 8 September 2020.²⁸ It was decided to gather all the recommendations expressed by the participants, including the PS representatives, submit them to MoJ and disseminate them among other stakeholders, PMs, etc.

To increase the effectiveness and efficiency of the work of PS, the speakers also discussed the issue of raising the status of the Probation Service by giving it a degree of independence. A package of recommendations concerning the proposed bill will be prepared and submitted to the MoJ.

Subsequently, the HAHR Project Director had a meeting with the representative of the Embassy of the Republic of Bulgaria in Armenia. She presented the objectives and activities of this project and spoke about the challenges and problems of PS such as the lack of staff capacity and infrastructure identified in the baseline study. The Embassy encouraged HAHR to respond to their call for proposals. So, a project was developed and submitted to the Embassy. The proposal included training of psychologists and social workers involved in PS, study visits of young professionals, and a renovation of the rooms for psychological and social services of the PS.

Two PSAs on probation are planned to be released. The content of the first PSA has been developed. It presents the general concept and the main functions of probation. Armen Papyan, a video production specialist, was hired for the preparation of the video and started working on it.

The results of this activity are summarized in Table 3.

Table 3. Activity 1.2. Enhancing the effectiveness of the probation service

Activity component	Output	Indicator
A1.2.1. ToT on PS monitoring for 12 HAHR staff and experts by a Georgian expert	Op1.2.1: 12 HAHR staff and experts trained on PS monitoring	I1.2.1: 11 training participants I1.2.1a: 5 participants (m) I1.2.1b: 6 participants (f)
<ul style="list-style-type: none"> Georgian expert for ToT contracted and one 2-day training for HAHR staff conducted 		
A1.2.2: Baseline research on PS conducted by ToT trainees	Op1.2.2: Baseline research report Op1.2.2a: Brief English version of the report (additional output not envisaged by the project document)	I1.2.2: reads –1750 webpage hits/96 downloads I1.2.2a: 270 hits
<ul style="list-style-type: none"> baseline report prepared presentation via Zoom – the report presented to 21 stakeholders 		
A1.2.3: Monitoring of PS in 10 marzes and Yerevan	Op1.2.3: 5 semi-annual reports	I1.2.3a: 58 probates interviewed I1.2.3b: 24 PS officers interviewed
<ul style="list-style-type: none"> experts for the monitoring of the probation service identified questionnaires prepared, and interviews conducted in 4 marzes: with PS officers in 13 towns and with probates in 9 towns 2 interim reports prepared and disseminated 		

²⁸ <https://a1plus.am/hy/article/378370> Accessed 16 November 2020.

Activity component	Output	Indicator
A1.2.4: Twelve workshops in marzes with Chamber of Advocates	Op1.2.4: 200 advocates and public defenders trained	I1.2.4: #training participants I1.2.4a: #participants (m) I1.2.4b: #participants (f)
<ul style="list-style-type: none"> postponed because of the pandemic: will be conducted in 2021 with an expanded contingent of participants – not only advocates but also judges and prosecutors 		
A1.2.5: Two advocacy meetings with stakeholders	Op1.2.5: 40 key stakeholders briefed and advocated	I1.2.5: 33 meeting participants I1.2.5a: 23 participants (m) I1.2.5b: 10 participants (f)
<ul style="list-style-type: none"> 2 advocacy meetings with stakeholders held collaboration with MoJ and the PS established 		
A1.2.6: Awareness-raising of PS through PSAs	Op1.2.6: 2 one-minute PSAs produced and disseminated	I1.2.6: outreach at least 20,000
<ul style="list-style-type: none"> 1 PSA prepared, the format of the second decided 		
A1.2a: Small grant to promote PS in Armenia	Op1.1a: [sub-grant's outputs]	I1.1a: [sub-grant's indicators]
- not awarded yet		

Activity 1.3. Developing capacities of Guardianship and Trusteeship Committees – HRP

In a nutshell, the results of this activity are presented in Table 4.

Table 4. Activity 1.3. Developing capacities of GTCs

Activity component	Output	Indicator
A1.3.1. Study of GTCs	Op1.3.1: research report disseminated	I1.3.1: #reads #webpage hits/downloads
<ul style="list-style-type: none"> the research report on GTCs published and disseminated 		
A1.3.2. Development of amendments to GTCs' regulations	Op1.3.2: A package of amendments to the existing regulations developed	I1.3.2: #reads #webpage hits/downloads
<ul style="list-style-type: none"> 		
A1.3.3: Six training sessions with GTCs organized	Op1.3.3: 120 GTC members trained	I1.3.3: #training participants I1.3.3a: #participants (m) I1.3.3b: #participants (f)
- changed to preparing a guidebook because of the staff flow/political changes, a guidebook will be produced instead		
A1.3.4: Two advocacy meetings with stakeholders	Op1.3.4: 40 key stakeholders advocated	I1.3.4: 41 meeting participants I1.3.4a: 4 participants (m) I1.3.4b: 37 participants (f)
<ul style="list-style-type: none"> advocacy meeting organized at the Ministry of Social and Labor Affairs, cooperation established 		

Activity component	Output	Indicator
<ul style="list-style-type: none"> • presentation of the report conducted; DM requested a guidebook for GTCs 		
A1.3.5: Awareness-raising of GTCs	Op1.3.5a: 3 two-minute PSAs produced and disseminated Op1.3.5b: 5,000 leaflets published Op1.3.5c: 4 short videos produced	I1.2.6: outreach 30,000 over 7,400 views as of 1 December 2020
	<ul style="list-style-type: none"> • 5 infographics prepared and disseminated via social media • 4 short videos on GTCs produced 	

GTCs are regulated by the decision of the government. They may play a significant role in the reduction of caseload if they enjoy public trust. GTCs operate under local government (LG) and consist of three to nine members – usually LG personnel. They mainly deal with issues related to the rights of a child to live and be brought up in the family, protection of rights and interests of children in difficult life situations, including those without parental care, including their immediate assistance and, if necessary, immediate placement. Members of GTCs work voluntarily and often lack professional knowledge. These issues were voiced in the Ad hoc report of the Human Rights Defender (HRD) on GTCs in 2017 and 2018 during the discussion of GTCs in MoJ. As the feedback suggests, GTCs are often inclined to making decisions based on their ties with one of the sides, especially in smaller communities. This is why citizens maintain low trust towards the GTCs and would often prefer to directly address the court or appeal GTC decisions. An HRD 2017 ad hoc report will be used as a baseline, and a study will be conducted to reveal beneficiary voices; assess the needs of GTCs; and prepare recommendations for the improvement of efficiency of these bodies, as well as for increasing public trust. Recommendations will be discussed with all stakeholders and a package of amendments to the existing regulations will be drafted. NA, MoJ, Prime Minister’s (PM) office, MLSA, LG bodies will be the target for advocating legislative changes.

HRP launched a call for the expert on Guardianship and Trusteeship Committees. Six applications were received and Narine Aleksanyan was hired, as she has extensive experience in child’s and women’s rights and research on these topics. She was an Associate Judge at the Constitutional Court. She started her research by studying international best practices.

