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## **PUBLIC DEFENSE SYSTEM IN ARMENIA: REFORMS ARE INEVITABLE**

### **SUMMARY REPORT**

Yerevan 2018

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## EXECUTIVE SUMMARY

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This report presents the findings of a survey conducted by the Helsinki Association human rights NGO in the framework of the Human Rights Observer and Advocacy Project implemented with the support of the National Endowment for Democracy, the circumstances regarding the public defense system in Armenia, the challenges of the sector, resulting conclusions, and proposals for system reform.

The goal of the project was to promote human rights, the rule of law, and the strengthening of democratic ideas and values in the Republic of Armenia. Thus, promoting accountability and transparency of the RA Government and structures of the legal system, in particular the Chamber of Advocates (Public Defender's Office) and courts of all instances, improving the quality and effectiveness of work in line with the standards set out in international human rights instruments.

The project was expected to demonstrate the necessity of expanding legal, financial and other support by the Government of Armenia in the reorganization and development of the Public Defender's office.

Suggestions for system reform have been developed, which are presented in the section "Suggestions," below.

The works were implemented by the program team's volunteers: Ani Khodaverdian from the United States, Satenik Shirinian from Germany, and Arpine Matevosyan from Armenia. The recommendations of partner advocates and journalists were taken into consideration and the information received from them was taken into account.

## INTRODUCTION

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The report summarizes a number of solid arguments regarding the state of the public defenders in the Republic of Armenia. The purpose of the research was not only to make some analysis, but also to support the administrative, organizational and financial reform of the Public Defender's Office, as well as the Office of the Advocates and the Prosecutor's Office and its dedicated and autonomous unit.

Thus, the key objective of the report is to target and effectively reform the public defense system in Armenia.

## BRIEF OVERVIEW

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Since the years of independence, the issue of human rights in Armenia has gradually improved, especially compared to the situations in most former Soviet republics. All the structures and legislative basis are available in order to make it more relevant to the international, i.e. acceptable criteria. Nevertheless, the Freedom House International Human Rights Organization (UNICEF), according to a published report, has characterized Armenia as a "partly free" country in terms of democracy. The democratization rating of Armenia has dropped from 5.39 to 5.43 (1 = most democratic and 7 = extreme non-democracies).

Democratization processes are progressing slowly. In general, guaranteeing democracy through its two essential components - direct democracy and the rule of law - is not being implemented.

On the basis of international treaties and agreements to which Armenia is a member, the State has assumed responsibility for ensuring that its citizens enjoy effective judicial protection and its accessibility in line with international standards. However, in recent years, it has not registered a significant increase in efficiency for the public, especially for vulnerable groups, in the provision of necessary and sufficient legal assistance.

Thus, there remain serious challenges that require real solutions.

The State, of course, has taken some steps to correct the situation, one of which was the creation of a public defender's body within the RA Chamber of Advocates.

"The Public Defender's Office plays an important role in the provision of justice in criminal proceedings. The anti-corruption justice system, based on the equality between the two parties in the proceedings, requires the recognition of the right of legal representation and, in particular, adequate representation in order to guarantee justice."

However, this is not enough to consider the above-mentioned obligations to be properly implemented.

## GENERAL PUBLIC INFORMATION

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The Public Defender 's Office was established to provide socially disadvantaged groups free legal aid, in the manner provided by law. It has its offices in Yerevan and all the regions of the Republic of Armenia. Public defenders from the Public Defender's Office are lawyers based on employment contracts signed with the RA Chamber of Advocates.

These public defenders are paid using the state budget, in the amount and with the procedure prescribed by law. Free legal aid in criminal cases is provided on the basis of the decision of the body conducting the proceedings through the appointment of the public defender by the Head of the Civil Procedure Office. Free legal aid in civil, administrative and constitutional cases is provided by the Head of the Civil Solidarity Party based on the citizens' applications in the cases and in the manner prescribed by law.

According to Article 41 of the Law on Advocacy, adopted by the Ministry of Justice of the Republic of Armenia, 14 other vulnerable groups may benefit from the services of the above-mentioned structure as it is free (taking into account the population of 2 million 972.9 thousand people 30 per cent crosses the poverty threshold). By 2018 In February, the government aimed to expand the number of groups, but some were of the opinion that it would only have a negative impact on the quality of citizens' service. The Ministry of Justice of the Republic of Armenia recognized that the problem really exists and that they are working to correct the situation. For example, the Public Defender's Office may carry out public protection in other ways;

"First, advocates who are not public defenders, attorneys, or other lawyers will be included in a special list by the public defender's office. Second, advocates who are not public defenders will provide judicial representation and pay for it both at the public defender's office and on budgetary savings, the special fund of the formed office," said former RA Justice Minister Arpine Hovhannisyan, underlining that this will enable increased access to free legal assistance.

