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Promotion of the Development of Armenian Law

Project No 5786945

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Project type	Non-commercial
Sphere	Human rights
Location	Yerevan, Armenia
Investment type	Grant
Requested amount	12,000,000 AMD

Project description

The Project aims at supporting the ongoing judicial reforms within the legal and governmental strategy. The Project will focus on strengthening the capacities of the Chamber of Advocates and facilitation of the work Public Defender's Office in terms of provision of free legal aid to the vulnerable layers of population.

Project Details

Need and expediency

Background:

Access to justice is a vital part of the Office's mandate in its overall work for supporting criminal justice and judicial reforms. Legal aid as one of the main prerequisites for the access to justice can help disadvantaged people to understand their rights and know how to restore them. Remedies for violations of the rights of individuals usually require intervention of the lawyers. The costs associated with the services of legal counsel often tend to discourage the individuals (specifically regional population) from seeking just remedies. Facilitation of free legal aid can counter to certain extent these impediments.

In order to assist the work of the Chamber of Advocates and to enable the disadvantaged population to receive free legal aid and to have their rights restored it is projected to help

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the Chamber of Advocates to facilitate provision of free legal aid, with the final aim of improving the overall human rights protection in the country.

As a result of the long term co-operation with the Chamber and based on the applications requests received by the latter, the Office has identified three main target groups in need. One group is the individuals under deprivation of liberty (detained and convicted), the second group is the socially vulnerable, disadvantaged regional population and the third group are the drivers in terms of their communications with the Police and the Agency for the Enforcement of the Court Decisions (AECD).

Based on these considerations the Project will have three respective components.

- focusing on regional socially vulnerable, disadvantaged population
- focusing on the persons under deprivation of liberty

(c) focusing on the rights of the drivers

The first two components (a, b) of the project has been already partially (with 2 months duration) addressed through the project implemented by the Chamber in 2015 and supported by the Office. The project proved to be successful and given its fruitful results and high demand it was decided not only to continue the respective activities but also expand the geography (including other communities), types of cases and to increase the frequency of the visits and the number of the lawyers involved.

Component A

The teams under the project will travel to 10 regions, visiting 36 communities to provide legal aid to the vulnerable layers of population. The meetings will be held at the offices of either Public Defenders or the buildings of the local self-governing bodies (taghapetarans). The inhabitants of the respective marzes will be notified in advance about the upcoming visit of the lawyers to be able to prepare all the necessary documents. Each group of lawyers will be composed of 3 lawyers.

The legal counsel in marzes will be provided on criminal, civil and administrative cases. *The marz cities/towns to be visited and the number of persons to provide legal aid are attached to the present ToR.*

Component B

During the project it is anticipated to conduct visits to 10 penitentiary institutions to provide legal aid to those in need. The agreement with the Ministry of Justice has been reached and the staff of the penitentiary institutions will provide facilities for the lawyers to meet with the applicants. During the meetings at the concrete penal institutions the necessary files will be drafted and the lawyers will then follow up on the individual cases as needed.

The following penitentiary institutions are projected to attend in the course of the project implementation- Goris, Vanadzor, Sevan, Hrazdan, Artik, Kosh, Abovyan Armavir, Noubarashen, Vardashen. The teams will be composed of 3 lawyers and each penitentiary will be visited twice.

Component C

This component will be addressing the rights of the drivers in their communications with the Police and the Agency for the Enforcement of Court Decisions (AECD). The need for implementation of this component is due to the low legal understanding and awareness of the citizens of their rights which in many cases result in violation of drivers' rights and interests, associated with fines, monetary issues, delays and levies imposed for violations of traffic rules.

The situation analyses in this field showed that the issues raised by citizens mainly concern the following:

- a) The drivers have not been properly notified of being subjected to administrative sanctions by the traffic police
- b) Drivers are subjected to administrative sanctions by the traffic police in an unfair and unjust manner
- c) Administrative offenses by drivers are due to non-accurate performance by the competent authority, e.g. not properly organized traffic (e.g. road signs)
- d) Court proceedings being instituted by the enforcement bodies and imposing a ban on drivers' monetary funds, without due check whether the administrative act can still be appealed
- e) Bank accounts of the drivers get blocked for the whole available amount, but not the actual amount of the fine, which blocks possibility for any kind of transactions.
- f) other issues.