The Project Team presented the project to the Ministry of Labor and Social Affairs (MLSA), and Deputy Minister Zhanna Andreasyan²⁹ expressed willingness to cooperate with the Consortium. In a follow-up meeting with the Head of the Department of Children’s Issues, the Project Team discussed challenges faced by GTC. Project Team and the representatives of MLSA agreed to cooperate during the whole period of research and preparation of recommendations.

In February, the HRP team together with the EPF Project Manager had another meeting with Deputy Minister Zhanna Andreasyan and the Head of MLSA Children’s Department Mrs. Kalantaryan. The Deputy Minister presented their vision for centering social services in a combined office in the regions which may cover some functions of GTC. The officials expressed their willingness to cooperate with the Consortium. HRP cooperates with the Head of Children’s Department and will continue its cooperation with the MLSA.

²⁹ Zhanna Andreasyan was appointed Deputy Minister of Education, Science, Culture and Sport on 5 March 2020: <https://www.gov.am/en/structure/275/>; http://escs.am/en/static_manual/deputyminister6 Accessed 16 November 2020.

In response to MLSA's request for information on international experience, the HRP expert prepared an official request and sent it to the relevant institutions in Sweden, Denmark, Norway, Latvia, Lithuania, Estonia, Bulgaria, and the Netherlands, requesting detailed information regarding the legislation, regulation, and structure of the bodies that perform functions of guardianship and trusteeship as available open sources do not provide information concerning sub-legislative acts.

On 28 February, the Consortium met with the attorney Maro Khachatryan, who has extensive experience in legal matters involving child and family issues, to discuss the effectiveness of the work of GTC. She commented on existing problems in that field. HRP collected some recommendations from her regarding the necessary reforms.

HRP sent an official request for information to all marzes of Armenia and Yerevan Municipality asking to provide information on the number of cases dealt with by GTC Committees in the communities. All 11 addressees responded, nine of them provided detailed data, two answered that they did not possess the requested information. The information will be used in the research and will be posted on the organization's Facebook page to raise public awareness of the GTC functions.

An animated video on the main challenges faced by the GTCs was created and posted on the organization's YouTube channel and Facebook page. It had more than 5,300 views.

When the GTC study was finalized, EPF provided its feedback, and a working meeting was organized with the EPF Project Manager, HAHR staff, and the expert to discuss the feedback and final recommendations. The study was also sent to other civil society organizations for their feedback and comments. Five women experienced in applying to GTC were interviewed. Initially, it was planned to interview 10 women, but five people were contacted. Some women had many social issues due to COVID-19 and are not willing to deal with other topics and participate in the interviews.

In response to HRP's request, local government bodies provided information from the marzes/regions of Armenia regarding the decisions made by GTCs. Four infographics were created based on the received information and posted on HRP's Facebook page to raise public awareness about GTC. The information reached more than 8,000 users on Facebook.

HRP has completed the research on the institutional reforms of the Guardianship and Trusteeship bodies. The research was published on the HRP website³⁰ and sent to the stakeholders. The research is in Armenian, but it also includes an abstract in English. The research provided two options for improvement of the system, considering the current gaps and possible solutions. One of the recommended options was not to delegate the functions of the GTCs to the local bodies but to exercise them through the central system – MLSA and its branches in the regions.

That central supervision can improve the implementation of the functions of these bodies. The functions, powers, and other related issues of the operation of the GTCs should be governed by law, and not by decree. Currently, the regulation of these issues by a government decree contradicts the RA Constitution. In the case of delegation to a separate body based on the law, the state will have to provide additional funds to execute its powers, which is not done currently. The members of the GTCs work voluntarily, and there is no additional funding for transportation or other technical expenses needed for the GTCs operation, whereas the professional staff of the GTCs should be reviewed, and a psychologist, social workers, and paid lawyer should also be included in the GTCs.

³⁰ https://hrp.am/wp-content/uploads/2020/09/Research_On_Custody_and_Guardianship_Authorities_HRP-1.pdf Retrieved 17 November 2020.

As a second option, it is recommended that local government bodies continue being responsible for the powers of the GTCs, and offices should be established in the regions. The central body will define the methodology for the operation of GTCs, the methodology should be based on the best interests of the child and Constitutional principles. The Ministry of Social Affairs will also supervise these bodies and coordinate their work.

On 11 September 2020, an advocacy meeting was held and the research was presented.³¹ Partners from the relevant organizations, HDR's office, the Ministry of Labor and Social Affairs, and independent lawyers participated in the meeting. The meeting was substantive, all participants agreed that there is a need for institutional reforms. Most of them considered the second option of the recommendation as a better option but expressed concerns that it might require more funding than the state is willing and able to provide.

As planned by the project, the experience of women when dealing with the GTCs was also studied: some issues have been identified and published on the HRP website⁶. The GTC members sometimes talk to women with an accusatory tone (for example, "Maybe you answered your husband that's why you were kicked out of the house"). Sometimes, instead of discussing the main issue of the case, the members express an opinion about the personality of the woman or her morality and based on their subjective perceptions and gender stereotypes the GTCs have shown a discriminatory attitude, making decisions in favor of men, which is due to the kinship, interpersonal or other ties of the man, or his family members in the local self-government bodies and the police. Some other issues were also identified and included in the study.

A meeting was held with the Deputy Minister of Labor and Social Affairs, Tatevik Stepanyan, and the research was presented to her. The Deputy Minister expressed willingness to start institutional reforms in the field of guardianship and trusteeship. She mentioned that a package of amendments to the Family Code is being prepared. Closer cooperation on reforms will follow in the next quarter after the reforms to the Family Code are presented to the Parliament. HRP suggested that a guidebook on the methodology of the operation of GTCs can be prepared by HRP, and the Deputy Minister welcomed this proposal, acknowledged its need and importance. Therefore, instead of the publication of leaflets and training GTC members, HRP decided to prepare a methodology on the operation of GTCs with a focus on the best interests of the child, gender equality, and human rights principles envisaged by the Constitution. The methodology will be more sustainable than the training of GTC members, considering also that the current reforms might result in changes in the GTCs composition. In the long run, the organization also envisions to advocate making this methodology mandatory based on a decree of the Ministry of Social Affairs.

Accordingly, the working group that will develop the methodology will also include members of the Ministry of Social Affairs, and preliminary discussions and arrangements will be made to ensure the mandatory nature of this methodology.

HRP continues to collect information about the decisions of GTCs from different regions. The fifth infographic was created based on the information received and posted on HRP's Facebook page to raise public awareness about the GTCs' work. The information is about the decisions made by GTCs in the Lori region –224 cases were reviewed in 2018 and 251 cases in 2019.

³¹ <https://hrp.am/news/scj> Accessed 17 November 2020.