## RESEARCH RESULTS

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Summarizing the findings of the court observation, the results of the law study, and the information obtained during the discussions with the representatives of the specialized organizations of the sector, we came to the conclusion that the work of the office was not adequately compliant with international standards. Therefore, it does not necessarily contribute to the effective satisfaction of public needs.

“The public defense system does not work exactly as we all would like it to work. But it is a fact that, among public defenders, there are dedicated and professional advocates. However, one person cannot handle 40-50 cases per year. This would be unreasonable. This would mean that the public defender would need to work day in and day out, without a chance to rest.”

- Nina Karapetyants, Helsinki Association

President of the Council of Court Oversight, Legislation Review

On the basis of the data obtained through the inquiries of citizens using public services, advocates, public defenders, public defenders, we have identified specific issues of the current situation. They were introduced in 2018. During the round-table meeting held on April 13, 2010, Melania Arustamyan, the Head of the RA Civil Aviation Authority, Nelly Harutyunyan, Assistant to the President of the Chamber of Advocates, representatives of human rights organizations, advocates, journalists, independent observers were present at the meeting. The purpose of the meeting was to provide more effective, applicable and practical recommendations as a result of the general discussion of industry professionals and specialized organizations.

## RECORDED ISSUES

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We have identified the following issues:

**Issue #1.** There are 54 public defender positions, of which 26 are in the provinces. There are 66 actual public defenders, of which 43 are in the regions.

Until now, as stated by the head of the Public Defender's Office, M. Arustamyan, the staffing office that was operating since 2012 did not have enough staff and that office should have had 75 public defenders.

Thus, the present number of attorneys working at the Public Defender's Office and other branches of the Armenian marzes is obviously lower than the number of applications submitted by citizens.

**Issue #2.** Public defenders are over-burdened, in a manner described by them as extreme and unprecedented. Most of the cases are criminal (of course, there are also civil, administrative and constitutional cases). According to the Head of the JDC, almost all the applications received from the citizens are accepted:

If, earlier, the number of cases publicly defended were 20, 30, and up to 35, this figure is now 49, 60, or even 79.

"The Public Defender 's office is overwhelmed with work, but not because it chooses to be so. We have many capable professionals. The issue is simply a legislative and procedural one. There is also a general lacking of staff." - Melanya Arustamyan, Head of HRD

"We have brilliant public defenders who, under the conditions of this burden, cannot fully demonstrate all their abilities." - Liparit Simonyan, lawyer

"It's a force majeure situation. Having 50 criminal cases is nonsense. Personally, when I reach up to 10 cases, I feel unable to move forward with my work. " - Yervand Varosyan, lawyer

"Taking on so many cases simultaneously is abnormal. I propose that we 'violate the law,' instead of providing public defenders with justification that experts are overloaded. I am well aware that, as a lawyer, it is wrong of me to make such a suggestion, but in my opinion this law has zero value, since it does not promote peoples fundamental human rights." - Arayik Papikyan, chairman of the Helsinki Association Board, lawyer

**Issue #3.** This, in turn, leads to another possible problem. It is almost impossible for the public defender to participate in all the court sessions.

"We must take part in an average of 3 to 4 court sessions per day and 1-2 investigative actions." - Public defender

**Issue #4.** The defendants are scarcely, if ever, visited.

"To meet a client for 10 minutes, we have to wait two or more hours to enter the penitentiary, and another hour to bring the detainee in a proper procedure. Additionally, we can only visit them on Saturdays or Sundays." - Public defender

"Yes, the cases are increasing, and many convicts also reach out for our assistance, for example, on civil matters or regarding parole. And, naturally, public defenders visit penitentiaries, which is time-consuming. The same type of counsel that is given to a regular citizen, that takes for example 10 minutes, in case of a prison visit takes up to 4 hours, including the road." - Melanya Arustamyan, Head of HRD

**Issue #5.** Unawareness of material matters or a superficial acquaintance with them.

"It seems we are becoming pseudo public defenders." - Public defender

This is a substantial breach of the Law on Advocacy and the Code of Practice of Lawyers.

