

MEMORANDUM OF UNDERSTANDING

Between



the Academy of Justice of the Republic of Armenia,
hereby represented by the Rector
Mr. Sergey Arakelyan,



the Office of the Prosecutor General of the Republic of Armenia,
hereby represented by the Prosecutor General
Mr. Artur Davtyan,



the Investigative Committee of the Republic of Armenia,
hereby represented by the Chairman
Mr. Hayk Grigoryan



the OSCE Office for Democratic Institutions and Human Rights,
hereby represented by the First Deputy Director
Ms. Katarzyna Gardapkhadze

regarding the Implementation of
the Prosecutors and Hate Crime Training (PAHCT) programme

The Academy of Justice of the Republic of Armenia (hereinafter "the Academy"), the Office of the Prosecutor General of the Republic of Armenia (hereinafter "the Prosecutor General's Office"), the

Investigative Committee of the Republic of Armenia (hereinafter "the Investigative Committee"), and the Organization for Security and Cooperation in Europe (hereinafter "OSCE") through its Office for Democratic Institutions and Human Rights (hereinafter "ODIHR"), jointly referred to as "Parties",
On the basis of mutual interests and convinced that hate crimes constitute a violation of human rights and a threat to the rule of law and democratic stability,

Recalling the provisions of:

- The OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century (2003),
- The Athens OSCE Ministerial Council Decision No. 9/09 on Combating Hate Crimes,
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965),

Recognizing that ODIHR's Prosecutors and Hate Crime Training programme (hereinafter referred to as "PAHCT") was developed in order to provide OSCE participating States with training for prosecutors on hate crimes,

Convinced that a partnership between the Academy, the Prosecutor General's Office, the Investigative Committee, and ODIHR will assist in achieving mutual goals and objectives in the fight against hate crimes,

Have agreed as follows:

The Academy shall:

1. Appoint, within one week after this Memorandum is signed, a National Liaison Officer as its authorized representative to work with ODIHR and co-ordinate, together with the Prosecutor General's Office and the Investigative Committee, the implementation of PAHCT in Armenia; Terms of Reference of the National Liaison Officer constitute Annex 1 to this Memorandum.
2. Within two weeks after this Memorandum enters into force, reach out to, with a request for cooperation, stakeholders enlisted in Annex 2 to this Memorandum and establish a National Implementation Working Group (hereinafter referred to as the "NIWG") to advise on the customization of the curriculum and training materials and the review of its translation into the Armenian language, to ensure effective implementation of PAHCT, and to facilitate monitoring, evaluation and follow-up activities; Terms of Reference of NIWG constitute Annex 2 to this Memorandum.

The first meeting of the National Implementation Working Group shall take place within one

month after ODIHR provides the customized PAHCT curriculum (see below).

3. Within one month after the first meeting of the NIWG, in close collaboration with the Prosecutor General's Office and the Investigative Committee, develop a National Implementation Plan for the training delivery through subsequent phases of PAHCT including:
 - a. Identifying and appointing at least ten prosecutors and ten investigators of the Investigative Committee to be trained as trainers to deliver PAHCT course;
 - b. Identifying and reaching out to other potential future mentors representing civil society, academia, and judiciary to be trained as trainers to deliver PAHCT course;
 - c. Identifying and appointing prosecutors representing all regional and district offices, and the Prosecutor General's Office to be trained through the cascading phase of PAHCT;
 - d. Identifying and appointing investigators of the Investigative Committee representing all regional investigative departments and territorial subdivisions of regional investigative departments to be trained through the cascading phase of PAHCT; and
 - e. Setting forth a time line to implement PAHCT.

In respect of both future trainers and trainees, balanced representation of men and women is encouraged.