Objective 2. Capacities of CSOs and media to oversee the course of the reforms

Activity 2.1. A Toolkit on court observation for CSOs and media

To develop an easy-to-use toolkit on court monitoring for CSOs and media, local expert Ara Gharagyosyan has been hired by HAHR. Based on his studies of local and international practices and information in the field, he prepared the draft guidelines, which are subject to feedback by the Project Lawyer and other relevant staff members.

The Toolkit on Court Observation was finalized by HAHR. It was copy-edited by Rima Grigoryan who had previously worked at the Language Committee of Armenia, the Supreme Certifying Committee under the Ministry of Education, and some non-profits. The Toolkit was also reviewed by the Project Team, and further improvements were made by the HAHR expert.

Then the Toolkit was largely disseminated in electronic format³² via websites and Facebook pages of the Consortium member organizations. Instead of its presentation in a Zoom meeting, a video presentation of the Toolkit was prepared in cooperation with the project expert, the author of the toolkit, and the EPF's video production specialists. It was disseminated through social media and organizational websites. That way, it will be accessible to more viewers.

Table 5. Activity 2.1. Toolkit on court observation for CSOs

Activity component	Output	Indicator
A2.1.1: Publication of Toolkit – a manual on court observation for CSOs	Op2.1.1: 200 print copies	I2.1.1a: 2357 webpage hits / 73 downloads
<ul style="list-style-type: none"> • toolkit on court observation prepared and disseminated 		
A2.1.2: Presentation of the Toolkit	Op2.1.2: 60 people attended	I2.1.2: #event participants I2.1.2a: #participants (m) I2.1.2b: #participants (f)
- will be conducted via Zoom		
A2.1.3: A short video produced	Op2.1.3: video presentation of the toolkit	I2.1.3: 46 views / 315 webpage hits
<ul style="list-style-type: none"> • video presentation for the toolkit produced and disseminated 		

Activities 2.2 and 2.3. Training on court observation for media by HRP and CSOs by HAHR

Table 6. Activities 2.2 and 2.3. Training on court observation for media and CSOs

Activity component	Output	Indicator
A2.2.1. Two 2-day training sessions on court reporting for journalists	Op2.2.1: 60 journalists trained	I2.2.1: #training participants I2.2.1a: #participants (m) I2.2.1b: #participants (f)
<ul style="list-style-type: none"> • preliminary arrangements for the training made: invitation, agenda, preliminary and post-evaluation questionnaire, logistics, the list of participants in some regions prepared - postponed due to the war 		

³² <https://hahr.am/ARM/library/2012-11-02-09-26-40> Accessed 17 November 2020. The page had 1988 hits.

Activity component	Output	Indicator
A2.3.1. Ten 2-day training sessions on court reporting in regions of Armenia for CSOs	Op2.2.1: 150 CSO representatives trained (15x10)	I2.2.1: #training participants I2.2.1a: #participants (m) I2.2.1b: #participants (f)
<ul style="list-style-type: none"> preliminary arrangements for the training made: invitation, agenda, preliminary and post-evaluation questionnaire, logistics, the list of participants in some regions prepared - postponed due to the war 		
A2.2-3.2. Public event with court observers	Op2.2-3.1a: 20 journalists and Op2.2-3.2b: 30 CSO representatives attended	I2.2-3.1: #event participants I2.2-3.1a: #participants (m) I2.2-3.1b: #participants (f)
- postponed due to the war		
A2.2-3.3. Court reporting	Op2.2-3.2: 30 reports prepared	I2.2-3.2: #reports published I2.2-3.2: #reads – website hits/downloads
- postponed due to the war		

HRP contacted journalists in marzes (regions) of Armenia and informed them about the upcoming training. During one of the Consortium meetings, it was decided to start cooperation with InfoTuns – EPF’s contact NGOs in all marzes of Armenia that can provide support in gathering CSO representatives and journalists to be trained under the project. In February Consortium members met with the coordinators of InfoTuns and discussed cooperation modalities.

Activity 2.4. Handbook on legal procedures for CSOs – EPF

The announcement was disseminated via EPF and other websites on 20 April 2020. In total, 11 applications were received, out of which one was a group of researchers, and eight were individual applicants. and EPF selected the researchers to prepare the Handbook on the following topics:

1. The nature and development of power, the concept of power
2. Models of state power and governance
3. The current model of public administration in Armenia
4. What should an ordinary citizen know about the legislative and legal system of Armenia?

Based on the applications received, 6 experts were selected to prepare the handbook. An introduction meeting was organized where the project, purpose of the handbook, methodology, and other related issues were presented.

Table 7. Activity 2.4. Handbook on legal procedures for CSOs

Activity component	Output	Indicator
A2.4.1: Publication of CSOs’ handbook on legal procedures	Op2.1.1: 200 print copies	I2.1.1a: #downloads
<ul style="list-style-type: none"> handbook researchers selected a detailed list and description of topics developed 		

Activity component	Output	Indicator
A2.4.2: Presentation of the Handbook	Op2.1.2: 70 people attended	I2.1.2: #event participants I2.1.2a: #participants (m) I2.1.2b: #participants (f)
- will be conducted when the Handbook is published		

Activity 2.5. Training on legal knowledge for CSOs – EPF

This activity will commence in 2021.

Table 8. Activity 2.5. Training on legal knowledge for CSOs

Activity component	Output	Indicator
A2.5. Twelve 1-day training sessions for CSOs in Yerevan and the regions	Op2.5: 240 CSO representatives trained (20x12)	I2.5: #training participants I2.5a: #participants (m) I2.5b: #participants (f)
- will be implemented in 2021.		

Objective 3: Cooperation between state institutions and civil society

Activity 3.1. Monitoring of Supreme Judicial Council activities by CSOs and journalists – HRP

According to the logic of intervention, the promotion of cooperation and proper communication between state institutions and civil society is done through monitoring of activities of SJC by CSOs and journalists.

HRP announced a call for an expert to monitor the activities of SJC. Twelve applications were received, and Anna Margaryan was selected as a monitoring expert considering her education and experience in the field. As an attorney, she had been involved in projects implemented by national and international organizations as a judicial field expert. She was experienced also in the development of legislative amendments.

One of the decisions of SJC on termination of the powers of the judge was reviewed by the Constitutional Court and the relevant provision of the Judicial Code was found not to comply with the Constitution. This decision of the Constitutional Court raised contradictory views among experts. Some considered it an expression of resistance of the Constitutional Court to the changes in the judiciary system which can be made by SJC. By that decision, the Constitutional Court limited the powers of the SJC to terminate a judge's powers based on a substantial disciplinary violation.

That decision has been analyzed and discussed with HRP's staff and Consortium members, and follow-up activities were considered. That issue was raised by EPF at the meeting with the Center of Legislation Development and Legal Research under the MoJ. HRP informed editors and journalists about the decision of the Constitutional Court and the media actively covered that case. Also, HRP published an article on the website of one of Armenia's leading online media portals – A1plus.am and on HRP's Facebook page explaining to the wider public the nature of the decision and its causes and consequences.