**Issue # 6.** The aforementioned circumstances often force criminal cases to proceed with accelerated trials, which is not always in the interest of the client.

**Issue # 7.** The public defender's court sessions are often delayed, or if the session is held, the public defender is unable to be present. The trial proceeds with artificial delays, which, in its turn, leads to a violation of reasonable time limits for the trial.

**Issue # 8.** The decision to appoint a public defender by the body conducting the criminal proceedings for the Public Defender's Office is mandatory.

**Issue # 9.** The involvement of the public defender against the will of the defendant and his / her public defender in the case.

It should be noted that this report does not aim to also address issues which are more narrow or private, but related to the above issues.

## THE PROBLEMS

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We have narrowed down the issues of the Public Defense System to a few main points. These are:

- Violation of the right to effective trials,
- Violation of the right to a fair trial within a reasonable timeframe;
- Violation of the right to a fair trial.

Public defenders fulfill the role of providing people with their constitutional rights. Introducing the legitimate interests and rights of those who cannot hire an attorney in the proceedings, public defenders can assist in the implementation of pre-trial, judicial or extradition proceedings more effectively. Nevertheless, the scarcity of financial resources, insufficient human resources, increasing burden, and other adverse circumstances raise concerns about the effective implementation of the public defense system.

## METHODOLOGY

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The study began in 2017, from the month of May, and continued up until April of 2018. The main methods used for reliable data collection were:

- Observation of trials involving public defenders;
- Study of information on public defense systems of the Republic of Armenia, the United States and six European countries, Sweden, Germany, Austria, Belgium, France and Italy, 12
- Acquisition of information by means of letter-inquiries addressed to public defenders of the above-mentioned countries;
- Individual interviews with public defenders, advocates, journalists, and Public Defender's office users;
- Studies, articles, etc. of other sectoral organizations 13  
Workshop-Discussion in round-table format 14
- Further review of the topic and developments in the field for possible modification and elaboration of the proposals presented at the meeting.

## INTERNATIONAL BEST PRACTICES

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The study also examined the best international public safety practices, particularly the US, Sweden, Germany, Austria, Belgium, France, and Italy, including the following elements:

- The population of the country;
- Number of advocates;
- Payment order and amount of remuneration;
- Public protection system, including:
- Public Defender;
  - ✓ The procedure for obtaining a public defender;
  - ✓ Procedure for appointing a public defender;
  - ✓ Procedure for paying public defender services

## UNITED STATES OF AMERICA

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### Population

- **General Population in the U.S.:** 327, 423, 911 in 2018
- **California:** 39,776,830 in 2016
- **Los Angeles County:** 10,137,915 in 2016

### Number of Attorneys

- **General in the U.S.:** 1,335,963 resident attorneys in 2017
- **California:** 168,746 resident attorneys in 2017
- **Los Angeles County:** 1,122 budgeted positions of which 708 are attorneys

### Average Salary for Attorneys

- **Average Salary for Attorneys in California:** \$81,435 yearly income
- **Average Salary for Attorneys in Los Angeles:** \$93,417 (15% above national average)

### The Public Defense System

- **Qualifications to be Assigned a Public Defender in Los Angeles County:**
  - “The Public Defender's Office represents only those people who cannot afford to pay for an attorney. At your arraignment -- whether you are in custody or not -- you may be required to complete a financial statement to determine whether you can afford a private attorney. If the Public Defender (or any other lawyer appointed by a court) represents you, state law requires that you be requested to pay a registration fee of \$50.00.”
  - No person who qualifies for the Public Defender will be denied representation just because of inability to afford to pay the registration fee.”
  - “In some courts, the judge will examine your finances to determine whether you will be represented by the Public Defender. In other courts, that determination is made by the Public Defender.
  - However, no person will ever be denied the assistance of the Public Defender because of inability to pay the registration fee or any other cost of appointed counsel.”
- **Procedures for Assigning a Public Defender:**
  - Generally, in the *United States*, public defenders are appointed to clients by the court (judge). Neither the attorney decides, nor the defendant.
  - “There are essentially three categories of criminal defense attorneys who would be appointed to represent an indigent criminal defendant in Los Angeles County. The first would be Deputy Public Defenders employed by the Los Angeles County Public Defender. If for some reason the Public Defender cannot be the lawyer (such as if there is a conflict of interest), then the next lawyer normally appointed would be an Deputy Alternate Public Defender, who is employed by the Los Angeles County Alternate Public Defender, which is a separate office created by the County of Los Angeles. If neither County office is able to represent a defendant, then the court would appoint a private lawyer, sometimes called a 987 lawyer, which refers to Penal Code section 987.2. These lawyers are not government employees although they are paid by the County of Los Angeles for the work they do on a defendant’s case.”