4. Ensure, in close collaboration with the Prosecutor General's Office and the Investigative Committee, sustainability of PAHCT by cascading of the PAHCT course by the trained trainers through:
 - a. Organizing and delivering each year at least four in-service PAHCT one-and-half-day direct training sessions for groups of at least 10 prosecutors and 10 investigators of the Investigative Committee;
 - b. Integrating the PAHCT course as a permanent component into the pre-service and in-service training programmes for candidate and acting prosecutors and investigators of the Investigative Committee;
 - c. Encouraging the trained trainers to conduct training activities within the whole prosecutorial structure; and
 - d. Considering opening the PAHCT training to judges, candidate judges, applicants for candidate judges, as well as for other legal professionals.
5. Ensure PAHCT planning and delivery, including through the provision of logistical and

infrastructure support for the training of trainers portion of the programme and the subsequent direct delivery of PAHCT to prosecutors.

6. Invite ODIHR to observe training sessions and assist with programme evaluation.
7. Ensure that the costs of PAHCT implementation, related to training venues, training equipment, and participants-related costs are covered.

The Prosecutor General's Office shall:

1. Appoint, within one week after this Memorandum is signed, a Liaison Officer as the authorized representative to work with the Academy, the Investigative Committee, and ODIHR on the implementation of PAHCT in the Republic of Armenia and to participate in the NIWG.
2. Support effective and sustainable implementation of PAHCT through appointing acting prosecutors identified in the National Implementation Plan to participate in the PAHCT training courses organized by the Academy.
3. Support the Academy in its efforts to comply with the commitments set forth above, wherever relevant.
4. Considers elaborating, with support of ODIHR, a Guidance for prosecutors on effective prosecution of hate crimes.

The Investigative Committee shall:

1. Appoint, within one week after this Memorandum is signed, a Liaison Officer as the authorized representative to work with the Academy, the Prosecutor General's Office, and ODIHR on the implementation of PAHCT in the Republic of Armenia and to participate in the NIWG.
2. Support effective and sustainable implementation of PAHCT through appointing investigators of the Investigative Committee identified in the National Implementation Plan to participate in the PAHCT training courses organized by the Academy.
3. Support the Academy in its efforts to comply with the commitments set forth above, wherever relevant.
4. Considers elaborating, with support of ODIHR, a Guidance for investigators of the Investigative Committee on effective investigation of hate crimes.

ODIHR shall:

1. Appoint, within one week after this Memorandum is signed, a Liaison Officer as its authorized representative to work with the Academy, the Prosecutor General's Office, and the Investigative Committee on the implementation of the PAHCT programme.
2. Within two months after this Memorandum is signed, undertake needs assessment to establish the basis for designing a customized PAHCT curriculum for Armenia.
3. Within three months after the needs assessment, draft a curriculum, provide its translation into Armenian and consult the NIWG to customize it appropriately.
4. Provide the curriculum and training materials for PAHCT in the required quantity, including providing for their translation into Armenian, to the Academy.
5. Conduct a comprehensive training of trainers session, or an equivalent training held online or in a hybrid format, for appointed prosecutors and investigators.
6. Conduct a post-implementation evaluation and provide support to the Academy in following-up on the programme.
7. Provide assistance to the Prosecutor General's Office and the Investigative Committee in elaborating guidance for prosecutors and investigators of the Investigative Committee on effective prosecution and investigation of hate crimes.
8. Cover the costs related to the needs assessment, preparing and translating of the PACT curriculum, and in respect of the costs related to the delivery of the training of trainers session, the fees and travel of the trainers and ODIHR's support staff, interpretation services and interpreters' fees. ODIHR will also cover the costs of the evaluation of implementation of the PACT programme.

This Memorandum of Understanding is valid until any of the Parties decides otherwise, under the condition any such decision is duly notified to the other Parties.

Signed in two originals, in Armenian and English, both texts being equally authentic, elaborated in four copies of which each of the Parties shall receive one copy. In case of any difference in interpretation, the English text shall prevail.

Any party shall not be liable for any failure of or delay in the performance of activities covered by this Memorandum for the period that such failure or delay is beyond the reasonable control of a party, including in a situation of epidemic, pandemic, isolation, quarantine, or martial law,

materially affects the performance of its obligations under this Agreement, and could not reasonably have been foreseen or provided against.