In February, the HRP project team and EPF project manager met with the President of the Supreme Judicial Council, Ruben Vardazaryan. Issues of mutual interest included details of the SJC monitoring

by HRP. Mr. Vardazaryan expressed his willingness to cooperate with the Consortium and to ensure that HRP experts have access to all necessary documents and information.

The Consortium members met with the HRP expert conducting monitoring of the SJC and discussed the topics that should be monitored. A list of themes was identified, and it was decided that analysis of at least one theme shall be done during each quarter. The expert is currently finalizing her assessment of the disciplinary sanctions imposed by SJC. Also, due to the pandemic and the SJC decision instructing the courts to hold remote judicial sessions, the Consortium surveyed attorneys to assess to what extent remote court hearings were being held, and what were the challenges. The Consortium prepared recommendations based on the findings on remote/online court hearings and submitted them to the SJC and other stakeholders. That activity was not envisaged under the project, but the Consortium decided to take the initiative considering the developments.

Arrangements were made to conduct training for journalists with SJC President, who agreed to run one session. It was held online on 13 June 2020 for 11 journalists covering the activities of the Supreme Judicial Council and the main obstacles to judicial reform.

In the first part, the trainer explained the important powers and functions of the Supreme Judicial Council. In the second part of the training, the Chairman of the SJC Ruben Vardazaryan discussed with journalists the main problems in the sector and answered their questions, which included questions concerning media and court relations, coverage of statements by the political officials about the judiciary, relations of SJC and the government, issues faced by SJC, in particular lack of funding, statement of political officials that affect the reputation of the judiciary, lack of willingness of lawyers to become judges. There were 13 vacancies for criminal court judges which could not be filled, affecting the overload of courts and other related issues. After the training, 2 media articles about judiciary and SJC were published by the participating journalists.

They were related to the SJC protocol decision on the distribution of cases to prevent their dispatch to judges infected with COVID-19. The participants also shared with HRP their ideas on the topics that they will prefer to cover. Cooperation between HRP and journalists has been established and it was anticipated that the training participants would write articles as envisaged under the project.

HRP received calls from journalists alerting that several courts did not allow them to enter the building and be present at trials. HRP raised this issue with the head of the Press and Public Relations Service of the Supreme Judicial Council, who promised to resolve the issue. HRP received the same assurance from the Chairman of the Supreme Judicial Council.

HRP monitored all decisions related to the disciplinary liability of judges made by the Supreme Judicial Council since its establishment and up to June 2020. HRP posted a report on its findings in two online leading media outlets. On HRP's Facebook page it reached more than 3,600 users. By then, 18 decisions were adopted, and SJC decided to discipline the judges in 13 cases. In almost half of the disciplinary decisions, reprimands were imposed and, in some cases,, severe reprimands were imposed due to the recurring nature of the breach or its severity.

The monitoring also showed that there is a misunderstanding or lack of information about the role of SJC in disciplinary liability procedures. SJC cannot initiate disciplinary proceedings, it only makes decisions about the proceedings initiated by other state bodies, such as MoJ, Ethics and Disciplinary Committee of the General Assembly of Judges, Corruption Prevention Commission. It means that although citizens or institutional stakeholders may not apply to SJC for initiating disciplinary proceedings, they, nevertheless, keep doing it. To raise public awareness about the role of SJC in disciplinary proceedings, HRP created an animated PSA to increase awareness about this function of

the SJC, statistics, and the type of disciplinary sanctions imposed.³³ Besides, 16 articles and video interviews were produced by journalists who took part in HRP training on the activities and powers of the SJC. These materials highlight the problems of the judicial system, the obstacles to possible reforms, and the recommendations.

HRP also released a call for hiring a company to make animations and infographics. Four companies and one individual has applied. Taking into consideration the offered price and experience, HRP selected the MotionGraphs Company.

Table 9. Activity 3.1. Monitoring of SJC by CSOs and journalists

Activity component	Output	Indicator
A3.1.1. One 2-day training for journalists	Op3.1.1: 10 journalists trained	I3.1.1: 11 training participants I3.1.1a: 0 participants (m) I3.1.1b: 11 participants (f)
<ul style="list-style-type: none"> • one one-day online training conducted – awareness of eleven journalists raised on SJC’s powers 		
A3.1.2: Monitoring of SJC	Op3.1.2: recommendations listed	I3.1.2: #reads – website hits/downloads 23 recommended ³⁴
<ul style="list-style-type: none"> • expert for Supreme Judicial Council (SJC) monitoring selected and SJC monitoring launched • analysis on disciplinary sanctions by SJC against judges conducted 		
A3.1.3: Reporting on SJC	Op3.1.3a: 3 two-minute PSAs produced and disseminated Op3.1.3b: 10 articles published	I3.1.3a: outreach 30,000 5800 video views as of 1 December 2020 I3.1.3b: #reads – website hits/downloads
<ul style="list-style-type: none"> • 16 articles and SJC-related media reports prepared and disseminated • one PSA on SJC prepared and disseminated 		

Activity 3.2. Online Facebook group and formal meetings with lawyers, policemen, prosecutors, CSOs, and journalists – EPF

A Facebook group was created for key stakeholders and beneficiaries of the project to conduct discussions and share information on arbitration and mediation, probation, and other topics related to judicial reform. The participants of the mediation roundtable, Consortium members, selected researchers were included in the Facebook (FB) group. Rules of group management were developed and introduced to group participants. The FB group of over 120 members is accessible by this link: <https://www.facebook.com/groups/2490785137843418>

Lack of communication between government agencies and coherent policy reform were among the visible challenges addressed by the project. At the inception stage, the Project Manager and HRP held a meeting with the Deputy Minister of Labor and Social Affairs Zhanna Andreyan to present the project, in particular the component on GTCs. Deputy Minister welcomed the project and shared on reforms of GTCs. According to her, MLSA had been considering the prospects of liquidation of

³³ <http://youtube.com/watch?v=zt42ZR7DHZA> Accessed 18 November 2020. The video had 124 views.

³⁴ See <https://a1plus.am/hy/article/367853> and <https://hrp.am/publications/sjc> Accessed 12 December 2020.

GTCs, as the operation of these bodies was inefficient: the GTCs were chaired by the heads of communities (municipal mayors), their members – employees of local government bodies lacked expertise and worked voluntarily, and high corruption risks were among other issues.

A follow-up meeting was organized with the Head of the Department on Children’s issues under the Ministry, who was not aware of the opinion of the Deputy Minister. There was no concept paper or any package of legislative amendments. Likewise, the Ministry of Territorial Administration and Infrastructure was not aware of any planned reforms. That showed inconsistent policy development practices and a lack of information flow between and within ministries. The Project Team decided to focus the GTCs research more on the international best practices and provide recommendations for GTCs’ reforms in terms of institutional mechanisms. A roundtable discussion was planned with representatives from line ministries and CSOs to exchange views on GTCs reforms and, considering those issues, the training of the GTCs members and booklet/leaflets on their operation as envisaged by the project were adjusted accordingly. For better planning and targeted activities, close cooperation with MLSA was established to assist in fulfilling the reform agenda of the government.