- **Are the services of a Public Defender free of charge, or must they be paid for?**
  - If it is determined by the court that the defendant is financially capable of paying for the fees of the court appointed attorney, then the defendant must pay the attorney's fees.
  - However, if the defendant is indigent, services will be rendered free of charge.
  
- **Procedures in place to prevent a Public Defender from being overloaded with cases:**
  - *ABA (American Bar Association) Model Rules of Professional Conduct:*
    - Rule 1.1 Competence
      - “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”
    - Rule 1.3 Diligence
      - “A lawyer shall act with reasonable diligence and promptness in representing a client.”
    - Rule 6.2 Accepting Appointments
      - “A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:
        - (a) representing the client is likely to result in violation of the Rules of Professional Conduct or other law;
        - (b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or
        - (c) the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.”

## SWEDEN

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### Population

- **General Population:** 10,128,320 in 2018

### Number of Attorneys

- **General:** 5,618 resident attorneys in 2015

### Average Salary for Attorneys

- **Average Salary for Attorneys:** \$58,168 yearly income

### Average Salary of Public Defenders; from The Swedish Code of Judicial Procedure

- *Chapter 21, "The Suspect and his Defence"*
  - **Section 10:**
    - "Public defence counsel shall receive reasonable compensation from public funds for work and time and for disbursements made in connection with the assignment.
    - Compensation shall be determined on the basis of, as a starting point, the time taken that is reasonable with regard to the nature of and extent of the assignment and applying the hourly costs norms determined by the government.
    - The hourly compensation may deviate from the hourly costs norm if it is warranted by reason of the skill and care exhibited by counsel or other significant circumstances. The government or the authority designated by the government shall prescribe the fee schedule to be followed in certain cases and issue rules on the computation of compensation for time lost.
    - Public defence counsel shall not demand or receive further remuneration from the suspect. If this has nevertheless occurred any such arrangement is void and the public defence counsel must repay to the suspect what he or she has received. (SFS 1996:1624)"
  - **Section 3a:**
    - "If a suspect under arrest or detained so requests, a public defence counsel shall be appointed for him. A public defence counsel shall also be appointed upon request for a person who is suspected of a offence in respect of which a less severe sentence than six months imprisonment is not prescribed. A public defence counsel shall also be appointed:
      - if a defence counsel is needed by the suspect in connection with the inquiry into the offence,
      - if a defence counsel is needed in view of doubt concerning which sanction shall be chosen and there is reason to impose a sentence for a sanction other than a fine or conditional sentence or such sanctions linked together, or
      - if there are otherwise special reasons relating to the personal circumstances of the suspect or the subject of the case. If the suspect is represented by defence counsel that he designated, no

public supporting defence counsel shall be appointed. (SFS 1983:920)

### **The Public Defense System**

- **Procedures for Assigning a Public Defender; from The Swedish Code of Judicial Procedure.**

*Chapter 21, "The Suspect and his Defence."*

- **Section 4:**

- "Public defence counsel shall be appointed by the court; when the court has fully disposed of a case, it may appoint defence counsel, pending an appeal by the suspect or expiration of the time for filing an appeal, to assist the suspect in the superior court. The court shall consider the appointment of a public defence counsel upon request, or when the court otherwise considers reason therefor."

## GERMANY

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### Population

- 82,500,000

### Number of Attorneys

- 165,857 members of Bar Association

### Payments for Services:

- If the defendant chooses a specific lawyer, then it will cost €85,000 annually
- If the attorney is appointed by the court then 80% of the specific lawyer's average salary is paid, or about €68,000 annually

List of fees (according to the law on "Advocate remuneration")	The amount of money to be paid in euros	Average fees (euros)
Basic Fee	40,00- 360,00	20,00
Trial Fee (bodies of authority)	40,00 - 290,00	165,00
Expenses		20,00
Trial Fee (court)	40,00 - 290,00	165,00
Judicial Act Review		12,00
Document Review		20,00
<b>Total</b>	<b>1043,00</b>	<b>877,00</b>