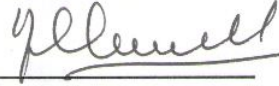
For the Academy

Sergey Arakelyan
Rector


In Yerevan, date
26/04/2021

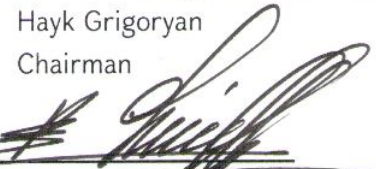
For the The Prosecutor General's Office

Artur Davtyan
Prosecutor General


In Yerevan, date
10.05.21p.


For the Investigative Committee

Hayk Grigoryan
Chairman


In Yerevan, date
07.05.21.

For ODIHR

Katarzyna Gardapkhadze
First Deputy Director


In Warsaw, date
2021 -05- 2.5

ANNEX 1: Terms of Reference of the National Liaison Officer

The Role of the National Liaison Officer (NLO):

The NLO is the principal contact point for planning and operations of PAHCT.

The main tasks of the NLO are to:

- coordinate, with ODIHR's, the Prosecutor General's Office's, and the Investigative Committee's respective liaison officers the implementation of PAHCT
- co-ordinate the agenda for the needs assessment mission with the ODIHR training team, which may include meetings with police and prosecutor representatives, other representatives of the judiciary and representatives of civil society organizations;
- convene and chair the NIWG and co-ordinate its activities;
- co-ordinate the training of trainers component of PAHCT, by ensuring the selection criteria are met for participants, and assist with organizing the logistical issues relating to the training session;
- provide comments and input into the customization of the materials; and
- provide ODIHR with information relating to the number of training sessions and types of trainings undertaken, and the number and positions of the trainees trained.

Qualifications:

- administrative and professional experience;
- ability to communicate professionally in English;
- experience with issues relating to hate crimes.

ANNEX 2: Terms of Reference of the National Implementation Working Group

The role of NIWG is essential in the implementation of PAHCT and the contact between the participating State and ODIHR. The composition of NIWG and its tasks are outlined below. It is foreseen that NIWG organizes meetings regularly to discuss the progress made. Meetings of the NIWG will be convened and chaired by the National Liaison Officer. Balanced representation of men and women is encouraged.

Recommended institutions and organizations to be reached out to:

- Office of the Prosecutor General of the Republic of Armenia
- Investigative Committee of the Republic of Armenia
- Police of the Republic of Armenia
- National Security Service of the Republic of Armenia
- Ministry of Justice of the Republic of Armenia
- Office of the Human Rights Defender of the Republic of Armenia
- Constitutional Court of the Republic of Armenia
- Court of Cassation of the Republic of Armenia
- Representatives of appellate courts/trial courts of the Republic of Armenia
- Representatives of academia
- Civil society representatives with expertise in the area of hate crimes
- ODIHR

The National Implementation Working Group can invite to the meetings representatives of other training and academic institutions, and other relevant stakeholders.

Specific tasking of the National Implementation Working Group

- Provide recommendations on the necessity for customization of the curriculum for PAHCT on the basis of the situation in the country;
- With ODIHR's support, ensure that the translation of PACT materials is reviewed;
- With ODIHR's support, determine the selection criteria for participation in the training-of-trainers sessions;
- Together with ODIHR, develop additional materials to disseminate information about hate crime concept;
- Recommend on implementation and delivery of PAHCT;
- Monitor the progress of the implementation of PAHCT;
- Involvement in the evaluation process: support to the evaluators, provision of data and information on PAHCT implementation;
- Supports sustainability of PAHCT in the curriculum of the training and educational institutions for prosecutors, judges, and investigators of the Investigative Committee;
- Together with ODIHR, develop a recording system for registering the number of PAHCT sessions held and the number and positions of the participants;
- Other tasks related to the PAHCT implementation.