The project envisaged the organization of formal meetings on the topics relevant to the project’s exigencies and the developments in the country. For instance, a roundtable discussion was held on 4 February by HRP and EPF with children’s and women’s rights organizations on the effectiveness of the GTCs. In total, 19 people participated, including the former and current members of GTCs. HRP’s research expert Narine Aleksanyan presented her research on the practice of GTCs in European countries. Everyone shared their experience, and participants emphasized the need for profound reforms. Their comments and recommendations were documented for the report on GTC.

Table 10. Activity 3.2. Facebook group and formal meetings with stakeholders

Activity component	Output	Indicator
A3.2.1. Facebook group opened	Op3.1.1: 1,000 users of FB group	I3.2.1: #group members I3.2.1a: #group members (m) I3.2.1b: #group members (f)
<ul style="list-style-type: none"> Facebook group rules developed, and a group created 		
A3.2.2: 14 formal meetings with stakeholders*	Op1.3.4: 50 stakeholders participated	I3.2.2: #meeting participants I3.2.2a: #participants (m) I3.2.2b: #participants (f)
*a cumulative header for activities under Objectives 1, 2, and 3.		

Activity 3.3. The sub-grant scheme – EPF

Table 11. Activity 3.3. Sub-grant scheme

Activity component	Output	Indicator
A3.3. At least 15 sub-grants awarded and projects implemented	Op3.3: [outputs of 15 sub-grant projects implemented]	I3.3.1. #sub-grants I3.3.2. [indicators related to sub-grants’ outputs]
<ul style="list-style-type: none"> 8 projects approved; implementation started 		

On 27 March 2020, EPF announced a call for project proposals for both legal entities and individuals in support of justice system reforms, promotion of independence of the judiciary, reduction of the overburdening of the judicial system, as well as, according to the 2019-2023 Justice Reform Strategy – e-justice, transitional justice, constitutional amendments, public accountability, improvement of judicial activities, alternative dispute settlement mechanisms, etc. The deadline for application was 1 May 2020. The call was posted on the EPF website, FB (sponsored), and disseminated via EPF mailing lists (non-profits, individual experts, etc).

The project envisaged to award at least 15 sub-grants to NGOs, and in exceptional cases service contracts to individuals, including a) thematic grants; b) invited grants; c) open-door grants; d) service contracts with individuals/legal entities that will significantly contribute to the project objectives and multiply the outcomes, in particular targeting the additional needs of judicial reform, relevant to the objectives of the project.

EPF received 23 project proposals which were subsequently evaluated by a Grant Selection Commission (hereinafter “Commission”). The Commission was comprised of the following members:

1. Ms. Meryl Dolan, Program Officer, DRL
2. Ms. Christina Hansell, Human Rights Officer, U.S. Embassy Yerevan
3. Ms. Irina Mkrtchyan, Political Specialist, U.S. Embassy Yerevan
4. Ms. Nina Pirumyan, Head of Research and Educational Center, HDR Office
5. Mr. Arman Gharibyan, Program Coordinator, Human Rights Power NGO
6. Ms. Tatevik Gharibyan, Project Manager, Eurasia Partnership Foundation

EPF Human Rights Team excluded 5 project proposals that were not in line with the announcement and the project goals. In total, 18 proposals from 15 organizations and 3 individuals were sent to the Commission members for evaluation based on the following criteria:

- relevance and importance of the proposal
- compliance of the expected results with the project objectives and the needs of Armenia
- measurability, clarity, and innovation of the proposed action and results
- proportionality of the proposed budget to the specified goals.

After receiving members’ evaluations, the average score for each applicant was calculated.

On 15 June 2020, EPF held an online Commission meeting to review the submitted project proposals, their scores, and comments of the reviewers. As a result of the meeting, considering the average scores of the applicants and outcome of the discussion, 8 projects were approved: 6 projects through open-grant call, 1 project as an invited grantee, and 1 project to be implemented based on a service contract.

At the end of 2020 or the beginning of 2021, another call for projects will be announced.

Activity 3.3.1. Increasing the efficiency of the courts by monitoring judicial practice and by revealing systemic issues identified in the judgments of the European Court of Human Rights – Law Development and Protection Foundation

Outputs:

- the project team selected and contracts signed
- 52 decisions against Armenia held by ECtHR reviewed.

The goal of the Law Development and Protection Foundation project is to increase the efficiency of the courts by monitoring case law and revealing the systemic problems indicated by the ECtHR judgments regarding violation of Article 6 of the European Convention on Human Rights (ECHR) – the right to a fair trial.

The team was formed and contracts were signed. In total, 52 decisions against Armenia held by ECtHR were reviewed. As a result of the investigation, systemic violations of the right to a fair trial were identified and summarized. The information on the implementation of the judgments posted on the electronic information platform hudoc.exec.coe.int, in particular, the study of action plans and government reports contributed to the revelation of the systemic nature of the issues.

Furthermore, based on the identified problems the NGO will conduct a study of the domestic judicial practices to identify the continuous nature of the relevant violations of the right to a fair trial. The study will summarize and publicize the issues raised in the case law which stem from the failure to take general measures to comply with ECtHR judgments. The identified issues and recommendations will be summarized in the report, which will be published and presented for public discussion.

Activity 3.3.2. Ensuring Constitutional Guarantees of Human Rights on the Agenda of Constitutional Reforms – Human Rights Research Center

Outputs:

- the project team recruited
- recommendations on the Constitution's section on social and economic rights prepared
- meetings held with the working group on Constitutional Reform and with experts and NGOs
- press conference held
- one public hearing organized.

The goal of the Human Rights Research Center's (HRRC) project is to promote the improvement of human rights guarantees in the amendments to the Constitution envisaged by the RA 2019-2023 Strategic Program for Judicial Reforms. HRRC will identify the gaps of the 2nd and 3rd sections on human rights of the RA Constitution, vis-à-vis international conventions ratified by Armenia and will prepare a package of Constitutional amendments. A public hearing and written articles on the topic will contribute to raising public awareness of the issues related to those sections of the Constitution.

The project team was recruited. The first research document, including a summary of recommendations on the Constitution's section on social and economic rights, was prepared. The research was conducted based on a comparative review of international conventions. One of the main recommendations is to eliminate the restrictions imposed on these rights by the 2015 Constitution and to improve the Constitutional guarantees of these rights.

Also, awareness-raising activities were carried out. The study was sent to the stakeholders, meetings were held with the working group on Constitutional Reform and with experts and NGOs, and a press conference and public hearing were organized.

Activity 3.3.3. Extrajudicial Settlement of Family Disputes – INTRA Psychology Club

Outputs:

- a schedule of meetings with the stakeholders compiled
- dedicated hotline established and promoted via project leaflets and a banner

- an event organized in the kindergarten on children related disputes
- meetings in 7 communities of the Shirak region organized
- support and consulting services offered under the project promoted via a radio program.