### **The system**

- Chamber of Germany and 27 regional chambers

### **Procedures for Assigning a Public Defender**

- Public defender is appointed only in necessary cases; “mandatory” protection.
- The mandatory defender is appointed by the court.
- Necessary (compulsory) defense means a procedural situation in which the legislator believes that the defendant cannot defend himself/herself and does not have a private defender.
- In the case of compulsory defender, the accused is not considered solicited or indigent.
- In case of appointment, the public defender must undertake the mandatory protection according to:
  - Criminal Code
  - The law on Administrative Offense
  - Law on International Legal Assistance in Criminal Matters
  - the International Criminal Court Law

### **Necessary Conditions for providing a public defender**

- The client’s wishes are taken into consideration.
- Before the appointment of a public defender the accused has a chance to choose a defender within the prescribed time limit.
- The president of the court approves the defender if there are no contrary serious issues.
- The price list for services is submitted to the state treasury for compensation.
- In cases when the appointed defender can prove that the accused is financially capable of paying for the services of the selected lawyer, the court may oblige the client to pay for services under the "chosen defender" tariffs.
- If the accused is not guilty, the legal costs are paid to the lawyer from the state treasury.
- If the accused is guilty but he/she is indigent, the payment of litigation costs, including compensation for the defense of the public defender, is made from the state treasury, with the expectation that the payment will be returned in the future.

## AUSTRIA

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### **Population**

- 8,739,806

### **Number of Attorneys**

- 6,200 active lawyers; 2,220 of them are lawyer-trainees.
- The number of applications to Venice chamber in 2017 is 20,864, about 3.5 case to each lawyer.

### **Average Salary for Attorneys**

- €56000 annually

### **The System**

- Austrian Chamber and 9 regional chambers as autonomous bodies.
- The chamber of Advocates receives one-time annual aid from the state; this amount is transferred to the advocates' pension fund.

### **Procedures for Assigning a Public Defender**

- Each attorney is required to provide professional assistance.
- The chamber of advocates chooses and appoints the public defenders.
- The attorney may reject the case if it is groundless or biased.
- The applicant cannot choose the advocate, but he/she might indicate the name of his/her preferred advocate. In this case, the lawyer will contact the applicant to determine whether he/she is taking the case or not.
- The advocate is not obligated to take the case and may reject it without any explanation.
- The advocate must reject the case if he/she has appeared as a defendant.
- The advocate is appointed based on the applicant's location, the court and the case.
- While appointing a public defender, rotation principle is applied; based on an alphabetical order in specialized lists.
- The division of cases is done through established procedures ensuring the maximum involvement and overload of the advocates. The procedures may establish rules according to which the lawyers are partially or fully dismissed from the functions of public defenders.

## BELGIUM

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### **Population**

- 11,481,143

### **Number of attorneys**

- 18400 members of Bar Association

### **Average Salary for Attorneys**

- €42800 annually
- The public defender receives €365-400 for each case.

### **The System**

- Belgium has a decentralized system of criminal legal aid.
- The decision to provide legal aid to a person is made by the local legal aid bureau which is controlled by the regional bar associations in each of the 27 districts in Belgium.
- Each of the bureaus organizes itself and determines its own policy.
- The legal aid bureau appoints a lawyer from a list, which is made up of lawyer-trainees who are obliged to provide legal aid during their three-year traineeship, and qualified lawyers who choose to add their names to the list.

### **Necessary conditions for providing a public defender**

- In order to satisfy the means test for full legal aid, a single applicant must have a monthly net income of less than €942.
- They may be eligible for partial legal aid if their income is less than €1,210.
- People who are married or who have children have a slightly higher threshold.
- For full legal aid their monthly net income must be less than €1,210 and for partial legal aid it must be under €1,477.
- Decisions about how much the person must pay if they qualify for partial legal aid are made by the local bar association and can vary from place to place.
- Certain groups of people are exempted from financial threshold. This includes minors, some groups of welfare beneficiaries, asylum seekers, detained applicants, defendants in special accelerated criminal proceedings, and people with mental illness.
- Public defender is provided in the pretrial stage. However, the lawyer cannot actively participate or advise his client or ask questions during the interrogation.

## ITALY

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### **Population**

- 59.309.039

### **Number of Attorneys**

- 231000 members of Bar Association

### **Average Salary for Attorneys**

- € 48000 annually

### **The System**

- There is no centralized legal aid system.
- If a suspect or defendant does not have a lawyer, the prosecuting authority – the police, prosecution or judge—will request the Bar Association to appoint one.
- The services of state attorneys are not free.
- The costs are paid by the state if the suspect or defendant is indigent and meets the requirements necessary for receiving legal aid.
- It is mandatory to have a lawyer at all stages of all criminal proceedings. A person cannot represent themselves at criminal proceedings.