For the third component it is foreseen to have groups of 3 lawyers who will provide free legal services, including counseling, preparation of administrative complaints and claims. The advice may be provided with various means of communication (personal meetings, phone, email, etc.). The lawyers will have meetings with the applicants once a week, in the course of six months. The duration of the meetings will be six hours. The meetings will be held at the premises of the Chamber of Advocates, Traffic police and the AECD.

Staff hiring process.

All components under the project will be implemented in parallel and will start from the day of the entry into force of the agreement. The remuneration of the lawyers will be done according to the visits. The Chamber has already posted a hiring announcement and selected nine the best qualified candidates to be enrolled in the framework of the project for implementation of the project in May. The rest of the candidates will be hired in the course of the project. Special attention will be paid to the gender aspects and the participation of the advocates from the regions. An independent selection commission will be established to evaluate the applications submitted, consisting of the Deputy Chairman of the Chamber of Advocates, the project coordinator, the head of the Chamber of Advocates, and the representative of the OSCE Yerevan Office. All staff hired under the project will be licensed advocates and the members of the Chamber. In total 64 experts are expected to be enrolled in the project – 30 for component A, 19 – component B and 15 – component C

Expected Outputs/Deliverables and Deadlines:

- Free legal aid provided to the people in the penitentiary institutions (one visit to each penitentiary institution throughout the duration of the project, with final deadline of 1 November
- Free legal aid provided to the rural population by 1 November
- Free legal aid provided to the citizens to protect the interests of drivers by 1 November

Necessary Qualifications

- The implementing partner should have relevant experience in the given field and hire staff out of its members that possesses necessary legal knowledge, skills and relevant experience in criminal, civil and administrative law.

Proposed IP staff:

The IP staff presented under the Project meets the professional qualifications needed for the implementation of the tasks. All experts hired at a later stage will be practising licensed advocates.

Project staff description:

Project co-ordinator

- Gather all project information: schedules, data requests, assignments, tasks, and project meetings.
- Coordinate with the Ministry of Justice and the local self-government bodies the schedule and format of the visits. Liase with the Police and the Agency for the enforcement of the court decisions
- Make the necessary arrangement for the visits
- Prepare reports upon the visits of the experts
- Maintain document control, database management, track project activities and team communication.
- Develop and review project status and reports.

Project Assistant

- Assist the project co-ordinator in logistical and administrative aspects of the project
- Co-ordinate with the lawyers the time-schedule and transportation arrangements
- Prepare files and necessary documents as needed
- Assist in making the necessary arrangement for the visits
- Gather the reports of the experts

Experts/lawyers (component A)

- Visit the penitentiary institutions, according to the time-table
- Meet with the detained persons and inmates
- Provide legal aid on the spot
- Follow up on cases as necessary

Experts/lawyers (component B)

- Visit the respective marzes according to pre-agreed time-tables
- Meet with the population of the respective marz
- Provide legal aid on the spot
- Follow up on cases as necessary

Expert/lawyers (component C)

- Organise meetings at the Chamber of Advocates, Police and the AEDC to meet with the applicants concerned
- Provide legal aid on the spot
- Prepare court appeals and claims
- Follow up on cases as necessary

Accountant

- Review project work schedules, budgets, and staffing plans for appropriateness to costing, payment/billing and reconciliation efforts
- Ensure accurate and consistent financial reporting to donor organization and tax authorities.

Justification of selecting the IP:

The Chamber of Advocates is the only body uniting all advocates throughout Armenia. It is mandated to provide legal representation in the courts and assist with legal advice as needed. The Public Defenders Office that is mandated by the law to provide free legal aid is also in the structure of the Chamber of Advocates. Considering that for the implementation of the Project licensed advocates are to be enrolled, the Chamber of Advocates is best suited to implement the project as the experts enrolled will be the members of the Chamber. The Office has long-standing relationship with the Chamber and the project implemented by the latter has always received positive assessment. In addition the first stage of the Project has been already successfully implemented by the Chamber in 2015. The present Project is of the same financial and administrative complexity as the previous one implemented last year, however with a longer duration. The Chamber can make the necessary arrangements and connections for the visits to the detention facilities, regions and the Police and the AECD.

For more information please contact us.