The project aims to support the creation of alternative institutions for resolving family disputes to help "heal" the family and reduce the caseload on the judiciary. In the frames of the project, a dedicated hotline will be established to provide support to victims of violence. Furthermore, referral meetings for the cases will be held in 42 communities of the Shirak region with residents and community specialists. One meeting in each community will be organized, with 15 participants and 2 staff members. Also, 42 awareness-raising meetings about the hotline and offered services will be organized. The organization will provide individual and group legal and psychological counseling services for at least 100 cases.

In cooperation with municipalities, GTCs and community policing will be developed. Also, a package of legislative amendments will be prepared, including recommendations to amend the RA Family Code and RA Civil Procedure Code to make mediation compulsory in family matters. The project will help increase the role of municipal bodies in extrajudicial proceedings, as well as provide advice and support to reduce the overload in courts.

A schedule of meetings with the stakeholders was compiled, awareness-raising of the hotline was conducted via leaflets and a banner, an event was organized in the kindergarten considering that the targeted issues are children related disputes. Also, meetings in 7 communities of the Shirak region were organized. Information about the project was shared through a radio program to raise awareness about the support and consulting services provided under the project.

Activity 3.3.4. Opportunities for the restoration of mass and recurring violations of rights in transitional justice – Rule of Law NGO

Outputs:

- legal gaps in restoration-related legislation identified
- international studies and research reviewed
- inquiries made about the cases of the alienation of property to the Supreme Judicial Council, the Government of the Republic of Armenia, the Ministry of Justice, the Municipality of Yerevan, and the RA National Assembly
- people whose property was alienated interviewed.

The project of the Rule of Law (RoL) NGO aims to contribute to the development of the legal capacity to make restitution following mass and periodic violations of the right to the property based on the overriding public interest. Research on the legislative regulation of compulsory alienation of property for public needs will be conducted, recommendations for public participation and public oversight as well as actions to ensure legal remedies shall be developed.

The research will be publicly presented to stimulate discussion. As a result, a specific model for restitution following mass and periodic violations of property rights shall be proposed which can be used in the future to ensure extra-judicial remedies. This project is important in the context of transitional justice activities in Armenia: a Fact-Finding Committee shall be established as soon as the legislation is in place, the draft of which was circulated. This committee shall also study the cases of violation of property rights, and the cases identified within the framework of this RoL NGO project may serve as material/facts for further investigation by the Committee.

During the first stage of the project implementation, the main legal documents were reviewed, in particular the Constitutional norms, decisions of the Government, decisions of the Constitutional Court and the Court of Cassation, as well as rulings of the European Court of Human Rights. The legal gaps in the legislation were identified. International studies and research on the subject were also reviewed. Inquiries were made about the cases of the alienation of property to the Supreme Judicial Council, the Government of the Republic of Armenia, the Ministry of Justice, the Municipality of Yerevan, and the RA National Assembly. People whose property was alienated were interviewed.

Activity 3.3.5. Assistance in ensuring the right of citizens to a fair trial – Investigative Journalists NGO

Outputs:

- monitoring questionnaires prepared for conducting monitoring of civil, criminal, and administrative cases
- 3 procrastinated cases studied.

The goal of the Investigative Journalists NGO project is to promote the right to a fair trial. The organization will implement monitoring of court cases to identify the reasons for long delays in court proceedings. The analysis will be presented to the public and discussions at www.hetq.am. The discussions will involve experts from the courts, attorneys, representatives from the HDR Office, and other stakeholders. The journalists involved in the project will prepare articles on the consequences of the regular postponements and delays of court proceedings. The articles will include texts, videos, and photos and will be published on www.hetq.am.

As a result, the reasons and other related facts about the prolongation of court trials will be identified and public discussions on the topic will be encouraged.

During the first month of the project, monitoring questionnaires were prepared for conducting monitoring of civil, criminal, and administrative cases. Using the online Datalex information system, the team selected 10 civil, administrative, and criminal cases that have been in progress for more than 10 years. After studying the cases, journalists selected three cases that have interesting human stories. Based on these stories articles will be prepared.

Activity 3.3.6. Protect Your Defender – Open Platform for Arts NGO

Outputs:

- NGO reports and online audio-visual materials reviewed

The goal of the project is, through a documentary, analytical film, to address the issues in the army, in particular, the attitude of RA Government and the judicial sector to peacetime deaths reported since 2010, to show the public revolt which has been expressed through court cases, to highlight investigative, forensic expertise and judicial procedural issues, as well as raise awareness about issues identified by attorneys and victims.

NGO reports on the issue as well as audio-visual materials on the internet were reviewed. Discussions were held among the co-authors of the film on its content and the structure that best contributes to the main purpose of the film. The script of the film was written, the circle of people involved in the interviews identified and questionnaires prepared. The expected quality of the visual content, the theme of the film, the desired locations of the filming, and the need to involve

necessary technical means for filming was discussed with the cinematographer. In addition to the scriptwriting, interviews were shot with human rights defenders, attorneys, and mothers who lost their sons. The President of the organization, who is also the director of the film, got drafted into the army as a volunteer. In the circumstances of the current armed conflict, some interviews for the film are becoming challenging (with the representatives of the Ministry of Defense, Investigative Committee, the department investigating crimes in the army, etc), the grantee requested EPF to suspend the project and continue, when the war is stopped.

Activity 3.3.7. Individual service contract to develop legislation on arbitration

The CEO of the Center of Legislation Development and Legal Research under MoJ contacted EPF with a support request. According to the RA Justice System Reform Strategy, MoJ intends to establish an Arbitration Center in Armenia. For this purpose, they need experts to study the best options for the establishment of such a Center, draft legislative acts which will promote the operation of the Center and eliminate any procedural challenges, prepare the internal documents based on which the Center will operate, expand its beneficiary groups, and develop mechanisms to involve the arbiters.

Since one of the main objectives of this Partnership for Justice project is the promotion of arbitration as an alternative dispute settlement mechanism, and considering that the need to establish an arbitration center was identified by the EPF study on arbitration and mediation, EPF decided that this action can be conducted based on a Service Contract. The grants pool also includes the possibility of signing a service contract with an organization and/or individuals. EPF will announce the TOR and select the best candidate for conducting the proposed action.

Activity 3.3.8. In support of public awareness about Constitutional Reforms – Protection of Rights Without Borders NGO

As an invited grant, the Protection of Rights Without Borders project is aimed at conducting a study and preparing recommendations to amend the Constitution, specifically the sections on governance and judiciary of the Constitution. It will also include activities on public awareness of Constitutional reforms through PSAs and the organization of public hearings. However, as the armed conflict in Nagorno-Karabakh and the south of Armenia started, the grantee requested EPF to suspend the project as in those circumstances public hearings cannot be organized.