### **Procedures for Assigning a Public Defender**

- Lawyers' fees are determined by a decree from the Ministry of Justice which provides for a minimum and maximum fee for every professional act a counsel may perform.
- The fee for legal aid is low. A legal aid lawyer may expect to earn €1,000-1,500 for a simple case of three to five hearings whereas a private lawyer could expect to earn €4,000-5,000 for the same case.

### **Necessary conditions for providing a public defender:**

- People who earn under €10,776 per year are eligible for legal aid.
- When a person earns above this financial threshold, even slightly, they are not entitled to any legal but they cannot choose to defend themselves. The person must accept the lawyer appointed ex officio to them and they must pay that lawyer's fees.
- If the person does not have his/her own lawyer then a public defender is assigned.
- This puts strain on both the defendant and the lawyer. The defendant may have to go into debt to pay for a lawyer that they did not choose or want appointed to them.
- Also, the lawyer may have to take time-consuming steps such as having to sue their clients for payment.

## FRANCE

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### **Population**

- 65.166.890

### **Number of Attorneys**

- 58244 members of Bar Association

### **Average Salary for Attorneys**

- € 67553 annually

### **The System**

- There is no centralized legal aid system.
- Legal aid committees within the French courts receive applications and determine eligibility for legal aid.
- The members of the committees are the chief judge, a member of the public, a member of local bar association and other members.

### **Procedures for Assigning a Public Defender**

- When a person is approved for legal assistance, the president of local bar association appoints the public defender.
- One may also request a specific lawyer, and the bar association will attempt to procure the lawyer if he or she is available.
- Bar associations take into consideration the background of lawyers when determining how to place a lawyer.

### **Necessary conditions for providing a public defender:**

- Legal aid payments are calculated based on the number of parts of the case.
- This decision is made by the bar association.
- Each part of the case is worth 300 euros.
- A judge has discretion to require the losing party of a case to pay the legal fees of the other party. This also includes fees paid via legal aid.
- The courts conduct a survey and legal aid is provided based on established criteria. These standards are changed every year.
- As for 2014, the maximum net income to obtain 100% legal assistance is 936 euros per month.
- Those making between 1299 to 1404 euros a month can receive 15% of the cost of legal assistance through legal aid.
- Public defender is provided starting from preliminary stage.

## RECOMMENDATIONS

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Based on the conclusions drawn from the research, two groups of proposals have been formed. The draft proposal was submitted on April 13, 2018. during a roundtable meeting. It has been posted on the organization's website for publication.

### **The First Group of Proposals**

The recommendations of this group are discussed in the case of the absence of the Public Defender's Office.

In this case,

- The Chamber of Advocates distributes cases to all resident attorneys.
- Each attorney has an annual maximum of 4 cases.
- The distribution of cases is in accordance with three lists:
  - A list of the marzes;
  - A list of specializations; and
  - A list which is in alphabetical order.
- The citizen or the body conducting the proceedings shall apply to the Chamber of Advocates with a request to provide a lawyer.
- The Chamber of Advocates assigns the case based on the lists.
- In case of the absence of valid reasoning, the lawyer may refuse the case. In this case, the Chamber appoints the next advocate, by following the sequence of the lists.
- The lists and information on the number of cases are provided on the official website of the Chamber of Advocates, and, are constantly up-to-date and accessible for all attorneys.
- The advocate's salary should not be less than that of the prosecutor's in the specific marz or administrative district.

### **The Second Group of Proposals**

The recommendations of this group are discussed in the case of the Public Defender's Office.

In that case,

- The citizen or the body conducting the proceedings shall apply to the Chamber of Advocates with a request to provide a lawyer.
- The cases are distributed by the Chief of the Public Defender's Office of the Chamber of Advocates.
- First the cases are distributed among active public defenders (with an annual maximum of 8 current cases). The remaining cases are distributed according to the three lists listed in the first group of proposals.
- The payment of public defenders is made according to the established salary rates. In other cases, hourly pay is applied. The calculation of this hourly rate is made based on the established salary rates of the public defender.

These proposals are aimed at promoting the development of the public security system in the Republic of Armenia, providing a professional and high-quality legal representation for all clients, the protection of legitimate interests and rights of all clients, suspects, accused and convicts.