Conclusion

The project is significant, timely, and relevant in the context of judicial reform in Armenia. Implemented by EPF, HRP, and HAHR with financial support from the DRL, the project aims to contribute to the judicial reform in Armenia through strengthening the capacities of civil society and mass media to improve the efficiency of courts, ensure public oversight, and establish cooperation platforms. Specific objectives of the project are to strengthen the alternative dispute resolution and probation and guardianship institutes; increase the capacities of CSOs and media to oversee the reforms; and boost cooperation and communication between state institutions and civil society.

As per ToR for this evaluation and to inform adaptive management and decision-making for improving results, below we summarize the findings and structure them in terms of relevance, coherence, and achievements in four of its activity clusters.

As one of the key important evaluation criteria, relevance was considered in terms of ‘priority’ and ‘timeliness’ – the project’s function from a development perspective, the validity of the results chain, and causal assumptions. Under the criterion of coherence, we reflected on the compatibility of the project with other interventions and policy objectives of the major players.

Then, based on the reconstructed ToC, effectiveness – progress towards results – was considered per activity cluster. The effectiveness of the existing partnerships established/maintained with the government, civil society, donors, and other key stakeholders was also assessed. The efficiency of project coordination and management was analyzed in terms of the extent to which the Project Team was able to identify and address risks and opportunities.

Relevance and coherence

After the non-violent change of power in 2018, the new authorities undertook reforms in the judicial system, which was not independent, and often carried out “orders from above.” As mentioned in the U.S. Department of State report on human rights practices (for 2018), “Although the law provides for an independent judiciary, the judiciary did not generally exhibit independence and impartiality. After the May change in government, distrust in the impartiality of judges continued, and some human rights lawyers stated there were no legal safeguards for judicial independence.”

The legacy of decades of patronage and subservience to its creator – the Soviet regime is embedded in the culture of the judicial system. Its development efforts showed that even the principle of institutional insulation can be abused so that the system continues to serve the ruling power instead of securing its independence. On the one hand, the situation is marked by the lack of accountability of the judiciary and inadequate public oversight and, on the other hand, it causes substantial public mistrust in the system. Transformation of that culture is a rather lengthy process that should be backed by public support and oversight.

As recommended by recent studies, Armenian civil society should work on targeted public awareness-raising, such as **youth-oriented campaigns, to inculcate rule of law and democratic anti-corruption culture. Also, the capacity of independent media should be strengthened by better training, exchange visits, and cooperation and investigative journalism should be promoted as a means to raise public understanding of the reform.**

Strengthening the public oversight by engaging capital-based and regional grassroots civil society and mass media, the project is internally coherent³⁵ and complements the introduction of vetting and other tools of transitional justice essential for the system to function and build public trust. Public oversight is vital in instituting accountability and strengthening the cooperation of the key actors. Notably, some international organizations help in developing legislation³⁶, however as the debates around the clause on probation officers carrying firearms and other similar issues showed that for written laws to become applicable regulations, they should not only comply with international standards but also consider the cultural context and development needs on the ground.

Substantial technical gaps were highlighted in the reform strategy by the previous government and echoed in the recommendations under the CEPA and many international organizations are supporting the judicial reform, but those efforts are not well communicated to civil society and the larger public and do not cover the entire need. Independence of the judiciary should not be seen only in the context of independence from the incumbent political regime.

As to casual assumptions, we have reconstructed the theory of change of the project, based on which the progress assessment was conducted.

Effectiveness – achievements per activity cluster

The ToC distinguishes four activity clusters or pathways of change: (1) research and policy, (2) communication and awareness-raising overlapping with (3) capacity building, and a cross-cutting dimension of (4) the sub-grants scheme (see [Image 1](#)). Yet, all those clusters are interconnected, and that division is made for convenience in analyzing the impact of activities. Attainment of objectives in those activity clusters and their interplay are discussed below.

Research and policy

Important studies were conducted under the project. Professionals were selected on a competitive basis and the teams were formed to undertake research.

As a result of those activities, the reports on mediation and alternative dispute resolution, PS, and GTCs were produced. They intend to enhance the understanding of international best practices and propose practical ways to address the challenges those institutions currently face at the local and national levels. The research teams collected and analyzed evidence to serve as a basis for legislative amendments. Ultimately, this cluster directly contributes to Objective 1: Stronger Alternative Dispute Resolution and Institutes of Probation and Guardianship, while at the same time it also backs Objective 2: Improved Capacities of CSOs and Media to Oversee the Course of the Reforms. **To consult and enhance surveys being conducted under the project, the Consortium can consider**

³⁵ According to KfW, while internal coherence focuses more on the consistency of the intervention with the governmental policy objectives, external coherence reflects its complementarity with interventions of other actors and should take account of the coordination between different actors and emphasize the questions of synergies and avoidance of duplication, see <https://www.kfw-entwicklungsbank.de/International-financing/KfW-Development-Bank/Evaluations/Evaluation-criteria/> Accessed 13 December 2020.

³⁶ See <https://www.coe.int/en/web/yerevan/probation>, <https://www.nhc.nl/armenian-probation-project-opening/> Accessed 13 December 2020.

hiring an intern, e.g., a master's degree graduate of the Faculty of Sociology or a junior fellow of CRRC.

Communications and awareness-raising

Awareness-raising is a prerequisite and an essential element of public support to – and oversight of – the reform. That component is comprised of the production and dissemination of PSAs, brochures, and other publications, and, to that end, online electronic dissemination was extensively used.

In the meantime, formal and informal meetings were envisioned to inform decision-making on establishing new structures and functions in the process of reform. The situation with the COVID-19 affected the preference of communication methods, such as face-to-face meetings, videoconferences, a Facebook group created as an online platform for communication of stakeholders. During those meetings, the stakeholders articulated and discussed their challenges and needs, and appropriate responses were chosen. **In times of pandemic, the active use of social media becomes indispensable.**

In addressing the lack of communication within and between government agencies, this segment of the project overlaps with its cluster of capacity-building activities.

Capacity-building

The project's capacity-building activities include training, publications, and special events. Two major challenges in this segment were the pandemic that affected the organization of training and staff turnover, which prevented continuous capacity development.

Thus, only one online training on SJC was organized for journalists. The participants appreciated the opportunity to be trained by Chairman Ruben Vardazaryan, who explained to them the SJC's mandate and functions and answered the questions of when and how one can apply to SJC.

One of the participants said that if online training is well-organized then it can be as good as a face-to-face session; it depends on the professional capacities of those who conduct the training, they should be able not only to raise or discuss issues but also solve problems. Another participant said that the training was interactive, questions were asked and answered, and contacts with the key persons working in the field were established. However, she was convinced that on the one hand, being more susceptible to technical issues, online sessions are just a compromise in times of pandemic. On the other hand, **online sessions offer a possibility to invite more interdisciplinary professionals, as well as journalists and international legal professionals from other countries to share their experience.**

In response to the staff turnover, the Project Team decided to **publish and disseminate a handbook as reference for current practitioners and the newcomers. Also, expanding the group of participants in project activities can be helpful** in overcoming the staff turnover.

Cross-cutting – the sub-grants scheme

The project envisaged at least 15 sub-grants to NGOs and service contracts to individuals that would significantly contribute to the objectives of the project and multiply its outcomes, in particular targeting the additional needs of judicial reform, relevant to the project's objectives. The selected projects tackle a broad spectrum of issues relevant to judicial reform. By the time of writing this report, many of the projects were in their initial stage. They will be assessed in the final report. At

this point, suffice it to mention that EPF has a good track record of managing similar sub-grant schemes.

Quality of implementation: challenges and lessons learned

The project has been implemented in a difficult operating environment marked by coronavirus pandemic, the aggression of Azerbaijan, and the continuous situation of civic unrest entailed by that aggression.

On 16 March 2020, coping with the coronavirus outbreak, Armenia declared a state of emergency, posing restrictions on public gatherings and movement of citizens, the Consortium made a transition to remote work and developed ways to adapt to these changes quickly and effectively. ICT became useful in consolidating project implementation efforts – the Consortium periodically held meetings through online platforms, exchanged updates, and coordinated ongoing and upcoming activities.

In these circumstances, it was difficult for the Probation monitors to continue face-to-face interviews in Yerevan and regions of Armenia. The Project Team discussed potential solutions to the problem, and it was decided that if the state of emergency lasts longer, the planned activities will be implemented online. The HHR expert contacted the beneficiaries and conducted the planned interviews through remote communication channels.

Similarly, it was necessary to rearrange the Project Action Plan concerning the organization of the presentation of the Court Monitoring Toolkit planned for March-April, and training for CSOs on court monitoring planned for March-August, as well as training for journalists on the SJC. The latter was organized remotely. Trainees were interested in the topic and appreciated the participation of the SJC Chairman. They raised many questions, and the discussion went beyond the planned timeframe.

Activities, such as the presentation of the Court Monitoring Toolkit and training for CSOs on court monitoring were postponed with the hope to conduct them in person. However, the situation with pandemic continued to deteriorate, and given the successful experience with the journalists' training, some other events were also organized remotely. Thus, instead of the presentation event of the Court Monitoring Toolkit, a decision was made to prepare a video presentation, which was shared via social media, and organizational websites. More detailed training on the toolkit is envisaged as well.

Two other activities planned by the project imposed some challenges. One of them was the organization of 14 formal meetings with 50 participants. At the beginning of the project, before the pandemic, two such meetings were organized. However, during the last two quarters, the organization of remote meetings had become difficult. When there was a specific priority issue under public discussion in the given period or any research, people could be gathered to discuss such issues. For example, the remote presentations of the arbitration and mediation report and probation service research and training journalists on SJC proved to be productive. However, the Consortium members considered reviewing those activities to reduce the number of in-person meetings. By November 2020, they planned to organize two more meetings – on the discussion of the draft law on the establishment of transitional justice and the impact of COVID-19 on civil society activities. They decided to amend the project and reduce the number of meetings.

Also, EPF research conducted under this project showed that it was not conducive to conduct public awareness-raising activities about arbitration and mediation as the system was not ready to receive many applications. It could be counter-productive – if people's expectations are not met, it would

become even more difficult to build trust in the system. So, the PSAs were put on hold, and, upon MoJ's request, EPF decided to form a group of experts to develop the legislative basis for the establishment of the center.

Another challenge – the aggression of Azerbaijan, backed by Turkey on Artsakh (Nagorno-Karabakh), and the south of Armenia begun on 27 September and lasted to 10 November 2020. Because of that armed conflict certain project activities, including training and public events were postponed. The consequences of the events should be assessed and additional changes to the project made.

Recommendations: The way forward

- As judicial reform is a value-normative transformation that requires public support, awareness-raising should be more discerning. It can include youth-oriented campaigns, to inculcate the rule of law, human rights-based approaches, and democratic anti-corruption culture. For that, brochures or short videos can be produced considering the specifics of young audiences.
- The capacity of independent media can be strengthened by better training, exchange visits, and cooperation and investigative journalism can be promoted to raise public understanding of the reform. The latter is already being tackled under the project through a sub-grant Activity 3.3.5. Assistance in Ensuring the Right of Citizens to a Fair Trial implemented by the Association of Investigative Journalists NGO.
- Interviews and other data collection are being conducted by the Consortium members under the project. To consult and enhance those surveys and production of videos and other materials, the Consortium can consider hiring an intern, e.g., a master's degree graduate of the Faculty of Sociology or a junior fellow of CRRC. That would promote volunteerism and help in directing the messages to young audiences.
- The judicial reform is gathering momentum, and many new players are providing support. To better coordinate those efforts, the websites of EPF, HRP, and HAHR can provide more visibility.
- Considering the number of video materials produced, in addition to the FB group, the project can have its YouTube channel. Also, for easy access, one URL can be considered for all materials published and publicly disseminated under the project.
- Online training sessions offer a possibility to invite more interdisciplinary professionals, as well as journalists and international legal professionals from other countries to share their experience.
- Regular, at least quarterly, coordination meetings can also enhance the communication culture within and between ministries, especially considering the upcoming waves of structural and functional changes in governmental structures. Naturally, it can be difficult to get the engagement of the temporary personnel involved in the process and to maintain their interest. Nevertheless, expanding the group of stakeholders participating in videoconferences and other project activities can help overcome the results of imminent staff turnover.

Annex

List of the persons interviewed

Nina Karapetyants, HAHR President

Arayik Papikyan, HAHR Chairman of Board

Karine Torosyan, HAHR Program Coordinator

Arman Gharibyan, HRP Co-founder

Sona Hovakimyan, HRP Co-founder

Tatevik Gharibyan, EPF Project Manager

Lilit Shaboyan, journalist

Hayarpi Baghdasaryan, student of journalism

Notes from semi-structured interviews with training beneficiaries

Beneficiary 1: female journalist

1. How different was the training compared to other online sessions you attended?

Chairman Ruben Vardazaryan participated as well. We learned about the SJC's mandate and functions, when and how one can apply to SJC, etc.

2. Would you recommend it to your colleagues and why?

Yes, journalists covering legal affairs need to learn how to apply to and deal with such institutions

3. Any recommendations for improving such online training or online group work in general?

The difference is not essential – if online training is well-organized then the results are good. Should be interesting for participants and it also depends on the professional capacities of those who conduct the training, they should be able not only to raise or discuss issues but also solve problems.

Beneficiary 2: young female student of journalism

1. How different was the training compared to other online sessions you attended?

It was interactive, questions were asked and we'd got answers. Contacts with the key persons working in the field were established, we understood and learned the regulating legal acts in-depth.

2. Would you recommend it to your colleagues and why?

Yes, I work in the legal field, there should be more such training sessions, both online and face-to-face.

3. Any recommendations for improving such online training or online group work in general?

Face-to-face training is more humane, online sessions are more susceptible to technical issues, but it's a compromise in times of pandemic. To improve, online sessions offer a possibility to involve more interdisciplinary professionals, as well as international journalists and legal professionals from other countries to share the experience.